



EUROPEAN COMMISSION

Brussels, 24.9.2012  
SWD(2012) 269 final

**COMMISSION STAFF WORKING DOCUMENT**

**PROMOTION OF EUROPEAN WORKS IN EU SCHEDULED AND ON-DEMAND  
AUDIOVISUAL MEDIA SERVICES**

**PART II  
on the application of Articles 16 and 17 of Directive 2010/13/EU  
for the period 2009-2010**

*Accompanying the document*

**First Report on the Application of Articles 13, 16 and 17 of Directive 2010/13/EU  
for the period 2009-2010**

{COM(2012) 522 final}

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## **APPLICATION OF ARTICLES 16 AND 17 IN EACH MEMBER STATE**

### **INTRODUCTION**

This document supplements the first Report from the Commission to the Council and to the European Parliament on the application of Articles 13, 16 and 17 of Directive 2010/13/EU pursuant to Article 16(3).

The report, which covers the period 2009-2010, outlines the Commission's opinion on the application of Articles 16 and 17 at EU level and the principal conclusions which can be drawn from the Member States' reports. This document contains a detailed analysis of the application of Articles 16 and 17 in each Member State based on the reporting obligation imposed on them for the reference period.

The Commission is responsible for ensuring the correct application of Articles 16 and 17 of the Directive in accordance with the Treaty. Article 16(3) of the Directive requires the Member States to report to the Commission on the application of these provisions every two years. Their reports are in Section 3.

The present document comprises three sections:

- Section 1: Application of Articles 16 and 17: General remarks;
- Section 2: Application of Articles 16 and 17: Detailed analysis for each Member State;
- Section 3: Application of Articles 16 and 17: Summary of the reports from the Member States.

The following information is contained in Part III of the Staff Working Document, in a separate set of annexes:

- Annex 1: Performance indicators
- Annex 2: Charts and tables on the application of Articles 16 and 17
- Annex 3: List of television channels in the Member States which failed to achieve the majority proportion required by Article 16.
- Annex 4: List of television channels in the Member States which failed to achieve the minimum proportion required by Article 17

### **1. APPLICATION OF ARTICLES 16 AND 17: GENERAL REMARKS**

A total of 2,710 channels were identified over the reference period, representing a 23.1% increase on the previous period. This increase is a consequence of the highly dynamic development of the audiovisual sector which has continued since the last reference period.

In 2009, 1,313 channels were covered<sup>1</sup> by Article 16 and 1 311 by Article 17 of the Directive. In 2010, 1,390 channels were covered by Article 16 and 1 387 by Article 17<sup>2</sup>. Compared to the figures reported in the previous period the number of covered channels fell respectively by 14.4% and 14.6%.

This decrease was triggered by a change in the methodology applied. Given the emergence of channels with a very low audience share which might lack the necessary resources to provide statistical data and the Commission's policy aiming to avoid overburdening small companies with administrative work, the Commission services have set up a common framework enabling the individual exemption of very small channels from the reporting obligation. A 'tolerance threshold' of 0.3% audience share is set out, below which channels may be granted by the competent national authorities, at their request, an individual exemption from the obligation to report on the application of Articles 16 and 17<sup>3</sup>. The total of such exemptions in a given country may not exceed 10% of the global audience share. This exemption only concerns the reporting obligation and not the obligation to comply with the quotas set out in the Directive. The detailed conditions surrounding application of the 'tolerance threshold' are set out in the 'Revised Guidelines for Monitoring the Application of Articles 16 and 17 of the Audiovisual Media Services Directive (AVMS)'<sup>4</sup> drawn up by the Commission services in July 2011. These Guidelines will be subject to a review after their first complete application, scheduled for 2014<sup>5</sup>.

### **1.1. Monitoring methods in the Member States**

As regards the national monitoring methods, there is still divergence between Member States. National monitoring methods are mainly based on the submission of data by the broadcasters to the regulator. In a majority of Member States data is collected directly by the competent national authorities from the broadcasters falling under their jurisdiction and is not subject to any verification. In nine Member States, the national authorities verify the data submitted by broadcasters using their own monitoring system or the system of an independent company. One supervisory authority<sup>6</sup> indicated that it submits its report on the application of Articles 16 and 17 to representatives of the audiovisual production industry for comments.

During the reference period three Member States reported difficulties in carrying out the monitoring of all types of channels. In Cyprus the national legislation only allowed monitoring of channels broadcasting via analogue technology<sup>7</sup>. In Greece a number of private regional channels refused to submit their returns and some other channels were unable to

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<sup>1</sup> Covered channels: total number of channels identified minus the number of non-operational channels and the number of channels exempted from the reporting obligation (see paragraph 2.1.2.1.) and of exempt channels (due to the nature of their programmes) or excluded channels (due to legal exceptions).

<sup>2</sup> In 2007, 1 590 channels were covered by Articles 4 and 5 (former Articles 16 and 17) and 1 679 in 2008.

<sup>3</sup> Exemptions from the reporting obligation were granted to very small channels in 11 Member States.

<sup>4</sup> The text of the revised Guidelines is accessible via the following link:

[http://ec.europa.eu/avpolicy/reg/tvwf/promotion/index\\_en.htm](http://ec.europa.eu/avpolicy/reg/tvwf/promotion/index_en.htm)

<sup>5</sup> The French Authorities expressed in writing their concerns regarding the potential impact of the exemption of very small channels from the reporting obligation and requested that a review clause be included in the Revised Guidelines.

<sup>6</sup> Conseil Supérieur de l'Audiovisuel (CSA) of the French Community of Belgium.

<sup>7</sup> The situation changed in July 2011.

report because they had not kept records for the reference period<sup>8</sup>. A similar problem arose in Slovenia where a small number of channels refused to submit their data to the supervisory authority<sup>9</sup>. The Commission would like to reiterate that all channels with national or regional<sup>10</sup> coverage falling within the jurisdiction of a given Member State come under the obligations set out in Articles 16 and 17, unless they benefit from an individual exemption or are subject to a legal exception.

At the same time some improvements have to be stressed: for the first time data concerning public regional channels were reported in Germany. In Sweden the competent authority managed to increase broadcasters' awareness about the importance of correct implementation of Articles 16 and 17. In Slovenia the monitoring system was improved and data submitted by a number of broadcasters was checked against the database of an independent company.

## **1.2. Reasons for non-compliance**

The reasons given for non-compliance with the proportions required under Articles 16 and 17 of the Directive were again very similar to those provided in the previous reference periods.

- **Recently launched channels**

Some national reports indicated that recently launched channels with a very low audience share found it difficult to meet the obligations set out in Articles 16 and 17 from the start of their operations.

It is true that the Directive leaves open the possibility of progressively building up to the required proportions of European works<sup>11</sup> and that Article 16(3) allows the Commission to take into consideration the particular circumstances of new broadcasters. But every effort should be made to achieve the required proportions as soon as possible.

- **Problems with the acquisition of European programmes**

Some national reports indicated that the small size of certain domestic markets or their language area made it difficult to attain the required proportions of European works. Article 16(3) allows the Commission to take into account the specific situation of countries with low audiovisual production capacity or a small language area.

Furthermore, a number of national reports indicated that some broadcasters had difficulty in finding available European programmes on the market (not covered by licensing agreements), as well as European works at competitive prices or fitting the editorial line of niche channels. In particular the limited supply of European children's programmes was pointed out.

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<sup>8</sup> 25 regional channels refused to submit their data to the competent Ministry – See Greek comments in Section 3.

<sup>9</sup> Three broadcasters refused to submit their data and could not be penalised because the Mass Media Act in force during the reference period did not provide for any sanction in such cases (see Slovenian comments in Section 3). The legal situation has changed since the adoption of a new law in October 2011.

<sup>10</sup> Regarding the distinction between regional and local levels, see the 'Revised Guidelines for Monitoring the Application of Articles 16 and 17 of the Audiovisual Media Services (AVMS) Directive'  
[http://ec.europa.eu/avpolicy/reg/tvwf/promotion/index\\_en.htm](http://ec.europa.eu/avpolicy/reg/tvwf/promotion/index_en.htm)

<sup>11</sup> See in particular Recital 67 of the Directive

An argument based on the higher costs of European programmes cannot be accepted, considering that the objective of Articles 16 and 17 is precisely to foster production by the European audiovisual industry.

- **Channels belonging to a group**

Some national reports raised the point that while individual channels belonging to a group did not meet the proportions set out in Articles 16 and 17, the group as a whole fulfilled the quotas.

Once again the Commission reiterates that, even though Article 16(1) states that ‘broadcasters’ must reserve a majority proportion of their transmission time for European works, Article 16(3) refers to each of the ‘television programmes’ when it comes to achievement of the set proportion.

- **Broadcasting from parent companies’ stock**

A number of channels belonging to a group indicated that they were unable to meet the quotas for independent productions because they use programming from their parent companies. The Commission reiterates that this is not considered by the Directive as a justification for exemption from the obligations imposed by Article 17 of the Directive.

- **Difficult economic conditions during the reference period**

A number of national reports put forward the economic and financial situation of some channels and the fall in advertising income as a reason for not achieving the required proportions.

The Commission may take exceptional circumstances into account, according to the principle of proportionality. However, every effort should be made to promote the transmission of European and independent works in the Member States.

- **Specific situation of channels broadcasting a large amount of news and sports programmes**

Some national reports also pointed out that channels broadcasting a large proportion of news and sports events find it difficult to reach the required proportions of European and independent works.

### **1.3. Measures planned or adopted to remedy cases of non-compliance**

Here again the legal situation still differs from one Member State to another. Some of the supervisory authorities do not have any power to penalise broadcasters who fail to report and/or comply with the proportions set out in Articles 16 and 17. In six Member States the authorities reported that they had been in contact with the non-compliant channels in order to raise their awareness of or draw their attention to the need to achieve the required proportions of European/independent works. In another 11 Member States<sup>12</sup> the national authorities indicated that they had taken or would take active measures in the event of failure to communicate data and/or to achieve the required proportions of European works and/or

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<sup>12</sup> In the previous reference period nine Member States indicated that they had taken active measures.



independent productions. These measures ranged from the sending of warnings and letters of formal notice to the initiation of penalty procedures (in five Member States).

It seems that the situation has continued to improve regarding enforcement of the obligations laid down in Articles 16 and 17. However, there is still some room for improvement and the Commission would invite Member States to make every effort to ensure by appropriate means that the required proportions of European and independent works are achieved.

#### **1.4. Conclusions**

As far as Article 16 is concerned, the proportion of European works was 63.8% in 2009 and 64.3% in 2010. The overall result is a 0.5 percentage point increase. The average proportion of European works rose in 12 Member States, fell in another 12 and remained stable in three during the current reference period. Over the four-year period 2007-2010 the average proportion of European works broadcast rose by 1.7 percentage points. During the same period 12 Member States registered an increase in their percentages and the other 15 posted a decrease.

The proportions of European works created by independent producers in the EU were respectively 34.1% in 2009 and 33.8% in 2010. Nine Member States registered a positive development, 14 had a negative outcome and four reported a stable situation. The overall result is a tiny 0.3 percentage point decrease over the reference period. Regarding the period 2007-2010, 12 Member States registered an increase and 15 posted a decrease. The resulting net decrease over the four-year period (-1.5 percentage points) confirms a sustained downward trend in respect of independent works. However, the proportion of independent works broadcast at EU level remains well above the percentage set out in Article 17.

Despite a decrease over the reporting period and the period 2007-2010 (respectively 0.3 and 1.2 percentage points), the proportion of recent European works by independent producers broadcast at EU level is still satisfactory, with figures of 62.1% in 2009 and 61.8% in 2010.

## **2. APPLICATION OF ARTICLES 16 AND 17: DETAILED ANALYSIS**

### **2.1. Belgium**

#### *2.1.1. Belgium – Flemish Community*

Of the total of 53 identified channels, one channel (vtmKzoom) was non-operational in 2009. During the reference period, 11 channels were exempted because of the nature of their programming (sports and advertising). In 2009 no data was communicated for nine channels concerning European works and for seven channels concerning European independent productions. In 2010, no data was communicated for eight channels concerning European works and for six channels concerning independent productions. As regards recent European works by independent producers, no data was communicated for ten channels in 2009 and for nine channels in 2010.

#### European works

All reported channels broadcast an average of 62.9% in 2009 and 65.7% in 2010 representing a 2.8 percentage point increase over the reference period.

In 2009, out of 32 reported channels, 12 channels did not achieve the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>13</sup> was 48.8%.

For 2010, out of 34 reported channels, ten channels did not achieve the majority proportion specified in Article 16 of the Directive. The compliance rate was 57.1%.

The national report indicates that VT4 makes efforts to broadcast European and independent productions. More than 50% of the channel's budget was spent on European productions which are expensive for a channel targeting a small market with a fragmented advertising spending. VijfTV devotes on average 4 hours per day to phone-in-games which are not taken into account for the proportion of European and independent works.

#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 68.4% in 2009 and 70.8% in 2010, representing a 2.4 percentage point increase over the reference period.

For 2009, out of 34 reported channels, only two channels (Canvas and Jim TV) did not achieve the minimum proportion under Article 17 of the Directive. In 2010, out of 36 reported channels, three channels (Canvas, Jim TV and Liberty TV Vlaanderen) did not exceed the 10% threshold. The compliance rates were 78% in 2009 and 78.6% in 2010.

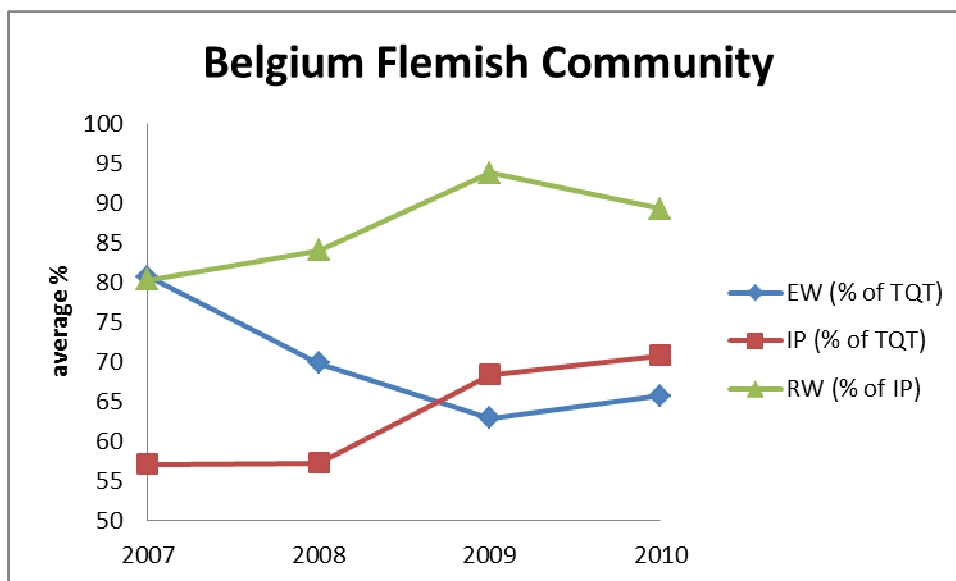
According to the national report, Canvas is part of the public broadcaster VRT's second channel and is devoted to information, culture and education.

The average relative proportion of recent European works by independent producers for all channels reported was 93.8% in 2009 and 89.3% in 2010, representing a 4.5 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:

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<sup>13</sup> The Compliance rate is obtained by determining the number of channels achieving the required proportions under Articles 16 and 17 and comparing these figures with the number of channels covered by Articles 16 and 17 (Indicator 1). The channels for which no data were communicated (NC) are considered non-compliant for the purpose of this indicator - see Annex 1 – Performance indicators – Indicator 3



#### 2.1.2. Belgium – French Community

Of the total of 21 identified channels, one channel (La Trois (RTBF3)) was non-operational in 2009 as well as one channel (MCM Belgique) in 2010. During the reference period, 5 channels were exempted from the obligation to comply with the European works quota while another channel was exempted from the obligation to fulfil the independent works quota.

##### European works

All reported channels broadcast an average of 70.8% in 2009 and 70.6% in 2010 representing a -0.2 percentage point decrease over the reference period.

In 2009, out of 15 reported channels, only one channel (Nickelodeon-MTV Wallonia) did not achieve the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>14</sup> was 93.3%.

For 2010, out of 15 reported channels, two channels (Be Ciné and Nickelodeon-MTV Wallonia) did not achieve the majority proportion specified in Article 16 of the Directive. The compliance rate was 86.7%.

The national report indicates that MTV-Service Nickelodéon-MTV Wallonia could not comply with the European works quota because the success of the channel is linked to the specificity of its programmes which come from the catalogue of its parent company, Viacom. MTV declared having made efforts to mitigate the deficit in European works: investments in independent Belgian productions and broadcasting of French Community musical works. The proportion of European works broadcast by this channel also increased from 25.8% in 2009 to 30.9% in 2010. The competent authority has taken note of these efforts and improvement.

BeTV – Service Be ciné declared that the week chosen for the monitoring sample was particularly unfavourable and that the channel reached a 51.2% proportion of European works over the whole 2010 year.

<sup>14</sup> See footnote 13

### European works made by independent producers

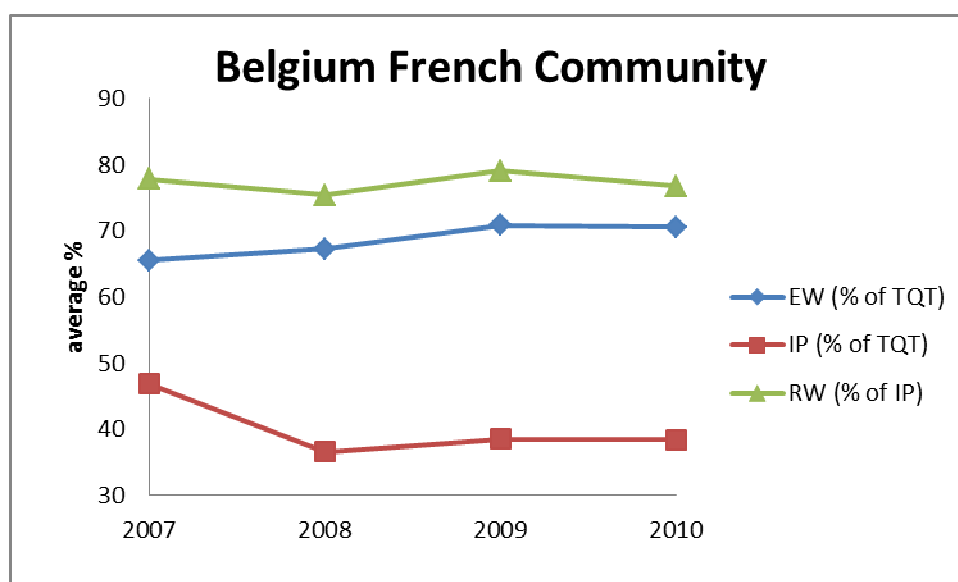
The average proportion of European works by independent producers on all reported channels was 38.5% in 2009 and 38.4% in 2010, representing a 0.1 percentage point decrease over the reference period.

For 2009, all 14 reported channels achieved the minimum proportion under Article 17 of the Directive. In 2010, out of 14 reported channels, only one channel (Be Sport 1) did not exceed the 10% threshold. The compliance rates were 100% in 2009 and 92.9% in 2010.

BeTV – Service Be sport 1 did not achieve the quota of independent works. The channel devotes 95% of its programming to sports events. The basis for the calculation of the proportion of independent works is therefore reduced to 5% of the programming. The channel also stressed the difficulty for independent producers to access sports rights.

The average relative proportion of recent European works by independent producers for all channels reported was 79.1% in 2009 and 76.7% in 2010, representing a 2.4 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



#### *2.1.3. Belgium- German speaking Community*

There was one identified channel in the German speaking Community of Belgium during the reference period: the channel run by the public service broadcaster BRF. Broadcasting time is limited to 600 minutes per month, half of the transmission time being devoted to news. Data provided for the first time by BRF shows a proportion of 18% European works, of which 15% are independent productions.

## 2.2. Bulgaria

Of the total of 52 identified channels, three channels (THE VOICE, TV SAT COM and TVT/TELEVISIA TURISME) were non-operational in 2009, and one channel (MM) in 2010. Seven channels were exempted in 2009 and seven in 2010. In 2009 no data was communicated for four channels concerning European works and for 11 channels concerning independent productions. In 2010, no data was communicated for three channels concerning European works and for 11 channels concerning independent productions. As regards recent European works by independent producers, no data was communicated for 14 channels in 2009 and for 13 channels in 2010.

### European works

All reported channels broadcast an average of 56.0% in 2009 and 63.4% in 2010 representing a 7.4 percentage point increase over the reference period.

In 2009, out of 37 reported channels, 15 channels did not achieve the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>15</sup> was 53.7%.

For 2010, out of 41 reported channels, 13 channels did not achieve the majority proportion specified in Article 16 of the Directive. The compliance rate was 63.6%.

### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 23.1% in 2009 and 21.8% in 2010, representing a 1.3 percentage point decrease over the reference period.

For 2009, out of 30 reported channels, 10 channels did not achieve the minimum proportion under Article 17 of the Directive. In 2010, out of 33 reported channels, 12 channels did not exceed the 10% threshold. The compliance rate, in terms of number of channels, was 48.8% in 2009 and 47.7% in 2010.

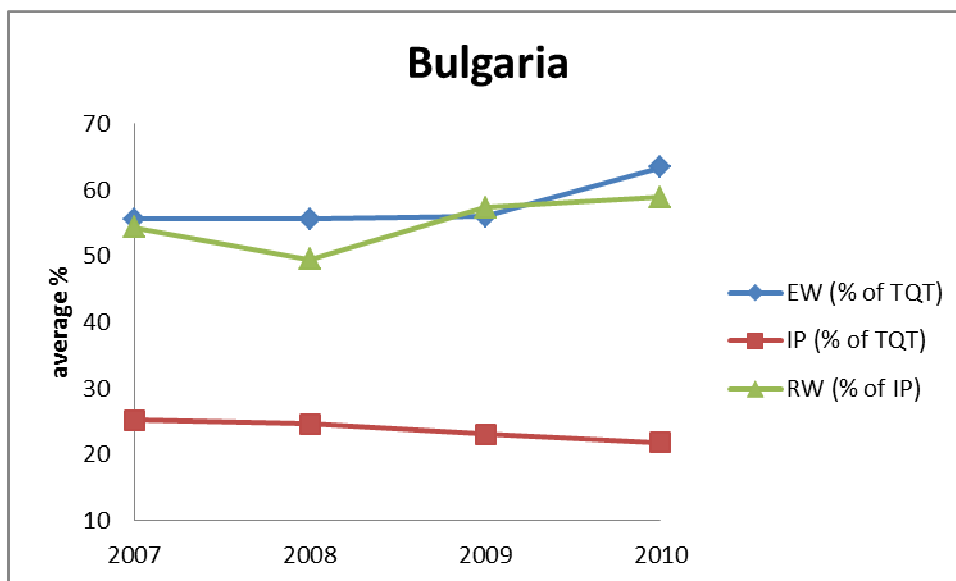
Bulgarian legislation transposing Article 17 sets out a higher percentage for independent works (12%) than Article 17. According to the national report, the number of channels fulfilling this quota is lower than for European works, which can be explained by a decrease in financial capacities due to the crisis.

The average relative proportion of recent European works by independent producers for all channels reported was 57.3% in 2009 and 58.9% in 2010, representing a 1.6 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:

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<sup>15</sup> See footnote 13



### 2.3. Czech Republic

Of the total of 77 identified channels, 14 channels were non-operational in 2009, while three channels in 2010. Over the reference period, 7 channels were exempt due to the nature of their programmes (news, sports, teleshopping). In 2009, no data was communicated for three channels (Da Vinci, FUN1 and PUBLIC TV), while in 2010 for one channel (Ethnic TV).

#### European works

All reported channels broadcast an average of 64.1% in 2009 and 58.1% in 2010 representing a 6.0 percentage point decrease over the reference period.

In 2009, out of 53 reported channels, 22 channels did not achieve the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>16</sup> was 55.4% over the reference period.

For 2010, out of 66 reported channels, 31 channels did not achieve the majority proportion specified in Article 16 of the Directive. The compliance rate was 52.2%.

No comments were provided by the Czech Authorities.

#### European works made by independent producers

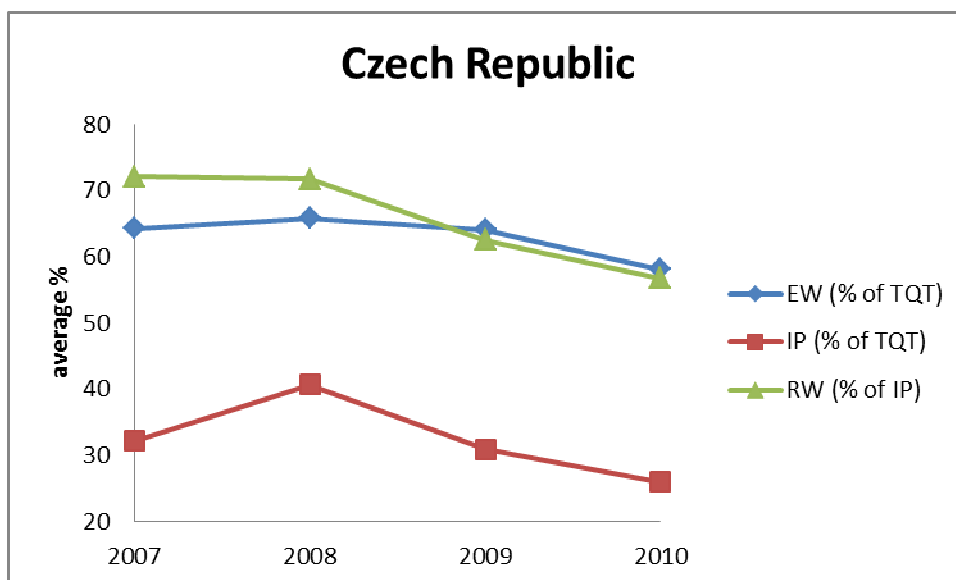
The average proportion of European works by independent producers on all reported channels was 30.9% in 2009 and 26.0% in 2010, representing a 4.9 percentage point decrease over the reference period.

For 2009, out of 53 reported channels, 7 channels did not achieve the minimum proportion under Article 17 of the Directive. In 2010, out of 66 reported channels, 25 channels did not exceed the 10% threshold. The compliance rates were 82.1% in 2009 and 61.2% in 2010.

<sup>16</sup> See footnote 13

The average relative proportion of recent European works by independent producers for all channels reported was 62.6% in 2009 and 56.8% in 2010, representing a 5.8 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.4. Denmark

Of the total of 189 identified channels, one channel (6'eren) was not operational in 2010. A total of 169 channels were exempt over the reference period: 158 public regional channels were exempted from the reporting obligation on the basis of their extremely low audience share, six channels were exempted from the obligation to comply with the quotas because of the nature of their programming (sports, news and advertising) and four channels broadcasting in a non-EU language were not covered by Articles 16 and 17 of the Directive.

### European works

All reported channels broadcast an average of 77.9% in 2009 and 79.6% in 2010 representing a 1.7 percentage point increase over the reference period.

In 2009, out of 20 reported channels, three channels did not achieve the majority proportion of transmission time specified in Article 16 of the Directive (6'eren, TV 2 Film and TV 2 Zulu). The compliance rate<sup>17</sup> was 85.0%.

For 2010, out of 19 reported channels, three channels did not achieve the majority proportion specified in Article 16 (DR K, TV 2 Film and TV 2 Zulu). The compliance rate was 84.2%.

The report does not provide any reason for failure to comply with the quota obligation. TV 2 Film posted an increase in the proportion of European works (30.1%) between 2008 and 2009

<sup>17</sup> See footnote 13

but fell back to 24.7% in 2010. TV Zulu remained below 30% over the period 2009-2010, therefore maintaining the poor results constantly registered over several reference periods. In its 9<sup>th</sup> Communication the Commission already pointed out that effective enforcement measures should be taken by the Danish Regulatory Authorities in order to ensure that the channel increases the proportion of European works broadcast. However the Danish report does not indicate that any such measure has already been adopted. Instead, the report contains a recommendation by the Secretariat of the Board to the Danish Radio and Television Board to stress that it expects the two failing channels to increase their proportion of European works in order to meet the requirements. The Commission therefore wishes to reiterate that some enforcement measure should be adopted towards the failing channels.

#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 26.1% in 2009 and 24.3% in 2010, representing a 1.8 percentage point decrease over the reference period.

For 2009, out of 20 reported channels, nine channels did not achieve the minimum proportion under Article 17 of the Directive. In 2010, out of 19 reported channels eight channels did not reach the 10% threshold. The compliance rates were 55.0% in 2009 and 57.9% in 2010.

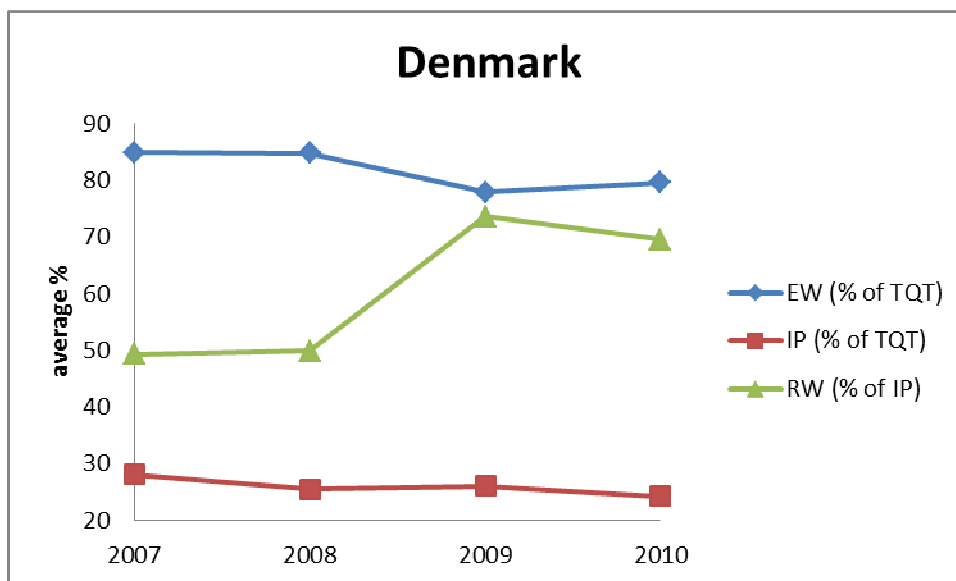
Most of the failing channels belong to the TV 2 and DR Groups. As regards TV 2 channels the Radio and Television Board emphasised in its annual public service statement the obligation to fulfil the 10% quota of independent European works despite the special nature of the channels and their focus on news. As from 2012 these channels will be able to broadcast the whole day and there will be a shift in their programming where the requirement for European independent works will be even more relevant.

The Board stated that DR HD and DR K channels, although they are recent start-up must meet the independent works requirement. The Board notes however that taken all together, the DR channels meet the requirements.

The average relative proportion of recent European works by independent producers for all channels reported was 73.6% in 2009 and 69.5% in 2010, representing a 4.1 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:





## 2.5. Germany

Of the total of 130 identified channels, 92 channels were exempt or excluded in 2009 and 93 in 2010. During the reference period, 52 of them were exempt from the obligation to report on the basis of their very low audience (below 0.3%) and 40 were exempt due to the nature of their programmes (news, sports, teleshopping) or excluded due to a legal exception (local channels). Over the reference period, no data was communicated for channel Super RTL concerning recent works and for channel Tele 5 (Germany) regarding European works by independent producers as well as recent works. In 2010, no data at all was communicated for channel Nickelodeon.

### European works

All reported channels broadcast an average of 71.7% in 2009 and 73.7% in 2010 representing a 2.0 percentage point increase over the reference period.

In 2009, out of 38 reported channels, 10 channels did not achieve the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>18</sup> was 73.7%.

For 2010, out of 36 reported channels, 10 channels did not achieve the majority proportion specified in Article 16 of the Directive. The compliance rate was 70.3%.

The national report explains that the decrease in European works broadcast by some channels of the ProSieben Sat.1 Group is due to changes in programming structures to adapt to economic conditions.

### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 40.4% in 2009 and 43.6% in 2010, representing a 3.2 percentage point increase over the reference period and a 18.1 percentage point decrease compared to 2007.

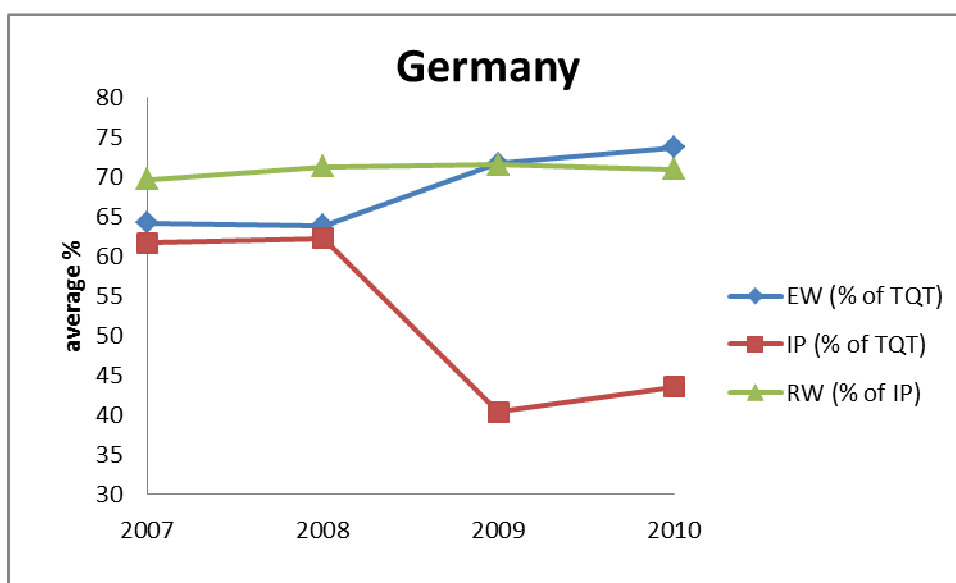
<sup>18</sup> See footnote 13

For 2009, out of 37 reported channels, only four channels (MTV (Germany), PHOENIX, VIVA (Germany) and ZDF Infokanal) did not achieve the minimum proportion under Article 17 of the Directive. In 2010, out of 35 reported channels, only two channels (PHOENIX and ZDF Infokanal) did not exceed the 10% threshold. The compliance rates were 86.8% in 2009 and 89.2% in 2010.

According to the national report, in case private channels were unable to meet the quotas for independent productions, this was due to the fact that they are using programming from their parent companies. In addition, PHOENIX's failure to meet the proportion of independent works was due to its specific nature as a niche channel, devoted to producing its own 'event broadcasts' and discussion programmes.

The average relative proportion of recent European works by independent producers for all channels reported was 71.5% in 2009 and 71.0% in 2010, representing a 0.5 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.6. Estonia

Of the total of 13 identified channels, one local channel was subject to a legal exception and two channels broadcasting in a non-EU language were not covered by Articles 16 and 17 of the Directive. No data was communicated for one channel (TV 14) in 2009 and for the same channel no data was communicated in 2010 concerning recent European works by independent producers.

### European works

All reported channels broadcast an average of 67.0% in 2009 and 71.7% in 2010 representing a 4.7 percentage point increase over the reference period.

In 2009, all seven reported channels achieved the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>19</sup> was 87.5%.

For 2010, out of eight reported channels, only one channel (TV6 (Estonia) did not achieved the majority proportion specified in Article 16 of the Directive. The compliance rate was 87.5%.

Failure to reach the required proportions of European works by TV6 was due to the impossibility for the channel to acquire rights for new European works in time to replace several European series which had come to an end. Improvement has been made in the management of the channel which will enable increasing the broadcast of European programmes. In 2011 the Regulatory Body issued a precept for breaching the obligation set out in the Media Services Act and is currently monitoring its application.

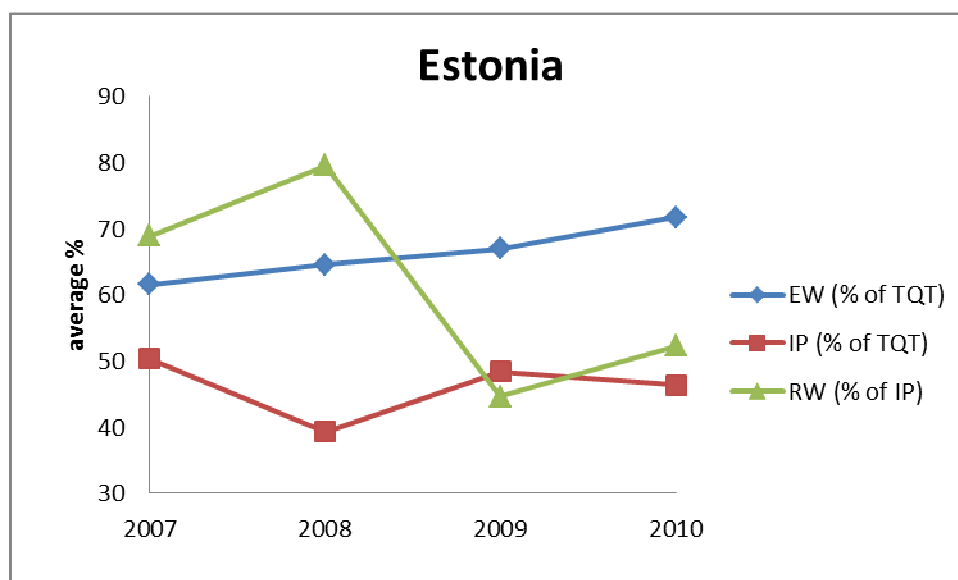
#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 48.4% in 2009 and 46.4% in 2010, representing a 2 percentage point decrease over the reference period.

In 2009, all seven reported channels, in 2010, all eight reported channels achieved the minimum proportion under Article 17 of the Directive. The compliance rates were 87.5% in 2009 and 100% in 2010.

The average relative proportion of recent European works by independent producers for all seven channels reported was 44.6% in 2009 and 52.3% in 2010, representing a 7.7 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



<sup>19</sup> See footnote 13

## 2.7. Ireland

Of the total of 11 identified channels, six sports channels were exempt during the reference period.

### European works

All reported channels broadcast an average of 44.0% in 2009 and 48.4% in 2010 representing a 4.4 percentage point increase over the reference period.

In 2009 and 2010, out of five reported channels, only two channels achieved the majority proportion of transmission time specified in Article 16 of the Directive, while three channels did not (Channel 6/3e, RTE 2, TG4). The compliance rate<sup>20</sup> was 40% during the reference period.

RTÉ2's failure to comply with the European works quota is explained by the fact that RTÉ2 carries almost RTE sports programming which is a key part of the public service remit. The channel was not able to fulfil the majority proportion of European works for the rest of the programming.

Sport coverage and news provide also a significant percentage of hours (35%) to TG4's schedule. These programmes are supplied from within the EU area but are ineligible in the calculation of the proportion of European works.

### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 21.7% in 2009 and 20.6% in 2010, representing a 1.1 percentage point decrease over the reference period.

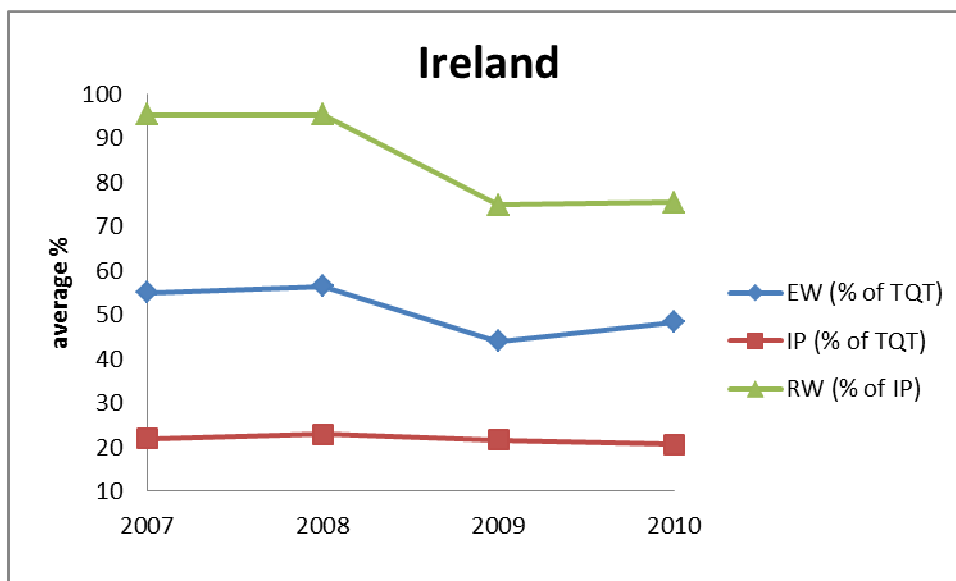
For 2009, out of five reported channels, only one channel (Channel 6/3e) did not achieve the minimum proportion under Article 17 of the Directive. In 2010, all five reported channels exceeded the 10% threshold. The compliance rates were 80% in 2009 and 100.0% in 2010.

The average relative proportion of recent European works by independent producers for all channels reported was 74.9% in 2009 and 75.5% in 2010, representing a 0.6 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2009-2010 for European works, independent productions and recent works is reproduced in the chart below:

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<sup>20</sup> See footnote 13



## 2.8. Greece

Over the reference period, out of the total of 95 identified channels, 7 channels were exempt due to the nature of their programmes (news, sports and teleshopping) and one channel (ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΟΣ ΣΤΑΘΜΟΣ 4Ε) was granted an individual exemption. In 2009, data was missing for eight channels concerning European works and independent productions and for nine regarding recent works. In 2010, data was communicated for two channels concerning European works and independent productions and for four channels regarding recent works.

### European works

All reported channels broadcast an average of 62.6% in 2009 and 61.0% in 2010 representing a 1.6 percentage point decrease over the reference period.

In 2009, out of 79 reported channels, 18 channels did not achieve the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>21</sup> was 70.1% during the reference period.

For 2010, out of 85 reported channels, 20 channels did not achieve the majority proportion specified in Article 16 of the Directive. The compliance rate was 74.7%.

The national report refers to the specific case of the channels Novasports 1 (which mainly broadcasts sports events) and Disney XD which share the same frequency. Figures for both channels have been combined.

Both state and private national and regional channels which responded to the Ministry's survey declared that they would make every effort to improve their performance so as to comply with the provisions of the Directive.

### European works made by independent producers

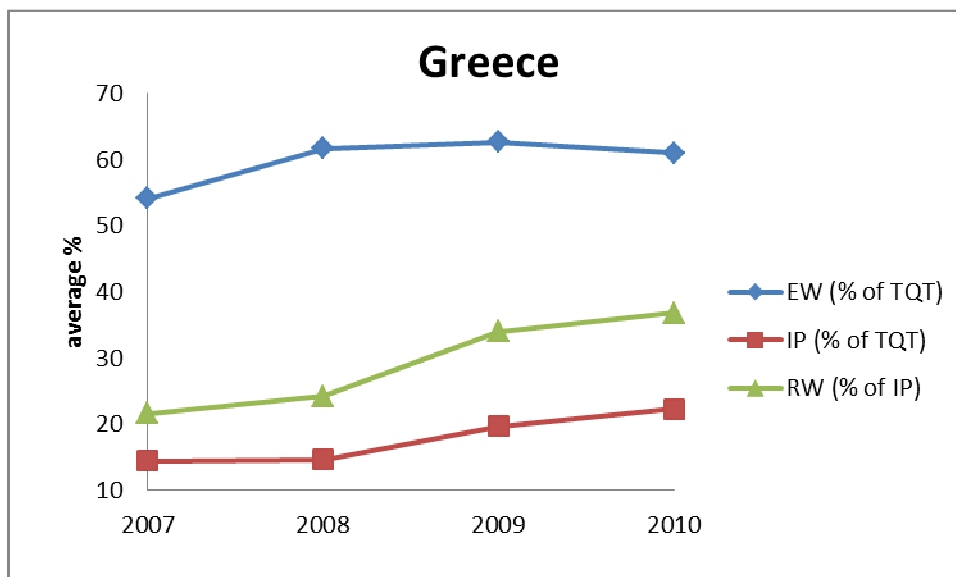
<sup>21</sup> See footnote 13

The average proportion of European works by independent producers on all reported channels was 19.7% in 2009 and 22.3% in 2010, representing a 2.6 percentage point increase over the reference period. These results also represent an increase compared to the previous reference period (7.8 percentage points). The Commission welcomes this positive development.

In 2009, out of 79 reported channels, 28 channels did not achieve the minimum proportion under Article 17 of the Directive. In 2010, out of 85 reported channels, 27 channels did not exceed the 10% threshold. The compliance rates were 58.6% in 2009 and 66.7% in 2010.

The average relative proportion of recent European works by independent producers for all channels reported was 34.0% in 2009 and 36.8% in 2010, representing a 2.8 percentage point increase over the reference period. Here again, the results achieved during the reference period represent a significant increase compared with the previous one (15.2 percentage points).

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.9. Spain

Of the total of 175 identified channels, one channel (Nitro) was non-operational in 2009. 145 channels were exempt or excluded over the reference period: 117 were exempt from the obligation to report on the basis of their very low audience (below 0.3%) and 28 were exempt due to the nature of their programming (news, sports, games and teleshopping) or excluded due to a legal exception (local channels). In 2009, no data was communicated at all for one channel (8TV) and for two channels (Canal Sur, Canal Sur 2) regarding recent European works. No data on recent works was communicated for three channels (Canal Sur, Canal Sur 2 and Veo7) in 2010.

### European works

All reported channels broadcast an average of 60.2% in 2009 and 59.6% in 2010 representing a 0.6 percentage point decrease during the reference period.

In 2009, out of 28 reported channels, 21 achieved the majority proportion of transmission time specified in Article 16 of the Directive, while seven channels (Fox España, Disney Channel, Clan TVE, Canal+ España, AXN, Telemadrid and TVCanaria) did not. The compliance rate<sup>22</sup> was 72.4%.

For 2010, out of 30 reported channels, 21 achieved the majority proportion specified in Article 16 of the Directive, while nine channels (Neox, Nitro, Fox España, Clan TVE, Canal+ España, AXN, Telemadrid, Aragon television and TVCanaria) did not. The compliance rate was 70%.

The report points out that some DTT channels have recently been launched and intend to achieve the proportion of European works on a progressive basis. In other cases, small channels with an audience share sometimes lower than 0.5% or thematic channels show difficulties in complying with the quota. In that respect the Commission would like to reiterate that the obligation to broadcast a majority of European works applies to all channels.

#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 32.1% in 2009 and 34.3% in 2010, representing a 2.2 percentage point increase over the reference period.

For 2009, out of 28 reported channels, 26 achieved the minimum proportion under Article 17 of the Directive, while two channels (Fox España and TVE La 1) did not. In 2010, out of 30 reported channels, two channels (8TV, Fox España) remained below the 10% threshold. The compliance rates were 89.7% in 2009 and 93.3% in 2010.

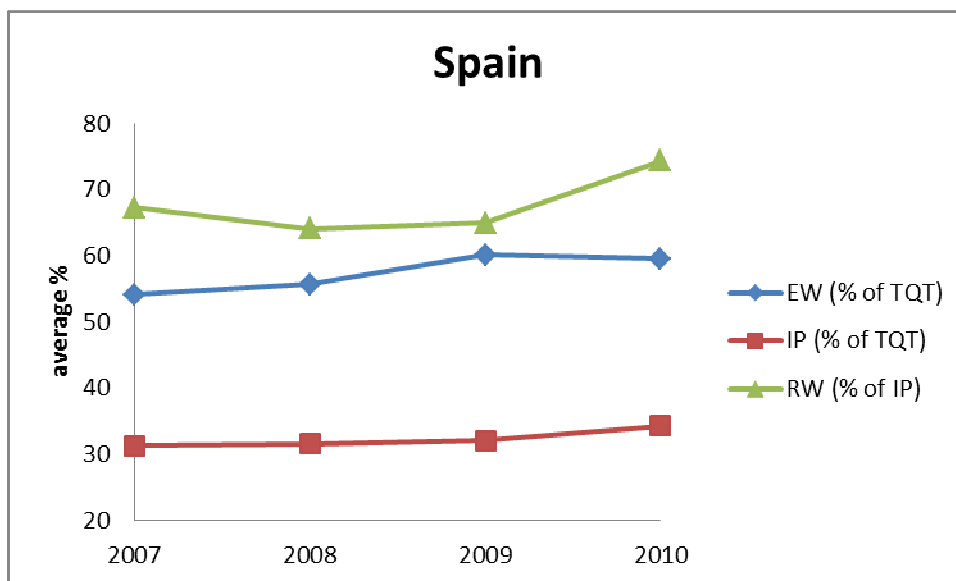
According to the report, although the achievement of independent works proportion is higher than in the case of European works, the reasons for failure are the same as for the requirement set out in Article 16.

The average relative proportion of recent European works by independent producers for all channels reported was 65.0% in 2009 and 74.4% in 2010, representing a 9.4 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:

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<sup>22</sup> See footnote 13



## 2.10. France

Out of the total of 160 identified channels, during the reference period, 25 channels were exempt from the obligation to report on the basis of their very low audience (below 0.3%) and 32 channels were exempt due to the nature of their programmes (news, sports, teleshopping). One channel (Orange Sport) was exempt in 2009 only. In 2009, no data at all was communicated for two channels, data was missing for three channels regarding independent productions and for nine channels regarding recent works. In 2010, no data at all was communicated for 6 channels, data was missing for 7 channels regarding independent productions and for 8 channels regarding recent works.

### European works

All reported channels broadcast an average of 72.3% in 2009 and 70.1% in 2010 representing a 2.2 percentage point decrease over the reference period.

In 2009, all 96 reported channels achieved the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>23</sup> was 98.0%.

For 2010, out of 97 reported channels, only 4 channels (Africabox TV, Trace Tropical, Trace TV and Virgin 17 (\*)/Direct Star depuis septembre 2010) did not achieve the majority proportion specified in Article 16 of the Directive. The compliance rate was 90.3%.

### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 50.4% in 2009 and 49.5% in 2010, representing a 0.9 percentage point decrease over the reference period.

For 2009, out of 95 reported channels, only two channels (AB 1 and W9 (\*)) did not achieve the minimum proportion under Article 17 of the Directive. In 2010, out of 96 reported

<sup>23</sup> See footnote 13



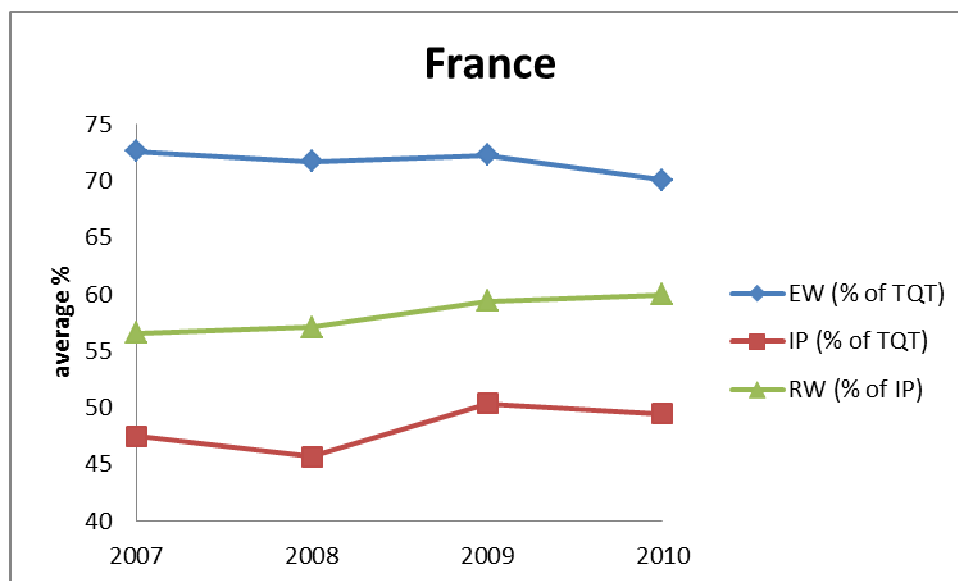
channels, the same two channels (AB 1 and W9 (\*)) did not exceed the 10% threshold. The compliance rates were 94.9% in 2009 and 91.3% in 2010.

The average relative proportion of recent European works by independent producers for all channels reported was 59.4% in 2009 and 60.0% in 2010, representing a 0.6 percentage point increase over the reference period.

French legislation imposes an obligation on television channels to finance European independent productions. As explained in the national report, the French regulation contains stricter rules than the ones set out in Article 17. Obligations to invest in audiovisual and cinematographic production are expressed as percentages of turnover and not on the basis of programme budgets. For certain broadcasters, the obligation is even stricter since they may only declare investments in certain types of productions. In addition the French legislation does not consider ‘recent’ works (less than five years) but ‘new’ productions (produced during the year).

The national report underlines that for these reasons some television channels (such as Direct Star and W9) may display figures which are below the percentage set out in Article 17, which does not indicate that they do not comply with this provision. In this respect, the Commission would like to insist on the need to present data in a way that accurately reflects the compliance of French channels with Article 17 of the Directive. For comparability purposes, all national data should be calculated and reported in relation to the same basis.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.11. Italy

Of the total of 345 identified channels, six channels (MTV +, RAI 5, Mediaset Extra, LA5, LA7D and Arturo) were non-operational in 2009, while eight channels (FOX LIFE, Next, National Geographic Channel HD Fra, FOX LIFE pl, FOX LIFE Fra, National Geographic Channel Fra, JETIX and Sky Show) were non-operational in 2010. Out of the identified channels, during the reference period 107 channels were exempt from the obligation to report

on the basis of their very low audience (below 0.3%) and 171 channels were exempt from the obligation to fulfil the quota set out in the Directive because of the nature of their broadcasts (news, sports, teleshopping, promotional or user guide channels). In addition, FOX CRIME was also exempted in 2010.

### European works

All reported channels broadcast an average of 59.2% in 2009 and 60.8% in 2010 representing a 1.6 percentage point increase during the reference period.

In 2009, out of 61 reported channels, 41 achieved the majority proportion of transmission time specified in Article 16 of the Directive, while 20 channels did not. The compliance rate<sup>24</sup> was 67.2%.

For 2010, out of 58 reported channels, 41 achieved the majority proportion specified in Article 16 of the Directive, while 17 channels did not. The compliance rate was 70.7%.

The Italian legislation foresees that in the case of channels belonging to the same group, the quotas have to be calculated on the global amount of programming time, with a minimum threshold on each channel of 20%, as it was already the case in the previous reference periods. The Italian authority Agicom will initiate the necessary sanctioning proceedings against channels which have not complied with the programming obligations.

The Commission welcomes the increase in the proportion of European works broadcast in Italy during the reference period partially compensating the drop registered in the period 2007-2008. It also notes that all channels communicated their data during the reference period.

### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 17.1% in 2009 and 14.8% in 2010, representing a 2.3 percentage point decrease over the reference period.

For 2009, out of 61 reported channels, four (Alice, Leonardo, Marco Polo and Nuvolari) did not achieve the minimum proportion under Article 17 of the Directive. In 2010 out of 58 reported channels, only one channel (Steel) did not achieve the 10% threshold. The compliance rates were 93.4% in 2009 and 98.3% in 2010.

In Italy broadcasters have the obligation to invest at least 10% of their net annual revenues in European independent works<sup>25</sup>, which represents a stricter obligation than the obligation to invest 10% of the programming budget foreseen in Article 17 of the Directive.

The average relative proportion of recent European works by independent producers for all channels reported was 12.6% in 2009 and 11.4% in 2010, representing a 1.2 percentage point decrease over the reference period. These figures represent a drastic drop compared to the previous reference period (53.5 percentage point decrease from 2007 to 2010). The

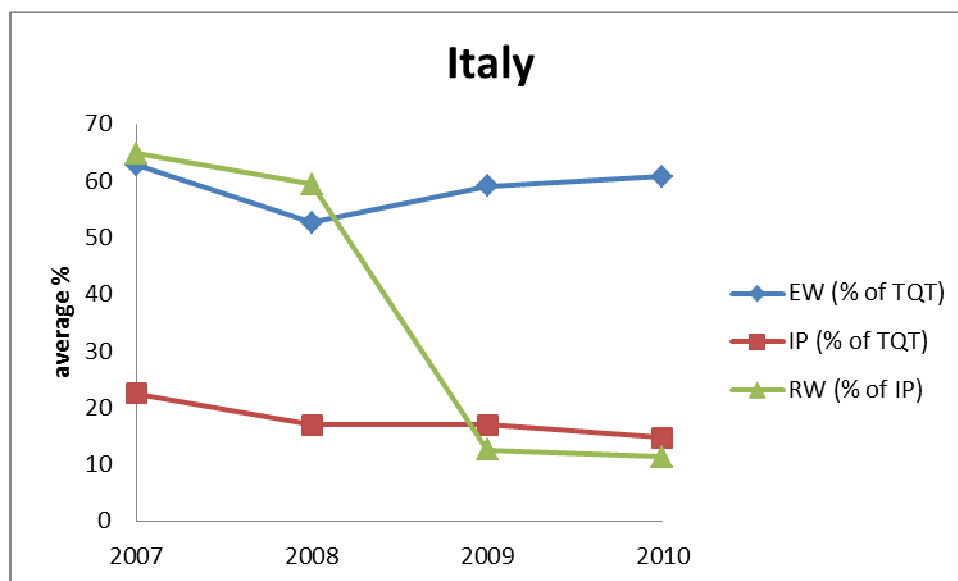
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<sup>24</sup> See footnote 13

<sup>25</sup> Article 44 (3) of Decree nr 177/05 as amended by Decree nr. 44/10.

Commission therefore invites the Italian authorities to encourage the channels falling under their jurisdiction to increase their transmission time of independent recent works.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.12. Cyprus

There were only eight identified channels over the reference period due to the legislation in force which did not allow the monitoring of channels broadcasting in digital technology. This situation changed on 1 July 2011 further to the modification of the legislation in Cyprus.

### European works

The eight reported channels broadcast an average of 50.3% European works in 2009 and 50% in 2010. This represents a 0.3 percentage point decrease over the reference period but a substantial increase by 20 percentage points compared to 2008.

Over the reference period 2 out of 17 channels did not reach the proportion required by Article 16 of the Directive. The compliance rate<sup>26</sup> was 75% in 2009 and 2010, compared to 12.5% in the period 2007-2008.

The national report stresses the significant increase in the transmission time devoted to European works on the majority of channels, except for two pay-TV channels, LTV and Alfa TV (which no longer exists). The Commission welcomes this positive development.

### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 35.5% in 2009 and 34.6% in 2010, representing a 0.9 percentage point decrease over the reference period. The figure reported for 2010 represents a 7.3 percentage point decrease compared to 2008.

<sup>26</sup> See footnote 13

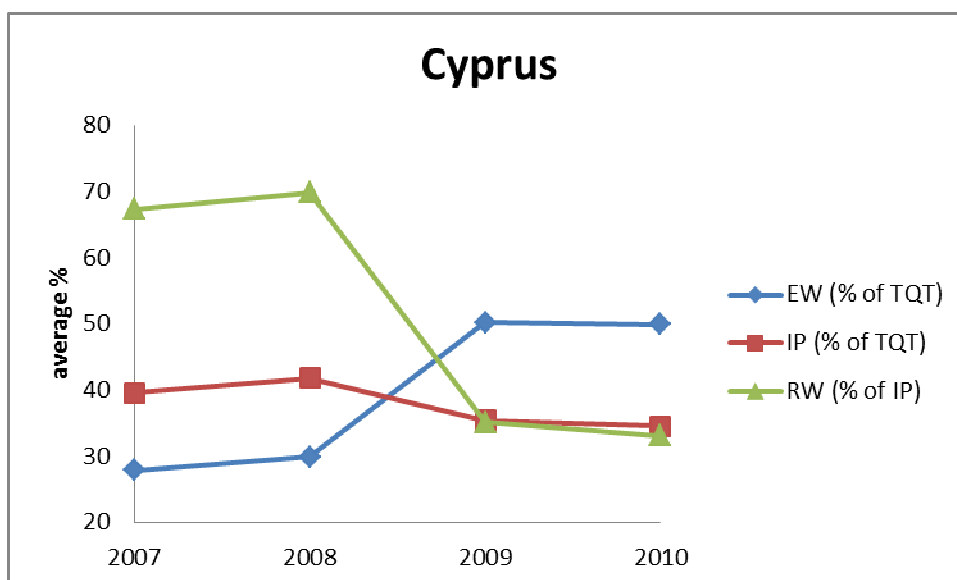
Three of the eight reported channels failed to reach the 10% proportion of European independent works set out in Article 17 of the Directive. Two of them, MEGA (Cyprus) and SIGMA reported a 0% proportion of independent works according to the indications contained in the Commission revised Guidelines for Monitoring the Application of Articles 16 and 17 of the Directive. The compliance rate was 62.5% in 2009 and 2010.

The channels were reminded by the authorities of their obligations stemming from the Directive.

The average proportion of recent European works by independent producers was 35.2% in 2009 and 33.2% in 2010, representing a 4.8 percentage point decrease over the reference period. The result achieved in 2010 (33.2%) represents a 52 percentage point decrease compared to the 2008 result (69.9%).

The supervisory Authority is encouraged to incite the channels falling within Cyprus jurisdiction to increase the broadcasting of independent and recent works.

The evolution of the averages achieved in Cyprus over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



### 2.13. Latvia

Of the total of 32 identified channels, 26 channels were exempt during the reference period. 25 channels were exempt from the obligation to report on the basis of their very low audience share (below 0.3%), and one channel was exempt from the obligation to fulfil the quotas because of the nature of its broadcasts (news).

#### European works

The seven reported channels broadcast an average of 52.6% in 2009 and 52.3% in 2010, representing a 0.3 percentage point decrease over the reference period.

In 2009 and 2010, out of seven reported channels, four channels did not achieve the majority proportion of transmission time set out in Article 16 (LNT, TV5 RIGA, TV6 and Pirmais Baltijas Kanāls). The compliance rate<sup>27</sup> was 42.9%.

The reasons given for LNT's failure to comply with the majority proportion of European works are the drop in advertising revenue following the introduction of DTT in Latvia and the reduction of investments in home production. However, the channel is planning to improve the situation following an income growth.

Pirmais Baltijas Kanāls is oriented towards Russian speaking population in Latvia and the other Baltic countries and therefore broadcasts programmes produced in Russia. Nonetheless the channel is currently increasing the proportion of European works in its programming. Provisional data shows a proportion close to 50% for 2011.

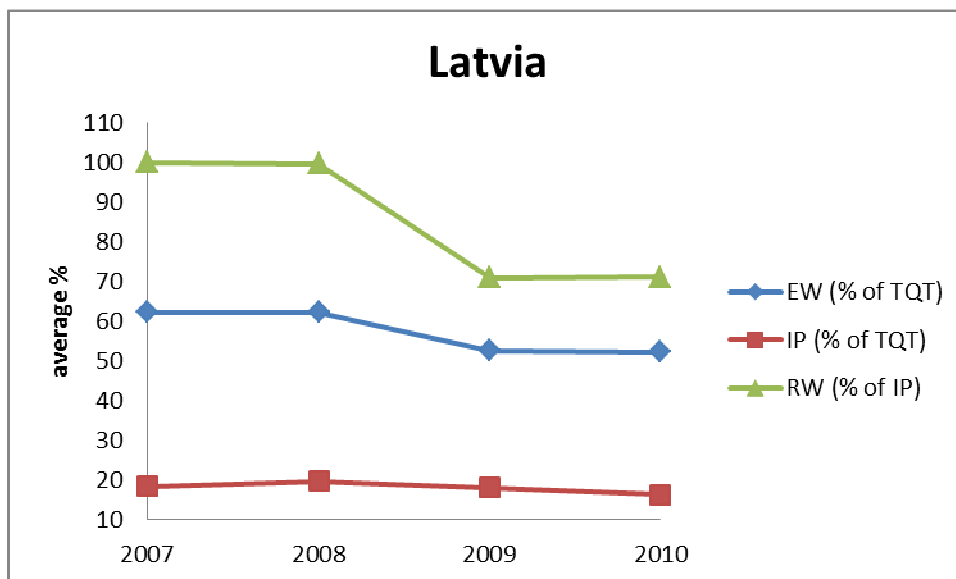
#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 18.1% in 2009 and 16.3% in 2010, representing a 1.8 percentage point decrease over the reference period.

In 2009 and 2010, out of seven reported channels, only two channels (TV5 RIGA and Pirmais Baltijas Kanāls) did not achieve the minimum proportion set out in Article 17 of the Directive. The compliance rate was 71.4% during the reference period.

The average relative proportion of recent European works by independent producers for all channels reported was 70.9% in 2009 and 71.1% in 2010, representing a 0.2 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



<sup>27</sup> See footnote 13

## 2.14. Lithuania

### European works

All 11 reported channels broadcast an average of 60.4% in 2009 and 57.4% in 2010 representing a 3.0 percentage point decrease during the reference period.

In 2009 and 2010, of the total of 11 reported channels, 7 channels achieved the majority proportion of transmission time specified in Article 16 of the Directive, while four channels (LNK, TV1, TV3, TV6) did not. The compliance rate<sup>28</sup> was 63.6%.

According to the national report, the non-complying channels put forward economic reasons to explain their failure to fulfil the proportion of European works: decrease in advertising revenue and high cost of European productions. The Commission notes that in the previous reference period the same four channels already failed to achieve the quota set out in Article 16 and that they were considering entering into co-operation agreements to produce audiovisual works at lower cost. However the results registered in the reference period are overall lower than in the previous period and neither the regulatory authorities nor the channels seem to envisage any measure to remedy this situation. The Commission would therefore call upon the regulatory authorities to encourage the failing channels to increase their broadcast of European works.

### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 40.5% in 2009 and 41.8% in 2010, representing a 1.3 percentage point increase over the reference period, therefore maintaining a satisfactory level of broadcasting of independent European works.

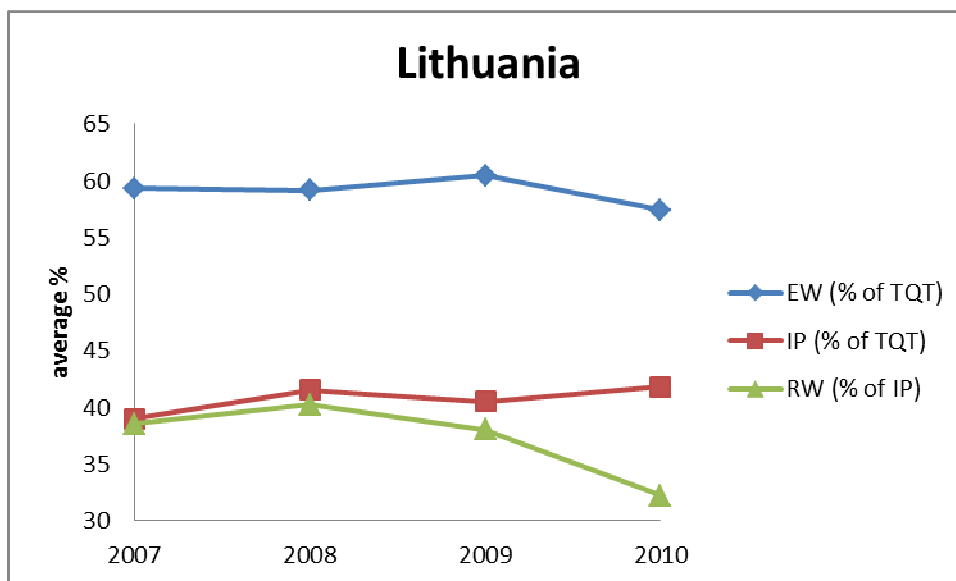
Over the reference period, all 11 reported channels achieved the minimum proportion (10% threshold) under Article 17 of the Directive. The compliance rate was 100% for the entire reference period.

The average relative proportion of recent European works by independent producers for all channels reported was 38.0% in 2009 and 32.2% in 2010, representing a 5.8 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:

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<sup>28</sup> See footnote 13



## 2.15. Luxembourg

Of the total of 20 identified channels, five channels were exempt and two channels broadcasting in a non-EU language were not covered by Articles 16 and 17 of the AVMS Directive in 2009 and 2010. No data was communicated for one channel (Current TV) for the reference period.

### European works

All reported channels broadcast an average of 65.1% in 2009 and 67.1% in 2010, representing a 2.0 percentage point increase over the reference period.

In 2009, out of 12 reported channels, nine achieved the majority proportion of transmission time specified in Article 16 of the Directive, while three channels did not (Club RTL, RTL 5 and RTL8). The compliance rate<sup>29</sup> was 69.2%.

For 2010, out of 12 reported channels, only one channel (RTL 8) did not achieve the majority proportion. The compliance rate was 84.6.3%.

The national report indicates that although RTL8 did not achieve the majority proportion of European works during the reference period, the 2010 figure represents a 20% increase over 2009. The channel which is relatively recent has confirmed its intention to pursue its efforts towards increasing the proportion of European works in its programming. RTL5 also improved its performance, reaching a 50% proportion of European works in 2010. The channel expressed its intention to strengthen the share of European works in its programming.

### European works made by independent producers

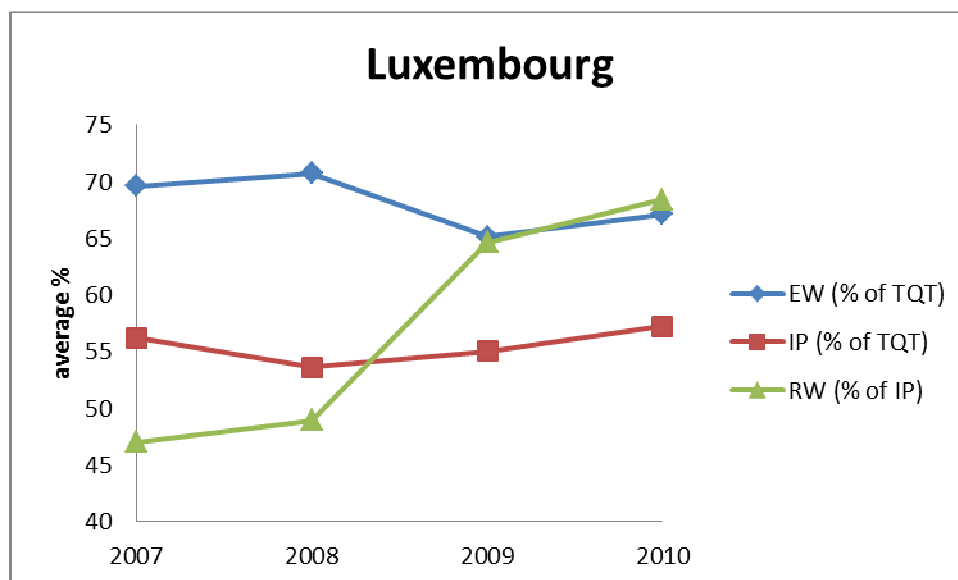
The average proportion of European works by independent producers in all reported channels was 55.0% in 2009 and 57.2% in 2010, representing a 2.2 percentage point increase over the reference period.

<sup>29</sup> See footnote 13

For 2009 and 2010 all 12 reported channels achieved the minimum proportion set out in Article 17 of the Directive. The compliance rate was 92.3% in 2009 and 2010.

The average relative proportion of recent European works by independent producers for all channels reported was 64.6% in 2009 and 68.4% in 2010, representing a 3.8 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.16. Hungary

Of the total of 39 identified channels, two channels were non-operational in 2010. Twelve channels were exempt over the reference period; eight of them were granted an individual exemption agreement from the obligation to fulfil the quotas (one for 2009, two for 2009 and 2010 and five for 2010) and four channels were exempt because of the nature of their broadcastings (sports and news). No data was communicated for four channels in 2009 and for one channel in 2010.

### European works

All reported channels broadcast an average of 83.0% in 2009 and 81.0% in 2010 representing a 2 percentage point decrease over the reference period.

In 2009, out of 23 reported channels, 21 achieved the majority proportion of transmission time specified in Article 16 of the Directive, while two channels did not (4-es csatorna and Viasat3 Hungary). The compliance rate<sup>30</sup> was 77.8%.

For 2010, out of 24 reported channels, 22 achieved the majority proportion specified in Article 16 of the Directive, while two channels did not (4-es csatorna and Ozone Network). The compliance rate was 88.0%.

<sup>30</sup> See footnote 13



The report indicates that the Hungarian media authority (until 5<sup>th</sup> September 2010 "ORTT" after this date "NMHH") granted partial exemptions to 8 channels in 2009 and 2010 regarding the achievement of the European works proportion. Reasons for exemptions were mainly related to the thematic nature of the channels and to the scarcity of European programmes suited to their profile.

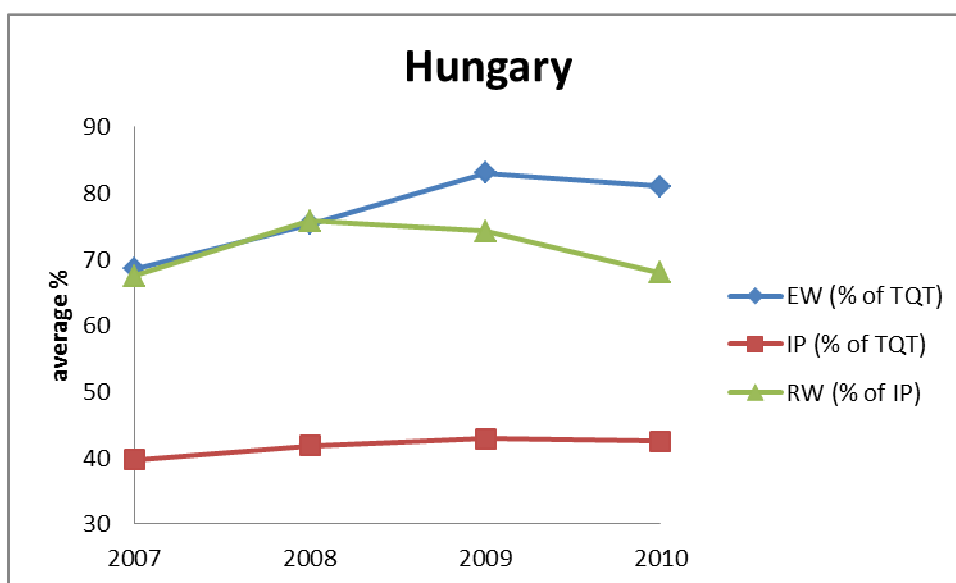
#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 42.9% in 2009 and 42.5% in 2010, representing a 0.4 percentage point decrease over the reference period.

For 2009, out of 23 reported channels, only one channel (Viasat3 Hungary) did not achieve the minimum proportion set out in Article 17 of the Directive. In 2010, all 24 reported channels exceeded the 10% threshold. The compliance rate, in terms of number of channels, was 81.5% in 2009 and 96.0% in 2010.

The average relative proportion of recent European works by independent producers for all channels reported was 74.2% in 2009 and 67.9% in 2010, representing a 6.3 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



#### **2.17. Malta**

Of the total of 27 identified channels 18 channels were exempt because of the nature of their broadcasts (sports and teleshopping) over the reference period.

#### European works

The nine reported channels broadcast an average of 60.9% in 2009 and 79.4% in 2010 representing an 18.5 percentage point increase over the reference period. The Commission welcomes this very positive development.

In 2009, out of nine reported channels, six achieved the majority proportion of transmission time specified in Article 16 of the Directive, while three channels did not (Melita More, Melita Movies and Smash TV). The compliance rate<sup>31</sup> was 66.7%.

For 2010, all nine reported channels achieved the majority proportion specified in Article 16, thus the compliance rate was 100.0%.

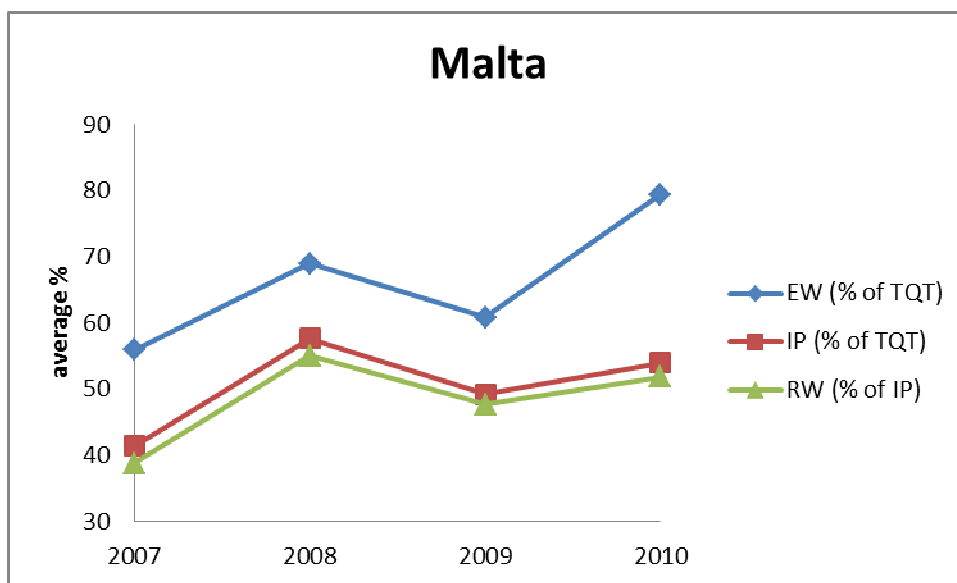
#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 49.3% in 2009 and 54.0% in 2010, representing a 4.7 percentage point increase over the reference period.

For 2009, out of nine reported channels, only one channel (Education 22) did not achieve the minimum proportion under Article 17 of the Directive. In 2010, all nine reported channels exceeded the 10% threshold. The compliance rates were 88.9% in 2009 and 100% in 2010.

The average relative proportion of recent European works by independent producers for all channels reported was 47.7% in 2009 and 51.9% in 2010, representing a 4.2 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## **2.18. The Netherlands**

Of the total of 178 identified channels, one channel (Disney Channel) was non-operational in 2009. 136 channels were exempt over the reference period or not subject to Articles 16 and 17 of the Directive; 130 of them were exempt from the obligation to report on the basis of their

<sup>31</sup> See footnote 13

very low audience (below 0.3%) and 61 were exempted due to their nature (news, sports and teleshopping channels).

#### European works

All reported channels broadcast an average of 77.9% in 2009 and 76.5% in 2010 representing a 1.4 percentage point decrease during the reference period.

In 2009, out of 41 reported channels, 35 achieved the majority proportion of transmission time specified in Article 16 of the Directive, while six channels (Nickelodeon, Nickelodeon Denmark, Nickelodeon Sweden, Nickelodeon Vlaanderen, Comedy Central and Jetix/Veronica (to 31-12-09) Disney XD/Veronica (from 1-1-10)) did not. The compliance rate<sup>32</sup> was 85.4%.

For 2010, out of 42 reported channels, 34 achieved the majority proportion specified in Article 16 of the Directive, while eight channels (MTV Denmark, MTV Vlaanderen, Nickelodeon, Nickelodeon Denmark, Nickelodeon Sweden, Nickelodeon Vlaanderen, Comedy Central and Disney XD/Veronica (previously Jetix/Veronica) did not. The compliance rate was 81.0%.

As was already the case for the previous reference period, the report points out that the non-complying channels are mainly children's channels. The production or commissioning of programmes in small countries with a limited language such as the Netherlands is expensive. In addition the supply of European children's programmes is relatively small and available programmes do not always fit in with the programming of the channels. No reason was indicated for the failure to comply of Comedy Central. The national authority would require explanations. The national report also points out that by contrast with the period 2007-2008, MTV channels communicated all their data for the reference period.

#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 25.6% in 2009 and 22.4% in 2010, representing a -3.2 percentage point decrease over the reference period. The Commission notes a steady downward trend in the broadcast of independent work (from 40.2% in 2007 to 22.4% in 2010) and would recommend that the national Authorities encourage broadcasters to increase their transmission time of independent productions.

For 2009, out of 41 reported channels, 31 achieved the minimum proportion under Article 17 of the Directive, while ten channels (MTV Denmark, MTV Norway (Nordic), MTV Sweden, MTV The Netherlands, MTV Vlaanderen, The Music Factory (TMF), BVN, Omroep Zeeland, Omroep Fryslân and Comedy Central) did not. In 2010, out of 42 reported channels, again ten channels (MTV Denmark, MTV Norway (Nordic), MTV Sweden, MTV The Netherlands, MTV Vlaanderen, Nickelodeon, The Music Factory (TMF), BVN, Omroep Zeeland, Comedy Central) remained below the 10% threshold. The compliance rates were 75.6% in 2009 and 76.2% in 2010.

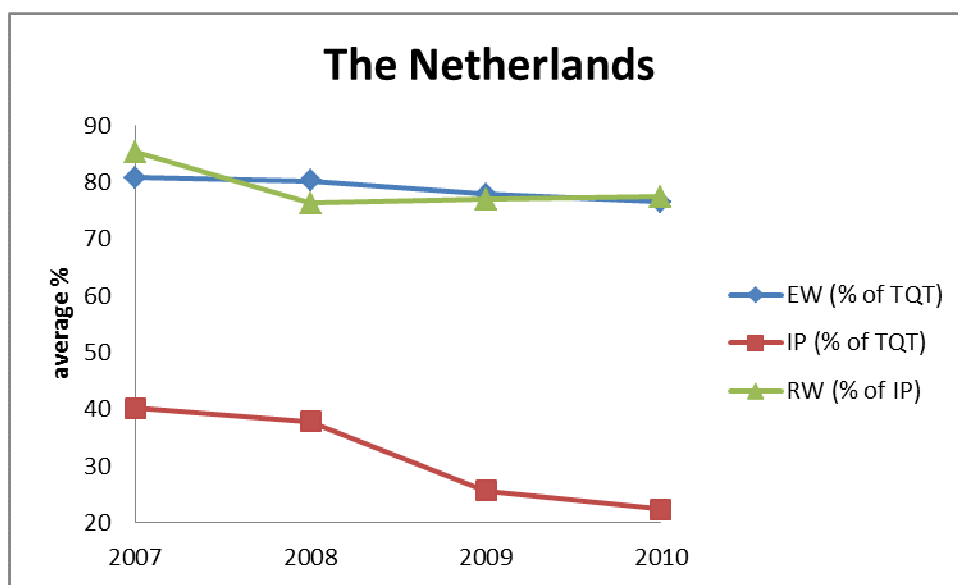
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<sup>32</sup> See footnote 13

According to the national report, no reason was put forward for non-compliance with the 10% proportion of independent works. The national authority will ask the channels to provide explanations.

The average relative proportion of recent European works by independent producers for all channels reported was 77.0% in 2009 and 77.4% in 2010, representing a 0.4 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.19. Austria

Of the total of 57 identified channels, 45 channels were exempt over the reference period; 14 of them were exempt from the obligation to report on the basis of their very low audience (below 0.3%) and 29 were exempt because of their nature (news, sports and teleshopping channels) or subject to a legal exception (local channels).

### European works

All reported channels broadcast an average of 74.2% in 2009 and 76.1% in 2010 representing a 1.9 percentage point increase during the reference period.

In 2009, out of 12 reported channels, 10 achieved the majority proportion of transmission time specified in Article 16 of the Directive, while two channels (ATV and ORFeins) did not. The compliance rate<sup>33</sup> was 83.3%.

For 2010, out of 12 reported channels, 10 achieved the majority proportion specified in Article 16 of the Directive, while the same two channels (ATV and ORFeins) did not. The compliance rate was 83.3%.

<sup>33</sup> See footnote 13

The national report points to the need for ATV to broadcast international movies and series in order to achieve good audience shares instead of European works which would have been more expensive in terms of licensing and co-production costs. However, the report also stresses the increase in the proportion of European works broadcast by ATV (from 27.7% in 2009 to 29.6% in 2010). No reason has been indicated for ORF's non-compliance.

The Commission notes that these two channels were already below the European works majority proportion during the previous reference periods and would reiterate that one of the purposes of Article 16 of the Directive is to ensure equal competition between broadcasters falling within the jurisdiction of the Member State concerned. All television channels are therefore subject to the same obligation to comply with the required proportion of European works and enforcement measures should be adopted by the Regulatory Authorities.

#### European works made by independent producers

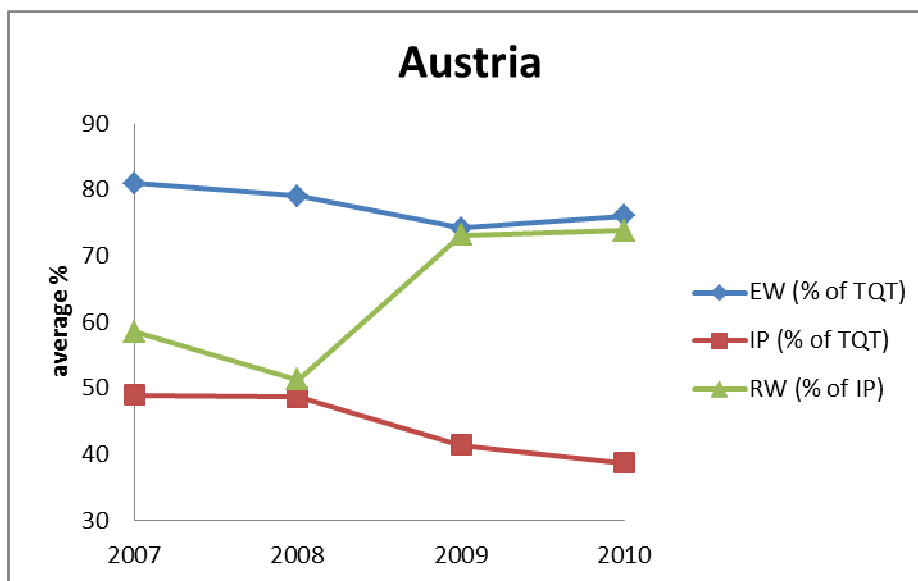
The average proportion of European works by independent producers on all reported channels was 41.4% in 2009 and 38.7% in 2010, representing a 2.7 percentage point decrease over the reference period.

For 2009, out of 12 reported channels, ten achieved the minimum proportion under Article 17 of the Directive, while two channels (Pro Sieben Austria and SAT.1 Österreich) did not. In 2010, out of 12 reported channels, the same two channels (Pro Sieben Austria and SAT.1 Österreich) remained below the 10% threshold. The compliance rate was 83.3% during the reference period.

According to the national report, the figures registered by the two failing channels have to be put in perspective as they do not only correspond to the "Austrian window" but also refer to the programme as it is broadcast in Germany and Switzerland. The "Austrian window" mostly consists of news and weather reports.

The average relative proportion of recent European works by independent producers for all channels reported was 73.2% in 2009 and 73.8% in 2010, representing a 0.6 percentage point increase over the reference period and a 15.3 percentage point increase compared to 2007. The Commission welcomes this positive development.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.20. Poland

Out of the total of 73 identified channels, five channels were non-operational (Eska TV, nFilmHD, nFilmHD2, Polsat Film and Polsat HD) in 2009 and only one in 2010 (Patio TV). Over the reference period, 14 channels were exempt due to the nature of their programmes (news, sports and teleshopping). In 2010, no data was communicated for one channel (TELE 5).

### European works

All reported channels broadcast an average of 78.4% in 2009 and in 2010.

In 2009, out of 54 reported channels, 7 channels did not achieve the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>34</sup> was 87.0%.

For 2010, out of 58 reported channels, 6 channels did not achieve the majority proportion specified in Article 16 of the Directive. The compliance rate was 87.9%.

The national report refers to the intervention of the Polish National Broadcasting Council in cases of failure to comply with the proportion of European works set out in the legislation<sup>35</sup>. In most cases the broadcasters undertook to increase the proportion of European works broadcast or even achieved the target in 2010. In one case, the Polish Authority had to impose financial penalties. One of the reasons for failure put forward by the specialised channels nFilm HD and nFilm HD2 was the shortage of suitable European feature films not covered by licensing agreements.

### European works made by independent producers

<sup>34</sup> See footnote 13

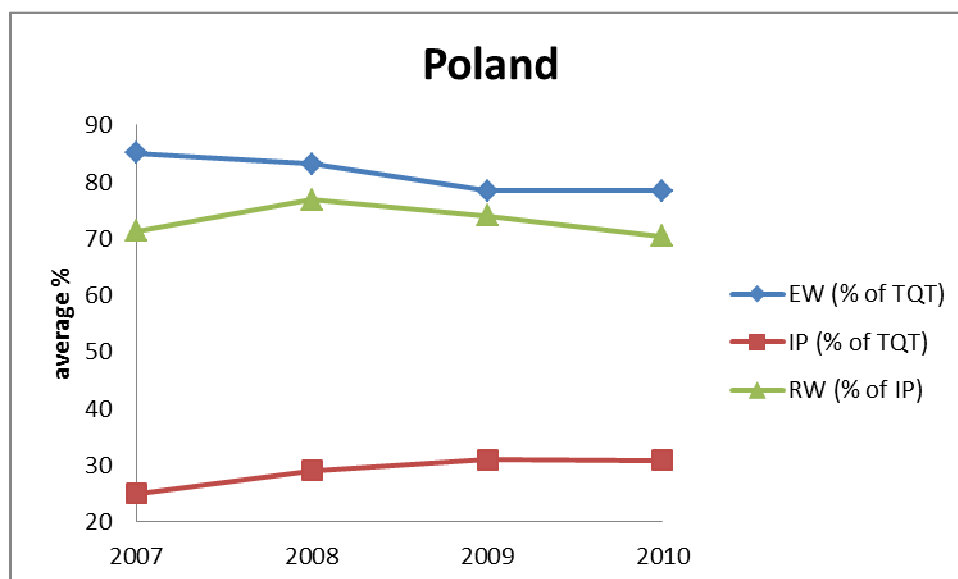
<sup>35</sup> A Regulation adopted in 2004 by the Polish National Broadcasting Council sets out a 45% proportion of European works for specialised channels.

The average proportion of European works by independent producers on all reported channels was 31.0% in 2009 and 30.8% in 2010, representing a 0.2 percentage point decrease over the reference period.

For 2009, out of 54 reported channels, only one channel (Trwam) did not achieve the minimum proportion under Article 17 of the Directive. In 2010, out of 57 reported channels, again only one channel (TVN-CNBC Biznes) did not reach the 10% threshold, but this result only corresponds to the first quarter of the year, when data was reported. The broadcaster complied with the required proportion during the other quarters of the year. The compliance rates were 98.1% in 2009 and 96.6% in 2010.

The average relative proportion of recent European works by independent producers for all channels reported was 74.0% in 2009 and 70.3% in 2010, representing a 3.7 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.21. Portugal

Of the total of 39 identified channels, two channels (Canal Panda and Hollywood) were non-operational in 2009. During the reference period, 15 channels were exempted from their reporting obligation on the basis of their very low audience share (below 0.3%), six of them having been recently launched. 11 channels were exempt from the obligation to fulfil the quotas because of the nature of their programming (news and sports) while another channel (RTP Memoria) was exempted from the obligation to comply with the independent works quota during the reference period.

### European works

All reported channels broadcast an average of 66.8% in 2009 and 58.0% in 2010 representing a -8.8 percentage point decrease over the reference period.

In 2009, out of 11 reported channels, nine achieved the majority proportion of transmission time specified in Article 16 of the Directive, while two channels did not (SIC and SIC Mulher). The compliance rate<sup>36</sup> was 81.8%.

For 2010, out of 13 reported channels, nine achieved the majority proportion specified in Article 16 of the Directive, while four channels did not (Canal Panda, Hollywood, SIC Mulher and SIC Radical). The compliance rate was 69.2%.

The national report highlights the fact that Canal Panda and Hollywood channels started broadcasting in November 2009, which may explain the very low figures achieved in 2010. It is expected that SIC Mulher, Canal Panda and Hollywood will progressively reach the 50% threshold. The Commission recommends that the Portuguese Regulatory Authority actively encourage these channels to increase the transmission of European works.

#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 34.7% in 2009 and 30.2% in 2010, representing a 4.5 percentage point decrease over the reference period.

For 2009, all 11 reported channels achieved the minimum proportion set out in Article 17 of the Directive. In 2010, out of the 13 reported channels, two channels (Canal Panda and Hollywood, both launched at the end of 2009) did not reach the 10% threshold. The compliance rates were 100.0% in 2009 and 84.6% in 2010.

The average relative proportion of recent European works by independent producers for all channels reported was 92.6% in 2009 and 86.7% in 2010, representing a 5.9 percentage point decrease over the reference period.

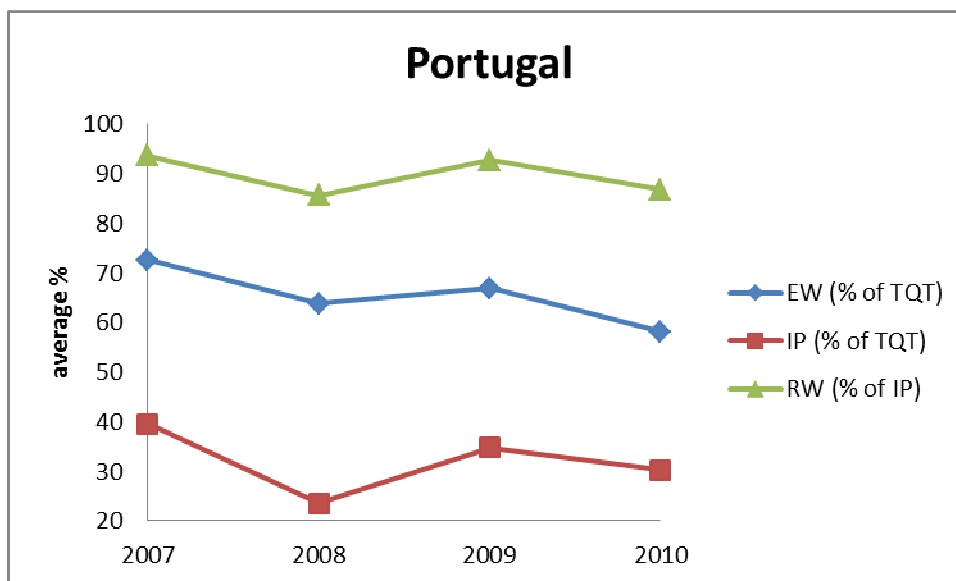
The Commission encourages the Portuguese regulatory Authority to incite the channels falling under its jurisdiction to increase the transmission of independent/recent works in order to reverse the downward trend registered over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:

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<sup>36</sup> See footnote 13





## 2.22. Romania

Of the total of 82 identified channels, two channels (Transilvania Channel and eMaramures) were non-operational in 2009 and another two (TvRM Cultural and Pratech TV) were non operational in 2010. 24 channels were exempt or excluded over the reference period: one (Bucuresti 1 TV) was exempt from the obligation to report on the basis of their very low audience (below 0.3%) and 23 were exempt because of the nature of their programming (news, sports, games and teleshopping), were granted an individual exemption or were excluded due to a legal exception (local channels). In 2009, no data was communicated for 16 channels concerning European works and for 18 channels regarding independent productions (including recent works). In 2010, no data was communicated for 18 channels concerning European works and for 20 channels regarding independent productions (including recent works).

### European works

All reported channels broadcast an average of 70.7% in 2009 and 67.9% in 2010 representing a 2.8 percentage point decrease during the reference period.

In 2009, out of 40 reported channels, 32 achieved the majority proportion of transmission time specified in Article 16 of the Directive, while seven channels (Pro Cinema, Action Star, CineStar, ComedyStar, Romantica, DDTV Direct Digital TV and Music Mix) did not. The compliance rate<sup>37</sup> was 58.9%.

For 2010, out of 38 reported channels, 28 achieved the majority proportion specified in Article 16 of the Directive, while ten channels (Euforia Lifestyle TV (Antena 4), U TV (Romania), Action Star, CineStar, ComedyStar, Credo TV, Romantica, DDTV Direct Digital TV, Music Mix and TVR1) did not. The compliance rate was 50%.

### European works made by independent producers

<sup>37</sup> See footnote 13

The average proportion of European works by independent producers on all reported channels was 34.1% in 2009 and 34.6% in 2010, representing a 0.5 percentage point increase over the reference period.

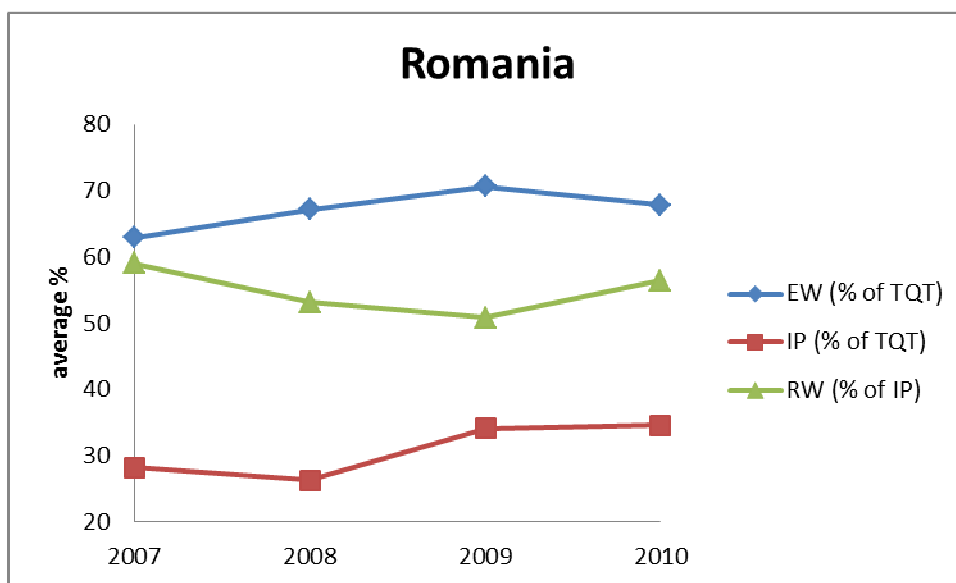
For 2009, out of 38 reported channels, 34 achieved the minimum proportion under Article 17 of the Directive, while four channels (Analog TV, Antena 2, Speranta TV and TVR3) did not. In 2010, out of 36 reported channels, three channels (Antena 2, Speranta TV and TVR3) remained below the 10% threshold. The compliance rates were 60.7% in 2009 and 58.9% in 2010.

The report does not provide concrete reasons for non-compliance with the obligations set out in Articles 16 and 17 except the very small size of some channels or their very specific programming (case of Trinitas TV, a religious channel). However the national authority indicates that it encourages those small channels to comply with the proportion of European and independent works.

The authority will initiate sanctioning proceedings against those broadcasters which did not supply their data (summons followed by a fine if the broadcaster does not comply with its reporting obligation).

The average relative proportion of recent European works by independent producers for all channels reported was 50.9% in 2009 and 56.5% in 2010, representing a 5.6 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.23. Slovenia

Out of the total of 49 identified channels, one channel (POP BRIO) was non-operational in 2009 and another one (TV PIKA) in 2010. During the reference period, 35 channels were exempt or excluded due to a legal exception: eight of them were exempt from the obligation to report on the basis of their very low audience (below 0.3%), five were exempt because of

the nature of their programming (sports, news and advertising) and 22 were excluded (local channels). In 2009 and 2010, no data at all was communicated for three channels (Kanal A, POP TV, TV PIKA in 2009 and Kanal A, POP TV and POP BRIO in 2010).

#### European works

All reported channels broadcast an average of 46.6% in 2009 and 47.4% in 2010 representing a 0.8 percentage point increase over the reference period.

In 2009 and 2010, out of 10 reported channels, four channels did not achieve the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>38</sup> was 46.2%.

According to the national report both NET TV and VAŠ KANAL put forward economic problems to explain their failure to reach the quota of European works. In both cases the Slovenian supervisory Authority decided not to take any measures against the channels. A written warning was sent to TV3.

Although the required proportion of European works was not achieved in Slovenia during the reference period, the reported data indicate a sustained upward trend as from 2007. The Commission therefore encourages the Slovenian supervisory Authority to invite all broadcasters falling within its jurisdiction to pursue their efforts towards increasing the proportion of European works in their programming in order to achieve the required quota.

#### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 14.5% in 2009 and 18.3% in 2010, representing a 3.8 percentage point increase over the reference period.

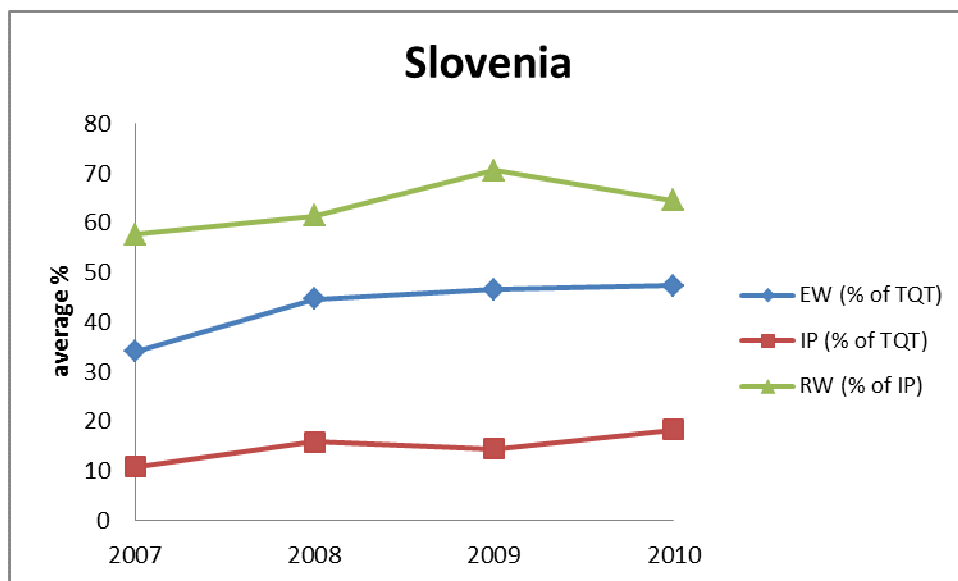
In 2009 and 2010 all 10 reported channels exceeded the 10% proportion of independent works. The compliance rates were 69.2% in 2009 and 76.9% in 2010.

The average relative proportion of recent European works by independent producers for all channels reported was 70.5% in 2009 and 64.5% in 2010, representing a 6 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:

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<sup>38</sup> See footnote 13



## 2.24. Slovakia

Out of the total of 34 identified channels, three channels (3V, TV HRONKA and TV Nitricka) were non-operational in 2009. Eight channels were exempt due to the nature of their programming (sports) and one channel (TV ORAVIA) was exempt from the obligation to fulfil the 10% proportion of independent works in 2009. In 2010, 8 channels were exempt from the obligation to fulfil the quotas due to the nature of their programming (sports) and two channels (3V and TV ORAVIA) were exempt from the obligation to fulfil the proportion of independent works. As regards recent European works no data at all was communicated for 22 channels in 2009 and for 24 channels in 2010.

### European works

All reported channels broadcast an average of 71.7% in 2009 and 68.2% in 2010 representing a 3.5 percentage point decrease over the reference period.

In 2009, out of 23 reported channels, 3 channels (MUSIQ 1, TOP REGION and TV Patriot) did not achieve the majority proportion of transmission time specified in Article 16 of the Directive. The compliance rate<sup>39</sup> was 87.0%.

In 2010, out of 26 reported channels, 5 channels (Krupinska televizia, MUSIQ 1, TOP REGION, TV HRONKA and TV Patriot) did not achieve the majority proportion specified in Article 16 of the Directive. The compliance rate was 80.8%.

The national report does not provide any explanation for the failure to comply with the proportions set out in Articles 16 and 17. However, it indicates that the Slovakian supervisory Authority warned the failing broadcasters that in case of continued breaches of their obligations sanctions would be imposed.

### European works made by independent producers

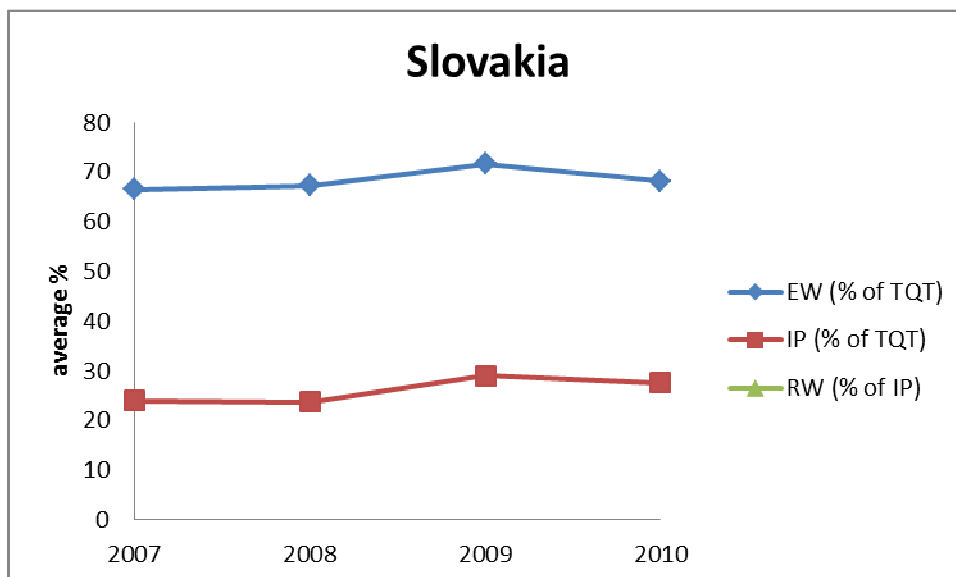
<sup>39</sup> See footnote 13

The average proportion of European works by independent producers on all reported channels was 29.0% in 2009 and 27.6% in 2010, representing a 1.4 percentage point decrease over the reference period.

In 2009, out of 22 reported channels, five channels (CE TV, Central TV, RTV, TOP REGION and TV Patriot) did not achieve the minimum proportion under Article 17 of the Directive. In 2010, out of 24 reported channels, six channels (CE TV, Central TV, RTV, TOP REGION, TV HRONKA and TV Patriot) did not reach the 10% threshold. The compliance rates were 93.3% in 2009 and 75.0% in 2010.

As regards recent European works by independent producers, no data were communicated at all. The Commission recalls that, although Article 17 of the Directive does not set out a concrete proportion of recent works to be achieved, it imposes an obligation to earmark 'an adequate proportion of recent works' which applies to all channels and must be reported on.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.25. Finland

Of the total of 18 identified channels, two sports channels (4Pro1 and 4Pro2) were exempt. Suomi TV was launched in December 2009.

### European works

All reported channels broadcast an average of 57.2% in 2009 and 56.6% in 2010 representing a 0.6 percentage point decrease during the reference period.

In 2009, out of 15 reported channels, 10 achieved the majority proportion of transmission time specified in Article 16 of the Directive, while five channels (MTV3 AVA, JIM, KinoTV, Nelonen and LIV) did not. The compliance rate<sup>40</sup> was 66.7%.

<sup>40</sup> See footnote 13

For 2010, out of 16 reported channels, 9 achieved the majority proportion specified in Article 16 of the Directive, while seven channels (MTV3 AVA, MTV3 MAX, JIM, KinoTV, LIV, Sub, Suomi TV) did not. The compliance rate was 56.3%.

The report does not provide any reason for the failure to fulfil the proportion of European works set out in Article 16. In this respect the Commission would like to remind that Article 16 (3) states that Member States' report will provide the reasons for failure to achieve the required proportions for each channel.

The Finnish supervisory Authority Ficora reminded all the failing channels of the obligations contained in Articles 16 and 17 of the Act of television and Radio Operations and obliged them to increase the proportion of European and independent works.

#### European works made by independent producers

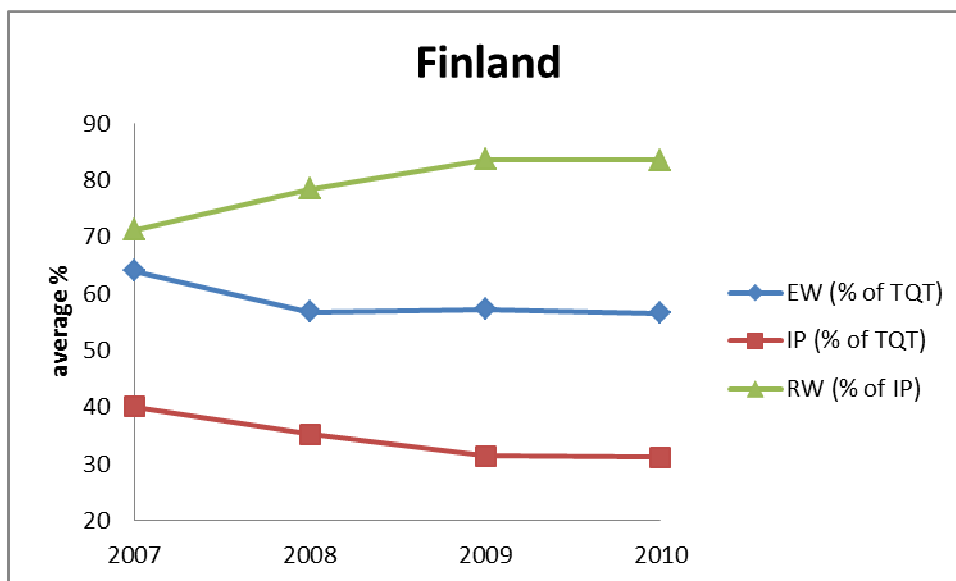
The average proportion of European works by independent producers on all reported channels was 31.4% in 2009 and 31.2% in 2010, representing a 0.2 percentage point decrease over the reference period.

For 2009, out of 15 reported channels, only one (KinoTV) did not achieve the minimum proportion under Article 17 of the Directive. In 2010, all 16 reported channels achieved the 10% threshold. The compliance rates were 93.3% in 2009 and 100% in 2010.

The national report does not provide any reason for failure to fulfil the proportion of European and independent works set out in the AVMS Directive. The Finnish supervisory Authority Ficora reminded all the failing channels of the obligations contained in Articles 16 and 17 of the Act on Television and Radio Operations and obliged them to increase the proportion of European and independent works

The average relative proportion of recent European works by independent producers for all channels reported was 83.7% in 2009 and 83.5% in 2010, representing a 0.2 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



## 2.26. Sweden

Of the total of 62 identified channels, one channel (Canal+ 69) was non-operational in 2010. 18 channels were exempt over the reference period due to the nature of their programmes (sports) or excluded due to legal exceptions (local channels and channels broadcasting entirely in a language other than those of the Member States).

### European works

All reported channels broadcast an average of 57.9% in 2009 and 59.2% in 2010 representing a 1.3 percentage point increase during the reference period.

In 2009, out of 44 reported channels, 26 achieved the majority proportion of transmission time specified in Article 16 of the Directive, while 18 channels did not. The compliance rate<sup>41</sup> was 59.1%.

For 2010, out of 43 reported channels, 26 achieved the majority proportion specified in Article 16 of the Directive, while 17 channels did not. The compliance rate was 60.5%.

The national report points out a clear improvement in respect of European works compared to the results reported during the previous reference period. The Commission welcomes this positive development and would like to encourage Sweden to pursue its efforts towards a continued upward trend in the transmission of European works.

The various Canal+ channels which are below the 50% threshold show very low audience shares (below 0.3%). Although their content is generally dominated by US productions (in particular Canal+ First, Canal+ Hits, Canal+ Series) the proportion of European works is increasing, except in the case of Canal+ Films because contracts with Spanish and French producers were not renewed.

<sup>41</sup> See footnote 13

According to the report, for the channels belonging to TV4 AB Nordic, German and British content perform well and the channels intend to achieve the proportions set out in the Directive. In particular new agreements entered into by TV4 Film, TV4 Guld and TV4 Komedi should enable to increase the broadcasting of European works.

The two channels belonging to Nonstop Television AB are respectively focused on action and science fiction and entertainment news. The output of such content is limited in the EU.

#### European works made by independent producers

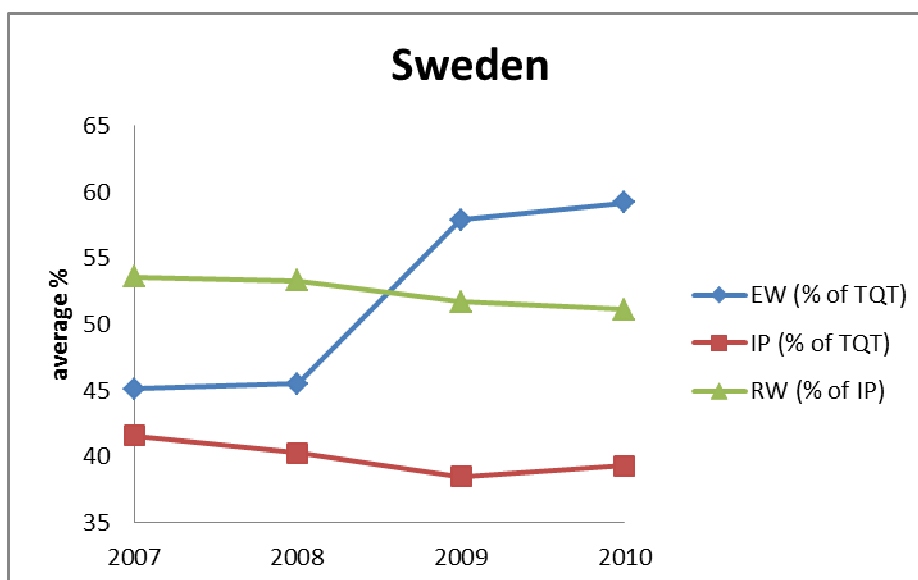
The average proportion of European works by independent producers on all reported channels was 38.5% in 2009 and 39.3% in 2010, representing a 0.8 percentage point increase over the reference period.

For 2009, out of 44 reported channels, 42 achieved the minimum proportion under Article 17 of the Directive, while two channels (Star! and SVT24) did not. In 2010, out of 43 reported channels, two channels (Showtime and Star!) remained below the 10% threshold. The compliance rates were 95.5% in 2009 and 95.3% in 2010.

No reasons were given to explain the failure to fulfil the 10% proportion of independent works by these channels.

The average relative proportion of recent European works by independent producers for all channels reported was 51.7% in 2009 and 51.1% in 2010, representing a 0.6 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:





## 2.27. United Kingdom

Of the total of 675 identified channels, during the reference period, 117 channels were non-operational in 2009 and 65 in 2010. A total of 85 channels were exempt for the whole period: 27 from the obligation to comply with the quotas due to the nature of their programming (sports, teletext and teleshopping, 39 were granted an individual exemption and the rest were not covered by Articles 16 and 17 (due to broadcasting in a non-EU language). In addition, three channels were exempt in 2009 only and two in 2010 only. In 2009, 22 channels did not communicate any data at all and one did not communicate its data regarding recent works. In 2010, 55 channels did not communicate any data at all.

The number of non-communicated data increased with respect to the previous reporting period.

### European works

All reported channels broadcast an average of 48.1% in 2009 and 47.4% in 2010 representing a -0.7 percentage point decrease over the reference period.

In 2009 out of 448 reported channels 239 did not achieve the proportion of European works set out in Article 16. The compliance rate<sup>42</sup> was 44.5%.

In 2010 out of 468 reported channels, 252 did not reach the majority proportion of European works. The compliance rate was 41.3%.

As was the case in the previous reference period, the UK report indicates a variety of constraints to explain failures to reach the required proportion of European works: the specific programming and the recent nature of some channels; the difficulty in finding European programmes and at competitive prices; the fact that some channels are subsidiaries of companies based in non-EU countries and broadcast programmes mainly from their stocks. The Commission reiterates that the proportion of European works set out in Article 16 (1) of the Directive applies to all channels of broadcasters falling under the jurisdiction of a Member State and covered by Articles 16 and 17, in particular in view of ensuring equal competition conditions.

Some channels (in particular ANIMAX, Jimjam and FILMBOX channels) have also indicated their intention to increase the volume of European works in their programming. The Commission welcomes this positive element. At the same time it invites the British regulatory authority to encourage the failing broadcasters falling within its jurisdiction to increase the broadcasting time devoted to European works.

### European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 28.5% in 2009 and 27.5% in 2010 representing a 1 percentage point decrease over the reference period.

In 2009, out of 448 reported channels, 169 did not reach the proportion of independent works set out in Article 17. The compliance rate was 59.4%.

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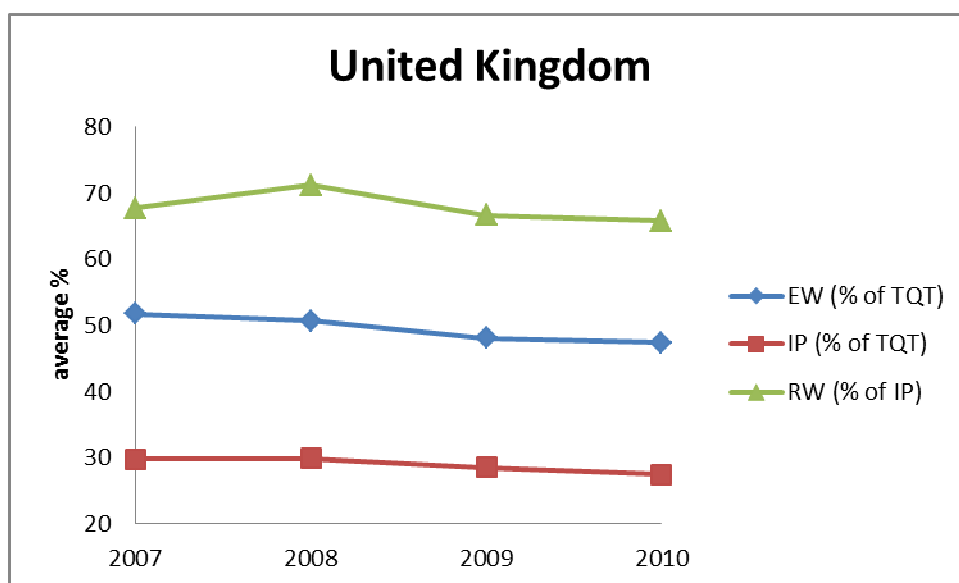
<sup>42</sup> See footnote 13

In 2010, out of 468 reported channels, 185 did not reach the 10% proportion of independent works. The compliance rate was 54.1%.

The average relative proportion of recent European works by independent producers for all reported channels was 66.6% in 2009 and 65.8% in 2010, representing a 0.8 percentage point decrease over the reference period.

The national report indicates similar reasons for failure to reach the minimum proportion of independent works: recent nature of channels, difficulty in finding cost competitive European independent productions and specificity of the programmes broadcast (such as live broadcasts). The Commission would like to recall the remarks made above in respect of Article 16(1).

The evolution of the averages achieved over the period 2007-2010 for European works, independent productions and recent works is reproduced in the chart below:



### **3. APPLICATION OF ARTICLES 16 AND 17: SUMMARY OF THE REPORTS FROM THE MEMBER STATES**

Key abbreviations:

EW European works<sup>43</sup> in relation to TQT (see Article 16 of the Directive)

IP European works made by independent producers in relation to TQT (see Article 17 of the Directive)

RW Recent European works by independent producers in relation to IP (see Article 17 of the Directive)

TQT Total qualifying transmission time (excluding news, sport events, games, advertising, teletext services and teleshopping)

NC Channels for which no data was communicated

NO Channels non-operational during the year concerned

EX Channels exceptionally exempt or exempt under the 'where practicable' provision (following specific reasons given by the Member States)

#### **Disclaimer**

**This part contains statements by the Member States which do not necessarily represent the Commission's opinion.**

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<sup>43</sup> See definition under Article 1 (n) of the AVMS Directive

### 3.1. Belgium

The Commission received two reports, one from the Flemish Community (BE-FL – Vlaamse Gemeenschap) and one from the French Community of Belgium (BE-FR – Communauté française de Belgique). Some information concerning the Public Service Broadcaster falling under the jurisdiction of the German Community of Belgium was also provided.

#### 3.1.1. Belgium Flemish Community

##### PART 1 - Statistical data

Number of channels identified:	53	Reference period: 2009/2010
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Number of channels exempted	11	Quota: 11	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
ACTUA - TV	Actua TV	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
BELGIAN BUSINESS TELEVISION	Kanaal Z	100.0%	100.0%	36.0%	41.0%	100.0%	100.0%
Bites Europe NV	Acht	54.4%	61.3%	36.4%	42.5%	91.6%	67.2%
EURO 1080	Exqi / Exqi VL.	NC	NC	NC	NC	NC	NC
EURO 1080	Exqi Culture	NC	98.0%	NC	32.0%	NC	100.0%
EURO 1080	Exqi Sport	NC	100.0%	NC	64.0%	NC	100.0%
EVENT TV VLAANDEREN	Liberty TV Vlaanderen	NC	NC	14.2%	6.6%	NC	NC
LIFE ! TV BROADCASTING COMPANY NV	Life! TV	100.0%	100.0%	66.7%	66.7%	100.0%	100.0%
MEDIA AD INFINITUM	Vitaliteit	82.0%	71.0%	94.0%	94.0%	100.0%	100.0%
MEDIA AD INFINITUM	Vitaya	55.0%	51.0%	89.0%	92.0%	97.0%	93.0%
Ment Media BVBA	MENTtv	95.0%	95.0%	100.0%	70.0%	95.0%	85.0%
MTV NETWORKS BELGIUM	TMF Live HD	58.0%	53.0%	38.0%	40.0%	100.0%	85.0%
MTV NETWORKS BELGIUM	TMF Vlaanderen	51.0%	53.0%	39.0%	40.0%	86.0%	85.0%
SBS BELGIUM	VijfTV	19.9%	22.0%	89.7%	98.9%	78.4%	30.2%
SBS BELGIUM	VT4	29.1%	26.6%	89.5%	95.4%	88.6%	45.1%
SKYNET IMOTION ACTIVITIES	I1 (version in Flemish)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
SKYNET IMOTION ACTIVITIES	I1 TV PPV (version in Flemish)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Studio 100	Studio 100 TV	NC	NC	NC	NC	NC	NC
TELENET	Gay Passion	NC	NC	NC	NC	NC	NC

TELENET	Prime Action	21.0%	20.5%	95.5%	95.5%	99.0%	99.0%
TELENET	Prime Action +1	21.0%	20.5%	95.5%	95.5%	99.0%	99.0%
TELENET	Prime Family	26.0%	25.5%	95.5%	95.5%	99.0%	99.0%
TELENET	Prime Fezztival	37.0%	39.0%	95.5%	95.5%	99.0%	99.0%
TELENET	Prime One / Star HD	29.0%	29.5%	95.5%	95.0%	NC	NC
TELENET	Prime Series	35.0%	35.0%	94.0%	95.0%	99.0%	99.0%
TELENET	Prime Sport	95.0%	95.5%	89.0%	90.0%	100.0%	100.0%
TELENET	Prime Sport 2	95.0%	95.0%	99.0%	99.0%	100.0%	100.0%
TELENET	Prime Sport HD	NC	NC	89.0%	90.0%	NC	NC
TELENET	Prime Star	29.0%	29.5%	95.5%	95.0%	99.0%	99.0%
TELENET	Prime Star +1	29.0%	29.5%	95.5%	95.0%	99.0%	99.0%
TELENET	X Passion	NC	NC	NC	NC	NC	NC
T-VGAS NV	Gunk TV	66.0%	NC	14.0%	NC	100.0%	NC
Via Plaza NV	Onze TV	36.0%	57.0%	34.0%	54.0%	100.0%	100.0%
VLAAMSE MEDIA MAATSCHAPPIJ	2BE	39.8%	50.6%	94.7%	91.7%	94.9%	94.0%
VLAAMSE MEDIA MAATSCHAPPIJ	Jim TV	89.3%	89.9%	6.8%	5.1%	96.6%	98.0%
VLAAMSE MEDIA MAATSCHAPPIJ	VTM	74.2%	67.6%	62.4%	57.7%	77.2%	76.3%
VLAAMSE MEDIA MAATSCHAPPIJ	vtmKzoom	NO	91.4%	NO	96.1%	NO	59.6%
VLAMEX	Stories TV	100.0%	80.0%	20.0%	65.0%	100.0%	70.0%
VRT - DE VLAAMSE RADIO-EN TELEVISIEOMROEP	Canvas	88.0%	85.0%	9.0%	4.0%	70.0%	100.0%
VRT - DE VLAAMSE RADIO-EN TELEVISIEOMROEP	Één (VRT)	88.0%	88.0%	25.0%	25.0%	91.0%	98.0%
VRT - DE VLAAMSE RADIO-EN TELEVISIEOMROEP	Ketnet	69.0%	73.0%	28.0%	27.0%	48.0%	66.0%
VRT - DE VLAAMSE RADIO-EN TELEVISIEOMROEP	Ketnet+ / Canvas+	NC	NC	NC	NC	NC	NC
<b>Covered Channels (IND 1)</b>		<b>41</b>	<b>42</b>	<b>41</b>	<b>42</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>48.8%</b>	<b>57.1%</b>	<b>78.0%</b>	<b>78.6%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>62.9%</b>	<b>65.7%</b>	<b>68.4%</b>	<b>70.8%</b>	<b>93.8%</b>	<b>89.3%</b>

## PART 2 – Comments

### Monitoring method

Data collecting by the Vlaamse Regulator voor de Media (Flemish Regulator for the Media).

### A) Reasons given by the Member State for failure to reach

1. Majority proportion of European works (Article 16):

#### VMMa (Vlaamse Media Maatschappij):

In 2009 the broadcasting channel 2BE did not achieve the 50% proportion of European productions (39,8%). The percentage of independent productions has stabilised compared with the previous report.

If the three broadcasting channels of the VMMa (VTM, 2BE and vtmKzoom) are considered together, the conclusion is that the requirements of article 16 have been achieved in 2009.

In 2010 2BE achieved the 50% proportion of European productions (50,6%).

#### SBS Belgium:

The broadcasting channel VT4 did not achieve the 50% proportion of European productions (29,1% in 2009 and 26,6% in 2010).

The majority of VT4 programming in prime time are local productions. These productions are very expensive for the broadcaster, given that they target a small market with fragmented advertising spending. More than 50% of the budget was spent on European productions, so this broadcasting channel, SBS, can indeed be said to be making genuine efforts to show European and independent productions.

The broadcasting channel VijfTV did not achieve the required proportion either. Mainly bought-in programmes were broadcast. In 2010 a share of 22% was achieved. Moreover, an average 4 hours per day are devoted to phone-in games. This time is not included in the statistics, however. These programmes are produced by a Dutch production company and therefore should, in the view of the Flemish authorities, be regarded as European productions.

#### 2. A minimum proportion of European works by independent producers (Article 17):

Here the only comment to be made concerns the public broadcaster VRT for 2009 and 2010, and more specifically Canvas.

VRT's second broadcasting channel is divided between Ketnet (for children and young people) and Canvas (information, culture, education).

Canvas's broadcasts did not achieve the target set in article 17 (9% in 2009 and 4% in 2010). If both Ketnet and Canvas are considered as a whole, however, the target would have been met easily (18,5% in 2009 and 15,5% in 2010).

#### **B) Measures taken by or envisaged by the Member State**

The Flemish authorities do not envisage taking any measures.

#### **C) Further comments**

The Flemish media landscape comprises a public broadcaster and private broadcasters. The number of private broadcasters has significantly increased. The regional broadcasters do not fall within the scope of Article 16 and 17.

A number of channels which could not supply their data for the period 2009-2010 because they ceased operations in the meantime have been removed from the table (Kinopolis TV1,

Kinepolis TV2, Euro 1080, HD NL, HD1, HD2, Kust Televisie, Move-on (Flemish version), Move-X TV (Flemish version) and Carrousel).

## BELGIUM

### 3.1.2 Belgium French Community

#### PART 1 - Statistical data

Number of channels identified:	21	Reference period: 2009/2010
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Number of channels exempted	5	Quota: 5	Reporting: 0
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
BELGIUM TELEVISION	AB3	59.4%	53.1%	27.2%	27.4%	31.2%	46.4%
BELGIUM TELEVISION	AB4	71.7%	68.8%	42.0%	49.4%	8.5%	18.6%
BETV	Be 1	56.8%	51.2%	39.6%	36.5%	99.0%	98.1%
BETV	Be 1 + 1	56.8%	51.2%	39.6%	36.5%	99.0%	98.1%
BETV	Be à la séance	61.3%	65.5%	61.3%	65.5%	99.6%	99.4%
BETV	Be Ciné	57.2%	48.7%	53.9%	48.5%	96.5%	95.5%
BETV	Be Séries	54.2%	55.4%	37.2%	43.1%	98.9%	97.2%
BETV	Be Sport 1	100.0%	95.4%	13.7%	5.1%	100.0%	100.0%
BETV	Be Sport 2	100.0%	100.0%	26.4%	28.5%	100.0%	100.0%
LIBERTY TV EUROPE	Liberty TV	99.4%	89.3%	67.4%	46.9%	48.3%	30.5%
MCM BELGIQUE	MCM Belgique	52.1%	NO	20.4%	NO	87.2%	NO
MTV NETWORKS WALLONIA	Nickelodeon - MTV Wallonia	25.8%	31.1%	14.8%	29.6%	99.5%	97.7%
RTBF	La Deux (RTBF2)	81.1%	78.9%	49.9%	40.1%	73.0%	65.4%
RTBF	La Trois (RTBF3)	NO	89.0%	NO	47.4%	NO	54.8%
RTBF	La Une (RTBF1)	85.6%	80.8%	46.3%	32.9%	66.5%	72.4%
SKYNET IMOTION ACTIVITIES	11	100.0%	100.0%	EX	EX	EX	EX
Covered Channels (IND 1)		15	15	14	14	-	-
Compliance rate (IND 3 and 5)		93.3%	86.7%	100.0%	92.9%	-	-
Average % (IND 2, 4, and 6)		70.8%	70.6%	38.5%	38.4%	79.1%	76.7%

#### PART 2 – Comments

##### Monitoring method

In the Belgian French Community, the Audiovisual Council (CSA) monitors compliance with the various European quotas based on the following factors: an annual declaration made by



broadcasters; submission of a sample of one week of programmes per quarter, which is defined subsequently by the regulatory body, using an electronic chart and dated and categorised data; an audit of calculation methods; checking the data against the published programme schedules and against a sample of programmes stored on a monitoring system; lastly, in cases of non-compliance, an investigation procedure, hearing and a decision taken by the independent authority accompanied, if necessary, by a penalty. The CSA may also impose penalties if stations fail to submit the appropriate data. The audit reports and any decisions taken by the CSA in the event of non-compliance are published, specifically on its website: [www.csa.be](http://www.csa.be)

#### **A) Reasons given by the Member State for failure to reach**

##### **1. A majority proportion of European works (Article 16):**

##### **MTV – Nickelodéon-MTV Wallonia – 2009 (25.8%)**

The station stated that it had had 'great difficulty collecting all the data (particularly clip details) for the requested samples', and that it has therefore completely excluded the programmes for which no data were available.

Specifically concerning programming for Nickelodéon, the station judged that it was very difficult to reach the quota 'because the popularity of MTV NETWORKS WALLONIA is based on the specific nature of its programmes, taken from the catalogue of its parent company, the VIACOM group. Its economic model also relies on giving priority to the use of this catalogue'. In the station's opinion, 'MTV NETWORKS WALLONIA cannot question the very nature of its schedule in order to avoid a potential penalty'. The station has requested 'special dispensation, adjusted to take the nature, the above specificities and the impact of the service into consideration, which would allow MTV NETWORKS WALLONIA to develop its activity in the Belgian French Community while guaranteeing better promotion of European and independent audiovisual productions'.

The station believes that Nickelodéon's programming is 'by nature' not European, but completely international. Insofar as Article 44(3) does not refer to specific criteria, the station feels justified in applying this article's provision for derogation from quotas of European works, for linear television services which 'by nature intend to offer exclusively or mainly non-European works'. Regarding MTV music programming, the station pointed out that it is 'not dependent on the VIACOM catalogue. Therefore, in order to meet European quotas, almost all (90%!) of the music works are European works. In this way, we hope to demonstrate our willingness to meet the quotas. The contribution of MTV NETWORKS WALLONIA to independent productions by the French Community of Belgium will also contribute to this promotion'.

Finally, the station stated that it had put, and was putting, mechanisms into place to compensate for the lack of European works: investing in Belgian independent productions, launching production by the MTV-Nickelodéon Wallonia channel itself, programming French Community musical works that could have a positive effect on the total number of European works.

### **MTV – Nickelodéon-MTV Wallonia – 2010 (31.1%)**

The service reiterated an argument similar to that of 2009. It drew the Board's attention to progress made in 2010 in comparison to the previous year: 'please note that the proportion of European works has increased significantly in comparison to the previous year (30.93% compared to 25.81% in 2009) and we are still making efforts to reach the quota.' In particular, these efforts consist of 'broadcasting works, since 2009, by independent producers from the French Community of Belgium which MTV has invested in'.

### **BeTV – Be ciné – 2010 (48.7%)**

The station declared that the examined sample was 'particularly unfavourable' and claimed to have met the majority quota obligation over the whole of 2010, putting forward a figure of 51.23%.

### 2. A minimum proportion of European works by independent producers (Article 17):

#### **BTV – AB3 – 2009 (8.5%) /AB4 – 2009 (3.6%)**

Regarding the broadcasting of recent independent European works for AB3 and AB4, the station stated that 'AB3 almost reached the 10% quota in 2009 for the broadcasting of European works by independent producers within five years of their production, but cannot surpass it. However, once the new schedule was put in place in September 2009, special attention was given to the choice of programmes to be transmitted in order to come closer to reaching this quota. In this way, in the last four months of the year, AB3 met the 10% set down in Article 44 of the Audiovisual Media Services Decree'.

It added that 'as at 31 May 2010, the average broadcasting time of recent independent European works on AB3 is over 10%' while 'the average broadcasting time on AB3 of recent independent European works since September 2009 comes to 11.2%'.

Concerning the specific situation of AB4, 'because the channel has only recently started sharing with AB SHOPPING', the station stated that it is 'not yet possible to judge to exactly what degree this obligation has been met over the first months of 2010', but it will notify the Board accordingly 'as soon as possible'.

In the station's opinion 'AB4 is a fiction channel with a very small audience (+/- 1%), generating a low, and insufficient, turnover. Because of its editorial position ("the cult series channel"), it has intrinsic difficulties in meeting the obligation (...) particularly since there are so few fiction producers independent of all broadcasting services'. It deduced from this that 'programmes that could meet the definition of the quota and comply with AB4's editorial policy are rare, and therefore expensive. Due to its low income, it is very difficult for AB4 to buy these programmes'. It concluded that 'nevertheless, BTV will do its best to improve its compliance with this obligation'.

The station also announced an in-depth review of the identity and programming of AB4, as a follow-up to the review of AB3 carried out in recent months. It stressed, however, that its editorial position is not due to change fundamentally, which will make it difficult for AB4 to meet this obligation if considered in isolation.

#### **BTV - AB4 – 2010 (9.2%)**

The station has stated that 'the editorial position of AB4, which is devoted to broadcasting old series and cult films, is incompatible with the quota's recency criterion. However, BTV pays special attention to meeting its obligations and has therefore invested in recent high-quality European series such as "Los Serrano" and "SOKO Leipzig". The obligation was almost met in 2010, since 9.7% of AB4's broadcast over the sample period consisted of recent independent European works, compared to 3.55% in 2009. Finally, the CSA has, in the past, assessed this quota as an average over the totality of a station's broadcasting services. For 2010, the BTV quota then reaches 11.5%'.

#### **BeTV – Be sport 1 – 2010 (5.1%)**

The station stressed how limited the eligible time was (35 hours out of a total of 672), based on the following calculations: 'what conclusion can be drawn from the analysis of 5% of the broadcasting time of a channel 95% devoted to sports events, apart from the special nature of this channel? (...) of which the attraction for our subscribers is based on sports events.' BeTV S.A. also identified 'the difficulty of acquiring European works from independent producers in the area of sports, since in order to broadcast any "sports" work, sports rights must first be obtained. These sports rights are not easily accessible to independent producers (...) Independent production in the area of sports is therefore very limited and BeTV only receives very few offers'. In terms of the law, the station wished to share its interpretation of Article 44 of the decree with the Board: 'Article 4 of the European Directive on the pursuit of television broadcasting activities provides that the obligation to meet a broadcasting quota applies to the sum of linear services provided by a particular station. The decree is in keeping with a broadcasting obligation level based on the average over all of a station's services. Enforcement of this obligation therefore applies to the sum of services provided by BeTV and not to one service in particular. It is true that the decree stipulates in Article 40 that information on broadcasting quotas must be provided by the station, service by service, to the Authorisation and Supervisory Board. To summarise, it appears that information on broadcasting time is provided service by service but the CSA's inspection of a station must be carried out in terms of the totality of its services. This is our interpretation of Article 44 of the decree'.

BeTV S.A. concluded by stressing that it is 'very attentive to the promotion of European works and independent European works, as shown by the analysis of BeTV services in the 2010 annual report, and that it is committed to continuing in this vein, in compliance with the decree'.

#### Recent works

#### **BeTV – Be sport 1 – 2010 (5.1%)**

See above

#### **B) Measures taken or envisaged by the Member State**

##### Majority proportion of European works (Article 16):

#### **MTV – Nickelodéon-MTV Wallonia – 2009 (25.8%)**

The Authorisation and Supervisory Board notified the service of its failure to meet the quota

for a majority of European works. At the end of the litigation proceedings, it adopted the following decision:

'The station has testified to being in the special situation of starting up an activity specific to the French Community, and to the difficulties of promoting European works, because of its programming being so reliant on the parent company's catalogue.

The Board has considered the importance of a French Community-based thematic service for children, programming a significant number of animation productions, and the contribution that it could bring to the influence of the animation sector in the French Community. It agrees to take into consideration the efforts announced by the station to acquire autonomy over the decisions regarding production and programming, as this will also contribute to meeting the objective for the promotion of European works.

(...)

After deliberation, the Authorisation and Supervisory Board has issued MTV Networks Wallonia SPRL with a warning.

#### **MTV – Nickelodéon-MTV Wallonia – 2010 (31.1%)**

The Authorisation and Supervisory Board identified, as was the case for the previous year, a failure to comply with legal requirements, while noting the nearly 3% increase in the proportion of European works compared to 2009, thereby reaching 31.11%. Taking the station's efforts into consideration, the Board has taken careful note of the steps the station intends to take in order to improve the situation from year to year. Consequently, the Authorisation and Supervisory Board has suspended their notification of non-compliance to MTV Networks Belgium S.A. on condition that their efforts result in improvement of their quota performance at each inspection until they comply with the Coordinated Decree on Audiovisual Media Services.

#### **BeTV – Be ciné – 2010 (48.7%)**

The Board judged that quotas were met over the totality of the station's services, which reached a level of 62.46%.

#### Minimum proportion of European works by independent producers (Article 17):

#### **BTV – AB3 – 2009 (8.5%)/AB4 – 2009 (3.6%)**

The Board has noted the station's statements according to which the proportion of independent European works has increased since September 2009, owing to a qualitative change of the programming schedule and a new strategic position associated with the reinforcement of its capital by a key stakeholder in the audiovisual sector.

In view of the previous performance of the station, which has been issued successively with a warning and fines of EUR 20 000 and EUR 40 000 at the end of the past three years, the Authorisation and Supervisory Board ordered BTV S.A. to pay an administrative fine of eighty thousand euros (EUR 80 000).

However, the Board considered the most recent data presented by the station, demonstrating

significant efforts to ensure that the programming of AB3 complied with the obligation over the period of one year from September 2009. It also noted the station's explicit intention to conform to the Decree through the reorganisation of its television schedule, with drive and ambition supported by the reinforcement of its capital by a key stakeholder on the audiovisual scene. Consequently, the College suspended the implementation of this order until 15 September 2011, pending:

- a concrete interim evaluation of this progress at the time of the annual inspection for 2010;
- an evaluation of the first semester of 2011, including the programming initiatives taken in planning the schedule for the 2011-2012 season;
- any other relevant, concrete and verifiable information allowing the Board to judge that the aim of associating the independent European production sector with the reorganisation of the BTV station in the French Community of Belgium was indeed being carried out in the legal proportions;

In its final decision on 20 October 2011, the Board noted the station's continued and lasting efforts, achieving an average of 10.65% broadcasting of recent independent European works over the two services for the first semester of 2011. The fine was therefore not imposed.

#### **BTV - AB4 – 2010 (9.2%)**

The average proportion of recent independent European works broadcast over the two BTV services was 11.43% for 2010. The Board noted that overall the service had complied with the obligation.

#### **BeTV – Be sport 1 – 2010 (5.1%)**

The Board noted that quotas were met over the totality of BeTV's services, reaching a level of 59.6%.

#### Recent works

#### **BeTV – Be sport 1 – 2010 (5.1%)**

The Board noted that quotas were met over the totality of BeTV's services, reaching a level of 58.99%.

### 3.2 Bulgaria

#### PART 1 - Statistical data

Number of channels identified:	51	Reference period: 2009/2010
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Number of channels exempted	7	Quota: 7	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
BALKAN BULGARSKA TELEVISION AD	BBT	NC	NC	NC	NC	NC	NC
BTV MEDIA GROUP EAD	BTV	73.9%	71.7%	24.0%	30.5%	100.0%	100.0%
BTV MEDIA GROUP EAD	BTV ACTION/PRO BG	45.3%	36.4%	8.8%	8.0%	92.6%	88.7%
BTV MEDIA GROUP EAD	BTV CINEMA	22.8%	23.6%	5.8%	3.7%	51.4%	29.7%
BTV MEDIA GROUP EAD	BTV COMEDY	22.0%	34.0%	4.7%	15.0%	46.0%	54.0%
BULGARIA KABEL TV OOD	Bulgaria TV (BGTV)	75.0%	72.0%	12.0%	9.0%	9.9%	12.9%
BULGARIAN NATIONAL TELEVISION	BNT 1 (BNT)	79.2%	76.3%	21.1%	11.8%	7.6%	2.2%
BULGARIAN NATIONAL TELEVISION	BNT WORLD	2.1%	2.7%	NC	NC	NC	NC
ELIT MEDIA BULGARIA OOD	Kanal 3	52.0%	71.5%	28.0%	18.5%	NC	1.0%
ESTATE TV	TV 1	NC	NC	NC	NC	NC	NC
EVROKOM BULGARIA EOOD	NBT	52.0%	50.0%	11.0%	13.0%	NC	NC
EVROKOM NATSIONALNA KABELNA TELEVISION OOD	E-KIDS	31.1%	33.2%	19.7%	21.2%	56.5%	48.6%
EVROKOM NATSIONALNA KABELNA TELEVISION OOD	Evrokom NKTV	47.9%	51.2%	23.6%	17.7%	58.3%	43.2%
FEN TI VI OOD	Balkanika Music TV	70.0%	70.0%	100.0%	100.0%	100.0%	100.0%
FEN TI VI OOD	Fen	15.0%	95.0%	100.0%	95.0%	100.0%	95.0%
FOLKLOR TV OOD	Folklor TV	100.0%	100.0%	45.0%	27.0%	7.0%	12.0%
FOX INTERNATIONAL CHANNELS BULGARIA	FOX CRIME BG	0.5%	5.9%	0.5%	0.2%	100.0%	100.0%
FOX INTERNATIONAL CHANNELS BULGARIA	FOX LIFE BG	1.5%	6.6%	1.5%	0.6%	100.0%	93.0%
IASDMOEA	VTK- Voenen Televizionen Kanal	90.0%	89.9%	NC	0.1%	NC	0.1%
KIS OOD	KIS M+	100.0%	100.0%	70.0%	65.0%	55.0%	65.0%
KIS OOD	KIS13	65.0%	75.0%	50.0%	55.0%	20.0%	25.0%

LATINA F	LATINA F	57.7%	53.4%	30.3%	29.2%	53.2%	43.4%
M SAT TV EOOD	MSAT	38.2%	25.5%	27.7%	8.2%	13.1%	13.4%
MTG/MODERN TIMES GROUP	DIEMA	19.1%	33.6%	1.3%	2.0%	100.0%	100.0%
MTG/MODERN TIMES GROUP	DIEMA 2/KINO NOVA	14.8%	32.9%	3.9%	NC	100.0%	NC
MTG/MODERN TIMES GROUP	DIEMA Family	23.6%	30.3%	NC	5.8%	NC	78.9%
MTG/MODERN TIMES GROUP	Nova TV (Bulgaria)	59.7%	66.0%	16.5%	23.7%	88.9%	93.1%
PIONEER MEDIA OOD	Planeta Folk	100.0%	100.0%	12.1%	12.2%	26.0%	28.0%
PIONEER MEDIA OOD	PLANETA HD	NC	100.0%	NC	NC	NC	NC
PIONEER MEDIA OOD	Planeta TV	100.0%	100.0%	12.5%	12.9%	32.0%	36.0%
POP CORE MEDIA OOD	POP CORE TV	60.0%	70.2%	7.3%	4.0%	NC	NC
RADIO CITY OOD	City TV	NC	NC	NC	NC	NC	NC
RADIO VESELINA EAD	THE VOICE	NO	100.0%	NO	NC	NO	NC
SKAT OOD	SKAT	99.0%	99.0%	NC	NC	NC	NC
SKAT OOD	SKAT +	99.0%	99.0%	NC	NC	NC	NC
TELEVIZIA EVROPA AD	TV Evropa	30.0%	42.0%	0.5%	1.5%	60.0%	60.0%
TELEVIZIA VARNA AD	TV VARNA	65.0%	65.0%	21.0%	21.0%	67.0%	72.0%
TJANKOV OOD	Tiankov TV	100.0%	100.0%	NC	NC	NC	NC
TV SAT COM EOOD	TV SAT COM	NO	57.0%	NO	20.0%	NO	100.0%
TV SEDEM EAD	TV7 (Bulgaria)	55.0%	54.0%	11.0%	11.5%	11.0%	100.0%
TV SEDM EAD	Super 7	41.0%	40.0%	6.0%	4.0%	6.0%	100.0%
TVT OOD	TVT /TELEVISIA TURISME	NO	100.0%	NO	50.0%	NO	50.0%
VEST TV AD/VTV	VEST TV/VTV	65.0%	68.0%	18.0%	22.0%	85.0%	80.0%
VVD-RUJCHEV OOD	Rodina	100.0%	100.0%	NC	NC	NC	NC
<b>Covered Channels (IND 1)</b>		<b>41</b>	<b>44</b>	<b>41</b>	<b>44</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>53.7%</b>	<b>63.6%</b>	<b>48.8%</b>	<b>47.7%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>56.0%</b>	<b>63.4%</b>	<b>23.1%</b>	<b>21.8%</b>	<b>57.3%</b>	<b>58.9%</b>

## PART 2 – Comments

### Monitoring method

For the period 2009-2010, information under Articles 16 and 17 of the Directive has been requested from the broadcasters falling under the Bulgarian jurisdiction.

Out of the 45 identified television channels belonging to 32 linear media service providers five channels were either inactive or exempt during parts of the reference period.

## **A) Reasons given by the Member State for failure to reach**

### 1. Majority proportion of European works (Article 16):

The majority of the channels (22 in 2009 and 29 in 2010) fulfilled and surpassed the 50% quota laid down for European works.

### 2. A minimum proportion of European works by independent producers (Article 17):

As regards the 12% threshold for works created by independent producers set out in the Bulgarian legislation, the results are lower than for European works (18 fulfilled the quota in 2009 and 20 in 2010), which can be explained by the media service providers' different financial capacities (especially during a financial crisis).

As regards those channels which have not reached the specified thresholds for the indicators in question, the main explanation is that the law incorporates the "where practicable" principle. The channels concerned also have certain specific characteristics which are incompatible with the requirements of Articles 16 and 17 of the Audiovisual Media Services Directive and Article 19 of the Radio and Television Act, respectively.

## **B) Measures taken by or envisaged by the Member State**

### **C) Further comments**

No further comments.



### 3.3 Czech Republic

#### PART 1 - Statistical data

Number of channels identified:	77	Reference period: 2009/2010
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Number of channels exempted	7	Quota: 7	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
Barrandov Televizní Studio a.s.	Televize Barrandov	64.8%	68.0%	50.5%	34.9%	27.4%	18.1%
Česká programová společnost spol. s r.o.	Spektrum	68.0%	65.0%	43.0%	42.0%	70.0%	68.0%
Česká televize	ČT1	79.3%	81.2%	20.3%	18.8%	51.9%	49.2%
Česká televize	ČT2	90.6%	91.1%	19.4%	21.9%	68.7%	72.7%
Česká televize	ČT24	100.0%	99.8%	0.7%	2.3%	100.0%	100.0%
Českomoravská televizní,s.r.o.	Vysočina TV	100.0%	100.0%	51.2%	67.2%	100.0%	100.0%
Československá filmová společnost, s.r.o.	CS film	100.0%	100.0%	96.2%	94.7%	1.5%	1.1%
Československá filmová společnost, s.r.o.	CS mini	93.5%	100.0%	78.8%	70.8%	8.1%	1.3%
CET 21 spol. s r.o.	MTV	66.3%	70.8%	3.1%	3.4%	90.9%	99.2%
CET 21 spol. s r.o.	Nova	55.8%	54.5%	22.3%	23.9%	28.4%	20.9%
CET 21 spol. s r.o.	Nova Cinema	36.5%	30.2%	34.1%	24.6%	40.1%	24.8%
Chello Central Europe s.r.o.	Minimax	55.0%	55.0%	52.0%	43.0%	73.0%	69.0%
Chello Central Europe s.r.o.	TV Paprika	70.0%	86.5%	31.0%	71.5%	65.0%	87.0%
Disney Channels(Benelux) B.V. JETIX	JETIX (CR,SR, Mad)	29.0%	17.3%	20.0%	5.9%	7.0%	3.5%
Disney Channels(Benelux)B.V JETIX	JETIX	32.0%	14.3%	22.0%	2.9%	9.0%	2.6%
Disny Channels(Benelux)B.V.JETIX XD	JETIX XD	30.0%	11.4%	12.0%	1.9%	5.0%	1.9%
FATEM - TV a.s.	RTA JIŽNÍ MORAVA	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
FILM EUROPE s.r.o.	DOKU CS	NO	100.0%	NO	100.0%	NO	1.6%
FILM EUROPE s.r.o.	KINO CS	100.0%	100.0%	100.0%	100.0%	3.1%	0.6%
FILM EUROPE s.r.o.	MUZIKA CS	NO	100.0%	NO	100.0%	NO	0.0%
FTV Prima s.r.o.	Prima Cool	16.6%	14.4%	10.8%	10.3%	30.0%	50.3%
FTV Prima s.r.o.	Prima TV	51.1%	54.1%	21.5%	26.7%	100.0%	96.1%
FTV Prima s.r.o.	R 1	41.8%	23.2%	12.9%	20.2%	100.0%	50.0%
GENUS TV a.s.	GENUS TV	100.0%	100.0%	82.4%	0.0%	100.0%	0.0%
HBO Česká republika, spol. s r.o.	Cinemax	41.9%	37.6%	22.3%	14.0%	70.1%	67.8%

HBO Česká republika, spol. s r.o.	Cinemax2	41.9%	37.6%	22.3%	14.0%	70.1%	67.8%
HBO Česká republika, spol. s r.o.	HBO	24.1%	22.3%	13.3%	5.1%	100.0%	98.6%
HBO Česká republika, spol. s r.o.	HBO 2 PL	30.1%	30.2%	14.3%	12.0%	94.1%	99.5%
HBO Česká republika, spol. s r.o.	HBO ADRIA	20.1%	19.3%	10.0%	4.3%	99.2%	97.4%
HBO Česká republika, spol. s r.o.	HBO COMEDY ADRIA	26.3%	16.3%	11.8%	4.8%	98.3%	100.0%
HBO Česká republika, spol. s r.o.	HBO Comedy Poland	37.0%	24.2%	17.8%	7.6%	90.5%	98.2%
HBO Česká republika, spol. s r.o.	HBO COMEDY REGIONAL	29.5%	17.8%	12.4%	3.8%	97.9%	100.0%
HBO Česká republika, spol. s r.o.	HBO HU	23.8%	21.2%	10.7%	5.9%	100.0%	98.5%
HBO Česká republika, spol. s r.o.	HBO PL	28.8%	29.1%	14.3%	9.2%	95.0%	99.4%
HBO Česká republika, spol. s r.o.	HBO RO	21.2%	21.8%	11.8%	5.9%	98.3%	92.2%
HBO Česká republika, spol. s r.o.	HBO2	23.7%	21.1%	12.2%	5.6%	97.3%	100.0%
HELP FILM, s.r.o.	Filmbox	50.3%	46.1%	50.3%	46.1%	15.9%	6.4%
HELP FILM, s.r.o.	Filmbox Family	29.6%	42.0%	29.6%	42.0%	57.8%	25.4%
HELP FILM, s.r.o.	Nonstop kino HD/Filmbox HD	25.0%	22.8%	25.0%	22.8%	57.9%	24.5%
HELP FILM, s.r.o.	Nonstop kino/Filmbox Extra	44.2%	40.7%	44.2%	40.7%	64.0%	77.4%
HELP FILM, s.r.o.	Nostalgia	100.0%	NO	100.0%	NO	0.0%	NO
HUKU s.r.o.	Ethnic TV	100.0%	NC	13.0%	NC	100.0%	NC
MaxiFilm&TV s.r.o.	Da Vinci	NC	NO	NC	NO	NC	NO
MTV NETWORKS s.r.o.	Classic European	NO	46.0%	NO	46.0%	NO	1.0%
MTV NETWORKS s.r.o.	Comedy Central Hungary	NO	31.0%	NO	24.0%	NO	85.0%
MTV NETWORKS s.r.o.	Comedy Central Polska	NO	19.0%	NO	19.0%	NO	30.0%
MTV NETWORKS s.r.o.	MTV European	NO	20.0%	NO	18.0%	NO	96.0%
MTV NETWORKS s.r.o.	MTV Hungary	NO	14.0%	NO	10.0%	NO	97.0%
MTV NETWORKS s.r.o.	MTV Polska	NO	25.0%	NO	19.0%	NO	97.0%
MTV NETWORKS s.r.o.	Nickleodeon	NO	7.0%	NO	3.0%	NO	100.0%
MTV NETWORKS s.r.o.	Nickleodeon European	NO	4.0%	NO	3.0%	NO	100.0%
MTV NETWORKS s.r.o.	VH 1 European	NO	37.0%	NO	36.0%	NO	54.0%
MTV NETWORKS s.r.o.	VH1 Polska	NO	51.0%	NO	47.0%	NO	68.0%

MTV NETWORKS s.r.o.	Viva Hungary	NO	50.0%	NO	50.0%	NO	85.0%
MTV NETWORKS s.r.o.	Viva Polska	NO	78.0%	NO	50.0%	NO	93.0%
PK 62, a.s.	LEO TV	94.2%	95.8%	27.3%	26.7%	98.1%	25.8%
První zpravodajská, a.s.	Z1	32.7%	71.0%	13.2%	17.0%	100.0%	100.0%
Regionální televize DAKR, s.r.o.	DAKR	100.0%	NO	80.6%	NO	100.0%	NO
RTA JIŽNÍ ČECHY, s.r.o.	RTA JIŽNÍ ČECHY	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
RTA OSTRAVA s.r.o.	RTA OSTRAVA	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
RTA VÝCHODNÍ ČECHY, s.r.o.	RTA VÝCHODNÍ ČECHY	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
RTA ZLÍN, s.r.o.	RTA ZLÍN	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
SAT Plus, s.r.o.	FUN1	NC	100.0%	NC	100.0%	NC	100.0%
Stanice O, a.s.	Óčko	100.0%	100.0%	12.0%	11.5%	100.0%	100.0%
TELEPACE s.r.o.	TV NOE	94.1%	99.1%	36.5%	38.0%	34.7%	35.0%
Totalpress, s.r.o.	PUBLIC TV	NC	99.3%	NC	12.0%	NC	12.0%
TV LYRA s.r.o.	LYRA TV	100.0%	100.0%	80.4%	2.2%	100.0%	100.0%
TV MORAVA, s.r.o.	TV MORAVA	100.0%	100.0%	55.8%	0.0%	100.0%	0.0%
TV Vřídlo s.r.o.	TV Vřídlo	100.0%	100.0%	53.2%	53.2%	100.0%	100.0%
ZAK TV s.r.o.	ZAK	100.0%	100.0%	60.0%	0.1%	100.0%	100.0%
<b>Covered Channels (IND 1)</b>		<b>56</b>	<b>67</b>	<b>56</b>	<b>67</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>60.7%</b>	<b>53.7%</b>	<b>87.5%</b>	<b>62.7%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>64.1%</b>	<b>58.1%</b>	<b>30.9%</b>	<b>26.0%</b>	<b>62.6%</b>	<b>56.8%</b>

## PART 2 – Comments

No comments were provided.

### 3.4. Denmark

#### PART 1 - Statistical data

Number of channels identified:	189	Reference period: 2009/2010
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Number of channels exempted	169	Quota: 10	Reporting: 159
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
BRAVAD / dk4 PRODUCTION ApS	dk4	84.5%	85.4%	9.9%	10.4%	100.0%	100.0%
DR	DR HD	84.0%	86.0%	6.0%	5.0%	40.0%	24.0%
DR	DR K	55.0%	37.0%	4.0%	4.0%	20.0%	31.0%
DR	DR1	77.0%	82.0%	14.0%	21.0%	60.0%	58.0%
DR	DR2	76.0%	73.0%	9.0%	9.0%	56.0%	34.0%
DR	DR Ramasjang	70.0%	67.0%	19.0%	25.0%	79.0%	61.0%
NORDJYSKE MEDIER A/S	24NORDJYSKE	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
SBS BROADCAST DANMARK A/S	6'eren	31.0%	NO	84.0%	NO	100.0%	NO
TV 2 FILM A/S	TV 2 Film	30.1%	24.7%	88.7%	84.4%	12.7%	12.2%
TV 2 ZULU A/S	TV 2 Zulu	28.9%	29.1%	59.1%	65.1%	77.5%	76.9%
TV2 CHARLIE A/S	TV 2 Charlie	71.6%	75.5%	79.2%	82.3%	43.3%	33.2%
TV2/DANMARK A/S	TV 2 (Denmark)	50.3%	52.7%	82.4%	86.3%	82.7%	89.4%
TV2/DANMARK A/S	TV 2 Bornholm	100.0%	100.0%	10.8%	4.6%	100.0%	100.0%
TV2/DANMARK A/S	TV 2 Fyn	100.0%	100.0%	2.2%	1.6%	100.0%	100.0%
TV2/DANMARK A/S	TV 2 Lorry	100.0%	100.0%	3.6%	1.8%	100.0%	100.0%
TV2/DANMARK A/S	TV 2 NORD	100.0%	100.0%	11.1%	11.5%	100.0%	100.0%
TV2/DANMARK A/S	TV 2 ØST	100.0%	100.0%	18.0%	13.0%	100.0%	100.0%
TV2/DANMARK A/S	TV 2 ØSTJYLLAND	100.0%	100.0%	2.7%	0.7%	100.0%	100.0%
TV2/DANMARK A/S	TV MIDT-VEST	100.0%	100.0%	9.0%	24.6%	100.0%	100.0%
TV2/DANMARK A/S	TV SYD	100.0%	100.0%	10.2%	10.5%	100.0%	100.0%
Covered Channels (IND 1)		20	19	20	19	-	-
Compliance rate (IND 3 and 5)		85.0%	84.2%	55.0%	57.9%	-	-
Average % (IND 2, 4, and 6)		77.9%	79.6%	26.1%	24.3%	73.6%	69.5%

## **PART 2 – Comments**

### **Monitoring method**

All Channels registered in Denmark have been consulted for information about their channels' programming. The responses have been added to the reporting.

### **A) Reasons given by Member State for failure to reach**

#### 1. Majority proportion of European works (Article 16):

The European works broadcast by three channels – DR K, TV 2 Film and TV 2 Zulu – with an audience share of 0.9 %, 1.2 % and 2.5 % respectively, accounted for less than 50 % of their broadcasts in the period in question. For DR K the proportion was more than 50 % in 2009, when it broadcasted for two months, but fell to 37 % in 2010. TV 2 Film saw a rise from 2008 to 2009, when European works accounted for 30.1 %, but a decrease to 24.7 % in 2010. TV 2 Zulu has remained around the 30 % mark for some time.

#### 2. Minimum proportion of European works by independent producers (Article 17):

Less than 10 % of the programmes broadcasted by seven channels – DR 2, DR HD, DR K, TV 2 Bornholm, TV 2 Fyn, TV 2 Lorry and TV 2 Østjylland – are produced by independent producers. The regional channels TV 2 Bornholm, TV 2 Fyn, TV 2 Lorry and TV 2 Østjylland broadcast mainly news programmes and to a lesser extent on locally produced current affairs programmes. DR HD and DR K did not go on air until 1st November 2009, meaning that they have in fact only been broadcasting for just over a year. DR 2 fell from 11 % in 2008 to 9 % in 2009 and 2010.

### **B) Measures taken or envisaged by the Member State**

Although the Danish Radio and Television Board has not yet expressed its opinion on the measures taken with regard to TV 2 Film and TV 2 Zulu, the secretariat of the Board would recommend that it be noted that these channels are still failing to meet the requirement for over half the broadcasting time not allocated to news, sports events, competitions and teletext services to be set aside for European programmes. It is recommended that the Board emphasise that it expects channels to take the requirements seriously and future reports to show increases in the proportion of European works with a view to meeting the requirement for over half the relevant broadcasting time to be reserved for European programmes.

As regards TV 2 Bornholm, TV 2 Fyn, TV 2 Lorry and TV 2 Østjylland, the Radio and Television Board decided in its annual public service statement to emphasise the rules and declare that although the Board is aware of the special nature of the regions as broadcasters with a particular focus on news, they should nevertheless satisfy the independent producer requirement as far as possible. In this regard the Board states that the channels should be aware of the need for compliance with the requirement for productions by independent producers in connection with the new possibility for 24-hour broadcasting from 2012, when there may be a shift to a programme profile and certain types of programme in which the requirement for European works will be even more relevant.

As both DR HD and DR K are recent start-up channels, the Board stated that these channels, which have an audience share of 1 % and 0.9% respectively, must meet the requirements. DR 2, of whose 9% of the broadcasts are independent productions, is not far off target. In this regard the Board attaches great importance to the fact that, taken together, all the DR channels satisfy the requirements.

### **C) Further comments**

The eight regional TV 2 channels (TV/MIDTVEST, TV2/NORD, TV SYD, TV 2/ØSTJYLLAND, TV 2 LORRY, TV 2/FYN, TV2 ØST, TV 2/BORNHOLM) broadcast between 30 minutes and one hour a day in slots on TV 2's terrestrial channel and since 2010 also on the regional channels. Their share is calculated in the slots on TV 2's terrestrial channel. These channels mainly broadcast locally produced news and magazine programmes.

### 3.5. Germany

#### PART 1 - Statistical data

Number of channels identified:	130	Reference period: 2009/2010
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Number of channels exempted	92	Quota:40	Reporting: 52
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
ARD	ARD EinsExtra	99.0%	99.0%	11.8%	11.5%	97.9%	95.4%
ARD	ARD EinsFestival	93.1%	92.6%	36.3%	56.3%	73.2%	73.9%
ARD	ARD EinsPlus	99.0%	99.0%	16.9%	17.7%	88.2%	82.8%
ARD	ARD1 (Das Erste)	88.7%	90.4%	33.8%	31.4%	85.7%	84.9%
BR - BAYERISCHER RUNDFUNK	BR Fernsehen (Bayerischer Rundfunk)	97.0%	96.9%	21.3%	22.3%	80.5%	73.6%
Das Vierte GmbH	Das Vierte	49.0%	EX	19.0%	EX	100.0%	EX
DMAX TV GmbH & Co. KG	DMAX Deutschland	50.6%	43.2%	100.0%	100.0%	78.3%	77.7%
HR - HESSISCHER RUNDFUNK	HR Fernsehen (Hessischer Rundfunk)	75.7%	96.0%	11.0%	11.5%	38.4%	42.4%
kabel eins Fernsehen GmbH	kabel eins	36.3%	29.2%	98.8%	97.8%	48.2%	38.9%
MDR - MITTELDEUTSCHER RUNDFUNK	MDR Fernsehen (Mitteldeutscher Rundfunk)	96.1%	93.4%	24.6%	24.0%	81.1%	77.9%
MGM NETWORKS (DEUTSCHLAND) GMBH	MGM Channel (Germany)	26.1%	33.6%	24.8%	32.1%	0.0%	0.0%
MTV NETWORKS GMBH & CO. OHG	Comedy Central (Germany)	13.0%	21.0%	13.0%	21.0%	50.0%	59.0%
MTV NETWORKS GMBH & CO. OHG	MTV (Germany)	62.0%	64.0%	4.0%	16.0%	98.0%	94.0%
MTV NETWORKS GMBH & CO. OHG	Nickleodeon	15.0%	NC	10.0%	NC	70.0%	NC
N24 Gesellschaft für Nachrichten und Zeitgeschehen mbH	N24	72.9%	64.5%	99.5%	99.4%	91.0%	89.4%
NDR - NORDDEUTSCHER RUNDFUNK	NDR Fernsehen (Norddeutscher Rundfunk)	88.7%	90.4%	33.8%	31.4%	85.7%	84.9%
N-TV NACHRICHTENFERNSEHEN GMBH	n-tv	100.0%	100.0%	83.0%	89.9%	100.0%	100.0%

ProSieben Television GmbH	ProSieben	54.2%	42.1%	79.8%	84.8%	67.6%	65.9%
RB - RADIOBREMEN	Radio Bremen TV (RB)	88.7%	90.4%	33.8%	31.4%	85.7%	84.9%
RBB - RUNDFUNK BERLIN BRANDENBURG	RBB Fernsehen (Rundfunk Berlin-Brandenburg)	96.6%	96.8%	31.0%	32.4%	19.5%	18.7%
RTL 2 FERNSEHEN GMBH & CO. KG	RTL 2	40.0%	43.0%	35.0%	41.0%	77.0%	75.0%
RTL TELEVISION GMBH	RTL	85.0%	86.0%	59.0%	63.0%	86.0%	87.0%
Sat.1 SatellitenFernsehen GmbH	Sat.1	86.5%	83.6%	80.2%	88.6%	80.2%	80.5%
Sky Deutschland AG	Film Paket	29.9%	29.2%	29.9%	29.2%	44.3%	39.7%
SR - SAARLÄNDISCHER RUNDFUNK	SR Fernsehen	96.6%	97.3%	25.3%	23.8%	14.1%	18.9%
SUPER RTL DISNEY FERNSEHEN GMBH & CO. KG	Super RTL	12.7%	15.5%	100.0%	100.0%	NC	NC
SWR - SÜDWESTRUNDFUNK	SWR Fernsehen	96.6%	97.3%	25.3%	23.8%	14.1%	18.9%
TM-TV GMBH	Tele 5 (Germany)	4.5%	6.1%	NC	NC	NC	NC
VIVA MUSIC FERNSEHEN GMBH & CO. KG	VIVA (Germany)	88.0%	82.0%	7.0%	17.0%	100.0%	100.0%
VOX FILM- UND FERNSEH GMBH & CO. KG	VOX	49.0%	45.0%	95.0%	97.0%	99.0%	99.0%
WDR - WESTDEUTSCHER RUNDFUNK	WDR Fernsehen (Westdeutscher Rundfunk)	96.8%	97.0%	24.7%	23.5%	76.0%	72.2%
ZWEITES DEUTSCHES FERNSEHEN (ZDF)	ZDF	91.0%	87.1%	25.1%	31.0%	82.5%	87.2%
ZWEITES DEUTSCHES FERNSEHEN (ZDF)	ZDF Dokukanal	80.7%	79.4%	47.6%	39.1%	67.8%	71.5%
ZWEITES DEUTSCHES FERNSEHEN (ZDF)	ZDF Infokanal	99.2%	96.9%	8.8%	9.6%	84.1%	94.9%
ZWEITES DEUTSCHES FERNSEHEN (ZDF)	ZDF Theaterkanal	94.4%	93.8%	43.8%	30.3%	66.6%	78.1%
	3sat	95.1%	94.1%	32.0%	33.1%	82.3%	80.4%
	KIKA	79.6%	79.4%	68.4%	63.5%	60.6%	65.4%
	PHOENIX	99.0%	99.0%	1.0%	1.0%	100.0%	100.0%
<b>Covered Channels (IND 1)</b>		<b>38</b>	<b>37</b>	<b>38</b>	<b>37</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>73.7%</b>	<b>70.3%</b>	<b>86.8%</b>	<b>89.2%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>71.7%</b>	<b>73.7%</b>	<b>40.4%</b>	<b>43.6%</b>	<b>71.5%</b>	<b>71.0%</b>

## PART 2 – Comments

### Monitoring method



Public service broadcasters communicate their data directly to the responsible State Chancellery of Rhineland-Palatinate. For the first time the quotas of the 'Third Channels' belonging to the individual ARD regional broadcasting organisations are also included in the report.

Media authorities of the Federal States communicate data on private broadcasters to the State Chancellery of Rhineland-Palatinate.

#### **A) Reasons given by the Member State for failure to reach**

##### **1. A majority proportion of European works (Article 16):**

While individual channels in the ProSiebenSat.1 Group failed to meet the 50% share of European works due to their programme orientation, the group as a whole achieved a share of 62% (2009) and 54% (2010). The decrease in the share of European works in 2010 was due to changes in programming structures to adapt to economic conditions.

##### **2. A minimum proportion of European works by independent works (Article 17):**

In case private channels were unable to meet the quotas for independent productions this is due to the fact that they use programming from their parent companies.

As far as ZDF-Infokanal is concerned, its programming is almost completely made up of its own productions. The share of programmes from independent producers is therefore slightly less than the required figure.

PHOENIX's failure to meet the quota for independent productions is due to its specific nature as a niche channel, devoted to producing its own 'event broadcasts' and discussion programmes.

#### **C) Further comments**

Regarding N24, 2010 data was only available until the channel was sold on 30 June 2010; as a result the quotas was only calculated for programming during the first half of 2010.

9Live ceased operations on 9 August 2011; Bahn TV ceased operations on 31 December 2010; Jetix (Germany) ceased operations on 9 October 2009 and MTV Entertainment ceased operations on 1 January 2011. Jamba! was renamed 'Ojom' on 1 October 2010. Sixx was launched only on 7 Mai 2010.

In August 2009 PREMIERE became Sky Deutschland AG. The details for Sky Deutschland include the PREMIERE data for 2009.

Regarding the details for ZDF-Dokukanal it must be pointed out that this channel's programming scheme was changed as of 1 November 2009, and that it was renamed ZDFneo. However, the details provided are for the entire reporting period. As shown by the comparison with 2010, the programme reform did not lead to major changes as regards the relevant data.

### 3.6. Estonia

#### PART 1 - Statistical data

Number of channels identified:	11	Reference period: 2009/2010
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Number of channels exempted	3	Quota: 3	Reporting: 0
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
ERR - EESTI RAHVURSRINGHÄÄLING	ETV (Eesti Televisioon)	91.7%	93.5%	43.3%	45.0%	72.1%	68.9%
ERR - EESTI RAHVURSRINGHÄÄLING	ETV2 (Eesti Televisioon)	89.0%	89.7%	37.6%	42.6%	74.4%	72.5%
KANAL 2 AS	Kanal 11 (Estonia)	67.3%	64.1%	59.1%	55.6%	38.8%	56.9%
KANAL 2 AS	Kanal 2	57.7%	62.5%	45.3%	43.9%	40.4%	34.0%
OÜ Telekanal Seitse	Seitse	60.0%	70.0%	50.0%	70.0%	30.0%	20.0%
OÜ Videomeedia	TV 14	NC	90.9%	NC	11.0%	NC	NC
TV3 AS	TV3 (Estonia)	51.1%	55.8%	51.1%	55.8%	33.6%	44.2%
TV3 AS	TV6 (Estonia)	52.5%	47.0%	52.5%	47.0%	23.0%	69.9%
Covered Channels (IND 1)		8	8	8	8	-	-
Compliance rate (IND 3 and 5)		87.5%	87.5%	87.5%	100.0%	-	-
Average % (IND 2, 4, and 6)		67.0%	71.7%	48.4%	46.4%	44.6%	52.3%

#### PART 2 – Comments

##### Monitoring method

Daily monitoring carried out by the independent research company TNS EMOR+data submitted by the channels themselves. Afterwards analysed and evaluated by the Media Department of the Ministry of Culture, the Estonian supervisory body.

##### A) Reasons given by the Member State for failure to reach

###### 1. Majority proportion of European works (Article 16):

All channels, except TV6 in the year 2010, reached the majority proportion of European works. According to explanation given by the channel, several European series ended at an inopportune moment and they didn't manage to acquire rights for new European works in time. There were also some changes in the management of the channel. By now the situation has improved.

###### 2. A minimum proportion of European works by independent producers (Article 17)

All channels achieved the minimum proportion of European works by independent producers.

**B) Measures taken by or envisaged by the Member State**

Ministry of Culture as a regulatory authority has issued a precept (on 14.04.2011) to channel TV6 for the violation of the according provision of Media Services Act and is currently attentively monitoring its application.

**C) Further comments**

**OY Videomeedia TV 14** – In 2009 was operational only for a half year period, its audience share being 0,2%, currently not existing.

**EESTI SPORDIKANAL OY Kalev Sport** was not operational during the period 2009-2010

**EESTI SPORDIKANAL OY Neljas**- ended its operation in March 2009

### 3.7. Ireland

#### PART 1 - Statistical data

Number of channels identified:	11	Reference period: 2009/2010
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Number of channels exempted	6	Quota: 6	Reporting: 0
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
CHANNEL 6 BROADCASTING LIMITED	Channel 6/3e	16.7%	41.6%	8.0%	11.0%	75.0%	74.0%
RTE - RADIO TELEFIS EIREANN	RTE 1	59.0%	56.0%	23.0%	22.0%	99.0%	99.0%
RTE - RADIO TELEFIS EIREANN	RTE 2	44.0%	41.0%	23.0%	14.0%	94.0%	94.0%
TG4	TG4	42.2%	43.6%	36.7%	39.4%	36.7%	39.4%
TV3 TELEVISION NETWORK LIMITED	TV3 (Ireland)	58.0%	59.8%	18.0%	16.4%	70.0%	71.0%
<b>Covered Channels (IND 1)</b>		<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>40.0%</b>	<b>40.0%</b>	<b>80.0%</b>	<b>100.0%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>44.0%</b>	<b>48.4%</b>	<b>21.7%</b>	<b>20.6%</b>	<b>74.9%</b>	<b>75.5%</b>

#### PART 2 – Comments

##### Monitoring method

RTÉ2: SRS – Broadcast Analysis System – using Escort 2.4(EBU)

TG4: The data is extracted from underlying Oracle database of the TG4 ‘What’s On’ broadcasting scheduling system and further designed and filtered with the aid of the SAP Crystal Reports software application using Escort 2.4 (EBU).

The Broadcasting Authority of Ireland (the independent Broadcasting Regulator) collects the data from the broadcasters on an annual basis, and then subjects that data to a series of checks. These checks involve the use of random samples from the schedules of all broadcasters involved, tested against the claimed figures for the relevant broadcast period.

##### A) Reasons given by the Member State for failure to reach

###### 1. A majority proportion of European works (Article 16):

RTÉ 2: RTÉ 2 carries almost all of RTÉ’s sports programming, which is a key part of RTÉ’s public service remit. As sport tends to divide the audience RTÉ have made RTE 2 the home for sports, whilst offering a non-sports offering on RTE 1. Irish programming from the sports department makes up a very large proportion of our home produced hours on RTE 2.

TG4: TG4 content is sourced from the Independent Production Sector in Ireland (all of which is broadcast in the Irish language) and from material acquired from abroad, some of which is dubbed into the Irish Language. The content for the acquired programming is sourced, in part, from within Europe and the remainder largely from North America

Sport coverage provides a significant % of hours to the schedule. News is also a significant contributor. Together, Sport and News account for 35% of total broadcast hours. These hours are supplied in total from within the EU area and are ineligible in the calculation of geographical spread of content.

2. A minimum proportion of European works by independent producers (Article 17):

Minimum proportion was achieved.

**B) Measures taken or envisaged by the Member State**

RTÉ2: In their written response to the Department of Communications on this issue, RTÉ stated that it was their intention to “increase European production across genres other than News and Sports”.

TG4: With existing budgetary constraints TG4 does not envisage any major change in content source. The content sourced from outside Europe is, by and large, entertainment/film material. Subject to increased funding, TG4 would hope to produce more of this genre in Ireland in the future.

**C) Further comments**

No further comments.

### 3.8. Greece

#### PART 1 - Statistical data

Number of channels identified:	95	Reference period: 2009/2010
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Number of channels exempted	8	Quota: 8	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
ALPHA ΔΟΥΡΥΦΟΡΙΚΗ ΤΗΛΕΟΡΑΣΗ Α.Ε.	ALPHA TV	59.7%	60.4%	53.8%	51.6%	58.0%	56.0%
ANTENNA TV Α.Ε.	Antenna TV	55.2%	54.8%	51.4%	51.1%	92.7%	87.7%
CITY NEWS Α.Ε.	ΤΗΛΕΑΣΤΥ	51.0%	51.0%	10.0%	10.0%	55.0%	45.0%
EIDISEIS DOT COM (SKAI TV)	SKAI	62.3%	63.0%	23.2%	17.9%	81.5%	78.0%
EUROPE ONE RADIOTILEOPTIKI S.A.	EUROPE ONE	80.0%	85.0%	25.0%	24.4%	92.8%	93.1%
EPT3	EPT3	60.0%	33.0%	17.0%	22.0%	11.0%	2.0%
FORTHNET MEDIA HOLDINGS (ex NETMED HELLAS SA)	DISNEY XD (ex JETIX)	8.5%	7.9%	8.5%	8.5%	5.3%	1.7%
FORTHNET MEDIA HOLDINGS (ex NETMED HELLAS SA)	NOVACINEMA1	51.0%	52.3%	18.7%	18.7%	84.3%	97.6%
FORTHNET MEDIA HOLDINGS (ex NETMED HELLAS SA)	NOVASPORTS 1	45.5%	40.4%	0.0%	0.0%	0.0%	0.0%
IKAROS RADIO AND TV ENTERPRISES S.A.	KRHTH TV	NC	80.0%	NC	25.0%	NC	NC
MAD TV ΑΝΩΝΥΜΗ ΕΤΑΙΡΕΙΑ	MAD GREEKZ (on NOVA as of 12/9/2008)	100.0%	100.0%	100.0%	100.0%	85.0%	85.0%
MAD TV ΑΝΩΝΥΜΗ ΕΤΑΙΡΕΙΑ	MAD MUSIC AWARDS	80.0%	75.0%	80.0%	75.0%	85.0%	70.0%
MAD TV ΑΝΩΝΥΜΗ ΕΤΑΙΡΕΙΑ	MAD TV	78.0%	80.0%	78.0%	80.0%	75.0%	78.0%
MAKEDONIA TV S.A.	MAKEDONIA TV	61.9%	55.6%	18.2%	19.5%	90.0%	95.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	ALPHA	59.7%	60.4%	53.8%	53.8%	54.6%	55.2%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	ALTER	95.3%	95.3%	33.2%	33.2%	52.4%	52.4%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	ANIMAL PLANET	49.9%	71.5%	15.1%	15.1%	11.1%	18.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	ANTENNA	55.2%	54.8%	97.1%	97.1%	90.1%	82.8%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	BOOMERANG	6.9%	6.9%	6.7%	6.7%	0.0%	0.0%

MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	CARTOON NETWORK	35.1%	35.1%	18.1%	18.1%	16.5%	16.5%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	CHASSE & PECHE (removed from NOVA Platfrom from 01/03/2011)	67.6%	NC	0.0%	NC	0.0%	NC
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	DISCOVERY	51.0%	57.8%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	DISNEY CHANNEL	93.9%	19.6%	4.9%	4.9%	4.9%	2.3%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	DISNEY XD	8.5%	7.9%	8.5%	8.5%	5.3%	1.7%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	E! ENTERTAINMENT	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	ET1	73.1%	76.8%	12.7%	12.7%	4.4%	4.6%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	ET3	59.5%	32.6%	16.7%	16.7%	10.9%	1.8%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	FOX LIFE	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	FX	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	HISTORY CHANNEL	34.1%	24.6%	15.4%	15.4%	3.9%	2.8%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	MAD GREEKZ	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	MAKEDONIA TV	61.9%	55.6%	11.3%	11.3%	61.9%	55.6%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	MEGA	94.3%	91.0%	49.9%	49.9%	73.6%	74.6%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	MEZZO	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	MGM	13.7%	12.1%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	MOTORV TV	6.4%	2.7%	5.6%	5.6%	5.2%	2.7%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	MTV EUROPE	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	MTV GREECE	70.0%	70.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NATIONAL GEOGRAPHIC	32.1%	38.8%	31.6%	31.6%	25.4%	12.7%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NET	76.0%	76.6%	9.6%	9.6%	3.3%	2.2%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVACINEMA 4 (SUMMER CINEMA)	84.2%	100.0%	23.5%	23.5%	100.0%	50.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVACINEMA1 / HD	51.0%	52.3%	18.7%	18.7%	84.3%	97.6%

MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVACINEMA2	51.4%	51.1%	15.2%	15.2%	84.0%	76.1%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVACINEMA3	50.0%	50.7%	25.4%	25.4%	89.4%	76.9%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVASPORTS 1 / HD	45.5%	40.4%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVASPORTS 2	64.1%	54.1%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVASPORTS 3	45.7%	46.5%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVASPORTS 4	51.0%	44.5%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVASPORTS 6	100.0%	72.2%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	NOVASPORTS 7	34.7%	33.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	PLAYBOY CHANNEL	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	PRIVATE SPICE	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	SKAI TV	69.2%	58.5%	22.0%	22.0%	55.0%	49.7%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	STAR	51.1%	51.0%	20.8%	20.8%	41.7%	41.2%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	TCM (removed from NOVA Plaform from 01/06/2009)	47.7%	NC	0.0%	NC	0.0%	NC
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	TRAVEL CHANNEL	49.9%	54.8%	10.5%	10.5%	10.7%	10.6%
MULTICHOICE ΕΛΛΑΣ Α.Ε.Ε.	VH1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
New Television SA	Star Channel	50.0%	51.0%	20.7%	27.5%	80.0%	82.0%
RADIOTELEOPTIKI SA	902 TV	62.9%	62.9%	36.0%	35.4%	4.1%	4.6%
STAR-ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΟΣ ΟΡΓΑΝΙΣΜΟΣ ΚΕΝΤΡΙΚΗΣ ΕΛΛΑΔΟΣ Α.Ε.	STAR CHANNEL KENTRIKHS ELLADOS	65.0%	65.0%	17.5%	25.0%	100.0%	100.0%
TOP CHANNEL S.A.	TOP CHANNEL	65.0%	64.0%	30.5%	32.0%	78.0%	79.0%
Α.Ε. ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΩΝ ΕΠΙΧΕΙΡΗΣΕΩΝ-TV ΧΑΛΚΙΔΙΚΗ	XTV	60.0%	60.0%	60.0%	77.0%	20.0%	77.0%
ART TV ΓΚΑΝΙΑΤΣΑΣ ΑΕ	ART TV	NC	88.7%	NC	50.5%	NC	81.1%
ΑΧΑΪΚΕΣ ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΕΣ ΠΑΡΑΓΩΓΕΣ & ΕΚΜΕΤΑΛΛΕΥΣΕΙΣ	TELETIME	75.4%	64.4%	30.0%	40.0%	10.0%	10.0%
ΒΟΥΛΗ	ΚΑΝΑΛΙ ΒΟΥΛΗΣ	90.0%	90.0%	25.0%	25.0%	30.0%	30.0%
ΔΕΛΤΑ ΤΗΛΕΟΡΑΣΗ Α.Ε.	ΔΕΛΤΑ ΤΗΛΕΟΡΑΣΗ	82.0%	75.0%	27.0%	25.0%	90.0%	90.0%



ΔΕΠΘΕ	TV100	94.0%	96.0%	20.0%	20.0%	5.0%	4.0%
ΔΙΟΝ ΤΗΛΕΟΡΑΣΗ Α.Ε.	DION TV	80.3%	85.6%	19.7%	14.4%	80.0%	86.0%
EPT AE	ET1	73.0%	77.0%	13.0%	12.0%	35.0%	38.0%
EPT AE	NET	76.0%	77.0%	10.0%	12.0%	35.0%	20.0%
ΗΧΟΕΙΚΟΝΑ/ΤΗΛΕΟΠΤΙΚΟΣ ΔΙΑΥΛΟΣ Κ/Δ ΜΑΚΕΔΟΝΙΑΣ Α.Ε	West Channel	NC	70.3%	NC	27.8%	NC	100.0%
ΘΡΑΚΙΚΗ ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΗ Α.Ε.	XANTHI CHANNEL	73.2%	73.0%	10.0%	10.0%	20.0%	20.0%
ΘΡΑΚΙΚΗ ΤΗΛΕΟΡΑΣΗ Α.Ε.	EGNATIA T.V.	75.5%	75.5%	10.0%	10.0%	20.0%	20.0%
ΙΔΙΩΤΙΚΗ ΤΗΛΕΟΡΑΣΗ ΒΟΡΕΙΟΔΥΤΙΚΗΣ ΕΛΛΑΔΟΣ ΟΡΕΣΤΙΔΑ Α.Ε.	FLASH TV	71.0%	71.0%	7.1%	7.1%	100.0%	100.0%
ΚΙΝΗΜΑΤΟΓΡΑΦΙΚΗ ΚΑΙ ΤΗΛΕΟΠΤΙΚΗ ΑΒΕΕ	ΤΗΛΕΟΡΑΣΗ ΚΥΔΩΝ	76.0%	78.0%	20.0%	21.0%	48.0%	50.0%
ΚΟΣΜΟΡΑΔΙΟΤΗΛΕΟΠΤΙΚΗ Α.Ε.	ΚΑΝΑΛΙ 9 ΘΕΣΣΑΛΟΝΙΚΗΣ	NC	52.3%	NC	52.3%	NC	66.0%
ΠΑΓΚΡΗΤΙΑ ΡΑΔΙΟΤΗΛΕΟΡΑΣΗ Α.Ε.	TV CRETA	72.0%	76.0%	26.0%	28.0%	NC	NC
ΠΕΡΘΩ ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΗ Α.Ε.	NICKELODEON+ (ex. MTV+)	NC	24.3%	NC	14.3%	NC	14.3%
ΡΑΔ/ΚΕΣ ΕΠ. ΣΤΕΡ.ΕΛΛ.	ENA TV	NC	71.2%	NC	28.5%	NC	100.0%
ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΕΣ ΕΠΙΧΕΙΡΗΣΕΙΣ CHANNEL NINE-9 Α.Ε.	CHANNEL 9	NC	56.2%	NC	26.9%	NC	27.0%
ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΗ Α.Ε.ΓΝΩΜΗ ΤΟΥ ΠΟΛΙΤΗ	ΓΝΩΜΗ ΤΗΛΕΟΡΑΣΗ	80.0%	75.0%	35.0%	48.0%	10.0%	23.0%
ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΗ ΚΑΒΑΛΑΣ Α.Ε.	ENA CHANNEL	100.0%	100.0%	24.0%	24.0%	11.0%	11.0%
ΡΑΔΙΟΤΗΛΕΟΡΑΣΗ Α.Ε.-ART STUDIOS	Flextech	65.0%	67.0%	35.0%	35.0%	35.0%	35.0%
ΣΑΜΙΑΚΗ ΤΗΛΕΟΡΑΣΗ Α.Ε.	ΣΑ.Τ.	80.0%	80.0%	10.0%	10.0%	0.0%	0.0%
ΤΗΛΕΚΙΝΗΣΗ ΑΝΩΝΥΜΟΣ ΡΑΔΙΟΤΗΛΕΟΠΤΙΚΗ ΚΙΝ/ΚΗ ΔΙΑΦΗΜΙΣΤΙΚΗ & ΕΚΔΟΤΙΚΗ ΕΤΑΙΡΙΑ	NICKELODEON GREECE	NC	74.2%	NC	65.0%	NC	65.0%
ΤΗΛΕΟΡΑΣΗ ΜΑΚΕΔΟΝΙΑΣ- ΘΡΑΚΗΣ Α.Ε	CENTER TV KAVALA	55.0%	60.0%	10.0%	5.0%	62.0%	67.0%
ΤΗΛΕΤΥΠΟΣ Α.Ε.ΤΗΛΕΟΠΤΙΚΩΝ ΠΡΟΓΡΑΜΜΑΤΩΝ	MEGA TV	87.9%	90.9%	46.6%	57.2%	76.0%	79.2%
<b>Covered Channels (IND 1)</b>		<b>87</b>	<b>87</b>	<b>87</b>	<b>87</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>70.1%</b>	<b>74.7%</b>	<b>58.6%</b>	<b>66.7%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>62.6%</b>	<b>61.0%</b>	<b>19.7%</b>	<b>22.3%</b>	<b>34.0%</b>	<b>36.8%</b>

## **PART 2 – Comments**

### **Monitoring method**

Data is collected from national and regional channels by the competent Ministry on the basis of a survey. Data is then assessed by the independent regulatory authority (NCRTV).

Out of the 69 legally operating regional channels, 25 private channels refused to reply to the Ministry's survey on the implementation of Articles 16 and 17 of the Directive, despite persistent requests and without providing any written justification for their failure to submit data.

The data provided in the Greek report concerns 11 national broadcasters, one encrypted pay-television channel and 28 regional broadcasters.

### **A) Reasons given by the Member State for failure to reach**

#### **1. A majority proportion of European works (Article 16):**

Regarding national channels, on the basis of document 733/27/01/2012 and following inspection by the NCRTV, a majority of channels complied with the European quotas set out in the AVMS Directive in 2009 and 2010.

The Company Forthnet S.A. Pay Television Services- Telcommunications Services, as part of its activity in 2009 and 2010, broadcasted on two frequencies of ERT S.A. the following thematic channels: a) Novacinema 1 (formerly Filmnet 1), which broadcasts films; b) Novasports 1 (formerly Supersport 1), which broadcasts sporting events and c) Disney XD (formerly Jetix), which broadcasts children's content. The data submitted were collected from records and databases maintained by the individual departments in charge of the content broadcast. These records draw upon data given by providers of this content (television operators, film studios...). In the particular case of Novasports 1, which consists mostly of live or recorded broadcasts of sporting events, transmission time was calculated as the portion devoted to domestically produced sport programmes. The programme of Disney XD (formerly Jetix) is produced by the well-known US-based content provider Walt Disney Company. In any case, the children's channel in question is broadcasted via the same frequency, i.e. as a single channel as the sport channel Novasports 1; therefore the figures for these channels are combined. They are below the proportions set out in Articles 16 and 17 of the Directive.

44 regional private television channels responded to the Ministry's survey. Of these channels, 28 submitted a complete information, but nine (Art TV, Ena TV, West Channel, Kriti TV (Crete TV), Super TV, Channel 9, Nickelodeon, Kanali 9 and Nickelodeon + were unable to submit data for the reference period, and precisely for the year 2009, as they had not kept records for that period. Another four channels, Attica TV (Athens), 0-6 TV (Athens), Vergina TV (Thessaloniki) and Zeus TV (Thessaloniki) stated that they were not aware that they had to maintain a record of programme flow for no less than three calendar years, as no provision stipulates that such a record needs to be maintained, nor do the television channels possess the adequate infrastructure for such a large database. For the reasons mentioned above, the channels in question did not submit any data.

Finally, both state and private national and regional television channels which responded in some way to the Ministry's survey on the application of Articles 16 and 17 of the Directive declared that they would make every effort to improve their performance so as to comply with the provisions of the Directive.

2. A minimum proportion of European works by independent producers (Article 17):

See above

**B) Measures taken or envisaged by the Member State**

The competent Department of the Ministry sent statistical data for monitoring to the NCRTV, which is the competent independent administrative authority for issuing licenses to broadcasters. In its letter ref. 733/27/1/2012, the NCRTV stated the following: 'In response to your letter ref. 1533/23/1/2012, we inform you that, having considered the data you submitted we confirm that all national television channels as well as the terrestrial pay channels Novacinema 1 and Novasports/Disney XD fulfil the obligations set out in Articles 17-19 of Presidential Decree 109/2010. One channel (Star Channel) declares that 50% of its programming time in 2009 was devoted to European works, while three television channels (ET3, Alter and Alpha) have not yet submitted their data. As for the latter three channels, we reserve the right to take further action.'

**C) Further comments**

### 3.9. Spain

#### PART 1 - Statistical data

Number of channels identified:	175	Reference period: 2009/2010
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Number of channels exempted	145	Quota: 28	Reporting: 117
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
ANTENA 3 DE TELEVISION SA	Antena 3	67.6%	72.7%	47.9%	49.4%	95.4%	96.6%
ANTENA 3 DE TELEVISION SA	Neox	59.0%	39.9%	48.6%	25.4%	88.0%	74.2%
ANTENA 3 DE TELEVISION SA	Nitro	NO	35.6%	NO	34.9%	NO	80.0%
ANTENA 3 DE TELEVISION SA	Nova	76.6%	57.3%	52.7%	40.0%	63.3%	59.7%
CANAL SUR TELEVISION SA	Canal Sur	72.2%	71.3%	17.7%	15.0%	NC	NC
CANAL SUR TELEVISION SA	Canal Sur 2	90.8%	91.7%	16.2%	22.5%	NC	NC
CORPORACIÓN RTVE S.A.	Clan TVE	32.2%	45.0%	16.1%	40.3%	64.8%	81.0%
CORPORACIÓN RTVE S.A.	TVE La 1	68.8%	65.5%	7.6%	18.8%	22.2%	79.3%
CORPORACIÓN RTVE S.A.	TVE La 2	87.0%	84.0%	17.4%	33.9%	20.6%	78.0%
DISTRIBUIDORA DE TELEVISIÓN DIGITAL SA	Canal+ España	42.3%	42.5%	27.4%	29.4%	98.0%	96.5%
EMISSIONS DIGITALS DE CATALUNYA SA.	8TV	NC	51.6%	NC	0.0%	NC	0.0%
EUSKAL TELEBISTA TELEVISION VASCA, S.A.	ETB 2	51.8%	60.4%	18.6%	52.3%	21.3%	79.3%
FOX INTERNATIONAL CHANNELS ESPANA S.L.	Fox España	4.2%	6.9%	4.2%	0.3%	100.0%	100.0%
GESTORA DE INVERSIONES AUDIOVISUALES LA SEXTA S.A.	La Sexta	51.4%	57.2%	47.6%	43.9%	99.9%	97.4%
MEDIASET ESPAÑA COMUNICACIÓN SA	Cuatro	50.5%	58.2%	26.8%	41.3%	65.3%	85.2%
MEDIASET ESPAÑA COMUNICACIÓN SA	FDF (Factoría de Ficción)	58.0%	67.0%	57.5%	67.0%	48.4%	77.9%
MEDIASET ESPAÑA COMUNICACIÓN SA	La Siete	85.8%	90.1%	83.3%	88.9%	99.8%	96.7%
MEDIASET ESPAÑA COMUNICACIÓN SA	Telecinco	78.3%	84.6%	75.7%	84.3%	99.2%	98.8%
RADIO TELEVISION AUTONOMICA VALENCIANA SA	Canal 9	53.9%	57.6%	34.0%	31.8%	70.2%	73.1%

RADIO TELEVISIÓN CANARIA	TVCanaria	46.6%	37.8%	46.6%	27.8%	79.8%	100.0%
SOCIEDAD GESTORA DE TELEVISION NET TV SA	Disney Channel	44.1%	50.4%	39.8%	44.0%	47.5%	52.5%
SOCIEDAD GESTORA DE TELEVISION NET TV SA	Intereconomía TV	92.7%	85.9%	28.7%	42.6%	26.0%	53.0%
SPTI NETWORKS IBERIA S.L.	AXN	29.1%	27.7%	22.9%	22.5%	78.3%	77.7%
TELEVISIO DE CATALUNYA SA	K3/33	69.6%	85.0%	41.9%	47.3%	70.9%	74.8%
TELEVISIO DE CATALUNYA SA	TV3	75.1%	75.3%	25.7%	34.1%	67.7%	77.8%
TELEVISION AUTONOMIA MADRID SA	Telemadrid	45.2%	47.5%	10.4%	10.1%	94.7%	98.1%
TELEVISION AUTONOMICA DE ARAGON SOCIEDAD ANONIMA.	Aragon television	53.0%	44.7%	10.9%	11.4%	20.4%	26.3%
TELEVISION AUTONOMICA DE CASTILLA-LA MANCHA S.A.	Castilla La Mancha Televisión (CMT)	62.9%	52.6%	27.0%	17.0%	77.4%	25.3%
TELEVISION DE GALICIA SA	TVG	70.7%	74.1%	28.3%	21.9%	70.6%	68.5%
VEO TELEVISION S.A.	Veo7	66.0%	68.6%	16.5%	31.6%	0.0%	NC
<b>Covered Channels (IND 1)</b>		<b>29</b>	<b>30</b>	<b>29</b>	<b>30</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>72.4%</b>	<b>70.0%</b>	<b>89.7%</b>	<b>93.3%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>60.2%</b>	<b>59.6%</b>	<b>32.1%</b>	<b>34.3%</b>	<b>65.0%</b>	<b>74.4%</b>

## PART 2 – Comments

### Monitoring method

1. Data are supplied by the audiovisual media service providers themselves (in the case of service providers providing national coverage) or by the Autonomous Communities (in the case of service providers providing regional coverage under the control of the Autonomous Communities).
2. Data are collected by a company specialising in the television broadcasting sector with which the Spanish administration has a technical assistance contract.
3. The data are checked and analysed before the final assessment.

### A) Reasons given by the Member State for failure to reach

#### 1. Majority proportion of European works (Article 16):

In general, the various audiovisual media service providers who are obliged to report their data because they have an audience share greater than 0.3 % meet the requirements laid down in Article 16 of the Directive. However, there are various reasons for the required proportions not having been reached in some cases:

- There are some television channels that have started broadcasting recently as a consequence of the widespread use of DTT and whose proportion reserved for European works will have to be reached gradually on the basis of suitable criteria, as provided for in Article 16(1) of the Directive.
- There are also other channels which are by nature thematic and targeted towards a niche audience and have a very low audience share, sometimes lower than 0.5 %, which must be taken into account when assessing compliance with proportions.
- The required proportion may not be reached by a single channel while still being reached by a group of channels from a single service provider when compliance with proportions is applied to the total broadcasting time of its channels.

## 2. Minimum proportion of European works by independent producers (Article 17):

Although the degree of compliance here is higher than for Article 16, the reasons for failure to reach the threshold set for broadcasting European works by independent producers are the same as those mentioned in the previous paragraph, i.e. recent broadcasting start-date for some channels and thematic nature with a niche audience for others.

### **B) Measures taken or envisaged by the Member State**

If there is deemed to be generalised and recurring non-compliance by one of the audiovisual media service providers under Spanish jurisdiction, not covered by one of the justifying reasons, and the proportions of European works and European works by independent producers laid down in Articles 16 and 17 of the Directive are not reached, or supposing that a service provider no longer meets these proportions, the Spanish Administration will give notice to the broadcasters (or to the Autonomous Communities in the case of regional broadcasters) that they must attain the required proportions. In the case of continued non-compliance, and if this is of a serious nature, the Spanish Administration will impose penalties on broadcasters under the State's jurisdiction or urge the Autonomous Communities to take the necessary enforcement measures in respect of broadcasters under their jurisdiction.

### **C) Further comments**

No further comments.

### 3.10. France

#### PART 1 - Statistical data

Number of channels identified:	160	Reference period: 2009/2010
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Number of channels exempted	57	Quota:32	Reporting: 25
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
AB 1/Groupe AB	AB 1	67.0%	71.0%	6.0%	4.0%	9.0%	34.0%
AB SAT/Groupe AB	AB Moteurs	65.0%	69.0%	58.0%	54.0%	94.0%	72.0%
AB SAT/Groupe AB	Action	61.0%	68.0%	58.0%	68.0%	4.0%	4.0%
AB SAT/Groupe AB	Animaux	81.0%	89.0%	66.0%	72.0%	15.0%	22.0%
AB SAT/Groupe AB	Chasse et pêche	99.8%	98.0%	85.0%	84.0%	17.0%	19.0%
AB SAT/Groupe AB	Cine FX	66.0%	68.0%	60.0%	64.0%	7.0%	5.0%
AB SAT/Groupe AB	Ciné Polar	71.0%	64.0%	68.0%	61.0%	1.0%	2.0%
AB SAT/Groupe AB	Encyclopedia	83.0%	75.0%	77.0%	66.0%	19.0%	34.0%
AB SAT/Groupe AB	Escales	84.0%	87.0%	62.0%	57.0%	34.0%	56.0%
AB SAT/Groupe AB	Mangas	61.0%	61.0%	51.0%	51.0%	0.4%	2.7%
AB SAT/Groupe AB	Toute l'Histoire	84.0%	89.0%	76.0%	79.0%	29.0%	38.0%
AB SAT/Groupe AB	XXL	74.0%	74.0%	66.0%	66.0%	70.0%	70.0%
AFRIMÉDIA	Africabox TV	NO	41.0%	NO	27.0%	NO	33.0%
BERBERE TELEVISION	Berbere Television	100.0%	NC	NC	NC	NC	NC
BEUR TV	Beur TV	NC	NC	NC	NC	NC	NC
CANAL J/ Groupe Lagardère	Canal J (depuis 1er 7 2010)	77.0%	85.0%	76.0%	83.0%	40.0%	49.0%
CANAL J/ Groupe Lagardère	June	61.0%	63.0%	60.0%	59.0%	23.0%	48.0%
CANAL J/ Groupe Lagardère	Tiji	73.0%	75.0%	77.0%	69.0%	47.0%	63.0%
CANAL PLUS/Groupe Canal+	Canal+ (*)	73.0%	69.0%	11.0%	14.0%	93.0%	99.0%
CANAL PLUS/Groupe Canal+	Canal+ Cinéma (*)	73.0%	69.0%	11.0%	14.0%	93.0%	99.0%
CANAL PLUS/Groupe Canal+	Canal+ Décalé (*)	73.0%	69.0%	11.0%	14.0%	93.0%	99.0%
CANAL PLUS/Groupe Canal+	Canal+ Family (*)	73.0%	69.0%	11.0%	14.0%	93.0%	99.0%
CANAL PLUS/Groupe Canal+	Canal+ Sport (*)	73.0%	69.0%	11.0%	14.0%	93.0%	99.0%
CUISINE TV SAS/Groupe Canal+	Cuisine TV	74.0%	75.0%	45.0%	43.0%	78.0%	80.0%
DIRECT 8/Groupe Bolloré	Direct 8 (*)	83.5%	87.9%	13.0%	14.0%	30.0%	36.0%

DU COTE DE CHEZ VOUS TV/Groupe Canal+	Télé Maison	58.0%	60.0%	24.0%	36.0%	100.0%	100.0%
EDI-TV/ Groupe M6	M6 Music Black	61.0%	67.0%	55.0%	59.0%	93.0%	89.0%
EDI-TV/ Groupe M6	M6 Music Club	87.0%	81.0%	78.0%	78.0%	90.0%	88.0%
EDI-TV/ Groupe M6	M6 Music Hits	74.0%	71.0%	64.0%	64.0%	89.0%	91.0%
EDI-TV/ Groupe M6	W9 (*)	74.5%	75.7%	8.0%	11.0%	30.0%	51.0%
EQUIDIA	Equidia	94.0%	76.0%	81.0%	70.0%	93.0%	99.0%
EXTENSION TV/GROUPES TF1 et M6	Série Club	58.0%	59.0%	19.0%	19.0%	12.0%	19.0%
FOX INTERNATIONAL CHANNELS France	Voyage	88.0%	88.0%	50.0%	48.0%	72.0%	75.0%
FRANCE TÉLÉVISIONS	France 2 (*)	86.6%	85.6%	22.0%	22.0%	98.0%	98.0%
FRANCE TÉLÉVISIONS	France 3 (*)	83.0%	84.2%	22.0%	22.0%	98.0%	98.0%
FRANCE TÉLÉVISIONS	France 4 (*)	69.1%	73.5%	22.0%	22.0%	98.0%	98.0%
FRANCE TÉLÉVISIONS	France 5 (*)	88.1%	88.5%	22.0%	22.0%	98.0%	98.0%
GAME ONE	Game One	68.0%	74.0%	19.0%	22.0%	85.0%	77.0%
HISTOIRE SA/Groupe TF1	Histoire	93.0%	94.0%	65.0%	64.0%	49.0%	52.0%
INDEPENDANT FILM TELEVISION	IF Télévision	NO	NC	NO	NC	NO	NC
JEUNESSE TV/Groupe Lagardère	Gulli (*)	62.3%	75.0%	10.0%	10.0%	57.0%	40.0%
JIMMY COMEDIE/Groupe Canal+	Comédie !	71.0%	58.0%	58.0%	57.0%	31.0%	32.0%
JIMMY COMEDIE/Groupe Canal+	Jimmy	73.0%	74.0%	68.0%	69.0%	39.0%	29.0%
KIOSQUE/Groupe Canal+	Ciné+	67.0%	65.0%	100.0%	100.0%	100.0%	100.0%
MCM/BOLLORÉ (depuis septembre 2010)	Virgin 17 (*)/Direct Star depuis septembre 2010)	70.4%	39.8%	12.0%	8.0%	17.0%	0.0%
MCM/CANAL J depuis le 1er juillet 2010/Groupe Lagardère	MCM	62.0%	58.0%	55.0%	46.0%	97.0%	92.0%
MCM/CANAL J depuis le 1er juillet 2010/Groupe Lagardère	MCM Pop	78.0%	72.0%	77.0%	71.0%	65.0%	58.0%
MCM/CANAL J depuis le 1er juillet 2010/Groupe Lagardère	MCM Top	64.0%	63.0%	61.0%	60.0%	99.0%	92.0%
METROPOLE TELEVISION/Groupe M6	M6 (*)	70.2%	69.6%	14.0%	13.0%	96.0%	97.0%
MEZZO/Groupe Lagardère	Mezzo	93.0%	92.0%	89.0%	89.0%	82.0%	81.0%
MEZZO/Groupe Lagardère	Mezzo Live HD	NO	NC	NO	NC	NO	NC
Mizik Tropical	ACI	100.0%	65.0%	100.0%	65.0%	85.0%	92.0%
MOTORS TV	Motors TV	87.0%	88.0%	80.0%	82.0%	99.0%	100.0%
MULTITHÉMATIQUES/Groupe Canal+	Cinécinéma Classic	75.0%	72.0%	48.0%	38.0%	19.0%	13.0%



MULTITHEMATIQUES/Groupe Canal+	Cinécinéma Club	82.0%	78.0%	56.0%	54.0%	43.0%	46.0%
MULTITHEMATIQUES/Groupe Canal+	Cinécinéma Emotion	70.0%	71.0%	60.0%	41.0%	32.0%	42.0%
MULTITHEMATIQUES/Groupe Canal+	Cinécinéma Famiz	70.0%	73.0%	49.0%	44.0%	52.0%	33.0%
MULTITHEMATIQUES/Groupe Canal+	Cinécinéma Frisson	68.0%	70.0%	40.0%	46.0%	38.0%	55.0%
MULTITHEMATIQUES/Groupe Canal+	Cinécinéma Premier	67.0%	71.0%	59.0%	47.0%	68.0%	56.0%
MULTITHEMATIQUES/Groupe Canal+	Cinécinéma Star	72.0%	69.0%	48.0%	45.0%	2.0%	1.0%
MULTITHEMATIQUES/Groupe Canal+	Seasons	100.0%	91.0%	83.0%	84.0%	70.0%	71.0%
NBC UNIVERSAL GLOBAL NETWORKS FRANCE	13ème Rue	64.0%	64.0%	55.0%	59.0%	55.0%	29.0%
NOLIFE S.A.	Nolife	78.0%	77.0%	78.0%	71.0%	98.0%	42.0%
NRJ 12/Groupe NRJ	NRJ 12 (*)	59.7%	61.5%	16.0%	12.0%	73.0%	43.0%
NRJ Groupe/Groupe NRJ	NRJ Hits	60.0%	61.0%	56.0%	58.0%	99.0%	99.6%
NT1/Groupe TF1	NT1 (*)	58.9%	59.0%	12.0%	12.0%	98.0%	98.0%
ORANGE CINÉMA	Orange Ciné Choc	60.0%	60.0%	55.0%	60.0%	27.0%	22.0%
ORANGE CINÉMA	Orange Ciné Géant	63.0%	62.0%	60.0%	62.0%	11.0%	4.0%
ORANGE CINÉMA	Orange Ciné Happy	61.0%	57.0%	54.0%	57.0%	25.0%	18.0%
ORANGE CINÉMA	Orange Ciné Max	56.0%	54.0%	47.0%	53.0%	59.0%	44.0%
ORANGE CINÉMA	Orange Ciné Novo	62.0%	59.0%	56.0%	59.0%	29.0%	31.0%
ORANGE SPORTS	Orange Sport	EX	66.0%	EX	54.0%	EX	90.0%
ORANGE SPORTS	Orange Sport Infos	100.0%	100.0%	72.0%	100.0%	100.0%	100.0%
PARIS PREMIERE/Groupe M6	Paris Premiere	69.0%	73.0%	59.0%	66.0%	67.0%	34.0%
PINK TV	Pink TV	67.0%	51.0%	99.0%	NC	100.0%	NC
PINK TV	Pinx TV	58.0%	NC	58.0%	NC	38.0%	NC
PLANETE CABLE/Groupe Canal+	Planète	73.0%	74.0%	65.0%	98.0%	74.0%	69.0%
PLANETE CABLE/Groupe Canal+	Planète Justice	72.0%	71.0%	71.0%	68.0%	28.0%	59.0%
PLANETE CABLE/Groupe Canal+	Planète No Limit	69.0%	58.0%	52.0%	58.0%	62.0%	71.0%
PLANETE CABLE/Groupe Canal+	Planète Thalassa	94.0%	98.0%	44.0%	46.0%	66.0%	48.0%
SENIOR COMMUNICATIONS	Télé Melody	73.0%	70.0%	73.0%	70.0%	0.0%	1.0%
SOCIETE D'EDITION DE PROGRAMMES THEMATIQUES/Groupe M6	Téva	66.0%	62.0%	56.0%	54.0%	32.0%	45.0%

SOCIÉTÉ EUROPÉENNE DES NOUVELLES TECHNOLOGIES DE L'INFORMATION (SENTI)	Ma Chaîne Etudiante	NO	NC	NO	NC	NO	NC
SOCIETE INTERNATIONALE TELEVISION COMMUNICATION	KTO	100.0%	100.0%	22.0%	29.0%	76.0%	64.0%
SOCIETE PANEUROPEENNE D'EDITION ET EXPLOITATION DE DOCUMENTAIRES/Groupe TF1	Ushuaia TV	71.0%	72.0%	41.0%	36.0%	65.0%	79.0%
STE D'EXPLOITATION DE DOCUMENTAIRES/Groupe TF1	Odyssée	80.0%	71.0%	57.0%	60.0%	78.0%	74.0%
TELEVISION FRANCAISE 1/Groupe TF1	TF1 (*)	62.5%	62.8%	12.0%	12.0%	98.0%	98.0%
TELEVISTA	Vivolta	73.0%	66.0%	53.0%	53.0%	46.0%	67.0%
TF6/GROUPES TF1 ET M6	TF6	55.0%	56.0%	22.0%	55.0%	13.0%	42.0%
THE WALT DISNEY COMPANY FRANCE SA	Disney Channel France	59.0%	54.0%	56.0%	48.0%	44.0%	68.0%
THE WALT DISNEY COMPANY FRANCE SA	Disney Channel France +1	59.0%	54.0%	56.0%	48.0%	44.0%	68.0%
THE WALT DISNEY COMPANY FRANCE SA	Disney XD	62.0%	61.0%	37.0%	48.0%	95.0%	95.0%
THE WALT DISNEY COMPANY FRANCE SA	Playhouse Disney France	66.0%	63.0%	63.0%	59.0%	32.0%	42.0%
TMC/Groupe TF1	TMC (*)	60.9%	61.5%	12.0%	12.0%	98.0%	98.0%
TPS CINEMA/Groupe Canal+	TPS Star	61.0%	62.0%	61.0%	53.0%	68.0%	71.0%
TPS JEUNESSE/MULTITHÉMATIQUES depuis 2010/Groupe Canal+	Piwi	70.0%	68.0%	70.0%	68.0%	37.0%	37.0%
TPS JEUNESSE/MULTITHÉMATIQUES depuis 2010/Groupe Canal+	Télétoon	68.0%	72.0%	68.0%	72.0%	71.0%	47.0%
TPS JEUNESSE/MULTITHÉMATIQUES depuis 2010/Groupe Canal+	Télétoon +1	68.0%	72.0%	68.0%	72.0%	71.0%	47.0%
TRACE TROPICAL SA	Trace Tropical	50.0%	38.0%	43.0%	34.0%	81.0%	88.0%
TRACE TV	Trace TV	55.0%	47.0%	40.0%	39.0%	94.0%	95.0%
TV BREIZH/Groupe TF1	TV Breizh	56.0%	58.0%	30.0%	42.0%	51.0%	47.0%
TV5 MONDE	TV5MONDE	88.0%	80.0%	61.0%	65.0%	NC	NC
WIAM, WIRELESS AND INTERNET AFROMÉDIA (SARL)	3A Télésud	NC	70.0%	NC	14.0%	NC	100.0%

<b>Covered Channels (IND 1)</b>	<b>98</b>	<b>103</b>	<b>98</b>	<b>103</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>	<b>98.0%</b>	<b>90.3%</b>	<b>94.9%</b>	<b>91.3%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>	<b>72.3%</b>	<b>70.1%</b>	<b>50.4%</b>	<b>49.5%</b>	<b>59.4%</b>	<b>60.0%</b>

## PART 2 – Comments

### Monitoring method

#### Broadcasting:

Terrestrial channels: check on daily programming using the CSA database.

Non-terrestrial channels: broadcasters' declaration examined and checked by the CSA.

Services with an annual budget below €150,000 are not required to submit annual results, therefore no data on compliance with Articles 16 and 17 of the Directive is available.

#### Production:

Terrestrial channels: broadcasters' declaration checked by the CSA

Non-terrestrial channels: broadcasters' declaration checked by the CSA.

### A) Reasons given by the Member State for failure to reach

#### 1. A majority proportion of European works (Article 16):

The data declared under the 'EW' quota are calculated by using the definition of a 'European work' in the Audiovisual Media Services Directive.

#### 2. A minimum proportion of European works by independent producers (Article 17):

With regard to free-of-charge terrestrial channels, excluding news channels (France 2, France 3, France 4, France 5, Gulli, M6, NRJ 12, NT1, TF1, Virgin17/Direct Star and W9) as well as Canal+ and its derivatives the 'IP' and 'RW' quotas referred to in the Directive have to be interpreted taking into account the following:

Under French regulations, obligations to invest in audiovisual and cinematographic production are expressed as percentages of turnover or resources of audiovisual groups, after statutory deductions, and not on the basis of programming budgets.

The French definition of an 'audiovisual work' is more restrictive than the definition used by the Directive. It excludes in particular programmes which are primarily filmed on set, variety programmes and cinematographic works. Investments declared in respect of the production of cinematographic works have been added here. For the TF1 group, the Canal+ group and France Télévisions, the range of works considered for their contribution is even more limited since these providers may only declare investments in 'cultural and heritage works' ('œuvres patrimoniales'), i.e. works which fall into one of the following categories: fiction, animation,

creative documentaries, including those which are incorporated into a programme other than news or entertainment programmes, music videos and broadcast or re-creation of live performances.

The concept of recent works does not exist in the French regulations. Under 'recent works' we have indicated investments in new productions (pre-purchases, co-productions and writing expenses). The works in question are simply therefore 'new' works (produced during the year) and not 'recent' works.

With effect from 2009, TF1, France Télévisions and Canal+ have been entitled to pool their contributions to the audiovisual production of the services they provide. The amounts indicated therefore correspond to the overall amounts invested by these groups. With effect from 2010, the relevant regulations have authorised all audiovisual service providers (both terrestrial and non-terrestrial) to combine their investments in audiovisual production. It is to be noted in this context that, with effect from 2010, the contribution of Gulli has been incorporated into that in respect of the services offered by Lagardère Active.

The percentages given correspond to expenditure in relation to compliance with obligations as transposed at national level: some expenses are reduced, others may be subject to a coefficient.

Investments in independent production correspond to investments for works which meet the national criteria for independent production defined, for cinematographic production, by statutory texts, and for audiovisual production, by statutory texts and legal agreements between the CSA and broadcasters regarding the periods for which rights are held.

The criteria used to determine the independence of audiovisual production are the non-holding of producer shares and the absence of share-holding ties between the audiovisual service provider and the production company.

The criteria used to determine the independence of cinematographic production are the non-accumulation of exploitation mandates and the absence of share-holding ties between the audiovisual service provider and the production company. The latter criterion applies to pre-purchases and co-productions only.

Consequently, some services may display rates which are below those provided for in the Directive, since French legislation requires broadcasters to allocate a share of their resources calculated on the basis of a more limited range of works (cf. in particular the definition of audiovisual work above) but in relation to a broader reference basis (turnover or resources and not programming budget).

The calculation methods for the Directive quotas 'IP' and 'RW' for the channels referred to above (free-of-charge terrestrial channels excluding news channels) account for:

- the fact that the IP (independent production) levels of Direct Star (formerly Virgin 17) in 2010 (8%) and W9 in 2009 (8%) are slightly lower than 10%;
- the fact that the RW (recent works) levels are low or non-existent for some channels: Direct Star in 2009 (17%) and 2010 (0%), Direct 8 in 2009 (30%), NRJ12 in 2010 (43%) and W9 in 2009 (30%).

## **B) Measures taken by or envisaged by the Member State**

Following the examination of compliance with obligations by audiovisual service providers for 2009, relating primarily to compliance with regulations on the promotion of European works, the CSA:

- issued a letter of formal notice to the audiovisual service providers which had not provided a report: 3A Télésud, Berbère Télévision, Beur TV and TV5 Monde;
- issued a warning to AB1 for non-compliance with its obligation to broadcast on 10% of its air-time European works by independent producers;
- issued a warning to Mangas and Télé Melody on account of the low percentage of recent European works by independent producers broadcast.

Following the examination of compliance with obligations by audiovisual service providers for 2010, relating primarily to compliance with regulations on the promotion of European works, the CSA:

- issued a letter of formal notice to the audiovisual service providers which had not provided a report: Berbère Télévision, Beur TV and Ma Chaîne Etudiante;
- wrote to IF Télévision, which had not reported its quotas under the AVMS Directive;
- wrote to Africabox and Trace Tropical on account of non-compliance with their quotas for the broadcast of European works;
- issued a warning to AB1 for non-compliance with its obligation to broadcast on 10% of its air-time European works by independent producers;
- issued a warning to Mangas and Télé Melody on account of the low percentage of recent European works by independent producers broadcast;
- requested explanations from Ciné Polar and Ciné Cinéma Star which had broadcast few recent European works by independent producers.

## **C) Further comments**

The television channel Pinx TV no longer falls under the jurisdiction of the CSA. It was registered by the Commissariat voor de Media (Netherlands) on 27 April 2010 under the name of Pink TV international. The agreement between the CSA and Pinx TV was terminated by decision of 30 July 2010.

### 3.11. Italy

#### PART 1 - Statistical data

Number of channels identified:	345	Reference period: 2009/2010
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Number of channels exempted	278	Quota: 171	Reporting: 107
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
BOING S.P.A.	Boing TV	31.0%	30.0%	16.1%	16.8%	15.2%	15.7%
FOX INTERNATIONAL CHANNELS ITALY SRL	Cult	52.1%	64.2%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	FOX	31.1%	28.5%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	FOX CRIME	46.0%	EX	15.7%	EX	6.4%	EX
FOX INTERNATIONAL CHANNELS ITALY SRL	FOX LIFE	50.0%	NO	15.7%	NO	6.4%	NO
FOX INTERNATIONAL CHANNELS ITALY SRL	FOX LIFE Fra	64.8%	NO	15.7%	NO	6.4%	NO
FOX INTERNATIONAL CHANNELS ITALY SRL	FOX LIFE pl	24.7%	NO	15.7%	NO	6.4%	NO
FOX INTERNATIONAL CHANNELS ITALY SRL	FX	47.0%	31.1%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	Nat Geo Adventure	55.4%	57.6%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	Nat Geo Music	62.9%	54.6%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	Nat Geo Wild	54.7%	58.9%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	Nat Geo Wild Germany	47.5%	39.0%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	National Geographic Channel	57.8%	60.1%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	National Geographic Channel Fra	29.6%	NO	15.7%	NO	6.4%	NO
FOX INTERNATIONAL CHANNELS ITALY SRL	National Geographic Channel HD	55.9%	60.1%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	National Geographic Channel HD DE	43.5%	48.3%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	National Geographic Channel HD Fra	44.9%	NO	15.7%	NO	6.4%	NO

FOX INTERNATIONAL CHANNELS ITALY SRL	National Geographic Germany	47.6%	55.5%	15.7%	15.7%	6.4%	6.4%
FOX INTERNATIONAL CHANNELS ITALY SRL	Next	61.4%	NO	15.7%	NO	6.4%	NO
FOX INTERNATIONAL CHANNELS ITALY SRL	The History Channel	53.3%	51.1%	15.7%	15.7%	6.4%	6.4%
MTV ITALIA S.R.L.	MTV +	NO	61.0%	NO	17.5%	NO	16.1%
MTV ITALIA S.R.L.	MTV BRAND NEW	83.1%	87.8%	25.2%	17.5%	10.9%	16.1%
MTV ITALIA S.R.L.	MTV GOLD	90.0%	75.1%	25.2%	17.5%	10.9%	16.1%
MTV ITALIA S.R.L.	MTV HITS	87.8%	74.1%	25.2%	17.5%	10.9%	16.1%
MTV ITALIA S.R.L.	MTV Italia Music television	71.8%	67.0%	13.6%	17.5%	18.8%	16.1%
MTV ITALIA S.R.L.	MTV PULSE	71.8%	82.1%	25.2%	17.5%	10.9%	16.1%
NBC UNIVERSAL GLOBAL NETWORKS ITALIA - S.R.L.	Steel	51.0%	53.0%	10.1%	9.1%	6.4%	6.3%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI 5	NO	76.0%	NO	16.3%	NO	12.2%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Due	57.0%	52.0%	17.0%	16.3%	13.7%	12.2%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Movie	76.0%	96.0%	17.0%	16.3%	13.7%	12.2%
RAI - RADIOTELEVISIONE ITALIANA SP	Rai Premium	100.0%	100.0%	17.0%	16.3%	13.7%	12.2%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Quattro	21.0%	22.0%	17.0%	16.3%	13.7%	12.2%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Tre	61.0%	64.0%	17.0%	16.3%	13.7%	12.2%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Uno	85.0%	84.0%	17.0%	16.3%	13.7%	12.2%
RAI - RADIOTELEVISIONE ITALIANA SP	Raisat Gulp	78.0%	62.0%	17.0%	16.3%	13.7%	12.2%
RAI - RADIOTELEVISIONE ITALIANA SP	Raisat Yoyo	69.0%	71.0%	17.0%	16.3%	13.7%	12.2%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Canale 5	81.0%	81.0%	16.1%	16.8%	15.2%	15.7%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Iris	61.0%	51.0%	16.1%	16.8%	15.2%	15.7%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Italia 1	35.0%	37.0%	16.1%	16.8%	15.2%	15.7%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	LA5	NO	64.0%	NO	16.8%	NO	15.7%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Mediaset Extra	NO	59.0%	NO	16.8%	NO	15.7%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Mediaset Plus	100.0%	100.0%	16.1%	16.8%	15.2%	15.7%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Rete 4	50.0%	55.0%	16.1%	16.8%	15.2%	15.7%
SITCOM TELEVISIONI SRL	Alice	100.0%	100.0%	7.4%	10.1%	6.5%	10.1%

SITCOM TELEVISIONI SRL	Arturo	NO	100.0%	NO	10.1%	NO	10.1%
SITCOM TELEVISIONI SRL	Leonardo	100.0%	100.0%	7.4%	10.1%	6.5%	10.1%
SITCOM TELEVISIONI SRL	Marco Polo	92.7%	90.5%	7.4%	10.1%	6.5%	10.1%
SITCOM TELEVISIONI SRL	Nuvolari	94.8%	87.7%	7.4%	10.1%	6.5%	10.1%
SKY ITALIA	Cielo	55.0%	46.0%	22.4%	14.4%	21.3%	13.4%
SKY ITALIA	Sky Cinema 1	34.3%	39.2%	22.4%	14.4%	21.3%	13.4%
SKY ITALIA	Sky Cinema Classic	45.8%	34.3%	22.4%	14.4%	21.3%	13.4%
SKY ITALIA	Sky Cinema Family	38.2%	30.6%	22.4%	14.4%	21.3%	13.4%
SKY ITALIA	Sky Cinema HITS	31.7%	26.4%	22.4%	14.4%	21.3%	13.4%
SKY ITALIA	Sky Cinema Italia	62.1%	99.7%	22.4%	14.4%	21.3%	13.4%
SKY ITALIA	Sky Cinema Mania	43.1%	33.4%	22.4%	14.4%	21.3%	13.4%
SKY ITALIA	Sky Cinema Max	25.8%	19.7%	22.4%	14.4%	21.3%	13.4%
SKY ITALIA	Sky Show	98.0%	NO	22.4%	NO	21.3%	NO
SKY ITALIA	Sky uno	51.0%	37.0%	22.4%	14.4%	21.3%	13.4%
SWITCHOVER CHANNELS SRL	K2	49.0%	27.0%	25.2%	11.6%	24.5%	5.7%
SWITCHOVER MEDIA SRL	GXT	59.0%	41.0%	25.2%	11.6%	24.5%	5.7%
SWITCHOVER MEDIA SRL	JETIX	61.0%	NO	25.2%	NO	24.5%	NO
TELECOM ITALIA MEDIA S.P.A.	LA7	58.0%	65.0%	13.6%	17.5%	18.8%	16.1%
TELECOM ITALIA MEDIA S.P.A.	LA7D	NO	83.0%	NO	11.6%	NO	5.7%
THE WALT DISNEY COMPANY ITALIA SPA	Disney Channel Italia	56.0%	50.0%	11.7%	10.1%	11.7%	10.1%
THE WALT DISNEY COMPANY ITALIA SPA	Disney in english	46.2%	78.0%	11.7%	10.1%	11.7%	10.1%
THE WALT DISNEY COMPANY ITALIA SPA	Playhouse Disney	65.0%	65.0%	11.7%	10.1%	11.7%	10.1%
THE WALT DISNEY COMPANY ITALIA SPA	Toon Disney	53.6%	57.7%	11.7%	10.1%	11.7%	10.1%
<b>Covered Channels (IND 1)</b>		<b>61</b>	<b>58</b>	<b>61</b>	<b>58</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>67.2%</b>	<b>70.7%</b>	<b>93.4%</b>	<b>98.3%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>59.2%</b>	<b>60.8%</b>	<b>17.1%</b>	<b>14.8%</b>	<b>12.6%</b>	<b>11.4%</b>

## PART 2 – Comments

### Monitoring method

Two monitoring methods:

- 1) Agcom collects reports directly from channels;



- 2) Agcom receives monthly reports by an independent media research center (during the period covered by the report, Isimm – Istituto per lo studio dell'innovazione) that has been specifically charged to monitor the compliance with programming obligations according to the AVMS Directive on twelve broadcasters (Rai uno, Rai due, Rai Tre, Canale 5, Italia 1, Retequattro, MTV, La7, All Music, Jimmy, Fox Crime, Sky Cinema), both 24 h and during prime time (18:30-22:30).

#### **A) Reasons given by the Member State for failure to reach**

##### 1. Majority proportion of European works (Article 16):

Italian legislation (Law n. 122/98, replaced by Decree n. 177/05) delegates to Agcom the adoption of the detailed regulatory measures related to the European and independent production obligations. This regulation was adopted by decision n. 9/99, replaced by decision n. 66/09/CONS, which foresees that in the case of broadcasters belonging to the same group, the quotas have to be calculated on the global amount of programming time, with a minimum threshold on each channel of 20%.

The impossibility of adapting the report scheme to the peculiarities of Italian legislation clearly affects the compliance rate, and we would therefore draw your attention on this aspect, considering that during the ten years of application of the mentioned calculation method, it has never been considered as being against the spirit of the directive. This aspect will not fit the format of the file either in the future, but nonetheless affects the compliance rate notwithstanding its compatibility with the Directive.

##### 2. A minimum proportion of European works by independent producers (Article 17):

No comments

#### **B) Measures taken by or envisaged by the Member State**

All requested broadcasters have communicated their data and those that have apparently not respected the programming obligations have justified their reasons, so it will not be necessary to activate sanctioning proceedings.

#### **C) Further comments**

The IP data inserted in the table are related to the investments. The IP obligation in Italy is related to a 10% investment quota, according to Article 44 (3) of Decree n.177/05 as amended by Decree n. 44/10. As with programming obligations, the investments are calculated on the revenues collected by the channel or, in case, by the Company that owns or controls more channels.

### 3.12. Cyprus

#### PART 1 - Statistical data

Number of channels identified:	8	Reference period: 2009/2010
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Number of channels exempted	0	Quota: 0	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
ALPHA TV	Alfa TV (Cyprus)	5.0%	4.0%	100.0%	100.0%	100.0%	100.0%
ANTENNA T.V. LIMITED	ANT1 TV (Cyprus)	62.5%	58.3%	15.8%	19.9%	NC	NC
C.N.C. (CYPRUS NEW CHANNEL) PLUS T.V.	CNC Plus TV	71.4%	73.2%	4.2%	1.8%	0.0%	0.0%
CYPRUS BROADCASTING CORPORATION	RIK1 (CyBC1)	58.4%	54.6%	31.8%	18.7%	30.0%	15.9%
CYPRUS BROADCASTING CORPORATION	RIK2 (CyBC2)	52.5%	51.1%	38.2%	40.8%	37.4%	38.7%
LUMIERE TV PUBLIC COMPANY LTD	LTV (Lumiere TV)	27.0%	22.0%	94.0%	96.0%	79.0%	78.0%
POLITISTIKI & PLIROFORIAKI ETERIA O LOGOS LTD	MEGA (Cyprus)	63.5%	65.5%	0.0%	0.0%	0.0%	0.0%
SIGMA RADIO T.V. PUBLIC LIMITED	SIGMA	61.9%	71.1%	0.0%	0.0%	0.0%	0.0%
<b>Covered Channels (IND 1)</b>		<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	-	-
<b>Compliance rate (IND 3 and 5)</b>		<b>75.0%</b>	<b>75.0%</b>	<b>62.5%</b>	<b>62.5%</b>	-	-
<b>Average % (IND 2, 4, and 6)</b>		<b>50.3%</b>	<b>50.0%</b>	<b>35.5%</b>	<b>34.6%</b>	<b>35.2%</b>	<b>33.2%</b>

#### PART 2 – Comments

##### Monitoring method

The figures were collected directly from all eight TV stations, on a sample basis of four randomly selected weeks within the above mentioned period. The data gathered from these four weeks was subsequently analysed and broken down, producing thus the quotas as they appear in the attached sheet.

##### A) Reasons given by the Member State for failure to reach

###### 1. Majority proportion of European works (Article 16):

There is a significant increase in the broadcast of European works by seven stations, compared to the period 2007-2008.

Alfa TV shows a decrease in the broadcast of European works. However, Alfa TV was (it does no longer exist) a kids/sports pay-TV channel broadcasting in an encoded form and not

received by the majority of the population. The same applies to LTV which is (still) a fiction (movies etc) channel.

## 2. A minimum proportion of European works by independent producers (Article 17):

Only four of the eight stations that communicated their data, have achieved over and above the minimum threshold of 10% of broadcasting time in promoting European works made by independent producers.

RIK 1 (CyBC 1) has a percentage of 9.5% which is very close to the minimum threshold of 10%.

CNC PLUS TV had a percentage of 4.2% the year 2009 and a percentage of 1,8% the year 2010 which is below the minimum threshold of 10%.

MEGA (Cyprus) and SIGMA, after examining the Concept of Independence (according to the Revised Guidelines for Monitoring the Application of Articles 16 and 17 of the Audiovisual and Media Services (AVMS) Directive), as all the other 6 stations did, informed the Authority that during the period in question had no independent productions.

### **B) Measures taken by or envisaged by the Member State**

The measures that the Authority is considering in taking towards increasing the level and percentages of European works, as well as those of independent producers being broadcasted from all TV channels under its jurisdiction are:

- To communicate to all national TV channels the results and conclusions of the last report for self-regulation purposes as well as remind them their obligation towards the 'acquis communautaire' concerning this matter.

### **C) Further comments**

During the period in question (2009-2010), the Authority did not monitor all the channels under Cyprus Jurisdiction due to a national legislative gap that did not allowed the monitoring of channels broadcasting in any technological form other than analogue, i.e. digital. This situation has changed since the 1<sup>st</sup> of July 2011. This is the reason why a large number of channels are not reported since they have not been licensed by CRTA and therefore were not monitored during the reference period.

### 3.13. Latvia

#### PART 1 - Statistical data

Number of channels identified:	33	Reference period: 2009/2010
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Number of channels exempted	26	Quota: 1	Reporting: 25
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
LATVIJAS NEATKARIGA TELEVIZIJA AS	LNT	46.0%	41.0%	23.6%	23.3%	96.0%	98.0%
LATVIJAS TELEVIZIJA VSIA	LTV1	96.0%	97.0%	22.0%	19.0%	100.0%	100.0%
LATVIJAS TELEVIZIJA VSIA	LTV7	76.0%	76.0%	35.0%	33.0%	100.0%	100.0%
PIRMAIS BALTIJAS KANĀLS	Pirmais Baltijas Kanāls	32.0%	32.0%	0.0%	0.0%	0.0%	0.0%
TV RIGA SIA	TV5 RIGA	18.5%	20.1%	5.6%	6.2%	0.0%	0.0%
TV3 LATVIA SIA	TV3	50.7%	51.0%	13.4%	16.5%	100.0%	100.0%
TV3 LATVIA SIA	TV6	49.2%	49.3%	27.2%	16.1%	100.0%	100.0%
Covered Channels (IND 1)		7	7	7	7	-	-
Compliance rate (IND 3 and 5)		42.9%	42.9%	71.4%	71.4%	-	-
Average % (IND 2, 4, and 6)		52.6%	52.3%	18.1%	16.3%	70.9%	71.1%

#### PART 2 – Comments

##### Monitoring method

Self- reporting.

##### A) Reasons given by the Member State for failure to reach

###### 1. Majority proportion of European works (Article 16):

Private broadcaster “Latvijas Neatkarīgā Televīzija” states that the decrease in advertising market in 2009 forced LNT to reduce the amount of home production. With the introduction of digital terrestrial broadcasting in 2010 the audience share of LNT decreased and consequently the income from advertising fell down and caused a decrease in author broadcasts.

Private broadcaster “Pirmais Baltijas Kanāls” states that it occupies a unique niche among other Latvian TV channels. It is oriented to the Russian speaking part of population not only in Latvia but in all three Baltic states. Market research specialists of “Pirmais Baltijas Kanāls” carry out market research yearly and based on that have concluded that broadcasts and programmes produced in Russia are closer and more understandable for target audience. Research data of channels' target audience indicate that TV production of Russia and USA

attract bigger audience than programmes produced in Europe and increases the rating which is crucially important for TV channels from a commercial point of view. The Broadcaster also states that European works are more expensive. “Pirmais Baltijas Kanāls” considers that their capacity to fulfil the quota of European works is comparatively lower than that of terrestrial commercial TV channels.

## 2. A minimum proportion of European works by independent producers (Article 17):

Currently the only home production of “Pirmais Baltijas Kanāls” is news that is not counted as European works. Taking into account the economic recession and the lack of financing “Pirmais Baltijas Kanāls” is not planning to start producing home production that would count as European works.

### **B) Measures taken or envisaged by the Member State**

“Latvijas Neatkarīgā Televīzija” is planning to increase author broadcasts on the basis of income growth.

At the beginning of 2009 “Pirmais Baltijas Kanāls” launched purchases and is striving to increase the number of European works and according to provisional data in 2011 European works constitute 45-51% of programme.

### **C) Further comments**

No further comments.

### 3.14. Lithuania

#### PART 1 - Statistical data

Number of channels identified:	11	Reference period: 2009/2010
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Number of channels exempted	0	Quota:0	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
LRT LIETUVOS RADIJAS IR TELEVIZIJA	LTV 1	81.0%	76.0%	61.0%	38.0%	56.0%	25.0%
LRT LIETUVOS RADIJAS IR TELEVIZIJA	LTV2	88.0%	85.0%	49.0%	30.0%	42.0%	22.0%
UAB BALTIJOS TV	BTv	53.0%	67.0%	36.0%	58.0%	78.0%	78.0%
UAB LAISVAS IR NEPRIKLAUSOMAS KANALAS	Info TV	100.0%	98.0%	50.0%	60.0%	30.0%	35.0%
UAB LAISVAS IR NEPRIKLAUSOMAS KANALAS	LIUKS!	85.0%	85.0%	20.0%	40.0%	20.0%	30.0%
UAB LAISVAS IR NEPRIKLAUSOMAS KANALAS	LNK	36.0%	34.0%	12.0%	23.0%	12.0%	23.0%
UAB LIETUVOS RYTAS	Lietuvos Rytas TV	80.0%	68.0%	63.0%	69.0%	71.0%	52.0%
UAB Balticum TV	Balticum televizija	58.0%	52.0%	97.0%	95.0%	55.0%	45.0%
UAB LAISVAS IR NEPRIKLAUSOMAS KANALAS	TV1	10.0%	11.0%	10.0%	11.0%	7.0%	8.0%
UAB TELE-3	TV3	45.0%	35.0%	34.0%	26.0%	34.0%	26.0%
UAB TELE-3	TV6	28.0%	20.0%	13.0%	10.0%	13.0%	10.0%
<b>Covered Channels (IND 1)</b>		<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>63.6%</b>	<b>63.6%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>60.4%</b>	<b>57.4%</b>	<b>40.5%</b>	<b>41.8%</b>	<b>38.0%</b>	<b>32.2%</b>

#### PART 2 – Comments

##### Monitoring method

Following the provisions of the AVMS Directive and the LR Law on Provision of Information to the Public each year broadcasters of the national scope provide the information on the European works quota to the Radio and Television Commission of Lithuania (Commission). The broadcasters themselves carry out the monitoring of their programmes and calculate the percentage of the European works in their programmes.

Once a year, the Commission carries out the monitoring on European works of all national scope programmes on a week's basis itself. Having in mind scarce resources of the monitoring staff, the Commission is able to verify the data only by checking the information on the programmes of a given broadcaster in a programme grid. In case the origin of a programme is not provided in the programme grid, the Commission verifies it with original sources.

Practice showed that the information provided by the broadcasters and the findings of the Commission did not differ essentially.

#### **A) Reasons given by the Member State for failure to reach**

##### 1. Majority proportion of European works (Article 16):

Four national broadcasters out of eleven failed to achieve the European production quotas for the period 2009/2010. They blame it on the high European production costs, the economical factors and the decrease of the advertising market of the reporting period.

##### 2. A minimum proportion of European works by independent producers (Article 17)

Same reasons as above.

#### **B) Measures taken by or envisaged by the Member State**

Only when the economic situation improves, there will be better conditions to purchase more local and European production.

#### **C) Further comments**

### 3.15. Luxembourg

#### PART 1 - Statistical data

Number of channels identified:	20	Reference period: 2009/2010
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Number of channels exempted	7	Quota: 7	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
CLT-UFA SA	Club RTL	49.7%	59.8%	39.4%	50.2%	13.2%	40.2%
CLT-UFA SA	Den 2. RTL	91.0%	90.0%	12.0%	11.5%	95.0%	95.0%
CLT-UFA SA	Plug TV	82.5%	76.9%	62.4%	61.7%	31.2%	57.0%
CLT-UFA SA	RTL 4	73.0%	77.0%	90.0%	88.0%	95.0%	97.0%
CLT-UFA SA	RTL 5	45.0%	50.0%	69.0%	77.0%	100.0%	97.0%
CLT-UFA SA	RTL 7	68.0%	63.0%	77.0%	85.0%	97.0%	96.0%
CLT-UFA SA	RTL 8	28.0%	48.0%	83.0%	88.0%	78.0%	91.0%
CLT-UFA SA	RTL Lounge	76.0%	78.0%	83.0%	81.0%	80.0%	59.0%
CLT-UFA SA	RTL Télé Lëtzebuerg	91.0%	90.0%	12.0%	11.5%	95.0%	95.0%
CLT-UFA SA	RTL9	51.0%	52.3%	39.8%	44.9%	8.6%	11.4%
CLT-UFA SA	RTL-TVI	74.4%	68.2%	22.9%	17.2%	17.9%	13.9%
Current Media Europes.à.r.l.	CurrentTV*	52.0%	52.0%	70.0%	70.0%	NC	NC
Opuntia S.A.	Luxe TV Luxembourg**	NC	NC	NC	NC	NC	NC
<b>Covered Channels (IND 1)</b>		<b>13</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>69.2%</b>	<b>84.6%</b>	<b>92.3%</b>	<b>92.3%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>65.1%</b>	<b>67.1%</b>	<b>55.0%</b>	<b>57.2%</b>	<b>64.6%</b>	<b>68.4%</b>

#### PART 2 – Comments

##### Monitoring method

Sampled: RTL TVi, Club RTL, Plug, RTL4, RTL5, RTL7 and RTL8

Estimated: RTL TéléLëtzebuerg

All given informations are provided by the service providers themselves.

##### A) Reasons given by the Member State for failure to reach

###### 1. Majority proportion of European works (Article 16):

Club RTL's schedule failed to reach the required proportion of European works in 2009 and 2010. While waiting for CLT-UFA's explanations, attention should nonetheless be drawn to the strong increase in the number of European works in 2010.



As regards RTL5's schedule, although the required proportion was not reached in 2009, the situation improved in 2010 and the company confirms its desire to schedule a greater number of European works in 2011.

RTL8 did not reach the set objective in 2009 and 2010, but the proportion of European works increased by 20% in 2010. The very high cost of acquiring European works and the fact that this channel, launched just a few years ago, does not yet have an established audience are the reasons for the higher proportion of non-European works in the programme schedule. The broadcaster confirms that it intends to take the necessary measures to continue increasing the proportion of European works in order to reach the set objective.

## 2. A minimum proportion of European works by independent producers (Article 17):

The minimum proportion of European works by independent producers is reached by all the channels.

### **B) Measures taken or envisaged by the Member State**

CLT-UFA S.A. has been formally instructed to take the steps needed to ensure it complies with its obligations in the future.

### **C) Further comments**

The channel Current Italie has not been broadcast since August 2011 and the broadcaster, which continues to use Current TV, is no longer able to provide the required data.

For Current TV's schedule, the figure 52% concerns the years 2009 and 2010. The figure 70% for European works by independent producers concerns the years 2009 and 2010.

DVL TV S.A. lodged a bankruptcy petition in September 2010.

Luxe TV's channel (Luxembourg version) is broadcast by Opuntia S.A., which was unable to provide figures for the period under review.

### 3.16. Hungary

#### PART 1 - Statistical data

Number of channels identified:	39	Reference period: 2009/2010
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Number of channels exempted	12	Quota: 12	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
ATV ELSŐ MAGYAR MAGÁNTÉLEVÍZIÓS ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Magyar ATV	79.2%	84.7%	23.3%	22.3%	76.3%	89.8%
BUDAPEST TELEVÍZIÓ TÖMEGKOMMUNIKÁCIÓS ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG "felszámolás alatt"	Budapest Televízió	100.0%	NO	32.1%	NO	87.9%	NO
COMEDY CENTRAL MAGYARORSZÁG ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Comedy Central	99.9%	84.1%	70.8%	55.1%	55.9%	47.2%
DOMINO TV MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	d1 tv	100.0%	99.3%	85.3%	55.9%	98.0%	70.1%
DUNA TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Autonomia TV	98.4%	94.1%	24.9%	25.6%	62.8%	53.0%
DUNA TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Duna TV	93.1%	90.0%	38.3%	35.9%	61.7%	51.7%
ECHO HUNGÁRIA TV TELEVÍZIÓZÁSI, KOMMUNIKÁCIÓS ÉS SZOLGÁLTATÓ ZÁRTKÖRŰ RÉSZVÉNYTÁRSASÁG	Echo TV	100.0%	99.9%	44.9%	12.9%	99.1%	93.2%
ECHO HUNGÁRIA TV TELEVÍZIÓZÁSI, KOMMUNIKÁCIÓS ÉS SZOLGÁLTATÓ ZÁRTKÖRŰ RÉSZVÉNYTÁRSASÁG	Vital TV	95.1%	96.9%	39.2%	43.2%	90.2%	87.7%
FILMMŰZEUM MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Filmuzeum	94.7%	82.4%	51.0%	58.5%	24.9%	21.7%
HÁLÓZATOS TELEVÍZIÓK ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Halozat TV	70.6%	69.9%	51.3%	54.3%	80.3%	72.1%

HUMORI TV MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Muzsika TV	99.9%	89.7%	70.8%	68.9%	55.8%	42.9%
MAGYAR RTL TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	RTL KLUB	58.1%	58.9%	38.8%	36.0%	95.8%	95.7%
MAGYAR TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	M1 (Magyar Televízió 1)	90.4%	89.7%	41.2%	19.4%	78.5%	64.4%
MAGYAR TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	M2 (Magyar Televízió 2)	84.1%	88.6%	43.5%	30.7%	72.7%	49.7%
MIXOLID SZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	FixTV	NC	NO	NC	NO	NC	NO
MTM-SBS TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	TV2 (Hungary)	55.8%	54.7%	47.9%	47.0%	70.4%	78.3%
MTV NETWORKS MAGYARORSZÁG MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG.	MTV Hungary (Music channel)	94.7%	78.7%	57.0%	60.2%	83.2%	82.4%
ORIGO MÉDIA ÉS KOMMUNIKÁCIÓS SZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Life Network	NC	53.2%	NC	31.4%	NC	78.3%
ORIGO MÉDIA ÉS KOMMUNIKÁCIÓS SZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Ozone Network	NC	45.0%	NC	27.3%	NC	55.3%
PAX TELEVÍZIÓ MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Pax TV	99.4%	99.7%	64.1%	52.5%	50.5%	52.2%
SANOMA DIGITAL MEDIA KÖZÉP-EURÓPAI KOMMUNIKÁCIÓS ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	4-es csatorna	39.1%	42.0%	16.6%	25.9%	46.9%	28.8%
SPEKTRUM-TV KÖZÉP- EURÓPAI MŰSORKÉSZÍTŐ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Spektrum TV (Hungary)	72.1%	69.3%	35.7%	56.7%	76.3%	71.8%
TOLNATÁJ MŰSORSZOLGÁLTATÓ ÉS TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Tolnatáj TV	NC	100.0%	NC	73.5%	NC	100.0%

TV PAPRIKA MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Deko TV	89.0%	89.6%	26.8%	31.0%	89.8%	68.8%
TV PAPRIKA MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	TV Paprika	91.2%	90.3%	24.6%	40.9%	82.2%	78.9%
VIASAT HUNGÁRIA MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Viasat3 Hungary	4.7%	NC	3.7%	NC	73.7%	NC
Z+ MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZTVÉNYTÁRSASÁG	VIVA (Hungary)	98.8%	92.7%	55.4%	55.6%	93.7%	95.2%
<b>Covered Channels (IND 1)</b>		<b>27</b>	<b>25</b>	<b>27</b>	<b>25</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>77.8%</b>	<b>88.0%</b>	<b>81.5%</b>	<b>96.0%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>83.0%</b>	<b>81.0%</b>	<b>42.9%</b>	<b>42.5%</b>	<b>74.2%</b>	<b>67.9%</b>

## PART 2 – Comments

### Monitoring method:

Based on self-reporting, the data supplied weekly by media service providers is aggregated on a monthly basis.

### A) Reasons given by the Member State for failure to reach

#### 1. Majority proportion of European works (Article 16):

In preface, allow us to note that the failure to meet quotas for both European works and independent European productions primarily resulted from the specialised, thematic nature of the channels and to Hungary's narrow audiovisual market.

In their applications for exemption, media service providers often cite the scarcity of works suited to their thematic profile (e.g. programmes on interior design, climate or weather) that, while of a high standard, are still within the financial means even of small channels. As for celebrity and entertainment channels, meeting the requirement defined for the presentation of European works is particularly difficult because local features are so strongly reflected in celebrity and entertainment programmes that they hold no interest whatsoever for audiences on foreign markets. Moreover, European market players compete with each other, and the services of media service providers are often broadcast in numerous European countries, and media service providers often purchase exclusive rights over the acquired content.

#### 1.1. In 2009, all linear audiovisual media service providers fulfilled the quota of over 50% prescribed for European works, with the exception of the following media services:

- a) Comedy Central Magyarország Zrt. - "Comedy Central" (was granted an exemption based on the agreement concluded with the media authority)
- b) Sanoma Digital Media Zrt. - "channel 4!" (was granted an exemption based on the

agreement concluded with the media authority)

**a) Comedy Central Magyarország Zrt. - "Comedy Central" media service**

The Media Council's legal predecessor, the National Radio and Television Commission (hereinafter: ORTT) authorised the exemption of Comedy Central Magyarország Zrt.'s "Comedy Central" media service by virtue of its resolution number 1802/2008 (X.1.), allowing it to allocate 10% of its annual a airtime to European works instead of the 50% as defined in Article 7 (1) of the Radio and Television Broadcasting Act, and 5% to independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act. The media service fulfilled the 10% ratio undertaken for European works, and the 5% ratio undertaken for independent European productions.

**b) Sanoma Digital Media Zrt. - "channel 4!" media service**

The Media Council's legal predecessor, the National Radio and Television Commission (hereinafter: ORTT) authorised the exemption of Sanoma Digital Media Zrt.'s "channel 4!" media service by virtue of its resolution number 137/2009 (1.21.), allowing it to allocate 46% of its annual airtime to European works instead of the 50% defined in **Article 7 (1) of the** Radio and Television Broadcasting Act. The Media Council launched a procedure against the media service provider by virtue of its resolution number 48/2010 (X.12.) because the media service failed to fulfill the 46% ratio of European works undertaken in the exemption agreement, only achieving 39.11%. Moreover, it only achieved a ratio of 7.78% for independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act, also failing to fulfill the undertaken ratio of Hungarian productions, the latter two not affected by the exemption agreement. (Continued under Section B) I.)

**1.2. In 2010, all linear audiovisual media service providers fulfilled the quota of over 50% prescribed for European works, with the exception of the following media services:**

a) Comedy Central Magyarország Zrt. - "Comedy Central" (was granted an exemption based on the agreement concluded with the media authority)

b) Sanoma Digital Media Zrt. - "channel 4!" media service (was granted an exemption based on the agreement concluded with the media authority)

c) Humor1 TV Zrt. - "Muzsika TV" (was granted an exemption based on the agreement concluded with the media authority)

d) Origo Zrt. - "Life Network" and "Ozone Network" media services (was granted an exemption based on the agreement concluded with the media authority)

**a) Comedy Central Magyarország Zrt. - "Comedy Central" media service**

The Media Council's legal predecessor, the National Radio and Television Commission granted exemption to Comedy Central Magyarország Zrt.'s "Comedy Central" media service for 2010 by virtue of its resolution number 2447/2009 (XII.9.), allowing it to allocate 10.5% of its annual airtime to European works instead of the 50% defined in Article 7 (1) of the Radio and Television Broadcasting Act, and 5.5% to independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act.

The Media Council did not examine the 2010 performance of Comedy Central, as the service was deleted from the register on 15 July 2010 upon the media service provider's request. The media service provider was relocated to a foreign jurisdiction.

**b) Sanoma Digital Media Zrt. - "4-es csatorna" media service**

The Media Council's legal predecessor, the National Radio and Television Commission authorised the exemption of Sanoma Digital Media Zrt.'s "**channel 4!**" media service by virtue of its resolution number 2446/2009 (XII.9.), allowing it to allocate **47%** of its annual airtime to European works instead of the 50% defined in Article 7 (1) of the Radio and Television Broadcasting Act. The Media Council launched a procedure against the media service provider by virtue of its resolution number 912/2011 (VII.6.) because the media service failed to fulfil the 47% ratio of European works undertaken in the exemption agreement, only achieving 42.03%. Moreover, it only achieved a ratio of 7.48% for independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act, also failing to fulfil the undertaken ratio of Hungarian productions, the latter two not affected by the exemption agreement. (Continued under Section B) II.)

**c) Humor1 TV Zrt. - "Muzsika TV"**

The Media Council's legal predecessor, the National Radio and Television Commission authorised the exemption of Humor1 TV Zrt.'s "Muzsika TV" media service by virtue of its resolution number 185/2010 (I.27.), allowing it to allocate 40% of its annual airtime to European works instead of the 50% defined in Article 7 (1) of the Radio and Television Broadcasting Act, and a ratio of 5% of independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act.

The media service fulfilled the 40% ratio undertaken for European works, and the 5% ratio undertaken for independent European productions.

**d) Origo Zrt. - "Life Network" and "Ozone Network" media services**

By virtue of its resolutions number 2449/2009 (XII.9.) and 2450/2009 (XII.9.), the National Radio and Television Commission authorised Origo Zrt.'s "Life Network" and "Ozone Network" media services to devote 30% of their respective annual airtime to European works instead of the 50% defined in Article 7 (1) of the Radio and Television Broadcasting Act. The media services fulfilled the 30% ratio respectively undertaken for European works.

2. A minimum proportion of European works by independent producers (Article 17):

**2.1. In 2009, all linear audiovisual media service providers fulfilled the quota of at least 10% prescribed for European works of independent producers, with the exception of the following media services:**

a) Pax Televízió Zrt. - "Pax Televízió" (was granted an exemption based on the agreement concluded with the media authority)

b) Sanoma Digital Media Zrt. - "4-es csatorna" (was granted an exemption based on the agreement concluded with the media authority)

#### **a) Pax Televízió Zrt. - "Pax Televízió"**

By virtue of its resolution number 2119/2008.(XI.19.), the Media Council's legal predecessor, the National Radio and Television Commission authorised Pax Televízió Zrt.'s "Pax Televízió" media service to devote 1.5% of its annual airtime to independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act.

The media service fulfilled the 1.5% ratio undertaken for independent European productions, and the statutory 50% ratio defined for European works.

#### **b) Sanoma Digital Media Zrt. - "4-es csatorna" media service**

The media service did not have any exemption in respect of independent European productions for 2009; therefore, the Media Council examined the annual performance based on the fulfillment of the 10% ratio defined in Article 7 (2) of the Radio and Television Broadcasting Act. As mentioned under Section 1.1b), the Media Council launched a procedure against the media service provider by virtue of its resolution number 48/2010 (X.12.) because the media service only achieved a ratio of 7.78% of independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act, also failing to fulfill the 46% ratio of Hungarian productions undertaken in the exemption agreement. (Continued under Section B) I.)

### **2.2. In 2010, all linear audiovisual media service providers under the quota obligation fulfilled the quota of at least 10% prescribed for European works of independent producers, with the exception of the following media services:**

a) Comedy Central Magyarország Zrt. - "Comedy Central" (was granted an exemption based on the agreement concluded with the media authority)

b) Humor1 TV Zrt. - "Muzsika TV" (was granted an exemption based on the agreement concluded with the media authority)

c) Filmmúzeum Zrt. - "Filmmúzeum" (was granted an exemption based on the agreement concluded with the media authority)

d) TV Paprika Zrt. - "TV Paprika" (was granted an exemption based on the agreement concluded with the media authority)

e) Sanoma Digital Media Zrt. - "4-es csatorna" (was granted an exemption based on the agreement concluded with the media authority)

#### **a) Comedy Central Magyarország Zrt. - "Comedy Central" media service**

As mentioned under Section 1.2.a), the Media Council granted exemption for ComedyCentral Magyarország Zrt.'s "Comedy Central" media service by virtue of its resolution number 2447/2009 (XII.9.) for 2010, allowing it to allocate 10.5% of its annual airtimeteto European works instead of the 50% defined in Article 7 (1) of the Radio and Television Broadcasting Act, and 5.5% to independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act. The Media Council did not examine the performance in 2010 of the Comedy Central media service, as the service was deleted from

the register on 15 July 2010 upon the media service provider's request. The media service provider was relocated to a foreign jurisdiction.

**b) Humor1 TV Zrt. - "Muzsika TV" media service**

As mentioned under Section 1.2.c), the legal predecessor to the Media Council, the National Radio and Television Commission granted authorisation to Humor1 TV Zrt.'s "Muzsika TV" media service by virtue of its resolution number 185/2010 (1.27.), allowing it to allocate 40% of its annual airtime to European works instead of the 50% defined in Article 7 (1) of the Radio and Television Broadcasting Act, and a ratio of 5% for independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act.

The media service fulfilled the 40% ratio undertaken for European works, and the 5% ratio undertaken for independent European productions.

**c) Filmmúzeum Zrt. - "Filmmúzeum"**

The Media Council's legal predecessor, the National Radio and Television Commission granted exemption to Filmmúzeum Zrt.'s "Filmmúzeum" media service for 2009 by virtue of its resolution number 1972/2009 (X.7.), allowing it to allocate 7% of its airtime to independent European productions and works purchased from independent European producers within five years of their production instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act. The media service fulfilled the 7% ratio undertaken for European works, and the 7% ratio undertaken for independent European productions.

**d) TV Paprika Zrt. - "TV Paprika"**

The Media Council's legal predecessor, the National Radio and Television Commission authorised the exemption of TV Paprika Zrt.'s "TV Paprika" media service in 2010 by virtue of its resolution number 2443/2009 (XII.9.), allowing it to allocate a ratio of 8% of its annual airtime to independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act. The media service fulfilled the 8% ratio undertaken for independent European productions.

**e) Sanoma Digital Media Zrt. - "4-es csatorna"**

The media service did not have any exemption in respect of independent European productions for 2010 either; therefore, the Media Council examined the annual performances based on the fulfillment of the 10% ratio defined in Article 7 (2) of the Radio and Television Broadcasting Act. As mentioned under Section 1.2.b), the Media Council launched a procedure against the media service provider by virtue of its resolution number 912/2011 (VII.6.) because the media service failed to fulfill the 47% ratio for European works undertaken in the exemption agreement, moreover, it only achieved a ratio of 7.48% for independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act, also failing to fulfill the undertaken ratio of Hungarian productions. (Continued under Section B) II.)

**B) Measures taken or envisaged by the Member State:**



There is continuous cooperation between media service providers and the Media Council in the course of the monitoring of the fulfillment of quotas. The Media Council examines the fulfillment of media service providers' obligations on an annual basis, applying the legal consequences in accordance with the principle of proportionality and progressiveness.

### **1. In 2009: Sanoma Digital Media Zrt. - "4-es csatorna" media service**

The Media Council launched a procedure against the media service provider by virtue of its resolution number 48/2010 (X.12.) because the media service failed to fulfill the 46% ratio for European works undertaken in the exemption agreement, only achieving 39.11% in 2009, moreover, it only achieved a ratio of 7.78% for independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act, also failing to fulfill the undertaken ratio of Hungarian productions, the latter two not affected by the exemption agreement.

As the media service provider referred to a defective database awaiting repair, the Authority allowed the media service provider to re-send the modified data for the entire year once the database has been restored. However, the values calculated based on the newly dispatched protocol only showed minimal deviations from the ratios originally determined by the Authority. The media service provider breached its obligation to devote 46% of its airtime to European works, only achieving 39.13%. Moreover, it only achieved a ratio of 7.62% for independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act. Consequently, the Media Council imposed a penalty of HUF 500,000 by virtue of its resolution number 222/2011 (II.9.), which the media service provider settled.

### **2. In 2010: Sanoma Digital Media Zrt. - "4-es csatorna" media service**

The Media Council launched a procedure against the media service provider by virtue of its resolution number 912/2011 (VII.6.) because the media service failed to fulfill the 47% ratio for European works undertaken in the exemption agreement, only achieving 42.03%, moreover, it only achieved a ratio of 7.48% of independent European productions instead of the 10% defined in Article 7 (2) of the Radio and Television Broadcasting Act, also failing to fulfill the undertaken ratio of Hungarian productions, the latter two not affected by the exemption agreement.

Explaining its failure to meet the quotas, the media service provider referred to the impacts of the economic crisis, as a result of which funding opportunities of smaller media service providers have been severely curtailed.

The Media Council imposed a fine of HUF 700,000 by virtue of its resolution number 1466/2011 (X.26.) on account of the violation of the provisions on programme quotas. The media service provider paid the penalty.

### **C) Additional comments:**

In October 2010, the Media Council, established as the legal successor to the National Radio and Television Commission, assessed the fulfillment of quotas for 2009 and 2010.

Article 7 (1) and (2) of Act I of 1996 on Radio and Television Broadcasting, effective until 31 December 2010, sets out the following requisite quotas in respect of European works for national and regional media services subject to the quota requirement:

**"Television program providers shall devote over half of their annual transmission time for European works (...).**

**Television program providers shall reserve at least ten per cent of their annual transmission time for (...) works originally made in the Hungarian language that were created by producers who are independent of program providers or that were purchased from such producers within five years of their production.**

**"Act CLXXXV of 2010 on Media Services and Mass Media (Media Act) came into force on 1 January 2011, which upholds the fulfillment obligation of the quotas defined for European works.**

The Media Council examined the fulfillment of quotas for 2009 and 2010 on the basis of Article 7 of the Radio and Television Broadcasting Act and, for media service providers having been granted exemption, according to their commitments undertaken in respective exemption agreements. The Media Council examined the proportion of independent works produced within the last five years.

With regard to the fact that only the review of performance over the entire calendar year can provide an accurate picture of the fulfillment of quotas, in 2009 and 2010 the Media Council did not examine the performance of media service providers operating in split-years or not operating at all.

Budapest Televízió Zrt.'s "f.a." (Budapest TV) media service provider was deleted from the register on 1 September 2009. The legal predecessor to the Media Council, the National Radio and Television Commission registered media service provider Humor1 Tv Zrt. (Muzsika TV) by virtue of its resolution number 01/2009 (XI. 11), which subsequently commenced operation.

Magyar Televízió Zrt.'s "m3" media service was deleted from the register on 9 February 2009. The legal predecessor to the Media Council, the National Radio and Television Commission terminated the broadcasting agreement of media service provider Mixolid Zrt. (fix tv) by virtue of its resolution number 1165/2009 (VI.3.) with immediate effect.

The National Radio and Television Commission registered media service provider Origo Zrt. (Life Network) by virtue of its resolution number 1797/2009 (IX. 16.), which subsequently commenced operation.

The National Radio and Television Commission registered media service provider Origo Zrt. (Ozone Network) by virtue of its resolution number 1798/2009 (IX. 16.), which subsequently commenced operation.

The legal predecessor to the Media Council, the National Radio and Television Commission qualified Tolnatáj Zrt.'s "Tolnatáj TV" as a regional media service by virtue of its resolution number 1233/2009 (VI. 10.). As a regional media service provider, it is under the obligation to meet the quota requirements.

Viasat Hungária Műsorszolgáltató Zrt. (ViasatS) media service provider was deleted from the register on 30 April 2009. The media service provider was relocated to a foreign jurisdiction. The National Radio and Television Commission registered media service provider 3WM Zrt. (3WM) by virtue of its resolution number 601/2008.(111.26.), however, the media service provider failed to commence broadcasting and was therefore deleted from the register on 26 January 2009.

The National Radio and Television Commission registered media service provider TV8Média Zrt. (TV8) by virtue of its resolution number 1885/2008.(X. 16.), however, the media service provider failed to commence broadcasting and was therefore deleted from the register on 24 August 2009.

Comedy Central Europe Zrt.'s (Comedy Central) media service provider was deleted from the register on 15 July 2010. The media service provider was relocated to a foreign jurisdiction.

MTV Networks Magyarország Zrt. (MTV Hungary) media service provider was deleted from the register on 15 July 2010. The media service provider was relocated to a foreign jurisdiction.

Z+ Műsorszolgáltató Zrt. (VIVA TV) media service provider was deleted from the register on 15 July 2010. The media service provider was relocated to a foreign jurisdiction. In 2009 and 2010, Hír TV Zrt.'s Hír TV media service (news channel), Chello Central Europe Zrt.'s Sport1, Sport2 and Sport M media services (sports channels) and INFO-24 TV Zrt.'s INFO-24 TV media service (teleshopping) are channels granted exemption on the basis of their specialised nature.

### 3.17. Malta

#### PART 1 - Statistical data

Number of channels identified:	27	Reference period: 2009/2010
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Number of channels exempted	18	Quota: 18	Reporting: 0
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
media communications Co Ltd	Net TV	60.9%	68.3%	43.9%	31.7%	38.2%	31.7%
MELITA CABLE PLC	Melita More	48.0%	100.0%	100.0%	100.0%	100.0%	100.0%
MELITA CABLE PLC	Melita Movies	48.0%	100.0%	100.0%	100.0%	100.0%	100.0%
MINISTRY OF EDUCATION	Education 22	92.0%	91.0%	7.0%	13.0%	9.0%	17.0%
ONE PRODUCTIONS Ltd.	One TV (Malta)	69.4%	64.8%	30.6%	66.6%	30.6%	62.6%
PUBLIC BROADCASTING SERVICES LIMITED	TVM	56.4%	55.0%	51.8%	42.5%	51.8%	42.5%
Smash communications Ltd	Smash TV	3.0%	75.0%	10.0%	22.0%	10.0%	3.0%
	Calypso Music TV	90.0%	90.0%	80.0%	80.0%	80.0%	80.0%
	Favourite TV	80.0%	70.1%	20.0%	29.9%	10.0%	29.9%
Covered Channels (IND 1)		9	9	9	9	-	-
Compliance rate (IND 3 and 5)		66.7%	100.0%	88.9%	100.0%	-	-
Average % (IND 2, 4, and 6)		60.9%	79.4%	49.3%	54.0%	47.7%	51.9%

#### PART 2 – Comments

No comments were provided

### 3.18. The Netherlands

#### PART 1 - Statistical data

Number of channels identified:	178	Reference period: 2009/2010
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Number of channels exempted	136	Quota: 6	Reporting: 130
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
Disney Channels (Benelux) b.v.	Disney Channel	NO	58.0%	NO	52.0%	NO	93.0%
MTV Networks B.V.	MTV Denmark	54.0%	48.0%	0.0%	0.0%	0.0%	0.0%
MTV Networks B.V.	MTV Norway (Nordic)	60.0%	50.0%	0.0%	0.0%	0.0%	0.0%
MTV Networks B.V.	MTV Sweden	61.0%	54.0%	0.0%	0.0%	0.0%	0.0%
MTV Networks B.V.	MTV The Netherlands	65.0%	55.0%	0.2%	0.3%	100.0%	75.0%
MTV Networks B.V.	MTV Vlaanderen	52.0%	47.0%	0.0%	0.0%	0.0%	0.0%
MTV Networks B.V.	Nickelodeon	22.0%	19.0%	15.0%	9.0%	94.0%	96.0%
MTV Networks B.V.	Nickelodeon Denmark	16.0%	14.0%	13.0%	11.0%	100.0%	100.0%
MTV Networks B.V.	Nickelodeon Sweden	13.0%	19.0%	13.0%	15.0%	100.0%	100.0%
MTV Networks B.V.	Nickelodeon Vlaanderen	23.0%	24.0%	15.0%	11.0%	94.0%	95.0%
MTV Networks B.V.	The Music Factory (TMF)	96.0%	97.0%	1.0%	2.0%	100.0%	100.0%
Publieke landelijke omroep	101 TV	100.0%	100.0%	11.0%	11.0%	98.0%	100.0%
Publieke landelijke omroep	Best 24 (Hilversum Best)	100.0%	100.0%	43.0%	15.0%	34.0%	21.0%
Publieke landelijke omroep	Consumenten TV	100.0%	100.0%	11.0%	15.0%	91.0%	100.0%
Publieke landelijke omroep	Cultura 24	92.0%	95.0%	45.0%	31.0%	66.0%	92.0%
Publieke landelijke omroep	Familie/Z@ppelin	86.0%	86.0%	44.0%	46.0%	63.0%	53.0%
Publieke landelijke omroep	Geschiedenis 24	100.0%	98.0%	24.0%	20.0%	35.0%	43.0%
Publieke landelijke omroep	Holland Doc	88.0%	90.0%	45.0%	48.0%	63.0%	84.0%
Publieke landelijke omroep	Humor TV	100.0%	96.0%	51.0%	43.0%	83.0%	84.0%
Publieke landelijke omroep	Nederland 1	99.0%	100.0%	46.0%	40.0%	92.0%	95.0%
Publieke landelijke omroep	Nederland 2	97.0%	96.0%	27.0%	23.0%	92.0%	87.0%
Publieke landelijke omroep	Nederland 3	88.0%	87.0%	52.0%	51.0%	66.0%	72.0%
Publieke landelijke omroep	Spirit 24	92.0%	94.0%	12.0%	19.0%	89.0%	86.0%
Publieke landelijke omroep	Sterren.nl	100.0%	100.0%	30.0%	12.0%	91.0%	93.0%

Radio Nederland Wereldomroep	BVN	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%
SBS Broadcasting b.v.	Net 5	50.0%	50.0%	29.0%	23.0%	94.0%	77.0%
SBS Broadcasting b.v.	SBS 6	69.0%	73.0%	31.0%	30.0%	86.0%	66.0%
St. Samenwerkende Publieke Omroepen Midden Nederland	RTV Utrecht	100.0%	100.0%	23.0%	13.0%	100.0%	100.0%
Stichting Omroep Drenthe	TV Drenthe	100.0%	100.0%	40.0%	10.0%	100.0%	100.0%
Stichting Omroep Gelderland	TV Gelderland	100.0%	100.0%	12.0%	15.0%	100.0%	100.0%
Stichting Omroep Limburg	L1	96.0%	97.0%	43.0%	38.0%	38.0%	41.0%
Stichting Omroep Zeeland	Omroep Zeeland	100.0%	100.0%	2.0%	3.0%	100.0%	100.0%
Stichting Omroep Fryslân	Omroep Fryslân	100.0%	100.0%	7.0%	10.0%	100.0%	100.0%
Stichting Regionale Omroep Brabant	Omroep Brabant	100.0%	100.0%	75.0%	75.0%	100.0%	100.0%
Stichting Regionale Omroep Flevoland	Flevoland (Provincie)	100.0%	100.0%	27.0%	25.0%	100.0%	100.0%
Stichting Regionale Omroep Rotterdam-Rijnmond en omgeving	RTV Rijnmond	87.0%	70.0%	79.0%	70.0%	100.0%	100.0%
Stichting Regionale Omroep West	TV West	100.0%	100.0%	30.0%	45.0%	100.0%	100.0%
Stichting Regionale Televisie Noord	TV Noord	100.0%	100.0%	60.0%	10.0%	100.0%	100.0%
Stichting RTV Noord-Holland	Noord-Holland (Provincie)	100.0%	100.0%	54.0%	59.0%	100.0%	100.0%
Stichting RTV Oost	TV Oost	98.0%	100.0%	19.0%	18.0%	99.0%	100.0%
The Box Holland b.v.	Comedy Central	10.0%	11.0%	3.0%	1.0%	100.0%	100.0%
TV 10 b.v. p/a SBS Broadcasting B.V.	Jetix/Veronica (to 31-12-09) Disney XD/Veronica (from 1-1-10)	31.0%	36.0%	19.0%	23.0%	89.0%	98.0%
<b>Covered Channels (IND 1)</b>		<b>41</b>	<b>42</b>	<b>41</b>	<b>42</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>85.4%</b>	<b>81.0%</b>	<b>75.6%</b>	<b>76.2%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>77.9%</b>	<b>76.5%</b>	<b>25.6%</b>	<b>22.4%</b>	<b>77.0%</b>	<b>77.4%</b>

## PART 2 – Comments

### Monitoring method

The Nederlandse Publieke Omroep (NPO) [Dutch Public Media Service] collects data on public broadcasting on the Nederland 1, Nederland 2 and Nederland 3 channels on the basis of total programming (minus the exempted categories news and sport, etc.). The data are then forwarded to the Commissariaat voor de Media (CvdM) [Dutch Media Authority].

The commercial broadcasters reported to the CvdM on the basis of a random sample taken from the periods specified by the CvdM. The periods concerned were Saturday 21 March to Friday 27 March 2009, Saturday 9 May to Friday 15 May 2009, Saturday 12 September to Friday 18 September 2009, Saturday 7 November to Friday 13 November 2009, Saturday

20 February to Friday 26 February 2010, Saturday 22 May to Friday 28 May 2010, Saturday 11 September to Friday 17 September 2010, and Saturday 22 October to Friday 29 October 2010.

The commercial broadcasters with a cable coverage of more than 75 percent reported on all the programming in those weeks. For each programme component details were provided, inter alia, of whether it counted towards the transmission time to be taken into account, whether it was a European production, whether it was an independent production, and the year in which it was produced. All broadcasters reported by filling in a form drawn up by the CvdM. The various percentages were then calculated on the basis of the total data submitted.

As a result of the “revised guidelines for monitoring the application of Articles 16 and 17 of the Audiovisual and Media Services (AVMS) Directive” of July 2011 enclosed with the letter of 23 August 2011, it was established which programme channels could be exempted from the reporting requirement on the basis of the ‘tolerance threshold’. Following the introduction of that threshold, broadcasters with a market share below 0.3 percent in a Member State can be exempted from the obligation to report on the European quota obligations. Following the application of that threshold, the reporting obligation applies to 42 programme channels belonging to media organisations falling under Dutch jurisdiction.

Given the specific – and as a rule stricter – regulation of public media organisations in the Netherlands, the Dutch authorities opted not to apply the threshold to rural and regional public media organisations. This means, for example, that, despite their relatively small market share, regional public media organisations must in fact continue to report on compliance with Articles 16 and 17 of the AVMSD.

We found that less than 10 percent of the productions transmitted by two regional public media organisations (Omroep Fryslan and Omroep Zeeland) were independent productions. This is a point to be followed up in the next reporting period.

For calculating market share when applying the threshold, the CvdM used two sources:

- 1) The market shares of Stichting KijkOnderzoek (SKO) were used to determine which broadcasts targeted at the Netherlands (with a licence in the Netherlands) have a market share of 0.3 % or above.
- 2) The market share figures of the European Audiovisual Observatory (EAO) were used to determine which broadcasts targeted at abroad with a licence in the Netherlands have a market share of 0.3 % or above. These figures are only available for 2009 because the EAO will not publish market share figures for 2010 until the end of December 2011. The assumption is that broadcasters with a market share of 0.3 % or above in 2009 will also be subject to the reporting requirement in 2010.

#### **A) Reasons given by Member State for failure to comply**

##### 1. Majority proportion reserved for European works (Article 16):

##### **MTV Networks BV**

As in the reporting period 2007 and 2008, various broadcasters belonging to MTV Networks BV reported that in 2009 and/or 2010 European productions accounted for less than

50 percent of their transmission time (mostly fluctuating between 15 and 25 %, see Annex 1). As a result of the specific type of programming (music and lifestyle), some of those broadcasters continue to have difficulty in complying with the European quota.

The niche character of the Nickelodeon-channels, which are part of MTV Networks BV, being exclusively targeted at children, is also apparent. As a result of this, in 2009 and 2010 again Nickelodeon Netherlands, Denmark, Sweden and Flanders did not comply with the requirement to transmit European works for the majority of their transmission time. It must be pointed out that children's programmes are relatively expensive. In small countries with a limited language area such as the Netherlands, Flanders and the Scandinavian countries, it is therefore difficult to produce (or arrange to have produced) many domestic children's programmes. It must also be borne in mind that the supply of European children's programmes is small and does not always fit in with what Nickelodeon wishes to offer, i.e. non-violent, educational programmes. That is why many 'domestic' Nickelodeon programmes from the United States are transmitted.

In 2010 the MTV-channels in Denmark and Flanders did not quite reach the quota, with 48 and 47 percent respectively. This is only slightly down on 2009, when the criterion of 50 percent European productions was complied with.

Lastly, it must be pointed out that, unlike the reports for 2007 and 2008, this time all the information requested was supplied by MTV Networks BV. In addition, MTV Flanders and Nickelodeon Flanders have only been operating since 1 January 2009.

#### **The Box Holland BV (parent company: MTV Networks BV)**

With 10 and 11 percent respectively in 2009 and 2010, the broadcaster Comedy Central did not meet the quota for European productions. It did not give any reasons for this. The CvdM will request it in writing to provide details of the reasons.

#### **TV10 BV c/o SBS Broadcasting BV**

With a percentage of 31 and 36 percent respectively in the two reporting years, the broadcaster on which SBS Broadcasting transmits daytime children's programmes, Disney XD (previously Jetix)/Veronica, was not able to meet the criterion of 50 percent European productions. As described above, this media organisation also has difficulty in reaching the quota for European works as a result of the small market for programmes in its own language and the limited availability of children's programmes from Europe which fit in with its programming.

### **2. Minimum proportion of European works by independent producers (Article 17)**

#### **MTV Networks BV**

For seven channels of MTV Networks BV, zero to a few percent independent European productions are reported, while the statutory requirement is to reserve a minimum of 10 percent of transmission time for independently produced European works. Consequently, the channels for which zero percent independent European productions is reported (i.e. MTV Denmark, Norway, Sweden, the Netherlands, Vlaanderen) also do not comply with the 33 percent criterion for recent independent European productions.



Here also, the CvdM will request MTV Networks BV in writing to explain why the prescribed percentages have not been met.

**The Box Holland BV (parent company: MTV Networks BV)**

As pointed out in the previous paragraph, Comedy Central did not achieve the prescribed percentage of European productions. As a result, the statutory minimum percentage of 10 percent of independent European productions was also not complied with.

Neither broadcasters gave reasons for not achieving the minimum required rate of 10 percent independent productions. The CvdM will request these broadcasters to state the reasons why.

**B) Measures taken or envisaged by the Member State**

The CvdM will shortly be contacting two commercial media organisations, i.e. MTV Networks BV and The Box Holland BV, in order to get a better idea of the exact reasons why various quota requirements were not met.

With these measures, the Dutch authorities hope to ensure that the compliance rate in the next report is higher than is currently the case.

If required, the Dutch authorities will keep the Commission informed of the results.

**C) Further comments**

No further comments.

### 3.19. Austria

#### PART 1 - Statistical data

Number of channels identified:	57	Reference period: 2009/2010
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Number of channels exempted	45	Quota: 29	Reporting: 16
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
ATV Privat TV GmbH & Co KG	ATV	27.7%	29.6%	27.7%	29.6%	92.0%	91.6%
Austria 9 TV GmbH	Austria 9	50.1%	72.4%	48.2%	48.2%	76.5%	86.9%
Community TV-GmbH	Okto	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
ORF	ORF2	94.8%	96.7%	48.7%	52.4%	82.9%	79.5%
ORF	ORF2 Europe	94.8%	96.7%	48.7%	52.4%	82.9%	79.5%
ORF	ORFeins	37.9%	40.6%	27.9%	32.0%	74.9%	77.3%
ProSieben Austria GmbH	Pro Sieben Austria	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
PULS 4 TV GmbH & Co KG	Puls 4	58.5%	51.1%	19.9%	18.8%	25.9%	20.9%
Red Bull Media House GmbH	Red Bull TV	60.0%	60.0%	42.0%	42.0%	95.0%	95.0%
Red Bull Media House GmbH	Servus TV	70.0%	70.0%	45.0%	45.0%	95.0%	95.0%
Sat.1 Privatrundfunk und Programmgesellschaft mbH	SAT.1 Österreich	100.0%	100.0%	4.1%	2.8%	100.0%	100.0%
TW1 TourismusfernsehengmbH	TW1	96.2%	95.9%	84.9%	41.2%	52.8%	59.8%
<b>Covered Channels (IND 1)</b>		<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>83.3%</b>	<b>83.3%</b>	<b>83.3%</b>	<b>83.3%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>74.2%</b>	<b>76.1%</b>	<b>41.4%</b>	<b>38.7%</b>	<b>73.2%</b>	<b>73.8%</b>

#### PART 2 – Comments

##### Monitoring method

Data is primarily derived from the following sources:

Market shares: “Austrian Media Analysis” for 2009 and 2010 respectively. This data is based on the biggest and most comprehensive survey on consumer behaviour in regard of media consumption available in Austria. Single data points stem from broadcasters and internet research.

Platform: KommAustria’s files.

Program type: KommAustria’s files.

Funding:

Legal situation

***A) Reasons given by the Member State for failure to reach***

1. Majority proportion of European works (Article 16):

ATV Privatfernseh GmbH indicated that without a (high) share of international movies and TV-Series remarkable losses of audience share, respectively viewers, would have to be faced.

According to ATV's opinion European productions are likely to fail to achieve "good" audience shares. In addition European productions - in ATV's opinion - suffer from remarkable licence- and co-production costs.

Nevertheless it has to be stated, that the share of European works increased from 27.7% in 2009 to 29.6 % in 2010.

All other private broadcasters met the required quota.

2. A minimum proportion of European works by independent producers (Article 17):

As regards the minimum proportion of European works by independent producers the overall picture appears heterogeneous:

Both Austrian-based broadcasters producing a full program (ATV Privat TV GmbH & Co KG and PULS 4 TV GmbH & Co KG) clearly met the required quota. In fact both excelled remarkably (ATV Privat TV GmbH & Co KG: 27.1 % in 2010 after 25.4 % in 2009 and PULS 4 TV GmbH & Co KG: 18,75 % in 2010 after 5,12 % in 2009).

### 3.20. Poland

#### PART 1 - Statistical data

Number of channels identified:	73	Reference period: 2009/2010
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Number of channels exempted	14	Quota: 14	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
4FUN MEDIA S.A.	4fun.tv	100.0%	100.0%	22.8%	21.8%	100.0%	100.0%
ANTEL SP. Z O.O.	TELE 5	44.3%	NC	20.3%	NC	58.3%	NC
CANAL+ CYFROWY SP. Z O.O.	Ale kino!	48.7%	53.8%	44.6%	47.7%	22.0%	33.9%
CANAL+ CYFROWY SP. Z O.O.	Canal+ Polska	43.1%	49.9%	34.2%	31.2%	76.4%	63.4%
CANAL+ CYFROWY SP. Z O.O.	Canal+ Polska Żółty	44.9%	51.5%	37.6%	34.8%	78.1%	69.9%
CANAL+ CYFROWY SP. Z O.O.	Domo	48.2%	57.1%	34.1%	31.2%	67.6%	60.9%
CANAL+ CYFROWY SP. Z O.O.	Kuchnia TV	57.5%	62.7%	48.4%	36.1%	83.9%	78.4%
CANAL+ CYFROWY SP. Z O.O.	Mini Mini	44.7%	43.1%	40.8%	37.7%	51.0%	52.6%
CANAL+ CYFROWY SP. Z O.O.	Planete	52.9%	46.5%	39.4%	24.0%	74.4%	77.4%
CANAL+ CYFROWY SP. Z O.O.	Zigzap	54.7%	54.7%	24.5%	26.6%	66.3%	75.9%
Eska TV S.A.	Eska TV	NO	100.0%	NO	11.4%	NO	100.0%
Fabryka Mediów sp. z o.o.	Patio TV	54.2%	NO	17.6%	NO	75.9%	NO
FUNDACJA INNOWACJA	Edusat	100.0%	100.0%	28.8%	24.8%	43.3%	62.0%
FUNDACJA INNOWACJA	Edusat Bis	100.0%	100.0%	21.4%	10.9%	46.3%	61.0%
FUNDACJA INNOWACJA	Edusat Bis2	100.0%	100.0%	35.6%	41.2%	36.0%	73.1%
FUNDACJA LUX VERITATIS	Trwam	84.7%	89.9%	9.7%	16.1%	61.0%	56.2%
ITI Neovision Sp. z o.o.	nFilmHD	NO	36.1%	NO	11.9%	NO	55.8%
ITI Neovision Sp. z o.o.	nFilmHD2	NO	37.3%	NO	11.6%	NO	54.8%
KINO POLSKA TV SP. Z O.O.	Kino Polska	99.7%	99.3%	81.1%	52.5%	2.0%	7.8%
MEDIA - BIZNES SP. Z O.O.	TV Biznes	100.0%	100.0%	19.1%	18.8%	100.0%	100.0%
POLSKIE MEDIA S.A.	TV4	62.2%	54.3%	59.8%	50.9%	80.0%	79.7%
TELESTAR SP. Z O.O.	ITV (Poland)	100.0%	100.0%	31.3%	36.2%	100.0%	100.0%
TELEWIZJA POLSAT S.A.	Polsat	54.1%	63.5%	49.0%	51.1%	71.7%	70.6%
TELEWIZJA POLSAT S.A.	Polsat 2	89.6%	97.9%	74.1%	87.7%	70.9%	72.7%
TELEWIZJA POLSAT S.A.	Polsat Cafe	69.5%	69.8%	64.2%	60.3%	96.4%	91.1%

TELEWIZJA POLSAT S.A.	Polsat Film	NO	61.7%	NO	24.4%	NO	26.9%
TELEWIZJA POLSAT S.A.	Polsat HD	NO	63.5%	NO	51.1%	NO	70.6%
TELEWIZJA POLSAT S.A.	Polsat Play	61.7%	73.6%	57.6%	66.9%	95.0%	85.0%
TELEWIZJA POLSKA S.A.	TVP Białystok/TVP Info	94.0%	92.8%	16.0%	19.5%	88.5%	78.5%
TELEWIZJA POLSKA S.A.	TVP Bydgoszcz/TVP Info	92.8%	91.3%	16.5%	21.0%	88.3%	79.3%
TELEWIZJA POLSKA S.A.	TVP Gorzów/TVP Info	92.8%	90.8%	14.3%	19.3%	87.3%	76.0%
TELEWIZJA POLSKA S.A.	TVP HD	90.5%	88.5%	55.3%	55.5%	79.3%	71.5%
TELEWIZJA POLSKA S.A.	TVP Historia	92.0%	91.8%	23.5%	26.3%	56.3%	42.0%
TELEWIZJA POLSKA S.A.	TVP Katowice/TVP Info	92.3%	90.0%	15.5%	16.9%	88.5%	74.8%
TELEWIZJA POLSKA S.A.	TVP Kielce/TVP Info	94.7%	93.3%	14.6%	18.8%	87.3%	77.3%
TELEWIZJA POLSKA S.A.	TVP Kraków/TVP Info	94.3%	90.8%	15.3%	18.8%	88.8%	77.0%
TELEWIZJA POLSKA S.A.	TVP Kultura	85.3%	83.5%	39.8%	41.5%	26.8%	30.3%
TELEWIZJA POLSKA S.A.	TVP Łódź/TVP Info	92.8%	91.8%	13.9%	17.8%	86.9%	75.8%
TELEWIZJA POLSKA S.A.	TVP Lublin/TVP Info	93.5%	92.0%	13.5%	17.8%	87.0%	76.3%
TELEWIZJA POLSKA S.A.	TVP Olsztyn/TVP Info	89.3%	87.5%	15.3%	19.5%	87.3%	78.3%
TELEWIZJA POLSKA S.A.	TVP Opole/TVP Info	94.5%	92.5%	16.8%	17.5%	89.5%	75.8%
TELEWIZJA POLSKA S.A.	TVP Polonia	95.8%	95.0%	45.8%	51.0%	68.8%	66.5%
TELEWIZJA POLSKA S.A.	TVP Poznań/TVP Info	92.5%	91.5%	15.8%	19.5%	88.0%	75.5%
TELEWIZJA POLSKA S.A.	TVP Rzeszów/TVP Info	94.3%	91.5%	15.0%	19.3%	87.5%	77.0%
TELEWIZJA POLSKA S.A.	TVP Szczecin/TVP Info	93.0%	88.5%	14.5%	16.8%	87.3%	74.8%
TELEWIZJA POLSKA S.A.	TVP Warszawa/TVP Info	93.3%	91.5%	18.0%	22.1%	87.0%	68.5%
TELEWIZJA POLSKA S.A.	TVP Wrocław/TVP Info	93.5%	90.7%	14.5%	18.8%	83.3%	70.5%

TELEWIZJA POLSKA S.A.	TVP1	63.5%	62.3%	29.5%	30.5%	61.3%	59.8%
TELEWIZJA POLSKA S.A.	TVP2	68.0%	75.0%	36.8%	40.8%	75.0%	68.5%
TELEWIZJA PULS SP. Z O.O.	TV Puls	56.9%	55.4%	33.8%	34.3%	69.9%	59.8%
Telewizja Religia Sp. z o.o.	Religia TV	84.3%	85.8%	23.5%	28.5%	61.3%	60.0%
TVN SA	TVN	53.0%	68.6%	23.0%	21.1%	88.0%	85.5%
TVN SA	TVN International (Europe)	83.5%	82.2%	45.6%	38.3%	66.1%	78.9%
TVN SA	TVN International (USA)	82.9%	81.9%	47.7%	43.1%	64.4%	79.8%
TVN SA	TVN Siedem	43.5%	46.8%	28.2%	30.8%	69.4%	66.2%
TVN SA	TVN Style	73.6%	75.1%	29.4%	28.3%	83.3%	67.4%
TVN SA	TVN Turbo	83.4%	86.0%	42.6%	40.1%	98.5%	99.5%
TVN SA	TVN-CNBC Biznes	87.7%	83.7%	14.4%	8.5%	73.9%	81.2%
TVS Sp. z o.o.	TVS	77.5%	75.6%	27.9%	33.3%	88.2%	78.0%
<b>Covered Channels (IND 1)</b>		<b>54</b>	<b>58</b>	<b>54</b>	<b>58</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>87.0%</b>	<b>87.9%</b>	<b>98.1%</b>	<b>96.6%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>78.4%</b>	<b>78.4%</b>	<b>31.0%</b>	<b>30.8%</b>	<b>74.0%</b>	<b>70.3%</b>

## PART 2 – Comments

### Monitoring Method:

Collection data from broadcasters.

In Poland the reporting period in the field of European works, independent European works and new independent works is one quarter.

### A) Reasons given by Member State for failure to reach

#### 1. Majority proportion of European works (Article 16):

a) In 2009, European works constituted 43% of the programming of the channel **TVN Siedem**. The broadcaster was asked by the President of the KRRiT [Krajowa Rada Radiofonii i Telewizji – National Broadcasting Council] to provide an explanation as to why the proportion was lower than required. In response, it stated that the range of programming would be extended to include works bought from Europe (mainly British and German drama series). As a result, the proportion of European works shown on the TVN Siedem channel in 2010 rose to 47%, which is in compliance with Polish law.

b) In 2009 the proportion of European works on the **Canal + Polska** channel was 43%. The lower-than-required proportion of European works was due to the KRRiT contesting the way in which broadcasts were defined by the broadcaster. In 2010, after

taking into account the comments of the KRRiT, the broadcaster achieved the required proportion of European works.

c) In 2010, its first full calendar year of transmission, the broadcaster of the specialised film channels **nFilm HD** and **nFilm HD2** did not comply with legislation in force in Poland. The KRRiT President called on the broadcaster to provide an explanation or to adapt each of the channels to comply with legislation. The broadcaster indicated that the lower than required proportion of European works was due to a shortage of suitable European feature films not covered by licensing agreements. In addition, it undertook to ensure that in future quarters of the year increasingly more time would be devoted to European works.

d) The proportion of European works on the **MiniMini** channel was almost 45% in 2009, while in 2010 this proportion fell to 43%, and was therefore lower than the required minimum. The broadcaster was asked to provide an explanation. Corrective plans were put forward in response; however, these have not been implemented. Financial penalties were imposed by the President of the KRRiT because of the lower than required proportion of European works in the second and third quarters of 2010, with the result that the proportion of European works rose to the required 45% in the fourth quarter of the year.

e) The proportion of European works on the specialised channel **Tele 5** was below the set minimum in 2009. Its broadcaster, Antel spółka z o.o., was also asked to explain the reasons for its non-compliance with the Radio and Television Act. The broadcaster cited financial difficulties as the reason for the insufficient proportion of European works and undertook to increase its efforts to search for European works from distributors. Its licence expired at the beginning of 2010. A licence was issued to the new owner for a channel with the same name but of a different nature. For these reasons the broadcaster did not provide a report relating to the first quarter of 2010. Since the data for 2010 were not complete, they have not been included in the annual report. It should be stressed, however, that it can be concluded from the reporting data for the subsequent quarters of 2010 received from the new concessionaire, Mediasat Sp. z o.o., that the required proportion of European works was reached.

## 2. Minimum proportion of European works by independent producers (Article 17):

a) In 2010, European works by independent producers constituted 8.5% of the programming of **TVN CNBC**. Examining the quarters of 2010 individually, it can be concluded that it was only in the first quarter that the broadcaster transmitted a channel on which the proportion of European works was less than that required by the Radio and Television Act. In the other quarters of the year the broadcaster adjusted its output to suit legislative requirements.

b) In 2009, European works by independent producers accounted for 9.7% of the programming of the educational/advice/religious channel **TV Trwam**. In 2010 the broadcaster made every endeavour to bring this proportion into line with the requirements of Polish legislation.

**B) Measures taken or envisaged by the Member State**

The KRRiT President called on the broadcasters mentioned in sections 1 and 2 above not to act in breach of Articles 15(3) and 15a(1) of the Radio and Television Broadcasting Act. Consequently, most broadcasters brought their channels into line with requirements regarding European works and independent European works. Those broadcasters who did not comply with the request of the President of the KRRiT were fined.

**C) Further comments**

1. On 4 November 2004 the KRRiT, on the basis of its statutory authorisation, issued a Regulation which reduced the required proportion of European works on specialised channels. Pursuant to this Regulation, broadcasters of specialised channels must allocate at least 45% of quarterly transmission time to European works, with the exception of information, advertising, teleshopping, and transmission services, textual displays and game shows. The proportion of European works in 2009 on the specialised channels **Canal+Polska Żółty, Ale Kino, Domo and MiniMini** and in 2010 on the **Planete and TVN 7** channels was below 50%, but this was in compliance with the KRRiT Regulation of 4 November 2004.
2. Reporting data for the Patio TV channel only covers 2009, as in 2010 the broadcaster ceased transmission of the channel.
3. Reporting only covers channels that were broadcast for a full calendar year.
4. The channels nFilm HD, nFilm HD2 and Polsat HD began transmission during the course of 2009.
5. From 2009, the transmission of the following channels was ceased: TVN Gra, TVN Lingua, TVN Med., TVP Film, Trochę Młodsza Telewizja, OTV, Promocja TV.
6. Under Polish law trailers for films and television programmes are not considered programmes. If broadcasters were able to regard these as European works, the proportion of these works on certain channels would be somewhat higher.



### 3.21. Portugal

#### PART 1 - Statistical data

Number of channels identified:	39	Reference period: 2009/2010
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Number of channels exempted	26	Quota: 11	Reporting: 15
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
DREAMIA - SERVIÇOS DE TELEVISÃO, S.A	Canal Panda	NO	6.1%	NO	0.9%	NO	100.0%
DREAMIA - SERVIÇOS DE TELEVISÃO, S.A	Hollywood	NO	3.1%	NO	3.1%	NO	2.5%
RTP - RADIO E TELEVISAO DE PORTUGAL	RTP Açores	61.1%	61.1%	33.1%	31.6%	88.1%	88.5%
RTP - RADIO E TELEVISAO DE PORTUGAL	RTP Internacional	89.7%	91.5%	32.4%	32.2%	89.6%	94.3%
RTP - RADIO E TELEVISAO DE PORTUGAL	RTP Madeira	62.2%	65.7%	21.8%	25.6%	93.8%	88.4%
RTP - RADIO E TELEVISAO DE PORTUGAL	RTP Memória	85.0%	81.5%	49.1%	43.7%	EX	EX
RTP - RADIO E TELEVISAO DE PORTUGAL	RTP1	61.3%	69.4%	22.1%	29.0%	93.2%	95.9%
RTP - RADIO E TELEVISAO DE PORTUGAL	RTP2	64.1%	63.1%	41.4%	40.9%	90.8%	90.9%
SOCIEDADE INDEPENDENTE DE COMUNICAÇÃO, S.A. (SIC)	SIC	48.6%	50.4%	32.4%	39.3%	96.1%	97.4%
SOCIEDADE INDEPENDENTE DE COMUNICAÇÃO, S.A. (SIC)	SIC Internacional	99.9%	100.0%	59.2%	61.3%	88.2%	97.5%
SOCIEDADE INDEPENDENTE DE COMUNICAÇÃO, S.A. (SIC)	SIC Mulher	45.1%	46.7%	24.7%	21.5%	99.2%	95.2%
SOCIEDADE INDEPENDENTE DE COMUNICAÇÃO, S.A. (SIC)	SIC Radical	51.5%	47.7%	43.2%	39.5%	95.0%	98.2%
TVI-TELEVISAO INDEPENDENTE, S.A.	TVI	66.8%	67.3%	22.8%	24.4%	92.3%	91.1%
<b>Covered Channels (IND 1)</b>		<b>11</b>	<b>13</b>	<b>11</b>	<b>13</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>81.8%</b>	<b>69.2%</b>	<b>100.0%</b>	<b>84.6%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>66.8%</b>	<b>58.0%</b>	<b>34.7%</b>	<b>30.2%</b>	<b>92.6%</b>	<b>86.7%</b>

#### PART 2 – Comments

#### Monitoring method

The website of the Entidade Reguladora para a Comunicação Social (ERC - Portuguese Regulatory Authority) ([www.erc.pt](http://www.erc.pt)) contains a section entitled “PORTAL TV/ERC”. This section contains an IT application through which the user can calculate percentages for Portuguese-language programmes, European productions, and independent productions.

All television operators have a login that they use to publish, every three months, information on the total programming for each channel, in accordance with the obligation laid down in Article 49 of the Television Act (right to information).

This information contains the titles of the programmes, their duration, programme type, year and country of production (or co-production), the name of the production company and the original language of each programme.

The ERC **confirms the information** given for each channel, uploaded in the portal by the operator, and **checks that the results coincide with total programming**. In this way the results will reflect reality as far as possible.

### **Confirmation of the information**

When the ‘Portal TV/ERC’ was launched in 2008 the ERC drew up a ‘classification manual’ in agreement with the television operators. The manual used the following as a starting point:

- the Television Act;
- the ‘TWF’ Directive;
- the ‘Suggested new guidelines for monitoring application of Articles 4 and 5 of the Television without frontiers Directive’; and
- the ‘Impact Study of Measures (Community and National) Concerning the Promotion of Distribution and Production of TV Programmes Provided for Under Article 25(a) of the TV Without Frontiers Directive Final Report’ of 24 May 2005.

The ERC's monitoring also takes account of the ‘Study on the application of measures concerning the promotion of the distribution and production of European works in audiovisual media services (i.e. including television programmes and non-linear services)’, Final Study Report, 28th May 2009.

**In 2012 the ERC will update the manual** to take account of the amendments introduced by Law No 8/2011 of 11 April 2011, transposing the ‘Audiovisual Media Services’ Directive, and of the ‘Revised Guidelines for monitoring the application of articles 16 and 17 of the audiovisual and media services (AVMS) Directive’ (Doc. CC AVMSD (2011) 2).

The ‘classification manual’ helps the operators to fill in the programming chart which is used by the ERC to check that their obligations in this area are being met.

If any information on the country or year of production, the identity of the production company or the original language, needs to be confirmed, the ERC consults the ‘IMDb’ ([www.imdb.com](http://www.imdb.com)) website. It also views some of the programmes in question to confirm the information given to it. If any programmes give rise to doubts, the ERC brings the matter to

the attention of the operator. When the rules are not followed, the operator is informed and requested to make corrections.

#### **A) Reasons given by the Member State for failure to reach proportions**

##### 1. Majority proportion of European works (Article 16):

In 2009 two channels did not reach the minimum 50 % transmission time for European works: SIC and SIC Mulher.

In 2010 four channels did not reach this minimum percentage: Canal Panda, Hollywood, SIC Mulher and SIC Radical.

The SIC channel achieved a percentage of 48.6 % in 2009 and therefore was very close to the minimum quota; in 2010 it slightly exceeded the 50 % minimum (50.4 %).

SIC Mulher made positive progress in the period under consideration (45.1 % in 2009 and 46.7 % in 2010); it is thus well-placed to meet the obligations laid down in Article 16 of the Directive in the next few years.

The very low figures for Canal Panda and the Hollywood channel (6.1 % and 3.1 % in 2010 respectively) could be linked to the fact that they are channels that started broadcasting in November 2009, i.e. very recently. The expectation is that they will progressively increase the programming time for European works. In any case both channels have a very small audience share (1.2 % and 1.1 % respectively).

It is expected that these channels (SIC Mulher, Canal Panda and Hollywood) will progressively reach the 50 % threshold as stipulated at the end of Article 16(1): 'This proportion (...) should be achieved progressively, on the basis of suitable criteria'.

As regards SIC Radical, the fact that programming was 47.7 % European in 2010 might have been partly due to the economy. It can be hoped that this channel will meet its Article 16 obligations in the coming years as it did, moreover, in 2009 when it achieved a score of 51.5 %.

##### 2. A minimum proportion of European works by independent producers (Article 17)

With the exception of Canal Panda and the Hollywood channel, all the other channels meet the minimum percentage of 10 % as set out in Article 17 of the Directive and indeed significantly exceed it with scores that vary, for the period under consideration, from 21.5 % in the case of SIC Mulher (at the lower end) to 61.3 % in the case of SIC Internacional (at the upper end). Both figures refer to 2010.

As noted in relation to Article 16, the low figures for Canal Panda and the Hollywood channel (0.9 % and 3.1% in 2010 respectively) could be linked to the fact that they are channels that started broadcasting in November 2009, i.e. very recently. The expectation is that they will progressively increase the programming time for independent production.

#### **Recent independent production (RW)**

**RTP Memória** – although this channel broadcasts a high percentage of independent production (49.1 % in 2009 and 43.7 % in 2010), because of the specific nature of the channel it did not meet the minimum percentage of recent works as set out in Article 17.

As pointed out in earlier reports, RTP Memória is a public service channel that essentially re-broadcasts from RTP's vast archive, covering five decades of programming. Given its specific nature (i.e. broadcasting based on RTP archives), this channel is therefore exempt from the recommendations provided in Article 17 of the Directive, as regards recent independent production.

## **B) Measures taken by or envisaged by the Member State**

The Portuguese authorities are trying to raise awareness among television operators regarding compliance with Articles 16 and 17, in the belief that a pedagogical approach will be a better motivator and yield more results than applying penalties, which should only be used as a last resort.

When the ERC found that home cinema channels had results that were very much below the provisions of the Directive, in June 2011 it adopted two communications drawing the attention of two television operators, ZON CONTEÚDOS and DREAMIA, to the requirement that they comply progressively with Articles 16 and 17.

### **ZON CONTEÚDOS – Actividade de Televisão e Produção de Conteúdos, S.A**

The ERC found that the TC Cine, TV Cine 1, TV Cine 2 and TC Cine 3 home cinema channels<sup>44</sup> have not met the provisions of Article 16 of the Directive, a situation made worse by the fact that since 2008 there had been no progressive compliance in the levels of European programming on these channels. Thus on 1 June 2011 the ERC adopted communication 10/OUT-TV/2011<sup>45</sup>, which calls on ZON Conteúdos to include in its scheduling for these channels 10 % more European programming each year, starting in 2011, with the reference point the highest percentage already reached by each of the channels in question.

### **DREAMIA – Serviços de Televisão, S.A.**

The ERC found that the same situation applied to two other home cinema channels, MOV and Hollywood<sup>46</sup>, not only as regards European programming but also independent productions. Thus on 1 June 2011 the ERC adopted communication 11/OUT-TV/2011<sup>47</sup>, which calls on

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<sup>44</sup> These channels as well as MOV and Hollywood have been exempted from their reporting obligation and are therefore not included in the tables.

<sup>45</sup> Available in Portuguese at:

<http://www.erc.pt/download/YToyOntzOjg6ImZpY2hlaXJvIjtzOjM5OiJtZWRpYS9kZWNPc29lcy9vYmplY3RvX29mZmxpbmUvMTY0My5wZGYiO3M6NjoidGl0dWxvIjtzOjI0OiJkZWxpYmVvYWNhby0xMG91dC10djIwMTEiO30=/deliberacao-10out-tv2011>

<sup>46</sup> See footnote no 1.

<sup>47</sup> Available in Portuguese at:

<http://www.erc.pt/download/YToyOntzOjg6ImZpY2hlaXJvIjtzOjM5OiJtZWRpYS9kZWNPc29lcy9vYmplY3RvX29mZmxpbmUvMTY0NC5wZGYiO3M6NjoidGl0dWxvIjtzOjI0OiJkZWxpYmVvYWNhby0xMW91dC10djIwMTEiO30=/deliberacao-11out-tv2011>

the operator DREAMIA to include in its scheduling for these channels 10 % more European and independent productions each year, starting in 2011.

**C) Further comments**

No further comments.

### 3.22. Romania

#### PART 1 - Statistical data

Number of channels identified:	82	Reference period: 2009/2010
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Number of channels exempted	24	Quota: 23	Reporting: 1
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
ABC PLUS MEDIA SA	National TV	54.0%	52.0%	24.0%	21.0%	58.0%	51.0%
ALFA-OMEGA TV PRODUCTION SRL	Alfa Omega TV	67.0%	68.0%	40.0%	43.0%	100.0%	100.0%
ANALOG TV SRL	Analog TV	100.0%	NC	3.9%	NC	3.9%	NC
CLAS MEDIA SRL	Favorit TV	100.0%	100.0%	NC	NC	NC	NC
CLAS MEDIA SRL	N24 Plus	89.0%	86.0%	69.0%	27.0%	62.0%	17.0%
DOGAN MEDIA INTERNATIONAL SA	Kanal D (Romania)	65.7%	69.8%	37.0%	57.7%	89.0%	87.8%
DTH TELEVISION GRUP SA ("Boom TV")	Boom Action	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Classic	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Comedy	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Drama	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Music	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Secrets	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Smarty	NC	NC	NC	NC	NC	NC
ETNO FOLCLOR MEDIA SRL	Etno TV	100.0%	100.0%	100.0%	100.0%	95.0%	95.0%
GLOBAL VIDEO MEDIA SA	Alpha TV Bucuresti	NC	NC	NC	NC	NC	NC
GLOBAL VIDEO MEDIA SA	Alpha TV Ploiesti	NC	NC	NC	NC	NC	NC
HAPPY MEDIA SRL	Party TV	NC	NC	NC	NC	NC	NC
MASS MEDIA ROMANIA DE MAINE SRL	TvRM Cultural	92.5%	NO	10.0%	NO	10.0%	NO
MASS MEDIA ROMANIA DE MAINE SRL	TvRM Educational	94.8%	95.7%	10.0%	10.0%	10.0%	10.0%
NEW TREND MEDIA SRL	U TV (Romania)	68.0%	40.5%	70.0%	18.0%	85.0%	87.6%
OCRAM TELEVIZIUNE SRL	Oglinda TV (OTV)	90.0%	90.0%	40.0%	40.0%	50.0%	50.0%
PATRIARHIA ROMANA	Trinitas TV	100.0%	100.0%	11.0%	10.5%	11.0%	10.5%

PRATECH TV COMPANY SRL	Pratech TV	68.0%	NO	12.0%	NO	12.0%	NO
PRO TV SA	Acasa TV	51.8%	50.2%	30.4%	26.0%	66.3%	88.9%
PRO TV SA	Pro Cinema	49.8%	53.0%	26.3%	37.2%	46.0%	51.4%
PRO TV SA	Pro TV	50.2%	50.9%	41.9%	46.2%	72.1%	75.7%
PRO TV SA	Pro TV International	100.0%	100.0%	56.7%	57.0%	88.7%	90.0%
REAL TOP MEDIA SRL	Taraf TV	100.0%	100.0%	100.0%	100.0%	95.0%	95.0%
REALITATEA MEDIA SA	Action Star	27.0%	31.5%	27.0%	31.5%	54.0%	64.4%
REALITATEA MEDIA SA	CineStar	43.7%	39.0%	43.7%	39.0%	25.9%	36.2%
REALITATEA MEDIA SA	ComedyStar	35.4%	45.5%	35.4%	45.5%	50.6%	76.3%
SBS BROADCASTING MEDIA SRL	Prima TV (Romania)	53.4%	53.7%	51.2%	52.3%	51.2%	52.3%
SC ANTENA TV GROUP SA	Antena 1	58.0%	54.9%	24.9%	17.5%	91.6%	77.8%
SC ANTENA TV GROUP SA	Antena 2	93.0%	92.8%	0.8%	1.0%	100.0%	100.0%
SC ANTENA TV GROUP SA	Antena International (Antena 5)	100.0%	NC	75.7%	NC	100.0%	NC
SC ANTENA TV GROUP SA	Euforia Lifestyle TV (Antena 4)	52.5%	49.0%	44.0%	29.0%	95.0%	98.0%
SC AXA TV TRANSILVANIA SRL	Axa TV	NC	NC	NC	NC	NC	NC
SC DINAMIC AUDIO SERV SRL	Speranta TV	73.2%	73.2%	2.4%	2.4%	2.4%	2.4%
SC EURO CHANNEL INTERNATIONAL	Euro Channel	NC	NC	NC	NC	NC	NC
SC EX COMPUTER SRL	Club TV	NC	NC	NC	NC	NC	NC
SC EXPRES IMAGE SRL	Credo TV	51.8%	44.4%	12.0%	10.1%	12.0%	45.5%
SC HAPPY MUSIC SRL	Mynele TV	87.0%	79.0%	11.0%	14.0%	3.0%	4.0%
SC INSERV MEDIA SRL	eMaramures	NO	100.0%	NO	12.0%	NO	12.0%
SC MEDIA RADIO GALAXIA SRL	Galaxia TV	NC	NC	NC	NC	NC	NC
SC MEDIA RADIO GALAXIA SRL	Mulatós TV	NC	NC	NC	NC	NC	NC
SC MUSIC CHANNEL	1 Music Channel (Romania)	67.0%	57.0%	14.0%	12.0%	65.0%	80.0%
SC ONE PRODUCTION SRL	One TV (Romania)	NC	NC	NC	NC	NC	NC
SC ROMANTICA TELEVISION SRL	Romantica	37.7%	37.0%	16.6%	22.7%	28.3%	59.5%
SC SOMES MEDIA TRUST SRL	Transilvania Channel	NO	55.0%	NO	25.0%	NO	45.0%
TELECROMA MEDIA SRL	DDTV Direct Digital TV	40.0%	40.0%	10.0%	10.0%	50.0%	50.0%
TEMATIC CABLE SRL	Music Mix	30.0%	30.0%	10.0%	10.0%	100.0%	100.0%
TEMATIC CABLE SRL	Nota TV	90.0%	90.0%	90.0%	90.0%	40.0%	40.0%

TEMATIC CABLE SRL	PV TV	70.0%	80.0%	100.0%	100.0%	70.0%	80.0%
TVR - TELEVIZUNEA ROMANIA	TVR Cultural	72.9%	73.0%	14.5%	50.4%	16.0%	55.7%
TVR - TELEVIZUNEA ROMANIA	TVR International	80.2%	79.8%	NC	NC	NC	NC
TVR - TELEVIZUNEA ROMANIA	TVR1	51.3%	43.0%	13.8%	62.1%	11.8%	35.4%
TVR - TELEVIZUNEA ROMANIA	TVR2	78.8%	76.4%	11.3%	12.8%	8.8%	9.2%
TVR - TELEVIZUNEA ROMANIA	TVR3	94.2%	99.8%	6.1%	2.3%	4.4%	0.4%
<b>Covered Channels (IND 1)</b>		<b>56</b>	<b>56</b>	<b>56</b>	<b>56</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>58.9%</b>	<b>50.0%</b>	<b>60.7%</b>	<b>58.9%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>70.7%</b>	<b>67.9%</b>	<b>34.1%</b>	<b>34.6%</b>	<b>50.9%</b>	<b>56.5%</b>

## PART 2 – Comments

### Monitoring method

The National Audiovisual Council in Romania is responsible for monitoring the quotas and requests every 6 months reports from broadcasters (reporting is a legal requirement on the basis of Article 88 of the Regulatory Code of the Audiovisual Content (Decision no. 220 of 24 February 2011): "Broadcasters under Romania's jurisdiction shall forward half-yearly a report to the Council, according to the model in annex 2, which is part of the present code".

### A) Reasons given by the Member State for failure to reach

#### 1. Majority proportion of European works (Article 16):

In the reference period from 01/01/2009 to 31/12/2010 all the reported channels, with few exceptions, exceeded the majority proportion of transmission time laid down in Article 16 of the Directive.

For the channels where no quota is given (non communicated), compliance with articles 16 and 17 is not possible, as these channels are either too small or deal with very specific topics (for example religious TVs, which show exclusively orthodox programmes).

#### 2. A minimum proportion of European works by independent producers (Article 17):

With few exceptions, all channels have fulfilled the minimum threshold of 10% of broadcasting time in promoting independent European works.

### B) Measures taken or envisaged by the Member State

NAC encourages compliance with the quotas. In cases where there are channels facing constraints for some to meet them, especially where they have a small audience share or lack the economic resources to buy European (independent) works or they are special interest channels.



Several channels did not submit their statistical data to the NAC. Against these channels the Council will activate the necessary sanctioning proceeding according to the Audiovisual Law. This penalty is basically a summons including the conditions and terms for abiding by the law in future. If the broadcaster does not abide by the law within the terms and under the conditions established in the summons or if he infringes again these provisions, a civil penalty from 5,000 Ron–100,000 Ron shall be applied.

### **C) Further comments**

The Romanian media landscape comprises one public and private broadcasters.

According to the Romanian Regulatory Code of the Audiovisual Content (Decision no. 220 of 24 February 2011):

“Art. 85 Broadcasters under Romanian jurisdiction are obliged to ensure, for each television programme, compliance with the following requirements:

a) to reserve for European works, as defined in Art. 1<sup>4</sup> of the Audiovisual Law, minimum 50% of the transmission time, except for the time allocated to news, sports events, games, advertising, as well as teletext and teleshopping services.

b) to reserve at least 10% of the transmission time or at least 10% of their budget allocated to the programmes for the European works created by independent producers, except for the time allocated to news, sports events, games, advertising, as well as teletext and teleshopping services.

c) respect of the programme structure, as approved by the Council.

The following channels have their audiovisual licence withdrawn: Oltenia TV, Euro Channel, Canal 1 (Senso), Goodlife Channel, Cosmos TV.

As of May 2010, the company DTH Television Grup, that managed the Boom channels (11 channels), has gone bankrupt. There is no statistical data for 2009 available.

The following channels have ceased to broadcast for various reasons: Alpha TV București, Alpha TV Ploiesti, Party TV.

### 3.23. Slovenia

#### PART 1 - Statistical data

Number of channels identified:	49	Reference period: 2009/2010
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Number of channels exempted	35	Quota: 27	Reporting: 8
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
KANAL A, d.o.o.	Kanal A	NC	NC	NC	NC	NC	NC
NET TV, d.o.o.	NET TV	34.1%	40.3%	11.0%	13.1%	99.6%	100.0%
POP TV d.o.o.	POP BRIO	NO	NC	NO	NC	NO	NC
POP TV d.o.o.	POP TV	NC	NC	NC	NC	NC	NC
PRVA TV, d.o.o.	TV3	25.3%	15.3%	25.3%	42.3%	64.3%	87.2%
RADIOTELEVIZIJA SLOVENIJA, LJUBLJANA	Televizija Koper Capodistria /TV KC/: regionalni televizijski program	50.3%	54.7%	11.9%	14.0%	2.4%	2.4%
RADIOTELEVIZIJA SLOVENIJA, LJUBLJANA	Televizija Koper Capodistria /TV KC/: televizijski program za italijansko narodno skupnost	50.3%	54.7%	7.4%	13.3%	2.0%	8.3%
RADIOTELEVIZIJA SLOVENIJA, LJUBLJANA	Televizija Maribor - Tele M	50.3%	54.7%	11.9%	14.0%	89.0%	91.3%
RADIOTELEVIZIJA SLOVENIJA, LJUBLJANA	TVS1 (SLO1)	50.3%	54.7%	11.9%	14.0%	78.9%	78.2%
RADIOTELEVIZIJA SLOVENIJA, LJUBLJANA	TVS2 (SLO2)	50.3%	54.7%	11.9%	14.0%	78.9%	78.2%

TELE 59, d.o.o.	RTS	69.8%	66.2%	21.3%	18.0%	96.2%	17.3%
TELEVIDEO TELEVIZIJA, VIDEO IN ZALOZNISTVO D.O.O. LJUBLJANA	TV PIKA	NC	NO	NC	NO	NC	NO
Televizija Novo mesto, d.o.o.	VAŠ KANAL	38.5%	31.8%	19.9%	25.6%	94.2%	86.1%
VTV Studio, d.o.o.	VASA TELEVIZIJA (VTV)	46.2%	47.2%	12.5%	14.2%	100.0%	96.4%
<b>Covered Channels (IND 1)</b>		<b>13</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>46.2%</b>	<b>46.2%</b>	<b>69.2%</b>	<b>76.9%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>46.6%</b>	<b>47.4%</b>	<b>14.5%</b>	<b>18.3%</b>	<b>70.5%</b>	<b>64.5%</b>

## PART 2 – Comments

### Monitoring method

Under the Article 91 of Media Act Broadcasters are obliged to provide APEK and the Ministry of Culture reports with statistical data on European audiovisual works until the end of February for the previous year. APEK received the data until the end of February 2010 for the year 2009 and until the end of February 2011 for the year 2010. Those data are filled and attached in excel sheets Part Ia and Part Ib.

Under the Article 109 of the Media Act APEK is obliged to carry out a monitoring of the application of the provisions on audiovisual works. In 2010 and 2011 APEK started 9 procedures in all public service programmes, private regional programmes with public obligations and in the programmes with the biggest audience share, with the aim of checking their reported data on audiovisual works.

For that purpose APEK prepared excel sheets for the broadcasters, where they had to enter the required data. APEK required data for the date of broadcasting, time, duration, name of the program, information on production (home, co-production, purchased), type of production (Slovenian, European, other), name and address of the producer(s), type of production (in/dependent) and year of the production (yes/no in the last 5 years) for each broadcasted audiovisual work in broadcaster's programme for the previous year. The required data also included programme transmission time, the broadcaster's total transmission time, less the time reserved for news, sports events, games, advertising, teletext services and teleshopping.

After having received the required data APEK started to check the data with AGB Nielsen database. AGB Nielsen database provided APEK with the whole broadcasted material for the previous year. The analysis was conducted in the way that data from the broadcasters excel sheets were compared with AGB Nielsen's data on the date of broadcasting, time, duration and the name of the program. A problem appeared because only 7 programmes were included

in AGB Nielsen database at that time: SLO 1, SLO 2, SLO 3 (national public service broadcasters programmes RTV Slovenija) and national commercial broadcasters POP TV, KANAL A, TV3. Only these programmes were checked on the basis of AGB Nielsen database, in other TV programmes APEK could only check whether the proper program was included (up to the definitions of audiovisual works) and if the provided data from the broadcasters were correctly calculated.

For the reporting purpose APEK prepared 2 separated excel sheets, one with basic statistical data out of the reports and a second one out of the monitoring procedures.

In year 2010 APEK could not finalise some of the monitoring procedures on audiovisual works, as some broadcasters refused to provide APEK with the required data. APEK wanted to check the data on audiovisual works from reports (Article 91 of Mass Media Act) and requested the data on audiovisual works from POP TV, KANAL A and TV PIKA, but they rejected APEK's request claiming that there is no legal basis for such a request. Since there was no sanction for such a violation in the Mass Media Act, APEK could not impose any measures. Namely, APEK could not examine the audiovisual quota without data on producer's name and address, origin of production of AV work and date of creation of AV work. Those data could only be provided by the broadcaster.

A similar situation happened in year 2011 when POP TV, KANAL A and POP BRIO responded with the similar claim to APEK's request on data. POP TV, KANAL A and POP BRIO have the same owner.

### **Major observations concerning broadcasting, reporting and monitoring**

- TV PIKA ceased operations on 31<sup>st</sup> of August 2010.
- MTV ADRIA ceased operations under Slovenian licence on 5<sup>th</sup> of May 2010 and moved to Serbia, APEK didn't receive any report on audiovisual works.

### **A) Reasons given by the Member State for failure to reach**

#### **1. Majority proportion of European works (Article 16):**

#### **Report for Year 2009**

It was established by monitoring procedure that NET TV failed to reach the proportion of European works. They substantiated their failure with company's economic problems.

#### **Report for Year 2010**

It was established by monitoring procedure that VAŠ KANAL failed to reach the proportion of European works. They substantiated their failure with company's economic problems.

#### **2. A minimum proportion of European works by independent producers (Article 17):**

No comments

### **B) Measures taken or envisaged by the Member State**

#### **Report for Year 2009**

In the case of NET TV APEK has obtained an opinion from Ministry of Culture that accepted the given reasons for failure.

### **Report for Year 2010**

In the case of VAŠ KANAL APEK has obtained an opinion from Ministry of Culture that accepted the given reasons for failure.

APEK carried out a monitoring procedure in TV3, it was found they failed to reach the proportion of European works. APEK issued a written warning for failure (15,29%).

### **C) Further comments**

In the future APEK intends to monitor the quota on European audiovisual works in a similar way as in the previous years. Since the Law on Audiovisual Media Services, adopted on 17<sup>th</sup> of November 2011, includes the provisions on sanctioning for non-cooperation of broadcasters, it is expected that APEK will be more successful in monitoring.

### 3.24. Slovakia

#### PART 1 - Statistical data

Number of channels identified:	34	Reference period: 2009/2010
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Number of channels exempted	8	Quota: 8	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
ATELIER TV s.r.o.	Krupinska televizia	50.0%	40.0%	50.0%	60.0%	NC	NC
C.E.N. s.r.o.	TA3	54.7%	58.9%	21.8%	26.0%	NC	NC
CE MEDIA s.r.o.	CE TV	84.9%	85.1%	3.0%	2.9%	NC	NC
CREATV, s.r.o.	MusicBox	65.0%	65.0%	95.0%	95.0%	NC	NC
Frantisek Kovats - STUDIO PLUS TV	STUDIO PLUS TV	100.0%	100.0%	10.0%	10.0%	NC	NC
HRONKA PRODUCTION, s.r.o.	TV HRONKA	NO	0.0%	NO	0.0%	NO	NC
Izidor Heizer - MINI SERVIS	HEIZER TV	100.0%	100.0%	10.0%	10.0%	NC	NC
MAC TV s.r.o.	Joj PLUS	61.4%	53.0%	16.3%	11.2%	NC	NC
MAC TV s.r.o.	Joj TV	50.9%	51.0%	19.0%	20.2%	NC	NC
MARKIZA - SLOVAKIA, SPOL. S R.O.	Doma	66.6%	56.9%	39.3%	34.0%	NC	NC
MARKIZA - SLOVAKIA, SPOL. S R.O.	TV Markiza	52.9%	51.8%	21.6%	24.1%	NC	NC
Martin Valko ZEMPLINSKA PRODUKCNA SPOLOCNOST	TV Zemplin	100.0%	100.0%	80.0%	80.0%	NC	NC
Mega Max Media s.r.o	Bebe TV	100.0%	100.0%	100.0%	100.0%	NC	NC
Milan Janovec-RTV	RTV	100.0%	100.0%	0.0%	0.0%	NC	NC
MV Media, s.r.o.	TOP REGION	36.0%	36.0%	0.0%	0.0%	NC	NC
NFC s.r.o.	3V	NO	100.0%	NO	EX	NO	EX
Nitricka media s.r.o.	TV Nitricka	NO	59.0%	NO	12.0%	NO	NC
SATRO s.r.o.	Central TV	84.9%	85.2%	3.6%	3.4%	NC	NC
STV - SLOVENSKA TELEVIZIA	STV1 (Jednotka)	73.4%	79.8%	21.8%	22.0%	NC	NC
STV - SLOVENSKA TELEVIZIA	STV2 (Dvojka)	93.3%	97.3%	22.5%	22.3%	NC	NC
STV - SLOVENSKA TELEVIZIA	STV3 (Trojka)	95.0%	99.9%	13.8%	13.2%	NC	NC
Telehone s.r.o.	MUSIQ 1	40.0%	45.0%	50.0%	60.0%	NC	NC
Televízia Turiec, s.r.o.	Televízia Turiec (TVT)	100.0%	100.0%	30.0%	30.0%	NC	NC
TV AGENCY, s.r.o.	TV Patriot	0.9%	0.5%	0.0%	0.0%	NC	NC
TV LUX, spol. s r.o.	TV LUX	87.8%	57.0%	30.7%	26.6%	NC	NC

TV ORAVIA s.r.o.	TV ORAVIA	51.0%	51.0%	EX	EX	EX	EX
<b>Covered Channels (IND 1)</b>		<b>23</b>	<b>26</b>	<b>22</b>	<b>24</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>87.0%</b>	<b>80.8%</b>	<b>77.3%</b>	<b>75.0%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>71.7%</b>	<b>68.2%</b>	<b>29.0%</b>	<b>27.6%</b>	<b>NC</b>	<b>NC</b>

## PART 2 – Comments

### Monitoring method

The Council for Broadcasting and Retransmission collects the data from broadcasters and does not verify them.

### A) Reasons given by the Member State for failure to reach

#### 1. A majority proportion of European works (Article 16):

...

#### 2. A minimum proportion of European works by independent producers (Article 17)

...

### B) Measures taken by or envisaged by the Member State

Broadcasters of the channels that failed to comply with the obligations set out in the AVMS Directive have been reminded by the Council of their obligations contained in the licenses and have been warned that in case of continuing breaching their obligations the Council will impose sanctions. The Council also reminded that if there are any objective impediments to comply with the obligations, it is necessary to request the granting of an individual exemption.

### C) Further comments

No further comments

### 3.25. Finland

#### PART 1 - Statistical data

Number of channels identified:	18	Reference period: 2009/2010
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Number of channels exempted	2	Quota: 2	Reporting: 0
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
Family Channel Oy	Suomi TV (launch 12/2009)	NO	35.0%	NO	14.0%	NO	100.0%
MTV OY	MTV3	53.0%	55.0%	15.0%	16.0%	89.0%	91.0%
MTV OY	MTV3 AVA	38.0%	30.0%	20.0%	19.0%	95.0%	90.0%
MTV OY	MTV3 MAX	52.0%	44.0%	39.0%	18.0%	87.0%	95.0%
Sanoma Entertainment Finland Oy	KinoTV	15.0%	21.0%	1.5%	21.0%	0.0%	0.0%
Sanoma Entertainment Finland Oy	LIV	19.0%	31.0%	19.0%	31.0%	100.0%	100.0%
Sanoma Entertainment Finland Oy	Nelonen	34.0%	50.0%	34.0%	50.0%	100.0%	100.0%
Sanoma Entertainment Finland Oy (ex. Sanoma Television Oy)	JIM	15.0%	23.0%	15.0%	23.0%	100.0%	100.0%
SUBTV OY	MTV3 Juniori	61.0%	64.0%	58.0%	26.0%	80.0%	78.0%
SUBTV OY	Sub	54.0%	43.0%	27.0%	35.0%	92.0%	90.0%
TV5 Finland Oy	The Voice / TV 5	81.0%	75.0%	81.0%	75.0%	100.0%	100.0%
Yleisradio Oy	TV Finland	96.0%	94.0%	36.0%	36.0%	81.0%	77.0%
Yleisradio Oy	YLE FST5	91.0%	92.0%	28.0%	36.0%	83.0%	92.0%
Yleisradio Oy	YLE Teema	81.0%	81.0%	36.0%	37.0%	83.0%	75.0%
Yleisradio Oy	YLE TV1	91.0%	91.0%	30.0%	28.0%	87.0%	84.0%
Yleisradio Oy	YLE TV2	77.0%	76.0%	32.0%	34.0%	79.0%	64.0%
<b>Covered Channels (IND 1)</b>		<b>15</b>	<b>16</b>	<b>15</b>	<b>16</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>66.7%</b>	<b>56.3%</b>	<b>93.3%</b>	<b>100.0%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>57.2%</b>	<b>56.6%</b>	<b>31.4%</b>	<b>31.2%</b>	<b>83.7%</b>	<b>83.5%</b>

#### PART 2 – Comments

##### Monitoring method

The monitoring method is a survey, which is sent to all channels that are under Finnish Jurisdiction.

##### A) Reasons given by the Member State for failure to reach



1. A majority proportion of European works (Article 16):

Five channels have a rate clearly below the requisite proportion of 50 % in 2009. These channels are MTV3 Ava (38 %), Nelonen (34 %), JIM (15 %), KinoTV (15 %) and Liv (19 %).

2. A minimum proportion of European works by independent producers (Article 17)

One channel, Kino TV, has a rate below the requisite proportion of 15 % in 2009

**B) Measures taken or envisaged by the Member State**

Ficora has issued a reminder to all of the channels who have failed to comply with Sections 16 and 17 of the Act of Television and Radio Operations. Ficora has obligated the channels to increase the proportion of European and independent works.

**C) Further comments**

No further comments.

### 3.26. Sweden

#### PART 1 - Statistical data

Number of channels identified:	62	Reference period: 2009/2010
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Number of channels exempted	18	Quota: 18	Reporting: 0
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		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2009	2010	2009	2010	2009	2010
AXESS PUBLISHING AB	Axess TV	85.7%	88.6%	71.4%	75.7%	67.1%	71.4%
C MORE ENTERTAINMENT AB	Canal+ 69	41.0%	NO	41.0%	NO	41.0%	NO
C MORE ENTERTAINMENT AB	Canal+ Action	27.0%	33.0%	27.0%	33.0%	20.0%	30.0%
C MORE ENTERTAINMENT AB	Canal+ Drama	37.0%	44.0%	37.0%	44.0%	30.0%	35.0%
C MORE ENTERTAINMENT AB	Canal+ Film	32.0%	29.0%	32.0%	29.0%	30.0%	25.0%
C MORE ENTERTAINMENT AB	Canal+ First	29.0%	34.0%	29.0%	34.0%	25.0%	30.0%
C MORE ENTERTAINMENT AB	Canal+ Hits	26.0%	26.0%	26.0%	26.0%	20.0%	20.0%
C MORE ENTERTAINMENT AB	Canal+ Series (prev. Canal + Comedy)	19.0%	20.0%	19.0%	20.0%	20.0%	20.0%
C MORE ENTERTAINMENT AB	SF-Kanalen	100.0%	100.0%	100.0%	100.0%	10.0%	15.0%
DTU TELEVISION AB	Kanal Global (prev. Canal 7)	55.0%	51.2%	50.0%	43.8%	5.0%	14.3%
Kristen TV i Sverige AB	Kanal 10	78.6%	85.5%	62.7%	64.2%	100.0%	100.0%
LIFESTYLE TV	LIFESTYLE	57.7%	61.0%	10.7%	14.5%	100.0%	100.0%
NONSTOP TELEVISION AB	Showtime	31.2%	16.5%	31.2%	5.7%	62.8%	34.5%
NONSTOP TELEVISION AB	Silver	68.4%	46.6%	68.4%	46.6%	44.6%	42.0%
NONSTOP TELEVISION AB	Star!	1.5%	6.0%	1.5%	3.0%	100.0%	100.0%
NONSTOP TELEVISION AB	TNT7 (prev. Nonstop TV7)	14.4%	15.0%	14.4%	15.0%	41.7%	60.0%
SVERIGES TELEVISION AB	Kunskapskanalen	92.5%	87.9%	16.5%	25.9%	91.4%	93.1%
SVERIGES TELEVISION AB	SVT1	86.1%	86.4%	16.3%	13.1%	56.3%	63.6%
SVERIGES TELEVISION AB	SVT2	84.0%	83.8%	21.1%	19.1%	83.5%	81.6%
SVERIGES TELEVISION AB	SVT24	95.4%	90.9%	9.0%	12.2%	7.9%	11.9%
SVERIGES TELEVISION AB	SVTB	69.8%	73.2%	33.0%	40.7%	56.4%	54.8%
Sveriges Utbildningsradio AB	UR	91.0%	93.0%	27.0%	19.0%	100.0%	100.0%
TV1000 AB	TV1000	81.6%	82.0%	50.3%	51.2%	88.6%	84.4%

TV1000 AB	TV1000 Action	83.5%	82.6%	50.6%	53.7%	93.7%	86.2%
TV1000 AB	TV1000 Action East	80.1%	79.7%	77.4%	59.1%	38.8%	45.9%
TV1000 AB	TV1000 Balkan	82.1%	81.5%	17.3%	38.8%	77.7%	34.2%
TV1000 AB	TV1000 Classic	76.9%	81.4%	52.8%	37.7%	18.9%	33.5%
TV1000 AB	TV1000 Drama	78.2%	70.6%	59.0%	56.9%	73.6%	84.9%
TV1000 AB	TV1000 East	84.6%	82.5%	73.1%	55.8%	58.1%	43.8%
TV1000 AB	TV1000 Family	71.2%	75.2%	36.0%	47.0%	85.4%	81.7%
TV1000 AB	TV1000 Nordic	76.9%	76.8%	76.4%	76.1%	44.9%	35.5%
TV1000 AB	TV1000 Plus One	81.6%	82.0%	50.3%	51.8%	88.6%	87.7%
TV1000 AB	TV1000 Poland	83.4%	81.3%	38.0%	50.1%	73.2%	51.4%
TV1000 AB	TV1000 Premium (Baltic)	85.5%	84.8%	10.4%	14.8%	100.0%	100.0%
TV4 AB	7 (earlier TV4 Plus)	43.0%	44.0%	43.0%	44.0%	34.0%	35.0%
TV4 AB	TV11 (earlier TV400)	20.0%	21.0%	20.0%	21.0%	18.0%	18.0%
TV4 AB	TV4	64.0%	65.0%	64.0%	65.0%	64.0%	65.0%
TV4 AB	TV4 Fakta	30.0%	31.0%	30.0%	31.0%	15.0%	15.0%
TV4 AB	TV4 Film	32.0%	33.0%	32.0%	33.0%	13.0%	14.0%
TV4 AB	TV4 Guld	17.0%	18.0%	17.0%	17.0%	0.0%	0.0%
TV4 AB	TV4 Komedi	32.0%	33.0%	32.0%	33.0%	2.0%	3.0%
TV4 AB	TV4 Science Fiction	10.0%	11.0%	10.0%	11.0%	0.0%	0.0%
VIASAT PAY CHANNELS AB	Viasat Crime	38.1%	73.3%	38.1%	73.3%	100.0%	100.0%
VIASAT PAY CHANNELS AB	viasat Nature	71.8%	85.0%	71.8%	85.0%	72.7%	74.5%
<b>Covered Channels (IND 1)</b>		<b>44</b>	<b>43</b>	<b>44</b>	<b>43</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>59.1%</b>	<b>60.5%</b>	<b>95.5%</b>	<b>95.3%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>57.9%</b>	<b>59.2%</b>	<b>38.5%</b>	<b>39.3%</b>	<b>51.7%</b>	<b>51.1%</b>

## PART 2 – Comments

### Monitoring method

All broadcasters, except cable, are required to report on how they fulfill the requirements of Arts. 16 and 17.

This year, the Broadcasting Authority has made efforts to explain what programs should be considered as European works and the difference between “total works” and “qualified works”. In order to obtain correct figures, the Authority has asked for the basic data. The calculations have in most cases been made by the Authority. To ensure that all broadcasters report, there have been frequent contacts and reminders.

## **A) Reasons given by the Member State for failure to reach**

### 1. Majority proportion of European works (Art. 16):

The report shows that Swedish broadcasters generally fulfill the requirement as regards European and independent works. The report also shows a clear improvement as regards European works in relation to the figures in previous reports.

Some channels fail to meet the requirements. Most of them are below the 0.3 percent audience share threshold.

The Broadcasting Authority has been in contact with the broadcasters regarding those channels which fail to meet the requirements. The broadcasters have given the following explanations to the failure.

### C More Entertainment AB

All of C More Entertainment AB:s channels have audience shares below the 0.3 percent audience share threshold.

Canal+ First – Audience share was 0.2 percent for both 2009 and 2010. Most of the content is produced in Hollywood. The amount of European works continues to rise.

Canal+ Hits – Audience share was 0.1 percent for both 2009 and 2010. The channel is focused towards “blockbuster” with a clear overweight to Hollywood-production.

Canal+ Series (prev. Canal+ Comedy) – Audience share was 0.1 percent for both 2009 and 2010. TV-series of premium-class is dominated by American productions. More content from BBC is sent during 2011.

Canal+ 69 – Audience share was 0.01 percent for 2009. The channel is no longer operational.

Canal+ Action – Audience share was 0.14 in 2009 and 0.15 in 2010. Most of the content is produced in Hollywood. The amount of European works continues to rise.

Canal+ Drama – Audience share was 0.15 in 2009 and 0.16 in 2010. Most of the content is produced in Hollywood. The amount of European works continues to rise.

Canal+ Film – Audience share was 0.15 percent for both 2009 and 2010. The amount of European works has fallen due to that contracts with Spanish and French producers were not renewed.

### TV4 AB

TV4 AB is always looking for marketable European titles. The audience appreciates news, game shows and Swedish and European sports. Such programs are not regarded as qualified works in this context. Nordic, German and British content perform well. For TV4 AB it is of great interest to find new and marketable material. The ambition is to reach the levels set out in the AV-Directive.

TV4 Film – Audience share was 0,9 in 2009 and 0,8 in 2010. The channel is a profiled film channel. TV4 AB is working to raise the amount of European works. TV4 AB has a new agreement with SF (Svensk Filmindustri) which will ensure more Swedish works.

TV4 Guld – Audience share was 0.4 percent for both 2009 and 2010. The channel is profiled as a channel for tv-classics and the offerings follows what the audience regards as classics. TV4 AB is working to raise the amount of European works. It has a new agreement with Teaterförbundet (Swedish Union for Theater, Artists and Media) which will ensure more Swedish works.

TV4 Komedi – Audience share was 0.3 percent in 2009 and 0.2 percent in 2010. TV4 AB is working to raise the amount of European works. Danish works have proven to be successful. A new agreement with Teaterförbundet will ensure more Swedish works.

TV4 Science Fiction – Audience share was 0.1 in 2009 and 0.2 in 2010. The genre is to a large degree non-European, but TV4 AB is searching for more European works.

7 – Audience share was 0.4 percent in 2009 and 0.37 percent in 2010. TV4 AB is working to raise the amount of European works. The European works in the channel consist to a large extent of British works.

TV11 – Audience share was 0.6 percent in 2009 and 0.5 percent in 2010. The channel has been re-profiled during 2011. It will offer a higher amount of European works henceforth.

#### Nonstop Television AB

Showtime – Audience share was 0.1 percent for both 2009 and 2010. The channel is profiled towards action and science fiction. The output of such productions in Europe is limited.

Star! – Audience share was 0.1 percent for both 2009 and 2010. The channel is profiled towards entertainment news. The programs consist of for example interviews with pop stars and actors. Few such programs are produced in Europe.

TNT 7 – Audience share was 0.2 in 2009 and 0.1 in 2010. The channel offers broad entertainment. Most programs are from English speaking countries, but not all of them from the United States. 10 percent is Canadian, 10 percent Australian and 10 percent British.

#### Viasat Pay Channels

Viasat Crime – Audience share was 0.3 percent in 2009 and 0.2 percent in 2010. The channel is profiled towards action/criminal drama. Most programs within this genre are produced in the United States.

### **B) Measures taken or envisaged by the Member State**

Improved information and more frequent contacts with the broadcasters may have contributed to the better result for 2009 and 2010. The Swedish Broadcasting Authority will continue this work, for example by overseeing the information on its webpage. The Authority will also keep in touch with the broadcasters and remind them of the requirements on European and independent works in the Directive and the reporting obligation. It will put extra focus on and follow those broadcasters which are having problems to fulfill the requirements.

### **C) Further comments**

Utbildningsradion AB has an individual broadcasting license granted by the government. It does not, however, have a channel of its own. Instead it has a contract with Sveriges Television AB (SVT) which allows them to send their programs in SVT's channels SVT1, SVT2 and Kunskapskanalen.

Utbildningsradion AB's programs have been reported in a lump, with their trademark "UR" listed as the channel's name.

### 3.27. United Kingdom

#### PART 1 - Statistical data

Number of channels identified:	675	Reference period: 2009/2010
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Number of channels exempted	85	Quota:85	Reporting: 0
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Broadcaster	Channel	EW (%TQT)		IP (%TQT)		RW(%IP)	
		2009	2010	2009	2010	2009	2010
4 Ventures Ltd	E4	38.7%	37.0%	37.7%	36.0%	99.8%	97.2%
4 Ventures Ltd	Film 4	31.5%	30.3%	5.3%	5.3%	21.7%	24.0%
4 Ventures Ltd	More 4	79.1%	78.1%	50.7%	54.7%	77.5%	65.5%
914 TV Limited	Elite TV 2	100.0%	100.0%	0.0%	100.0%	0.0%	100.0%
965 TV Limited	Elite TV	NO	100.0%	NO	100.0%	NO	100.0%
Advanced Media Ltd	LA Babes	NC	NC	NC	NC	NC	NC
AETN UK	History Euro HD	0.1%	0.1%	0.1%	0.1%	100.0%	100.0%
Ahlulbayt TV net Ltd	Ahlulbayt	29.9%	51.6%	12.4%	10.3%	100.0%	100.0%
AIT International	AIT Int	10.5%	38.0%	7.2%	19.5%	22.0%	45.0%
Al Jazeera Internati	Al Jazeera	33.7%	30.5%	25.8%	23.8%	100.0%	100.0%
Al Shirkatul Islamiy	MTA 2 - SANIA	NO	70.4%	NO	6.6%	NO	94.7%
Al Shirkatul Islamiy	MTA 3 - ALARBIAYA	EX	58.7%	EX	0.0%	EX	0.0%
Al Shirkatul Islamiy	Muslim TV Ahmadiyya	33.1%	68.8%	3.2%	2.6%	94.7%	94.8%
Al Tayyar Limited	UMC	NO	NC	NO	NC	NO	NC
All Entertainment Li	Life Television	79.5%	NO	25.8%	NO	99.8%	NO
Arsenal Holdings Plc	AH	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
AXN Europe Limited	ANIMAX (Czech Republ	NO	3.1%	NO	3.1%	NO	100.0%
AXN Europe Limited	ANIMAX (Romania)	NO	3.1%	NO	3.1%	NO	100.0%
AXN Europe Limited	Anime+	0.8%	NO	0.8%	NO	100.0%	NO
AXN Europe Limited	AXN	14.5%	NO	14.5%	NO	100.0%	NO
AXN Europe Limited	AXN (Adria)	11.3%	12.1%	11.3%	12.1%	100.0%	100.0%
AXN Europe Limited	AXN (Bulgaria)	NO	4.6%	NO	4.6%	NO	100.0%
AXN Europe Limited	AXN (Central Europe)	NO	2.9%	NO	2.9%	NO	100.0%
AXN Europe Limited	AXN (Czech Republic)	NO	2.9%	NO	2.9%	NO	100.0%
AXN Europe Limited	AXN (Romania)	NO	6.5%	NO	6.5%	NO	100.0%
AXN Europe Limited	AXN Crime	16.9%	NC	16.9%	NC	100.0%	NC

AXN Europe Limited	AXN Crime (Poland)	NO	26.2%	NO	26.2%	NO	100.0%
AXN Europe Limited	AXN Crime Central Eu	NO	28.4%	NO	28.4%	NO	100.0%
AXN Europe Limited	AXN Sci-Fi	6.3%	NO	6.3%	NO	40.5%	NO
AXN Europe Limited	AXN Sci-Fi (Poland)	NO	6.3%	NO	6.3%	NO	100.0%
AXN Europe Limited	AXN Sci-Fi Central E	NO	8.1%	NO	8.1%	NO	100.0%
AXN Europe Limited	AXN/AXN HD (Poland)	NO	4.1%	NO	4.1%	NO	100.0%
AXN Europe Limited	Film24	64.5%	0.0%	14.9%	0.0%	100.0%	0.0%
AXN North Europe	Animax	0.5%	5.8%	0.5%	5.8%	100.0%	100.0%
AXN North Europe	AXN (Germany, Switze	10.1%	14.0%	4.1%	11.1%	100.0%	100.0%
AXN Southern Europe	AXN (Italy)	6.2%	1.6%	3.4%	1.6%	100.0%	100.0%
AXN Southern Europe	AXN Sci-Fi (Italy)	NO	0.0%	NO	0.0%	NO	0.0%
Babeworld TV Ltd	Babeworld TV	100.0%	NC	0.0%	NC	0.0%	NC
Baby Network Ltd	Baby TV	NO	48.5%	NO	16.7%	NO	100.0%
Baltic Media Allianc	First Baltic Channel	52.0%	NO	12.0%	NO	50.8%	NO
Baltic Media Allianc	First Baltic Music	66.6%	52.0%	13.0%	10.5%	100.0%	52.2%
Baltic Media Allianc	PanBaltic TV	NO	52.0%	NO	10.5%	NO	52.2%
Baltic Media Allianc	REN TV (Baltic versi	51.1%	53.0%	11.0%	10.9%	52.0%	54.7%
Bang Channels Limite	Tease Me	100.0%	NO	10.3%	NO	100.0%	NO
Bang Channels Limite	Tease Me 2	100.0%	NO	10.3%	NO	100.0%	NO
Bang Channels Limite	Tease me 3	100.0%	NO	10.3%	NO	100.0%	NO
Bang Media (London)	Tease me TV	100.0%	NO	12.4%	NO	100.0%	NO
BBC	BBC News 24	0.8%	100.0%	0.8%	7.0%	0.8%	100.0%
BBC	BBC1	20.9%	88.0%	20.9%	37.0%	20.9%	99.0%
BBC	BBC2	7.5%	83.0%	7.5%	31.0%	7.5%	95.0%
BBC	BBC3	1.2%	83.0%	1.2%	51.0%	1.2%	100.0%
BBC	BBC4	0.5%	92.0%	0.5%	31.0%	0.5%	94.0%
BBC	CBBC	0.5%	87.0%	0.5%	33.0%	0.5%	94.0%
BBC	Cbeebies	1.2%	95.0%	1.2%	48.0%	1.2%	76.0%
BBC World News Ltd	BBC World	NC	95.8%	NC	32.7%	NC	100.0%
BBC Worldwide Limite	BBC Entertain Nordic	NC	98.0%	NC	45.6%	NC	52.4%
BBC Worldwide Limite	BBC Entertain Poland	NO	93.9%	NO	43.5%	NO	87.2%
BBC Worldwide Limite	BBC HD Nordic Region	NC	99.7%	NC	50.9%	NC	96.4%



BBC Worldwide Limite	BBC Knowledge Nordic	NC	97.3%	NC	33.3%	NC	51.8%
BBC Worldwide Limite	BBC Knowledge Poland	NC	98.5%	NC	57.6%	NC	61.7%
BBC Worldwide Limite	BBC Lifestyle Nordic	NC	72.3%	NC	54.8%	NC	81.9%
BBC Worldwide Limite	BBC Lifestyle Poland	NO	69.2%	NO	59.6%	NO	77.2%
BBC Worldwide Limite	CBeebies	1.3%	97.3%	1.3%	55.9%	1.3%	61.2%
BET International In	BET	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
BFTV Limited	Baby First TV	NC	27.3%	NC	27.3%	NC	0.0%
Body in Balance Ltd	Body in Balance	31.3%	0.0%	31.3%	0.0%	100.0%	0.0%
Body in Balance Ltd	Body In Balance (Eur	20.0%	79.9%	17.1%	5.7%	66.7%	100.0%
Box TV Ltd	4 Music	40.0%	52.5%	31.3%	33.0%	80.0%	90.9%
Box TV Ltd	Kerrang	26.0%	29.0%	21.0%	22.5%	91.0%	88.9%
Box TV Ltd	Kiss	32.0%	22.7%	25.9%	17.0%	99.0%	100.0%
Box TV Ltd	Magic	44.0%	55.0%	35.6%	50.3%	38.0%	10.9%
Box TV Ltd	Q	64.0%	67.0%	51.7%	62.0%	68.0%	88.7%
Box TV Ltd	Smash Hits	55.0%	45.5%	44.5%	37.5%	52.0%	70.7%
Box TV Ltd	The Box	52.0%	45.0%	42.0%	37.5%	99.0%	100.0%
Broadcasting (Gaia)	100% Babes	40.9%	46.4%	40.9%	46.4%	100.0%	100.0%
Broadcasting (Gaia)	Amateur Babes	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Broadcasting (Gaia)	Girls Gone Wild	22.5%	21.6%	22.5%	21.6%	100.0%	100.0%
Broadcasting (UK) Li	Hustler TV UK	30.8%	28.9%	30.8%	28.9%	100.0%	100.0%
BSkyB	pick TV	0.8%	84.5%	0.8%	72.4%	0.8%	47.1%
BSkyB	Sky 1(HD)	1.2%	50.4%	1.2%	45.7%	1.2%	78.7%
BSkyB	Sky 2	0.5%	51.2%	0.5%	48.1%	0.5%	75.0%
BSkyB	Sky 3D	NO	84.8%	NO	3.4%	NO	100.0%
BSkyB	Sky Arts 1	73.2%	65.7%	66.7%	63.2%	41.0%	41.8%
BSkyB	Sky Arts 2	71.9%	76.1%	66.6%	71.5%	55.9%	55.5%
BSkyB	Sky Atlantic ROI	NO	63.4%	NO	57.3%	NO	39.8%
BSkyB	Sky Box Office	21.4%	22.6%	9.1%	10.0%	100.0%	99.0%
BSkyB	Sky Movies Action (H	11.4%	12.9%	4.8%	4.7%	64.2%	82.3%
BSkyB	Sky Movies Classics	13.5%	9.5%	1.1%	1.0%	51.2%	64.1%
BSkyB	Sky Movies Comedy	11.9%	8.6%	5.2%	2.4%	86.1%	95.3%
BSkyB	Sky Movies Drama Rom	12.8%	14.7%	6.0%	8.5%	62.8%	78.4%

BSkyB	Sky Movies Family	15.4%	16.2%	8.0%	6.8%	93.1%	92.8%
BSkyB	Sky Movies Indie	31.3%	31.0%	18.4%	23.2%	81.1%	92.3%
BSkyB	Sky Movies Modern Gr	9.3%	7.8%	1.3%	1.3%	77.9%	71.8%
BSkyB	Sky Movies Premier	24.0%	16.3%	14.4%	11.8%	100.0%	100.0%
BSkyB	Sky Movies Sci-Fi/Ho	12.6%	8.7%	4.3%	4.6%	88.3%	81.1%
BSkyB	Sky Movies Showcase	14.6%	11.7%	5.6%	3.1%	97.7%	96.3%
BSkyB	Sky Movies Thriller	13.9%	14.7%	5.5%	7.1%	100.0%	98.6%
BSkyB	Sky News	93.9%	38.6%	0.0%	0.0%	0.0%	0.0%
BSkyB	Sky News HD	17.1%	44.4%	17.1%	0.0%	24.0%	0.0%
BSkyB	Sky Real Lives	73.1%	NO	66.7%	NO	65.7%	NO
BSkyB	Sky Sports 1	55.6%	88.1%	14.8%	39.4%	100.0%	100.0%
BSkyB	Sky Sports 2	51.9%	82.8%	26.0%	53.3%	100.0%	100.0%
BSkyB	Sky Sports 3	51.3%	82.7%	24.8%	66.4%	100.0%	100.0%
BSkyB	Sky Sports 4	53.9%	83.2%	31.9%	70.7%	100.0%	100.0%
BSkyB	Sky Sports News	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
BSkyB	Sky Three	72.2%	NO	59.9%	NO	67.2%	NO
BSkyB	The Pub Channel	100.0%	100.0%	0.3%	0.1%	100.0%	100.0%
Business News (Europ	CNBC	21.3%	26.3%	10.1%	20.4%	100.0%	100.0%
C Music	C Music TV	68.0%	68.0%	1.2%	1.2%	99.0%	9.9%
Canis 103	FOBO Movies	0.0%	NC	0.0%	NC	0.0%	NC
CBS Chellozone UK Ch	CBS Action	24.2%	10.5%	24.2%	9.0%	73.4%	91.9%
CBS Chellozone UK Ch	CBS Drama	13.0%	14.7%	13.0%	14.7%	100.0%	66.0%
CBS Chellozone UK Ch	CBS Reality	7.8%	7.8%	7.8%	7.8%	100.0%	100.0%
CBS Chellozone UK Ch	CBS Reality +1	7.8%	7.8%	7.8%	7.8%	100.0%	100.0%
CBS Chellozone UK Ch	Horror Channel	9.5%	16.8%	9.5%	16.8%	80.7%	80.8%
CBS Chellozone UK Ch	Horror Channel + 1	9.5%	16.8%	9.5%	16.8%	80.7%	80.8%
Channel 4	Channel 4	70.0%	66.0%	48.0%	49.0%	87.0%	92.0%
Channel Five	Five	61.0%	54.0%	53.0%	40.0%	83.0%	53.0%
Channel M TV Ltd	Channel M TV for Man	100.0%	NO	4.4%	NO	0.0%	NO
Channel Television	ITV1	80.0%	82.0%	22.0%	24.2%	18.0%	81.5%
Channel5 Broadcasti	5 USA	9.1%	0.0%	9.1%	0.0%	0.0%	0.0%
Channel5 Broadcasti	5* (TLCS)	51.7%	45.6%	49.9%	45.3%	97.6%	93.8%
Chat Central Ltd	Club Paradiso	0.0%	NO	0.0%	NO	0.0%	NO
Chelsea Digital Medi	Chelsea TV	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
CSC Media Group Ltd	Bliss	52.0%	54.0%	52.0%	54.0%	76.9%	64.8%

CSC Media Group Ltd	Chart Show TV	53.0%	56.0%	53.0%	56.0%	100.0%	100.0%
CSC Media Group Ltd	Dance Nation TV	NO	68.0%	NO	68.0%	NO	88.2%
CSC Media Group Ltd	Flava	75.0%	45.0%	75.0%	45.0%	93.3%	100.0%
CSC Media Group Ltd	Kix!	42.0%	1.3%	42.0%	1.3%	95.2%	100.0%
CSC Media Group Ltd	POP	30.0%	6.6%	30.0%	6.6%	24.4%	100.0%
CSC Media Group Ltd	Pop girl	37.2%	0.0%	37.2%	0.0%	69.9%	0.0%
CSC Media Group Ltd	Retro Movies	7.0%	NO	7.0%	NO	29.3%	NO
CSC Media Group Ltd	Scuzz	41.0%	53.0%	41.0%	53.0%	97.5%	84.9%
CSC Media Group Ltd	The Drama Channel	NO	NC	NO	NC	NO	NC
CSC Media Group Ltd	The Vault	41.0%	65.0%	41.0%	65.0%	97.5%	100.0%
CSC Media Group Ltd	Tiny Pop	64.0%	14.3%	64.0%	14.3%	100.0%	100.0%
CSC Media Group Ltd	True Entertainment	22.1%	0.4%	17.9%	0.0%	72.2%	0.0%
CSC Media Group Ltd	True Movies 1	3.4%	0.0%	1.7%	0.0%	0.0%	0.0%
CSC Media Group Ltd	True Movies 2	0.3%	0.2%	0.2%	0.0%	0.0%	0.0%
CTV International Lt	CTV (Cultural TV)	NO	NC	NO	NC	NO	NC
Cultoos Television L	Cultoos Television L	0.0%	NC	0.0%	NC	0.0%	NC
Cultoos Television L	Voce	50.0%	50.0%	40.0%	45.0%	25.0%	22.2%
Cultoos Television L	You & Me	NO	0.0%	NO	0.0%	NO	0.0%
Daar Communications	AIT Movistar	NO	NC	NO	NC	NO	NC
Dawat-E-Islami UK	Madani Channel	NO	NC	NO	NC	NO	NC
Discovery Communicat	Animal Planet (Europ	77.3%	68.1%	15.7%	8.7%	42.2%	50.5%
Discovery Communicat	Animal Planet (Italy	66.4%	50.0%	12.2%	5.0%	78.8%	99.4%
Discovery Communicat	Animal Planet (UK)	69.3%	70.5%	13.1%	13.8%	52.0%	33.8%
Discovery Communicat	Animal Planet HD	71.9%	59.7%	27.4%	8.5%	83.3%	95.4%
Discovery Communicat	Animal Planet Nordic	NO	68.4%	NO	8.7%	NO	50.5%
Discovery Communicat	Disc Chan (Benleux)	41.0%	38.5%	5.4%	3.5%	100.0%	100.0%
Discovery Communicat	Disc Travel & Living	88.7%	92.0%	2.2%	2.3%	42.2%	37.1%
Discovery Communicat	Discovery (Central &	51.1%	54.1%	4.3%	4.2%	100.0%	100.0%
Discovery Communicat	Discovery (Ukraine)	NO	59.5%	NO	1.7%	NO	100.0%
Discovery Communicat	Discovery Cha Nordic	43.0%	41.6%	5.4%	4.9%	92.2%	88.0%
Discovery Communicat	Discovery Chan (Ita)	63.0%	43.9%	5.4%	6.4%	88.5%	100.0%

Discovery Communicat	Discovery Chan (Uk)	44.2%	48.5%	5.6%	6.0%	86.1%	56.6%
Discovery Communicat	Discovery Channel (S	37.2%	30.4%	9.4%	5.7%	100.0%	100.0%
Discovery Communicat	Discovery Channel Fr	42.1%	40.6%	7.7%	3.7%	80.0%	98.9%
Discovery Communicat	Discovery Flanders	39.7%	41.1%	6.7%	2.7%	100.0%	100.0%
Discovery Communicat	Discovery HD	40.3%	33.8%	10.3%	8.2%	39.4%	92.6%
Discovery Communicat	Discovery HD Showcas	35.7%	24.7%	9.2%	4.8%	72.6%	93.8%
Discovery Communicat	Discovery Historia	48.3%	47.4%	0.5%	0.1%	100.0%	100.0%
Discovery Communicat	Discovery History (U	NO	77.4%	NO	7.1%	NO	4.7%
Discovery Communicat	Discovery Home and H	65.2%	56.0%	3.4%	7.1%	60.5%	51.4%
Discovery Communicat	Discovery Knowledge	84.1%	NO	4.2%	NO	28.4%	NO
Discovery Communicat	Discovery Real Time	93.7%	77.2%	10.0%	3.2%	44.3%	58.4%
Discovery Communicat	Discovery RT France	65.0%	NO	2.6%	NO	100.0%	NO
Discovery Communicat	Discovery RT Italy	87.9%	84.3%	7.1%	5.8%	100.0%	100.0%
Discovery Communicat	Discovery Science EU	54.4%	44.8%	5.9%	6.5%	68.5%	62.9%
Discovery Communicat	Discovery Science It	58.0%	55.9%	5.1%	6.0%	69.1%	89.1%
Discovery Communicat	Discovery Science UK	36.0%	34.9%	4.0%	8.0%	82.1%	86.2%
Discovery Communicat	Discovery Shed	85.8%	89.9%	20.8%	12.0%	31.8%	30.3%
Discovery Communicat	Discovery T&L Italy	85.6%	76.1%	2.4%	3.4%	60.0%	85.2%
Discovery Communicat	Discovery Trav & Liv	40.8%	35.0%	0.4%	5.1%	100.0%	91.6%
Discovery Communicat	Discovery Turbo	58.6%	67.2%	12.4%	19.0%	18.6%	50.9%
Discovery Communicat	Discovery World (Eur	58.5%	59.8%	3.8%	3.1%	27.2%	64.9%
Discovery Communicat	DMAX	44.9%	39.5%	4.6%	7.4%	66.8%	87.6%
Discovery Communicat	Investig Disc Europe	25.7%	15.2%	5.9%	3.8%	42.0%	100.0%
Discovery Communicat	Investigation Discov	18.5%	15.2%	1.4%	2.1%	1.1%	100.0%
Discovery Communicat	Quest	NO	0.0%	NO	0.0%	NO	0.0%
Discovery Communicat	Quest 2	91.7%	10.6%	10.7%	11.7%	75.0%	32.7%
Discovery Communicat	TLC	NO	33.9%	NO	3.1%	NO	88.1%
Discovery Communicat	TLC (Balkans)	NO	50.7%	NO	6.2%	NO	100.0%
Discovery Communicat	TLC (Poland)	NO	35.3%	NO	6.8%	NO	97.5%
Discovery Communicat	TLC (Sverige)	NO	29.8%	NO	3.1%	NO	94.7%

Divine Television	Divine TV	NO	91.7%	NO	8.3%	NO	0.0%
Dolphin Broadcast Se	Men & Movies	NO	73.1%	NO	73.1%	NO	30.0%
Dolphin Broadcast Se	Movies4Men	26.1%	15.0%	26.1%	15.0%	25.0%	30.4%
Dolphin Broadcast Se	Movies4men2	20.0%	30.0%	20.0%	30.0%	2.0%	30.0%
E! Entertainment UK	E!	13.8%	0.3%	13.8%	0.3%	100.0%	100.0%
E! Entertainment UK	E! Entertainmen (It)	27.4%	3.9%	27.4%	3.9%	100.0%	100.0%
E! Entertainment UK	E! Entertainment (Fr	26.1%	7.9%	26.1%	7.9%	100.0%	100.0%
E! Entertainment UK	E! Entertainment Ire	NO	0.2%	NO	0.2%	NO	100.0%
E! Entertainment UK	E! Entertainment Neth	NO	0.3%	NO	0.3%	NO	100.0%
E! Entertainment UK	E! Entertainment Pol	13.8%	0.3%	13.8%	0.3%	100.0%	100.0%
E! Entertainment UK	E! Entertainment TV	1.5%	0.2%	1.5%	0.2%	100.0%	100.0%
E! Entertainment UK	E! Germany	0.2%	1.9%	0.1%	0.0%	83.3%	0.0%
E! Entertainment UK	Style	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Edge Media TV Lim	Controversial TV	34.5%	100.0%	15.5%	28.6%	77.4%	100.0%
Education Digital Ma	Teachers' TV	88.7%	NO	70.5%	NO	99.7%	NO
Enteraction TV Learn	My Channel	85.3%	63.3%	42.7%	63.3%	100.0%	100.0%
Escape Channel Ltd	Lucky Star	100.0%	EX	100.0%	EX	100.0%	EX
Eternal World TV Net	EWTV	21.2%	49.5%	11.1%	13.3%	66.7%	72.3%
Euro Digital Corpora	TX1	0.0%	NO	0.0%	NO	0.0%	NO
European Channel Bro	BBC Entertainment Eu	100.0%	100.0%	11.0%	11.6%	79.5%	72.9%
Fadak TV	Fadak TV	NO	NC	NO	NC	NO	NC
FilmFlex Movies Ltd	Barker Channel	1.2%	1.2%	0.0%	0.0%	0.0%	0.0%
Forenzquick UK ltd	The Other Side	100.0%	NO	0.0%	NO	0.0%	NO
Forenzquick UK ltd	Watchme TV	100.0%	NC	0.0%	NC	0.0%	NC
Fox International Ch	f/x Channel	1.0%	0.6%	1.0%	0.6%	100.0%	100.0%
Fox International Ch	FX HD	0.9%	0.8%	0.9%	0.8%	100.0%	100.0%
Fox International Ch	FX+	1.0%	0.6%	1.0%	0.6%	100.0%	100.0%
Ghana Development Fo	Be Do Have TV	0.0%	NO	0.0%	NO	0.0%	NO
Glory TV Ltd	Glory TV	90.7%	100.0%	90.7%	100.0%	100.0%	0.0%
GMTV	GMTV 2	55.9%	53.0%	46.8%	50.0%	95.7%	45.0%

GMTV	GMTV+1	NO	47.0%	NO	33.0%	NO	30.0%
GMTV	GMTV1 TLCS	58.5%	47.0%	33.5%	33.0%	56.3%	30.0%
Greener Technology	BEN TV	NC	NC	NC	NC	NC	NC
H&C TV Limited	Horse & Country TV	99.7%	54.7%	84.8%	53.5%	100.0%	100.0%
Hellenic TV Ltd	Hellenic TV	100.0%	100.0%	16.1%	17.0%	69.4%	68.5%
HITV	HiTV	51.0%	55.2%	10.0%	25.0%	51.1%	100.0%
Hollywood Classics M	OH TV	85.6%	100.0%	85.6%	100.0%	100.0%	100.0%
House of Fun TV	House of Fun	100.0%	NO	0.0%	NO	0.0%	NO
Information TV Ltd	Information TV	95.3%	75.9%	95.3%	75.9%	100.0%	87.3%
Information TV Ltd	Russia Today	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Information TV Ltd	Showcase	98.1%	94.6%	98.1%	85.1%	100.0%	56.1%
Information TV Ltd	Showcase 2	NO	80.0%	NO	62.8%	NO	100.0%
Islam Channel Limite	Islam Channel	76.2%	86.7%	0.6%	1.5%	100.0%	100.0%
ITV	ITV1 HD	NO	82.0%	NO	24.0%	NO	20.0%
ITV	ITV1 HD (Anglia/Meridian)	NO	82.0%	NO	24.0%	NO	20.0%
ITV	ITV1 HD (Central)	NO	82.0%	NO	24.0%	NO	20.0%
ITV	ITV1 HD (Granada/Border)	NO	82.0%	NO	24.0%	NO	20.0%
ITV	ITV1 HD (London/LWT)	NO	82.0%	NO	24.0%	NO	20.0%
ITV	ITV1 HD (Wales/West Country)	NO	82.0%	NO	24.0%	NO	20.0%
ITV	ITV1 HD (Yorkshire/Tyne Tees)	NO	82.0%	NO	24.0%	NO	20.0%
ITV Breakfast Limite	ITV Breakfast	NO	53.0%	NO	29.1%	NO	100.0%
ITV Breakfast Limite	ITV Breakfast 2	NO	51.7%	NO	48.2%	NO	92.1%
ITV plc	CITV	64.1%	73.0%	31.3%	48.7%	70.2%	82.2%
ITV plc	ITV Preview 1	NO	96.9%	NO	43.9%	NO	42.9%
ITV plc	ITV1	82.0%	82.0%	32.0%	24.2%	19.0%	81.5%
ITV plc	ITV2	50.1%	57.8%	12.3%	10.7%	94.8%	93.9%
ITV plc	ITV3	81.9%	85.5%	16.8%	21.2%	40.8%	38.2%
ITV plc	ITV4	69.2%	69.5%	9.9%	16.7%	88.4%	82.7%
ITV plc	Men & Motors	86.9%	NO	25.7%	NO	99.3%	NO
Jetix Europe Limited	Jetix (FKU)	64.0%	NO	16.2%	NO	36.6%	NO
Jetix Europe Limited	Jetix CEE	69.1%	NO	20.8%	NO	43.5%	NO
Jetix Europe Limited	Jetix Play Turkey	52.5%	58.9%	27.9%	25.1%	0.0%	0.0%
Jetix Europe Limited	Jetix Poland	68.8%	NO	10.2%	NO	36.1%	NO

JimJam TV Limited	JimJam (Middle East)	65.0%	65.2%	65.0%	52.3%	66.2%	8.5%
JimJam TV Limited	JimJam (Pan European)	67.0%	65.5%	67.0%	56.8%	34.3%	19.7%
JimJam TV Limited	JimJam(Italian)	59.0%	51.8%	7.8%	41.7%	62.7%	21.6%
Just4us TV Ltd	Elite	100.0%	NO	100.0%	NO	100.0%	NO
KIDSCO Ltd	Kidsco (CEE)	31.9%	32.9%	19.3%	0.0%	0.0%	0.0%
KIDSCO Ltd	KIDSCO (WesternEurop	14.9%	21.9%	14.7%	0.0%	0.0%	0.0%
KM TV Limited	D Shopping	NO	54.0%	NO	11.1%	NO	100.0%
Life One Broadcastin	Channel 4+1	69.6%	NC	53.6%	NC	84.9%	NC
Life Two Broadcastin	Channel 4 HD	69.6%	NC	53.6%	NC	84.9%	NC
Lightdragon Ltd	Fine Living Network	25.5%	40.0%	4.4%	23.6%	100.0%	100.0%
Lightdragon Ltd	Food Network	2.4%	31.3%	2.2%	20.8%	100.0%	100.0%
Lightdragon Ltd	Food Network (EMEA)	NO	39.9%	NO	10.3%	NO	100.0%
Lightdragon Ltd	Food Network HD	2.4%	15.1%	2.2%	0.0%	100.0%	0.0%
LIVING TV Group Ltd	Bravo	32.3%	29.2%	16.9%	12.0%	100.0%	86.2%
LIVING TV Group Ltd	Bravo 2	63.3%	44.1%	26.6%	12.4%	100.0%	67.6%
LIVING TV Group Ltd	Challenge	78.1%	63.1%	12.3%	2.4%	100.0%	0.0%
LIVING TV Group Ltd	Channel One	NO	37.1%	NO	5.8%	NO	69.1%
LIVING TV Group Ltd	Living TV	28.0%	NO	17.2%	NO	100.0%	NO
LIVING TV Group Ltd	Sky Living HD	NO	19.2%	NO	11.8%	NO	100.0%
LIVING TV Group Ltd	Sky Living Loves	27.0%	0.7%	16.0%	0.0%	100.0%	0.0%
LIVING TV Group Ltd	Sky Livingit	55.1%	31.9%	21.3%	10.2%	100.0%	84.8%
Loveworld Ltd	Loveworld TV	54.1%	84.0%	7.9%	26.9%	97.0%	100.0%
Lux.TV UK Ltd	Luxe TV	100.0%	NC	0.5%	NC	100.0%	NC
Majestic TV(Ireland)	Buzz TV	100.0%	NO	100.0%	NO	100.0%	NO
Manchester United TV	MUTV	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
MGM Channel NLF Ltd	The MGM Channel	16.3%	18.0%	4.8%	5.5%	17.3%	16.4%
MGM Channel Poland L	MGM HD	19.2%	14.8%	16.0%	14.8%	5.6%	9.9%
MGM Channel UK	MGM HD Channel	27.0%	13.6%	6.8%	0.8%	0.0%	0.0%
Mint3D Enterprises L	Cinemoi Movies	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Mr D S Bal	Brit Asia TV	57.1%	65.1%	6.9%	9.5%	0.0%	0.0%
MTV Networks Europe	Comedy Central Polsk	48.2%	NO	48.2%	NO	100.0%	NO
MTV Networks Europe	MTV	42.3%	26.0%	33.5%	17.0%	100.0%	100.0%
MTV Networks Europe	MTV (Ireland)	42.4%	26.0%	33.5%	17.8%	100.0%	100.0%
MTV Networks Europe	MTV Base	47.6%	55.7%	45.6%	52.7%	100.0%	100.0%

MTV Networks Europe	MTV Base (France)	50.4%	44.9%	48.1%	42.7%	100.0%	100.0%
MTV Networks Europe	MTV CLASSIC	28.7%	48.6%	26.9%	47.7%	100.0%	100.0%
MTV Networks Europe	MTV Dance	64.9%	67.1%	64.2%	66.6%	100.0%	100.0%
MTV Networks Europe	MTV Espana	45.8%	NO	38.1%	NO	100.0%	NO
MTV Networks Europe	MTV Europe (North)	47.0%	45.0%	44.8%	41.3%	100.0%	100.0%
MTV Networks Europe	MTV France	36.5%	38.1%	31.7%	36.7%	100.0%	100.0%
MTV Networks Europe	MTV Hits	63.8%	66.3%	59.6%	62.1%	100.0%	100.0%
MTV Networks Europe	MTV Idol	65.3%	60.2%	59.1%	56.4%	100.0%	100.0%
MTV Networks Europe	MTV Live HD Euro	NO	47.0%	NO	43.6%	NO	100.0%
MTV Networks Europe	MTV Music	53.6%	33.9%	50.5%	24.5%	100.0%	100.0%
MTV Networks Europe	MTV Music 24	NO	57.8%	NO	57.8%	NO	100.0%
MTV Networks Europe	MTV Polska	34.5%	NO	33.7%	NO	100.0%	NO
MTV Networks Europe	MTV Portugal	37.8%	NO	35.8%	NO	100.0%	NO
MTV Networks Europe	MTV Pulse	56.4%	63.8%	53.2%	61.2%	100.0%	100.0%
MTV Networks Europe	MTV ROCKS	62.1%	71.0%	59.0%	69.7%	100.0%	100.0%
MTV Networks Europe	MTV SHOWS	39.8%	NO	32.0%	NO	100.0%	NO
MTV Networks Europe	MTVNHD(Europe)	58.1%	NC	47.6%	NC	100.0%	NC
MTV Networks Europe	MTVNHD(UK)	58.1%	47.0%	47.6%	43.6%	100.0%	100.0%
MTV Networks Europe	Nickelodeon (France)	34.3%	31.3%	34.3%	31.0%	100.0%	100.0%
MTV Networks Europe	Nickelodeon (Poland)	38.1%	NO	27.8%	NO	100.0%	NO
MTV Networks Europe	Nickelodeon Europe	58.5%	46.0%	33.7%	45.4%	100.0%	100.0%
MTV Networks Europe	Nickelodeon Junior	NO	19.6%	NO	4.5%	NO	100.0%
MTV Networks Europe	Nickelodeon Portugal	55.7%	NO	34.0%	NO	100.0%	NO
MTV Networks Europe	VH1	56.8%	53.4%	53.5%	50.5%	100.0%	100.0%
MTV Networks Europe	VH1 - Export	38.4%	44.4%	37.9%	43.9%	100.0%	100.0%
MTV Networks Europe	VH1 Europe Classics	19.9%	29.0%	19.9%	28.9%	100.0%	100.0%
MTV Networks Europe	VH1 Polska	58.5%	NO	56.7%	NO	100.0%	NO
MTV Networks Europe	VIVA	50.1%	56.7%	43.0%	50.8%	100.0%	100.0%
MTV Networks Europe	Viva Polska	67.1%	NO	59.8%	NO	100.0%	NO
Mushroom TV Ltd	Channel AKA	NO	81.5%	NO	65.2%	NO	21.9%
Mushroom TV Ltd	Fizz	NO	55.5%	NO	0.0%	NO	0.0%
Mushroom TV Ltd	Greatest Hits TV	NO	87.2%	NO	0.0%	NO	0.0%
Music Choice Ltd	Music Choice	100.0%	66.7%	100.0%	66.7%	100.0%	40.0%



Music Choice Ltd	Music Choice Video	NO	NC	NO	NC	NO	NC
NBC Universal Global	Diva	0.1%	0.1%	0.0%	0.0%	0.0%	0.0%
NBC Universal Global	Hallmark (UK)	0.3%	NC	0.1%	NC	100.0%	NC
NBC Universal Global	Hallmark 2	NO	NC	NO	NC	NO	NC
NBC Universal Global	Movies 24	11.2%	11.4%	0.0%	0.0%	0.0%	0.0%
NBC Universal Global	Movies 24 Extra	11.2%	11.4%	0.0%	0.0%	0.0%	0.0%
NBC Universal Global	Universal Channel (E)	NC	NO	NC	NO	NC	NO
NBC Universal Global	Universal Channel (U)	NC	0.3%	NC	0.0%	NC	0.0%
Neovision UK Ltd	n Talk	38.0%	NO	33.2%	NO	3.9%	NO
New Dehli TV Limited	NDTV 24x7	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
New OBE Channel Ltd	OBE	NC	NC	NC	NC	NC	NC
NGC Europe Limited	Nat Geo Benelux	NO	42.5%	NO	41.5%	NO	95.9%
NGC Europe Limited	Nat Geo Wild	NO	36.7%	NO	36.0%	NO	94.6%
NGC Europe Limited	National Geographic CE	NC	45.3%	NC	44.9%	NC	94.6%
NGC Europe Limited	National Geographic HD	37.6%	36.6%	36.6%	34.7%	74.8%	74.8%
NGC Europe Limited	National Geographic	43.4%	39.5%	41.0%	37.1%	86.2%	73.0%
NGC Europe Limited	NGHD Benelux	37.4%	47.4%	35.1%	47.1%	86.2%	95.2%
NGC Europe Limited	NGHD Poland	38.8%	41.3%	37.4%	41.2%	74.3%	94.0%
NGC Europe Limited	Wild	23.9%	20.9%	22.8%	20.1%	67.9%	77.3%
NGC Europe Limited	Wild HD	19.7%	19.8%	19.7%	19.4%	73.3%	71.9%
Nickelodeon UK Limit	Nick Jr	47.2%	53.8%	39.9%	50.7%	69.1%	78.5%
Nickelodeon UK Limit	Nick Jr. (Eire)	47.2%	53.8%	39.9%	50.7%	69.1%	78.5%
Nickelodeon UK Limit	Nick Jr. 2	43.6%	44.3%	33.5%	42.4%	49.7%	63.9%
Nickelodeon UK Limit	Nickelodeon	25.7%	17.1%	24.3%	15.5%	61.4%	50.9%
Nickelodeon UK Limit	Nickelodeon (Eire)	25.7%	17.1%	24.3%	15.5%	61.4%	50.9%
Nickelodeon UK Limit	Nickelodeon HD	25.7%	26.0%	24.3%	23.5%	61.4%	54.0%
Nickelodeon UK Limit	Nicktoons Replay	17.2%	15.9%	13.4%	15.8%	37.4%	57.5%
Nickelodeon UK Limit	Nicktoons TV	24.3%	16.4%	22.8%	16.1%	45.2%	62.1%
Number 1 TV & Media	Fashion One	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Number 1 TV & Media	NR1	EX	100.0%	EX	0.0%	EX	0.0%
Ocean Finance and Mo	Ocean Finance	100.0%	100.0%	19.1%	25.0%	100.0%	100.0%
On Demand Management Ltd	Kino Auf Abruf	39.5%	NO	39.5%	NO	100.0%	NO
On Demand Management Ltd	Select Kino	36.9%	NO	36.9%	NO	100.0%	NO
Open Access Group Li	Omusic TV	100.0%	NC	100.0%	NC	100.0%	NC

Outdoor TV Limited	The Outdoor Channel	NO	15.2%	NO	0.0%	NO	0.0%
Paramount UK	Comedy CE (Ireland)	NO	35.1%	NO	27.7%	NO	21.8%
Paramount UK	Comedy Central	19.3%	20.2%	6.1%	9.0%	68.6%	69.4%
Paramount UK	Comedy Central (Irel	19.3%	20.2%	6.1%	9.0%	68.6%	69.4%
Paramount UK	Comedy Central Extra	40.1%	35.1%	15.5%	27.7%	32.5%	21.8%
Penny Street TV	Clubland TV	75.8%	68.6%	75.8%	68.6%	85.0%	65.0%
Playboy TV UK/Benelu	Adult Channel 2	NC	NO	NC	NO	NC	NO
Playboy TV UK/Benelu	Adult xxx Mums	83.3%	79.8%	83.3%	79.8%	92.5%	79.5%
Playboy TV UK/Benelu	Climax	NO	69.1%	NO	62.9%	NO	68.5%
Playboy TV UK/Benelu	Climax 2	93.7%	NO	85.3%	NO	54.1%	NO
Playboy TV UK/Benelu	Climax 3	77.8%	NO	70.7%	NO	62.8%	NO
Playboy TV UK/Benelu	Climax 3-1	93.1%	NO	83.8%	NO	69.8%	NO
Playboy TV UK/Benelu	ExGirlfriends	NO	81.9%	NO	81.9%	NO	35.7%
Playboy TV UK/Benelu	Extreme	NO	77.1%	NO	70.2%	NO	54.5%
Playboy TV UK/Benelu	GirlGirl	NO	75.4%	NO	71.8%	NO	48.2%
Playboy TV UK/Benelu	Playboy	4.9%	NO	4.7%	NO	47.6%	NO
Playboy TV UK/Benelu	Playboy (France)	26.3%	28.6%	22.9%	25.0%	69.1%	63.0%
Playboy TV UK/Benelu	Playboy TV	33.8%	35.4%	30.5%	31.6%	75.0%	64.1%
Playboy TV UK/Benelu	Red Light 2	NO	34.6%	NO	34.6%	NO	51.0%
Playboy TV UK/Benelu	Tease Me TV 2	43.1%	NO	43.1%	NO	80.0%	NO
Playboy TV UK/Benelu	The Adult Channel	96.9%	79.0%	91.1%	71.1%	89.3%	69.8%
Playboy TV UK/Benelu	Top Shelf TV	82.5%	NO	66.8%	NO	47.1%	NO
Playboy TV UK/Benelu	XXX First Timers	NO	70.2%	NO	46.2%	NO	46.1%
Playboy TV UK/Benelu	XXX Gay	50.1%	45.8%	41.4%	38.8%	80.5%	61.9%
Polsat Futbol Ltd	Polsat Futbol	86.9%	79.1%	83.8%	71.4%	100.0%	100.0%
Polsat JimJam	Polsat Jim Jam	NO	65.6%	NO	56.8%	NO	19.7%
Portland Broadcastin	Television X Amateur	100.0%	100.0%	100.0%	100.0%	55.0%	55.0%
Portland Broadcastin	TelevisionX Brits	100.0%	100.0%	100.0%	100.0%	55.0%	55.0%
Portland Broadcastin	TV X -	100.0%	100.0%	100.0%	100.0%	55.0%	75.0%
Portland Broadcastin	TV X - Fantasy(DTPS)	100.0%	100.0%	100.0%	100.0%	55.0%	75.0%
Press TV Ltd	Press TV	75.8%	40.9%	18.8%	18.4%	61.5%	61.6%
Propeller TV Limited	Propeller	100.0%	79.9%	100.0%	79.9%	100.0%	100.0%
R Music Limited	Genesis	70.0%	EX	20.0%	EX	15.0%	EX

Rainbow HD Holdings	Rush HD	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Revelation TV Ltd	Revelation	72.0%	NO	72.0%	NO	68.0%	NO
RHF Productions Ltd	Blue Tube	95.0%	100.0%	95.0%	100.0%	57.9%	55.0%
RHF Productions Ltd	Cream	100.0%	NC	100.0%	NC	100.0%	NC
RHF Productions Ltd	Dirty Talk	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
RHF Productions Ltd	Fantasy	100.0%	100.0%	100.0%	100.0%	100.0%	75.0%
RHF Productions Ltd	Fantasy 1	95.1%	100.0%	95.1%	100.0%	57.7%	55.0%
RHF Productions Ltd	Fantasy 2	95.0%	100.0%	95.0%	100.0%	57.9%	55.0%
RHF Productions Ltd	Filth	100.0%	NO	100.0%	NO	100.0%	NO
RHF Productions Ltd	Flirt TV	95.0%	100.0%	95.0%	100.0%	57.9%	100.0%
RHF Productions Ltd	Gay Chat TV	95.0%	100.0%	95.0%	100.0%	57.9%	55.0%
RHF Productions Ltd	Gay TV	70.0%	NC	70.0%	NC	78.6%	NC
RHF Productions Ltd	Red Hot Amateur	95.0%	100.0%	95.0%	100.0%	57.9%	55.0%
RHF Productions Ltd	Red Hot DTPS	95.0%	100.0%	95.0%	100.0%	57.9%	100.0%
RHF Productions Ltd	Red Hot Mums	95.0%	100.0%	95.0%	100.0%	57.9%	65.0%
RHF Productions Ltd	Red Hot TV	95.0%	100.0%	95.0%	100.0%	57.9%	55.0%
RHF Productions Ltd	UK Swingers	95.0%	100.0%	95.0%	100.0%	57.9%	55.0%
RHF Productions Ltd	Viewers Wives	95.0%	100.0%	95.0%	100.0%	57.9%	55.0%
RHF Productions Ltd	Xplicit Nightly	95.0%	NO	95.0%	NO	57.9%	NO
RHF Productions Ltd	XXXcess	NO	100.0%	NO	100.0%	NO	55.0%
Rural TV Ltd	Info TV (3)	32.5%	NC	32.5%	NC	100.0%	NC
S4C Limited	S4C Analogue	99.0%	99.9%	84.0%	85.8%	NC	88.6%
S4C Limited	S4C Digital	99.5%	99.9%	83.5%	85.8%	84.7%	88.6%
S4C2 CYF	Top Up TV Anytime (W	NO	0.0%	NO	0.0%	NO	0.0%
S4C2 CYF	Virgin 1	46.0%	0.0%	15.2%	0.0%	100.0%	0.0%
Satellite Entertainm	Essex Babes	100.0%	NC	100.0%	NC	100.0%	NC
Satellite Entertainm	LiveXXXBabes	100.0%	NC	100.0%	NC	100.0%	NC
Satellite Entertainm	Northern Birds	100.0%	NC	100.0%	NC	100.0%	NC
Satellite Entertainm	SportXXXBabes	100.0%	NC	100.0%	NC	100.0%	NC
Satellite Entertainm	SportXXXGirls	100.0%	NC	100.0%	NC	100.0%	NC
SBS Broadcasting Net	FEM3	NO	39.2%	NO	30.5%	NO	51.7%
SBS Broadcasting Net	Kanal 5	23.8%	19.6%	23.8%	19.6%	98.2%	98.0%
SBS Broadcasting Net	Kanal 9	36.0%	49.0%	36.0%	49.0%	74.3%	74.0%
SBS Broadcasting Net	Kanal Fem	24.1%	20.8%	24.1%	17.8%	97.6%	99.1%
SBS Broadcasting Net	MAX	NO	10.2%	NO	10.2%	NO	36.1%
SBS Broadcasting Net	The Voice TV (Denmar	38.8%	38.0%	10.3%	10.2%	100.0%	100.0%
SBS Broadcasting Net	The Voice TV (Norway	32.1%	46.2%	11.4%	9.0%	100.0%	100.0%

SBS Broadcasting Netw	Kanal 4	34.0%	NC	25.1%	NC	88.1%	NC
SBS Broadcasting Netw	Kanal 5 Denmark	19.7%	NC	13.1%	NC	100.0%	NC
SBS Broadcasting Netw	Kanal 6	22.9%	NC	15.4%	NC	59.2%	NC
SBS Broadcasting Netw	Teve3	NO	NC	NO	NC	NO	NC
Sci Fi Channel Europ	13th Street Universa	12.9%	5.5%	0.0%	0.0%	0.0%	100.0%
Sci Fi Channel Europ	Sci Fi (Pol & Bal)	0.8%	NC	0.0%	NC	0.0%	NC
Sci Fi Channel Europ	Sci Fi (Romania)	0.8%	NC	0.0%	NC	0.0%	NC
Sci Fi Channel Europ	SCI FI Universal (Po	0.8%	3.6%	0.0%	1.3%	0.0%	62.6%
Sci Fi Channel Europ	SCI-FI (Benelux)	8.2%	NC	0.0%	NC	0.0%	NC
Sci Fi Channel Europ	Syfy (UK)	6.7%	5.0%	0.0%	0.0%	100.0%	0.0%
Sci Fi Channel Europ	SYFY Universal	11.0%	10.7%	10.2%	4.6%	81.0%	54.7%
Sci Fi Channel Europ	Syfy Universal (Ben)	8.2%	10.9%	0.0%	0.0%	0.0%	0.0%
Sci Fi Channel Europ	Universal (Poland)	15.4%	7.0%	0.0%	0.1%	0.0%	0.0%
Sci Fi Channel Europ	Universal (Romania)	15.4%	7.0%	0.0%	0.1%	0.0%	0.0%
SDN Ltd	TeleG	100.0%	100.0%	47.3%	42.2%	100.0%	94.0%
Shorts International	Shorts TV	NC	55.3%	NC	55.3%	NC	72.2%
ShortsTV France Ltd	Shorts TV France	99.9%	99.9%	55.8%	55.8%	60.0%	60.0%
Sparrowhawk Internat	13th Street Universa	12.9%	12.0%	0.0%	0.0%	0.0%	0.0%
Sparrowhawk Internat	DIVA Universal (Roma	23.5%	13.3%	5.1%	0.5%	64.6%	0.0%
Sparrowhawk Internat	Hallmark (Benelux)	0.2%	NC	0.1%	NC	83.3%	NC
Sparrowhawk Internat	Hallmark (Bulgaria)	23.5%	NC	5.1%	NC	64.6%	NC
Sparrowhawk Internat	Hallmark (CIS)	6.3%	NC	2.0%	NC	100.0%	NC
Sparrowhawk Internat	Hallmark (Hungary,Cz	6.1%	NC	3.0%	NC	71.3%	NC
Sparrowhawk Internat	Hallmark (Italy)	23.5%	NC	11.5%	NC	52.2%	NC
Sparrowhawk Internat	Hallmark (Poland)	22.3%	NC	0.0%	NC	0.0%	NC
Sparrowhawk Internat	Hallmark (Romania)	23.5%	NO	5.1%	NO	64.6%	NO
Sparrowhawk Internat	Hallmark (Turkey, Gr	0.2%	NC	0.0%	NC	0.0%	NC
Sparrowhawk Internat	Movies 24 (Hungary	8.5%	NC	3.1%	NC	8.8%	NC

Sparrowhawk Internat	SYFY Universal (CIS)	NO	NC	NO	NC	NO	NC
Sparrowhawk Internat	Universal Channel (G	1.2%	32.6%	0.0%	0.0%	0.0%	0.0%
Sparrowhawk Internat	Universal Channel (T	0.2%	NC	0.0%	NC	0.0%	NC
SPI TV Limited	FILMBOX	NO	22.1%	NO	22.1%	NO	9.2%
SPI TV Limited	Filmbox Extra (Hunga	NO	26.7%	NO	26.7%	NO	18.1%
SPI TV Limited	Filmbox Extra (Polan	NO	57.3%	NO	56.6%	NO	55.4%
SPI TV Limited	Filmbox Extra 1	NO	42.4%	NO	42.4%	NO	55.8%
SPI TV Limited	FILMBOX HD (Hungary)	NO	26.7%	NO	26.7%	NO	18.1%
SPI TV Limited	FILMBOX PLUS	NO	45.4%	NO	45.4%	NO	11.2%
Spice Entertainment	Fresh TV	EX	5.4%	EX	5.4%	EX	100.0%
Square 1 Management	BlueKiss TV	100.0%	NO	100.0%	NO	100.0%	NO
Square 1 Management	Smile TV (DTPS)	100.0%	NC	100.0%	NC	100.0%	NC
Sundance Channel (UK	Sundance	46.0%	49.0%	46.0%	49.0%	76.1%	75.0%
Supreme Master Telev	Supreme Master TV	65.8%	62.5%	12.5%	18.8%	62.5%	50.0%
The Africa Channel L	The Africa Channel	1.1%	NC	0.1%	NC	100.0%	NC
The Community Channe	Community Cha (DTPS)	91.0%	69.5%	79.2%	66.4%	99.2%	100.0%
The Community Channe	The Community Channe	91.0%	69.5%	79.2%	66.4%	99.2%	100.0%
The History Channel	Bio	20.9%	20.3%	13.8%	12.1%	39.3%	51.5%
The History Channel	Bio.HD	3.5%	6.2%	3.5%	3.6%	27.1%	58.4%
The History Channel	C&I Network HD	6.9%	3.6%	6.6%	3.0%	0.5%	10.3%
The History Channel	Crime & Investigatio	14.4%	16.4%	8.9%	11.9%	12.4%	20.7%
The History Channel	History Chan Europe	0.1%	0.3%	0.1%	0.1%	100.0%	100.0%
The History Channel	History Channel HD	10.1%	18.5%	5.3%	8.5%	72.5%	64.3%
The History Channel	Military History	33.3%	38.3%	8.7%	9.7%	14.0%	36.9%
The History Channel	The History Channel	24.6%	23.3%	10.3%	9.8%	34.8%	53.5%
The Light Academy	Believe TV	NO	100.0%	NO	0.0%	NO	0.0%
The Liverpool Footba	lfc tv	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
The Minister for the	Directgov	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
The Walt Disney Comp	Disney Chan Poland	NO	80.3%	NO	0.0%	NO	0.0%

The Walt Disney Comp	Disney Channel	33.1%	35.7%	0.1%	0.1%	100.0%	100.0%
The Walt Disney Comp	Disney Channel Middl	94.0%	NC	3.7%	NC	100.0%	NC
The Walt Disney Comp	Disney Cinemagic	28.6%	28.4%	0.0%	0.0%	0.0%	0.0%
The Walt Disney Comp	Disney Cinemagic (Ge	NO	100.0%	NO	0.0%	NO	0.0%
The Walt Disney Comp	Disney Cinemagic (Po	100.0%	100.0%	15.2%	14.6%	27.2%	57.7%
The Walt Disney Comp	Disney Cinemagic (Sp	100.0%	100.0%	27.2%	34.0%	33.3%	58.9%
The Walt Disney Comp	Disney Cinemagic(Fre	100.0%	100.0%	0.3%	1.5%	23.8%	86.1%
The Walt Disney Comp	Disney Junior	50.6%	51.4%	1.4%	1.6%	0.0%	0.0%
The Walt Disney Comp	Disney Junior (Polan	NO	84.1%	NO	7.0%	NO	100.0%
The Walt Disney Comp	Disney Junior (Scand	98.6%	98.4%	3.4%	0.2%	100.0%	100.0%
The Walt Disney Comp	Disney XD	36.3%	27.1%	22.5%	0.0%	65.0%	0.0%
The Walt Disney Comp	Disney XD Scandinavi	61.0%	92.0%	14.4%	8.0%	83.0%	0.5%
The Walt Disney Comp	The Disney Channel S	76.0%	63.9%	1.1%	19.8%	100.0%	5.3%
The Walt Disney Comp	Toon Disney Scandina	99.0%	NO	0.0%	NO	0.0%	NO
Top Up TV Europe Ltd	Top Up TV Anytime 4	100.0%	100.0%	100.0%	100.0%	97.9%	100.0%
Trace TV (UK) Ltd	Open Access 2	93.5%	NO	93.5%	NO	21.8%	NO
Trace TV (UK) Ltd	Open Access 3	100.0%	NO	100.0%	NO	80.9%	NO
Travel Channel Inter	The Travel Channel	60.3%	61.5%	18.8%	23.3%	100.0%	100.0%
Travel Channel Inter	Travel Channel	51.1%	62.4%	15.7%	19.6%	100.0%	100.0%
Travel Channel Inter	Travel Channel 2	0.0%	NO	0.0%	NO	0.0%	NO
Travel Channel Inter	Travel Channel HD	NO	NC	NO	NC	NO	NC
Turner Broadcasting	Adult Swim	NO	0.0%	NO	0.0%	NO	0.0%
Turner Broadcasting	Boing	NO	16.9%	NO	3.6%	NO	100.0%
Turner Broadcasting	Boomerang (German)	NO	9.5%	NO	9.4%	NO	15.4%
Turner Broadcasting	Boomerang (French)	21.3%	27.3%	7.2%	8.3%	4.6%	60.5%
Turner Broadcasting	Boomerang (Pan Europ	NO	4.3%	NO	4.3%	NO	100.0%
Turner Broadcasting	Boomerang (Spain)	NC	25.7%	NC	19.4%	NC	89.3%
Turner Broadcasting	Boomerang UK	47.2%	54.1%	0.0%	44.3%	0.0%	86.9%
Turner Broadcasting	Boomerang(Nordic)	7.3%	9.4%	7.3%	8.5%	34.1%	61.7%

Turner Broadcasting	Cartoon Netw (Ger)	NO	19.6%	NO	3.9%	NO	100.0%
Turner Broadcasting	Cartoon Network (Cen	NO	21.3%	NO	5.2%	NO	100.0%
Turner Broadcasting	Cartoon Network (Fre	26.7%	27.8%	9.7%	10.7%	8.6%	21.4%
Turner Broadcasting	Cartoon Network (Nor	22.2%	20.0%	12.2%	12.0%	26.4%	79.2%
Turner Broadcasting	Cartoon Network (Spa	NC	31.4%	NC	18.1%	NC	69.7%
Turner Broadcasting	Cartoon Network Dutc	NC	23.3%	NC	13.2%	NC	100.0%
Turner Broadcasting	Cartoon Network Pan	36.7%	29.0%	18.9%	15.0%	91.2%	99.9%
Turner Broadcasting	Cartoon Network Pol	NO	21.2%	NO	5.1%	NO	4.9%
Turner Broadcasting	Cartoon Network Russ	NO	23.0%	NO	13.0%	NO	3.7%
Turner Broadcasting	Cartoon Network Too	NO	58.1%	NO	32.5%	NO	100.0%
Turner Broadcasting	Cartoon Network UK	NO	58.7%	NO	41.6%	NO	100.0%
Turner Broadcasting	Cartoonito	100.0%	49.9%	75.9%	49.9%	0.0%	91.1%
Turner Broadcasting	TCM (French Language	NO	39.0%	NO	3.4%	NO	91.1%
Turner Broadcasting	TCM (Turner Classic	NC	20.4%	NC	8.2%	NC	0.0%
Turner Broadcasting	TCM Clasico	NC	8.9%	NC	2.5%	NC	0.0%
Turner Broadcasting	TCM Moderno	0.0%	11.6%	0.0%	1.9%	0.0%	0.0%
Turner Broadcasting	TCM Pan European	NO	29.9%	NO	20.0%	NO	0.0%
Turner Broadcasting	TCM Poland	NO	24.5%	NO	13.4%	NO	17.5%
Turner Broadcasting	TCM2	NC	10.3%	NC	6.7%	NC	0.0%
Turner Broadcasting	TNT (Spain)	NC	1.5%	NC	0.0%	NC	0.0%
Turner Broadcasting	TNT Film (Germany)	11.9%	10.5%	10.6%	8.2%	4.4%	0.0%
Turner Entertainment	Boomerang (Italian)	35.9%	NO	14.1%	NO	100.0%	NO
Turner Entertainment	Cartoon Network (EME	36.7%	NO	18.9%	NO	91.2%	NO
Turner Entertainment	Cartoon Network (Ita	33.3%	NO	8.6%	NO	100.0%	NO
Turner Entertainment	Nuts TV	0.0%	NO	0.0%	NO	0.0%	NO
Turner Entertainment	TCM (Spanish Languag	9.2%	NO	6.6%	NO	0.0%	NO
TV Legal Ltd	Sikh Channel	35.1%	74.2%	23.2%	17.1%	52.1%	50.7%
TV Two Limited	Massive R&B	NO	51.6%	NO	51.6%	NO	70.0%
TV Worx	Fitness TV	NO	100.0%	NO	50.0%	NO	100.0%
UKTV	Alibi	67.5%	49.8%	19.8%	7.7%	12.7%	18.4%
UKTV	Blighty	72.4%	82.5%	17.7%	19.9%	75.1%	84.5%

UKTV	Dave	85.8%	84.0%	26.8%	32.0%	64.9%	64.3%
UKTV	Eden	82.4%	83.7%	11.4%	18.6%	49.9%	77.3%
UKTV	Good Food	73.8%	61.0%	50.6%	42.9%	75.9%	63.2%
UKTV	Home	59.4%	61.7%	28.5%	33.0%	67.1%	93.0%
UKTV	Really	59.4%	46.5%	17.7%	28.2%	60.5%	81.2%
UKTV	UKTV Gold	91.5%	87.1%	19.9%	24.8%	11.1%	11.3%
UKTV	Watch	78.3%	69.2%	29.2%	28.4%	58.8%	60.1%
UKTV	Yesterday	73.2%	79.3%	23.8%	37.8%	34.6%	33.8%
Ummah Channel Ltd	Ummah Channel	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
United Christian Bro	UCBTV	40.6%	27.1%	38.9%	26.0%	99.8%	98.2%
UTV	ITV1	83.0%	82.0%	27.0%	24.2%	23.0%	81.5%
Viasat Broadcasting	3+	18.8%	13.1%	12.0%	10.7%	100.0%	100.0%
Viasat Broadcasting	3+ (Baltics)	80.6%	14.1%	80.6%	14.1%	100.0%	100.0%
Viasat Broadcasting	3+ (Estonia)	84.2%	24.7%	84.2%	24.7%	100.0%	100.0%
Viasat Broadcasting	TV10	NO	62.8%	NO	62.8%	NO	100.0%
Viasat Broadcasting	TV3 Denmark	17.0%	23.9%	14.0%	21.5%	100.0%	100.0%
Viasat Broadcasting	TV3 Norway	13.7%	NO	12.0%	NO	100.0%	NO
Viasat Broadcasting	TV3 PULS	NO	21.9%	NO	21.9%	NO	100.0%
Viasat Broadcasting	TV3 Sweden	14.2%	14.8%	8.6%	11.9%	100.0%	100.0%
Viasat Broadcasting	TV6	8.7%	7.0%	7.0%	5.5%	100.0%	100.0%
Viasat Broadcasting	TV8 (Sweden)	59.2%	61.6%	20.3%	60.6%	100.0%	100.0%
Viasat Broadcasting	Viasat 3 (Hungary)	11.2%	3.2%	5.3%	3.2%	100.0%	100.0%
Viasat Broadcasting	Viasat 3D	11.2%	60.4%	5.3%	60.4%	100.0%	100.0%
Viasat Broadcasting	Viasat 4	5.7%	5.3%	4.0%	5.3%	100.0%	100.0%
Viasat Broadcasting	Viasat 6	12.4%	0.0%	10.0%	0.0%	100.0%	0.0%
Viasat Broadcasting	Viasat Explorer	68.0%	74.1%	50.0%	26.0%	100.0%	100.0%
Viasat Broadcasting	Viasat History	70.0%	79.7%	55.0%	20.4%	100.0%	100.0%
Viasat Broadcasting	Viasat Nature (CEE)	NO	66.7%	NO	0.0%	NO	0.0%
Viasat Broadcasting	ZTV	54.0%	NO	45.0%	NO	100.0%	NO
Vintage Entertainmen	Vintage TV	NO	100.0%	NO	100.0%	NO	100.0%
Wedding TV Limited	Wedding TV	70.3%	70.3%	70.3%	70.3%	100.0%	100.0%
Wedding TV Limited	Wedding TV Asia	62.6%	NC	62.6%	NC	100.0%	NC
West Studio Limited	Al Fayhaa	NO	0.0%	NO	0.0%	NO	0.0%
World Fashion Channe	World Fashion Channe	100.0%	100.0%	40.0%	44.0%	100.0%	100.0%
You TV Plc	Sumo TV Ltd	66.7%	52.4%	41.7%	52.4%	100.0%	100.0%
Zoe Interactive	The Karaoke Chan	100.0%	NC	0.0%	NC	0.0%	NC
Zonemedia Broadcasti	Club TV (Poland)	36.6%	48.7%	12.2%	44.7%	100.0%	100.0%



Zonemedia Broadcasti	Extreme Sports	NO	34.1%	NO	24.8%	NO	100.0%
Zonemedia Broadcasti	Extreme Sports Chann	NO	61.3%	NO	42.8%	NO	100.0%
Zonemedia Broadcasti	Extreme Sports PE	NO	54.4%	NO	38.2%	NO	100.0%
Zonemedia Broadcasti	Extreme Sports POL	NO	35.0%	NO	29.8%	NO	100.0%
Zonemedia Broadcasti	Horror Channel	3.2%	3.2%	3.2%	3.2%	100.0%	100.0%
Zonemedia Broadcasti	TV 2	NO	70.3%	NO	70.3%	NO	100.0%
Zonemedia Broadcasti	Zone Club (Hungary)	36.8%	52.4%	12.6%	49.0%	100.0%	100.0%
Zonemedia Broadcasti	Zone Club (Poland)	36.6%	NC	12.2%	NC	100.0%	NC
Zonemedia Broadcasti	Zone Europa	90.3%	75.8%	14.6%	71.2%	100.0%	5.7%
Zonemedia Broadcasti	Zone Fantasy	3.2%	NC	3.2%	NC	100.0%	NC
Zonemedia Broadcasti	Zone Horror (Netherl	9.9%	NO	9.9%	NO	0.0%	NO
Zonemedia Broadcasti	Zone Reality	16.8%	16.8%	8.2%	8.2%	73.7%	73.7%
Zonemedia Broadcasti	Zone Reality (EMEA 2	11.3%	11.3%	5.3%	5.3%	81.2%	81.2%
Zonemedia Broadcasti	Zone Reality (Poland	13.6%	13.6%	7.6%	7.6%	80.1%	80.1%
Zonemedia Broadcasti	Zone Romantica	10.6%	13.8%	4.6%	9.6%	100.0%	72.5%
Zonemedia Broadcasti	Zone Romantica (2)	6.5%	6.5%	6.5%	6.5%	100.0%	100.0%
<b>Covered Channels (IND 1)</b>		<b>470</b>	<b>523</b>	<b>470</b>	<b>523</b>	<b>-</b>	<b>-</b>
<b>Compliance rate (IND 3 and 5)</b>		<b>44.5%</b>	<b>41.3%</b>	<b>59.4%</b>	<b>54.1%</b>	<b>-</b>	<b>-</b>
<b>Average % (IND 2, 4, and 6)</b>		<b>48.1%</b>	<b>47.4%</b>	<b>28.5%</b>	<b>27.5%</b>	<b>66.6%</b>	<b>65.8%</b>

## PART 2 – Comments

### Monitoring method

The UK's independent regulator, the Office of Communications (Ofcom), is responsible for monitoring the quotas and requested annual returns from broadcasters for 2009 and 2010. Broadcasters provided their returns using an on-line reporting system and Ofcom collated the information in the format required by the Commission.

The following channels were **new launches** during the reference period and were not broadcasting for a complete year:

Ahlulbayt, AXN (Adria), AXN Spin (Central Europe), MGM HD Channel, Wild HD, Nickelodeon HD, NTV, MAX, FILMBOX, Filmbox Extra (Hungary), Filmbox Extra 1,

FILMBOX HD (Hungary), FILMBOX PLUS, Sundance, Disney Cinemagic (Germany), Ummah Channel, Disney XD.

***A) Reasons given by the Member State for failure to reach***

**1. A majority proportion of European works (Art. 16):**

**(a) Subject matter of the channel:**

E4, Film 4, Al Jazeera, Muslim TV Ahmadiyya, 4 Music, Kiss, Kerrang, Magic, Scuzz, True Entertainment, True Movies, True Movies 2, Cultoon Television L, Voce, You & Me, E!, E! Entertainment (France), E! Entertainment (Poland), E! Entertainment (Italy), E! Entertainment (Ireland), E! Entertainment (Netherlands), E! Entertainment TV, The Style Network, Five USA, Red Light 1, The MGM Channel, MGM HD, VH1 Classic, MTV TWO, MTV R, TMF UK, Kino Auf Abruf, Select Kino, Playboy, Playboy TV, Rush HD, The Africa Channel, Disney Channel, Disney Cinemagic, Alibi, Really, UKTV Gold.

**(b) When the channel commenced broadcasting:**

Food Network, Food Network HD, Food Network (EMEA), Kanal Fem, Disney Cinemagic (Portuguese), Disney Cinemagic (Spanish).

**(c) Difficulty in finding European programmes or finding European programmes at competitive prices:**

Anime+, Animax, ANIMAX (Czech Republic), ANIMAX (Romania), AXN (Bulgaria), AXN (Central Europe), AXN (Czech Republic), AXN (Italy), AXN/AXN HD (Poland), AXN (Romania), AXN Crime, AXN Crime (Poland), AXN Crime Central Europe, AXN (Germany, Switzerland), AXN Sci-Fi, AXN Sci-fi (Italy), AXN Sci-Fi (Poland), AXN Sci-Fi Central Europe, Baby TV, BET, Body in Balance, 100% Babes, Girls Gone Wild, CNBC, C Music TV, CBS Action, CBS Drama, CBS Reality, CBS Reality +1, Horror Channel, Horror Channel +1, 5 USA, 5\* (TLCSS), Flava, Kix!, POP, Pop Girl, Tiny Pop, Animal Planet (Europe), Animal Planet (Italy), Animal Planet (UK), Animal Planet HD, Animal Planet Nordic, Disc Channel (Benelux), Discovery (Central & Eastern Europe), Discovery Channel Nordic, Discovery (Ukraine), Discovery HD, Discovery Channel (UK), Discovery HD, Discovery Channel (Italy), Discovery Channel (Scandinavia), Discovery Channel France, Discovery HD Showcas, Discovery Flanders, Discovery RT Italy, Discovery Science Italy, Discovery Science UK, Discovery Lifestyle, Discovery Shed, Discovery Historia, Discovery History (UK), DMAX, Investigation Discovery Europe, Quest 2, TLC, TLC (Balkans), TLC (Poland), TLC (Romania), TLC (Sverige), Movies4Men, Movies4Men 2, f/x Channel, FX+, FX HD, Bravo, Living TV, Living+2, Islam Channel, Fine Living Network, Diva, Hallmark (UK), Universal Channel, Movies 24, Movies 24 +, Movies 24 Extra, n Talk, National Geographic HD, National Geographic Channel, National Geographic Benelux, National Geo Wild, National Geographic CE, NGHD Benelux, NGHD Poland, History Euro HD, Wild, Nick Jr, Nick Jr. (Eire), Nickelodeon, Nickelodeon (Eire), Nicktoons TV, The Outdoor Channel, Comedy Central (Ireland), Comedy Central, Comedy Central Extra, Info TV (3), Kanal 4, Kanal 5, Kanal 5 (Denmark), Kanal 6, The Voice TV (Denmark), The Voice TV (Norway), 13th Street, Sci Fi (Pol&Bal), Sci Fi (Romania), Sci Fi (Benelux), SyFy (UK), SYFY Universal, SyFy Universal (Ben), Universal (Poland), Universal (Romania), Hallmark (Hungary, Cz), Hallmark (Bulgaria), Hallmark (Benelux), Hallmark (CIS), Hallmark (Italy),

Hallmark (Poland), Hallmark (Romania), Hallmark (Turkey, Gr), Universal Channel (G), Movies 24 (Hu), Bio, Bio.HD, C&I Network HD, Crime & Investigation Network, History Channel HD, The History Channel, Ifc tv, UCBTV, TV3 Denmark, TV3 Sweden, TV3 Norway, 3+, Viasat 4, Viasat 3 (Hungary), TV6, Club TV (Poland), Zone Club (Hungary), Zone Club (Poland), Zone Fantasy, Zone Horror (Netherlands), Zone Reality, Zone Reality (EMEA 2), Zone Reality (Poland), Zone Romantica, Zone Romantica (2), Zone Europe.

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

Hustler TV UK, EWTN, NDTV 24x7.

(e) Ceased broadcasting part way through the year:

Mir Baltic, Discovery Factual, DMAX 2, Universal Channel (Europe), Nicktoons (Eire), Tease Me TV 2, Quest, S4C bid-up.tv/Screen, Top Up TV Anytime, Virgin 1, Travel Channel 2.

(f) Other reasons:

**ANIMAX (Czech Republic), ANIMAX (Romania):**

In 2010, ANIMAX stopped being a core anime channel and started to air different youth oriented programming as well, and it will keep moving towards this direction, therefore the European programming hours are expected to rise significantly.

**FILMBOX, Filmbox Extra (Hungary), Filmbox Extra 1, FILMBOX HD (Hungary), FILMBOX PLUS:**

The program policy of these new channels will be being created on upcoming years. They are aiming to take part in European Film Festivals and negotiate new contracts with European distributors to buy European content.

**GMTV1 TLCS:**

The programme transmission hours are less than those in last year's return because, after an ITV review of GMTV's output, it was agreed with Ofcom that all weekday programming would be classed as news except for one hour of current affairs each week.

**JimJam (Middle East), JimJam (Pan European), JimJam (Italian):**

Restructured business plans following dissolution of JV resulted in need to quickly identify new sources of acquired programmes and therefore limited resources to either commission or to buy more recent and thereby more expensive programming to fulfil this quota. JimJam are endeavouring to identify suitably qualifying programming but envisage clearing rights for pan territory feeds will not be feasible for new titles.

**Kidsco (CEE), Kidsco (Western Europe):**

KidsCo broadcasts pan regional feed. There are more than 30 countries in this field that need to be cleared for licensing of content. KidsCo does not insert programmes locally to cover programmes that are not cleared for broadcast. KidsCo continues to negotiate with large

international distributors with substantial catalogues as well as small independent producers in the search for content. KidsCo continues to attend events such as MIP TV, MIP COM to meet distributors to license content.

**Living+2:**

The licence was originally for the channel "Trouble" which had a number of imported shows. In April 2009 the channel was changed to a slave channel "Living+2" and therefore the figures reflect the EU content hours for Living.

**Loveworld TV:**

Loveworld's aim is to contact private individuals and businesses within UK and Europe to advertise their programmes as well as get airtime on the station.

**Nicktoons Replay:**

Nick Toons Replay is a partial time-shift of the Nick Toons channel. Accordingly the EU hours are in line with that achieved by Nick Toons in 2010.

**TV3 Norway, TV3 Denmark, TV3 Sweden, 3+, Viasat 4, TV6:**

There is a limited demand for European programming in the territory. The audience is more familiar with American programming, therefore there is greater demand for this. A great amount of European programming does not translate well in the language of the territory and is not well received by the majority of the audience due to the language limitations.

**Viasat 3 (Hungary), Viasat 6:**

The harsh economic climate coupled with viewer demands in Hungary has made investment in European programming financially burdensome and impracticable.

**Wedding Tv, Wedding TV Asia:**

Wedding TV Limited produce all their premier content in house and no longer acquire any programming. Wedding TV Asia started 2009 as Wedding TV +1 which was a time shifted channel in 2008, however became a channel in its own right in 2009 with a rebranding in June 2009.

2. A minimum proportion of European works by independent producers (Art. 17):

(a) When the channel commenced broadcasting:

Luxe TV.

(b) Difficulty in finding cost competitive independent European producers

Discovery Travel & Living, Discovery Travel & Living Italy, Discovery Home & Health, Discovery Knowledge, Discovery World (Europe), Discovery Real Time, Discovery Real Time France, Discovery Turbo, Discovery Science EU, MUTV, Disney Channel Middle East, Disney Cinemagic, Disney Cinemagic (French), Disney Junior, Disney Junior (Poland),

Disney Junior (Scandinavia), Playhouse Disney Scandinavia, Disney XD Scandinavia, Playhouse Disney, The Disney Channel Scandinavia, Toon Disney Scandinavia.

(c) Subject matter of channel (e.g. all live broadcasts)

Babeworld TV, The Other Side, Watchme TV, House of Fun, Elite TV 2.

***B) Measures taken or envisaged by the Member State***

The UK encourages compliance with the quotas including through monitoring. But there are constraints on the extent to which it is practicable for particular channels to meet them, especially where

- they have a very small audience share (in many cases, less than 1%) and lack the economic resources to buy or commission European (independent) programmes;
- they are special interest channels;
- they have just started up;
- they are subsidiaries of companies based in non-member countries, broadcasting programmes mostly from their own stock.

**C) Further comments**

Over this reference period, the number of UK-licensed channels which are affected by the quotas has raised significantly, from 419 channels at the end of 2008 to 523 channels in 2010. The proliferation and diversity of channels in the UK has increased viewer choice and contributed to the Directive's overarching objective of increasing European competitiveness.