

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). No report was received from the German-speaking Community.

Number of identified channels	Reference period
BE-VL = 48	2007/2008
BE-FR = 25	

BELGIUM FLEMISH COMMUNITY**PART 1 - Statistical data**

Number of channels identified:		48		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
ACTUA - TV	Actua TV	EX	EX	EX	EX	EX	EX
BELGIAN BUSINESS TELEVISION	Kanaal Z	100,0%	100,0%	26,6%	27,3%	100,0%	100,0%
BOX ENTERTAINMENT	Kinepolis TV 1	NC	NO	NC	NO	NC	NO
BOX ENTERTAINMENT	Kinepolis TV 2	NC	NO	NC	NO	NC	NO
EURO 1080	Euro 1080	NO	100,0%	NO	64,0%	NO	100,0%
EURO 1080	Exqi / Exqi VL.	95,0%	98,0%	38,0%	32,0%	100,0%	100,0%
EURO 1080	Exqi Culture	NC	98,0%	NC	32,0%	NC	100,0%
EURO 1080	Exqi Sport	NC	100,0%	NC	69,0%	NC	100,0%
EURO 1080	HD NL	NC	NC	NC	NC	NC	NC
EURO 1080	HD1	100,0%	NC	56,0%	NC	100,0%	NC
EURO 1080	HD2	NC	NC	NC	NC	NC	NC
EUROPEAN COMMISSION	EbS Europe by Satellite (version in Dutch)	EX	EX	EX	EX	EX	EX
EVENT TV VLAANDEREN	Liberty TV Vlaanderen	89,3%	87,4%	10,7%	12,6%	89,2%	92,6%
KUST TELEVISIE VZW	Kust Televisie	100,0%	100,0%	NC	NC	NC	NC
LIFE ! TV BROADCASTING COMPANY NV	Life! TV	100,0%	100,0%	13,0%	13,0%	100,0%	100,0%
MEDIA AD INFINITUM	Vitaliteit	81,0%	76,0%	97,0%	94,0%	100,0%	100,0%
MEDIA AD INFINITUM	Vitaya	55,0%	71,0%	85,0%	94,0%	100,0%	92,0%
MTV NETWORKS BELGIUM	TMF Live HD	NC	98,0%	NC	11,8%	NC	100,0%
MTV NETWORKS BELGIUM	TMF Vlaanderen	NC	66,7%	NC	0,0%	NC	0,0%
PRIME PROJECTS MEDIA GROUP	Move-on (version in Flemish)	100,0%	NC	0,0%	NC	0,0%	NC

PRIME PROJECTS MEDIA GROUP	Move-X TV (version in Flemish)	100,0%	NC	0,0%	NC	0,0%	NC
SBS BELGIUM	VijfTV	24,1%	21,0%	93,6%	99,7%	90,5%	84,4%
SBS BELGIUM	VT4	27,8%	34,6%	98,0%	91,1%	81,3%	80,1%
SKYNET IMOTION ACTIVITIES	11 (version in Flemish)	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
SKYNET IMOTION ACTIVITIES	11 TV PPV (version in Flemish)	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
SKYNET IMOTION ACTIVITIES	Carrousel	NC	NC	NC	NC	NC	NC
SKYNET IMOTION ACTIVITIES	Zoom (version in Flemish)	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
TELENET	Gay Passion	NC	NC	NC	NC	NC	NC
TELENET	Prime Action	NC	19,2%	96,0%	96,3%	97,0%	99,0%
TELENET	Prime Action +1	NC	19,2%	96,0%	96,3%	97,0%	99,0%
TELENET	Prime Family	NO	24,2%	NO	97,1%	NO	99,0%
TELENET	Prime Fezztival	NC	47,9%	95,0%	96,3%	98,0%	99,0%
TELENET	Prime One / Star HD	NC	25,8%	95,0%	96,4%	98,0%	99,0%
TELENET	Prime Series	NC	13,9%	96,0%	96,7%	98,0%	99,0%
TELENET	Prime Sport	NC	95,0%	94,0%	75,0%	100,0%	100,0%
TELENET	Prime Sport 2	NC	95,0%	95,0%	90,9%	100,0%	100,0%
TELENET	Prime Sport HD	NC	95,0%	99,0%	75,0%	100,0%	100,0%
TELENET	Prime Star	NC	25,8%	95,0%	96,4%	98,0%	99,0%
TELENET	Prime Star +1	NC	25,8%	95,0%	96,4%	98,0%	99,0%
TELENET	Studio 100 TV	NO	NC	NO	NC	NO	NC
TELENET	X Passion	NC	NC	NC	NC	NC	NC
VLAAMSE MEDIA MAATSCHAPPIJ	2BE	23,1%	34,8%	84,0%	85,8%	98,0%	96,0%
VLAAMSE MEDIA MAATSCHAPPIJ	Jim TV	84,0%	80,0%	20,0%	20,0%	98,0%	95,0%
VLAAMSE MEDIA MAATSCHAPPIJ	VTM	65,5%	72,2%	64,0%	68,9%	93,0%	81,0%
VLAMEX	S. Televisie (S TV)	85,0%	85,0%	25,0%	25,0%	100,0%	100,0%
VRT - DE VLAAMSE RADIO- EN TELEVISIEOMROEP	Één (VRT)	87,3%	92,5%	28,5%	22,3%	93,6%	88,7%
VRT - DE VLAAMSE RADIO- EN TELEVISIEOMROEP	Ketnet / Canvas	77,5%	72,0%	18,7%	16,6%	82,8%	71,6%
VRT - DE VLAAMSE RADIO- EN TELEVISIEOMROEP	Ketnet+ / Canvas+	NC	NC	NC	NC	NC	NC
Covered Channels (IND 1)		43	44	43	44	-	-
Compliance rate (IND 3 and 5)		41,9%	52,3%	58,1%	65,9%	-	-
Average % (IND 2, 4, and 6)		80,7%	69,8%	57,1%	57,3%	80,3%	84,0%

PART 2 - Comments

Monitoring Method:

Broadcast data have been collected by the Flemish Media Regulator. Statistics have not been controlled nor have they been provided to the organisation representing the producers before being delivered to the Commission.

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

1. Majority proportion of European works (Art. 4):

VMMA:

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

If the three broadcasting channels of the Vlaamse Mediamaatschappij (VMMA) are considered together, the conclusion is that the requirements of Article 4 have been achieved. Therefore, the Flemish Community does not consider it necessary to take further action.

SBS-Belgium:

The broadcasting channel VT4 did not achieve the 50% proportion of European productions. In 2007, however, the figure was 27.8% compared with 27.73% in 2006. For 2008, a figure of 34.6% was reported.

The majority of VT4 programming in prime time comprises 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 2008, a share of 21% 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.

NV Telenet – Prime:

If these channels – excluding Studio 100 TV, that was launched only on 1 September 2008 – are considered together, the Telenet – Prime channels did not achieve the 50% proportion of European productions. However, if Studio 100 TV is included, the 50% proportion of European productions has been achieved.

2. Minimum proportion of European works by independent producers (Article 5):

Here the only comment to be made concerns the public broadcaster VRT for 2007 and 2008, 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 5. If both Ketnet and Canvas are considered as a whole, however, the target would have been met easily.

B) Measures taken 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 local broadcasters do not fall within the scope of Article 4 and 5.

BELGIUM FRENCH COMMUNITY

PART 1 - Statistical data

Number of channels identified:		25		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
BELGIAN BUSINESS TELEVISION	Canal Z	EX	EX	EX	EX	EX	EX
BELGIUM TELEVISION	AB3	52,2%	49,1%	25,1%	20,0%	35,0%	35,9%
BELGIUM TELEVISION	AB4	70,5%	61,0%	43,5%	30,7%	7,5%	10,7%
BELGIUM TELEVISION	La 4/Vidéoclick	NC	NC	NC	NC	NC	NC
BETV	Be 1	59,5%	57,5%	44,3%	43,3%	98,9%	97,7%
BETV	Be 1 + 1	59,5%	57,5%	44,3%	43,3%	98,9%	97,7%
BETV	Be à la séance	57,6%	52,0%	57,6%	52,0%	98,5%	99,0%
BETV	Be Ciné	57,2%	58,3%	56,4%	57,1%	99,3%	97,3%
BETV	Be Séries	56,0%	55,0%	40,0%	36,8%	99,1%	99,0%
BETV	Be Sport 1	76,8%	82,7%	76,8%	23,5%	100,0%	100,0%
BETV	Be Sport 2	54,2%	100,0%	54,2%	38,6%	100,0%	100,0%
BETV	Be Sport 3	NO	NC	NO	NC	NO	NC
MCM BELGIQUE	MCM Belgique	61,2%	60,3%	20,0%	18,1%	96,6%	88,9%
MTV NETWORKS WALLONIA	Nickelodeon - MTV Wallonia	NO	NC	NO	NC	NO	NC
NC	Liberty TV	83,2%	83,4%	58,2%	33,4%	35,9%	31,5%
PRIME PROJECTS MEDIA GROUP	Move On TV	NC	NO	NC	NO	NC	NO
PRIME PROJECTS MEDIA GROUP	Move X TV	NC	NO	NC	NO	NC	NO
RTBF	La Deux (RTBF2)	82,8%	82,2%	51,7%	45,3%	73,2%	57,3%
RTBF	La Trois (RTBF3)	NC	NC	NC	NC	NC	NC
RTBF	La Une (RTBF1)	80,9%	76,4%	37,2%	33,1%	68,5%	65,0%
RTBF	RTBF Sat	NC	NC	NC	NC	NC	NC
SKYNET IMOTION ACTIVITIES	11	EX	EX	EX	EX	EX	EX
SKYNET IMOTION ACTIVITIES	11TV PPV	EX	EX	EX	EX	EX	EX
SKYNET IMOTION ACTIVITIES	A la demande	NC	NC	NC	NC	NC	NC
SKYNET IMOTION ACTIVITIES	Zoom	EX	EX	EX	EX	EX	EX
Covered Channels (IND 1)		19	19	19	19	-	-
Compliance rate (IND 3 and 5)		68,4%	63,2%	68,4%	68,4%	-	-
Average % (IND 2, 4, and 6)		65,5%	67,3%	46,9%	36,6%	77,8%	75,4%

PART 2 - Comments

Monitoring method

Quotas are checked on the basis of broadcasters' annual reports, including in particular a sample week of programmes per quarter selected retrospectively by the regulatory body, using an electronic spreadsheet and time/date, categorised data. The CSA compares the data samples with the programme schedules published and the programme sample stored in a monitoring device or submitted by the broadcaster.

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

1. Majority proportion of European works (Article 4)

I. 2008 reporting year

1. SiA (Skynet iMotion Activities) – VOD (on-demand) service – 2008 financial year

With regard to its "A la demande" service SiA has not fulfilled its obligation to submit an annual report to the CSA's Authorisation and Supervisory Board setting out the relevant information relating to compliance with the obligations laid down in Article 43 of the Broadcasting Decree of 27 February 2003 and Article 46 of the same decree in particular.

2. Be Sport 3

The broadcaster could not provide any information given that the requested sample did not fit the weak diffusion of BeSport3.

II. 2007 reporting year

1. SiA (Skynet iMotion Activities) – VOD (on-demand) service – 2007 financial year

As for 2008, the broadcaster reported that it was "examining the technical feasibility of providing certain types information" and "expressed reservations in any case regarding the application of quotas to its "A la demande" service.

2. PPMG (Prime Projects Media Group) – Move On and Move X services – 2007 financial year

The Board reported that it was unable to validate compliance with the obligations in terms of the broadcast of independent and recent European works for either of the services provided since PPMG had not fulfilled its obligations with regard to the annual report.

2. Minimum proportion of European works by independent producers (Article 5)

I. 2008 reporting year

1. SiA (Skynet iMotion Activities) – VOD (on-demand) service – 2008 financial year

After verification the Board noted that for the "A la demande" service SiA had not submitted sufficient information regarding its compliance with the obligations laid down in Article 43 of the Broadcasting Decree of 27 February 2003 and Article 46 of the same decree in particular. The broadcaster states that "the current text of the decree is entirely incompatible with the provision of new non-linear services" and that they have "developed a series of measures geared towards promoting European works on their platform".

2. BTV (Belgium Television) – AB3 and AB4 services – 2008 financial year

After verification the Board determined that the proportion of recent independent European works corresponded to 7.2 % of the eligible time for the AB3 service and 3.3 % for the AB4 service (and 5.4 % for the two services together). After verification the Board found that the obligation to broadcast recent independent European works had not been fulfilled. The broadcaster BTV stated that for both services it was experiencing "difficulties in complying with the broadcast quotas for European works which are less than five years old and made by independent producers. The rights to recent European works of this type are essentially held

by competitor stations and it is difficult for smaller broadcasters to gain access to these markets."

3. BTV (Belgium Television) – Vidéoclick service – 2008 financial year

After verification the Board found that the broadcaster had submitted some information relating to its fulfilment of the obligations set out under Article 43. However, this information does not enable the Board to determine the exact proportion of recent independent European works. According to the station, " these clips (by the producer Louis de Mirabert) are the only programmes broadcast on the Vidéoclick television channel which fall under the definition of the eligible base of recent independent European works".

4. Be Sport 3

The broadcaster could not provide any information given that the requested sample did not fit the weak diffusion of BeSport3.

II. 2007 reporting year

1. SiA (Skynet iMotion Activities) – On-demand service – 2007 financial year

As for 2008.

2. BTV (Belgium Television) – AB3 and AB4 services – 2007 financial year

As for 2008. The broadcaster did not provide an explanation of this non-compliance for either of the services.

3. BTV (Belgium Television) – Vidéoclick service – 2007 financial year

As for 2008. The broadcaster stated that "the obligations laid down in Article 43 are not applicable to its service, given that no works are broadcast, videos are simply posted on the site www.videoclick.com".

4. PPMG (Prime Projects Media Group) - Move On and Move X services – 2007 financial year

The Board reported that it was unable to validate compliance with obligations in terms of the broadcast of recent independent European works for either of the services provided since PPMG had not fulfilled its obligations with regard to the annual report.

B) Measures taken or envisaged by the Member State

I. 2008 reporting year

1. SiA (Skynet iMotion Activities) – VOD (on-demand) service – 2008 financial year: with regard to its "on-demand" service the CSA Authorisation and Supervisory Board noted that SiA had not complied with its obligation to submit an annual report to the CSA Authorisation and Supervisory Board setting out the relevant information relating to compliance with the obligations laid down in Article 43 of the Broadcasting Decree of 27 February 2003 and Article 46 of the same decree in particular. The Board therefore decided to notify the broadcaster of the non-compliance.

In its first decision, the Board wanted to evaluate in the objective way the wish reaffirmed by the broadcaster to provide the CSA with concrete data on the European independent and recent character of the cinematographic works presented in the "A la demande" offer. Before taking any sanction, the Board verified if the SiA had provided evidence of its capacity to compile pertinent, useful and accurate data on its on-demand offer (notably with the help of a monitoring device) and noted that these data had been produced.

In its second and last decision in January 2010, the CSA Authorisation and Supervisory Board took cognizance of the steps taken as well as of the documents submitted by the broadcaster.

The Board estimates that these documents prove the SiA's capacity to compile pertinent, useful and accurate data on the on-demand offer, notably with the help of the internal monitoring device as well as the services and databases of an external contractor. The Board notes that these data are now being produced for a substantial part of the categories of programmes in the submitted sample, without prejudice to other categories, that are not documented, notably those of programmes of catch-up TV. As a consequence, the Authorisation and Supervisory Board declared after deliberating that the conditions, which would have justified the imposition of a fine, are not given anymore.

2. and 3. BTV (Belgium Television) – AB3 and AB4 and Vidéoclick – 2008 financial year: with regard to the services AB3 and AB4, the CSA Authorisation and Supervisory Board found that BTV had not fulfilled its obligations relating to the broadcast of recent independent European works, neither for the services considered independently or as a whole, as provided for under Article 43. The broadcaster has not provided the data required to include the proportions relating to the Vidéoclick service in this result. With regard to the Vidéoclick service the Board noted that BTV has not complied with its obligation to submit an annual report setting out the relevant information on compliance with the obligations laid down in Article 43 of the Broadcasting Decree of 27 February 2003, in violation of Article 46 of the same decree. In view of the station's previous performance (for point 2) and the repetitive nature of the second non-compliance (for point 3) the Board decided that a financial penalty of EUR 40 000 would be levied against BTV S.A. in application of Article 159 of the Coordinated Decree on Audio-Visual Media Services.

II. 2007 reporting year

1. SiA (Skynet IMotion Activities) – VOD (on-demand) service – 2007 financial year: the Board noted the same non-compliance as in 2008. Given that "this non-compliance had already been identified during the inspection relating to the previous financial year (2006) (...) and given that the commitments on the part of the broadcaster to cooperate more actively with the CSA have certainly been stepped-up but only partially implemented, the Board decided that a warning would be issued to SiA in application of Article 156 of the Audio-Visual Media Services Decree. 2/ and 3/ BTV (Belgium Television) – AB3 and AB4 and Vidéoclick services – 2007 financial year: with regard to the services AB3, AB4 and Vidéoclick the Board noted the same non-compliances as in 2008, as described above. In view of the broadcaster's previous performance with regard to the first non-compliance and the repetitive nature of the second non-compliance the Board decided that a financial penalty of EUR 20 000 would be levied against BTV S.A. in application of Article 159 of the Audio-Visual Media Services Coordinated Decree. 4/ PPMG (Prime Projects Media Group) – Move On and Move X services – 2007 financial year: the Board took note of its bankruptcy on 11 February 2009 and the cessation of its activities.

C) Further comments

The report on the application of the quotas for recent independent European works for the 2007 and 2008 financial years was presented to the associations representing the independent production sectors of the French-speaking community in Belgium and their observations were requested. The presentation took place on 30 November 2009 and the following points were raised:

- the increasing importance of the development phase (format, writing, pilot), including for the production of flow programmes, and the difficulty of financing it given its experimental nature. In order to combat the increasingly frequent use of concepts and formats from outside Europe, it would be appropriate to introduce incentives for this phase (funds, tax exemptions, etc.) at national and/or European level to support the creation, production, marketing and broadcast of 'European-inspired' flow programmes;

- the predictable increase in demand from editors for flow programmes – due to the development of on-demand services, but also due to the need for channels to broadcast 'identity-related' flow programmes rooted in local projects – which must, however, be economically viable in themselves (such programmes are by definition difficult to sell to other channels or abroad) and operate with a reduced budget; this development presents a real opportunity for the broadcast of European programmes and for the health of the European audio-visual sector, but also poses a real challenge, for the reasons cited above in particular;
- the importance of the future assessment by the regulator of the efficiency of the new provisions relating to the promotion of European works in on-demand services, in application of the new decree transposing the Audio-Visual Media Services Directive;
- the question of which programmes are excluded (games in particular) from the eligible base for the calculation of broadcast quotas;
- a problem linked to joint productions, which, in the case of the French-speaking community, sometimes results in funds being transferred with no benefit for the community's stakeholders as the joint productions in question do not use our actors, scriptwriters, directors and producers, although they are considered recent independent European works; this problem is more acute for certain broadcasters;
- the impact of the limited size of the broadcast market in the territory of the French-speaking community on contract opportunities for producers.

In this context, producer associations have also raised the notion of a mandatory contribution to the production of works on the part of broadcasters, which in their view is a corollary to the broadcast obligation.

BULGARIA

PART 1 - Statistical data

Number of channels identified:		42		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
ASTEOS EOOD	Zdrave	EX	EX	EX	EX	EX	EX
BALKAN BULGARSKA TELEVIZIA AD	BBT	72,4%	63,6%	10,2%	9,4%	NC	9,4%
BALKAN NEWS CORPORATION EAD	bTV Balkan News Corp	56,1%	61,0%	21,2%	21,9%	100,0%	100,0%
BG SAT AD	Hobby TV	NC	NC	NC	NC	NC	NC
BULGARIA KABEL TV OOD	Bulgaria Kabel TV (BGTV)	85,0%	84,0%	18,0%	22,0%	90,0%	88,0%
BULGARIAN NATIONAL TELEVISION	BNT 1 (BNT)	87,5%	89,0%	10,4%	11,8%	76,2%	0,7%
BULGARIAN NATIONAL TELEVISION	BNT SAT	0,9%	1,8%	NC	NC	NC	NC
CENTRAL EUROPEAN MEDIA ENTERPRISES	TV2 (Bulgaria)	52,0%	NC	10,4%	19,0%	NC	NC
DIEMA VISION EAD	DIEMA	5,5%	5,7%	NC	0,4%	NC	100,0%
DIEMA VISION EAD	DIEMA 2	2,2%	3,1%	NC	NC	NC	NC
DIEMA VISION EAD	DIEMA Family	13,6%	17,3%	NC	NC	NC	NC
DIEMA VISION EAD	MM	40,0%	40,0%	NC	NC	NC	NC
ELIT MEDIA BULGARIA OOD	Kanal 3	52,1%	52,1%	43,5%	43,5%	4,3%	0,0%
ESTATE TV	TV 1	EX	EX	EX	EX	EX	EX
EVROKOM NATSIONALNA KABELNA TELEVIZIA OOD	DKTE	NC	NC	NC	NC	NC	NC
EVROKOM NATSIONALNA KABELNA TELEVIZIA OOD	Evrokom BG	NC	NC	NC	NC	NC	NC
EVROKOM NATSIONALNA KABELNA TELEVIZIA OOD	Evrokom NKTv	NC	NC	NC	NC	NC	NC
FEN TI VI OOD	Balkanika Music TV	50,0%	55,0%	100,0%	100,0%	100,0%	100,0%
FEN TI VI OOD	Fen	85,0%	90,0%	100,0%	100,0%	100,0%	100,0%
FOLKLOR TV OOD	Folklor TV	100,0%	100,0%	NC	NC	NC	NC
HEROS KEYBUL BALCHIK OOD	Heros	NC	NC	NC	NC	NC	NC
HIP HOP TV	Hip Hop TV	NC	NC	NC	NC	NC	NC
HIT VISION + AD	EBF TV- Ekonomika TV	NC	NC	NC	NC	NC	NC
IASDMOEA	VTK- Voenen Televizionen Kanal	72,0%	72,0%	22,0%	22,0%	30,0%	30,0%
KROA BILGARIA OOD	TTVI- Travel TV International	NC	NC	NC	NC	NC	NC
M SAT TV EOOD	MSAT	32,1%	46,7%	16,8%	21,7%	11,9%	20,2%

MTV 123 EOOD	SK folk	NC	NC	NC	NC	NC	NC
NOVA TELEVISIA AD	Nova TV (Bulgaria)	65,1%	67,1%	15,1%	13,8%	100,0%	100,0%
PIONEER MEDIA OOD	Planeta Folk	100,0%	100,0%	10,0%	11,0%	20,0%	40,0%
PIONEER MEDIA OOD	Planeta TV	100,0%	100,0%	10,0%	11,0%	40,0%	65,0%
RADIO CITY OOD	City TV	NC	NC	NC	NC	NC	NC
RING TV EAD	Ring TV (Bulgaria)	EX	EX	EX	EX	EX	EX
SEDM DNI TV AD	7 Dni TV	NC	NC	NC	NC	NC	NC
SKAT OOD	SKAT	100,0%	100,0%	NC	NC	NC	NC
TELESTAR BULGARIA EOOD	Telestar TV	EX	EX	EX	EX	EX	EX
TELEVIZIA EVROPA AD	TV Evropa	30,0%	42,0%	0,5%	1,5%	60,0%	60,0%
TELEVIZIA VIARA AD	TV Viara	NC	NC	NC	NC	NC	NC
TJANKOV OOD	Tiankov TV	NC	NC	NC	NC	NC	NC
TRIADA communications EOOD	GTV Gotinata Televizija	NO	22,0%	NO	14,0%	NO	14,0%
TV SEDEM EAD	TV7 (Bulgaria)	55,0%	52,0%	8,0%	15,0%	8,0%	10,0%
TV SEDM EAD	Super 7	23,0%	15,0%	7,0%	5,0%	20,0%	5,0%
VVD-RUJCHEV EOOD	Rodina	NC	NC	NC	NC	NC	NC
Covered Channels (IND 1)		37	38	37	38	-	-
Compliance rate (IND 3 and 5)		40,5%	36,8%	35,1%	36,8%	-	-
Average % (IND 2, 4, and 6)		55,6%	55,6%	25,2%	24,6%	54,3%	49,5%

PART 2 – Comments

Monitoring Method

For the 2007-2008 period, information under art. 4 and 5 of the Directive has been requested from the broadcasters which transmit national programs.

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

1. Majority proportion of European works (Article 4)

No observations

2. Minimum proportion of European works by independent producers (Article 5)

No observations

B) Measures taken or envisaged by the Member State

For those channels which have not submitted information, the Council for Electronic Media will seek responsibility and take appropriate action according to the Radio and Television Act.

The Council for Electronic Media constantly strives to obtain this information by publishing a notice on its electronic website, sends letters and e-mails to the broadcasters.

C) Further comments

The Council for Electronic Media in Bulgaria has received reports of 24 broadcasters out of 42. Four broadcasters have not submitted information because they fall within exceptions to the requirement: distribution of sports, teleshopping, games.

CZECH REPUBLIC

PART 1 - Statistical data

Number of channels identified:		49		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
Česká programová společnost spol. s r.o.	Spektrum	58,5%	66,0%	48,4%	44,0%	NC	84,0%
Česká televize	ČT1	88,1%	80,8%	21,1%	19,8%	67,5%	59,3%
Česká televize	ČT2	86,7%	87,8%	16,9%	18,8%	62,0%	68,1%
Česká televize	ČT24	EX	EX	EX	EX	EX	EX
Česká televize	ČT4 Sport	EX	EX	EX	EX	EX	EX
Českomoravská televizní,s.r.o.	Vysočina TV	100,0%	100,0%	100,0%	91,3%	100,0%	100,0%
Československá filmová společnost, s.r.o.	CS film	100,0%	NC	3,6%	NC	0,8%	NC
Československá filmová společnost, s.r.o.	CS mini	NO	NC	NO	NC	NO	NC
CET 21 spol. s r.o	Nova	52,1%	52,0%	27,2%	22,2%	34,1%	27,0%
CET 21 spol. s r.o	Nova Cinema	NO	31,3%	NO	30,5%	NO	38,0%
CET 21 spol. s r.o	Nova Sport	NO	EX	NO	EX	NO	EX
Chello Central Europe s.r.o.	TV Paprika	NO	85,0%	NO	76,0%	NO	80,0%
FATEM - TV a.s.	RTA JIŽNÍ MORAVA	100,0%	100,0%	EX	EX	EX	EX
FTV Prima s.r.o.	Prima TV	57,0%	46,6%	22,0%	19,4%	98,0%	85,5%
GENUS TV a.s.	GENUS TV	100,0%	100,0%	100,0%	86,3%	100,0%	100,0%
HBO Česká republika, spol. s r.o.	Cinemax	17,9%	33,6%	3,0%	21,5%	100,0%	68,1%
HBO Česká republika, spol. s r.o.	Cinemax2	NC	33,6%	NC	21,5%	NC	68,1%
HBO Česká republika, spol. s r.o.	HBO	19,9%	25,2%	2,2%	15,7%	100,0%	98,4%
HBO Česká republika, spol. s r.o.	HBO 2 PL	20,7%	30,4%	1,8%	20,4%	100,0%	98,1%
HBO Česká republika, spol. s r.o.	HBO ADRIA	17,5%	21,8%	2,1%	12,0%	NC	94,0%
HBO Česká republika, spol. s r.o.	HBO COMEDY ADRIA	17,6%	30,7%	4,3%	18,2%	NC	88,7%
HBO Česká republika, spol. s r.o.	HBO Comedy Poland	24,7%	34,6%	2,2%	20,2%	100,0%	95,3%
HBO Česká republika, spol. s r.o.	HBO COMEDY REGIONAL	19,1%	29,4%	2,7%	19,8%	NC	94,7%
HBO Česká republika, spol. s r.o.	HBO HU	20,3%	24,4%	2,0%	13,9%	100,0%	98,3%
HBO Česká republika, spol. s r.o.	HBO PL	19,6%	25,8%	1,5%	16,5%	NC	94,8%
HBO Česká republika, spol. s r.o.	HBO RO	19,4%	25,9%	2,1%	16,2%	NC	95,8%

HBO Česká republika, spol. s r.o.	HBO2	17,2%	23,0%	1,4%	14,7%	100,0%	98,0%
HELP FILM, s.r.o.	Filmbox	56,2%	47,9%	56,2%	47,9%	10,9%	10,9%
HELP FILM, s.r.o.	Nonstop kino HD/Filmbox HD	25,0%	22,7%	25,0%	22,7%	15,0%	14,8%
HELP FILM, s.r.o.	Nonstop kino/Filmbox Extra	32,0%	39,2%	32,0%	39,2%	21,2%	29,3%
HELP FILM, s.r.o.	Nostalgia	NO	100,0%	NO	100,0%	NO	0,0%
MaxiFilm&TV s.r.o.	Da Vinci	NO	60,0%	NO	81,0%	NO	26,0%
METEOPRESS spol. s r.o.	METEO TV	EX	EX	EX	EX	EX	EX
Minimax Media s.r.o./Chello Central Europe s.r.o.	Minimax	62,0%	84,0%	52,0%	80,0%	71,0%	24,0%
První zpravodajská, a.s.	Z1	NO	EX	NO	EX	NO	EX
Regionální televize DAKR, s.r.o.	DAKR	100,0%	100,0%	66,7%	58,6%	100,0%	100,0%
RTA JIŽNÍ ČECHY, s.r.o.	RTA JIŽNÍ ČECHY	100,0%	100,0%	EX	EX	EX	EX
RTA OSTRAVA s.r.o.	RTA OSTRAVA	100,0%	100,0%	EX	EX	EX	EX
RTA VÝCHODNÍ ČECHY, s.r.o.	RTA VÝCHODNÍ ČECHY	100,0%	100,0%	EX	EX	EX	EX
RTA ZLÍN, s.r.o.	RTA ZLÍN	100,0%	100,0%	EX	EX	EX	EX
SAT Plus, s.r.o.	FUN1	100,0%	NC	0,0%	NC	0,0%	NC
Sport 5 a.s.	SPORT 5	NO	EX	NO	EX	NO	EX
Stanice O, a.s.	Óčko	85,0%	100,0%	60,0%	12,0%	100,0%	100,0%
TELEPACE s.r.o.	TV NOE	99,7%	99,5%	45,8%	38,6%	21,4%	36,7%
Totalpress, s.r.o.	PUBLIC TV	NO	95,0%	NO	95,0%	NO	36,4%
TV LYRA s.r.o.	LYRA TV	100,0%	100,0%	45,3%	60,9%	100,0%	100,0%
TV MORAVA, s.r.o.	TV MORAVA	100,0%	100,0%	64,2%	46,1%	100,0%	100,0%
TV Vřídlo s.r.o.	TV Vřídlo	100,0%	100,0%	87,7%	46,4%	100,0%	100,0%
ZAK TV s.r.o.	ZAK	100,0%	100,0%	100,0%	75,7%	100,0%	100,0%
Covered Channels (IND 1)		37	43	32	38	-	-
Compliance rate (IND 3 and 5)		62,2%	53,5%	56,3%	92,1%	-	-
Average % (IND 2, 4, and 6)		64,3%	65,9%	32,2%	40,7%	72,1%	71,8%

PART 2 – Comments

Monitoring method

No comment.

A) Reasons given by Member State for failure to reach

1. Majority proportion of European works (Article 4)

SATELLITE BROADCASTERS

Fulfilment of the requirements for the proportion of European works, independent works and contemporary independent works in the broadcasting of programmes disseminated via satellite is problematic, particularly with respect to the specialization of certain programs, which hinders the fulfilment of the quotas from the outset. This is particularly true for film channels (channels of the broadcaster, HBO Česká republika, s. r. o., channels FilmBox Extra

and FilmBox HD of the broadcaster, HELP FILM, s. r. o., and the Nova Cinema channel. Reasons of unfulfilment is the audiovisual situation of the country (domination of TV NOVA), the situation of the broadcaster and the nature of the service that the broadcaster is providing (single purpose channel). The Czech Republic is a country with low audiovisual production and restricted language area.

REGIONAL TERRESTRIAL BROADCASTERS

Regional broadcasters can be divided into two groups. The first one consists of broadcasters who operate under the uniform designation RTA (including broadcaster FATEM-TV a.s.), while the other encompasses the remaining broadcasters who broadcast in cooperation with FTV Prima, spol. s r.o. The broadcasters in the RTA group stated in response to the request for information that, in 2008, they broadcast no European works produced by independent authors and, thus, also no such works younger than five years, as this was not allowed by their license conditions. This argument must be accepted. These broadcasters broadcast on the basis of similar license conditions, which include solely programs produced by them and programs produced in co-production and do not envisage the purchase of programs from independent producers. On the contrary, regional broadcasters who broadcast in cooperation with FTV Prima, spol. s r.o. included in their broadcasting, to a various degree, programs purchased from Czech independent producers. It must be emphasized in this respect that the summary data include only quotable programs and, therefore excludes, e.g. newscasts, which are prepared by the broadcasters themselves and that cannot be included in the provided overviews. Broadcasting by regional broadcasters is specific as regards its contents; this is also reflected by the quantification of the ratios of European works, European independent works and contemporary independent works in their programs. The broadcasting of these programmes is intended for regional viewers.

2. Minimum proportion of European works by independent producers (Article 5)

See above

B) Measures taken or envisaged by the Member State

The Broadcasting Council has ascertained that, in 2008, PRIMA TV did not fulfil the fifty-percent proportion of broadcasting European works. The Council addressed the issue of failure to comply with the fifty-percent quota for European works in the year 2008 to the PRIMA television.

Broadcasters who provided the Council with incomplete data or did not provide them at all have been notified by the Council of violation of the provisions of the law that require the broadcasters to provide data to the Council (Section 47 (1) of the Broadcasting Act) and those broadcasters who have already been notified of the same violation of the law will be penalized.

C) Further comments

No comment.

DENMARK

PART 1 - Statistical data

Number of channels identified:		27		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
A/S SJAELLANDSKE TVRADIO	24 Sjællandske	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
BRAVAD / dk4 PRODUCTION ApS	dk4	97,0%	95,5%	10,7%	10,1%	58,4%	70,3%
DANTOTO A/S	DanToto Racing Live	EX	EX	EX	EX	EX	EX
DR	DR Extra	EX	EX	EX	EX	EX	EX
DR	DR Update	EX	EX	EX	EX	EX	EX
DR	DR1	81,0%	77,0%	17,0%	15,0%	51,0%	59,0%
DR	DR2	76,0%	78,0%	10,0%	11,0%	50,0%	46,0%
Localeyes.tv A/S	Localeyes.tv	EX	EX	EX	EX	EX	EX
NORDJYSKE MEDIER A/S	24NORDJYSKE	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
SBS BROADCAST DANMARK A/S	6'er en	NC	NC	NC	NC	NC	NC
Skandinavian Movie Channel ApS	Skandinavia – Filmmagernes tv-kanal	99,7%	99,6%	100,0%	100,0%	35,4%	32,8%
TV 2 FILM A/S	TV 2 Film	24,8%	27,2%	81,1%	85,1%	4,6%	3,3%
TV 2 NEWS A/S	TV 2 News	EX	EX	EX	EX	EX	EX
TV 2 SPORT A/S	TV 2 Sport	EX	EX	EX	EX	EX	EX
TV 2 ZULU A/S	TV 2 Zulu	28,4%	30,2%	73,3%	49,0%	75,1%	74,3%
TV2 CHARLIE A/S	TV 2 Charlie	70,5%	69,1%	95,6%	80,5%	32,8%	32,5%
TV2/DANMARK A/S	TV 2 (Denmark)	51,2%	50,5%	82,0%	77,8%	82,0%	79,7%
TV2/DANMARK A/S	TV 2 Bornholm	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
TV2/DANMARK A/S	TV 2 Extra	EX	EX	EX	EX	EX	EX
TV2/DANMARK A/S	TV 2 Fyn	100,0%	100,0%	2,1%	1,8%	100,0%	100,0%
TV2/DANMARK A/S	TV 2 Lorry	100,0%	100,0%	3,0%	2,8%	NC	NC
TV2/DANMARK A/S	TV 2 NORD	100,0%	100,0%	7,3%	10,4%	100,0%	100,0%
TV2/DANMARK A/S	TV 2 ØST	100,0%	100,0%	1,4%	1,6%	100,0%	100,0%
TV2/DANMARK A/S	TV 2 ØSTJYLLAND	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
TV2/DANMARK A/S	TV MIDT-VEST	100,0%	100,0%	12,1%	8,3%	NC	NC
TV2/DANMARK A/S	TV SYD	100,0%	100,0%	11,0%	6,0%	100,0%	100,0%
YOUSEE A/S	TDC TV Infokanal	EX	EX	EX	EX	EX	EX
Covered Channels (IND 1)		19	19	19	19	-	-
Compliance rate (IND 3 and 5)		84,2%	84,2%	52,6%	47,4%	-	-

Average % (IND 2, 4, and 6)	84,9%	84,8%	28,1%	25,5%	49,3%	49,9%
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PART 2 – Comments

Monitoring method

No comment.

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

1. Majority proportion of European works (Article 4)

- The European works broadcast by two channels – TV2 Zulu and TV2 Film – with an audience share of 2.3% and 1.1% respectively, accounted for less than 50% of their broadcasts in 2008. In both cases, however, the proportion did increase over the period in question, and the proportion of European works broadcast on TV2 Film has risen considerably since the report for 2005/2006. On the other hand, the proportion of European works broadcast on TV2 Zulu has fallen somewhat compared with 2005/2006.
- Two channels – 6’eren and dk4 – did not reply to the enquiries from the Danish Radio and TV Authority (Radio- og tv-nævn) by the deadline.
- Four channels – TV2 Bornholm, TV2 Østjylland, 24NORDJYSKE and 24 Sjællandske – do not broadcast any programmes produced by independent producers. These are channels which mainly broadcast locally produced news and current affairs programmes. For the two regional TV2 channels, please see the further comments in Section C.

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

- The Danish Radio and TV Authority is recommended to urge TV2 Zulu to aim to ensure that over half of its broadcasting time that is not devoted to news programmes, sports events, competitions and teletext is set aside for European programmes. Moreover, it is recommended that TV2 Film be urged to ensure that the increase in the proportion of European works broadcast is continued, and that efforts are made to ensure that over half of its airtime that is not devoted to news programmes, sports events, competitions and teletext is set aside for European programmes.
- With regard to the two channels - 6’eren and dk4 - which did not reply within the deadline, the Danish Radio and TV Authority was recommended to urge that the deadline is complied with. The missing information has been sent to the Commission as soon as it has been made available.

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. These channels mainly broadcast locally produced news and magazine programmes. In spite of their nature, they are under the obligation to comply with the requirements set out in Articles 4 and 5 pursuant to the Danish legislation.
- Scandinavian Movie Channel (SMC) is owned partly by an investment group (IDIC ApS), and partly by a partnership made up of 125 film producers (DIGIRET ApS), which each own 50%. These film producers supply some of the works broadcast. SMC is of the view

that these are independent producers and would stress in this regard that the producers in question are financially independent of SMC, that no secondary rights have been transferred to SMC and that SMC does not commission productions from the producers in question.

- TDC TV Infokanal does not broadcast independent programmes. This channel broadcasts live feed from programmes broadcast on channels offered by TDC, so that customers can get an idea of the programmes offered by all the channels.

GERMANY

PART 1 - Statistical data

Number of channels identified:		159		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
1-2-3.TV GMBH	1-2-3 TV	EX	EX	EX	EX	EX	EX
9LIVE FERNSEHEN GMBH	9Live (Neun Live)	EX	EX	EX	EX	EX	EX
A1 Teleshop	A1 Teleshop	EX	EX	EX	EX	EX	EX
ALFRA MEDIEN HOLDING GMBH	Body in Balance	EX	EX	EX	EX	EX	EX
ANIXE TV FILMPRODUKTION UND FERNSEHEN GMBH & CO. KG	Last Minute TV	EX	EX	EX	EX	EX	EX
ARD	ARD EinsExtra	99,0%	99,0%	13,4%	14,1%	85,9%	94,6%
ARD	ARD EinsFestival	95,0%	94,0%	28,8%	36,8%	74,2%	73,6%
ARD	ARD EinsPlus	99,0%	99,0%	5,0%	12,1%	83,5%	90,9%
ARD	ARD1 (Das Erste)	89,2%	89,4%	47,3%	44,6%	83,6%	85,8%
Attag GmbH	Gebrauchtwagen TV	EX	EX	EX	EX	EX	EX
BB BASKETBALL MARKETING GMBH	Basketball Kanal BW	EX	EX	EX	EX	EX	EX
BEATE UHSE TV GMBH & CO. KG	Beate-Uhse TV	NC	NC	NC	NC	NC	NC
BERGE & MEER TOURISTIK GMBH	Reiseschäppchen TV	EX	EX	EX	EX	EX	EX
BIBEL TV STIFTUNG GEMEINNÜTZIGE GESELLSCHAFT MIT BESCHRÄNKTER HAFTUNG	Bibel TV	NC	NC	NC	NC	NC	NC
BR - BAYERISCHER RUNDFUNK	BR Alpha	EX	EX	EX	EX	EX	EX
BR - BAYERISCHER RUNDFUNK	BR Fernsehen (Bayerischer Rundfunk)	EX	EX	EX	EX	EX	EX
BR - BAYERISCHER RUNDFUNK	BR Fernsehen (Nord Regionalzeit)	EX	EX	EX	EX	EX	EX
Das Vierte GmbH	Das Vierte	NC	NC	NC	NC	NC	NC
DER SCHMUCKKANAL DEUTSCHLAND GmbH	Der Schmuckkanal	EX	EX	EX	EX	EX	EX
DEUTSCHE BAHN AG	Bahn TV	EX	EX	EX	EX	EX	EX
DEUTSCHES GESUNDHEITSFERNSEHEN GmbH	DGF- Deutsches Gesundheitsfernsehen	NC	NC	NC	NC	NC	NC

DISCOVERY COMMUNICATIONS DEUTSCHLAND GMBH	Animal Planet Deutschland	59,6%	58,2%	100,0%	100,0%	79,8%	81,9%
DISCOVERY COMMUNICATIONS DEUTSCHLAND GMBH	Discovery Channel Germany	35,9%	39,3%	100,0%	100,0%	80,9%	80,9%
DISCOVERY COMMUNICATIONS DEUTSCHLAND GMBH	Discovery Geschichte	73,1%	78,0%	100,0%	100,0%	57,6%	52,7%
DISCOVERY COMMUNICATIONS DEUTSCHLAND GMBH	Discovery HD Germany	37,1%	31,5%	100,0%	100,0%	90,2%	83,8%
DMAX TV GmbH & Co. KG	DMAX Deutschland	41,4%	42,4%	100,0%	100,0%	95,4%	90,9%
DSF DEUTSCHES SPORTFERNSEHEN GMBH	DSF	95,3%	92,2%	30,2%	28,4%	100,0%	100,0%
EUVIA TRAVEL GMBH	Sonnenklar	EX	EX	EX	EX	EX	EX
FOCUS TV - PRODUKTIONS GMBH	Focus Gesundheit	NC	NC	NC	NC	NC	NC
Fox International Channels Germany GmbH	Fox Channel Deutschland	EX	EX	EX	EX	EX	EX
German government	Bundespresseamt	EX	EX	EX	EX	EX	EX
GLÜCKSHOP GmbH	GlückShop	EX	EX	EX	EX	EX	EX
GUTE LAUNE TV GMBH	Gute Laune TV	100,0%	100,0%	100,0%	100,0%	25,0%	25,0%
HOME SHOPPING EUROPE AKTIENGESELLSCHAFT	HSE 24	EX	EX	EX	EX	EX	EX
HOME SHOPPING EUROPE AKTIENGESELLSCHAFT	HSE 24 Digital	EX	EX	EX	EX	EX	EX
HR - HESSISCHER RUNDFUNK	HR Fernsehen (Hessischer Rundfunk)	EX	EX	EX	EX	EX	EX
JAMBA! GMBH	Jamba !	EX	EX	EX	EX	EX	EX
JETIX EUROPE GMBH	Jetix (Germany)	31,0%	30,0%	55,0%	53,0%	58,0%	57,0%
K3 KULTURKANAL PRODUKTIONS GMBH	K3 Kulturkanal	EX	EX	EX	EX	EX	EX
KABEL DEUTSCHLAND GMBH	Kabel Deutschland Infokanal	EX	EX	EX	EX	EX	EX
KABEL DEUTSCHLAND GMBH	Select Kino	NC	NC	NC	NC	NC	NC
KABEL DEUTSCHLAND VERTRIEB UND SERVICE GMBH & CO. KG	RedX Club 1	NC	NC	NC	NC	NC	NC
KABEL DEUTSCHLAND VERTRIEB UND SERVICE GMBH & CO. KG	RedX Club 2	NC	NC	NC	NC	NC	NC
KABEL DEUTSCHLAND VERTRIEB UND SERVICE GMBH & CO. KG	RedX Club Info	NC	NC	NC	NC	NC	NC
KINOWELT TELEVISION GMBH	Kinowelt TV	NC	NC	NC	NC	NC	NC
KLARNER MEDIEN GMBH	BWEins	EX	EX	EX	EX	EX	EX

KLARNER MEDIEN GMBH	Culinaria	EX	EX	EX	EX	EX	EX
KLARNER MEDIEN GMBH	Landschaft TV	EX	EX	EX	EX	EX	EX
KLARNER MEDIEN GMBH	Literaturfernsehen	EX	EX	EX	EX	EX	EX
KLARNER MEDIEN GMBH	Prometheus R.TV Karlsruhe	EX	EX	EX	EX	EX	EX
KLARNER MEDIEN GMBH	RTF.1	EX	EX	EX	EX	EX	EX
KLARNER MEDIEN GMBH	Studio Live	EX	EX	EX	EX	EX	EX
MAINSTREAM MEDIA AG	Goldstar TV	NC	NC	NC	NC	NC	NC
MAINSTREAM MEDIA AG	Heimatkanal	NC	NC	NC	NC	NC	NC
MAINSTREAM MEDIA AG	Hit 24	NC	NC	NC	NC	NC	NC
MAINSTREAM MEDIA AG	Romance TV	NC	NC	NC	NC	NC	NC
MDR - MITTELDEUTSCHER RUNDFUNK	MDR Fernsehen (Mitteldeutscher Rundfunk)	EX	EX	EX	EX	EX	EX
MDR - MITTELDEUTSCHER RUNDFUNK	MDR Fernsehen Sachsen	EX	EX	EX	EX	EX	EX
MDR - MITTELDEUTSCHER RUNDFUNK	MDR Fernsehen Sachsen-Anhalt	EX	EX	EX	EX	EX	EX
MDR - MITTELDEUTSCHER RUNDFUNK	MDR Fernsehen Thüringen	EX	EX	EX	EX	EX	EX
MDR - MITTELDEUTSCHER RUNDFUNK	MDR Fernsehen Thüringen, MDR Fernsehen Thüringen	EX	EX	EX	EX	EX	EX
MGM NETWORKS (DEUTSCHLAND) GMBH	MGM Channel (Germany)	NC	NC	NC	NC	NC	NC
MTV NETWORKS GMBH & CO. OHG	Comedy Central (Germany)	39,4%	40,8%	100,0%	100,0%	74,1%	78,5%
MTV NETWORKS GMBH & CO. OHG	MTV (Germany)	67,3%	70,2%	1,5%	4,8%	100,0%	100,0%
MTV NETWORKS GMBH & CO. OHG	MTV Entertainment	NC	NC	NC	NC	NC	NC
MTV NETWORKS GMBH & CO. OHG	NICK (Germany)	21,1%	13,8%	100,0%	100,0%	33,6%	62,8%
MTV NETWORKS GMBH & CO. OHG	NICK Premium	NC	NC	NC	NC	NC	NC
MUNDO GMBH	Shoppingfreude TV	EX	EX	EX	EX	EX	EX
NBC UNIVERSAL INTERNATIONAL GMBH	13th Street (Germany)	NC	NC	NC	NC	NC	NC
NBC UNIVERSAL INTERNATIONAL GMBH	SCI FI (Germany)	NC	NC	NC	NC	NC	NC
NBC UNIVERSAL INTERNATIONAL GMBH	Studio Universal (Germany)	NC	NC	NC	NC	NC	NC

NDR - NORDDEUTSCHER RUNDFUNK	NDR Fernsehen (Norddeutscher Rundfunk)	EX	EX	EX	EX	EX	EX
NDR - NORDDEUTSCHER RUNDFUNK	NDR Hamburg	EX	EX	EX	EX	EX	EX
NDR - NORDDEUTSCHER RUNDFUNK	NDR Mecklenburg-Vorpommern	EX	EX	EX	EX	EX	EX
NDR - NORDDEUTSCHER RUNDFUNK	NDR Niedersachsen	EX	EX	EX	EX	EX	EX
NDR - NORDDEUTSCHER RUNDFUNK	NDR Schleswig-Holstein	EX	EX	EX	EX	EX	EX
N-TV NACHRICHTENFERNSEHEN GMBH	n-tv	75,0%	75,0%	32,0%	34,0%	99,0%	99,0%
PREMIERE FERNSEHEN GMBH & CO KG	Bundesliga	EX	EX	EX	EX	EX	EX
PREMIERE FERNSEHEN GMBH & CO KG	Premiere 1	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere 2	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere 3	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere 4	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt Erotik	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt Humor und Gefühl	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt Neu	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt Portal	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt Sci-fi und Fantaisie	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt Spezial	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt+	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt+ ab 18	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Direkt+ Action und Spannung	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Erotik 1	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Erotik 2	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Film	NC	NC	NC	NC	NC	NC

PREMIERE FERNSEHEN GMBH & CO KG	Premiere Filmclassics	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Filmfest	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere HD	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Krimi	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Nostalgie	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Serie +Krimi	31,0%	31,0%	100,0%	100,0%	19,0%	19,0%
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Sport 1	EX	EX	EX	EX	EX	EX
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Sport 2	EX	EX	EX	EX	EX	EX
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Sport Portal	EX	EX	EX	EX	EX	EX
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Star	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Premiere Start	NC	NC	NC	NC	NC	NC
PREMIERE FERNSEHEN GMBH & CO KG	Star XL Promo	NC	NC	NC	NC	NC	NC
PRIVATFERNSEHEN IN BAYERN	Sat. 1 17:30 live für Bayern	EX	EX	EX	EX	EX	EX
Pro Sieben Sat 1 Media AG	Kabel Eins	29,3%	33,2%	98,9%	99,4%	32,9%	36,5%
ProSieben Sat1 Media AG	N24	62,8%	77,4%	97,1%	95,6%	65,8%	84,4%
PROSIEBEN TELEVISION GMBH	ProSieben	62,5%	55,2%	82,0%	81,0%	72,2%	63,5%
QVC DEUTSCHLAND INC. & CO. KG	QVC (Germany)	EX	EX	EX	EX	EX	EX
RB - RADIOBREMEN	Radio Bremen TV (RB)	EX	EX	EX	EX	EX	EX
RBB - RUNDFUNK BERLIN BRANDENBURG	RBB Berlin	EX	EX	EX	EX	EX	EX
RBB - RUNDFUNK BERLIN BRANDENBURG	RBB Brandenburg	EX	EX	EX	EX	EX	EX
RBB - RUNDFUNK BERLIN BRANDENBURG	RBB Fernsehen (Rundfunk Berlin-Brandenburg)	EX	EX	EX	EX	EX	EX
REISE-TV GMBH & CO. KG	Voyages (Germany)	EX	EX	EX	EX	EX	EX
RTL 2 FERNSEHEN GMBH & CO. KG	RTL 2	43,0%	42,0%	96,0%	93,0%	86,0%	85,0%
RTL SHOP GMBH	Channel 21 Shop	EX	EX	EX	EX	EX	EX
RTL TELEVISION GMBH	RTL	80,0%	81,0%	63,0%	57,0%	87,0%	89,0%
RTL TELEVISION GMBH	RTL Crime	NC	NC	NC	NC	NC	NC
RTL TELEVISION GMBH	RTL Hamburg/Schleswig-Holstein	EX	EX	EX	EX	EX	EX
RTL TELEVISION GMBH	RTL Living	NC	NC	NC	NC	NC	NC

RTL TELEVISION GMBH	RTL Niedersachsen/Bremen	EX	EX	EX	EX	EX	EX
RTL TELEVISION GMBH	RTL West	EX	EX	EX	EX	EX	EX
SAT. 1 NORDDEUTSCHLAND GMBH	Sat.1 "17:30 live" für Hamburg und Schleswig-Holstein	EX	EX	EX	EX	EX	EX
SAT. 1 NORDDEUTSCHLAND GMBH	Sat.1 "17:30 live" für Niedersachsen und Bremen	EX	EX	EX	EX	EX	EX
SAT.1 SATELLITEN FERNSEHEN GMBH	Sat.1	83,1%	76,7%	79,4%	81,2%	77,3%	77,4%
SEVENSENSES GMBH	Kabel Eins Classics	26,1%	24,0%	100,0%	100,0%	0,0%	0,0%
SEVENSENSES GMBH	Sat.1 Comedy	56,2%	51,9%	92,1%	93,8%	41,1%	31,3%
SPIEGEL TV GESELLSCHAFT MIT BESCHRÄNKTER HAFTUNG	Spiegel TV	EX	EX	EX	EX	EX	EX
SPIRITON GmbH	MeinTVShop	EX	EX	EX	EX	EX	EX
SPORTDIGITAL.TV SENDE- UND PRODUKTIONS GmbH	Sportdigital TV	EX	EX	EX	EX	EX	EX
SR - SAARLÄNDISCHER RUNDFUNK	SR Fernsehen	EX	EX	EX	EX	EX	EX
SUPER RTL DISNEY FERNSEHEN GMBH & CO. KG	Super RTL	31,0%	30,3%	100,0%	100,0%	46,0%	47,0%
SUPER SPORTS NETWORK AG	SuperSportsNetwork	EX	EX	EX	EX	EX	EX
SWR - SÜDWESTRUNDFUNK	SWR Fernsehen	EX	EX	EX	EX	EX	EX
SWR - SÜDWESTRUNDFUNK	SWR Fernsehen (Baden-Württemberg)	EX	EX	EX	EX	EX	EX
SWR - SÜDWESTRUNDFUNK	SWR Fernsehen (Rheinland-Pfalz)	EX	EX	EX	EX	EX	EX
THE WALT DISNEY COMPANY (GERMANY) GMBH	Disney Channel Germany	20,0%	22,0%	15,0%	16,0%	55,0%	63,0%
THE WALT DISNEY COMPANY (GERMANY) GMBH	Playhouse Disney Germany	43,0%	35,0%	14,0%	19,0%	66,0%	68,0%
THE WALT DISNEY COMPANY (GERMANY) GMBH	Toon Disney Germany	19,0%	17,0%	19,0%	20,0%	38,0%	41,0%
T-MOBILE DEUTSCHLAND GMBH	Kostnix	EX	EX	EX	EX	EX	EX
TM-TV GMBH	Tele 5 (Germany)	53,0%	51,0%	100,0%	100,0%	52,0%	50,0%

TV ILLA GmbH & Co KG	Sat.1 "17:30 live	EX	EX	EX	EX	EX	EX
TV-SHOP EUROPE GMBH	TV Shop Deutschland	EX	EX	EX	EX	EX	EX
VIVA MUSIC FERNSEHEN GMBH & CO. KG	VIVA (Germany)	92,3%	92,3%	26,2%	25,8%	100,0%	100,0%
VOX FILM- UND FERNSEH GMBH & CO. KG	VOX	58,0%	65,0%	91,0%	92,0%	97,0%	97,0%
WDR - WESTDEUTSCHER RUNDFUNK	WDR Fernsehen (Westdeutscher Rundfunk)	EX	EX	EX	EX	EX	EX
WESTCOM MEDIEN GMBH	Sat.1 "17:30 live" aus Dortmund	EX	EX	EX	EX	EX	EX
ZWEITES DEUTSCHES FERNSEHEN (ZDF)	ZDF	86,3%	87,4%	19,6%	18,6%	58,5%	78,2%
ZWEITES DEUTSCHES FERNSEHEN (ZDF)	ZDF Dokukanal	100,0%	100,0%	50,6%	61,8%	84,8%	80,1%
ZWEITES DEUTSCHES FERNSEHEN (ZDF)	ZDF Infokanal	99,9%	99,1%	1,5%	7,6%	100,0%	100,0%
ZWEITES DEUTSCHES FERNSEHEN (ZDF)	ZDF Theaterkanal	94,8%	95,4%	44,6%	43,4%	75,7%	67,3%
	3sat	95,9%	95,2%	31,8%	31,6%	83,1%	82,7%
	Bestseller TV- Ihr Heimkaufhaus	EX	EX	EX	EX	EX	EX
	Bundespressekonferenz	EX	EX	EX	EX	EX	EX
	KIKA	79,0%	78,8%	68,9%	64,9%	60,8%	64,3%
	PHOENIX	98,9%	99,3%	0,9%	1,1%	100,0%	100,0%
Covered Channels (IND 1)		86	86	86	86	-	-
Compliance rate (IND 3 and 5)		29,1%	29,1%	40,7%	41,9%	-	-
Average % (IND 2, 4, and 6)		64,2%	63,9%	61,7%	62,3%	69,7%	71,3%

PART 2 - Comments

Monitoring method

Public service broadcasters communicate their own data; Media authorities of the federal states communicate data on private broadcasters.

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

1. Majority proportion of the European works (Article 4)

For all channels where no quota are given (Non Communicated) compliance with articles 4 and 5 is not possible, as these channels are either too small or deal with one specific topic. Exception for channel "Das Vierte": due to internal re-structuring no data can be forwarded for the time being.

2. Minimum proportion of the European works by independent producers (Article 5)

ARD EinsPlus : mainly in-house productions

ZDF Infokanal : mainly in-house productions

Phoenix : mainly in-house productions

B) Measures taken or envisaged by the Member State.

Non reported.

C) Further comments

No observations.

ESTONIA

PART 1 - Statistical data

Number of channels identified:		9		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
BUENOS MEDIOS OÜ	Seitse	60,0%	60,0%	60,0%	60,0%	70,0%	70,0%
EESTI SPORDIKANAL OÜ	Kalev Sport	NO	55,3%	NO	13,2%	NO	NC
EESTI SPORDIKANAL OÜ	Neljas	NO	59,8%	NO	10,7%	NO	NC
ERR - EESTI RAHVURSRINGHÄÄLING	ETV (Eesti Televisioon)	84,0%	86,9%	49,5%	43,2%	83,4%	68,3%
ERR - EESTI RAHVURSRINGHÄÄLING	ETV2 (Eesti Televisioon)	NO	90,4%	NO	23,0%	NO	73,7%
KANAL 2 AS	Kanal 11 (Estonia)	NO	73,6%	NO	62,3%	NO	73,0%
KANAL 2 AS	Kanal 2	51,2%	51,4%	40,7%	36,9%	27,7%	78,0%
TV3 AS	TV3 (Estonia)	51,0%	51,0%	51,0%	51,0%	94,6%	95,3%
TV3 AS	TV6 (Estonia)	NO	53,0%	NO	53,0%	NO	98,6%
Covered Channels (IND 1)		4	9	4	9	-	-
Compliance rate (IND 3 and 5)		100,0%	100,0%	100,0%	100,0%	-	-
Average % (IND 2, 4, and 6)		61,6%	64,6%	50,3%	39,3%	68,9%	79,6%

PART 2 - Comments

Monitoring method

Daily monitoring carried out by the independent research company TNS EMOR+ data submitted by the channels themselves

A) Reasons given by Member State for failure to reach

1. Majority proportion of European works (Article 4)

All channels fulfilled the majority proportion of European works.

2. Minimum proportion of European works by independent producers (Article 5)

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

B) Measures taken or envisaged by the Member State

Not applicable

C) Further comments

No comment.

IRELAND

PART 1 - Statistical data

Number of channels identified:		11		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
CHANNEL 6 BROADCASTING LIMITED	Channel 6/3e	40,0%	42,3%	40,0%	40,1%	NC	NC
NASN LIMITED	ESPN America	EX	EX	EX	EX	EX	EX
NASN LIMITED	ESPN UK	EX	EX	EX	EX	EX	EX
RTE - RADIO TELEFIS EIREANN	RTE 1	60,3%	59,6%	24,8%	23,8%	90,4%	90,5%
RTE - RADIO TELEFIS EIREANN	RTE 2	41,2%	43,1%	16,4%	20,2%	95,4%	95,3%
SETANTA SPORT (IRL) LIMITED	Setanta North America	EX	EX	EX	EX	EX	EX
SETANTA SPORT (IRL) LIMITED	Setanta PPV2	EX	EX	EX	EX	EX	EX
SETANTA SPORT (IRL) LIMITED	Setanta Sports Ireland	EX	EX	EX	EX	EX	EX
SETANTA SPORT (IRL) LIMITED	SetantaPPV1	EX	EX	EX	EX	EX	EX
TG4	TG4	87,0%	88,0%	27,0%	28,0%	100,0%	100,0%
TV3 TELEVISION NETWORK LIMITED	TV3 (Ireland)	46,7%	49,0%	1,5%	2,7%	NC	NC
Covered Channels (IND 1)		5	5	5	5	-	-
Compliance rate (IND 3 and 5)		40,0%	40,0%	80,0%	80,0%	-	-
Average % (IND 2, 4, and 6)		55,0%	56,4%	21,9%	23,0%	95,3%	95,3%

PART 2 - Comments

Monitoring Method

The total number of relevant television channels was eleven. The monitoring method focussed on quantitative and qualitative analysis of a sample broadcast schedule in each year. The sample was selected at random by the Broadcasting Commission of Ireland (BCI).

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

1. Majority proportion of European works (Art. 4)

RTE2

It is difficult for RTE 2 to meet the quota when news and sports programming is excluded from the total qualifying time. However, it should be noted that when the figures for RTE One and Two are combined, the transmission time of the broadcaster does exceed the quota.

TV3

At 49% in 2008 and 46.7% in 2007, TV3 was just below the requirement. When news, current affairs and sports programming is included the station exceed the requirement in both years. As pointed out in previous reports, TV3 does not believe it is practicable for it to achieve the quota excluding news, current affairs and sports for the following reasons:-

- the size and nature of the Irish terrestrial television sector and,

- the importance of news, current affairs and sports programming to its constituent audiences.

Channel 6/3e:

As a comparatively new service, Channel 6/3e aims to achieve the 50% requirement by year 5 (2010). 2008 showed an increase of 2.3% (42.3%) on the figure reported for 2007 (40%).

2. Minimum proportion of European works by independent producers (Art. 5)

TV3

The percentage of EW by independent producers (IP) as a percentage of the total (TQT) was significantly below the 10% requirement in both years when news, current affairs and sport are excluded. However when this programming is included, the station exceeded the requirement by over 5%. TV3 does not believe it is practicable for it to achieve the quota excluding news, current affairs and sports for the following reasons:

- the size and nature of the Irish terrestrial television sector and,
- the importance of news, current affairs and sports programming to its constituent audiences.

B) Measures taken or envisaged by the Member State

The BCI engages in ongoing discussions with broadcasters vis-à-vis compliance with articles 4 and 5.

C) Further comments

Six of the eleven reported channels are specialist channels (sports channels exclusively). Consequently, they are exempt from the requirements of Articles 4 and 5.

GREECE

PART 1 - Statistical data

Number of channels identified:		36		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
AB GROUP	CHASSE & PECHE	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
ALPHA ΔΟΥΦΟΡΙΚΗ ΤΗΛΕΟΡΑΣΗ Α.Ε.	ALPHA TV	60,1%	61,1%	53,8%	55,7%	80,0%	82,0%
ANTENNA TV Α.Ε.	Antenna TV	55,4%	51,6%	18,1%	19,3%	44,5%	45,5%
ΑΤΤΙΚΕΣ ΕΚΔΟΣΕΙΣ ΑΝΩΝΥΜΟΣ ΕΚΔΟΤΙΚΗ ΕΤΑΙΡΙΑ	PLAYBOY CHANNEL (on NOVA as of 25/6/2007)	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
ΑΤΤΙΚΕΣ ΕΚΔΟΣΕΙΣ ΑΝΩΝΥΜΟΣ ΕΚΔΟΤΙΚΗ ΕΤΑΙΡΙΑ	PRIVATE SPICE (on NOVA as of 25/6/2007)	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
DISCOVERY COMMUNICATION EUROPE	ANIMAL PLANET	67,0%	70,9%	15,0%	0,0%	11,0%	0,0%
DISCOVERY COMMUNICATION EUROPE	DISCOVERY	41,0%	69,5%	6,0%	0,0%	6,0%	0,0%
EIDISEIS DOT COM (SKAI TV)	SKAI	50,1%	60,2%	10,0%	11,5%	6,3%	9,5%
EPT3	EPT3	57,0%	58,9%	17,5%	16,3%	33,6%	74,5%
JETIX EUROPE LIMITED	JETIX	38,3%	38,3%	0,0%	0,0%	0,0%	0,0%
LAGARDERE NETWORKS INTERNATIONAL	MEZZO	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
LANDMARK TRAVEL CHANNEL LIMITED	TRAVEL CHANNEL	20,0%	37,8%	6,1%	11,3%	6,1%	11,3%
MAD TV ΑΝΩΝΥΜΗ ΕΤΑΙΡΕΙΑ	MAD GREEKZ (on NOVA as of 12/9/2008)	0,0%	100,0%	0,0%	0,0%	0,0%	0,0%
MAD TV ΑΝΩΝΥΜΗ ΕΤΑΙΡΕΙΑ	MAD MUSIC AWARDS	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
MAD TV ΑΝΩΝΥΜΗ ΕΤΑΙΡΕΙΑ	MAD TV	79,2%	100,0%	0,0%	67,0%	0,0%	67,0%
MAKEDONIA TV S.A.	MAKEDONIA TV	56,6%	52,6%	24,8%	10,9%	13,5%	10,9%
MGM FILMS LTD	MGM	17,0%	14,8%	0,0%	0,0%	0,0%	0,0%
MTV NETWORKS EUROPE	MTV	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
MTV NETWORKS EUROPE	MTV GREECE (on NOVA as of 27/9/2008)	NO	100,0%	NO	0,0%	NO	0,0%
MTV NETWORKS EUROPE	VH1	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%

NETMED HELLAS SA	FILMNET 1 renamed NOVACINEMA1	51,5%	50,1%	40,8%	31,4%	84,6%	85,6%
NETMED HELLAS SA	FILMNET 2 renamed NOVACINEMA2	48,1%	44,1%	39,1%	29,4%	84,7%	87,4%
NETMED HELLAS SA	FILMNET 3 renamed NOVACINEMA3	34,6%	90,8%	31,8%	31,9%	92,3%	93,5%
New Television SA	Star Channel	52,5%	51,0%	26,2%	24,0%	49,2%	50,0%
NGC - UK PARTNERSHIP	NATIONAL GEOGRAPHIC	41,8%	39,4%	39,8%	38,6%	36,4%	33,0%
RADIOTELEOPTIKI SA	902 TV	85,7%	83,0%	10,9%	11,9%	NC	NC
THE HISTORY CHANNEL (UK)	HISTORY CHANNEL	11,8%	18,8%	5,1%	10,2%	1,0%	2,5%
TURNER BROADCASTING SYSTEM EUROPE DISTRIBUTION SYSTEM	BOOMERANG (on NOVA as of 1/10/2008)	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
TURNER BROADCASTING SYSTEM EUROPE DISTRIBUTION SYSTEM	CARTOON NETWORK	22,3%	30,7%	7,2%	10,1%	3,5%	7,7%
TURNER BROADCASTING SYSTEM EUROPE DISTRIBUTION SYSTEM	CNN	EX	EX	EX	EX	EX	EX
TURNER BROADCASTING SYSTEM EUROPE DISTRIBUTION SYSTEM	TCM	28,0%	25,6%	27,8%	25,5%	0,0%	0,0%
BOYAH	KANAAI BOYAHΣ	87,5%	92,9%	25,0%	13,6%	75,0%	71,2%
ΕΛΕΥΘΕΡΗ ΘΑΕΟΡΑΣΗ Α.Ε.	ALTER	89,0%	91,0%	32,0%	33,0%	8,0%	5,0%
EPT AE	ET1	77,0%	67,0%	11,0%	11,0%	7,0%	6,0%
EPT AE	NET	86,0%	77,0%	6,0%	8,0%	4,0%	2,0%
ΘΑΕΤΥΠΙΟΣ Α.Ε.ΘΑΕΟΠΤΙΚΩΝ ΠΡΟΓΡΑΜΜΑΤΩΝ	MEGA TV	80,3%	80,7%	40,7%	42,8%	66,9%	77,3%
Covered Channels (IND 1)		34	35	34	35	-	-
Compliance rate (IND 3 and 5)		58,8%	68,6%	50,0%	57,1%	-	-
Average % (IND 2, 4, and 6)		54,1%	61,7%	14,5%	14,7%	21,6%	24,2%

PART 2 - Comments

Monitoring Method

The available data, submitted by the television channels, concern one (1) coded signal Pay-TV broadcaster and eleven (11) nationwide legally operating radio/television broadcasters, listed by the National Radio and Television Council, which is the Independent Administrative Authority responsible for granting licences to radio and television broadcasters. As recommended by the European Commission's Director-General for Information Society and Media, our service sent the statistical data sheets for checking to an independent authority, the

National Radio and Television Council, which stated the following in its letter of 16 July 2009:

"A sample check carried out by the National Radio and Television Council on programmes shown by television channels broadcasting nationwide indicates that the public television channels have complied with the provision of Article 10(1) of Presidential Decree 100/2000 and that over 51% of the works they broadcast are European works. Over 51% of the works shown by the Attica-based private television channels broadcasting nationwide ALPHA CHANNEL, MEGA CHANNEL and ALTER CHANNEL are European works. Of the works shown by ANTENNA, an Attica-based private television channel broadcasting nationwide, 50% are European works. "

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

1. A majority of European works (Article 4)

No observations

2. A minimum proportion of European works by independent producers (Article 5)

No observations

B) Measures taken or planned by the Member State

For STAR CHANNEL and SKY a case had been opened by the National Radio and Television Council because they were deemed to have broadcast less than 50% European works. However, following a thorough analysis, the Council issued the statement that these two channels had fulfilled the required European works proportion and the case was closed. Lastly, both the public and private television channels state that they will make every effort to improve their figures where possible, in order to be in line with the Directive. They are hoping to achieve better figures next year.

C) Further comments

The television broadcaster Multichoice Hellas A.E.E. and the terrestrial television broadcaster Netmed Hellas (which is part of Multichoice Hellas A.E.E.) state that full editorial responsibility lies with the managers of the television programmes supplied and that the company's only accurate source of information are the data provided periodically or at Multichoice Hellas A.E.E.'s request by the managers' departments.

SPAIN

PART 1 - Statistical data

Number of channels identified:		175		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
ANDALUCIA DIGITAL MULTIMEDIA	Anadalucía Turismo	NC	NC	NC	NC	NC	NC
ANTENA 3 DE TELEVISION SA	A3 Canaria	NO	89,8%	NO	75,1%	NO	44,3%
ANTENA 3 DE TELEVISION SA	Antena 3 (Spain)	65,7%	60,4%	48,8%	44,0%	98,8%	98,2%
ANTENA 3 DE TELEVISION SA	Antena 3 Noticias 24	EX	EX	EX	EX	EX	EX
ANTENA 3 DE TELEVISION SA	Antena.Neox (in: noviembre/05)	82,2%	60,2%	36,5%	36,1%	77,6%	82,0%
ANTENA 3 DE TELEVISION SA	Antena.Nova (in: noviembre/05)	60,7%	74,3%	64,2%	65,3%	67,9%	76,7%
ATEI ASOCIACIÓN DE TELEVISIÓN EDUCATIVA IBEROAMERICANA	TEIb	48,0%	72,1%	21,0%	72,0%	21,0%	5,6%
BAINET	Hogarútil	NO	NC	NO	NC	NO	NC
CANAL CLUB DE DISTRIBUCIÓN	Canal Club	EX	EX	EX	EX	EX	EX
CANAL COSMOPOLITAN IBERIA S.L.	Cosmopolitan TV (Spain)	4,7%	3,7%	2,8%	1,8%	76,9%	27,7%
CANAL EUSKADI SL	Canal Euskadi	NC	NC	NC	NC	NC	NC
CANAL LATINO	Canal latino	83,0%	NC	83,0%	NC	100,0%	NC
CANAL SUR TELEVISION SA	Andalucía Televisión	NC	NC	NC	NC	NC	NC
CANAL SUR TELEVISION SA	Canal Sur	77,1%	75,0%	13,0%	19,6%	13,0%	NC
CANAL SUR TELEVISION SA	Canal Sur 2	90,3%	86,0%	8,4%	7,9%	8,4%	NC
CHELLO MULTICANAL	Canal Cocina	91,7%	95,0%	20,9%	35,3%	100,0%	66,7%
CHELLO MULTICANAL	Canal de Historia	33,6%	33,0%	16,5%	30,0%	NC	100,0%
CHELLO MULTICANAL	Canal Decasa	100,0%	100,0%	0,8%	0,0%	0,0%	0,0%
CHELLO MULTICANAL	The Biography Channel (Spain)	20,0%	15,0%	19,0%	11,0%	100,0%	99,4%
CLAXSON	PLAYBOY TV	NC	NC	NC	NC	NC	NC
COMPANIA INDEPENDIENTE DE NOTICIAS DE TELEVISION S.L.	CNN +	EX	EX	EX	EX	EX	EX
COMPANIA INDEPENDIENTE DE TELEVISION S.L.	Caza y Pesca	93,0%	96,1%	70,0%	66,7%	88,9%	85,4%

COMPANIA INDEPENDIENTE DE TELEVISION S.L.	Sportmanía	EX	EX	EX	EX	EX	EX
COMPANIA INDEPENDIENTE DE TELEVISION S.L.	Viajar	79,8%	91,2%	66,7%	78,8%	100,0%	96,1%
CONGRESO DE LOS DISPUTADOS	Canal Parlamento (Spain)	EX	EX	EX	EX	EX	EX
D'OCON FILMS	Canal Supereñe	NC	NC	NC	NC	NC	NC
DISCOVERY COMMUNICATIONS EUROPE LIMITED	People + Arts (Spain)	63,5%	53,5%	48,1%	43,9%	NC	NC
EL CORTE INGLES SA	LTC-La Tienda en Casa	EX	EX	EX	EX	EX	EX
EMISSIONS DIGITALS DE CATALUNYA SA.	105TV (Cataluna)	NO	55,0%	NO	NC	NO	NC
EMISSIONS DIGITALS DE CATALUNYA SA.	8TV	45,0%	37,0%	NC	NC	NC	NC
EMISSIONS DIGITALS DE CATALUNYA SA.	EDC3 (Filmax)	NO	EX	NO	EX	NO	EX
EUROPEAN HOME SHOPPING SL	ehs TV (European Home Shopping)	EX	EX	EX	EX	EX	EX
EUSKAL TELEBISTA TELEVISION VASCA, S.A.	Beti Zu	65,6%	70,0%	65,6%	70,0%	45,4%	49,5%
EUSKAL TELEBISTA TELEVISION VASCA, S.A.	ETB 1	97,9%	98,1%	64,7%	65,5%	86,7%	86,2%
EUSKAL TELEBISTA TELEVISION VASCA, S.A.	ETB 2	51,1%	51,7%	43,3%	45,1%	72,8%	72,4%
EUSKAL TELEBISTA TELEVISION VASCA, S.A.	ETB 3 (in:03/10/2008)	NO	80,4%	NO	85,1%	NO	77,1%
EUSKAL TELEBISTA TELEVISION VASCA, S.A.	ETB SAT	93,2%	76,0%	88,7%	53,0%	53,0%	67,1%
FACTORIA DE CANALES S.L.	18 (Spain)	NC	NC	NC	NC	NC	NC
FACTORIA DE CANALES S.L.	Buzz	34,7%	41,4%	10,9%	23,7%	NC	NC
FACTORIA DE CANALES S.L.	CineStar	17,1%	16,4%	7,4%	7,0%	NC	NC
FACTORIA DE CANALES S.L.	CTK (Cinematk)	NC	NC	NC	NC	NC	NC
FACTORIA DE CANALES S.L.	Dark	NC	NC	NC	NC	NC	NC
FACTORIA DE CANALES S.L.	Kidsco (version in Spanish)	54,0%	43,1%	43,0%	36,4%	NC	NC
FACTORIA DE CANALES S.L.	Kitz	NC	NC	NC	NC	NC	NC
FACTORIA DE CANALES S.L.	MGM (Spain)	19,4%	15,6%	13,6%	9,2%	NC	NC
FACTORIA DE CANALES S.L.	Natura (Spain)	NC	NC	NC	NC	NC	NC
FACTORIA DE CANALES S.L.	Pacha TV	NC	NC	NC	NC	NC	NC

FACTORIA DE CANALES S.L.	Somos	94,3%	94,9%	84,1%	88,8%	NC	NC
FACTORIA DE CANALES S.L.	Telecorazon	NC	NC	NC	NC	NC	NC
FACTORIA DE CANALES S.L.	XTRM	15,8%	16,5%	8,9%	9,6%	NC	NC
FORTUNA TELEVISIÓN SL	Fortuna TV	EX	EX	EX	EX	EX	EX
FOX INTERNATIONAL CHANNELS ESPANA S.L.	FOX (Spain)	6,8%	5,6%	6,8%	5,6%	95,2%	100,0%
FOX INTERNATIONAL CHANNELS ESPANA S.L.	National Geographic Channel (version in Spanish) in:01/07/04	55,1%	65,9%	55,1%	40,5%	100,0%	100,0%
FRANCE TELECOM ESPAÑA	El Tiempo	EX	EX	EX	EX	EX	EX
FRANCE TELECOM ESPAÑA	Oh Music	NC	NC	NC	NC	NC	NC
FUTBOL CLUB BARCELONA MERCHANDISING S.L.	Barça TV	EX	EX	EX	EX	EX	EX
GESTEVISION TELECINCO SA	Cincoshop	EX	EX	EX	EX	EX	EX
GESTEVISION TELECINCO SA	FDF (Factoría de Ficción)	NO	91,3%	NO	90,5%	NO	47,8%
GESTEVISION TELECINCO SA	Telecinco	79,5%	80,8%	65,4%	58,2%	95,4%	94,8%
GESTEVISION TELECINCO SA	Telecinco 2	NO	94,9%	NO	72,8%	NO	93,6%
GESTEVISION TELECINCO SA	Telecinco Estrellas	90,8%	NO	90,5%	NO	22,6%	NO
GESTEVISION TELECINCO SA	Telecinco Sport	EX	NO	EX	NO	EX	NO
GESTMUSIC ENDEMOL	Canal Operación Triunfo	EX	EX	EX	EX	EX	EX
GESTMUSIC ENDEMOL	Gran Hermano TV	EX	EX	EX	EX	EX	EX
GESTORA DE INVERSIONES AUDIOVISUALES LA SEXTA S.A.	Hogar 10 (in: 31/07/07)	54,0%	54,3%	36,4%	54,2%	100,0%	99,7%
GESTORA DE INVERSIONES AUDIOVISUALES LA SEXTA S.A.	La Sexta (in: marzo/2006	55,7%	51,7%	31,1%	51,7%	99,5%	99,8%
GRUPO CORPORATIVO ONO SAU	Mirador Adultos	NC	NC	NC	NC	NC	NC
GRUPO CORPORATIVO ONO SAU	Mirador Cine	NC	NC	NC	NC	NC	NC
GRUPO CORPORATIVO ONO SAU	Mirador Futbol	EX	EX	EX	EX	EX	EX
INICIATIVAS RADIOFÓNICAS Y DE NOTICIAS	Popular TV Canarias	NO	55,3%	NO	9,3%	NO	70,4%

INICIATIVAS RADIOFÓNICAS Y DE NOTICIAS	Popular TV Comunidad Valenciana (in: oct/06)	62,0%	40,0%	26,6%	15,9%	12,1%	10,4%
INICIATIVAS RADIOFÓNICAS Y DE NOTICIAS	Rioja 4 / Popular TV	55,4%	55,4%	9,3%	9,3%	70,3%	0,0%
INICIATIVAS RADIOFÓNICAS Y DE NOTICIAS	TV Popular de la Región	55,4%	55,4%	9,3%	9,3%	70,3%	70,4%
INICIATIVAS RADIOFÓNICAS Y DE TELEVISIÓN	Popular TV	NC	NC	NC	NC	NC	NC
JETIX ESPANA SOCIEDAD LIMITADA.	Jetix (Spain)	53,5%	51,9%	53,3%	51,8%	63,1%	64,2%
LIBERTAD DIGITAL TELEVISIÓN	Libertad Digital Televisión	EX	EX	EX	EX	EX	EX
MTV CHANNEL ESPANA S.L.	Nickelodeon (version in Spanish)	30,2%	38,9%	29,4%	38,4%	48,2%	54,6%
MUNDO MÁGICO TV	Videncia TV	NC	NC	NC	NC	NC	NC
NBC UNIVERSAL GLOBAL NETWORKS ESPANA SL.	Calle 13	35,6%	17,3%	24,4%	16,3%	35,7%	24,8%
NBC UNIVERSAL GLOBAL NETWORKS ESPANA SL.	Sci-Fi España (in: 01/06/06)	10,2%	5,9%	4,7%	3,8%	47,6%	40,9%
PARAMOUNT COMEDY CHANNEL ESPANA S.L.	Paramount Comedy (Spain)	83,5%	84,5%	57,6%	56,1%	99,9%	97,9%
PORTAL LATINO SL	Canal Autor	NC	NC	NC	NC	NC	NC
PORTAL LATINO SL	Canal Infancia	NC	NC	NC	NC	NC	NC
REAL MADRID GESTION DE DERECHOS SL.	Real Madrid TV	EX	EX	EX	EX	EX	EX
SENADO DE ESPAÑA	Canal Senado	EX	EX	EX	EX	EX	EX
SOCIEDAD GESTORA DE TELEVISION NET TV SA	FLY MUSIC	100,0%	100,0%	60,0%	60,0%	60,0%	48,3%
SOCIEDAD GESTORA DE TELEVISION NET TV SA	Intereconomía TV (in: febrero/08)	NO	100,0%	NO	0,0%	NO	0,0%
SOCIEDAD GESTORA DE TELEVISION NET TV SA	Net TV (Spain)	64,9%	64,9%	64,9%	64,9%	64,6%	98,5%
SOCIEDAD GESTORA DE TELEVISION NET TV SA	Onda 6	61,0%	47,4%	19,0%	21,9%	NC	NC
SOCIEDAD GESTORA DE TELEVISION NET TV SA	Tribunal TV	EX	EX	EX	EX	EX	EX
SOCIEDAD GESTORA DE TELEVISION ONDA 6 SA	DISNEY CHANNEL (julio/08)	NO	41,1%	NO	37,6%	NO	48,3%
SOCIEDAD MERCANTIL ESTATAL TELEVISION ESPANOLA S.A.	Canal 24 Horas	EX	EX	EX	EX	EX	EX
SOCIEDAD MERCANTIL ESTATAL TELEVISION ESPANOLA S.A.	Canal Clásico	86,6%	91,4%	3,0%	58,5%	86,4%	57,6%

SOCIEDAD MERCANTIL ESTATAL TELEVISION ESPANOLA S.A.	Clan TVE (noviembre/05)	59,4%	59,4%	3,9%	2,6%	62,3%	62,3%
SOCIEDAD MERCANTIL ESTATAL TELEVISION ESPANOLA S.A.	Docu TVE	NC	NC	NC	NC	NC	NC
SOCIEDAD MERCANTIL ESTATAL TELEVISION ESPANOLA S.A.	Teledeporte	EX	EX	EX	EX	EX	EX
SOCIEDAD MERCANTIL ESTATAL TELEVISION ESPANOLA S.A.	TVE Internacional Europa	NC	NC	NC	NC	NC	NC
SOCIEDAD MERCANTIL ESTATAL TELEVISION ESPANOLA S.A.	TVE La 2	68,6%	84,3%	27,3%	28,3%	22,8%	31,0%
SOCIEDAD MERCANTIL ESTATAL TELEVISION ESPANOLA S.A.	TVE La Primera	64,4%	67,0%	5,8%	9,2%	25,4%	39,5%
SOCIEDAD PUBLICA DE TELEVISION EXTREMENA S.A.	Canal Extremadura TV (in: feb/06)	NC	NC	NC	NC	NC	NC
SOGEABLE MUSICA S.L.	40 Latino	75,4%	85,1%	19,7%	27,4%	90,0%	88,0%
SOGEABLE MUSICA S.L.	40TV	63,1%	70,7%	6,9%	14,7%	95,0%	97,0%
SOGEABLE SA	Canal + 30	56,0%	45,7%	29,3%	25,6%	93,8%	97,8%
SOGEABLE SA	Canal + España HD	56,0%	45,7%	29,3%	25,6%	93,8%	43,1%
SOGEABLE SA	Canal + Eventos	EX	EX	EX	EX	EX	EX
SOGEABLE SA	Canal+ 2	55,9%	49,4%	42,6%	31,3%	91,8%	97,1%
SOGEABLE SA	Canal+ Acción	30,0%	23,0%	26,6%	20,6%	52,3%	57,3%
SOGEABLE SA	Canal+ Acción 30	30,0%	23,0%	26,6%	20,6%	52,3%	57,3%
SOGEABLE SA	Canal+ Comedia	30,3%	26,8%	23,1%	19,5%	56,9%	46,5%
SOGEABLE SA	Canal+ Comedia 30	30,3%	26,8%	25,6%	19,5%	57,0%	46,5%
SOGEABLE SA	Canal+ DCine	28,0%	26,3%	25,6%	25,1%	57,0%	57,3%
SOGEABLE SA	Canal+ Dcine HD	28,0%	32,0%	25,6%	29,5%	93,8%	43,1%
SOGEABLE SA	Canal+ Deportes	EX	EX	EX	EX	EX	EX
SOGEABLE SA	Canal+ España	56,0%	45,7%	29,3%	25,6%	93,8%	97,8%
SOGEABLE SA	Canal+ Fútbol	EX	EX	EX	EX	EX	EX
SOGEABLE SA	Cuatro (in: 07/noviembre/05)	62,3%	65,9%	24,4%	13,2%	55,7%	99,6%
SOGEABLE SA	Dcine Español	99,7%	99,8%	97,0%	95,7%	12,6%	7,8%
SOGEABLE SA	Golf+	EX	EX	EX	EX	EX	EX
SOGEABLE SA	Promo	EX	EX	EX	EX	EX	EX
SOGEABLE SA	Taquilla 1	15,9%	16,3%	15,9%	16,3%	100,0%	100,0%
SOGEABLE SA	Taquilla 2	13,9%	17,8%	13,9%	17,8%	100,0%	100,0%
SOGEABLE SA	Taquilla 3	22,8%	26,3%	22,8%	26,3%	100,0%	100,0%

SOSECABLE SA	Taquilla 4	18,8%	26,2%	18,8%	27,4%	100,0%	100,0%
SOSECABLE SA	Taquilla 5	25,3%	19,3%	25,3%	19,3%	100,0%	100,0%
SOSECABLE SA	Taquilla 6	35,0%	20,2%	34,8%	20,2%	100,0%	100,0%
SOSECABLE SA	Taquilla 7	16,0%	23,0%	16,0%	23,0%	100,0%	100,0%
SOSECABLE SA	Taquilla 8	19,9%	72,5%	14,8%	72,5%	100,0%	100,0%
SOSECABLE SA	Taquilla X	31,2%	17,2%	31,2%	17,2%	100,0%	99,9%
SOSECABLE SA	Taquilla XX	38,1%	65,7%	38,1%	65,7%	100,0%	100,0%
SOSECABLE SA	Taquilla XX HARD	41,6%	38,8%	41,6%	38,8%	87,2%	89,9%
SOSECABLE SA	XY	38,6%	30,3%	38,6%	30,3%	100,0%	100,0%
SOLIDARIA TELEVISIÓN	Solidaria TV	NC	NC	NC	NC	NC	NC
SPTI NETWORKS IBERIA S.L.	Animax (Spain)	NO	0,4%	NO	0,0%	NO	0,0%
SPTI NETWORKS IBERIA S.L.	AXN España	26,6%	30,3%	18,7%	22,6%	69,5%	71,5%
TELEVISIO DE CATALUNYA SA	300	23,8%	27,3%	15,1%	17,3%	47,1%	43,5%
TELEVISIO DE CATALUNYA SA	Canal 3/24	EX	EX	EX	EX	EX	EX
TELEVISIO DE CATALUNYA SA	K3/33	66,6%	68,3%	31,1%	37,1%	67,3%	68,1%
TELEVISIO DE CATALUNYA SA	TV3	64,4%	68,9%	11,8%	20,2%	44,1%	59,4%
TELEVISIO DE CATALUNYA SA	TVCi	86,5%	89,4%	39,6%	20,0%	74,0%	75,9%
TELEVISIO DE LES ILLES BALEARS SA.	IB3 (in: septiembre/05)	58,1%	55,2%	3,6%	7,8%	NC	NC
TELEVISION AUTONOMIA LA RIOJA	Rioja Television	51,0%	52,0%	14,0%	7,3%	NC	NC
TELEVISION AUTONOMIA MADRID SA	La Otra	74,8%	84,1%	5,7%	15,9%	NC	NC
TELEVISION AUTONOMIA MADRID SA	Telemadrid	39,8%	40,4%	10,2%	11,4%	96,6%	96,0%
TELEVISION AUTONOMIA MADRID SA	Telemadrid SAT	NC	NC	NC	NC	NC	NC
TELEVISION AUTONOMICA DE ARAGON SOCIEDAD ANONIMA.	Aragón Sat	40,7%	54,3%	5,3%	7,0%	18,0%	23,0%
TELEVISION AUTONOMICA DE ARAGON SOCIEDAD ANONIMA.	Aragon television (in: abril/06)	58,0%	54,3%	10,0%	12,0%	18,1%	23,0%
TELEVISION AUTONOMICA DE CASTILLA-LA MANCHA S.A.	Castilla La Mancha Televisión (CMT)	54,2%	51,5%	12,0%	12,7%	28,4%	51,8%
TELEVISION AUTONOMICA DE MURCIA S.A.	7RM	57,2%	43,6%	16,7%	15,0%	NC	NC
TELEVISION AUTONOMICA DE MURCIA S.A.	Canal 6	57,1%	64,3%	10,7%	42,9%	0,0%	0,0%

TELEVISION AUTONOMICA DE MURCIA S.A.	Televisión Murciana (TVM)	98,2%	93,6%	25,7%	23,4%	48,6%	51,5%
TELEVISION AUTONOMICA VALENCIANA SA	Canal 9 (Spain)	54,0%	56,1%	32,6%	20,6%	87,6%	52,0%
TELEVISION AUTONOMICA VALENCIANA SA	Las Provincias TV (in: octub/06)	36,0%	38,9%	10,5%	11,5%	47,5%	39,1%
TELEVISION AUTONOMICA VALENCIANA SA	Punt Dos	73,5%	79,1%	48,9%	26,9%	86,5%	56,4%
TELEVISION AUTONOMICA VALENCIANA SA	TVVI	100,0%	100,0%	42,3%	52,1%	NC	NC
TELEVISIÓN COMUNIDAD FORAL DE NAVARA	Canal 4 Navarra TV	65,4%	67,2%	37,5%	40,2%	87,6%	88,3%
TELEVISIÓN COMUNIDAD FORAL DE NAVARA	Canal 6 Navarra	66,3%	66,5%	36,9%	41,3%	88,9%	90,1%
TELEVISIÓN COMUNIDAD FORAL DE NAVARA	Canal 6 Navarra 2	NC	NC	NC	NC	NC	NC
TELEVISION DE GALICIA SA	TVG Europa	NC	NC	NC	NC	NC	NC
TELEVISION DE GALICIA SA	TVG Televisión de Galicia	65,5%	65,6%	26,2%	25,2%	93,2%	73,5%
TELEVISION DEL PRINCIPADO DE ASTURIAS S.A.	TPA	78,6%	66,2%	7,7%	14,4%	NC	NC
TELEVISION DEL PRINCIPADO DE ASTURIAS S.A.	TPA 2	78,6%	66,2%	7,7%	14,4%	NC	NC
TELEVISION PUBLICA DE CANARIAS S.A.	TVCanaria	48,1%	42,2%	30,2%	34,0%	65,8%	82,5%
TELEVISION PUBLICA DE CANARIAS S.A.	TVCanaria2	NO	66,4%	NO	66,3%	NO	100,0%
THE WALT DISNEY COMPANY IBERIA S.L.	Disney Channel España	45,0%	44,6%	43,0%	42,2%	55,7%	48,6%
THE WALT DISNEY COMPANY IBERIA S.L.	Disney Channel España +1	45,0%	44,6%	43,0%	42,2%	55,7%	48,6%
THE WALT DISNEY COMPANY IBERIA S.L.	Playhouse Disney (version in Spanish)	60,2%	56,7%	46,8%	52,1%	64,0%	41,2%
THE WALT DISNEY COMPANY IBERIA S.L.	Toon Disney (version in Spanish)	52,4%	58,0%	43,5%	54,8%	64,0%	47,8%
UNEDISA	Aprende Ingles	45,0%	100,0%	100,0%	0,0%	0,0%	0,0%
UNEDISA DE BALEARES	Aprende Ingles	45,0%	100,0%	100,0%	0,0%	0,0%	0,0%
UNITEL	Unitel Classica	80,4%	76,4%	14,0%	15,0%	66,9%	59,2%
VEO TELEVISION S.A.	Set en Veo (in: enero/06)	20,5%	36,8%	2,6%	3,7%	10,4%	45,8%
VEO TELEVISION S.A.	Tienda en veo	EX	EX	EX	EX	EX	EX

VEO TELEVISION S.A.	Veo TV	47,4%	53,6%	33,2%	28,8%	100,0%	0,0%
VOCENTO SA	Météo (Spain)	EX	EX	EX	EX	EX	EX
WORLD PREMIUM RATES SA	Adivina TV (in:01/12/2007)	NC	NC	NC	NC	NC	NC
Covered Channels (IND 1)		134	144	134	144	-	-
Compliance rate (IND 3 and 5)		47,8%	47,9%	64,9%	63,9%	-	-
Average % (IND 2, 4, and 6)		54,2%	55,7%	31,3%	31,6%	67,3%	64,1%

PART 2 - Comments

Monitoring method

The data are supplied by an external company which has entered into a technical assistance agreement with the Spanish Administration. Data are also supplied by the operators themselves for channels with a national coverage and by the Regional Administrations (Comunidades Autónomas) for channels with a regional coverage. 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 (Art. 4):

Generally, the different television operators comply with the requirements set out in Article 4 of the Directive. However, apart from some thematic channels that are exempt from these requirements by virtue of their content, (i.e. channels which exclusively broadcast 'news, sports events, competitions, games, advertising, telesales or teletext services'), the reasons why the required levels could not be reached by those channels for which data are available, are as follows:

1. There are some television channels that started broadcasting after 31 December 2002 (the start date is indicated after the name of the channel) that are in the transitional period specified by the Spanish law which transposes the "Television Without Frontiers" Directive [*Disposición transitoria primera de la Ley 25/1994 de transposición de la Directiva Televisión sin Fronteras*]. According to this law, the proportion reserved for European works can be attained progressively, so that four years after broadcasting has started, the proportion reaches 40% of broadcasting time. The proportion then rises annually until it reaches the required percentage.
2. There are other channels whose particular thematic nature and niche audience focus must be taken into account when assessing their compliance with these quotas.
3. For pay-TV services which are subscribed to as a bundle, the compliance with the majority proportion of European works is assessed on the basis of the overall broadcasting time, pursuant to Article 7 of Act 25/1994.

2. Minimum proportion of European works by independent producers (Art. 5):

The degree of compliance here is higher than for Article 4. The reasons why some operators do not reach the threshold set for broadcasting European works by independent producers are the same as those mentioned in the previous paragraph: i.e. transitional period for some channels, thematic nature with a niche audience for others, and consideration of the inseparable bundling of the broadcasts of an operator for pay-TV services.

B) Measures taken by or envisaged by the Member State

If, once the transitional period is over, the quotas of European works and European works by independent producers set in Articles 4 and 5 of the Directive have not been reached, or if a television broadcaster fails to meet these quotas, the Spanish authorities will give notice to the broadcaster (or the Regional Authorities in the case of regional broadcasters) that it must

reach the required proportions. In the case of continued non-compliance, and if this is of a serious nature, the Spanish Authorities will impose penalties on broadcasters under the State's jurisdiction or urge the Regional Authorities to take the necessary enforcement measures in respect of broadcasters under their jurisdiction.

C) Further comments

The audience shares for the channels that have not reached the required proportions (which are mainly thematic or niche channels) are very low and on average represent less than 0.5% of the audience share.

FRANCE

PART 1 - Statistical data

Number of channels identified:		152		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
AB 1	AB 1	65,0%	65,0%	13,0%	7,0%	6,0%	3,0%
AB SAT	AB Moteurs	97,0%	79,0%	52,0%	67,0%	39,0%	87,0%
AB SAT	Action	62,0%	63,0%	61,0%	62,0%	3,0%	3,0%
AB SAT	Animaux	73,0%	81,0%	52,0%	59,0%	8,0%	14,0%
AB SAT	Chasse et pêche	98,0%	100,0%	77,0%	82,0%	15,0%	17,0%
AB SAT	Cine FX	64,0%	58,0%	61,0%	55,0%	0,9%	2,0%
AB SAT	Ciné Polar	67,0%	69,0%	65,0%	66,0%	1,3%	0,4%
AB SAT	Encyclopedia	76,0%	79,0%	66,0%	65,0%	18,0%	18,0%
AB SAT	Escales	84,0%	93,0%	51,0%	58,0%	25,0%	26,0%
AB SAT	Mangas	60,0%	60,0%	48,0%	50,0%	0,7%	0,5%
AB SAT	Toute l'Histoire	79,0%	79,0%	69,0%	69,0%	30,0%	35,0%
AB SAT	XXL	74,0%	74,0%	71,0%	66,0%	75,0%	73,0%
ACTIVE LICENSING FRANCE	Jetix France	71,0%	67,0%	41,0%	29,0%	51,0%	93,0%
ASSOCIATION ÉGLISE ÉVANGÉLIQUE SOURCE DE VIE HOLY GOD	Holy God TV	EX	EX	EX	EX	EX	EX
ASSOCIATION ÉGLISE ÉVANGÉLIQUE SOURCE DE VIE HOLY GOD	Holy God TV 2	EX	EX	EX	EX	EX	EX
ASSOCIATION FREENEWS	Freenews	EX	EX	EX	EX	EX	EX
ASTROCENTER.TV	AstroCenter TV	EX	EX	EX	EX	EX	EX
BERBERE TELEVISION	Berberé Television	NC	NC	NC	NC	NC	NC
BEUR TV	Beur TV	NC	NC	NC	NC	NC	NC
BFM TV	BFM TV	EX	EX	EX	EX	EX	EX
BOUTIQUES DU MONDE	Best of shopping	EX	EX	EX	EX	EX	EX
CANAL J	Canal J	80,0%	73,0%	80,0%	73,0%	37,0%	31,0%
CANAL J	Filles TV	67,0%	60,0%	65,0%	59,0%	16,0%	28,0%
CANAL J INTERNATIONAL (S.E.E.S.T.S.)	Tiji	77,0%	73,0%	70,0%	73,0%	15,0%	82,0%
CANAL PLUS	Canal+	65,1%	68,0%	12,5%	12,6%	98,1%	98,5%
CANAL PLUS	Canal+ Cinéma	NC	NC	12,5%	12,6%	98,1%	98,5%
CANAL PLUS	Canal+ Décalé	NC	NC	12,5%	12,6%	98,1%	98,5%
CANAL PLUS	Canal+ Family	NC	NC	12,5%	12,6%	98,1%	98,5%
CANAL PLUS	Canal+ Sport	NC	NC	12,5%	12,6%	98,1%	98,5%
CANAL PLUS	Infosport	EX	EX	EX	EX	EX	EX

CUISINE TV SAS	Cuisine TV	88,0%	77,0%	30,0%	37,0%	77,0%	84,0%
DEMAIN	Demain	EX	EX	EX	EX	EX	EX
DIRECT 8	Direct 8	94,9%	84,7%	EX	6,1%	EX	33,8%
DU COTE DE CHEZ VOUS TV	Télé Maison	61,0%	57,0%	14,0%	11,0%	100,0%	100,0%
EDI-TV	M6 Music Black	57,0%	60,0%	43,0%	42,0%	79,0%	93,0%
EDI-TV	M6 Music Hits	68,0%	68,0%	44,0%	54,0%	93,0%	93,0%
EDI-TV	M6 Music Rock	75,0%	75,0%	58,0%	62,0%	63,0%	73,0%
EDI-TV	W9	68,3%	65,6%	9,1%	9,2%	61,6%	56,3%
EQUIDIA	Equidia	83,0%	79,0%	80,0%	78,0%	85,0%	91,0%
EQUIPE 24 24	L'équipe TV	EX	EX	EX	EX	EX	EX
EUROSPORT FRANCE	Eurosport (Version in French)	EX	EX	EX	EX	EX	EX
EUROSPORT FRANCE	Eurosport 2 (Version in French)	EX	EX	EX	EX	EX	EX
EXTENSION TV	Série Club	58,0%	58,0%	21,0%	26,0%	12,0%	13,0%
FOX INTERNATIONAL CHANNELS France	Voyage	96,0%	94,0%	54,0%	55,0%	66,0%	70,0%
FRANCE 2	France 2	85,6%	88,3%	15,8%	16,7%	99,3%	97,3%
FRANCE 24	France 24	EX	EX	EX	EX	EX	EX
FRANCE 24	France 24 (version in English)	EX	EX	EX	EX	EX	EX
FRANCE 3	France 3	82,4%	81,9%	19,0%	19,6%	98,3%	98,9%
FRANCE 4	France 4	66,5%	69,3%	13,4%	29,7%	60,3%	23,8%
FRANCE 5 (LA CINQUIEME)	France 5	87,9%	89,2%	12,5%	12,9%	94,6%	93,1%
GAME ONE	Game One	73,0%	65,0%	14,0%	16,0%	97,0%	81,0%
HISTOIRE SA	Histoire	92,0%	94,0%	64,0%	67,0%	61,0%	56,0%
JEUNESSE TV	Gulli	68,7%	67,6%	20,3%	10,4%	92,7%	45,4%
JIMMY COMEDIE	Comédie !	77,0%	70,0%	74,0%	57,0%	47,0%	28,0%
JIMMY COMEDIE	Jimmy	67,0%	62,0%	65,0%	62,0%	34,0%	42,0%
LA CHAINE INFO (LCI)	LCI	EX	EX	EX	EX	EX	EX
M6 BOUTIQUE LA CHAINE	M6 Boutique	EX	EX	EX	EX	EX	EX
MCM	MCM	60,0%	61,0%	50,0%	55,0%	97,0%	97,0%
MCM	MCM Pop	82,0%	81,0%	80,0%	79,0%	61,0%	66,0%
MCM	MCM Top	64,0%	67,0%	62,0%	64,0%	99,0%	99,0%
MCM	Virgin 17	65,6%	63,3%	82,3%	22,7%	75,3%	34,0%
MCS	Ma Chaîne Sport (MCS)	EX	EX	EX	EX	EX	EX
METROPOLE TELEVISION	M6	64,6%	66,4%	15,7%	14,0%	87,7%	95,2%
MEZZO	Mezzo	94,0%	94,0%	87,0%	90,0%	80,0%	78,0%
MOBIBASE	Afro TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Bikini TV	NC	NC	NC	NC	NC	NC

MOBIBASE	Bollywood TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Cartoon's	NC	NC	NC	NC	NC	NC
MOBIBASE	Chinese TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Choc TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Crazy TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Entrevue TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Fiesta TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Gaming TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Glitter TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Guts TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Joke TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Meteo (One TV)	NC	NC	NC	NC	NC	NC
MOBIBASE	News tv	NC	NC	NC	NC	NC	NC
MOBIBASE	No distance TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Perso TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Scream TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Song TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Street TV	NC	NC	NC	NC	NC	NC
MOBIBASE	SUMO TV (France)	NC	NC	NC	NC	NC	NC
MOBIBASE	Technikart TV	NC	NC	NC	NC	NC	NC
MOBIBASE	Ze best of TV	NC	NC	NC	NC	NC	NC
MOTORS TV	Motors TV	88,0%	100,0%	64,0%	76,0%	NC	100,0%
MULTI THEMATIQUES	Cinécinéma Classic	76,0%	75,0%	51,0%	48,0%	17,0%	17,0%
MULTI THEMATIQUES	Cinécinéma Club	75,0%	76,0%	54,0%	51,0%	27,0%	30,0%
MULTI THEMATIQUES	Cinécinéma Emotion	70,0%	72,0%	39,0%	41,0%	35,0%	30,0%
MULTI THEMATIQUES	Cinécinéma Famiz	71,0%	73,0%	61,0%	38,0%	17,0%	29,0%
MULTI THEMATIQUES	Cinécinéma Frisson	69,0%	70,0%	44,0%	63,0%	28,0%	31,0%
MULTI THEMATIQUES	Cinécinéma Premier	66,0%	66,0%	40,0%	39,0%	47,0%	49,0%
MULTI THEMATIQUES	Cinécinéma Premier 16/9	66,0%	66,0%	40,0%	39,0%	47,0%	49,0%
MULTI THEMATIQUES	Cinécinéma Star	58,0%	70,0%	44,0%	32,0%	42,0%	4,0%
MULTI THEMATIQUES	Seasons	99,0%	95,0%	89,0%	93,0%	73,0%	75,0%
NBC UNIVERSAL GLOBAL NETWORKS FRANCE	13ème Rue	68,0%	67,0%	59,0%	51,0%	57,0%	52,0%
NOLIFE S.A.	Nolife	67,0%	NC	36,0%	NC	100,0%	NC
NRJ 12	NRJ 12	49,6%	48,8%	49,5%	12,3%	45,9%	12,9%
NRJ 12	NRJ Hits	59,0%	61,0%	55,0%	56,0%	99,0%	99,0%
NT1	NT1	64,9%	63,1%	12,3%	11,1%	20,6%	40,6%
OL IMAGES	OLTV	EX	EX	EX	EX	EX	EX
OM TV	OMTV	EX	EX	EX	EX	EX	EX

ONZEO	Onzeo	EX	EX	EX	EX	EX	EX
ORANGE SPORTS	Orange Sport	EX	EX	EX	EX	EX	EX
ORANGE SPORTS	Orange Sport Infos	EX	EX	EX	EX	EX	EX
PARIS PREMIERE	Paris Premiere	70,0%	67,0%	60,0%	59,0%	62,0%	63,0%
PINK TV	Pink TV	NC	79,0%	NC	NC	NC	NC
PINK TV	Pink X	NC	NC	NC	NC	NC	NC
PLANETE CABLE	Planète	78,0%	69,0%	74,0%	68,0%	74,0%	67,0%
PLANETE CABLE	Planète Juniors	62,0%	67,0%	62,0%	67,0%	37,0%	73,0%
PLANETE CABLE	Planète Justice	NC	64,0%	NC	56,0%	NC	61,0%
PLANETE CABLE	Planète No Limit	62,0%	61,0%	62,0%	58,0%	40,0%	60,0%
PLANETE CABLE	Planète Thalassa	85,0%	83,0%	51,0%	42,0%	47,0%	50,0%
SENIOR COMMUNICATIONS	Télé Melody	75,0%	NC	59,0%	NC	7,0%	NC
SOCIETE DE TELEVISION LOCALE	NRJ Paris	NO	EX	NO	EX	NO	EX
SOCIETE D'EDITION DE PROGRAMMES THEMATIQUES	Téva	69,0%	69,0%	58,0%	61,0%	55,0%	66,0%
SOCIETE D'EXPLOITATION D'UN SERVICE D'INFORMATION (SESI)	I>Tele	EX	EX	EX	EX	EX	EX
SOCIETE D'EXPLOITATION D'UN SERVICE D'INFORMATION (SESI)	I>Tele Flash	EX	EX	EX	EX	EX	EX
SOCIETE INTERNATIONALE TELEVISION COMMUNICATION	KTO	97,0%	99,0%	45,0%	32,0%	92,0%	81,0%
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCÉMIE)	Euronews (version in English)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCÉMIE)	Euronews (Version in French)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCÉMIE)	Euronews (version in German)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCÉMIE)	Euronews (version in Italian)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCÉMIE)	Euronews (version in Russian)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCÉMIE)	Euronews (version in Spanish)	EX	EX	EX	EX	EX	EX
SOCIETE PANEUROPEENNE D'EDITION ET EXPLOITATION DE DOCUMENTAIRES	Ushuaia TV	83,0%	72,0%	43,0%	42,0%	40,0%	46,0%

SPORT +	Sport+	EX	EX	EX	EX	EX	EX
STE D'EXPLOITATION DE DOCUMENTAIRES	Odyssée	91,0%	90,0%	52,0%	54,0%	85,0%	70,0%
TELEVISION FRANCAISE 1 (TF1)	TF1	64,1%	62,8%	13,3%	14,1%	96,8%	98,6%
TÉLÉVISION NUMÉRIQUE ALTERNATIVE	TNA	NC	NC	NC	NC	NC	NC
TELEVISTA	Vivolta	NO	73,0%	NO	52,0%	NO	37,0%
TF6	TF6	46,0%	52,0%	6,0%	20,0%	20,0%	14,0%
THE WALT DISNEY COMPANY FRANCE SA	Disney Channel France	59,0%	56,0%	50,0%	53,0%	76,0%	86,0%
THE WALT DISNEY COMPANY FRANCE SA	Disney Channel France +1	59,0%	56,0%	50,0%	53,0%	76,0%	86,0%
THE WALT DISNEY COMPANY FRANCE SA	Playhouse Disney France	78,0%	68,0%	74,0%	62,0%	51,0%	35,0%
TISHK	Tishk TV	EX	EX	EX	EX	EX	EX
TMC	TMC	64,6%	73,0%	9,5%	9,3%	24,1%	36,5%
TPS CINEMA	TPS Star	55,0%	59,0%	55,0%	59,0%	93,0%	62,0%
TPS JEUNESSE	Piwi	71,0%	71,0%	71,0%	71,0%	38,0%	30,0%
TPS JEUNESSE	Télétoon	69,0%	69,0%	58,0%	61,0%	55,0%	66,0%
TPS JEUNESSE	Télétoon +1	69,0%	69,0%	58,0%	61,0%	55,0%	66,0%
TPS SPORT	TPS Foot	EX	EX	EX	EX	EX	EX
TRACE TV	Trace TV	44,0%	48,0%	36,0%	38,0%	96,0%	97,0%
TV BREIZH	TV Breizh	58,0%	56,0%	20,0%	31,0%	36,0%	25,0%
TV METEO	La Chaîne Météo	EX	EX	EX	EX	EX	EX
TV5 MONDE	TV5MONDE	91,0%	90,0%	63,0%	66,0%	NC	NC
	3A Télésud	NC	NC	NC	NC	NC	NC
	Kurd 1	EX	EX	EX	EX	EX	EX
	Living God TV	EX	EX	EX	EX	EX	EX
	Mizik Tropical	92,0%	NC	92,0%	NC	74,0%	NC
Covered Channels (IND 1)		115	116	114	116	-	-
Compliance rate (IND 3 and 5)		67,8%	68,1%	71,1%	69,0%	-	-
Average % (IND 2, 4, and 6)		72,6%	71,7%	47,5%	45,7%	56,6%	57,1%

PART 2 - Comments

Monitoring method

Broadcasting:

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

Cable channels: broadcaster's declaration examined and checked by the CSA.

Services with an annual budget of less than €150 000 are not required to submit annual results, therefore no data on compliance with Articles 4 and 5 of the Directive are available.

Production:

Terrestrial channels: broadcaster's declaration checked by the CSA.

Cable channels: broadcaster's declaration checked by the CSA.

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

1. A majority of European works (Article 4)

NRJ 12

'NRJ 12' did not comply with the requirement to devote most of its airtime to broadcasting European works and in 2007 and 2008 showed deficits of 0.4 points and 1.2 points respectively.

Trace TV

In 2007 Trace TV did not comply with the requirement of broadcasting at least 50% European works. After being sent a warning by the CSA, the channel has significantly improved the level of European works broadcasting. A letter was addressed to the channel requiring to gradually achieve the 50% quota in 2009.

2. A minimum proportion of European works by independent producers (Article 5)

Several channels failed to meet the 10% threshold set by the Directive.

In the case of digital terrestrial channels, account should be taken of the fact that for these channels (unlike the figures for cable and satellite channels which are based on broadcasters' declarations calculated in compliance with the Directive) the rate shown is the rate calculated for monitoring compliance with French regulations, i.e. a percentage calculated on the previous year's net turnover (a higher assessment basis than that set by the Directive). Under these conditions, the rates shown are mechanically lower than the rates which would have been calculated on the programming budget and the fact of showing a rate below 10% does not imply non-compliance with the Directive on this point.

AB1 is a service which was authorised to broadcast via digital terrestrial television from 2006 onwards, but which returned its authorisation at the end of 2008 in favour of broadcasting via cable and satellite.

B) Measures taken or planned by the Member State

In 2008 the *Conseil supérieur de l'audiovisuel* (CSA) [Broadcasting Council] initiated a penalty procedure against the company 'NRJ 12' for failing to meet the quota for broadcasting European audiovisual works during 2007 and decided to require 'NRJ 12' to include in its programmes a statement as provided for by Article 42-4 of the Law of 30 September 1986.

In 2009 the CSA again initiated a penalty procedure against the company 'NRJ 12' for not complying with the requirement on broadcasting European audiovisual works during 2008.

In 2008 AB1 was warned to comply in future with its quota of European works by independent producers.

Several channels did not submit their results to the CSA, which sent warnings and letters of formal notice to supply data under Articles 4 and 5 of the Directive as soon as possible to the following services: Beur TV, Berbère TV, Pink TV, Télé Melody and 3A Télésud.

C) Further comments

Some services with an annual budget of less than €150 000 are not approved by the CSA but are subject to a procedure involving declaration to the CSA prior to broadcasting. Since these services are not required to submit annual results, the CSA does not have data on compliance with Articles 4 and 5 of the Directive (this concerns, in particular, all the services edited by Mobibase).

ITALY

PART 1 - Statistical data

Number of channels identified:		260		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
"L'ANTENNA" SRL	Oasi.TV	100,0%	NC	100,0%	NC	100,0%	NC
A.S. ROMA SPA	Roma Channel	NC	NC	NC	NC	NC	NC
ANICAFLASH S.R.L.	Coming Soon Television	58,3%	NC	0,0%	NC	0,0%	NC
ARCOIRIS TV S.R.L.	Arcoiris TV	18,9%	NC	16,7%	NC	0,0%	NC
BLUTV S.R.L.	BLUTV (Basilicata)	62,5%	NC	16,3%	NC	0,0%	NC
BOING S.P.A.	Boing TV	38,3%	40,7%	24,7%	34,2%	44,7%	53,4%
CANALE 6 TVM S.R.L.	Canale 6 (TeleLombardia 2)	33,3%	33,3%	0,0%	0,0%	0,0%	0,0%
CANALE OTTO S.P.A.	Canale 8 (Campania)	NO	100,0%	NO	0,0%	NO	100,0%
CARPE DIEM	CARPE DIEM SAT	NC	NC	NC	NC	NC	NC
CENTRO EUROPA 7 S.R.L.	Europa 7	NC	NC	NC	NC	NC	NC
CERAMICANDA S.R.L.	ACM Architecture Construction Materials Channel	NC	NC	NC	NC	NC	NC
CHALLENGER SRL	Challenger WORLD NEWS	NC	0,0%	NC	0,0%	NC	NC
CLASS CNBC S.P.A.	Class-CNBC	100,0%	100,0%	0,0%	0,0%	100,0%	100,0%
CLASS EDITORI S.P.A.	Class News	NO	100,0%	NO	0,0%	NO	100,0%
CLASSICA GMBH	Classica (Italy)	89,2%	NO	86,3%	NO	33,1%	NO
CONTO TV S.R.L.	ContoTV	NC	NC	NC	NC	NC	NC
CONTO TV S.R.L.	ContoTV 1	NC	NC	NC	NC	NC	NC
CONTO TV S.R.L.	ContoTV 2	NC	NC	NC	NC	NC	NC
CONTO TV S.R.L.	ContoTV 3	NC	NC	NC	NC	NC	NC
COSTANZA MAGNA SRL	GBR	66,0%	80,4%	19,9%	25,3%	64,3%	94,0%
D.C.D.C.D. SOCIETA A RESPONSABILITA LIMITATA	Health & Beauty	NC	NC	NC	NC	NC	NC
DELTA TV - S.R.L.	Telemarket 2 - Delta TV	EX	EX	EX	EX	EX	EX
DI.TV S.R.L.	Di.TV (Italia)	0,0%	0,0%	0,0%	0,0%	0,0%	NC
DIGICAST S.P.A.	Jimmy (Italy)	NC	26,1%	NC	11,4%	NC	75,9%
DIGICAST S.P.A.	Y&S Yacht & Sail (version in Italian)	NC	89,2%	NC	11,7%	NC	91,8%

DIGITAL FACTORY S.R.L.	Moto TV	90,2%	82,2%	29,1%	14,0%	98,1%	97,4%
DIGITAL WORLD TELEVISION S.R.L.	TELEITALIA	28,6%	28,6%	28,6%	28,6%	0,0%	NC
EDIT 7 SRL	E' TV Marche	59,9%	NC	5,4%	NC	57,8%	NC
EDITORIALE TV SRL	Magic (Italy)	100,0%	NC	13,2%	NC	100,0%	NC
EDITORIALE TV SRL	SAT 8 (Italy)	100,0%	NC	15,3%	NC	100,0%	NC
EDITORIALE TV SRL	SAT 9 (Italy)	100,0%	NC	14,3%	NC	100,0%	NC
EDIZIONI GEC S.P.A.	Calabria Channel	NC	NC	NC	NC	NC	NC
EDIZIONI TAGLIAMONTE S.R.L.	Napoli Nova	55,0%	NC	3,8%	NC	75,0%	NC
ELEMEDIA S.P.A.	Deejay TV	65,3%	63,2%	46,9%	38,4%	NC	NC
EST BRACHA S.R.L.	Elite Shopping TV	NC	NC	NC	NC	NC	NC
EUROPA TV - S.P.A.	Sportitalia	NC	NC	NC	NC	NC	NC
EUROPA TV - S.P.A.	Sportitalia 24	NC	NC	NC	NC	NC	NC
EVENTI S.R.L.	Number One Channel	NC	NC	NC	NC	NC	NC
F.C. INTERNAZIONALE MILANO S.P.A.	Inter Channel	NC	NC	NC	NC	NC	NC
FASTWEB	Fast Game	NC	NC	NC	NC	NC	NC
FASTWEB	Fast Kids	NC	NC	NC	NC	NC	NC
FIN.A. - S.R.L.	Italia Due TV	NC	NC	NC	NC	NC	NC
FOX INTERNATIONAL CHANNELS ITALY SARL	Cult	68,7%	57,2%	50,9%	35,5%	56,3%	58,9%
FOX INTERNATIONAL CHANNELS ITALY SARL	FOX (Italy)	24,8%	25,5%	5,3%	6,1%	62,2%	76,8%
FOX INTERNATIONAL CHANNELS ITALY SARL	FOX +1 (italy)	24,8%	25,5%	5,3%	6,1%	0,0%	76,8%
FOX INTERNATIONAL CHANNELS ITALY SARL	FOXCRIME (version in Italian)	30,5%	38,2%	5,8%	12,6%	62,9%	57,4%
FOX INTERNATIONAL CHANNELS ITALY SARL	FOXCRIME + 1 (version in Italian)	30,5%	38,2%	5,8%	12,6%	0,0%	57,4%
FOX INTERNATIONAL CHANNELS ITALY SARL	FOXlife (version in Italian)	31,8%	39,5%	10,6%	21,2%	87,2%	91,5%
FOX INTERNATIONAL CHANNELS ITALY SARL	FOXlife + 1 (version in Italian)	31,8%	39,5%	10,6%	21,2%	0,0%	91,5%
FOX INTERNATIONAL CHANNELS ITALY SARL	FX (Italy)	54,2%	49,8%	19,9%	15,5%	48,0%	51,5%
FOX INTERNATIONAL CHANNELS ITALY SARL	NAT GEO ADVENTURE	62,9%	59,2%	42,8%	38,0%	93,8%	84,8%
FOX INTERNATIONAL CHANNELS ITALY SARL	NAT GEO MUSIC (Italy)	57,0%	57,9%	47,4%	20,1%	73,4%	85,5%
FOX INTERNATIONAL CHANNELS ITALY SARL	NAT GEO WILD (Italy)	55,1%	51,6%	26,4%	30,4%	75,3%	64,0%
FOX INTERNATIONAL CHANNELS ITALY SARL	National Geographic Channel (Italy)	58,7%	57,0%	35,4%	42,1%	88,9%	95,3%

FOX INTERNATIONAL CHANNELS ITALY SARL	National Geographic Channel + 1 (Italy)	58,7%	57,0%	35,4%	42,1%	88,9%	95,3%
FOX INTERNATIONAL CHANNELS ITALY SARL	National Geographic Channel HD (Italy)	44,5%	50,5%	28,9%	37,9%	98,0%	99,5%
FOX INTERNATIONAL CHANNELS ITALY SARL	Next HD	36,3%	48,8%	22,9%	28,9%	95,2%	93,2%
FOX INTERNATIONAL CHANNELS ITALY SARL	The History Channel (Italy)	62,6%	54,0%	37,6%	28,8%	81,0%	83,3%
FOX INTERNATIONAL CHANNELS ITALY SARL	The History Channel +1 (Italy)	62,6%	54,0%	37,6%	28,8%	81,0%	83,3%
GIGLIO GROUP S.P.A.	Music Box Italia	54,0%	59,2%	54,0%	46,8%	100,0%	100,0%
GRUPO AIR S.R.L.	Telemax	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
GRUPPO EDITORIALE L'ESPRESSO S.P.A.	Repubblica TV	NC	NC	NC	NC	NC	NC
HOLDING MULTI MEDIA S.R.L.	Play TV	NC	NC	NC	NC	NC	NC
HOME SHOPPING EUROPE BROADCASTING	MediaShopping	100,0%	100,0%	100,0%	100,0%	0,0%	NC
IL DENARO TV S.R.L.	Denaro TV	100,0%	100,0%	46,0%	33,0%	100,0%	100,0%
Index Europea S.R.L.	Betting Channel	NC	0,0%	NC	0,0%	NC	0,0%
INTER MIRIFICA S.R.L.	Telesubalpina	0,0%	25,7%	0,0%	0,0%	0,0%	0,0%
INTRAVERBA	Venere TV	NC	NC	NC	NC	NC	NC
ITALIANI NEL MONDO RADIO E TV S.R.L.	Italiani nel Mondo Channel	44,0%	100,0%	14,6%	12,8%	90,8%	100,0%
JETIX EUROPE S.R.L.	GXT	NC	NC	NC	NC	NC	NC
JETIX EUROPE S.R.L.	GXT +1	NC	NC	NC	NC	NC	NC
JETIX EUROPE S.R.L.	Jetix (Italy)	NC	NC	NC	NC	NC	NC
JETIX EUROPE S.R.L.	Jetix +1 (Italy)	NC	NC	NC	NC	NC	NC
JUVENTUS F.C. - S.P.A. O JUVENTUS FOOTBALL CLUB S.P.A.	Juventus Channel	NC	NC	NC	NC	NC	NC
KIDCO SERVICES SRL	ART Aflam	NC	NC	NC	NC	NC	NC
KIDCO SERVICES SRL	ART Europe	NC	NC	NC	NC	NC	NC
KIDCO SERVICES SRL	ART Music	NC	NC	NC	NC	NC	NC
KIDCO SERVICES SRL	ART Sport	NC	NC	NC	NC	NC	NC
KIDCO SERVICES SRL	ART Tarab	NC	NC	NC	NC	NC	NC
KIDCO SERVICES SRL	ART Teenz Europe	NC	NC	NC	NC	NC	NC
LA 9 S.P.A.	LA 9 SAT	51,1%	52,3%	11,3%	9,3%	62,5%	64,4%
LA SORGENTE	NOELLOSAT	NC	NC	NC	NC	NC	NC
MARE TV	BIO TV	NC	NC	NC	NC	NC	NC
MARE TV	Etruria Channel	NC	NC	NC	NC	NC	NC
MARE TV	House Channel	NC	NC	NC	NC	NC	NC

MARE TV	mareTV	NC	NC	NC	NC	NC	NC
MATCH MUSIC S.R.L.	Match Music	44,1%	48,0%	44,1%	48,0%	100,0%	100,0%
MEDCOM S.R.L.	FUEGO TV	54,5%	53,1%	10,0%	13,2%	66,7%	53,7%
MEDIATEL	Mediatel	NC	NC	NC	NC	NC	NC
MEDIATEXT S.R.L.	ARTE & ARTE CHANNEL	NC	NC	NC	NC	NC	NC
MEDIATEXT S.R.L.	CARISMA TV	NC	NC	NC	NC	NC	NC
MEDIATEXT S.R.L.	Cartomanzialotto	NC	NC	NC	NC	NC	NC
MEDIATEXT S.R.L.	Italia Channel	NC	NC	NC	NC	NC	NC
MEDIOLANUM COMUNICAZIONE S.P.A.	Mediolanum Channel	19,3%	NC	12,5%	NC	89,4%	NC
MEGA	Laurenti Channel	EX	EX	EX	EX	EX	EX
MEGA	ONE (Italy)	EX	EX	EX	EX	EX	EX
MILAN CHANNEL S.R.L.	Milan channel	NC	NC	NC	NC	NC	NC
ML COMUNICAZIONE	INTV	NO	52,2%	NO	10,4%	NO	0,0%
MTV ITALIA S.R.L.	MTV Brand New (Italy)	70,5%	71,9%	43,7%	50,7%	96,0%	100,0%
MTV ITALIA S.R.L.	MTV Gold (Italy)	80,3%	75,7%	41,0%	33,4%	50,0%	57,2%
MTV ITALIA S.R.L.	MTV Hits Italia	71,0%	76,0%	36,3%	31,9%	98,0%	15,0%
MTV ITALIA S.R.L.	MTV Italia Music television	68,9%	72,5%	18,8%	21,6%	99,2%	99,0%
MTV ITALIA S.R.L.	MTV Pulse (Italy)	53,9%	67,7%	39,9%	34,6%	95,2%	96,9%
NAPOLI CANALE 21 SRL	Napoli Canale 21	NC	0,0%	NC	0,0%	NC	0,0%
NAPOLIMIATV S.R.L.	Napoli Mia	NC	NC	NC	NC	NC	NC
NBC UNIVERSAL GLOBAL NETWORKS ITALIA - S.R.L.	Steel	NO	52,7%	NO	0,0%	NO	57,9%
NBC UNIVERSAL GLOBAL NETWORKS ITALIA - S.R.L.	Steel +1	NO	52,7%	NO	0,0%	NO	NC
NBC UNIVERSAL GLOBAL NETWORKS ITALIA - S.R.L.	Studio Universal	EX	21,8%	EX	0,0%	EX	0,0%
NESSUNOTV S.P.A.	Nessuno TV	73,5%	NO	14,1%	NO	86,0%	NO
NESSUNOTV S.P.A.	RED	NO	0,0%	NO	0,0%	NO	0,0%
NUOVA FRANCIACORTA S.R.L.	RTB International	29,3%	30,6%	22,4%	13,9%	86,3%	64,2%
ONE SET SRL	Dance TV	NC	NC	NC	NC	NC	NC
OPENET TECHNOLOGIES S.P.A.	administra.it	21,8%	NC	0,0%	NC	0,0%	NC
ORANET SRL	Roma Sat	51,4%	50,9%	0,0%	45,3%	0,0%	89,0%
P.T.V. - PROGRAMMAZIONI TELEVISIVE S.P.A.	Primocanale (Liguria)	NC	NC	NC	NC	NC	NC
POLVERE DI STELLE S.R.L.	TIZIANASAT	NC	NC	NC	NC	NC	NC
PROFIT S.P.A. - PROGETTI FINANZIARI E TELEVISIVI	Odeon TV	NC	NC	NC	NC	NC	NC

PROMOSAT	ABChannel	NC	NC	NC	NC	NC	NC
PUBBLI 5	S24	NO	NC	NO	NC	NO	NC
RADIO ITALIA S.P.A.	Radio Italia TV	100,0%	100,0%	30,0%	29,8%	50,3%	49,9%
RADIO ITALIA S.P.A.	Video Italia	100,0%	100,0%	30,0%	28,5%	50,0%	47,5%
RADIO ITALIA S.P.A.	Video Italia cavo	100,0%	100,0%	50,1%	28,5%	30,1%	47,5%
RADIO ROMA NORD S.R.L.	Radio Radio TV	NC	NC	NC	NC	NC	NC
RADIOTELEVISIONE DI CAMPIONE S.P.A.	TLC Telecampione	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Due	57,3%	59,7%	15,9%	17,4%	73,0%	71,4%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Gulp	NC	0,0%	NC	0,0%	NC	0,0%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Sport Più	NC	NO	NC	NO	NC	NO
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Tre	63,1%	60,5%	28,5%	26,4%	62,4%	62,9%
RAI - RADIOTELEVISIONE ITALIANA SP	RAI Uno	80,7%	80,2%	25,4%	22,8%	70,2%	73,2%
RAI - RADIOTELEVISIONE ITALIANA SP	Rainews 24	EX	EX	EX	EX	EX	EX
RAISAT	Raisat Cinema	61,9%	65,1%	71,6%	35,9%	24,8%	22,6%
RAISAT	Raisat Extra	89,0%	91,5%	40,7%	39,8%	99,1%	95,0%
RAISAT	Raisat Gambero Rosso	93,8%	92,5%	13,7%	13,7%	92,7%	99,7%
RAISAT	Raisat Premium	80,0%	94,3%	43,9%	43,3%	64,5%	43,5%
RAISAT	Raisat Smash Girls	89,1%	95,4%	39,0%	38,7%	77,8%	69,5%
RAISAT	Raisat Yoyo	76,9%	81,2%	20,8%	20,8%	61,5%	70,9%
REALLIFE TELEVISION S.P.A.	Tele Padre Pio	NC	NO	NC	NO	NC	NO
RETE 7 S.P.A.	Rete 7 E' TV SAT	100,0%	51,3%	0,0%	5,0%	0,0%	NC
RETE BLU S.P.A.	SAT 2000	71,2%	71,5%	35,6%	44,7%	52,9%	57,7%
RETE ORO S.R.L.	Rete Oro Sat	55,9%	66,0%	55,9%	50,2%	100,0%	76,0%
RETE SETTE S.P.A.	ReteSette (Piemonte)	NC	NC	NC	NC	NC	NC
RETESOLE S.P.A.	Retesole (Lazio)	NC	NC	NC	NC	NC	NC
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Canale 5	71,8%	78,5%	14,6%	11,1%	90,8%	94,4%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Iris	58,5%	64,8%	28,6%	33,2%	30,9%	28,5%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Italia 1	34,2%	36,6%	12,4%	10,9%	69,3%	65,1%
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Joi	NC	NC	NC	NC	NC	NC
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Joi +1	NC	NC	NC	NC	NC	NC
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Mediaset Plus	NO	100,0%	NO	19,4%	NO	97,0%

RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Mya	NC	NC	NC	NC	NC	NC
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Mya +1	NC	NC	NC	NC	NC	NC
RETI TELEVISIVE ITALIANE S.P.A. (R.T.I.)	Rete 4	57,1%	52,5%	22,7%	24,2%	56,0%	58,3%
ROCK TV S.R.L.	Hip hop TV (Italy)	NO	51,0%	NO	49,0%	NO	100,0%
ROCK TV S.R.L.	RockTV	62,2%	62,2%	62,2%	62,2%	91,3%	91,2%
ROLSAT S.R.L. UNIPERSONALE	CASA ITALIA	NC	0,0%	NC	0,0%	NC	0,0%
ROLSAT S.R.L. UNIPERSONALE	GALAXY TV	NC	0,0%	NC	0,0%	NC	0,0%
ROLSAT S.R.L. UNIPERSONALE	MONDOARTE	NC	0,0%	NC	0,0%	NC	0,0%
ROLSAT S.R.L. UNIPERSONALE	Nostradamus TV	NC	0,0%	NC	0,0%	NC	0,0%
ROLSAT S.R.L. UNIPERSONALE	ONE MINUTE TV	NC	0,0%	NC	0,0%	NC	0,0%
ROLSAT S.R.L. UNIPERSONALE	RolSat	NC	0,0%	NC	0,0%	NC	0,0%
RTL 102,500 HIT RADIO S.R.L.	RTL 102.5 Hit Channel	63,0%	63,0%	63,0%	63,0%	100,0%	100,0%
SARDEGNA TV S.R.L.	Sardegna Uno Sat	100,0%	46,6%	35,7%	46,6%	50,4%	68,2%
SERVIZI EDITORIALI TELEVISIVI S.R.L. (S.E.T.)	SET (Italy)	NC	NC	NC	NC	NC	NC
SERVIZI EDITORIALI TELEVISIVI S.R.L. (S.E.T.)	Sicilia International	NC	NC	NC	NC	NC	NC
SERVIZI EDITORIALI TELEVISIVI S.R.L. (S.E.T.)	TELEMARTE	NC	NC	NC	NC	NC	NC
SIDIS VISION S.P.A.	T 9 (Lazio)	78,8%	16,1%	20,0%	21,3%	NC	NC
SITCOM S.P.A.	Alice	93,1%	100,0%	11,0%	6,3%	100,0%	100,0%
SITCOM S.P.A.	Leonardo	90,9%	100,0%	11,6%	7,4%	100,0%	100,0%
SITCOM S.P.A.	Marco Polo	77,2%	96,4%	11,4%	6,8%	100,0%	100,0%
SITCOM S.P.A.	Nuvolari	64,3%	77,9%	12,4%	8,8%	100,0%	100,0%
SKY ITALIA	SKY Calcio	100,0%	99,9%	0,0%	0,0%	100,0%	100,0%
SKY ITALIA	SKY Cine Shots	99,9%	100,0%	38,4%	28,2%	99,3%	100,0%
SKY ITALIA	SKY Cinema +1	NO	43,9%	NO	13,0%	NO	97,7%
SKY ITALIA	SKY Cinema +24	NO	41,9%	NO	11,9%	NO	100,0%
SKY ITALIA	SKY Cinema 1	41,0%	43,9%	12,9%	13,0%	97,1%	97,7%
SKY ITALIA	SKY Cinema 2	41,0%	NO	12,9%	NO	97,1%	NO
SKY ITALIA	SKY Cinema Classics	58,1%	71,0%	39,7%	53,8%	18,9%	11,1%
SKY ITALIA	SKY Cinema Family	NO	34,2%	NO	15,2%	NO	74,8%
SKY ITALIA	SKY Cinema HD	27,2%	32,7%	3,9%	8,8%	73,5%	89,7%
SKY ITALIA	SKY Cinema HD +24	NO	91,5%	NO	1,4%	NO	100,0%

SKY ITALIA	SKY Cinema Hits	NO	32,7%	NO	22,0%	NO	37,3%
SKY ITALIA	SKY Cinema Mania	58,1%	54,7%	31,9%	29,3%	63,1%	63,3%
SKY ITALIA	SKY Cinema Max	29,3%	21,3%	7,5%	8,2%	81,7%	65,6%
SKY ITALIA	SKY Cinema Max +1	29,3%	16,1%	7,5%	5,1%	81,7%	75,0%
SKY ITALIA	Sky Cinema Mobile	56,8%	58,7%	38,3%	41,1%	52,5%	59,2%
SKY ITALIA	SKY Inside	100,0%	100,0%	0,0%	0,0%	100,0%	100,0%
SKY ITALIA	SKY Meteo 24	100,0%	100,0%	0,0%	0,0%	100,0%	100,0%
SKY ITALIA	SKY Show	83,0%	81,8%	80,2%	12,6%	20,2%	98,1%
SKY ITALIA	Sky Show Mobile	69,7%	59,9%	45,2%	25,4%	98,3%	93,8%
SKY ITALIA	SKY Sport	99,1%	95,5%	0,0%	0,0%	100,0%	100,0%
SKY ITALIA	SKY Sport 1	100,0%	100,0%	2,2%	0,0%	100,0%	100,0%
SKY ITALIA	Sky Sport 16:9	38,8%	NO	16,9%	NO	0,0%	NO
SKY ITALIA	SKY Sport 2	89,3%	93,0%	10,5%	0,0%	100,0%	100,0%
SKY ITALIA	Sky Sport 24	NO	99,7%	NO	0,0%	NO	100,0%
SKY ITALIA	SKY Sport 3	96,5%	97,2%	7,7%	0,2%	100,0%	100,0%
SKY ITALIA	SKY Sport EXTRA	95,5%	94,8%	0,0%	0,0%	100,0%	100,0%
SKY ITALIA	SKY Sport HD 1	99,7%	96,3%	0,0%	0,0%	100,0%	100,0%
SKY ITALIA	SKY Sport HD 2	100,0%	98,9%	0,0%	0,0%	100,0%	100,0%
SKY ITALIA	Sky Sport Mobile	90,2%	93,7%	1,5%	0,1%	100,0%	100,0%
SKY ITALIA	SKY SUPERCALCIO	100,0%	99,8%	0,0%	0,0%	100,0%	100,0%
SKY ITALIA	Sky TG 24	100,0%	99,8%	0,0%	0,8%	100,0%	100,0%
SKY ITALIA	Sky Vivo	63,8%	71,3%	26,8%	22,7%	98,7%	99,0%
SKY ITALIA	Sky Vivo mobile	50,5%	56,5%	32,3%	56,1%	99,0%	59,4%
SOCIETA' APOSTOLATO SAN PAOLO S.R.L.	Telenova	NC	NC	NC	NC	NC	NC
SPORT CHANNEL	Sport Channel (Italy)	NC	0,0%	NC	0,0%	NC	0,0%
STARSAT SRL	Julie	EX	EX	EX	EX	EX	EX
STARSAT SRL	StarSAT	EX	EX	EX	EX	EX	EX
STUDIO TV 1 S.P.A.	Studio TV1	EX	EX	EX	EX	EX	EX
TELE 1 S.R.L.	Teleuno (Emilia-Romagna)	EX	EX	EX	EX	EX	EX
TELE A DI ABBANEO ALFREDO S.P.A.	TeleA sat	55,0%	55,0%	8,2%	8,1%	0,0%	NC
TELE DEHON S.R.L.	Tele Dehon	EX	EX	EX	EX	EX	EX
TELE REGIONE CAMPANIA S.P.A.	Italiamia TV	NC	NC	NC	NC	NC	NC
TELECAST S.R.L.	Puglia Channel	NC	NC	NC	NC	NC	NC

TELECOLOR S.P.A.	Telecolor (Lombardia)	EX	EX	EX	EX	EX	EX
TELECOM ITALIA MEDIA S.P.A.	LA7	59,3%	56,6%	21,2%	22,8%	81,4%	78,3%
TELECOM ITALIA MEDIA S.P.A.	LA7 SPORT	100,0%	NO	29,9%	NO	100,0%	NO
TELECOM ITALIA MEDIA S.P.A.	QOOB	69,6%	72,7%	67,0%	65,9%	98,1%	95,7%
TELEFORTUNESAT S.R.L.	Telefortune SAT	NC	NC	NC	NC	NC	NC
TELEGESTIONI WWC S.R.L.	ITALY & ITALY	NC	NC	NC	NC	NC	NC
TELEGESTIONI WWC S.R.L.	TV 7 Lombardia	NC	NC	NC	NC	NC	NC
TELELOMBARDIA S.P.A.	TeleLombardia sat	EX	89,1%	EX	39,9%	EX	0,0%
TELEMARKET 2 S.R.L.	Telemarket	EX	EX	EX	EX	EX	EX
TELENORBA S.P.A.	Telenorba 7 (TN7)	NC	NC	NC	NC	NC	NC
TELENORBA S.P.A.	Telenorba 8 (TN8)	NC	NC	NC	NC	NC	NC
TELENORD S.R.L.	TELENORD	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
TELERADIODIFFUSIONI BERGAMASCHE S.R.L.	Bergamo SAT	68,9%	72,5%	18,8%	21,6%	99,2%	99,0%
TELEREGIONE S.R.L.	VIDEOITALIA	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Telesat Broadcast S.R.L.	Infochannel TV	95,0%	NC	0,0%	NC	0,0%	NC
TELESTUDIO MODENA S.R.L.	Globe Media	NO	48,8%	NO	28,9%	NO	93,2%
TELESTUDIO MODENA S.R.L.	StudioEuropa	100,0%	99,7%	23,2%	26,7%	100,0%	99,8%
TELESTUDIO S.R.L.	Telestudio (Lazio)	36,1%	36,1%	0,0%	0,0%	0,0%	0,0%
THE WALT DISNEY COMPANY ITALIA SPA	Disney Channel Italia	49,5%	54,2%	3,7%	6,9%	100,0%	100,0%
THE WALT DISNEY COMPANY ITALIA SPA	Disney Channel Italia +1	49,5%	54,2%	3,7%	6,9%	100,0%	100,0%
THE WALT DISNEY COMPANY ITALIA SPA	Playhouse Disney Italia	68,5%	75,0%	0,0%	0,0%	100,0%	100,0%
THE WALT DISNEY COMPANY ITALIA SPA	Toon Disney Italia	43,9%	57,9%	0,0%	0,0%	100,0%	0,0%
TRINITY BROADCASTING NETWORK OF EUROPE S.R.L.	TBN Italia	39,5%	39,5%	0,0%	0,0%	0,0%	0,0%
TV - CENTRO MARCHE - S.P.A.	TV Centro Marche	16,7%	16,7%	16,7%	16,7%	100,0%	100,0%
TV MODA S.R.L.	TV Moda	NC	0,0%	NC	0,0%	NC	0,0%
TVI TELEISERNIA S.R.L.	Teleisernia	50,0%	0,0%	0,0%	0,0%	0,0%	0,0%
UNDICIDUE S.R.L.	Eco TV	NC	NC	NC	NC	NC	NC
UNO SAT S.R.L.	UnoSat	NC	0,0%	NC	0,0%	NC	0,0%
V.B.D. SRL	PET MANIA TV	NC	0,0%	NC	0,0%	NC	0,0%

VENETO FREE CHANNEL - SRL	VENETO FREE CHANNEL	NC	0,0%	NC	0,0%	NC	0,0%
VIACOM NETWORKS ITALIA LIMITED	Comedy Central (Italy)	40,0%	38,0%	24,9%	25,2%	91,2%	93,6%
VIACOM NETWORKS ITALIA LIMITED	Nickelodeon Italia	45,6%	52,9%	29,3%	26,2%	85,8%	71,9%
VIDEO MEDITERRANEO S.R.L.	Video Mediterraneo Sat	100,0%	100,0%	12,2%	11,6%	0,0%	0,0%
VIDEOFIRENZE S.R.L.	Toscana Channel	70,0%	NC	28,0%	NC	20,1%	NC
VIDEOLINA S.P.A.	Videolina	15,8%	17,1%	15,8%	17,1%	0,0%	0,0%
VITTORIA MEDIA PARTNERS	La TV della Libertà	NC	NC	NC	NC	NC	NC
VIVA L'ITALIA CHANNEL SRL	Viva l'Italia channel	100,0%	100,0%	100,0%	0,0%	0,0%	0,0%
WINN V. & O. COMMUNICATION S.R.L.	Antenna 10 (Abruzzo)	NC	0,0%	NC	0,0%	NC	0,0%
	Caccia e Pesca	NC	94,6%	NC	93,9%	NC	24,4%
	Cooltoon	NO	0,0%	NO	0,0%	NO	0,0%
	PUNTO SAT 1	NC	0,0%	NC	0,0%	NC	0,0%
	PUNTO SAT 2	NC	0,0%	NC	0,0%	NC	0,0%
	PUNTO SAT 3	NC	0,0%	NC	0,0%	NC	0,0%
	Taxi Channel	NC	0,0%	NC	0,0%	NC	0,0%
	Tele Pace	NC	0,0%	NC	0,0%	NC	0,0%
	TRSP (Télé Radio San Pietro)	NC	0,0%	NC	0,0%	NC	0,0%
	Ulisse	NC	0,0%	NC	0,0%	NC	0,0%
	YKS The Internet Generation Channel	NO	0,0%	NO	0,0%	NO	0,0%
Covered Channels (IND 1)		229	242	229	242	-	-
Compliance rate (IND 3 and 5)		40,6%	38,8%	39,3%	35,1%	-	-
Average % (IND 2, 4, and 6)		62,9%	52,7%	22,6%	17,0%	64,9%	59,5%

PART 2 - Comments

Monitoring method

Declarations by broadcasters and monitoring by an external advisor (Isimm)

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

1. Majority proportion of European works (Art. 4)

Broadcasters belonging to editorial groups:

As already stated in previous reports, Italian legislation (Agcom regulation no. 9/99 at the time being of the years to be considered by the report, and now Agcom regulation no. 66/09/CONS) 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 considered as being against the spirit of the TWF directive. As this provision remains also in the new Agcom regulation no. 66/09/CONS, this aspect will not fit the format of the file neither in the future, but nonetheless affects the compliance rate notwithstanding its compatibility with the Directive.

Simulcast of local broadcasters:

Apart from broadcasters belonging to editorial groups (Rai, Mediaset, Telecom Italia, Sky, Fox, NBC, Sitcom, Jetix, Digicast and Walt Disney), many of the remaining (which in fact represent the majority of the reported broadcasters) simply simulcast local content, which is reasonably of national production and as such European. According to Italian legislation a satellite simulcast broadcasting of local channels make the latter fall under the category of national broadcasters, which are consequently subject to obligations regarding European quotas.

2. Minimum proportion of European works by independent producers (Art. 5)

The present report reflects the structure of Italian legislation regarding the programming of European recent works. As already mentioned in previous reports, for the period covered by the present report (2007-2008), Article 44 of the Italian Broadcasting Code (legislative decree no. 177/2005) provides that:

- at least 50% of the broadcasters' programming time has to be devoted to European works, half of which (i.e. 25%) to recent works, i.e. produced in the last five years;
- at least 10% (20% in the case of the public service broadcaster) of their programming time has to be reserved to independent European productions.

This means that the 25% of the programming time reserved to European recent works, is not necessarily produced by independent producers, and that the 10% of the programming time reserved to independent production is not necessarily produced in the last five years.

As a result, the data provided to Agcom are not perfectly fitted to the requirements of the electronic form, as they don't allow to exactly calculate the percentage of European independent recent works, but only either European recent works or European independent works.

Nonetheless, it appears reasonable to suppose that the ratio between recent works (RW) and independent recent productions (IRP) is similar to the ratio between European works (EW) and independent productions (IP), in such a way that:

$$RW = EW \text{ and } IRP = RW \times IP$$

$$\frac{IRP}{IP} = \frac{EW}{IP}$$

To give an example, Fox Cult would report the following results:

$$53.3 = 68.7 \text{ and } IRP = 56.3 \times 50.9 = 41.7$$

$$\frac{IRP}{50.9} = \frac{53.3}{68.7}$$

As this is just an estimate, though based on a reasonable ratio between the different values, but clearly not a calculation based on certified numbers, we have not inserted them in the columns called "RW(%IP)" and "RW(%TQT)", but rather in a separated excel file for your convenience.

B) Measures taken or envisaged by the Member State

Agcom will now activate the necessary sanctioning proceedings against broadcasters who have not communicated the data and those that have not respected the programming obligations.

C) Further comments

No comment.

CYPRUS

PART 1 - Statistical data

Number of channels identified:		25		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
ACA MUSIC BOX TELEVISION	Music Box (Cyprus)	EX	EX	EX	EX	EX	EX
ALPHA TV	Alfa TV (Cyprus)	11,0%	12,0%	73,0%	75,0%	100,0%	100,0%
ANTENNA T.V. LIMITED	ANT1 TV (Cyprus)	56,8%	55,5%	NC	NC	NC	NC
C.N.C. (CYPRUS NEW CHANNEL) PLUS T.V.	CNC Plus TV	14,8%	23,4%	0,0%	0,0%	0,0%	0,0%
CYPRUS BROADCASTING CORPORATION	RIK Sat	EX	EX	EX	EX	EX	EX
CYPRUS BROADCASTING CORPORATION	RIK1 (CyBC1)	27,2%	25,4%	12,1%	22,2%	100,0%	100,0%
CYPRUS BROADCASTING CORPORATION	RIK2 (CyBC2)	17,8%	19,7%	38,1%	29,2%	100,0%	100,0%
CYTA (CYPRUS TELECOMMUNICATIONS AUTHORITY)	Cytavision Cinema	EX	EX	EX	EX	EX	EX
CYTA (CYPRUS TELECOMMUNICATIONS AUTHORITY)	Cytavision Nature	EX	EX	EX	EX	EX	EX
CYTA (CYPRUS TELECOMMUNICATIONS AUTHORITY)	Cytavision Sports 1	EX	EX	EX	EX	EX	EX
CYTA (CYPRUS TELECOMMUNICATIONS AUTHORITY)	Cytavision Sports 2	EX	EX	EX	EX	EX	EX
CYTA (CYPRUS TELECOMMUNICATIONS AUTHORITY)	Cytavision Sports 3	EX	EX	EX	EX	EX	EX
LUMIERE TV PUBLIC COMPANY LTD	LTV (Lumiere TV)	26,0%	23,0%	94,0%	92,0%	97,0%	94,0%
LUMIERE TV PUBLIC COMPANY LTD	LTV Races (Lumiere TV Races)	EX	EX	EX	EX	EX	EX
LUMIERE TV PUBLIC COMPANY LTD	LTV Sports 1 (Lumiere TV Sports 1)	EX	EX	EX	EX	EX	EX
LUMIERE TV PUBLIC COMPANY LTD	LTV Sports 2 (Lumiere TV Sports 2)	EX	EX	EX	EX	EX	EX
LUMIERE TV PUBLIC COMPANY LTD	LTV2 (Lumiere TV2)	EX	EX	EX	EX	EX	EX
LUMIERE TV PUBLIC COMPANY LTD	LTV3 (Lumiere TV3)	EX	EX	EX	EX	EX	EX
POLITISTIKI & PLIROFORIAKI ETERIA O LOGOS LTD	MEGA (Cyprus)	40,6%	48,0%	34,1%	42,5%	28,5%	39,0%

SIGMA RADIO T.V. PUBLIC LIMITED	SIGMA	28,8%	32,8%	26,1%	32,3%	46,1%	56,4%
SIGMA RADIO T.V. PUBLIC LIMITED	Sigma Sports 1	EX	EX	EX	EX	EX	EX
SIGMA RADIO T.V. PUBLIC LIMITED	Sigma Sports 2	EX	EX	EX	EX	EX	EX
	Capital Junior	EX	EX	EX	EX	EX	EX
	Cyprus Sports Channel	EX	EX	EX	EX	EX	EX
	Energy TV (Cyprus)	EX	EX	EX	EX	EX	EX
Covered Channels (IND 1)		8	8	8	8	-	-
Compliance rate (IND 3 and 5)		12,5%	12,5%	75,0%	75,0%	-	-
Average % (IND 2, 4, and 6)		27,9%	30,0%	39,6%	41,9%	67,4%	69,9%

PART 2 - Comments

Monitoring Method

The figures were collected directly from all monitored TV stations, on a sample basis of four randomly selected weeks within the above mentioned period. The data gathered from these four weeks were 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 (Art. 4)

- (a) Alfa TV and LTV are pay-TV channels that broadcast in an encoded form and are not received by the majority of the population on the island. Additionally, up-to-date, these type of channels were also exempt (according to our current national legislation) from this obligation of the aforementioned article 4 of the Directive since they did broadcast in an encoded form and this obligation would only be valid in the event they did broadcast in a non-encoded form (i.e.free-to-air). Even though the legislation has not been amended, Cyprus Radio Television Authority did request the quotas from these two stations and it is the very first time that Cyprus is reporting figures for these two channels for purposes of this report. It has to be taken into account that Alfa TV is not a generalist type of channel but mostly a kids/sports channel and that LTV is a fiction (movies etc) channel.
- (b) CyBC-2 is considered to be the kids/sports/fiction-oriented channel of the Public Broadcasting Service. CyBC-1, on the other hand, is a more generalist type of channel concentrating, however, on news and informative type of programmes as well as entertainment.
- (c) CNC Plus TV channel is a newly established channel (established end of 2006) and it is the very first time that Cyprus is reporting numbers for this channel for the purpose of this report

It is a fact that indeed there has been a significant decrease in the broadcast of European works by the stations, especially when comparing the numbers with 2005-2006 achieved quotas and Cyprus Radio–Television Authority (CRTA) will try to ensure the increase of these numbers for the following report as well as contact all channels in order to find ways to increase their percentages.

2. Minimum proportion of European works by independent producers (Art. 5)

All stations have achieved over and above the minimum threshold of 10% of broadcasting time in promoting European works made by independent producers.

B) Measures taken 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:

- Communicate to all national TV channels the results and conclusions of the last monitoring report as well as the results of this report (2007-2008) made by the Authority for self-regulation purposes as well as remind them their obligation towards the "acquis communautaire" concerning this matter.

C) Further comments

At the moment, the Authority does not monitor all the channels under Cyprus jurisdiction due to a national legislative gap that does not allow monitoring channels broadcasting in any other technological form than the analogue one, i.e. digital. This situation is bound to change within the next few months with an upcoming legislative amendment. This is the reason why a large number of channels have been reported as exempt since they have not been licensed by CRTA and are not monitored by the Authority. Nonetheless, this is expected to change within the next months since the Republic and the Authority are currently co-working on a legislative amendment for this purpose. i.e. in order to cover the above mentioned legislative gap.

LATVIA

PART 1 - Statistical data

Number of channels identified:		6		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
LATVIJAS NEATKARIGA TELEVIZIJA AS	LNT	40,0%	38,0%	9,5%	7,0%	100,0%	98,4%
LATVIJAS TELEVIZIJA VB SIA	LTV1	96,0%	95,0%	23,0%	22,0%	NC	NC
LATVIJAS TELEVIZIJA VB SIA	LTV7	77,0%	75,0%	38,0%	35,0%	NC	NC
TV RIGA SIA	TV5 RIGA	58,0%	63,0%	8,7%	7,9%	100,0%	100,0%
TV3 LATVIA SIA	TV3	51,0%	51,0%	19,0%	21,3%	100,0%	100,0%
TV3 LATVIA SIA	TV6	51,0%	51,0%	12,0%	24,9%	100,0%	100,0%
Covered Channels (IND 1)		6	6	6	6	-	-
Compliance rate (IND 3 and 5)		83,3%	83,3%	66,7%	66,7%	-	-
Average % (IND 2, 4, and 6)		62,2%	62,2%	18,4%	19,7%	100,0%	99,6%

PART 2 - Comments

Monitoring method

Self-declaration.

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

1. Majority proportion of European works (Art. 4):

Channel LNT claims that programmes purchased from US distributors are subject to conditions that the channel cannot influence, (presumably in the form of a package) leading to a greater amount of US content. Raising the European quota is mainly on the basis of domestically produced works, which requires creative potential and financing, which is a problem.

For comparison purposes, one episode of the Latvian serial "The price of madness" costs around 3000 EUR to produce but one episode of the US serial "The Bold and the Beautiful" costs around 200 USD to purchase.

2. Minimum proportion of European works by independent producers (Art. 5):

Channel LNT states that in 2007, when there was adequate financing, the target was almost reached and in the second half of 2008 IP content was planned according to available financing.

Channel TV5 Riga: "This is a small channel with a low audience share and we do not have the necessary resources."

B) Measures taken by or envisaged by the Member State

Given the current state of the economy and with all TV stations reporting around a 40% fall in advertising revenue it is understandable that they will opt for cheap(er) imports from Russia and the USA. This is a very serious problem and some stations are on the verge of bankruptcy with huge unpaid transmission fees. LNT and TV5 Riga (both owned by NewsCorp) were threatened with being taken off the air and court action. The Broadcasting Council does not wish to see stations closed down but neither can it ignore non-compliance, especially where it

may be seen that one broadcaster is being given privileged treatment and therefore the Council will have to take action under the Law on Radio on and Television and the Code of Administrative Violations to correct the situation as soon as possible. Similarly, action will be taken against channel PBK for non-provision of data within the specified time.

C) Further comments

Interesting to note, if Russia signs and ratifies the new AVMS Convention, and all the signs are that it will, then the European works quota will rise dramatically.

LITHUANIA

PART 1 - Statistical data

Number of channels identified:		11		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
LRT LIETUVOS RADIJAS IR TELEVIZIJA	LTV 1	71,0%	66,0%	78,0%	79,0%	83,0%	79,0%
LRT LIETUVOS RADIJAS IR TELEVIZIJA	LTV2	88,0%	82,0%	83,0%	87,0%	83,0%	87,0%
UAB BALTIJOS TV	BTV	50,0%	57,0%	44,0%	55,0%	93,0%	92,0%
UAB LAISVAS IR NEPRIKLAUSOMAS KANALAS	Info TV	100,0%	100,0%	50,0%	48,0%	25,0%	25,0%
UAB LAISVAS IR NEPRIKLAUSOMAS KANALAS	LIUKS!	100,0%	90,0%	10,0%	10,0%	0,0%	0,0%
UAB LAISVAS IR NEPRIKLAUSOMAS KANALAS	LNK	31,0%	35,0%	18,0%	20,0%	0,0%	0,0%
UAB LIETUVOS RYTAS	Lietuvos Rytas TV	71,0%	71,0%	36,0%	36,0%	40,0%	51,0%
UAB LAISVAS IR NEPRIKLAUSOMAS KANALAS	TV1	16,0%	19,0%	16,0%	19,0%	5,0%	5,0%
UAB MTV NETWORKS BALTIC	MTV LIETUVA	53,0%	50,0%	43,0%	50,0%	43,0%	50,0%
UAB TELE-3	TV3	46,0%	47,0%	35,0%	36,0%	35,0%	36,0%
UAB TELE-3	TV6	26,0%	33,0%	16,0%	17,0%	16,0%	17,0%
Covered Channels (IND 1)		11	11	11	11	-	-
Compliance rate (IND 3 and 5)		63,6%	63,6%	100,0%	100,0%	-	-
Average % (IND 2, 4, and 6)		59,3%	59,1%	39,0%	41,5%	38,5%	40,2%

PART 2 - Comments

Monitoring method

They just count the broadcast time of the production, which under the definition is considered as European works. Out of the percentage received, they deduct the percent of the works, produced by the independent producers, and those, produced within the past five years.

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

1. Majority proportion of European works (Art. 4):

Only four channels out of eleven failed to reach the quotas. They note that the European production is much more expensive than the rest on the market, this is why they prefer to purchase some cheaper products.

2. Minimum proportion of European works by independent producers (Art. 5):

Same as above.

B) Measures taken by or envisaged by the Member State

With due respect to the market circumstances and the channels' financial situation, these broadcasters will try to do their best to purchase more European production works in future. They will also try to seek for better co-operation with the local state, public and commercial companies in preparing mutual projects for producing local production, the costs of which could be then split among the project partners and it would financially be easier for the channel to increase the amount of the local works in their programmes.

C) Further comments

No comment.

LUXEMBOURG

PART 1 - Statistical data

Number of channels identified:		15		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
CLT-UFA SA	Club RTL	51,3%	51,6%	18,2%	21,1%	8,6%	8,8%
CLT-UFA SA	Den 2. RTL	90,0%	92,0%	13,0%	15,0%	95,0%	97,0%
CLT-UFA SA	Plug TV	72,6%	66,4%	15,7%	25,5%	9,5%	20,3%
CLT-UFA SA	RTL 4	55,0%	69,0%	95,0%	94,0%	84,0%	90,0%
CLT-UFA SA	RTL 5	52,0%	51,0%	98,0%	90,0%	92,0%	98,0%
CLT-UFA SA	RTL 7	56,0%	60,0%	71,0%	82,0%	87,0%	93,0%
CLT-UFA SA	RTL 8	52,0%	38,0%	97,0%	98,0%	82,0%	79,0%
CLT-UFA SA	RTL Télé Lëtzebuerg	90,0%	92,0%	13,0%	15,0%	95,0%	97,0%
CLT-UFA SA	RTL9	42,3%	50,8%	37,4%	44,1%	24,7%	11,0%
CLT-UFA SA	RTL-TVI	63,2%	69,1%	13,3%	20,1%	10,0%	18,2%
Current Media Europe s.à.r.l.	Current Italy	NO	87,5%	NO	7,0%	NO	NC
Current Media Europe s.à.r.l.	Current TV*	66,8%	66,8%	48,5%	48,5%	NC	NC
DVL.TV SA	Luxe TV (version in French)	100,0%	100,0%	100,0%	100,0%	0,0%	0,0%
DVL.TV SA	Luxe TV Luxembourg	100,0%	100,0%	100,0%	100,0%	0,0%	0,0%
Liberty TV S.A.	Liberty TV.com	83,2%	65,9%	66,5%	43,6%	23,9%	24,1%
Covered Channels (IND 1)		14	15	14	15	-	-
Compliance rate (IND 3 and 5)		92,9%	93,3%	100,0%	93,3%	-	-
Average % (IND 2, 4, and 6)		69,6%	70,7%	56,2%	53,6%	47,0%	48,9%

PART 2 - Comments

Monitoring method

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

Actually Recorded: Luxe TV, Liberty TV,

Estimated: RTL TéléLëtzebuerg

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

1. A majority proportion of European works (Article 4)

As regards programme RTL 9 (French) in 2007, the figures are less than the minimum required. No explanation has been given so far by CLT-UFA S.A. as to why the proportions were not observed.

RTL8 did not attain the required proportion of European works in 2008 because the channel's programmes during the selected sampling weeks consisted in particular of series which were mostly of non-European origin. To attain the proportion required, RTL8 intends to include a greater proportion of European works in its programming.

B) Measures taken or envisaged by the Member State

CLT-UFA has been formally requested to explain the failure to reach the proportions and hence to take the necessary steps to comply with obligations in future.

C) Further comments

For Current TV, the figure of 66.80% is the calculated average of European works for 2007 and 2008. The figure of 48.50% for independent European works is representative for the years 2007 and 2008.

Current TV Italy did not start broadcasting until May 2008.

HUNGARY

PART 1 - Statistical data

Number of channels identified:		29		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
5 CSATORNA KÉP- ÉS HANGSUGÁRZÓ ZÁRTKÖRŰ RÉSZVÉNYTÁRSASÁG "felszámolás alatt"	Ötös Csatorna	NC	NC	NC	NC	NC	NC
ATV ELSŐ MAGYAR MAGÁNTELEVÍZIÓS ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Magyar ATV	72,4%	74,7%	40,1%	34,3%	94,0%	85,2%
BUDAPEST TELEVÍZIÓ TÖMEGKOMMUNIKÁCIÓS ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG "felszámolás alatt"	Budapest Televízió	75,6%	98,8%	27,4%	45,2%	64,8%	94,6%
CHELLO CENTRAL EUROPE MŰSORSZOLGÁLATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Sport 1	EX	EX	EX	EX	EX	EX
CHELLO CENTRAL EUROPE MŰSORSZOLGÁLATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Sport 2	EX	EX	EX	EX	EX	EX
COMEDY CENTRAL MAGYARORSZÁG ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Comedy Central	NO	NC	NO	NC	NO	NC
DOMINO TV MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Domino Tv	100,0%	100,0%	11,4%	17,3%	1,0%	98,6%
DUNA TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Autonomia TV	98,6%	97,1%	27,2%	28,0%	18,7%	69,2%
DUNA TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Duna TV	89,0%	91,7%	62,3%	45,4%	66,9%	58,4%
ECHO HUNGÁRIA TV TELEVÍZIÓZÁSI, KOMMUNIKÁCIÓS ÉS SZOLGÁLTATÓ ZÁRTKÖRŰ RÉSZVÉNYTÁRSASÁG	Echo TV	100,0%	100,0%	98,2%	96,3%	98,1%	100,0%

FILMMÚZEUM MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Filmuzeum	80,4%	78,8%	59,2%	42,0%	18,2%	16,1%
HÁLÓZATOS TELEVÍZIÓK ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Halozat TV	56,1%	70,7%	41,4%	52,0%	89,2%	82,1%
HBO MAGYARORSZÁG MŰSORKÉSZÍTŐ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	HBO (Hungary)	19,9%	NC	17,6%	NC	91,4%	NC
HBO MAGYARORSZÁG MŰSORKÉSZÍTŐ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	HBO 2 (Hungary)	17,8%	NC	14,9%	NC	91,9%	NC
HÍRTV MŰSORSZOLGÁLTATÓ ÉS HIRDETÉSSZERVEZŐ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Hir TV	EX	EX	EX	EX	EX	EX
MAGYAR RTL TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	RTL KLUB	53,6%	56,4%	35,5%	36,2%	94,4%	96,4%
MAGYAR TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	M1 (Magyar Televízió 1)	89,0%	87,7%	52,5%	53,6%	74,6%	75,7%
MAGYAR TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	M2 (Magyar Televízió 2)	92,5%	90,0%	45,2%	51,8%	74,0%	75,2%
MIXOLID SZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	FixTV	59,9%	65,0%	1,7%	23,1%	100,0%	96,4%
MTM-SBS TELEVÍZIÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	TV2 (Hungary)	51,0%	53,4%	43,6%	47,9%	70,4%	70,0%
MTV NETWORKS MAGYARORSZÁG MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG.	MTV Hungary (Music channel)	NC	51,2%	NC	43,4%	NC	79,4%
PAX TELEVÍZIÓ MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Pax TV	99,1%	97,3%	63,8%	59,8%	65,4%	40,1%
SANOMA DIGITAL MEDIA KÖZÉP-EURÓPAI KOMMUNIKÁCIÓS ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	4-es csatorna	58,6%	47,8%	27,2%	15,3%	44,9%	66,3%
SPEKTRUM-TV KÖZÉP-EURÓPAI MŰSORKÉSZÍTŐ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Spektrum TV (Hungary)	60,6%	64,7%	60,2%	55,3%	70,6%	68,7%

TV PAPRIKA MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Deko TV	70,5%	80,6%	40,4%	13,7%	32,2%	94,9%
TV PAPRIKA MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	TV Paprika	87,0%	91,8%	29,4%	14,6%	73,2%	76,9%
VIASAT HUNGÁRIA MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Viasat3 Hungary	11,0%	9,8%	10,7%	9,4%	53,5%	54,1%
VITAL TV TELEVÍZIÓZÁSI, KOMMUNIKÁCIÓS ÉS SZOLGÁLTATÓ ZÁRTKÖRŰ RÉSZVÉNYTÁRSASÁG	Vital TV	NC	90,4%	NC	83,1%	NC	77,1%
Z+ MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	VIVA (Hungary)	64,7%	59,4%	64,4%	51,9%	96,3%	92,5%
Covered Channels (IND 1)		25	26	25	26	-	-
Compliance rate (IND 3 and 5)		76,0%	76,9%	84,0%	80,8%	-	-
Average % (IND 2, 4, and 6)		68,5%	75,3%	39,7%	41,8%	67,4%	75,8%

PART 2 - Comments

Monitoring method:

Based on self-reporting, by monthly aggregation of data submitted weekly: compliance with the quotas under Article 7 of the Act is controlled on the basis of data provided by the broadcasters, that is, a self-reporting method. The broadcasters send their records (a sort of programme book in which they record their programmes' broadcast time, duration, genre, place and time of production, name of the production firm and they also state whether the producers qualify as independent or not, etc.) with weekly frequency to the ORTT. The data to be examined are aggregated on a monthly basis. Data are also requested by the ORTT from broadcasters who have been granted partial or full exemption.

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

1. Majority proportion of European works (Art. 4)

The National Radio and Television Commission (Országos Rádió és Televízió Testület – hereinafter referred to as: the 'ORTT') wishes to point out that non-compliance with the quotas may primarily be attributed to the specialized character of certain broadcasters and the limited audiovisual market in Hungary, both in the case of European works and European works produced by independent producers.

I. In 2007 the following broadcasters did not comply with the 50% quota for showing European works as required by Article 7(1) of the Act on Radio and Television Broadcasting (hereinafter referred to as: the 'Act'):

- (a) HBO Zrt. – “HBO” and “HBO2” channels (exempt)
- (d) Sanoma Digital Media Zrt. – “4! csatorna” channel (exempt)
- (e) Viasat Hungária Zrt. – “Viasat 3” channel (not exempt)

Budapest Televízió Zrt. and Vital TV Zrt. have prevented the control of compliance with the quotas in 2007 by infringing their reporting obligations concerning broadcasting on **Budapest Televízió** channel and **Vital Tv** channel, respectively.

a) HBO Zrt. – “HBO” and “HBO2” channels

The broadcaster was exempt from compliance with the 50% quota for broadcasting European works as required by Article 7(1) of the Act regarding both channels. In its application for exemption submitted on the basis of Decision No. 2761/2006 (XII. 13.) of the ORTT, the broadcaster mentioned that it considered devoting 23% of its annual broadcasting time to broadcasting European works realistic in the case of both channels because of their thematic and subscription based character.

Taking into account that both channels are thematic channels specialising in restricted fields, available only through a subscription, the ORTT approved in its Decisions No. 917/2007 (IV.11.) and No. 918/2007 (IV. 11.), in the cases of broadcasting by HBO and HBO2, respectively, to have 23% of their annual broadcasting time devoted to broadcasting European works, by way of derogation from the provisions of Article 7(1) of the Act.

Having regard to the fact that HBO channel achieved a 19.9% proportion and HBO2 channel achieved 17.75%, i.e. not even attaining the 23% proportion undertaken in the course of the exemption procedure, the ORTT initiated administrative proceedings against the broadcaster by Decisions No. 616/2008 (III.26.) and No. 617/2008 (III. 26.) in the course of examining compliance with the quotas in 2007. (Continued under point B))

b) Sanoma Digital Media Zrt. – “4! csatorna” channel

The broadcaster was exempt from compliance with the 50% quota for broadcasting European works as required by Article 7(1) of the Act. In its application for exemption the broadcaster mentioned that it had begun its activities at the beginning of 2006 and that in its programming structure overseas societal programmes dominated at the time it had entered the market. The channel’s programming structure for 2007 showed that they wished to put greater emphasis on broadcasting European and Hungarian language programmes as well.

Concerning broadcasting by “4! Csatorna” channel, the ORTT approved in its Decision No. 916/2007 (IV.11.) an exemption on broadcasting in such a way that the channel should devote 44% of its annual broadcasting time to showing European works, by way of derogation from the provisions laid down in Article 7(1) of the Act. The ORTT took into consideration the specialization of the channel when taking its decision. The proportion undertaken for 2007 was achieved by the broadcaster.

c) Viasat Hungária Zrt. – “Viasat 3” channel

The broadcaster applied for an exemption from programming structure requirements for broadcasting European works for the year 2007. In its application the broadcaster undertook to close the gap with the European quota system. The broadcaster also presented in its plans a gradual approach towards the quotas, that is, a movement in the direction of complying with them.

Having regard to the broadcaster’s reasons, the ORTT in its Decision No. 1538/2007 (VI.27.) approved the exemption of “Viasat 3” channel in such a way that the channel is obliged to devote 20% of its annual broadcasting time to broadcasting European works.

However, the broadcaster did not sign the agreement on exemption, thus the channel was not exempt from compliance with the quota for European works. Accordingly, the ORTT examined the compliance of the channel for 2007 based on the 50% quota specified in Article 7(1) of the Act. On this basis the ORTT established that in substance the broadcaster did not comply with statutory provisions (it achieved 10.96%), therefore, in its Decision No.

615/2007 (III.26.) the ORTT initiated administrative proceedings, in the course of which the broadcaster did not make a statement concerning the reason for this omission. (Continued under point B))

II. In 2008 the following broadcasters did not comply with the 50% quota for broadcasting European works as required by Article 7(1) of the Act:

- (a) HBO Zrt. – “HBO” and “HBO2” channels (exempt)
- (f) Sanoma Digital Media Zrt. – “4! csatorna” channel (exempt)
- (g) Viasat Hungária Zrt. – “Viasat 3” channel (not exempt)

Filmmúzeum channel of Filmmúzeum Zrt., **fix tv** channel of Mixolid Zrt., **Budapest TV** channel of Budapest Tv Zrt, and **VIVA Televízió** channel of Z+ Zrt. failed to fulfil their reporting obligations, thus preventing the control of their compliance with the quotas.

a) HBO Zrt. – “HBO” and “HBO2” channels

The broadcaster was also exempt for 2008 regarding both channels from compliance with the 50% quota for broadcasting European works as required by Article 7(1) of the Act. In its application, the broadcaster undertook to devote 25% of its annual broadcasting time to broadcasting European works in the case both channels.

In its Decision No. 334/2008 (II.13.) concerning HBO channel and in its Decision No. 335/2008 (II.13.) concerning HBO2 channel, the ORTT approved the devotion of 25% of their annual broadcasting time to broadcasting European works, by way of derogation from the provisions laid down in Article 7(1) of the Act. The ORTT took into account that the broadcaster undertook to achieve a higher proportion of European works in the case of both channels, in compliance with the requirement of progressivity.

The broadcaster’s registration was cancelled as of 1 April 2008 with regard to both channels, therefore the ORTT, in the absence of jurisdiction, did not examine compliance during 2008.

b) Sanoma Digital Media Zrt. – “4! csatorna” channel

The broadcaster was also granted an exemption for 2008 from complying with the quota for broadcasting European works, as prescribed by Article 7(1) of the Act.

In its application, the broadcaster mentioned that as a specialized channel their aim is to present the world of stars and their social life, following events and news as they happen in their circles, therefore they necessarily continued to show a number of programmes originating from overseas. Based on the principle of progressivity, the broadcaster undertook to devote a higher proportion, 45% of its annual broadcasting time to showing European works.

Concerning broadcasting by “4! Csatorna” channel, the ORTT approved, in its Decision No. 1683/2008 (IX.10.) an exemption on broadcasting in such a way that the channel should devote 45% of its annual broadcasting time to showing European works, by way of derogation from the provisions laid down in Article 7(1) of the Act. The ORTT took into consideration the specialization of the channel when taking its decision.

The channel achieved the proportion it undertook for 2008.

c) Viasat Hungária Zrt. – “Viasat 3” channel

The broadcaster did not apply for an exemption from fulfilling any of the requirements concerning its programming structure for the year 2008, therefore the ORTT examined compliance with the requirements concerning European works based on the provisions of the Act. Instead of a proportion of 50%, the broadcaster achieved a mere 9.8% in 2008, therefore

the ORTT initiated, in its Decision No. 724/2009 (IV.1) administrative proceedings against the broadcaster, in the course of which the broadcaster did not make a statement concerning the reason for this omission. (Continued under point B))

2. Minimum proportion of European works by independent producers (Article 5)

I. In 2007 the following broadcasters did not comply with the 10% quota for showing European works produced by independent producers or purchased from independent producers, as required by Article 7(2) of the Act:

- (a) Viasat Hungária Zrt. – “Viasat 3” channel (not exempt)
- (h) Domino TV Zrt. – “Domino TV” channel (not exempt)
- (i) Mixolid Zrt. – “fix tv” channel (not exempt)

In 2007 no channel was exempt from compliance with the quota for showing European works produced by independent producers as required by Article 7(2) of the Act.

Budapest Televízió Zrt. and Vital TV Zrt. have prevented the control of their compliance with the quotas in 2007 by infringing their reporting obligations concerning broadcasting on **Budapest Televízió** channel and **Vital Tv** channel, respectively.

a) Viasat Hungária Zrt. – “Viasat 3” channel

The broadcaster did not apply for an exemption from compliance with the quota for showing European works produced by independent producers for the year 2007, only for an exemption from compliance with the 50% quota for showing European works, as explained in relation to compliance with Article 4.

The ORTT examined the channel’s compliance in 2007 based on the 10% quota specified in Article 7(2) of the Act and established that the proportion achieved by the channel considerably lagged behind the statutory requirements (at 5.7%), therefore the ORTT initiated in its Decision No. 615/2008 (III.26.) administrative proceedings against the broadcaster, in the course of which the broadcaster did not make a statement concerning the reasons for this omission. (Continued under point B))

b) Domino TV Zrt. – “Domino TV” channel

In 2007 the broadcaster did not comply with the 10% quota specified under Article 7(2) of the Act, therefore, in its Decision No. 612/2008 (III.26.), the ORTT initiated administrative proceedings against the broadcaster. The broadcaster gave as the reasons for its non-compliance with the quota that it had encountered difficulties complying with the quota as a start-up public broadcaster and that it was devoting most of its transmission time, as a specialized channel, to interactive knowledge tests they had produced themselves in the subjects of history, English and geography. They undertook to develop a programming structure for 2008 where European works produced by independent producers would be shown in a proportion satisfying statutory requirements. (Continued under point B))

c) Mixolid Zrt. – “fix tv” channel

Instead of the 10% quota for European works produced by independent producers specified under Article 7(2) of the Act, the broadcaster achieved a proportion of 1.65%. Therefore, the ORTT initiated administrative proceedings against the broadcaster in its Decision No. 608/2008 (III.26.). As its reasons for non-compliance with the European quota, the broadcaster mentioned that there is no independent producer capable of producing specialized

programmes it could broadcast as a specialized channel and that it intends to continue to place an emphasis on programmes they have produced themselves. (Continued under point B))

II. In 2008, the following broadcasters were exempt from or did not abide by the provisions stipulated in Article 7(2) of the Act, according to which broadcasters shall reserve 10 % of their annual transmission time for works that were created by producers who are independent of broadcasters or that were purchased from such producers:

- (a) Pax Televízió Zrt. – licensed under: “Pax televízió” (exempt)
- (j) Viasat Hungária Zrt. – licensed under: “Viasat 3” (not exempt)
- (k) Filmmúzeum Zrt. – licensed under “Filmmúzeum” (not exempt).

By infringing on their obligation to provide the relevant data **Filmmúzeum** (Filmmúzeum Zrt.), **Fix Tv** (Mixolid Zrt.), **Budapest TV** (Budapest TV Zrt.) **Viva Televízió** (Z+ Zrt.) prevented the control of the observation of the provisions pertaining to the quotas described above.

a) Pax Televízió Zrt. – “Pax Televízió” channel

In 2008, the broadcaster was granted exemption from the obligation to reserve 10 % of its annual transmission time for works created by independent producer as stipulated in Article 7(2) of the Act. In its request for exemption the broadcaster referred to its thematic nature and viewers’ needs in which the programming was made up by religious, cultural and informative programmes. The broadcaster undertook to reserve 1 % of its annual broadcasting time for works that were created by independent producers.

In its resolution No. 338/2008 (II. 13.) the ORTT consented to the broadcaster’s request to reserve 1 % of its annual broadcasting time for works made by independent producers instead of 10 % stipulated in Article 7(2) of the Act. Notwithstanding the exemption, the broadcaster fulfilled its undertaking of 1 % for the year 2008, but also the 10 % ratio stipulated in the Act.

b) Viasat Hungária Zrt. – “Viasat 3” channel

The broadcaster did not apply for an exemption from complying with any of the requirements concerning their programming structure for the year 2008, therefore the ORTT examined compliance with the requirements concerning European works produced by independent producers based on the provisions of the Act. In 2008 the broadcaster showed European works produced by independent producers in 5.1% of its broadcasting time, instead of the 10% quota prescribed in Article 7(2) of the Act.

Based on its Decision No. 724/2009 (IV.1.), the ORTT initiated administrative proceedings against Viasat Hungária Zrt., in the course of which the broadcaster did not make a statement concerning the reasons for this omission. (Continued under point B))

c) Filmmúzeum Zrt – “Filmmúzeum” channel

In 2008 the broadcaster was not granted an exemption from complying with the quota for showing European works produced by independent producers, therefore the annual compliance of the channel was examined by the ORTT in relation to the 10% quota specified in Article 7(2) of the Act. The broadcaster did comply with the prescribed quota, therefore the ORTT initiated administrative proceedings against the broadcaster in its Decision No. 715/2009 (IV.1). The broadcaster gave as the reason for its omission that the particular profile of the channel did not make complying with the provisions of Article 7(2) of the Act possible. (Continued under point B))

B) Measures taken or envisaged by the Member State

In the course of controlling compliance with the quotas, cooperation between the broadcasters and the ORTT has been continuous. The ORTT regularly examines whether the broadcasters have complied with their obligations and in case of infringements applies, in proportion with their gravity, a penalty allowed by the system of sanctions and based on the principle of progressivity.

I. In 2007:

a) HBO Zrt. – “HBO” and “HBO2” channels

The ORTT initiated administrative proceedings against the broadcaster in its Decisions No. 616/2008 (iii.26.) and No. 617/2008 (III.26.), having regard to the fact that the broadcaster had achieved a proportion of 19.9% in the case of HBO channel and a proportion of 17.75% in the case of HBO2 channel, i.e. not even attaining the 23% proportion undertaken in the course of the exemption procedure. In the course of the administrative proceedings the broadcaster referred to having requested the cancellation of its registration, effective as of 31 March 2008, wherefore it can no longer be considered a broadcaster under the scope of the Act with regard to either of its channels and thus the ORTT has no jurisdiction over it to conduct administrative proceedings.

Both HBO channel and HBO2 channel were placed under Czech jurisdiction, therefore the ORTT has annulled the procedure against the broadcaster.

b) Viasat Hungária Zrt. – “Viasat 3” channel

In Decision No. 615/2007 (III.26.), administrative proceedings were initiated against the broadcaster, having regard to the fact that in 2007 the broadcaster did not comply with either the 50% quota prescribed for showing European works, nor the 10% quota prescribed for European works produced by independent producers. The channel did not give its reasons for this omission and did not make any declaration, therefore the ORTT, in its Decision No. 1687/2008 (IX. 10.), called upon the broadcaster – on the basis of Article 112(1)(a) of the Act – to cease its condemned conduct and imposed – on the basis of Article 112(1)(e) of the Act – the maximum penalty of HUF 1 000 000. on the broadcaster. The ORTT took into account that the broadcaster had not complied with the programming structure quotas since their introduction.

c) Domino TV Zrt. – “Domino TV” channel

The broadcaster did not comply with the 10% quota for showing European works produced by independent producers, therefore, in its Decision No. 612/2007 (III.26.), the ORTT initiated administrative proceedings against the broadcaster. The reasons already mentioned under point A) 2. I. b) were taken into account during the proceedings, therefore, in its Decision No. 1684/2008 (IX.10.), the ORTT penalized the broadcaster based on Article 112(1)(a) of the Act, that is, it called upon the broadcaster to cease its condemned conduct and to refrain from such breach of regulations in future.

d) Mixolid Zrt. – “fix tv” channel

In its Decision No. 608/2007 (III.26.), the ORTT initiated administrative proceedings against the broadcaster because the broadcaster had not complied with the quota for European works produced by independent producers. In the course of the proceedings the ORTT took into account the reasons already mentioned under point A) 2. I. c), therefore, in its Decision 1680/2008 (IX.10) the ORTT penalized the broadcaster based on Article 112(1)(a) of the Act, that is, it called upon the broadcaster to cease its condemned conduct and to refrain from such breach of regulations in future.

e) Budapest Televízió Zrt. “Budapest Televízió” channel

The broadcaster did not provide any comprehensible data between July and December 2007 and failed to meet its reporting obligations by transmitting incomprehensible data, thus preventing the control of actual compliance with the quotas. Administrative proceedings were initiated against the broadcaster, in the course of which the ORTT – based on Article 112(1)(e) of the Act – imposed a fine of HUF 250 000 in its Decision No. 1681/2008 (IX.10).

f) Vital TV Zrt. “Vital TV” channel

This broadcaster did not meet its reporting obligations under Article 89(4) of the Act either, as it did not provide data concerning any month of the year 2007 and thus it prevented the control of compliance with the quotas, therefore the ORTT initiated administrative proceedings against the broadcaster, in the course of which a fine of HUF 250 000. was imposed in Decision No. 1701/2008 (IX.17.).

II. In 2008:

a) Viasat Hungária Zrt. – “Viasat 3” channel

In its Decision No. 724/2009 (IV.1.), the ORTT initiated administrative proceedings against the broadcaster because it did not comply with either European quota. The broadcaster did not make a declaration concerning its reasons for this omission, therefore the ORTT repeatedly imposed a fine of HUF 1 000 000. for non-compliance in the year 2008.

In the meantime the ORTT has cancelled the registration of the broadcaster in its Decision No. 942/2009 (IV.29.), effective as of 30 April 2009, as the broadcaster moved outside Hungarian jurisdiction.

b) Filmmúzeum Zrt. – “Filmmúzeum” channel

In its Decision No. 725/2009 (IV.1) the ORTT initiated administrative proceedings against the broadcaster because it did not comply with the quota for showing European works produced by independent producers. In addition, the broadcaster did not provide any comprehensible data concerning compliance with the quota for the months of September, October, November, and December in 2008, thus preventing the control of actual compliance with the quota. Due to non-compliance with the quota in 2008 and because the reporting obligation was not met, the ORTT decided to apply the penalty under Article 112(1)(a) of the Act, that is, the ORTT called upon the broadcaster to cease its condemned conduct and to refrain from such breach of regulations in future.

c) Mixolid Zrt. – “fix.tv” channel

In its Decision No. 718/2009 (IV.1.), the ORTT initiated administrative proceedings against the broadcaster for breach of reporting obligations because in 2008 the broadcaster failed to provide data on several occasions, or provided faulty data, thus preventing the control of its actual compliance with the quotas. Previously the ORTT had penalized the broadcaster in its Decisions No. 606/2008 (III.26.) and No. 1680/2008 (IX.10) for breach of Article 89(4)(e) of the Act (reporting obligation) by applying Article 112(1)(a) of the Act, that is, the ORTT had called upon the broadcaster to cease its condemned conduct and to refrain from such breach of regulations in future.

The ORTT obliged the broadcaster to pay a penalty in the amount of HUF 100 000. because of such breach of its reporting obligations in 2008.

The ORTT terminated the broadcasting contract of Mixolid Zrt. with immediate effect in its Decision No. 1165/2009 (VI.3.).

d) Budapest Televízió Zrt – “Budapest Televízió” channel

Administrative proceedings were initiated based on Decision No. 719/2009 (IV.1.) of the ORTT for breach of Article 89(4)(e) of the Act, having regard to the fact that the broadcaster had not met its reporting obligations in January 2008, thus preventing the control of its actual compliance with the quotas. Having regard to the fact that the broadcaster is under liquidation, the ORTT decided to apply the penalty under Article 112(1)(a) of the Act because it had not met its reporting obligations in 2008.

e) Z+ Műsorszolgáltató Zrt. – “VIVA TV” channel

The broadcaster did not meet its reporting obligations under Article 89(4) of the Act by providing faulty data in the months of January, February, and March 2008, thus preventing the control of compliance with the quotas, therefore the ORTT decided to apply the penalty under Article 112(1)(a) for non-fulfilment of reporting obligations in 2008 in the course of the administrative proceedings initiated against the broadcaster.

C) Further comments

1. Channels

With regard to works produced by independent producers, the ORTT, based on the Act, examined the proportion of works produced within the last 5 years in the course of both its 2007 and 2008 examinations.

The ORTT did not examine the compliance of HBO and HBO2 channels in 2008, having regard to the fact that their registration was cancelled as of 1 April 2008.

5 Csatorna Zrt. was registered as a broadcaster on 20 February 2007 by the ORTT and its registration was cancelled on 1 July 2008. The ORTT did not examine the compliance of the broadcaster, as it carried out broadcasting activities only for a short period.

Comedy Central Magyarország Zrt. was registered on 1 October 2008 by the ORTT, therefore the annual compliance of the broadcaster was not and could not be examined.

2. Regulations

a) Act I of 1996 on Radio and Television Broadcasting (hereinafter referred to as: the ‘Act’):

The obligations of Member States defined in Articles 4 and 5 of Council Directive 89/552/EEC, as amended by Directive 36/97/EC of the European Parliament and of the Council, were transposed to be included in the provisions of the Act by Act No. XX of 2002 on amending legal harmonisation. This amendment, which has been in effect since the date of entry into force of the act promulgating the international treaty on accession to the European Union, has established the following obligations as stated in Article 7 of the Act:

‘Article 7

(1) Television broadcasters shall devote at least half of their total annual transmission time to showing European works and at least one third to showing productions originally produced in Hungarian.

(2) Television broadcasters shall reserve at least 10% of their total annual transmission time for showing European works and 7% of their total annual transmission time for showing works originally produced in Hungarian, which were created by independent producers or made not more than five years before their purchase from such producer.

(3) Having regard to their responsibility to inform, educate, entertain, and transmit culture to their viewers, broadcasters shall achieve the proportions specified in paragraphs (1) and (2) progressively, if necessary. Where broadcasters do not attain the proportions specified in paragraph (1) or (2), it is for them to prove that such practice is legitimate with regard to this paragraph.

(4) Television broadcasters shall use at least 12% of their resources available for the production of programmes to cover the costs of programmes created by independent producers or to acquire programmes made not more than five years prior to their purchase. Programmes defined in such a way – with the exception of motion pictures – are to be originally made in Hungarian.'

In accordance with Article 7(5) of the Act, the following broadcasters shall comply with the above requirements concerning programming structure:

'(5) For the purposes of this Article

a) "broadcaster" shall mean a broadcaster who broadcasts nationally or regionally, as well as a broadcaster who broadcasts nationally as a result of its connection to a network;'

Regarding the requirements concerning programming structure as stipulated in Article 7 of the Act, broadcasters are obliged to meet reporting obligations under Article 89(4)(e) in accordance with the following:

'(4) The broadcaster is obliged to provide data to the ORTT in accordance with its specifications, in particular (...)

e) to control compliance with the provisions of Article 7(1) to (3), including the schedule of and the reasons for progressively achieving the proportions specified therein, in accordance with Article 7(3).'

b) Decision No. 2761/2006 (XII.13.) of the ORTT

In its Decision No. 2761/2006 (XII.13.) amending and harmonising Decision No. 627/2004 (V.5.) on "The detailed rules on complying with programming structure requirements (quotas)

introduced through the legal harmonisation of the Media Act”, the ORTT stated the rules for progressively introducing the programming structure requirements under Articles 7(1) to (4) of the Act, for exemptions from compliance, and for specific procedural issues in accordance with the following.

The ORTT has taken the following Decision concerning programming structure requirements under Article 7 of Act I of 1996 on Radio and Television Broadcasting (hereinafter referred to as: the ‘Act’) (mandatory proportion of European works, quota for Hungarian works), progressive introduction of the provisions of Article 7(3), exemptions from compliance, and specific procedural issues, by its powers granted in Article 41(j) of the Act.

The programming structure requirements determined in Article 7(1), (2) and (4) apply to all television channels under the scope of the Act, except for those exempted under the present Decision.

Television broadcasters shall determine their quota requirements on the basis of their total annual transmission time, of which time devoted to programmes consisting of “*news, sporting events, games, advertising, teleshopping, and teletext services*” shall be deducted.

The following are exempt by force of law:

1. Article 7(1), (2) and (4) shall not apply to television channels which broadcast programmes consisting of “*news, sporting events, games, advertising, teleshopping, and teletext services*” exclusively, or the time devoted to such programmes shall be deducted from the total annual transmission time;
2. The provisions of Article 7(1), (2) and (4) shall not apply to local television channels as defined in Article 2(10) of the Act, in so far as they do not form part of a national network;
3. The provisions of Article 7(1), (2) and (4) shall not apply to television channels which broadcast their programmes exclusively in languages other than those of the Member States¹, where such language or languages do not constitute the total transmission time of the channel, but constitute a significant part thereof, the provisions of Article 7(1), (2) and (4) shall not apply to the given part of the transmission time;
4. Any television channel which can only be received in a third country², in so far as it cannot be received directly or indirectly on the territory of any Member State, shall be exempt from the requirements of Article 7(1), (2) and (4);
5. Any television broadcasting whose target reception range falls exclusively outside the borders of Hungary, in so far as it cannot be received either directly or indirectly on the territory of Hungary, shall be exempt from obligations concerning the Hungarian language under the programming structure requirements of Article 7(1), (2) and (4).

Exemption at request:

The ORTT may, in advance and more than once, partly exempt for a given period, specialised and satellite broadcasters (with the exception of public service broadcasters) from their obligation, to a degree gradually decreasing from one period to the next in accordance with

¹ A Member State is a state that is a Member State of the European Union or the European Economic Area or one that has signed the European Convention on television without frontiers.

² A State qualifies as a third country if it is not a member of the European Union or the European Economic Area and has not signed the European Convention on television without frontiers.

the principle of progressivity, and on the basis of an individual request justified by the broadcaster in a way compatible with the provisions laid down in Directive 89/552/EEC on television without frontiers.

In a single act of exemption by the ORTT one exemption is granted to one broadcaster in advance, for a maximum period of one year.

One month before the expiry of the period of exemption, the exempted broadcaster may submit another, properly supported application for exemption for the next year.

Concerning exemptions the ORTT takes into account the extent to which any given broadcaster may be able to undertake, under the given market conditions, to meet the quota, having regard to the broadcaster's responsibility to inform, educate, entertain, and transmit culture to its viewers. However, on the basis of the Directive and EU practice, the ORTT cannot accept reasoning based exclusively on economic considerations when evaluating an application for exemption. In each and every agreement to be concluded with a broadcaster, the ORTT includes a clause according to which the broadcaster must meet at least the proportion attained in the previous year even if it had been granted an exemption from the quotas or if it was unable to meet them.

Broadcasters that have not submitted an application for exemption or those that have submitted one but were refused by the ORTT and who subsequently failed to meet the prescribed quotas, are to conclude an agreement in cooperation with the ORTT in which they undertake to achieve at least the proportion attained the previous year in the year following the conclusion of the agreement, in accordance with the principle of progressivity.

Reporting, controlling

In accordance with Article 89(4)(e), all television broadcasters must report on their compliance with the obligations under Article 7(1) and (2), regardless of whether they are exempted or not. The reporting obligation under Article 89(4)(e) applies to exempted broadcasters based on their agreement concluded with the ORTT and the provisions therein. The deadline for submitting reasoned applications for exemption for the following year for broadcasters already operational is 31 August of each year, for new broadcasters it is 90 days following the day on which broadcasting was begun.

The reasoning must include the proportion of European works/works produced originally in the Hungarian language/works produced by independent producers of all programmes broadcast during the year before the submission of the application along with data that are likely to support such exemption or may explain the failure to meet any proportions lower than the quotas as specified in the agreement. As part of their application for exemption, the broadcasters are also obliged to state when they will be able to fully comply with the quota requirements according to their intentions or plans.

Pursuant to Article 7(3) of the Act, if a broadcaster fails to meet the quota prescribed in paragraphs (1) and (2) in any given calendar year, it is for the broadcaster to prove that such practice was legitimate having regard to that paragraph. Broadcasters should make efforts to improve on the proportion achieved during the preceding year.

In particular, the ORTT accepts as legitimate if the broadcaster fulfils only in part its obligation as specified in Article 7 during the first three years of its operations, however, even in such cases at least half of the quota must be attained. The ORTT may grant a one-time partial exemption from the quotas up to the end of the third year, according to a plan specified in their agreement and containing precise figures.

The Műsorfigyelő és -elemző Igazgatóság (Directorate for Monitoring and Analysing Programmes) shall review television broadcasters' programmes once a month for compliance with the proportions specified in Article 7(1) and (2) and the fulfilment of the obligations shall be evaluated by the ORTT once every quarter/twice a year.

Pursuant to Article 7(4), the broadcaster must certify its compliance with the proportions under that paragraph in its annual report by presenting data certified by an auditor. If the broadcaster fails to fulfil its obligations laid down in Article 7 or if it fails to fulfil its reporting obligation, the ORTT may apply the sanctions specified in Article 112; in particular, it may apply the sanctions referred to in Article 112(1)(a), (b) and (d) to broadcasters operating under a contract and it may apply those referred to in Article 112(1)(a), (b) and (e) to broadcasters covered by Article 113, while public service broadcasters may be liable to the sanctions specified in Article 112(1)(a), (b) and (e).

c) Penalties

In the case of non-compliance with the provisions of the Act, or with a proportion undertaken in the case of an exemption granted on the basis of Decision No. 2761/2006 (XII.13.) of the ORTT, a penalty specified in Article 112(1) of the Act may be applied to the broadcasters:

‘Article 112

(1) If any broadcaster fails to meet or if it infringes the terms and conditions laid down in this Act or the Act on copyright or those laid down in the broadcasting contract or radio licence, or if a person in an employment relationship or other working relationship with the broadcaster at the time of committing the act has been found guilty of an offence as defined in Article 329 of the Criminal Code in a judgement having the force of res judicata, the ORTT shall

a) call upon the broadcaster to cease the condemned conduct,

b) establish the infringement in a written warning and call upon the broadcaster to cease the infringement and to refrain from such infringement in future,

c) suspend for a definite period, but not exceeding thirty days, the right to exercise broadcasting rights,

d) apply the penalty established in the contract,

e) at the initiative of the Complaints Committee, impose a fine within the limits specified in Article 135 on a public services broadcaster or a broadcaster carrying out broadcasting on the basis of a notification,

f) terminate the contract with immediate effect’.

The ORTT has developed a practice concerning penalties, to call upon any broadcaster, based on Article 112(1)(a) of the Act, to cease its condemned conduct, if the given broadcaster has not fulfilled its legal obligations for the first time and if the infringement is minor. This penalty is basically a written warning for the broadcaster to comply with its obligations in future.

Where the ORTT considers the infringement more serious, or if the broadcaster repeatedly or continuously does not comply with the programming structure requirements, it shall impose a fine of up to HUF 1 000 000. depending on the given case.