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Accompanying document to the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Ninth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC as
amended by Directive 97/36/EC and Directive 2007/65/EC, for the period 2007-2008**

(Promotion of European and independent audiovisual works)

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APPLICATION OF ARTICLES 4 AND 5 IN EACH MEMBER STATE

INTRODUCTION

This document supplements the Ninth Communication from the Commission to the Council and to the European Parliament on application of Articles 4 and 5 of Directive 97/36/EC, pursuant to Article 4(3).

The Ninth Communication, covering the years 2007 and 2008, outlines the Commission's opinion on application of Articles 4 and 5 at Community level and the principal conclusions which can be drawn from the Member States' reports. This document contains a detailed analysis of application of Articles 4 and 5 in each Member State based on the reporting obligations for the reference period.

The Commission is responsible for ensuring correct application of Articles 4 and 5 of the Directive in accordance with the Treaty. Article 4(3) of the Directive requires the Member States to provide the Commission with a report on application of Articles 4 and 5 every two years. Summaries of these reports are provided in Annex 3.

The present document comprises two parts:

Part 1: Application of Articles 4 and 5: General remarks;

Part 2: Application of Articles 4 and 5: Detailed analysis for each Member State.

It also contains the following annexes:

- Annex 1: Performance indicators
- Annex 2: Charts and tables on the application of Articles 4 and 5
- Annex 3: Summary of the reports from the Member States
- Annex 4: Report from the States of the European Free Trade Association participating in the European Economic Area
- Annex 5: List of television channels in the Member States which failed to achieve the majority proportion required by Article 4
- Annex 6: List of television channels in the Member States which failed to achieve the minimum proportion required by Article 5

1. APPLICATION OF ARTICLES 4 AND 5: GENERAL REMARKS

In 2007 a total of 2053 channels were reported, of which 1590 were covered by Articles 4 and 5 of the Directive. In 2008 some 2151 channels were reported, of which 1679 were covered, a 51.6% increase compared with 2006.

This increase is the consequence of the highly dynamic development of the audiovisual sector which has continued since the last reference period¹. At the same time, the Commission sent the Member States a pre-defined list of channels extracted from the European Audiovisual Observatory's MAVISE database in order to ensure greater consistency and comparability of the national statistical statements. This approach might also have played a part in the increase in the number of channels covered.

Progress has been made in terms of the consistency of the measurements, although there is still room for improvement in the consistency of the reporting: for instance, the distinction between local and regional channels needed some clarification². The same applies to how to treat certain specialised channels, such as cinema channels, which were exempt in some Member States³. Trailers also appear to be counted as programmes for calculating the proportion of European and independent works in some Member States, but not in others.

As in the Eighth Communication, all channels falling within the jurisdiction of a given Member State have been reported, irrespective of their audience shares.

Finally, for the first time, all 27 EU Member States were under an obligation to report.

1.1. Monitoring methods in the Member States

As regards the national monitoring methods, there are still divergences between Member States. Most national monitoring methods are based on mere submission of returns by the broadcasters to the regulator. In some Member States the data are verified by the regulator or an independent research organisation and in a few the competent authority or an independent organisation is directly involved in monitoring. The monitoring frequency also varies from one Member State to another: from randomly selected weeks throughout the year⁴ to daily. During the reference period, one competent authority (in Portugal) improved its monitoring method by abandoning samples and taking into account the total amount of broadcasting over the year in order to assess the performance of channels.

Furthermore, the national methods themselves sometimes differ, depending on the ownership of the channel (private or public) or the type of transmission (terrestrial, satellite or cable). In one Member State only analogue channels were monitored⁵. In this respect, the Commission reiterates that all channels falling within the jurisdiction of a given Member State are under the obligations set out in Articles 4 and 5, irrespective of the type of channel or transmission.

¹ The UK Regulatory Authority (Ofcom), for instance, updates every month the list of channels falling under national jurisdiction to include the new ones.

² Pursuant to Article 9 of the Directive, channels intended exclusively for local audiences which do not form part of a national network are not covered by Articles 4 and 5. Under the 'Suggested guidelines' adopted by the Commission in 1999 for monitoring implementation of Articles 4 and 5 of the 'Television without Frontiers Directive', local channels are defined as 'sub-regional'.

³ The Commission sent two official letters to Germany and Portugal concerning regional and cinema channels respectively. Germany gave an undertaking to provide statistical data on the 'Dritte Programme' regional channels from the next reporting period on and Portugal has already submitted data on cinema channels for the current reference period.

⁴ The sampling periods are generally indicated by the regulator.

⁵ In Cyprus the current legislation does not allow the national authority to monitor digital channels. This situation is expected to change in the next few months.

1.2. Reasons for non-compliance

The reasons given for non-compliance with the proportions required under Articles 4 and 5 of the Directive were very similar to those provided in the previous reference periods.

- **Thematic channels**

The number of channels specialising in only one genre or targeting a very specific audience has increased significantly. In this respect, it was pointed out that, due to their genre, ‘cinema channels’, for instance, could not fulfil the obligations set out in Articles 4 and 5.

It must be repeated once again that the Directive provides for no further exemptions beyond those already listed in Article 4(1).

- **Recently launched channels**

Some Member States indicated that recently launched channels found it difficult to meet the obligations set out in Articles 4 and 5 from the start of their operations. Some also argued that, especially for new market entrants targeting a very specific audience, European programmes were not attractive enough to build up a viewer base.

True as it is that the Directive leaves open the possibility of progressively building up to the required proportions of European works⁶ and that Article 4(3) allows the Commission to take into consideration the particular circumstances of new broadcasters, every effort should be made to achieve the set proportions as soon as possible.

- **Problems with acquisition of European programmes**

Some Member States considered that the small size of their domestic markets or their language area inevitably placed restrictions on production or commissioning of European programmes.

Article 4(3) allows the Commission to take into account the specific situation of countries with low audiovisual production capacity or a small language area.

Furthermore, some Member States indicated that broadcasters sometimes had difficulties finding European programmes on the market, either because the acquisition rights market was dominated by a few broadcasters who held the rights or because it was difficult to find European programmes at competitive prices.

The argument focusing on the higher costs of European programmes cannot be accepted, considering that the objective of Articles 4 and 5 is to foster production by the European audiovisual industry.

- **Channels belonging to a group**

One argument raised was that some channels belonging to a group did not meet the obligations, while others in the same group intended to cover European topics and programmes exceeded the required proportion by a large amount. In those cases, the broadcasters and the national authorities often considered the results of the group as a whole.

⁶ See, in particular, recital 30 of Directive 97/36/EC.

Once again, it must be repeated that, even though Article 4(1) states that ‘broadcasters’ must reserve set proportions of their transmission time for European works, Article 4(3) refers to each of the ‘television programmes’ when it comes to monitoring achievement of the set proportions.

- **Broadcasting from non-European stock**

A number of channels belonging to a non-EU group indicated that they use material from the group’s catalogue made up of non-European productions.

In this connection, the Commission reiterates that Article 4(1) does not include ownership structure as one of the reasons for exemption from the obligations imposed by the Directive.

- **Small channels**

Certain Member States argued that some channels are so small and have such a small audience that it would be disproportionate to impose reporting obligations on them.

It is true that a "de minimis" rule was set for earlier reference periods, when an exception was granted for channels with an audience share of less than 3%. However, this rule has been abandoned since the 2005/2006 reporting period.

- **Specific market conditions during the reference period.**

The economic crisis and the resultant decrease in advertising revenue and other sources of income for broadcasters were explicitly mentioned in one report and the current economic context in another as reasons for non-compliance with the set quotas.

The Commission may take exceptional circumstances into account, following the principle of proportionality. However, situations such as those described in the two abovementioned reports do not exempt channels from the obligations set out in Articles 4 and 5 of the Directive. The Commission acknowledges the fact that the regulator in one of these two Member States plans to take enforcement measures against the non-compliant broadcasters and that in the other, broadcasters are considering cooperation agreements to produce audiovisual works at lower cost.

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

Enforcement seems to have improved somewhat during the reference period, compared with previous reports.

It is true that the legal situation still diverges from one Member State to another⁷ and that some competent authorities do no more than engage in ‘discussions’ with broadcasters or ‘encourage’ compliance with the quotas. However, the national authorities in nine Member States said that they had taken active measures during the reference period against cases of failure to communicate data and/or to achieve the required proportions of European works and/or independent productions. And five Member States reported that penalty procedures

⁷ In some Member States, the competent authorities have no power to apply sanctions (Ireland, Cyprus, Sweden and Austria, in the latter case only for failure to fulfil the proportions of European works and independent productions), whereas in others the sanctions include warnings and/or fines or withdrawal of licences.

had been initiated⁸. At the same time, one of the most recent Member States (Romania) reported that a provision on sanctions for failure to communicate data and to achieve the quotas had been added to the Audiovisual Law.

Although some progress seems to have been made, there is still room for further improvement in enforcement of the obligations set out in Articles 4 and 5. The Commission reiterates the need for the Member States concerned to improve the measures against non-compliant channels, in order to ensure by appropriate means that the proportions of transmission time laid down in Articles 4 and 5 are achieved. Especially in cases where channels continually fail to meet these proportions, stricter enforcement of the national rules in place is the only way to ensure effective implementation of Articles 4 and 5. In two⁹ of the three Member States which reported averages of below 50% of European works over the period 2007-2008 the competent authorities have no power to take sanctions against non-compliant broadcasters.

1.4. Conclusions

The reference period for this report includes the first compulsory reports from the most recent Member States, i.e. Bulgaria and Romania.

As far as Article 4 is concerned, the average proportion of European works rose in 14 Member States during the reference period and remained stable in two. It therefore fell in 11 Member States. The net result is a very slight (0.6 percentage point) increase over the current reference period. Over the four-year period from 2005 to 2008, 16 Member States reported an increase in their percentages, albeit relatively modest (not more than 5 percentage points in 11 cases), and the other 11 a decrease (of less than 10 percentage points in eight cases). In 2008 the proportion of European works broadcast slipped back to the level achieved in 2005 (63.21%), following the increase recorded during the last reporting period.

As far as European works created by independent producers are concerned, 14 Member States reported an upturn over the reference period and 13 recorded a decrease. The net result is a slight (-0.36 percentage point) decrease. Over the four-year period from 2005 to 2008, 19 Member States posted a decrease and only eight reported an increase. However, the resulting net decrease in relation to the previous period remained very moderate (-0.83 percentage point) and the proportion of European independent works broadcast at EU level reached 34.90% in 2008, well above the percentage set in Article 5.

The proportion of recent works by European independent producers shows a slight upward trend and the level of achievement (63.88% in 2008) is satisfactory.

⁸ Belgium (French-speaking community), the Czech Republic, France, Hungary and the Netherlands.

⁹ Cyprus and Sweden

2. APPLICATION OF ARTICLES 4 AND 5: DETAILED ANALYSIS

2.1. Belgium¹⁰

2.1.1. Belgium – Flemish community

The number of identified channels for the reference period was 48, from which two channels were exempt (Actua TV and EbS Europe by Satellite (version in Dutch)). Three channels were reported to be non-operational in 2007 (Euro 1080, Prime Family and Studio 100 TV) and only two channels in 2008 (Kinopolis TV 1 and Kinopolis TV 2).

European works

The 21 reported¹¹ channels broadcast an average of 80.7% European works in 2007. In 2008, the 34 reported channels broadcast an average of 69.8%. This represents a -10.9 percentage point decrease over the reference period.

For 2007, out of the 21 reported channels, 18 channels achieved the majority proportion required by the Article 4 of the Directive, while three channels did not (VijfTV, VT4 and 2BE). Of the 43 covered¹², 22 did not communicate all or some of the data. The compliance rate, in terms of numbers of channels, was 41.9%.

According to the report, the majority of VT4 prime time programming includes local productions which are very expensive, given that they target a small market with fragmented advertising spending. However, over 50% of the budget was spent on European productions, so that it can be concluded that the channel is making genuine efforts to show European and independent productions.

VijfTV did not reach the required proportion of European works, although it improved its average compared with the previous report. The report points to the fact that this channel devotes four hours per day to phone-in games produced by a Dutch company, which are not taken into account for the calculation of the proportion.

In 2008, of the total of 34 reported channels, 23 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 11 channels did not. Of the 44 covered channels, 10 did not communicate their data.. The compliance rate, in terms of numbers of channels, was 52.3%.

Except for VT4 and VijfTV (see above), no reasons have been given for non-compliance by the other channels in 2008.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 57.1% in 2007 and 57.3% in 2008, representing a 0.2 percentage points increase over the reference period.

¹⁰ Two separate reports were received from the Flemish and the French Communities. This distinction is therefore reflected in the present analysis. However, the figures were aggregated for the purpose of assessment at Member State level in Background Document 2.

¹¹ "Reported" channels are those for which data was communicated by the Member States

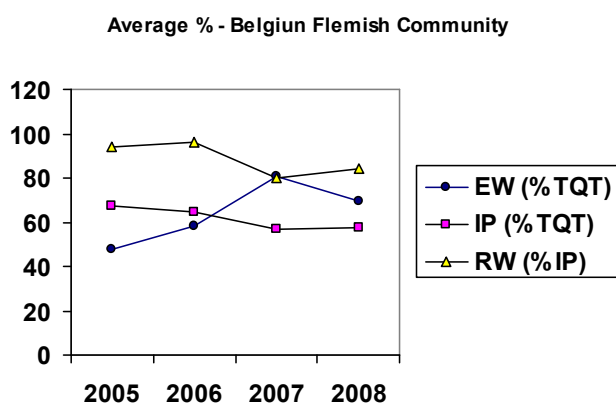
¹² The term "covered channels" refers to the total number of channels identified less the number of non-operational and exempted channels, see Indicator 1, Background document 1.

Not all reported channels exceeded the minimum proportion under Article 5 of the Directive. Five channels did not meet this target in 2007 and four in 2008. The compliance rate, in terms of numbers of channels, was 58.1% in 2007 and 65.9% in 2008.

The average relative proportion of recent European works by independent producers was 80.3% in 2007 and 84% in 2008, representing a 3.7 percentage point increase over the reference period

The Commission notes that the Flemish authorities do not envisage to take on any measures against the channels which failed to fulfil the required proportions, because they generally consider the channels belonging to the same broadcaster as a whole and in these conditions, the requirements are generally achieved.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.2. Belgium - French Community

The number of identified channels for the reference period was 25. Two channels were non-operational in 2007 (Be Sport 3 and Nickelodeon - MTV Wallonia) and two in 2008 (Move On TV and Move X TV), while four channels were exempt. Six channels did not communicate any data in 2007 and 2008.

European works

The 13 reported channels broadcast an average of 65.5% European works in 2007 and 67.3% in 2008. This represents a 1.8 percentage point increase over the reference period.

For 2007, all 13 reported channels achieved the majority proportion required by the Article 4 of the Directive. For the 19 covered channels, the compliance rate, in terms of numbers of channels, was 68.4%.

In 2008, out of 13 reported channels, 12 achieved the majority proportion of transmission time specified in Article 4 of the Directive, and only one channel did not (AB3). For the 19 covered channels, the compliance rate, in terms of numbers of channels, was 63.2%.

European works made by independent producers

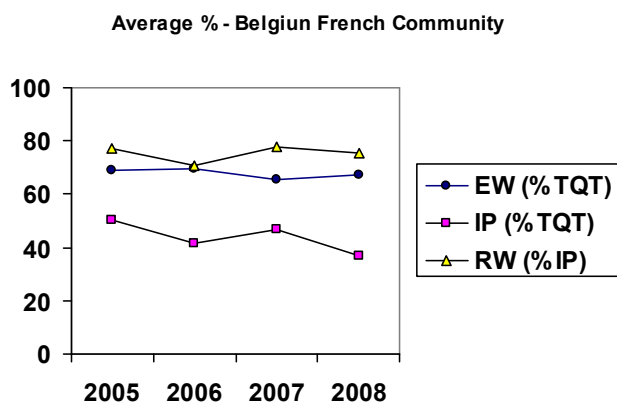
The average proportion of European works by independent producers on all reported channels was 46.9% in 2007 and 36.6% in 2008, representing a decrease of -10.3 percentage points over the reference period.

All reported channels exceeded the minimum proportion under Article 5 of the Directive (percentages ranking from 20% to 76.8% in 2007 and from 18.1% to 57.1% in 2008). The compliance rate, in terms of numbers of channels, was 68.4% in 2007 and 2008.

The average relative proportion of recent European works by independent producers was 77.8% in 2007 and 75.4% in 2008, representing a -2.4 percentage point decrease over the reference period.

According to the report, two channels, AB3 and AB4, did not fulfil the proportion of recent European independent works because they alleged that the rights to independent European works that are less than five years old are essentially held by competitors and it is difficult for smaller broadcasters to access these markets' rights. The Commission notes that in 2007 and 2008, the CSA took actions for reiterated non-compliance with the proportion of recent European independent works by AB3 and AB4.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.3. Bulgaria

The number of identified channels for the reference period was 42, from which four channels were exempt (Ring TV (Bulgaria), Telestar TV, TV 1 and Zdrave). One channel was non-operational in 2007 (GTV Gotinata Televizija).

European works

Over the reference period, the 23 reported channels broadcast an average of 55.6%.

For 2007, of the 23 reported channels, 15 achieved the majority proportion required by the Article 4 of the Directive, while eight channels did not. No data was communicated for 14 channels out of 37 covered channels.. The compliance rate, in terms of numbers of channels, was 40.5%.

In 2008, of the total of 23 reported channels, 14 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 9 channels did not. No data

was communicated for 15 channels out of 38 covered channels. The compliance rate, in terms of numbers of channels, was 36.8%.

According to the report, the Bulgarian authorities have made every effort to collect the statistical data and will take action against those channels which did not submit information.

No reason was given to explain why the non-compliant channels failed to reach the required proportion of European works.

European works made by independent producers

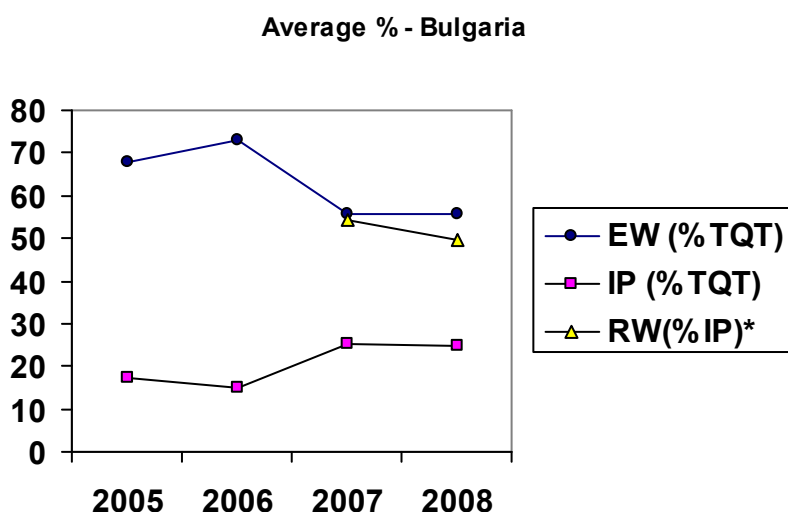
The average proportion of European works by independent producers on all reported channels was 25.2% in 2007 and 24.6% in 2008, representing a -0.6 percentage points decrease over the reference period.

In 2007, out of 16 reported channels, 13 channels exceeded the minimum proportion specified in Article 5 of the Directive, while three channels did not meet the target. No data was communicated for 21 channels out of 37 covered channels. The compliance rate was 35.1%.

For 2008, out of 18 reported channels, 14 channels exceeded the minimum proportion specified in Article 5 of the Directive, while four channels did not meet the target. No data was communicated for 20 channels out of 38 covered channels. The compliance rate, in terms of number of channels, was 36.8%.

The average relative proportion of recent European works by independent producers was 54.3% in 2007 and 49.5% in 2008, representing a -4.8 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



* The data related to recent works in 2005-2006 is missing since it was not compulsory for Bulgaria to report on the application of Article 4 and 5 at that time. They did it on a voluntary basis for European works (EW) and independent producers (IP).

2.1.4. Czech Republic

Of the total of 49 identified channels three channels were totally and five channels were partially exempt in 2007. Nine channels were not yet operational in 2007.

In 2008, six channels were totally exempt and five channels, only partially.

European works

All reported channels broadcast an average of 64.3% of European works in 2007 and an average of 65.9% in 2008. This represents a 1.6 percentage point increase over the reference period.

For 2007, of the total of 36 reported channels, 23 achieved the majority proportion required by Article 4 of the Directive and 13 channels were below this target. Out of the 37 covered channels, one did not communicate any data.. The compliance rate, in terms of numbers of channels, was 62.2%.

In 2008, of the total of 40 reported channels, 23 achieved the majority proportion of transmission time specified in Article 4, while 17 channels did not. Out of the 43 covered channels, three did not communicate any data. The compliance rate, in terms of number of channels, was 53.5%.

As was already the case in the 2005-2006 period, most of the channels that did not reach the minimum proportion of time devoted to European works were cinema channels. The report states that their non-compliance can be explained, amongst others, by the fact that the Czech Republic is a country with low audiovisual production and restricted language area.

While acknowledging this situation, the Commission would like to recall that the proportion of transmission time specified in Article 4(1) of the Directive applies to each of the television channels of broadcasters falling under the jurisdiction of the Member states concerned. The Directive allows adopting a progressive approach when necessary and this is a possibility which could be exploited in order to improve the situation of fiction channels.

The Commission acknowledges on the other hand that the Czech authorities have taken action against PRIMA TV, a generalist channel which did not fulfil the required proportion of European works in 2008.

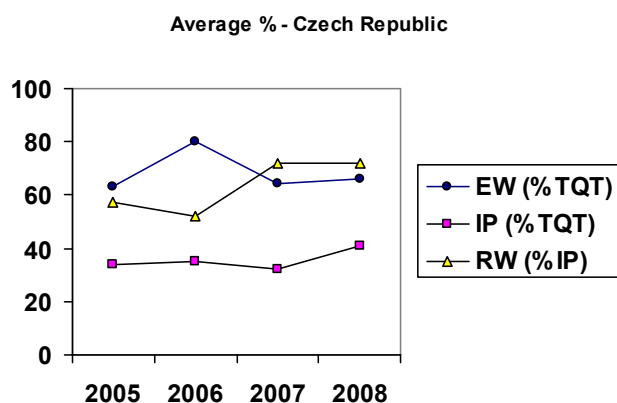
European works made by independent producers

The average proportion of European works by independent producers on all reported channels in 2007 was 32.2%. In 2008, it rose to 40.7%, which represents an increase of 8.5 percentage points over the reference period. In 2007, 13 channels were below the 10% threshold while in 2008 all the reported channels achieved this proportion.

The compliance rate, in terms of number of channels, was 56.3% in 2007 and 92.1% in 2008.

The average relative proportion of recent European works by independent producers for all reported channels was 72.1% in 2007 and 71.8% in 2008, representing a slight decrease (-0.3 percentage point) over the reference period. In 2007 no data was communicated for seven channels and in 2008 this was the case for only three channels. In this respect, the Commission notes that the Authority has taken action against the failing channels.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.5. Denmark

Of the total of 27 identified channels, eight channels were exempt over the reference period.

European works

All reported channels broadcast an average of 84.9% and 84.8% in 2007 and 2008 respectively, representing a -0.1 percentage point decrease over the reference period.

For 2007 and 2008, of the total of 18 reported channels, 16 channels achieved the majority proportion specified in Article 4 of the Directive, while two channels didn't meet this target (TV 2 Film and TV 2 Zulu). No data was communicated for one channel out of the 19 covered channels. The compliance rate, in terms of numbers of channels, was 84.2%.

The report did not provide any reason for the non-compliance of TV 2 Film and TV 2 Zulu.

The Commission notes that the proportion of European works has increased on TV 2 Film compared with the last reference period while there is stagnation for TV 2 Zulu. Since this channel has failed to fulfil the required proportion for several reference periods and does not show any improvement sign, effective enforcement measures should be taken in order to ensure that the channel increases its proportion of European works.

European works made by independent producers

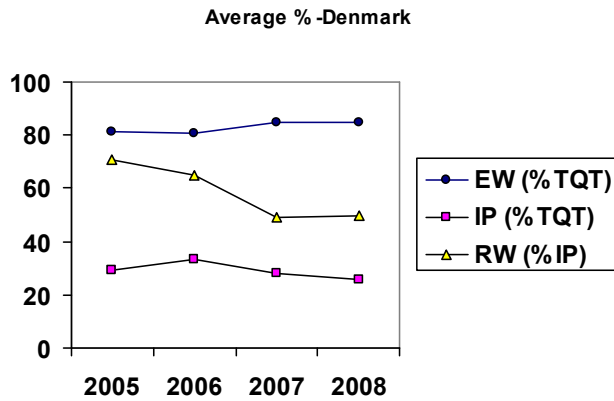
The average proportion of European works by independent producers on all reported channels was 28.1% in 2007 and 25.5% in 2008, representing a decrease of -2.6 percentage points over the reference period.

For 2007, of the 18 reported channels, 10 exceeded the minimum proportion under Article 5 of the Directive, while 8 channels did not. In 2008, of the 18 reported channels, 9 were above the 10% minimum, and 9 channels were below this threshold. The compliance rate, in terms of number of channels, was 52.6% in 2007 and 47.4% in 2008.

According to the report, the four channels that failed to reach the minimum proportion of transmission time specified in Article 5 are channels which mainly broadcast regional news and current affairs programmes.

The average relative proportion of recent European works by independent producers for all channels was 49.3% in 2007 and 49.9% in 2008, representing an increase of 0.6 percentage points over the reference period.

The evolution of averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



2.1.6. Germany

Out of 159 identified channels, 73 channels were exempt in 2007 and 2008, representing a proportion of 45.5% of the total number of channels.

Some of the exempt channels are regional public channels belonging to the so-called "Dritten Programme". During informal contacts with the German Authorities, the Commission indicated that the channels covering at least one region ("Land") and in some occasions, several, fall within the scope of Articles 4 and 5 and are under the obligation to fulfil the requirements set out by these Articles¹³. The statistical data corresponding to these channels should therefore be submitted in the future reports.¹⁴

European works

All reported channels broadcast an average of 64.2% and 63.9% in 2007 and 2008 respectively, representing a -0.3 percentage point decrease over the reference period.

In 2007 and 2008, out of 39 reported channels, 25 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 14 channels did not. No data was communicated for 47 channels out of 86 covered channels. The compliance rate, in terms of number of channels, was 29.1%.

The Commission notes very low compliance rates achieved during the reference period, compared to the compliance rates achieved in 2005 and 2006 (respectively 62% and 54%) and the significant increase in the number of channels which have not communicated their data.

¹³ In accordance with the Suggested Guidelines for the Monitoring of the Implementation of Articles 4 and 5 of the "Television Without Frontiers" Directive published by the Commission in 1999

¹⁴ This statement has been reiterated in a letter sent to the German Permanent Representative on 11 March 2010. The German Authority has undertaken to provide data relating to these regional public channels for the next reporting period.

The German Authorities have argued that the submission of the statistical data represents a heavy burden on the channels with a very low audience share.

European works made by independent producers

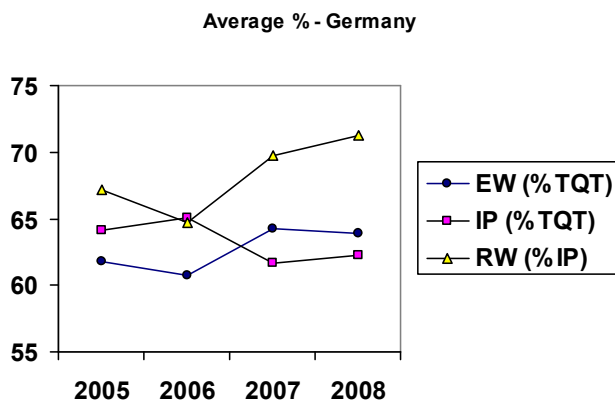
The average proportion of European works by independent producers on all reported channels was 61.7% in 2007 and 62.3% in 2008, representing an increase of 0.6 percentage points over the reference period.

For 2007, out of 39 reported channels, 35 exceeded the minimum proportion under Article 5 of the Directive, while four channels did not (MTV (Germany), PHOENIX, ARD EinsPlus and ZDF Infokanal). No data was communicated for 47 channels out of 86 covered channels

In 2008, out of 39 reported channels, 36 were above the 10% minimum, and three channels were below this threshold (MTV (Germany), PHOENIX and ZDF Infokanal). No data was communicated for 47 channels of a total of 86 covered channels. The compliance rate, in terms of number of channels, was 40.7% in 2007 and 41.9% in 2008.

The average relative proportion of recent European works by independent producers for all channels was 69.7% in 2007 and 71.3% in 2008, representing an increase of 1.6 percentage points over the reference period.

The evolution of averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



2.1.7. Estonia

European works

Of the total of nine channels identified, five channels were not yet operational in 2007.

The four reported channels broadcast an average of 61.6% European works in 2007. In 2008, the nine reported channels broadcast an average of 64.6%. This represents a 3 percentage point increase over the reference period.

For 2007, all four reported channels achieved the majority proportion required by the Article 4 of the Directive. The compliance rate, in terms of numbers of channels, was 100%.

In 2008, all nine reported channels achieved the majority proportion of transmission time specified in Article 4 of the Directive. Thus, the compliance rate, in terms of numbers of channels, was 100%. The achieved proportions ranged from 51% to 90.4%.

The Commission notes with satisfaction that the five channels which started operations in 2008 have all reached the required proportion of European works and contributed to the good results achieved in that year.

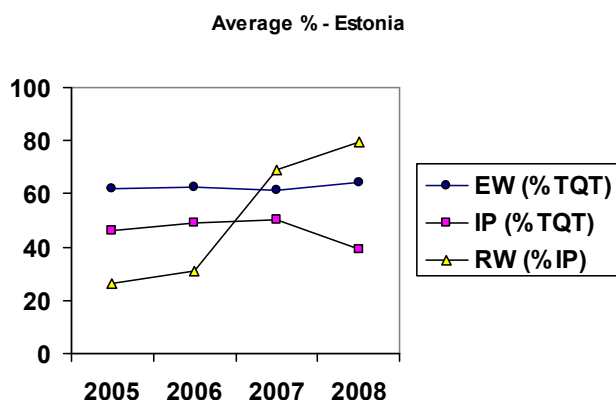
European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 50.3% in 2007 and 39.3% in 2008, representing a decrease of -11 percentage points over the reference period.

All reported channels exceeded the minimum proportion under Article 5 of the Directive (percentages ranking from 40.7% to 60% in 2007 and 10.7% to 62.3% in 2008). The compliance rate, in terms of numbers of channels, was 100%.

The average relative proportion of recent European works by independent producers was 68.9% in 2007 and 79.6% in 2008, representing a 10.7 percentage point increase over the reference period. The Commission welcomes this significant increase.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.8. Ireland

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

European works

All reported channels broadcast an average of 55% and 56.4% in 2007 and 2008 respectively, representing a 1.4 percentage point increase over the reference period.

For 2007 and 2008, out of five reported channels, two channels achieved the majority proportion of transmission time specified in Article 4 of the Directive (RTE 1 and TG4), while three channels did not (Channel 6/3e, RTE 2 and TV3 (Ireland)). The compliance rate, in terms of number of channels, was 40%.

According to the report, two of the failing channels (RTE2 and TV3) achieved the required proportion of European works when news and sport programming was included in the total qualifying time. It is argued that the exclusion of news and sports programming is particularly problematic for TV3 due to the importance of this type of programming to its constituent audiences.

The third failing channel (Channel 6/3e) is a relatively new one which is progressively increasing the proportion of European works in its programming (42.3 % in 2008 compared to 40% in 2007).

European works made by independent producers

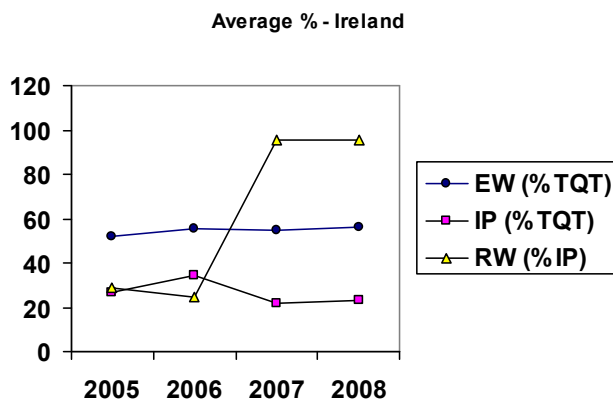
The average proportion of European works by independent producers on all reported channels was 21.9% in 2007 and 23% in 2008, representing a 1.1 percentage point increase over the reference period.

For both reported years 2007 and 2008, of the 5 reported channels, four exceeded the minimum proportion under Article 5 of the Directive, while one channel did not (TV3 (Ireland)). The compliance rate, in terms of number of channels, was 80%.

The reason given in the report for TV3's failure to achieve the required proportion of European works by independent producers is the same as for European works.

The average relative proportion of recent European works by independent producers for all channels was 95.3% for 2007 and 2008. The Commission welcomes the fact that Ireland has almost recovered the level of recent works scheduling achieved over the 2003-2004 period, following the significant decline suffered during the last reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



2.1.9. Greece

European works

All reported channels broadcast an average of 54.1% and 61.7% European works in 2007 and 2008, respectively, representing a 7.6 percentage point increase over the reference period.

In 2007, of the total of 36 identified channels, one was non-operational (MTV Greece) and one was exempt (CNN).

Of the total of 34 reported channels, 20 achieved the majority proportion specified in Article 4 of the Directive, while 14 did not. . The compliance rate, in terms of number of channels, was 58.8%.

For 2008, of the total of 35 reported channels, 24 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 11 channels did not. The compliance rate was therefore 68.6%.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 14.5% in 2007 and 14.7% in 2008, representing a 0.2 percentage point increase over the reference period.

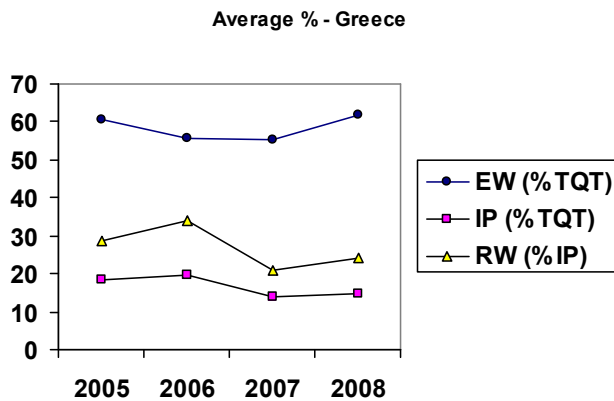
In 2007, of the total of 34 reported channels, 16 exceeded the minimum proportion under Article 5 of the Directive, while 18 channels remained below the target. Of the 34 covered channels, one was non-operational and another one was exempt. The compliance rate, in terms of number of channels, was 50.0%.

For 2008, of the total of 35 reported channels, 20 exceeded the minimum proportion specified in Article 5 of the Directive, while 15 channels were below the target. One channel out of the 35 covered channels was exempt. The compliance rate, in terms of number of channels, was 57.1%.

As underlined by the report, the generalist channels which broadcast nationwide have generally complied with the proportions set out in the Greek legislation relating to European works and independent productions. Channels which have not achieved these proportions are mostly thematic ones. The national report does not provide any reason for their failure to reach the required proportions of European works or independent productions, nor does it report on measures being taken against those channels. In this respect, the Commission reiterates that the Member States should ensure that individual channels which fall within their jurisdiction and are not covered by legal exceptions expressly set out in the Directive, achieve the proportions of transmission time specified in Articles 4 and 5.

The average relative proportion of the recent European works by independent producers for all reported channels was 21.6% in 2007 and 24.2% in 2008, resulting in a 2.6 percentage point increase over the reference period. However, the averages achieved in the reference period represent a decrease compared to the previous period. The Commission, which already stressed in the previous reports the relatively low proportion of recent independent productions compared to other Member States and the EU average, notes that no progress has been made in that respect.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.10. Spain

The number of identified channels for the reference period was 175. 12 channels were non-operational in 2007 and two in 2008. 29 channels were exempt during the reference period.

European works

The 107 reported channels broadcast an average of 54.2% European works in 2007. In 2008, the 115 reported channels broadcast an average of 55.7%. This represents a 1.5 percentage point increase over the reference period.

For 2007, of the 107 reported channels, 64 achieved the majority proportion required by the Article 4 of the Directive, and 43 channels did not meet this target. No data was communicated for 27 channels out of 134 covered channels. The compliance rate, in terms of numbers of channels, was 47.8%.

In 2008, of the total of 115 reported channels, 69 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 46 channels did not. No data was communicated for 29 channels out of the 144 covered channels. The compliance rate, in terms of numbers of channels, was 47.9%.

According to the report, non-compliance with the European works proportion can be explained by various factors: as was already the case in the last reference period, according to the law transposing the Directive, those channels which started operations after 31.12.2002 are granted a 5-year transitional period to progressively achieve the European works proportion (in fact, out of the 16 channels which were in this situation, only three did not reach the European works proportion and two did not communicate their data). On the other hand, the report states that the particular thematic nature or niche audience of some channels should be taken into account when assessing their compliance with the European works. In this respect, the Commission notes that most of the thematic channels that did not achieve the European works proportion are fiction ones. The Commission would like to reiterate that the majority proportion set out in Article 4 (1) applies to all channels covered by this Article and to stress the role that fiction channels should play to promote European works.

European works made by independent producers

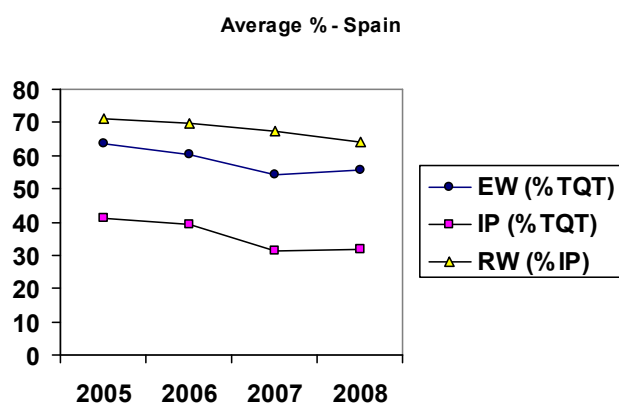
The average proportion of European works by independent producers on all reported channels was 31.3% in 2007 and 31.6% in 2008. This represents a 0.3 percentage point increase over the reference period.

For 2007, out of 106 reported channels, 87 achieved the majority proportion required by the Article 5 of the Directive 19 channels did not. No data was communicated for 28 channels out of the 134 covered channels. In 2008, of the 113 reported channels, 92 channels exceeded the minimum proportion under Article 5 of the Directive, and 21 channels were below the 10% threshold. No data was communicated for 31 channels out of the 144 covered channels. The compliance rate, in terms of number of channels, was 64.9% in 2007 and 63.9% in 2008.

According to the report, although the achievement of the independent productions proportion specified in Article 5 is higher than in the case of European works, the reasons for failure are the same as for the requirement set out in Article 4.

The average relative proportion of recent European works by independent producers was 67.3% in 2007 and 64.1% in 2008, representing a -3.2 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.11. France

Of the total of 152 identified channels, two channels were non-operational in 2007 (NRJ Paris and Vivolta).

European works

All reported channels broadcast an average of 72.6% and 71.7% in 2007 and 2008 respectively, representing a -0.9 percentage point decrease over the reference period.

In 2007, out of 81 reported channels, 78 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while three channels did not (NRJ 12, TF6 and Trace TV). 35 channels were exempt and no data was communicated for 34 channels. The compliance rate, in terms of number of channels, was 67.8%.

For 2008, out of 81 reported channels, 79 achieved the majority proportion specified in Article 4 of the Directive, while two channels did not (NRJ 12 and Trace TV). 36 channels were exempt and no data was communicated for 35 channels. The compliance rate was 68.1%

As far as NRJ 12 and Trace TV are concerned, no reasons have been given of their failure to fulfil the required proportion of European works. The report indicates that the CSA initiated

two penalty procedures against NRJ 12 for not complying with the European works quota in 2007 and 2008 and sent a warning to Trace TV.

The Commission notes the rather high number of channels for which data was not communicated. In this respect, the report points out that the CSA has sent warnings and letters of formal notice to several channels which did not supply their data. It is further indicated that the French legislation does not put channels with an annual budget of less than €150,000 under the obligation to submit their annual data to the CSA.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 47.5% in 2007 and 45.7% in 2008, representing a decrease of -1.8 percentage points over the reference period.

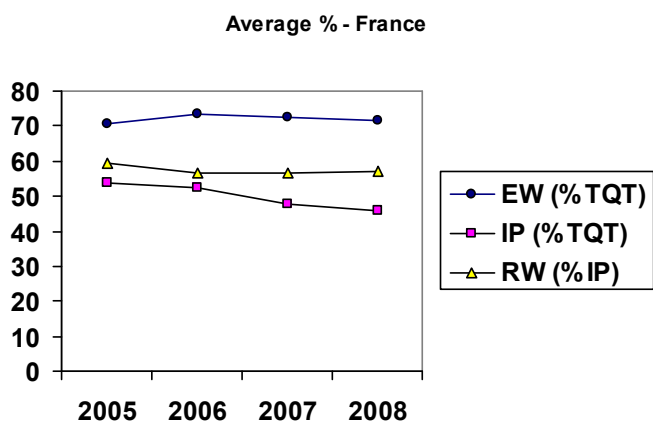
For 2007, of the 84 reported channels, 81 exceeded the minimum proportion under Article 5 of the Directive, while three channels did not. No data was communicated for 30 channels out of the 114 covered channels

In 2008, of the 84 reported channels, 80 were above the 10% minimum, and three channels were below this threshold. No data was communicated for 32 channels. The compliance rate, in terms of number of channels, was 71.1% in 2007 and 69% in 2008.

The report points out that the figures for digital terrestrial channels (unlike the figures for cable and satellite channels) are calculated on the previous year net turnover which constitutes a larger base than the one set by the Directive. Under these conditions, the French authorities argue that the rate below 10% does not imply non-compliance with the Directive. In this respect, the Commission regrets that the invitation made to France in the 2005-2006 Staff Working Document, to present its data in a way that accurately reflects the compliance of French channels with Article 5 of the Directive, has remained ineffective. The Commission would like to remind that, for comparability purposes, the national data should be calculated on similar bases.

The average relative proportion of recent European works by independent producers for all channels was 56.6% in 2007 and 57.1% in 2008, representing an increase of 0.5 percentage points over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



2.1.12. Italy

Of the total of 260 identified channels, 18 channels were non-operational in 2007 and seven channels in 2008. 13 channels were exempt in 2007 and 11 channels in 2008.

European works

All reported channels broadcast an average of 62.9% and 52.7% in 2007 and 2008 respectively, representing a -10.2 percentage point decrease over the reference period.

In 2007, out of the 132 reported channels, 93 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 39 channels did not. No data was communicated for 97 channels out of the 229 covered channels. The compliance rate, in terms of number of channels, was 40.6%.

For 2008, out of the 159 reported channels, 94 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 65 channels did not. No data was communicated for 83 channels out of the 242 covered channels. The compliance rate, in terms of number of channels, was 38.8%.

The report only contains an explanation regarding the compliance rate of the channels belonging to editorial groups. According to the Regulation laid down by the competent Authority (Agcom), the quotas for those channels have to be calculated on the global amount of programming time, with a minimum threshold on each channel of 20%, as it has been the case in the previous reference periods.

Leaving aside the special situation of the above-mentioned channels, the Commission notes the significant decrease in the transmission time of European works in 2008 compared to 2007 (-10.5 percentage point), while the proportion remained stable at 61% during the previous reference period. In this respect, the Commission reiterates that the Member States should ensure that all channels under their jurisdiction achieve the proportions of transmission time specified in Article 4 of the Directive.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 22.6% in 2007 and 17% in 2008, representing a decrease of -5.6 percentage points over the reference period.

For 2007, out of 132 reported channels, 90 exceeded the minimum proportion under Article 5 of the Directive, while 42 channels did not. No data was communicated for 97 channels out of the 229 covered channels.

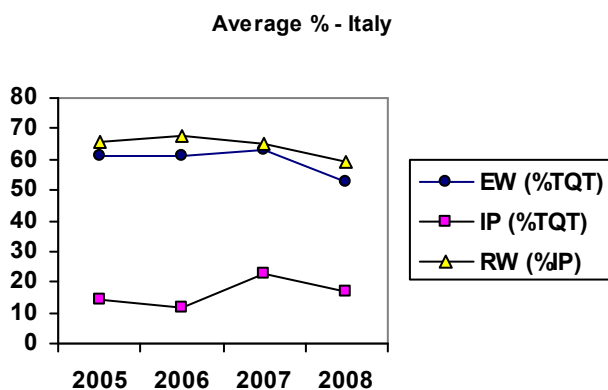
The proportion of channels which did not communicate their statistical data both for European works and independent productions is significant (42.3% in 2007 and 34.4% in 2008). The Commission acknowledges the fact that the Italian authorities will initiate the corresponding sanctioning proceedings against those channels which have failed to communicate their data as well as those which have not reached the required quotas.

In 2008, out of 159 reported channels, 85 were above the 10% minimum while 74 channels were below this threshold. No data was communicated for 83 channels out of the 242 covered channels. The compliance rate, in terms of number of channels, was 39.3% in 2007 and 35.1% in 2008.

The average relative proportion of recent European works by independent producers for all channels was 64.9% in 2007 and 59.5% in 2008, representing a decrease of -5.4 percentage points over the reference period.

As regards recent works, the report underlines the specific situation in Italy which was due to the legislation in force during the reference period. The report explains that the figures provided for the recent works are estimated since Article 44 of legislative decree 177/2005 sets out the proportion of recent works as a percentage of European works and not of independent productions. The Commission expects this provision to be modified in the near future.

The evolution of averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



2.1.13. Cyprus

Of the total of 25 identified channels, 17 channels were exempt over the reference period.

European works

The eight reported channels broadcast an average of 27.9% European works in 2007 and an average of 30% in 2008. This represents a 2.1 percentage point increase over the reference period but a -39.76 percentage point compared to 2006.

Over the reference period, seven out of eight reported channels did not achieve the majority proportion required by the Article 4 of the Directive. The only channel to comply with this target was ANT1 TV (Cyprus). The compliance rate, in terms of numbers of channels, was 12.5%.

The report does not provide any general reason to explain the drastic drop registered during the reference period. However, it indicates that, pursuant to the current national legislation, the obligation to fulfil the required proportion of European works only applies to free-to-air channels. Although this legislation has not yet been amended, the Cyprus Authority has requested two pay-TV channels (Alfa TV and LTV) to comply with the required proportion. It is therefore the first time that both channels are submitting their data. Another channel (CNC Plus TV) has been recently created and is also reporting its data for the first time. The Commission therefore encourages the Cyprus Authority to foster a continued effort by these channels in order to reach the required proportion of European works as soon as possible. It also would like to recall that pursuant to Article 4 (3) all channels falling within the jurisdiction of a given Member State are under the obligation to fulfil the proportions specified in Articles 4 and 5 and report on their performance.

In addition, according to the report, the current legislation only allows the monitoring of the channels which are broadcasting with analogue technology. However, this situation is due to change in the coming months, through a legislative amendment.

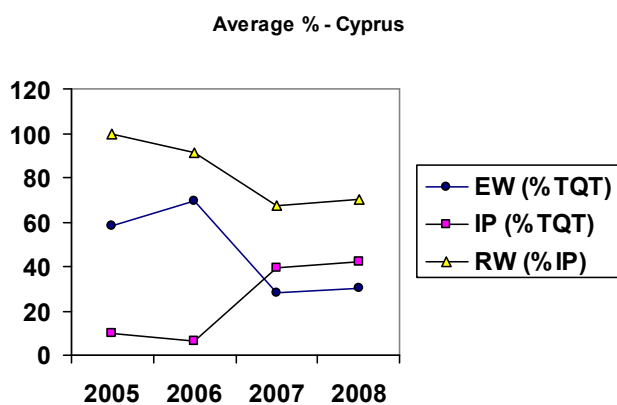
European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 39.6% in 2007 and 41.9% in 2008, representing a 2.3 percentage points increase over the reference period.

Six of the seven reported channels exceeded the minimum proportion under Article 5 of the Directive (percentages ranking from 12.1% to 73% in 2007 and 22.2% to 75% in 2008), while one channel did not (CNC Plus TV) The compliance rate, in terms of numbers of channels, was 75%.

The average relative proportion of recent European works by independent producers was 67.4% in 2007 and 69.9% in 2008, representing a 2.5 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.14. Latvia

European works

All reported channels broadcast an average of 62.2% European works for both years 2007 and 2008.

For the 2007- 2008 period, of the total of six reported channels, five exceeded the minimum proportion of transmission time specified in Article 4 of the Directive, while one channel (LNT) did not. The compliance rate, in terms of number of channels, was 83.3% for both years.

The reasons stated in the report for failure to comply with the proportion of European works lie in the conditions imposed by the US producers (package sales) and the cost of domestically produced works compared with the cost of programmes purchased abroad.

European works made by independent producers

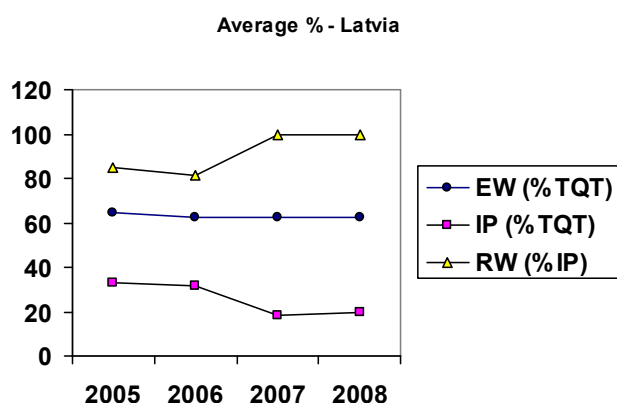
The average proportion of European works by independent producers scheduled on all reported channels was 18.4% for 2007 and 19.7% for 2008, representing a 1.3 percentage point increase over the reference period.

For 2007 and 2008, of the total of six reported channels, four channels exceeded the minimum proportion under Article 5 of the Directive, while two (LNT and TV5 RIGA) did not. The compliance rate, in terms of number of channels, was 66.7% for all reference periods.

The average relative proportion of recent European works by independent producers was 100% in 2007 and 99.6% in 2008, representing a slight -0.4 percentage point decrease over the reference period.

Although the report stresses the difficult situation of the channels which have been hit by a 40% fall in advertising revenue, it also acknowledges the need for sanctioning non-compliance with the required proportions. The Commission notes that the competent authorities have threatened two channels owned by NewsCorp (LNT and TV5 Riga) with being taken off the air for non-compliance with the independent productions proportion.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.15. Lithuania

European works

All reported channels broadcast an average of 59.3% in 2007 and 59.1% in 2008 representing a slight decrease of -0.2 percentage point over the reference period.

During the period 2007-2008, of the total of 11 reported channels, 7 channels achieved the majority proportion specified in Article 4 of the Directive, while 4 channels did not. The compliance rate, in terms of number of channels, was 63.6%.

The report states that the non-compliant broadcasters (LNK, TV1, TV3, TV6) were not able to achieve the target because European productions are much more expensive than non-European works. In this respect, the Commission reiterates that the proportion specified in Article 4(1) of the Directive applies to all television channels of a broadcaster which fall within the jurisdiction of a Member State and are covered by the mentioned Article. It notes however that the non-compliant channels are considering entering into co-operation agreements in order to produce audiovisual works at lower cost and increase the scheduling of European works.

European works made by independent producers

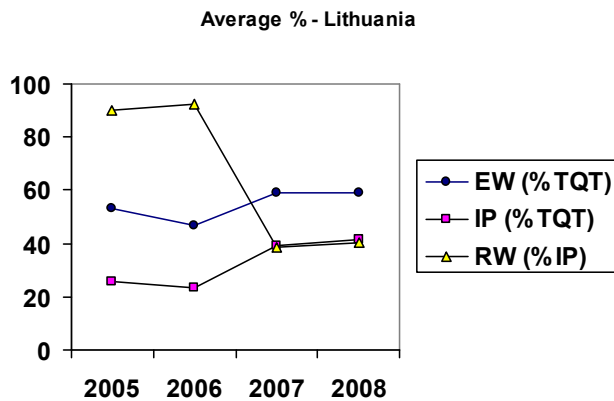
The average proportion of European works made by independent producers on all channels was 39% and 41.5% in 2007 and 2008 respectively, representing an increase of 2.5 percentage points over the reference period and a 15.49 percentage point increase compared to 2006.

All the 11 reported channels exceeded the minimum proportion, with percentages ranking from 10% to 83% in 2007 and 10% to 87% in 2008. The compliance rate, in terms of number of channels, was 100% for the entire reference period.

The Commission notes with satisfaction the progress made in the scheduling of independent productions compared to the previous period, especially taking into account the increase in the number of channels covered by the report.

The average relative proportion of the recent European works by independent producers for all reported channels was 38.5% in 2007 and 40.2% in 2008, resulting in a 1.7 percentage point increase over the reference period. The results achieved in the reference period represents a significant decline compared to the previous period (- 54 percentage point decrease between 2006 and 2007). No reason was given to explain this decrease.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.16. Luxembourg

Of the total of 15 identified channels, one (Current Italy) was non-operational in 2007.

European works

All channels reported broadcast an average of 69.6% and 70.7% in 2007 and 2008, respectively, representing an increase of 1.1 percentage point over the reference period.

For 2007, of the total of 14 reported channels, 13 achieved the majority proportion specified in Article 4 of the Directive and one channel did not (RTL9). The compliance rate was 92.9%.

In 2008, of the total of 15 reported channels, 14 achieved the majority proportion specified in Article 4 of the Directive and one channel was below (RTL8). The compliance rate was 93.3%

The report does not give any reasons for RTL9's failure in 2007. As far as RTL8 is concerned, according to the report, the channel did not attain the required proportion of European works in 2008 because during the selected sampling weeks the programming included series which were mostly of non-European origin. The Commission notes RTL8's intention to include a greater proportion of European works in its programming in order to improve its results.

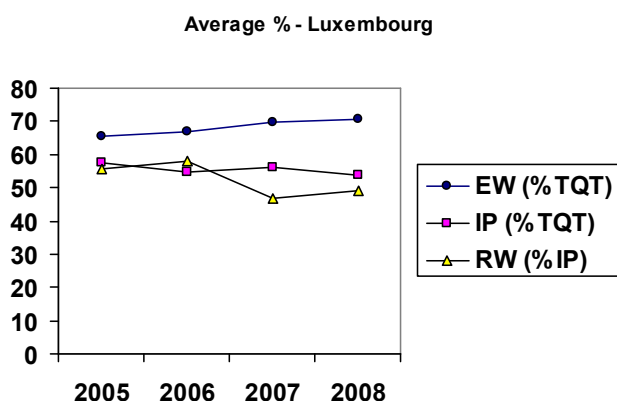
European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 56.2% in 2007 and 53.6% in 2008, representing a decrease of -2.6 percentage point over the reference period.

For 2007, all the 14 reported channels exceeded the minimum proportion under Article 5 of the Directive. In 2008, of the 15 reported channels, 14 were above the 10% minimum. One channel remained below the target (Current TV Italy did not start broadcasting until May 2008). The compliance rate, in terms of number of channels, was 100% in 2007 and 93.3% in 2008.

The average relative proportion of recent European works by independent producers for all channels was 47% in 2007 and 48.9% in 2008, representing an increase of 1.9 percentage points over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below. It shows an overall high level of achievement of the requirements set out in Articles 4 and 5 of the Directive.



2.1.17. Hungary

Of the total of 29 identified channels, one channel was non operational in 2007. Three channels were exempt over the reference period. In 2007 no data was communicated for 3 channels and in 2008 this was the case for 4 channels.

European works

All reported channels broadcast an average of 68.5% in 2007 and 75.3% in 2008 representing a 6.8 percentage point increase over the reference period.

In 2007, out of 22 reported channels, 19 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 3 channels did not (HBO (Hungary), HBO 2 (Hungary) and Viasat3 Hungary). The compliance rate, in terms of number of channels, was 76%.

For 2008, out of 22 reported channels, 20 achieved the majority proportion specified in Article 4 of the Directive, while 2 channels did not (4-es csatorna and Viasat3 Hungary). The compliance rate was 76.9%.

The report indicates that the Hungarian authority (ORTT) granted partial exemptions to 3 channels in 2007 and 2008 regarding the achievement of the European works proportion. As it was already stressed in the Staff Working Document relating to the 2005-2006 period, the Hungarian legal framework allowing the granting of exemptions still raises some doubts as to whether the system is totally in line with the Directive and the 1999 Guidelines, even if the ORTT seems to have insisted during the reference period on a progressive approach towards the achievement of the required proportion. The Commission notes that the registration of the two most problematic channels which were granted partial exemption in 2005, 2006, 2007 and 2008 and never achieved the reduced proportion of European works, was cancelled as of April 2008. The Commission acknowledges as well the monitoring carried out by the competent Authority and the actions taken in case of non-compliance with the reporting obligation or the European works proportion, which included the imposition of fines.

Nonetheless, the Commission would like to reiterate that the Directive does not allow exempting channels on the mere ground that they are of a thematic nature, without stating any specific reason which would justify the exceptional granting of an exemption.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 39.7% in 2007 and 41.8% in 2008, representing a 2.1 percentage point increase over the reference period.

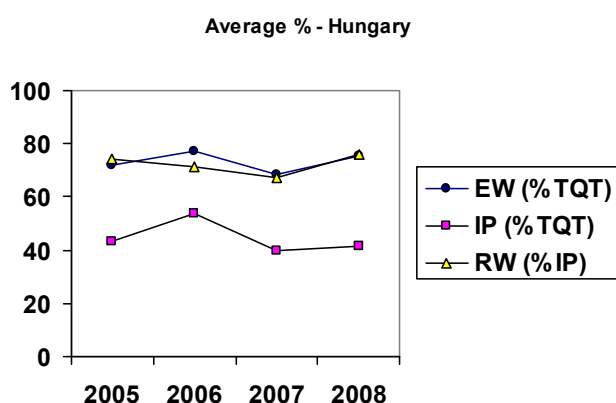
For 2007, out of 22 reported channels, only one channel (Fix TV) did not achieve the minimum proportion under Article 5 of the Directive. In 2008, of the 22 reported channels, 21 channels exceeded the minimum proportion under Article 5 of the Directive, and only one (Viasat3 Hungary) was below the 10% threshold. The compliance rate, in terms of number of channels, was 84% in 2007 and 80.8% in 2008.

In 2007 no channel was exempt from the compliance with the independent productions proportion. In 2008 one channel (Pax televízió) was partially exempt.

According to the report, the Hungarian authority initiated two administrative proceedings for non-compliance with the independent productions proportion in 2007 and 2008. One of these proceedings concerned Viasat 3 which failed to fulfil the independent productions proportions as well as the European works one.

The average relative proportion of recent European works by independent producers for all channels reported was 67.4% in 2007 and 75.8% in 2008, representing 8.4 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.18. Malta

Of the total of 27 identified channels, 19 channels were exempt in 2007 and 18 channels in 2008. One channel was non-operational in 2007 (Family Television Network) and another one in 2008 (U TV (Malta)).

European works

The seven reported channels broadcast an average of 55.9% European works in 2007 and 69% in 2008. This represents a 13.1 percentage point increase over the reference period.

For 2007, out of seven reported channels, five channels achieved the majority proportion required by the Article 4 of the Directive, while two channels did not (U TV (Malta) and Smash TV). The compliance rate, in terms of numbers of channels, was 71.4%.

In 2008, out of eight reported channels, seven channels achieved the majority proportion of the transmission time specified in Article 4 of the Directive, and only one channel did not meet the target (Smash TV). The compliance rate, in terms of numbers of channels, was 87.5%.

According to the report, the reason for Smash TV's failure to fulfil the European works proportion seems to be in relation with its low audience share (0.2%) and the fact that the station is more geared to selling broadcasting air-time than for in-house productions. The Commission notes however that this channel has been able to broadcast a high proportion of European works over the previous reference period (72.7% in 2005 and 2006 compared to 35% in 2007 and 30% in 2008).

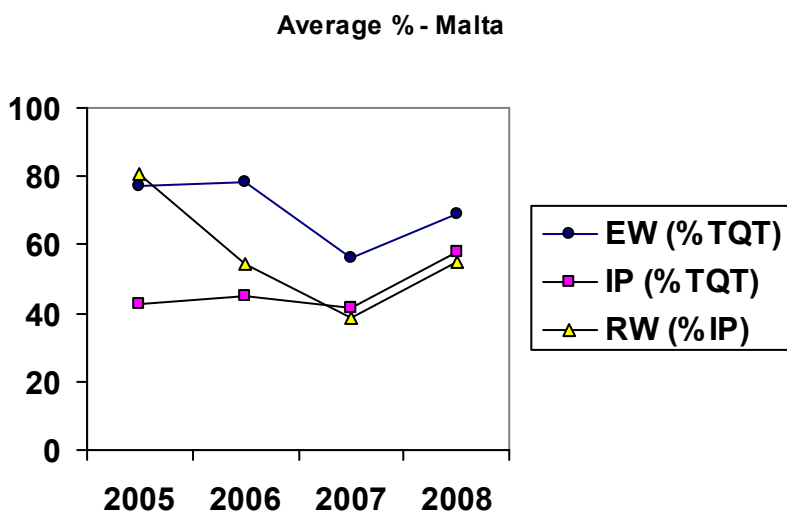
European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 41.4% in 2007 and 57.7% in 2008, representing a 16.3 percentage points increase over the reference period.

In 2007 and 2008, all of the reported channels exceeded the minimum proportion under Article 5 of the Directive. The compliance rate, in terms of number of channels, was 100%.

The average relative proportion of the recent European works by independent producers for all reported channels was 38.8% in 2007 and 55.1% in 2008, resulting in a 16.3 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.19. Netherlands

Of the total of 208 identified channels, 33 channels were exempt in 2007 and 38 channels in 2008. There were 41 non-operational channels in 2007 and 22 in 2008.

European works

The average proportion of European works by independent producers scheduled on all channels was 80.8% for 2007 and 80.3% for 2008, representing a -0.5 percentage point decrease over the reference period.

For 2007, of the 102 reported channels, 80 channels achieved the majority proportion required by the Article 4 of the Directive, while 22 channels did not. The compliance rate, in terms of numbers of channels, was 59.7%.

In 2008, of the 113 reported channels, 90 channels achieved the majority proportion of the transmission time specified in Article 4 of the Directive, while 23 channels did not meet the target. The compliance rate, in terms of numbers of channels, was 60.8%.

As in the previous reference period, reasons for non-compliance are specified in the report for a number of channels failing to achieve the required proportions. For the MTV children's channels in particular (Nickelodeon, Nick Jr, Nick Hits and Nick Toons), the report argues that in a country with a limited linguistic area, it is expensive to produce or commission children's programmes. Furthermore, the offer of European children's programmes is rather small and does not always meet the requirements of MTV (non-violent and educational programmes).

As far as Chellomedia Programming BV channels are concerned, the report states that, although they did not reach the required proportion, they have slowly been moving towards it. The Commission notes that, if this is true for some of the channels in 2007, it is not the case for 2008 since the results of these channels show a downward trend. It would like to reiterate that all channels below the target should increase their efforts so that the proportions required under Article 4 are achieved.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 40.2% in 2007 and 37.8% in 2008, representing a -2.4 percentage point decrease over the reference period.

In 2007, out of 102 reported channels, 87 channels achieved the majority proportion required by the Article 4 of the Directive, while 15 channels did not. The compliance rate, in terms of numbers of channels, was 64.9%.

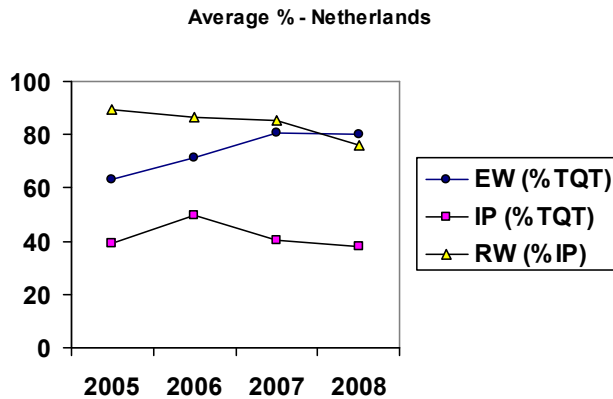
For 2008, out of 113 reported channels, 88 channels achieved the majority proportion of the transmission time specified in Article 4 of the Directive, while 25 channels did not meet the target. The compliance rate, in terms of numbers of channels, was 59.5%.

According to the report, some channels did not reach the required independent productions proportion because the proportion of European works was also too low. On the other hand, some regional public channels did not meet the proportion of independent productions because they transmit mainly categories of programmes that are not taken into account for the calculation of the transmission time and are therefore not subject to the reporting requirement.

The average relative proportion of the recent European works by independent producers for all reported channels was 85.3% in 2007 and 76.3% in 2008, resulting in a - 9 percentage point decrease over the reference period.

The Commission notes that the national authorities have initiated penalty procedures against the channels that did not submit statistical data and have warned those channels that did not achieve the required quotas in 2007.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.20. Austria

European works

All reported channels broadcast an average of 81% in 2007 and 79.1% in 2008 representing a slight decrease of -0.9 percentage point over the reference period.

In 2007, out of 18 identified channels, two channels were exempt (ORF Sport Plus and Tirol TV). Of the 16 reported channels, 13 achieved the majority proportion specified in Article 4 of the Directive, while three channels (ATV (Austria), ORF1 and Premiere Austria) were below the target. The compliance rate was 81.3%.

For 2008, out of the 18 identified channels, two channels were exempt (ORF Sport Plus and Tirol TV). Of the 16 reported channels, 13 met the requirements of Article 4 of the Directive, whereas the same three channels as in the previous year failed to comply. The compliance rate, in terms of number of channels, was 81.3%.

As far as ATV is concerned, the reasons stated in the report for non-compliance point to the fact that it is the only private channel that is broadcasted terrestrially throughout the country and that it is partly dependent on film rights to non-European works. This channel produces programmes but they belong to the categories which are not taken into account when calculating the European works proportion (games, sports).

In the case of Premiere 1, the report explains that it has broadcast an increased number of current international and above-all US productions, in order to gain greater audience acceptance.

No reasons have been provided for ORF1' non-compliance.

The Commission would like to reiterate that all channels falling within the jurisdiction of a Member State are subject to the obligation to comply with the required proportion of European works and that equal competition conditions should be ensured between broadcasters.

European works made by independent producers

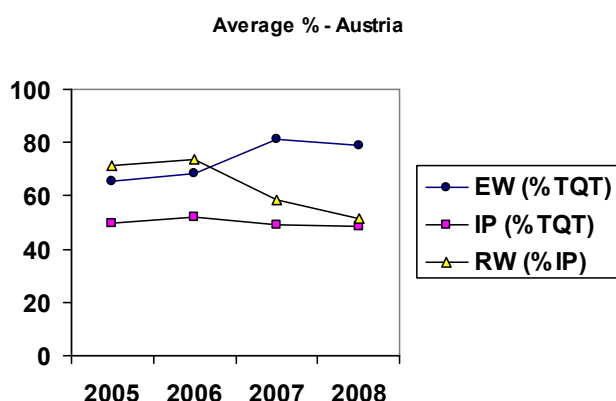
The average proportion of European works by independent producers on all reported channels was 49% and 48.7% in 2007 and 2008, respectively, representing a -0.3 percentage point decrease over the reference period.

In 2007, out of 18 identified channels, three channels were exempt. Of the 15 reported channels, 14 exceeded the minimum proportion specified in Article 5 of the Directive, while one channel did not meet the target (Puls 4). The compliance rate was 93.3%.

For 2008, out of 18 identified channels, three channels were exempt. Of the 15 reported channels, 14 exceeded the minimum proportion specified in Article 5 of the Directive, and one channel did not meet the target (Sat.1 Österreich). The compliance rate, in terms of number of channels, was 93.3%.

The average relative proportion devoted to recent European works was 58.5% in 2007 and 51.3% in 2008, representing a 11.7 percentage points decrease over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2.1.21. Poland

Of the total of 67 identified channels, five channels were non-operational in 2007 and three channels in 2008. Three channels were exempt during the reference period (Canal+ Sport 2, Telezakupy Mango24 and Promocja.tv).

European works

All reported channels broadcast an average of 85% and 83.1% in 2007 and 2008 respectively, representing a -1.9 percentage point decrease over the reference period.

In 2007, out of 59 reported channels, 53 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while six channels did not (TELE 5,

Canal+ Polska Żółty, Canal+ Polska, Kuchnia TV, Zigzap and TVN Siedem). The compliance rate, in terms of number of channels, was 89.8%.

For 2008, out of 61 reported channels, 55 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while six channels did not (TELE 5, Ale kino!, Canal+ Polska Żółty, Canal+ Polska, Zigzap and TVN Siedem). The compliance rate, in terms of number of channels, was 90.2%.

The non-compliant channels include channels which already failed to achieve the required proportion of European works during the previous reference period.

The report mentions two types of reasons for non-compliance with the proportion required under article 4: difficulties in acquiring European works suitable for one specialised channel and economic factors for another channel. However, the Commission notes that in both cases the channels are correcting the situation and that the national Authority is closely monitoring the channels' programming.

Another three channels (Canal+ Polska Żółty, Canal+ Polska and Ale Kino) did not reach the 50% proportion of European works. The reason for this is that the Polish legislation allows for a lower proportion of 45% European works for film channels. As it already did in the previous report, the Commission reiterates that the proportion of transmission time specified in Article 4(1) of the Directive applies to each of the television programmes falling within the jurisdiction of a given Member State and that only individual channels may exceptionally be exempt from the requirements specified in Articles 4 and 5 for precise reasons.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 25% in 2007 and 29% in 2008, representing a 4 percentage point increase over the reference period.

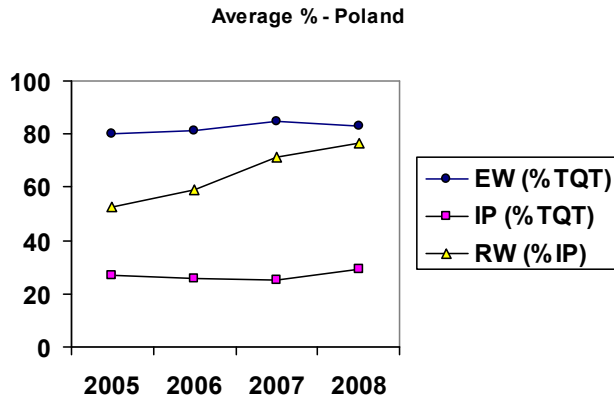
For 2007, of the total of 59 reported channels, 52 channels exceeded the minimum proportion under Article 5 of the Directive, while seven channels remained below the target. The compliance rate, in terms of number of channels, was 88.1%.

In 2008, of the 61 covered channels, 58 were above the 10% minimum, and three channels were below this threshold (SUPERSTACJA, TVN Meteo and TVN Med.). The compliance rate, in terms of number of channels, was 95.1%.

The average relative proportion of the recent European works by independent producers for all reported channels was 71.3% in 2007 and 76.8% in 2008, resulting in a 5.5 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.

Despite a slight downward trend for European works in 2008, the Commission acknowledges the overall satisfactory results in Poland, in particular the high level of European works broadcasting and the strong increase in the proportion of recent European works by independent producers being broadcast.



2.1.22. Portugal

Of the total of 32 identified channels, five channels were non-operational in 2007 (Benfica TV, Sport TV3, MOV, MVM and Região Norte TV) and two channels in 2008 (Cine Estreia and Cine Clássico)

European works

All reported channels broadcast an average of 72.5% and 63.8% in 2007 and 2008 respectively, representing a -8.7 percentage point decrease over the reference period.

In 2007, out of 14 reported channels, 13 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while one channel did not (SIC Mulher). No data was communicated for eight channels out of a total of 22 covered channels. The compliance rate, in terms of number of channels, was 59.1%.

For 2008, out of 22 reported channels, 15 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while seven channels did not. No data was communicated for one channel out of 23 covered channels. The compliance rate, in terms of number of channels, was 65.2%.

The report states that the majority of the SIC channels which failed to comply with the requirements of Article 4(1) have improved the transmission time of European works in comparison with the previous reference period and that the results of the SIC Group, considered as a whole, are above the Article 4 requirements.

European works made by independent producers

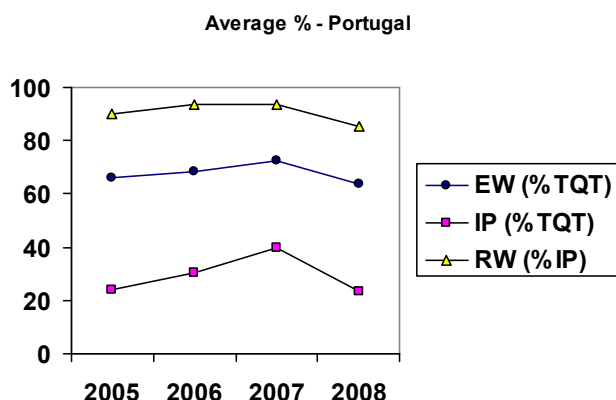
The average proportion of European works by independent producers on all reported channels was 39.5 % in 2007 and 23.5% in 2008, representing a – 16 percentage point decrease over the reference period.

For 2007, of the total of 32 identified channels, five were exempt and no data was communicated for eight channels. All reported channels exceeded the minimum proportion set out in Article 5 of the Directive. The compliance rate, in terms of number of channels, was 63.6%.

In 2008, out of 32 identified channels, seven were exempt and no data was communicated for one channel. Out of the 22 reported channels, 19 were above the 10% threshold and three channels were below. The compliance rate, in terms of number of channels, was 82.6%.

The average relative proportion of the recent European works by independent producers for all reported channels was 93.5% in 2007 and 85.5% in 2008, resulting in a -8 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



2.1.23. Romania

Of the total of 78 identified channels, four channels were non-operational in 2007 (TvRM Cultural, Digi TV Info, TVR3 and 1 Music Channel (Romania)) and one channel in 2008 (Boom Classic). 16 channels were exempt in 2007 and 17 in 2008.

European works

All reported channels broadcast an average of 63% and 67.2% in 2007 and 2008 respectively, representing a 4.2 percentage point increase over the reference period.

In 2007, out of the 38 reported channels, 28 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 10 channels did not. No data was communicated for 20 channels out of the 58 covered channels. The compliance rate, in terms of number of channels, was 48.3%.

For 2008, out of 39 reported channels, 32 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while seven channels did not. No data was communicated for 21 channels out of the 60 covered channels. The compliance rate, in terms of number of channels, was 53.3%.

The Commission notes that a rather high number of channels have not communicated their statistical data. In this respect, it welcomes the fact that a new provision has been introduced in the Audiovisual Law which provides for sanctions in case of failure to communicate data or reach the required quota. The Commission expects the situation regarding data submission to improve in the future.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 28.2 % in 2007 and 26.3% in 2008, representing a – 1.9 percentage point decrease over the reference period.

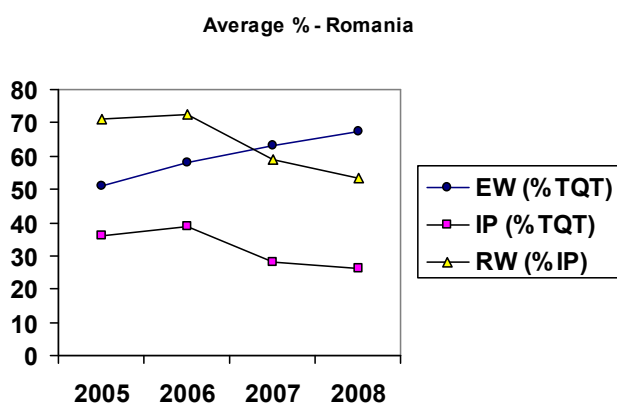
For 2007, of the total of 34 reported channels, 26 exceeded the minimum proportion under Article 5 of the Directive, while eight channels did not meet the target. No data was communicated for 24 channels out of 58 covered channels. The compliance rate, in terms of number of channels, was 44.8%.

In 2008, of the total of 35 reported channels, 27 exceeded the minimum proportion under Article 5 of the Directive, while eight channels did not. No data was communicated for 25 channels out of 60 covered channels. The compliance rate, in terms of number of channels, was 45%.

The average relative proportion of the recent European works by independent producers for all reported channels was 59.1% in 2007 and 53.2% in 2008, resulting in a -5.9 percentage point decrease over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.

The Commission notes with satisfaction the steady increase in the transmission time of European works over the past four years in Romania.



2.1.24. Slovenia

Of the total of 26 identified channels, 11 channels were exempt during the reference period.

European works

All reported channels broadcast an average of 34.1% and 44.6% in 2007 and 2008 respectively, representing a 10.5 percentage point increase over the reference period but a -7.68 point decrease compared to 2006.

In 2007, out of 14 reported channels, six channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while eight channels did not. No data was communicated for one channel (TV RADGONA (TV SRK-11)). The compliance rate, in terms of number of channels, was 40%.

For 2008, out of 13 reported channels, eight channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while five channels did not. No data was communicated for two channels (TV RADGONA (TV SRK-11) and Vaš kanal). The compliance rate, in terms of number of channels, was 53.3%.

The Commission notes that a high proportion of channels did not fulfil the requirement specified in Article 4(1) in 2007 and that no reasons were given in the report to explain this situation. However, the 2008 figure represents a significant increase (10.5 percentage points) compared to the 2007 average of European works transmission. The Commission therefore encourages the Slovenian Authorities to foster a continued effort of the channels in order to reach the European works required proportion as soon as possible.

In addition, the Commission welcomes the intention of the Slovenian Authorities to improve their monitoring methods.

European works made by independent producers

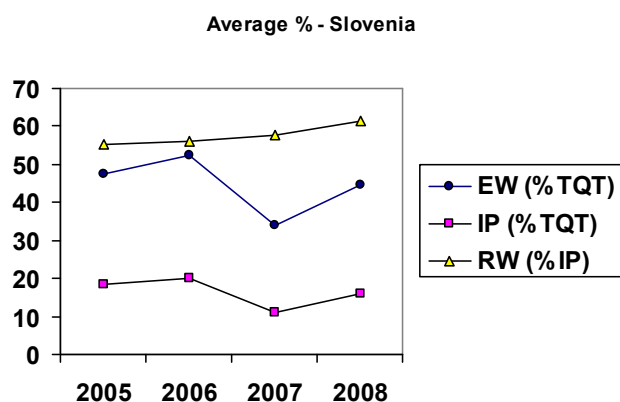
The average proportion of European works by independent producers on all reported channels was 10.9% in 2007 and 15.9% in 2008, representing a 5 percentage points increase over the reference period.

For 2007, out of 13 reported channels, 10 exceeded the minimum proportion under Article 5 of the Directive, while three channels did not (RTS (Slovenia), TV Pika and). No data was communicated for two channels (TV RADGONA (TV SRK-11) and VAŠA TELEVIZIJA (VTV)).

In 2008, out of 12 reported channels, 11 were above the 10% minimum, and one channel was below this threshold (RTS (Slovenia)). No data was communicated for three channels (Vaš kanal, TV RADGONA (TV SRK-11) and VAŠA TELEVIZIJA (VTV)). The compliance rate, in terms of number of channels, was 66.7% in 2007 and 73.3% in 2008.

The average relative proportion of recent European works by independent producers for all channels was 57.7% in 2007 and 61.4% in 2008, representing an increase of 3.7 percentage points over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



2.1.25. Slovakia

Out of the ten identified channels, two were exempt during the reference period (A TV (Slovakia) and TA3).

European works

The reported channels broadcast an average of 66.5% and 67.3% in 2007 and 2008 respectively, representing a 0.8 percentage point increase over the reference period.

In 2007 and 2008, the four reported channels achieved the majority proportion of transmission time specified in Article 4 of the Directive. No data was communicated for four channels. The compliance rate, in terms of number of channels, was 50.00% over the reference period.

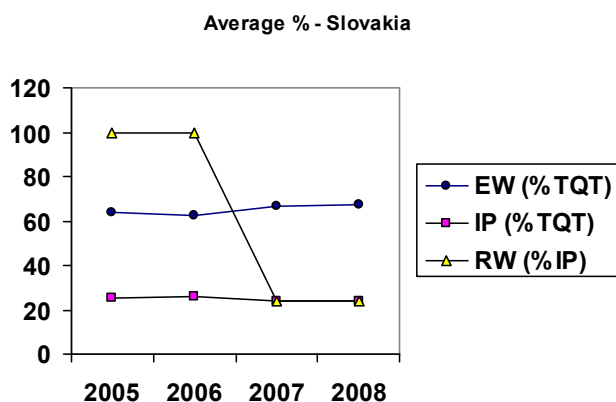
European works made by independent producers

The average proportion of European works by independent producers on the reported channels was 24% in 2007 and 23.8% in 2008, representing a -0.2 percentage points decrease over the reference period.

For 2007 and 2008, the four reported channels exceeded the minimum proportion under Article 5 of the Directive. No data was communicated for 4 channels. The compliance rate, in terms of number of channels, was 50%.

The average relative proportion of recent European works by independent producers for all channels was 24% in 2007 and 23.8% in 2008, representing a -0.2 percentage point decrease over the reference period and a substantial drop (-76 percentage points) compared to the 2005-2006 period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



2.1.26. Finland

Over the whole reference period, two sports channels (Urheilu+kanava and Urheilukanava) were exempt from reporting. Two channels were non-operational in 2007 (MTV3 Sarja and MTV3 AVA) and one channel in 2008 (YLE Extra).

European works

All reported channels broadcast an average of 64% in 2007 and 56.8% in 2008 representing a 7.2 percentage point decrease over the reference period and a 10.76 percentage point decrease between 2006 and 2008.

In 2007, out of the 16 reported channels, 12 channels achieved the majority proportion specified in Article 4 of the Directive, while four channels were below the target. The compliance rate was 75%.

For 2008, out of the 17 reported channels, 10 met the requirements of Article 4 of the Directive, whereas seven failed to comply. The compliance rate, in terms of number of channels, was 58.8%.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 40.1% and 35.3% in 2007 and 2008, respectively, representing a 4.8 percentage point decrease over the reference period.

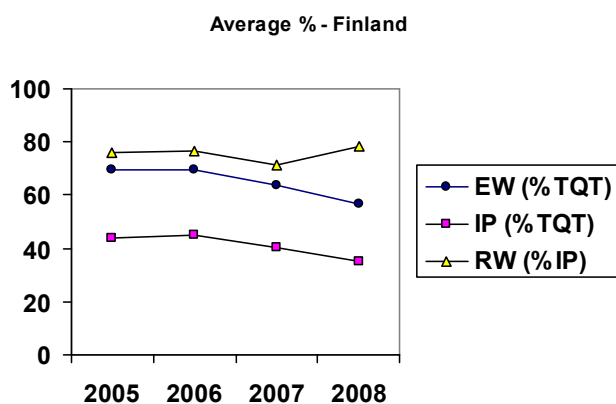
In 2007, out of the 16 reported channels, 15 channels exceeded the minimum proportion specified in Article 5 of the Directive. Only one channel did not meet the target. The compliance rate was 93.8%.

For 2008, out of the 17 reported channels, 16 channels exceeded the minimum proportion specified in Article 5 of the Directive, and one channel (KinoTV) did not meet the target for the second consecutive year. The compliance rate, in terms of number of channels, was 94.1%.

The average relative proportion devoted to recent European works was 71.3% in 2007 and 78.5% in 2008, representing an increase of 7.2 percentage points over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.

Given that the average trend for European works and independent productions is decreasing, the Commission takes note of the statement made by those broadcasters which failed to reach the required level, that they are making efforts to raise the required proportions.



2.1.27. Sweden

Of the total of 45 identified channels, six channels were non-operational in 2007.

European works

All reported channels broadcast an average of 45.1% and 45.5% in 2007 and 2008 respectively, representing a 0.4 percentage point increase over the reference period.

In 2007, out of the 31 reported channels, 12 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 19 channels did not. Six channels were exempt and no data was communicated for two channels (Suryoyo Sat and 4chira). The compliance rate, in terms of number of channels, was 36.4%.

For 2008, out of the 36 reported channels, 12 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 24 channels did not. Seven channels were exempt and no data was communicated for two channels (Suryoyo Sat and 4chira). The compliance rate, in terms of number of channels, was 31.6%.

As in the previous reference period, a high number of channels failed to achieve the proportion of European works required under Article 4(1). The report does not explain the reasons for these failures. The only explanation given relates to TV4 Guld, a channel devoted to old classic productions, as regards the proportion of recent European works. Although the report argues that the transmission of European works has increased in real terms on TV400 and TV4 film, because of a significant increase in their total transmission time, it does not explain why these channels, as well as the other failing channels, did not reach the required proportions.

In this respect, the Commission would like to remind that Article 4(3) provides that the Member States' report will include reasons for failure to attain the required proportions for each channel and the measures envisaged or taken by the Member State. As it already did for the previous reference period, the Commission calls upon Sweden to improve its results as regards European works broadcasting.

European works made by independent producers

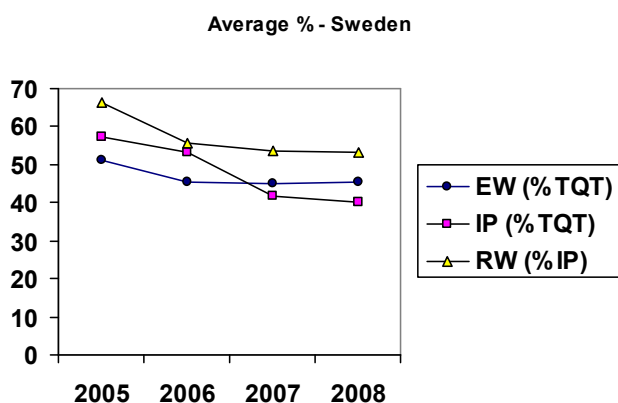
The average proportion of European works by independent producers on all reported channels was 41.6% in 2007 and 40.3% in 2008, representing a decrease of -1.3 percentage points over the reference period.

For 2007, out of the 33 reported channels, 30 exceeded the minimum proportion under Article 5 of the Directive, while three channels did not (Canal 7 (Sweden), Star! Scandinavia (version in Swedish) and TV1000 (Poland)). Four channels were exempt and no data was communicated for two channels.

In 2008, out of the 38 reported channels, 34 were above the 10% minimum, and four channels were below this threshold. Five channels were exempt and no data was communicated for two channels (Suryoyo Sat and 4chira). The compliance rate, in terms of number of channels, was 85.7% in 2007 and 85% in 2008.

The average relative proportion of recent European works by independent producers for all channels was 53.6% in 2007 and 53.3% in 2008, representing an increase of 0.4 percentage points over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



2.1.28. United Kingdom

Of the total of 592 identified channels, 39 channels were non-operational in 2007 and 16 in 2008. 157 channels were exempt in 2007 and 2008.

The Commission welcomes the quality of the UK reporting which covers 396 channels in 2007 and 417 in 2008.

European works

All reported channels broadcast an average of 51.7% and 50.7% in 2007 and 2008 respectively, representing a -1 percentage point decrease over the reference period.

In 2007, out of the 396 reported channels, 196 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 200 channels did not. The compliance rate, in terms of number of channels, was 49.5%.

For 2008, out of the 417 reported channels, 192 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 225 channels did not. No data was communicated for two channels (Over 18 TV and Simply Movies). The compliance rate, in terms of number of channels, was 45.8%.

The report mentions several types of constraints to explain failure to achieve the required proportions which are mainly the same as in the last report: the very small audience share of the channels concerned and the lack of resources to buy or commission European works; the special-interest character and recent nature of some channels; the difficulty in finding European programmes at competitive prices and the fact that the concerned channels are subsidiaries of companies based in third-countries that broadcast programmes mostly from their own stock. The Commission reiterates that the proportion specified in Article 4(1) of the Directive applies each year to all the television channels of broadcasters within the jurisdiction of the Member State concerned, in particular with a view to ensuring equal competition.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 29.8% in 2007 and 29.9% in 2008, representing an increase of 0.1 percentage point over the reference period.

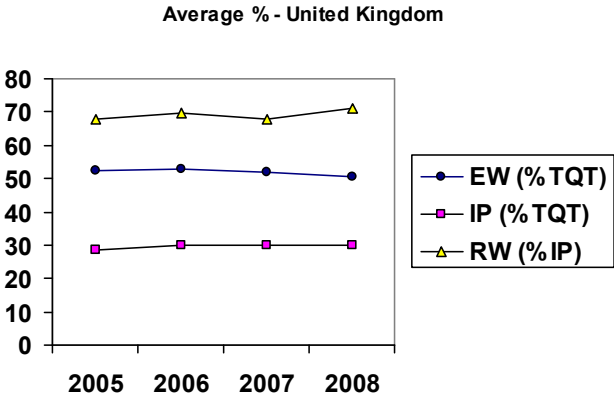
For 2007, out of the 396 reported channels, 287 exceeded the minimum proportion under Article 5 of the Directive, while 109 channels did not.

In 2008, out of the 417 reported channels, 292 were above the 10% minimum, and 125 channels were below this threshold. No data was communicated for two channels (Over 18 TV and Simply Movies). The compliance rate, in terms of number of channels, was 72.5% in 2007 and 69.7% in 2008.

The reasons given in the report for failure to reach the required proportion of independent productions are partly the same as for European works: recent nature of the channels concerned; difficulty in finding cost competitive independent European producers and subject matter of channels dedicated to live broadcasts. In addition, the British Authorities have stressed the fact that the UK public service broadcasters have produced/commissioned a high level of new productions during the reference period, therefore allowing a high level of first run originations. According to the report, the overall proportion of independent productions transmission time reached 38% for the public service broadcasting channels in the UK.

The average relative proportion of recent European works by independent producers for all reported channels was 67.7% in 2007 and 71.2% in 2008, representing an increase of 3.5 percentage points over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below.



ANNEX 1: PERFORMANCE INDICATORS

The following indicators facilitate the evaluation of compliance with the proportions referred to in Articles 4 and 5 of the Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities¹⁵ ("Television without Frontiers Directive"), as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997¹⁶ and by Directive 2007/65/EC of the European Parliament and of the Council of 18.12.2007 ("Audiovisual Media Services")¹⁷, (hereinafter referred to as "the Directive")¹⁸.

Indicators 2 – 5 are based on criteria set out in Articles 4 and 5. All performance indicators allow compliance to be assessed at both Member State and Community level.

General indicator

Indicator 1: Number of channels covered by Articles 4 and 5¹⁹.

Indicator 1 was calculated for each Member State and for all Member States taken together.

These figures were obtained by determining the total number of channels identified by Member States less the number of non-operational channels (NO) and the number of channels that were exempted (EX) due to the nature of their programmes (news, sports events, games, advertising, teletext services or teleshopping) or excluded due to legal exceptions:

- Article 9 of the Directive: television broadcasts that are intended for local audiences and do not form part of a national network;
- Article 2(6) of the Directive: broadcasts intended exclusively for reception in third countries, and which are not received directly or indirectly by the public in one or more Member States;
- Recital 29 of Directive 97/36/EC: channels broadcasting entirely in a language other than those of the Member States should not be covered by the provisions of Articles 4 and 5.

Channels for which Member States did not communicate data for Articles 4 or 5 (NC) were included.

Indicators concerning Article 4 (European works)

²⁰

Indicator 2: Average transmission time reserved for European works.

Indicator 2 is presented as an average proportion for each individual channel, for each Member State and for all Member States taken together.

¹⁵ OJ L 298, 17.10.1989

¹⁶ OJ L 202, 30.07.1997

¹⁷ OJ L 332, 18.12.2007

¹⁸ These three directives were codified as Directive 2010/13/EU after the end of the transposition period of Directive 2007/65/EC. The codification has involved a renumbering of the Articles. Articles 16 and 17 are now replacing the former Articles 4 and 5, although their substance has remained unchanged.

¹⁹ See Chart 1 and Table 1 in Background Document 2.

²⁰ See Table 2 in Background Document 2.

It is obtained by determining the average transmission time reserved for European works as referred to in Article 6 by each channel covered by Article 4 for which data were communicated ('reported channels') and by comparing that figure with the total qualifying transmission time.²¹

The Member State averages are based on the average proportions of all channels covered by Article 4 for which data were communicated ('reported channels') by the Member State concerned.

The EU averages are based on the Member State averages.

Indicator 3: Compliance rate of channels achieving or exceeding the majority proportion of European works.

Indicator 3 is presented for each Member State and for all Member States taken together.

It is obtained by determining the number of channels achieving the majority proportion (more than 50%) under Article 4 and comparing that figure with the number of channels covered by Article 4 (Indicator 1). The channels for which no data were communicated (NC) are thus considered non-compliant for the purpose of this indicator.

The EU averages are based on the Member State averages.

Indicators concerning Article 5 (European works made by independent producers)²²

Indicator 4: Average transmission time, or alternatively, average proportion of the programming budget allocated to European works by independent producers (independent productions).

Indicator 4 is presented as an average proportion for each individual channel, for each Member State and for all Member States taken together.

It is obtained by determining the average transmission time, or average programming budget, reserved for European works by independent producers on each channel covered by Article 5 for which data were communicated ('reported channels') and by comparing that figure with the total qualifying transmission time.

The Member State averages are based on the average proportions of all channels covered by Article 5 for which data were communicated ('reported channels') by the Member State concerned.

The EU averages are based on the Member State averages.

Indicator 5: Compliance rate of channels in achieving the minimum proportion of independent productions.

Indicator 5 is presented for each Member State and for all Member States taken together.

²¹ I.e. total transmission time excluding the time reserved for news, sports events, games, advertising, teletext services and teleshopping.

²² See Tables 3 and 4 in Background Document 2.

It is obtained by determining the number of channels achieving the minimum proportion of at least 10% under Article 5 and comparing that figure with the number of channels covered by Article 5 (Indicator 1). The channels for which no data were communicated (NC) are thus considered non-compliant for the purpose of this indicator.

The EU averages are based on the Member State averages.

Indicator 6: *average transmission time allocated to recent European works by independent producers (recent works)*.

Indicator 6 is presented as an average proportion for each individual channel, for each Member State and for all Member States taken together.

It is obtained by determining the average transmission time reserved for recent European works by independent producers on each channel covered by Article 5 for which data were communicated ('reported channels') and by comparing that figure with the transmission time reserved for all independent productions.

The Member State averages are based on the average proportions of all channels covered by Article 5 and for which data were communicated ('reported channels') by the Member State concerned.

The EU averages are based on the Member State averages²³.

In order to better evaluate actual developments in the broadcasting of recent works, the EU average figures for recent works were also compared with total qualifying transmission time.²⁴

²³ The figures provided at EU-level result from the mathematical average of all national averages. They have not been weighted since the parameters necessary for a correct weighting are not available for all channels.

²⁴ See Chart 2, Background Document 2.

ANNEX 2: CHARTS AND TABLES ON THE APPLICATION OF ARTICLES 4 AND 5

Chart 1

Indicator 1: channels covered by Articles 4 and 5 (EU level)

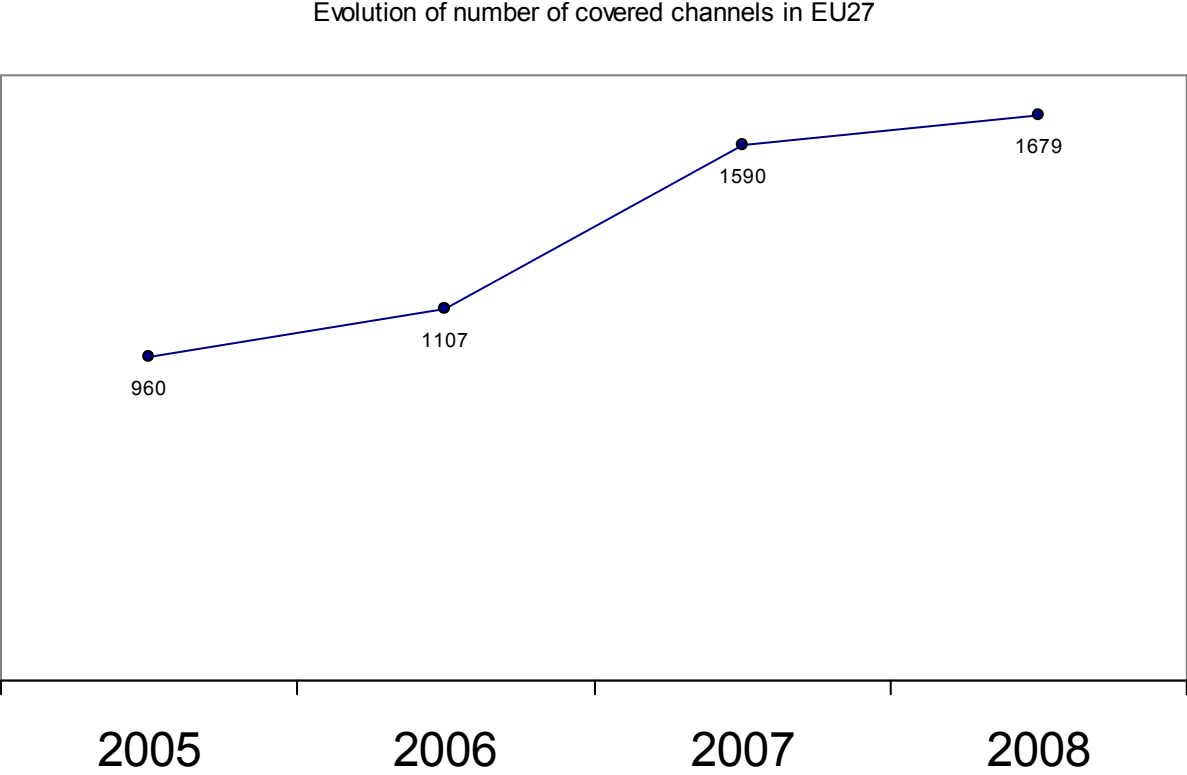
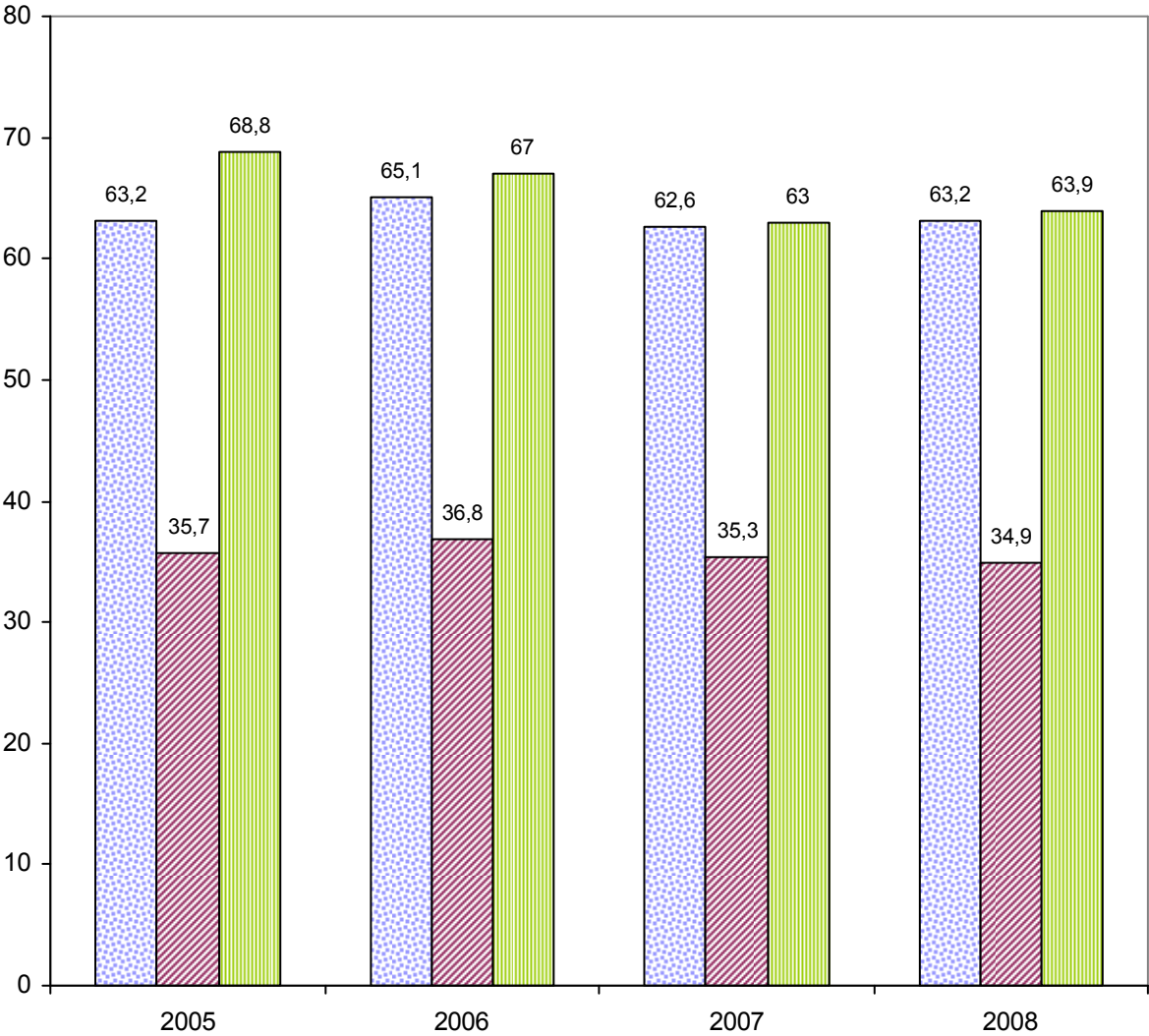


Table 1**Indicator 1: channels covered by Articles 4 and 5 (Member State level)**

Country		Identified Channels	IND1: Covered channels				
			2005	2006	2007	2008	Evolution
Belgium	BE	73	43	44	62	63	47%
Bulgaria	BG	42	3	3	37	38	1167%
Czech Republic	CZ	49	25	28	37	43	72%
Denmark	DK	27	17	18	19	19	12%
Germany	DE	159	37	41	86	86	132%
Estonia	EE	9	3	3	4	9	200%
Ireland	IE	11	4	5	5	5	25%
Greece	EL	36	40	38	34	35	-13%
Spain	ES	175	48	56	134	144	200%
France	FR	152	92	100	115	116	26%
Italy	IT	260	109	133	229	242	122%
Cyprus	CY	25	5	5	8	8	60%
Latvia	LV	6	5	5	6	6	20%
Lithuania	LT	11	4	4	11	11	175%
Luxembourg	LU	15	13	14	14	15	15%
Hungary	HU	29	22	22	25	26	18%
Malta	MT	27	5	5	7	8	60%
Netherlands	NL	208	65	85	134	148	128%
Austria	AT	18	12	11	16	16	33%
Poland	PL	67	50	53	59	61	22%
Portugal	PT	32	13	13	22	23	77%
Romania	RO	78	8	8	58	60	650%
Slovenia	SI	26	27	27	15	15	-44%
Slovak Republic	SK	10	3	3	8	8	167%
Finland	FI	20	9	9	16	17	89%
Sweden	SE	45	24	32	33	38	58%
United Kingdom	UK	592	274	342	396	419	53%
Total		2202	960	1107	1590	1679	
Average							132,3%

Chart 2

Development of main indicators from 2005-2008 (EU-27)



IND 2 = %European works/Total qualifying transmission time
 IND 4 = %European works by independent producers/ Total qualifying transmission time
 IND 6 = %European recent works by independent producers/Transmission time devoted to independent productions

Table 2**Indicators 2 and 3: European works (Member State level)**

Country		Identified Channels	IND2: European Works					IND3: Compliance Rate	
			2005	2006	2007	2008	Evolution	2007	2008
Belgium	BE	73	58,3%	64,0%	74,9%	69,1%	19%	50,0%	55,6%
Bulgaria	BG	42	67,7%	72,8%	55,6%	55,6%	-18%	40,5%	36,8%
Czech Republic	CZ	49	63,0%	79,9%	64,3%	65,9%	5%	62,2%	53,5%
Denmark	DK	27	81,1%	80,9%	84,9%	84,8%	5%	84,2%	84,2%
Germany	DE	159	61,8%	60,7%	64,2%	63,9%	3%	29,1%	29,1%
Estonia	EE	9	61,8%	62,7%	61,6%	64,6%	5%	100,0%	100,0%
Ireland	IE	11	52,3%	55,2%	55,0%	56,4%	8%	40,0%	40,0%
Greece	EL	36	60,7%	55,5%	54,1%	61,7%	2%	58,8%	68,6%
Spain	ES	175	63,6%	60,5%	54,2%	55,7%	-12%	47,8%	47,9%
France	FR	152	70,8%	73,3%	72,6%	71,7%	1%	67,8%	68,1%
Italy	IT	260	61,4%	60,9%	62,9%	52,7%	-14%	40,6%	38,8%
Cyprus	CY	25	58,5%	69,8%	27,9%	30,0%	-49%	12,5%	12,5%
Latvia	LV	6	64,5%	62,5%	62,2%	62,2%	-4%	83,3%	83,3%
Lithuania	LT	11	53,5%	47,0%	59,3%	59,1%	10%	63,6%	63,6%
Luxembourg	LU	15	65,5%	67,1%	69,6%	70,7%	8%	92,9%	93,3%
Hungary	HU	29	72,0%	76,9%	68,5%	75,3%	5%	76,0%	76,9%
Malta	MT	27	77,0%	78,5%	55,9%	69,0%	-10%	71,4%	87,5%
Netherlands	NL	208	66,4%	70,3%	80,8%	80,3%	21%	59,7%	60,8%
Austria	AT	18	65,6%	68,4%	81,0%	79,1%	21%	81,3%	81,3%
Poland	PL	67	80,2%	81,1%	85,0%	83,1%	4%	89,8%	90,2%
Portugal	PT	32	66,2%	68,6%	72,5%	63,8%	-4%	59,1%	65,2%
Romania	RO	78	51,1%	58,0%	63,0%	67,2%	32%	48,3%	53,3%
Slovenia	SI	26	47,3%	52,3%	34,1%	44,6%	-6%	40,0%	53,3%
Slovak Republic	SK	10	63,8%	62,3%	66,5%	67,3%	5%	50,0%	50,0%
Finland	FI	20	69,3%	69,6%	64,0%	56,8%	-18%	75,0%	58,8%
Sweden	SE	45	51,1%	45,4%	45,1%	45,5%	-11%	36,4%	31,6%
United Kingdom	UK	592	52,6%	53,0%	51,7%	50,7%	-3%	49,5%	45,8%
Total		2202							
Average			63,2%	65,1%	62,6%	63,2%	0, 1%	59,6%	60,4%

Table 3**Indicators 4 and 5: European works by independent producers (Member State level)**

Country		Identified Channels	IND4: Independent Producers				Evolution	IND5: Compliance Rate	
			2005	2006	2007	2008		2007	2008
Belgium	BE	73	58,8%	53,0%	54,0%	51,5%	-12,5%	61,3%	66,7%
Bulgaria	BG	42	17,4%	14,9%	25,2%	24,6%	41,3%	35,1%	36,8%
Czech Republic	CZ	49	33,9%	35,0%	32,2%	40,7%	19,8%	56,3%	92,1%
Denmark	DK	27	29,0%	33,2%	28,1%	25,5%	-11,9%	52,6%	47,4%
Germany	DE	159	64,1%	65,1%	61,7%	62,3%	-2,8%	40,7%	41,9%
Estonia	EE	9	46,1%	48,9%	50,3%	39,3%	-14,8%	100,0%	100,0%
Ireland	IE	11	26,5%	34,4%	21,9%	23,0%	-13,4%	80,0%	80,0%
Greece	EL	36	18,3%	19,5%	14,5%	14,7%	-19,8%	50,0%	57,1%
Spain	SP	175	41,1%	39,5%	31,3%	31,6%	-22,9%	64,9%	63,9%
France	FR	152	53,6%	52,4%	47,5%	45,7%	-14,8%	71,1%	69,0%
Italy	IT	260	14,2%	11,5%	22,6%	17,0%	19,9%	39,3%	35,1%
Cyprus	CY	25	9,7%	6,5%	39,6%	41,9%	331,8%	75,0%	75,0%
Latvia	LV	6	33,3%	31,9%	18,4%	19,7%	-40,9%	66,7%	66,7%
Lithuania	LT	11	25,7%	23,2%	39,0%	41,5%	61,8%	100,0%	100,0%
Luxembourg	LU	15	57,6%	54,7%	56,2%	53,6%	-7,0%	100,0%	93,3%
Hungary	HU	29	43,4%	53,9%	39,7%	41,8%	-3,6%	84,0%	80,8%
Malta	MT	27	42,8%	45,0%	41,4%	57,7%	34,8%	100,0%	100,0%
Netherlands	NL	208	39,5%	49,6%	40,2%	37,8%	-4,1%	64,9%	59,5%
Austria	AT	18	49,7%	52,2%	49,0%	48,7%	-2,0%	93,3%	93,3%
Poland	PL	67	26,7%	26,0%	25,0%	29,0%	8,6%	88,1%	95,1%
Portugal	PT	32	23,7%	30,3%	39,5%	23,5%	-0,7%	63,6%	82,6%
Romania	RO	78	36,2%	38,6%	28,2%	26,3%	-27,5%	44,8%	45,0%
Slovenia	SI	26	18,5%	20,0%	10,9%	15,9%	-14,3%	66,7%	73,3%
Slovak Republic	SK	10	25,4%	26,0%	24,0%	23,8%	-6,5%	50,0%	50,0%
Finland	FI	20	44,1%	45,1%	40,1%	35,3%	-19,9%	93,8%	94,1%
Sweden	SE	45	57,1%	53,1%	41,6%	40,3%	-29,5%	85,7%	85,0%
United Kingdom	UK	592	28,5%	29,7%	29,8%	29,9%	4,8%	72,5%	69,7%
Total		2202							

Average

35,7%

36,8%

35,3%

34,9%

-2,3%

70,4%

72,3%

Table 4**Indicator 6: Recent European works by Independent producers (Member State level)**

Country		Identified Channels	IND6: works		Recent		Evolution
			2005	2006	2007	2008	
Belgium	BE	73	85,6%	83,2%	79,6%	81,6%	-4,7%
Bulgaria	BG	42	-	-	54,3%	49,5%	-
Czech Republic	CZ	49	57,1%	52,2%	72,1%	71,8%	25,8%
Denmark	DK	27	70,8%	64,8%	49,3%	49,9%	-29,6%
Germany	DE	159	67,1%	64,7%	69,7%	71,3%	6,3%
Estonia	EE	9	26,1%	30,8%	68,9%	79,6%	204,5%
Ireland	IE	11	28,5%	24,8%	95,3%	95,3%	234,3%
Greece	EL	36	28,6%	34,0%	21,6%	24,2%	-15,6%
Spain	SP	175	71,1%	69,5%	67,3%	64,1%	-9,9%
France	FR	152	59,3%	56,8%	56,6%	57,1%	-3,7%
Italy	IT	260	65,8%	67,7%	64,9%	59,5%	-9,5%
Cyprus	CY	25	100,0%	91,0%	67,4%	69,9%	-30,1%
Latvia	LV	6	85,2%	81,7%	100,0%	99,6%	16,9%
Lithuania	LT	11	90,0%	92,5%	38,5%	40,2%	-55,4%
Luxembourg	LU	15	55,7%	57,9%	47,0%	48,9%	-12,0%
Hungary	HU	29	74,1%	71,5%	67,4%	75,8%	2,3%
Malta	MT	27	82,2%	54,5%	38,8%	55,1%	-33,0%
Netherlands	NL	208	89,5%	86,8%	85,3%	76,3%	-14,7%
Austria	AT	18	71,2%	73,8%	58,5%	51,3%	-28,0%
Poland	PL	67	52,7%	59,2%	71,3%	76,8%	45,7%
Portugal	PT	32	90,2%	93,5%	93,5%	85,5%	-5,2%

Romania	RO	78	71,3%	72,4%	59,1%	53,2%	-25,4%
Slovenia	SI	26	55,5%	55,9%	57,7%	61,4%	10,7%
Slovak Republic	SK	10	100,0%	100,0%	24,0%	23,8%	-76,3%
Finland	FI	20	76,1%	76,8%	71,3%	78,5%	3,1%
Sweden	SE	45	66,2%	55,8%	53,6%	53,3%	-19,6%
United Kingdom	UK	592	67,6%	69,6%	67,7%	71,2%	5,3%
Total		2202					
Average			68,8%	67,0%	63,0%	63,9%	-7,1%

ANNEX 3 – SUMMARY OF THE REPORTS FROM THE MEMBER STATES

Key abbreviations:

EW	European works ²⁵ in relation to TQT (see Article 4 of the Directive)
IP	European works made by independent producers in relation to TQT (see Article 5 of the Directive)
RW	Recent European works by independent producers in relation to IP (see Article 5 of the Directive)
TQT	Total qualifying transmission time (excluding news, sport events, games, advertising, teletext services and teleshopping)
NC	Channels for which no data was communicated
NO	Channels non-operational during the year concerned
EX	Channels exceptionally exempt ²⁶ or exempt under the 'where practicable' provision (following specific reasons given by the Member States)

Disclaimer

Annex 3 contains statements by the Member States. This does not represent the Commission's opinion.

²⁵ See Article 1 n) i) of Directive 2007/65/EC.

²⁶ The reporting obligation under Article 4(3) applies to all transmissions by broadcasters within the jurisdiction of a Member State, with the following exception:
- Articles 4 and 5 do not apply to 'news, sports events, games, advertising, teletext services and teleshopping'.

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	I1 (version in Flemish)	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
SKYNET IMOTION ACTIVITIES	I1 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	Één (VRT)	87,3%	92,5%	28,5%	22,3%	93,6%	88,7%

TELEVISIEOMROEP								
VRT - DE VLAAMSE RADIO- TELEVISIEOMROEP	EN	Ketnet / Canvas	77,5%	72,0%	18,7%	16,6%	82,8%	71,6%
VRT - DE VLAAMSE RADIO- TELEVISIEOMROEP	EN	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'eren	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%

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- Gesundheitsfernsehen	Deutsches	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

ZDFInfokanal : 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 ΔΟΥΡΥΦΟΡΙΚΗ 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%
BOYΛH	KANAΛI BOYΛHΣ	87,5%	92,9%	25,0%	13,6%	75,0%	71,2%
ΕΛΕΥΘΕΡΗ ΘΛΑΕΟΡΑΣΗ 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%
ΘΛΑΕΤΥΠΙΟΣ ΠΡΟΓΡΑΜΜΑΤΩΝ Α.Ε.ΘΛΑΕΟΠΤΙΚΩΝ	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	Anadaluía 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	Andaluía 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 ESPAÑA 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 ESPAÑA 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 ESPAÑA S.L.	Calle 13	35,6%	17,3%	24,4%	16,3%	35,7%	24,8%
NBC UNIVERSAL GLOBAL NETWORKS ESPAÑA S.L.	Sci-Fi España (in: 01/06/06)	10,2%	5,9%	4,7%	3,8%	47,6%	40,9%
PARAMOUNT COMEDY CHANNEL ESPAÑA 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 TELEVISION ESPANOLA S.A.	ESTATAL	Canal 24 Horas	EX	EX	EX	EX	EX	EX
SOCIEDAD MERCANTIL TELEVISION ESPANOLA S.A.	ESTATAL	Canal Clásico	86,6%	91,4%	3,0%	58,5%	86,4%	57,6%
SOCIEDAD MERCANTIL TELEVISION ESPANOLA S.A.	ESTATAL	Clan TVE (noviembre/05)	59,4%	59,4%	3,9%	2,6%	62,3%	62,3%
SOCIEDAD MERCANTIL TELEVISION ESPANOLA S.A.	ESTATAL	Docu TVE	NC	NC	NC	NC	NC	NC
SOCIEDAD MERCANTIL TELEVISION ESPANOLA S.A.	ESTATAL	Teledeporte	EX	EX	EX	EX	EX	EX
SOCIEDAD MERCANTIL TELEVISION ESPANOLA S.A.	ESTATAL	TVE Internacional Europa	NC	NC	NC	NC	NC	NC
SOCIEDAD MERCANTIL TELEVISION ESPANOLA S.A.	ESTATAL	TVE La 2	68,6%	84,3%	27,3%	28,3%	22,8%	31,0%
SOCIEDAD MERCANTIL TELEVISION ESPANOLA S.A.	ESTATAL	TVE La Primera	64,4%	67,0%	5,8%	9,2%	25,4%	39,5%
SOCIEDAD PUBLICA DE TELEVISION EXTREMENA S.A.	TELEVISION	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%

SOGECABLE SA	Deine Español	99,7%	99,8%	97,0%	95,7%	12,6%	7,8%
SOGECABLE SA	Golf+	EX	EX	EX	EX	EX	EX
SOGECABLE SA	Promo	EX	EX	EX	EX	EX	EX
SOGECABLE SA	Taquilla 1	15,9%	16,3%	15,9%	16,3%	100,0%	100,0%
SOGECABLE SA	Taquilla 2	13,9%	17,8%	13,9%	17,8%	100,0%	100,0%
SOGECABLE SA	Taquilla 3	22,8%	26,3%	22,8%	26,3%	100,0%	100,0%
SOGECABLE SA	Taquilla 4	18,8%	26,2%	18,8%	27,4%	100,0%	100,0%
SOGECABLE SA	Taquilla 5	25,3%	19,3%	25,3%	19,3%	100,0%	100,0%
SOGECABLE SA	Taquilla 6	35,0%	20,2%	34,8%	20,2%	100,0%	100,0%
SOGECABLE SA	Taquilla 7	16,0%	23,0%	16,0%	23,0%	100,0%	100,0%
SOGECABLE SA	Taquilla 8	19,9%	72,5%	14,8%	72,5%	100,0%	100,0%
SOGECABLE SA	Taquilla X	31,2%	17,2%	31,2%	17,2%	100,0%	99,9%
SOGECABLE SA	Taquilla XX	38,1%	65,7%	38,1%	65,7%	100,0%	100,0%
SOGECABLE SA	Taquilla XX HARD	41,6%	38,8%	41,6%	38,8%	87,2%	89,9%
SOGECABLE 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.	Vevo 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, telesaes 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	Berber 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)	>Tele	EX	EX	EX	EX	EX	EX
SOCIETE D'EXPLOITATION D'UN SERVICE D'INFORMATION (SESI)	>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 (SOCEMIE)	Euronews (version in English)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCEMIE)	Euronews (Version in French)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCEMIE)	Euronews (version in German)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCEMIE)	Euronews (version in Italian)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCEMIE)	Euronews (version in Russian)	EX	EX	EX	EX	EX	EX
SOCIETE OPERATRICE DE LA CHAINE EUROPEENNE MULTILINGUE (SOCEMIE)	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	Odyssee	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.	QOQB	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:

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

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

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

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

IRP 50.9 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"	Ötos 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 TÖMEGKÖMUNIKÁCIÓS ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG "felszámolás alatt"	Budapest Televízió	75,6%	98,8%	27,4%	45,2%	64,8%	94,6%
CHELLO CENTRAL EUROPE MŰSORSZOLGÁLTATÓ ZÁRTKÖRŰEN MŰKÖDŐ RÉSZVÉNYTÁRSASÁG	Sport 1	EX	EX	EX	EX	EX	EX
CHELLO CENTRAL EUROPE MŰSORSZOLGÁLTATÓ 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:

- (b) 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:

- (c) 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:

- (d) 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 States²⁷, 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 country²⁸, 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:

²⁷ 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.

²⁸ 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 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 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.

MALTA

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
BME Ltd	ITV (Malta)	EX	EX	EX	EX	EX	EX
GO P.L.C.	Sports+ 1 (Malta)	EX	EX	EX	EX	EX	EX
GO P.L.C.	Sports+ 2 (Malta)	EX	EX	EX	EX	EX	EX
GO P.L.C.	Sports+ 3 (Malta)	EX	EX	EX	EX	EX	EX
GO P.L.C.	Sports+ 4 (Malta)	EX	EX	EX	EX	EX	EX
GO P.L.C.	Sports+ 5 (Malta)	EX	EX	EX	EX	EX	EX
GO P.L.C.	Sports+ 6 (Malta)	EX	EX	EX	EX	EX	EX
GO P.L.C.	Weather and Info Channel	EX	EX	EX	EX	EX	EX
media communications Co Ltd	Net TV	59,1%	62,4%	36,3%	44,3%	33,3%	38,6%
MELITA CABLE PLC	Melita More	EX	53,4%	EX	100,0%	EX	100,0%
MELITA CABLE PLC	Melita Movies	58,0%	55,2%	100,0%	100,0%	100,0%	100,0%
MELITA CABLE PLC	Melita Sports 1	EX	EX	EX	EX	EX	EX
MELITA CABLE PLC	Melita Sports 2	EX	EX	EX	EX	EX	EX
MELITA CABLE PLC	Melita Sports 3	EX	EX	EX	EX	EX	EX
MELITA CABLE PLC	Melita Sports 4	EX	EX	EX	EX	EX	EX
MELITA CABLE PLC	Melita Sports 5	EX	EX	EX	EX	EX	EX
MELITA CABLE PLC	Melita Sports 6	EX	EX	EX	EX	EX	EX
MELITA CABLE PLC	Melita Sports 7	EX	EX	EX	EX	EX	EX
MELITA CABLE PLC	Melita Sports 8	EX	EX	EX	EX	EX	EX
MELITA CABLE PLC	Promotion Channel (Malta)	EX	EX	EX	EX	EX	EX
MELITA CABLE PLC	Weather and Info Channel	EX	EX	EX	EX	EX	EX
MINISTRY OF EDUCATION	Education 22	93,0%	96,7%	40,0%	14,7%	40,0%	8,0%
ONE PRODUCTIONS Ltd.	One TV (Malta)	67,0%	64,7%	31,1%	30,9%	31,1%	30,9%
PUBLIC BROADCASTING SERVICES LIMITED	TVM	56,4%	90,0%	56,4%	61,3%	56,4%	61,3%

Smash communications Ltd	Smash TV	35,0%	30,0%	12,0%	10,0%	1,0%	2,0%
THE FAMILY TELEVISION NETWORK	Family Television Network	NO	100,0%	NO	100,0%	NO	100,0%
U COMMUNICATIONS LTD	U TV (Malta)	23,0%	NO	14,0%	NO	10,0%	NO
Covered Channels (IND 1)		7	8	7	8	-	-
Compliance rate (IND 3 and 5)		71,4%	87,5%	100,0%	100,0%	-	-
Average % (IND 2, 4, and 6)		55,9%	69,0%	41,4%	57,7%	38,8%	55,1%

PART 2 - Comments

Monitoring method

Self-assessment by broadcasters (on the basis of a yearly questionnaire)

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

1. A majority of European works (Article 4)

With regard to Smash TV, the problem was twofold: the station attracted less than 3% of the local market share (0.2% for 2007 and 0.3% for 2008); while on the other hand only 35% of Total Qualifying Time was used for local productions - the rest of the broadcasting time was spent in “programme repeats”. This station is more geared in ‘selling broadcasting air-time’ than for ‘in-house productions’.

U TV’s audience share was even less than that of Smash TV. A “0%” audience share means that its audiences were less than the maximum margin of error inherent with the audience assessment. With regard to programmes, the station did not manage to get the required agreements for re-transmission of programmes while its local productions remained low. U TV was not licensed to broadcast in 2008 and has not yet been issued with a new license.

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

All channels fulfilled the minimum proportion.

B) Measures taken or envisaged by the Member State

None reported

C) Further comments

No comment.

NETHERLANDS

PART 1 - Statistical data

Number of channels identified:		208		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
@home v.h. Essent Kabelcom B.V.	Zizone (v.h. Proost-TV)	85,0%	85,0%	85,0%	85,0%	100,0%	100,0%
Albeda College	ETV.NL	93,0%	NO	94,8%	NO	100,0%	NO
Application Powered Telecommunications b.v.	ShopZo	NO	EX	NO	EX	NO	EX
CAIW Media b.v.	WAY.TV	EX	EX	EX	EX	EX	EX
Chellomedia Programming b.v.	Arrivo (Austria)	43,9%	33,5%	43,9%	33,5%	79,2%	100,0%
Chellomedia Programming b.v.	Arrivo (Switzerland)	37,6%	31,0%	37,6%	31,0%	83,9%	100,0%
Chellomedia Programming b.v.	Film1	41,0%	37,2%	41,2%	37,2%	92,3%	94,3%
Chellomedia Programming b.v.	Film1 Action	NO	41,5%	NO	41,5%	NO	97,8%
Chellomedia Programming b.v.	Film1.2	45,7%	36,0%	45,7%	36,0%	97,1%	92,9%
Chellomedia Programming b.v.	Film1.3	33,5%	43,1%	33,5%	43,1%	100,0%	94,0%
Chellomedia Programming b.v.	Sport 1	EX	EX	EX	EX	EX	EX
Christoffer Productions & Beheer b.v.	The Family 7 channel	65,7%	53,7%	43,0%	39,3%	99,8%	94,0%
CTRL-TV	CTRL	NC	NO	NC	NO	NC	NO
De heer F.G.M. Strikker	Onze	NO	NC	NO	NC	NO	NC
De heer J.V. Millarson	Urban Channel	NC	NC	NC	NC	NC	NC
De Mediamanagers	Stadsregio TV	NO	100,0%	NO	0,0%	NO	0,0%
De Winter Uden b.v.	Stads TV 11	NO	EX	NO	EX	NO	EX
Digiquest b.v. p/a Kallen Raeven Adviseurs	Digiquest	NC	NC	NC	NC	NC	NC
Digital Traveller b.v.	LibertyTV	NC	NO	NC	NO	NC	NO
Donatus B.V.	Weerkanaal	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Endemol Licentie b.v.	Misdaadnet	NO	100,0%	NO	100,0%	NO	57,8%
Eredivisie Media & Marketing C.V.	Eredivisie Live (kanaal 1)	NO	EX	NO	EX	NO	EX
Eredivisie Media & Marketing C.V.	Eredivisie Live (kanaal 2)	NO	EX	NO	EX	NO	EX
Eredivisie Media & Marketing C.V.	Eredivisie Live (kanaal 3)	NO	EX	NO	EX	NO	EX
Eredivisie Media & Marketing C.V.	Eredivisie Live (kanaal 4)	NO	EX	NO	EX	NO	EX

FAN Rechten b.v.	FAN	NO	100,0%	NO	25,0%	NO	35,0%
Finest TV and Multimedia Services b.v.	Airbox TV	NC	100,0%	NC	0,0%	NC	0,0%
Finest TV and Multimedia Services b.v.	Finest TV	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Fortress Media b.v.	Xite v.h. BASE7	NO	30,6%	NO	7,0%	NO	0,0%
Free - X TV B.V.	Free-X TV	29,6%	30,4%	29,6%	30,4%	100,0%	100,0%
Free - X TV B.V.	FreeX TV2	20,9%	43,5%	20,9%	43,5%	95,7%	100,0%
Free - X TV B.V.	X-dream tv	15,3%	73,5%	15,3%	73,5%	100,0%	100,0%
Game Network b.v.	Babestation (v.h. Game Network)	100,0%	100,0%	8,5%	3,6%	100,0%	100,0%
Game Network b.v.	Babestation2	100,0%	100,0%	16,5%	3,6%	100,0%	100,0%
Game Network b.v.	Blue Kiss	NO	100,0%	NO	2,2%	NO	100,0%
Game Network b.v.	Friendly TV	NO	100,0%	NO	0,0%	NO	0,0%
Game Network b.v.	LiveXXXtv	NO	100,0%	NO	6,2%	NO	100,0%
Game Network b.v.	Lucky Star	NO	100,0%	NO	2,0%	NO	100,0%
Game Network b.v.	Psychic TV	NO	100,0%	NO	0,0%	NO	0,0%
Game Network b.v.	Smile TV 2	NO	100,0%	NO	2,0%	NO	100,0%
Gerstel Producties BV	GP-TV	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Graafschap TV b.v.	GraafschapTV (Oost-Gelderland)	100,0%	100,0%	70,5%	71,0%	100,0%	100,0%
Hermans Retail Europe b.v.	Regio 22	94,8%	100,0%	94,8%	90,0%	100,0%	90,0%
Het Gesprek TV b.v.	Het Gesprek	100,0%	90,0%	0,0%	16,0%	0,0%	25,0%
Iberian Program Services C.V.	Canal Hollywood	NO	EX	NO	EX	NO	EX
Iberian Program Services C.V.	Canal Panda	NO	30,5%	NO	28,5%	NO	39,2%
Iberian Program Services C.V.	Odisea	NO	76,2%	NO	37,4%	NO	79,1%
Iberian Program Services C.V.	Sol Música	NO	80,5%	NO	67,6%	NO	79,1%
Icemobile b.v.	VPTV	NO	EX	NO	EX	NO	EX
Info Services Alkmaar b.v.	De Alkmaarse Kabelkrant A9	EX	NO	EX	NO	EX	NO
InfoThuis Nieuwe Media B.V.	InfoThuis TV	94,0%	100,0%	94,0%	100,0%	94,0%	100,0%
InfoThuis Nieuwe Media B.V.	InfoThuis TV (editie Westland/Midden Delfland)	94,0%	NO	94,0%	NO	94,0%	NO
KPN Telecom b.v.	KPN-3 (Planet Voetbal)	EX	NO	EX	NO	EX	NO
LiveShop b.v.	Liveshop	EX	NO	EX	NO	EX	NO

Marc Dorcel TV Netherlands B.V.	Marc Dorcel TV	98,4%	97,3%	98,4%	97,3%	98,2%	96,8%
Massalia Telecom Nederland B.V.	Chat Sat TV	NC	NO	NC	NO	NC	NO
Massalia Telecom Nederland B.V.	Sexy Sat 3 TV	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Massalia Telecom Nederland B.V.	Sexy Sat 4 TV	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Massalia Telecom Nederland B.V.	Sexy Sat Television 1	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Massalia Telecom Nederland B.V.	Sexy Sat Television 2	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Max van Friesland Media	Provincie RTV	NC	NO	NC	NO	NC	NO
Maximaal Multimedia	Maximaal TV +	100,0%	100,0%	73,2%	60,4%	100,0%	100,0%
Medicons	OUT.TV	NO	EX	NO	EX	NO	EX
Medicons	X-MO	NO	77,9%	NO	77,7%	NO	93,6%
MTV Networks B.V.	Comedy Central Family	NO	NC	NO	NC	NO	NC
MTV Networks B.V.	Comedy Central Sweden	NO	NC	NO	NC	NO	NC
MTV Networks B.V.	MTV Brand New	67,8%	41,8%	67,8%	42,2%	100,0%	NC
MTV Networks B.V.	MTV Denmark	NO	NC	NO	NC	NO	NC
MTV Networks B.V.	MTV Finland	NO	NC	NO	NC	NO	NC
MTV Networks B.V.	MTV Norway	NO	NC	NO	NC	NO	NC
MTV Networks B.V.	MTV Sweden	NO	NC	NO	NC	NO	NC
MTV Networks B.V.	MTV The Netherlands	39,9%	NC	37,1%	NC	100,0%	NC
MTV Networks B.V.	NICK Hits	64,8%	23,0%	64,8%	39,3%	100,0%	0,0%
MTV Networks B.V.	Nick Jr.	29,0%	23,6%	29,0%	23,6%	96,3%	91,2%
MTV Networks B.V.	NICK Toons	6,5%	6,3%	6,5%	6,3%	100,0%	100,0%
MTV Networks B.V.	Nickelodeon	16,6%	19,0%	14,7%	17,5%	99,7%	97,8%
MTV Networks B.V.	Nickelodeon Denmark	NO	NC	NO	NC	NO	NC
MTV Networks B.V.	Nickelodeon Nordic	NO	NC	NO	NC	NO	NC
MTV Networks B.V.	Nickelodeon Sweden	NO	NC	NO	NC	NO	NC
MTV Networks B.V.	The Music Factory (TMF)	68,4%	NC	59,8%	NC	100,0%	NC
MTV Networks B.V.	TMF NL	100,0%	0,0%	100,0%	0,0%	100,0%	0,0%
MTV Networks B.V.	TMF Party	78,0%	NC	78,0%	NC	100,0%	NC
MTV Networks B.V.	TMF Pure	46,7%	6,1%	46,7%	50,5%	100,0%	0,0%
MTV Networks B.V.	VH1 Denmark	NO	NC	NO	NC	NO	NC

N.V. Multikabel	MultiView	EX	EX	EX	EX	EX	EX
NederSat N.V.	Full-Muzik 1	NC	NO	NC	NO	NC	NO
NederSat N.V.	Full-Muzik 2	NC	NO	NC	NO	NC	NO
NederSat N.V.	Full-X 1	NC	NO	NC	NO	NC	NO
NederSat N.V.	Full-X 2	NC	NO	NC	NO	NC	NO
NederSat N.V.	Full-X 3	NC	NO	NC	NO	NC	NO
NederSat N.V.	Full-X 4 Free	NC	NO	NC	NO	NC	NO
NostalgieNet B.V.	NostalgieNet	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Omroep Waterland v.o.f.	Omroep Waterland	NO	EX	NO	EX	NO	EX
Publieke landelijke omroep	101 TV	100,0%	100,0%	21,8%	16,2%	100,0%	94,9%
Publieke landelijke omroep	3VOOR12 Central	68,3%	66,5%	46,3%	40,7%	92,1%	70,0%
Publieke landelijke omroep	3VOOR12 On Stage	100,0%	100,0%	28,3%	31,8%	100,0%	100,0%
Publieke landelijke omroep	Consumenten TV	100,0%	100,0%	4,2%	11,8%	100,0%	99,5%
Publieke landelijke omroep	Cultura	98,5%	94,3%	26,9%	31,6%	41,8%	70,9%
Publieke landelijke omroep	DNTV	100,0%	100,0%	50,1%	46,5%	99,2%	94,6%
Publieke landelijke omroep	Geloven	100,0%	100,0%	14,5%	13,7%	100,0%	100,0%
Publieke landelijke omroep	Geschiedenis	100,0%	100,0%	31,6%	16,5%	38,2%	28,6%
Publieke landelijke omroep	Hilversum Best	100,0%	100,0%	45,9%	47,8%	27,9%	30,9%
Publieke landelijke omroep	Holland Doc	97,5%	92,6%	40,0%	59,4%	86,9%	80,6%
Publieke landelijke omroep	Humor TV	100,0%	100,0%	38,8%	30,8%	100,0%	78,6%
Publieke landelijke omroep	Nederland 1	96,0%	99,0%	44,0%	35,0%	98,7%	96,0%
Publieke landelijke omroep	Nederland 2	94,0%	95,0%	37,0%	28,0%	97,6%	94,0%
Publieke landelijke omroep	Nederland 3	90,0%	86,0%	38,0%	52,0%	85,0%	70,0%
Publieke landelijke omroep	Nederland-e	98,7%	98,7%	29,3%	19,1%	75,0%	62,9%
Publieke landelijke omroep	Omega TV	91,9%	90,0%	53,0%	35,4%	51,2%	60,3%
Publieke landelijke omroep	Opvoeden doe je zo!	99,8%	99,6%	48,3%	49,9%	77,8%	43,1%
Publieke landelijke omroep	Sterren.nl	100,0%	100,0%	13,8%	19,3%	64,1%	75,4%
Radio Nederland Wereldomroep	BVN	100,0%	100,0%	2,5%	2,5%	100,0%	100,0%
Regionaal Televisie Netwerk Limburg B.V.	TV Limburg Maastricht	100,0%	100,0%	29,0%	29,7%	100,0%	100,0%
Regionaal Televisie Netwerk Limburg B.V.	TV Limburg Parkstad Limburg	100,0%	100,0%	29,0%	29,7%	100,0%	100,0%
Regionaal Televisie Netwerk Limburg B.V.	TV Limburg Roermond	100,0%	100,0%	29,0%	29,7%	100,0%	100,0%

Regionaal Televisie Netwerk Limburg B.V.	TV Limburg Sittard-Geleen	100,0%	100,0%	29,0%	29,7%	100,0%	100,0%
Regionaal Televisie Netwerk Limburg B.V.	TV Limburg Valkenburg	100,0%	100,0%	29,0%	29,7%	100,0%	100,0%
Regionaal Televisie Netwerk Limburg B.V.	TV Limburg Venlo	100,0%	100,0%	29,0%	29,7%	100,0%	100,0%
Regionaal Televisie Netwerk Limburg B.V.	TV Limburg Venray	100,0%	100,0%	29,0%	29,7%	100,0%	100,0%
Regionaal Televisie Netwerk Limburg B.V.	TV Limburg Weert	100,0%	100,0%	29,0%	29,7%	100,0%	100,0%
Royaal B.V.	RTV10 (Brabant 10)	100,0%	100,0%	34,6%	51,4%	100,0%	100,0%
Sapphire Media International B.V.	Blue Hustler	18,9%	19,0%	18,9%	19,0%	94,4%	6,0%
Sapphire Media International B.V.	Hustler TV	8,9%	0,0%	8,9%	0,0%	100,0%	0,0%
Sapphire Media International B.V.	XXX Xtreme	0,4%	1,7%	0,4%	1,7%	100,0%	91,2%
Satellite Data Broadcasting b.v.	Sexview	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview 24/7	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview 264 (v.h. Sexview XXX)	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview Climax	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview DP	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview Extra (vh Scrambled Temporary Fun)	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview Extreme	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview Gay	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview Hot	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview Inter	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview Plus (vh Livesex tv)	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview promo	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview Special	NC	NC	NC	NC	NC	NC
Satellite Data Broadcasting b.v.	Sexview TV	NC	NC	NC	NC	NC	NC
SBS Broadcasting b.v.	Net 5	24,8%	53,3%	13,0%	28,2%	85,5%	95,5%
SBS Broadcasting b.v.	SBS 6	67,6%	62,5%	23,3%	26,5%	86,9%	84,8%
SBS Broadcasting b.v.	Tele 6	EX	EX	EX	EX	EX	EX
SBS Broadcasting b.v.	Via 5	EX	EX	EX	EX	EX	EX
Slam!FM b.v.	Slam!TV	NO	100,0%	NO	55,5%	NO	55,4%
St. Samenwerkende Publieke Omroepen Midden Nederland	RTV Utrecht	100,0%	100,0%	30,6%	46,4%	100,0%	100,0%

Stichting Channel Management	Intimacy	EX	EX	EX	EX	EX	EX
Stichting Channel Management	Touch	NO	EX	NO	EX	NO	EX
Stichting Channel Management	VIP TV	NC	EX	NC	EX	NC	EX
Stichting Clubswing Entertainment en Media	Black Community Television (B.C.T.)	NO	EX	NO	EX	NO	EX
Stichting Evangelical Television (Europe)	Etv	EX	NO	EX	NO	EX	NO
Stichting Faith Channel	Faith Channel Europe	NO	75,0%	NO	75,0%	NO	100,0%
Stichting Mixed Martial Arts Channel	MMAC TV	NC	NC	NC	NC	NC	NC
Stichting Nedervisie	True Televison	NC	NC	NC	NC	NC	NC
Stichting Omroep drenthe	TV Drenthe	100,0%	100,0%	36,2%	40,0%	100,0%	100,0%
Stichting Omroep Gelderland	TV Gelderland	100,0%	100,0%	10,5%	11,5%	100,0%	100,0%
Stichting Omroep Limburg	L1	100,0%	100,0%	72,0%	39,6%	100,0%	98,5%
Stichting Omroep Zeeland	Omroep Zeeland	100,0%	100,0%	6,0%	2,0%	100,0%	81,0%
Stichting Omrop fryslân	Omrop Fryslân	100,0%	100,0%	24,4%	23,4%	100,0%	100,0%
Stichting Regionale Omroep Brabant	Omroep Brabant	99,8%	96,7%	30,8%	62,0%	100,0%	95,7%
Stichting Regionale Omroep Flevoland	Flevoland (editie Almere)	100,0%	100,0%	52,0%	33,8%	100,0%	100,0%
Stichting Regionale Omroep Flevoland	Flevoland (editie provincie)	100,0%	100,0%	52,0%	33,8%	100,0%	100,0%
Stichting Regionale Omroep Rotterdam-Rijnmond en omgeving	TV Rijnmond	100,0%	93,3%	38,7%	77,8%	100,0%	100,0%
Stichting Regionale Omroep West	TV West	100,0%	100,0%	36,9%	31,7%	100,0%	100,0%
Stichting Regionale Televisie Noord	TV Noord	100,0%	100,0%	67,9%	72,6%	100,0%	96,7%
Stichting Rotterdamse T.V. Producties	RNN (Regio News Network)	94,8%	NC	22,9%	NC	92,9%	NC
Stichting RTV Noord-Holland	Noord-Holland (editie Amsterdam)	100,0%	NO	23,6%	NO	100,0%	NO
Stichting RTV Noord-Holland	Noord-Holland (editie provincie)	100,0%	100,0%	30,1%	46,9%	100,0%	100,0%
Stichting RTV Oost	TV Oost	100,0%	100,0%	42,5%	36,8%	100,0%	100,0%
Stichting The Angel	Faith	EX	78,3%	EX	78,3%	EX	100,0%
Stichting The Angel	KICC TV	EX	86,7%	EX	86,7%	EX	100,0%
Stichting The Word	The Word Network	12,4%	16,7%	12,4%	16,7%	100,0%	100,0%

STV International B.V. p/a Loyens en Loeff	Private Spice	68,7%	NC	66,9%	NC	68,4%	NC
STV International B.V. p/a Loyens en Loeff	Spice	42,8%	NC	21,8%	NC	53,6%	NC
Talpa TV b.v.	Talpa (nu Tien)	NC	NO	NC	NO	NC	NO
Tel Sell B.V.	Tel Sell	EX	NO	EX	NO	EX	NO
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (ADO Den Haag)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (Ajax)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (AZ)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (Excelsior)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (FC Groningen)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (FC Twente)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (FC Utrecht)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (Feyenoord)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (Heerenveen)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (Heracles)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (NAC)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (NEC)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (RKC PSV)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (RKC Waalwijk)	EX	EX	EX	EX	EX	EX

Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (Roda JC)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (Sparta)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (Vitesse)	EX	EX	EX	EX	EX	EX
Tele2 Nederland B.V. (v.h. Versatel)	Tele2 Eredivisiekanal (Willem II)	EX	EX	EX	EX	EX	EX
The Box Holland b.v.	Comedy Central	16,6%	9,9%	14,8%	9,8%	46,3%	87,5%
TV & CO Holding B.V.	TV&CO Regio Midden (Tilburg e.a.)	100,0%	100,0%	36,5%	54,9%	100,0%	100,0%
TV & CO Holding B.V.	TV&CO Regio Oost (Den Bosch e.a.)	100,0%	100,0%	36,5%	54,9%	100,0%	100,0%
TV & CO Holding B.V.	TV&CO Regio West (Breda, Roosendaal e.a.)	100,0%	100,0%	36,5%	54,9%	100,0%	100,0%
TV 10 b.v. p/a SBS Broadcasting B.V.	Jetix/Veronica	48,7%	51,6%	35,4%	27,8%	86,2%	82,8%
TV Digitaal b.v.	BravaHDTV	100,0%	100,0%	100,0%	100,0%	50,0%	50,0%
TV Digitaal b.v.	SchlagerTV	NO	100,0%	NO	100,0%	NO	10,0%
TV Digitaal b.v.	TV Oranje	100,0%	100,0%	100,0%	100,0%	55,0%	55,0%
TV4U b.v.	Action Now	0,0%	20,9%	0,0%	9,1%	0,0%	61,9%
TV4U b.v.	Man-X	100,0%	84,8%	100,0%	83,4%	100,0%	97,1%
Vision-Net TV Producties B.V.	VSM-TV	NC	NO	NC	NO	NC	NO
WorldMadeChannel B.V.	WorldMadeChannel	100,0%	100,0%	0,0%	0,0%	100,0%	100,0%
Xie Entertainment b.v.	Planet Prime	100,0%	NO	100,0%	NO	17,4%	NO
Your Channels TV b.v.	GoedTV	96,3%	95,4%	69,8%	86,6%	94,7%	91,5%
Your Channels TV b.v.	Golfers TV	EX	NO	EX	NO	EX	NO
Covered Channels (IND 1)		134	148	134	148	-	-
Compliance rate (IND 3 and 5)		59,7%	60,8%	64,9%	59,5%	-	-
Average % (IND 2, 4, and 6)		80,8%	80,3%	40,2%	37,8%	85,3%	76,3%

PART 2 - Comments

Monitoring method

Publieke Omroep [Public Broadcasting] collects the data on public broadcasting on Nederland 1, Nederland 2 and Nederland 3 on the basis of total programming (minus the

exception categories news, sport, etc.). The data are supplied to the Commissariaat voor de Media [Commission for the Media].

The commercial broadcasters reported to the Commissariaat voor de Media on the basis of a random sample from the periods indicated by the Commissariaat. The periods concerned were Saturday 24 March to Friday 30 March 2007, Saturday 23 June to Friday 29 June 2007, Saturday 1 September to Friday 7 September 2007, Saturday 17 November to Friday 23 November 2007, Saturday 1 March to Friday 7 March 2008, Saturday 19 April to Friday 25 April 2008, Saturday 6 September to Friday 12 September 2008, and Saturday 22 November to Friday 28 November 2008.

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

The small commercial broadcasters had only to submit their transmitted percentages of European, independent and recent productions. The statistical overview also includes the local commercial broadcasters which can be received only in one municipality or a limited number of municipalities bordering one another and the broadcasters which for other reasons are exempt from the European quota requirements, for example because they transmit only news. For these broadcasters the table shows EX, because the European quotas do not apply to these small commercial broadcasters.

A) Reasons given by Member State for failure to reach

1. Majority proportion of European works (Article 4)

MTV Networks BV

As in 2005 and 2006, MTV did not attain the required percentage of European productions for a number of channels. The number of MTV channels increased compared with 2005 and 2006. Data were not submitted for all channels. In that regard the Commissariaat has since initiated a penalty procedure for failure to supply the requested data. For Nickelodeon (and Nick Jr., Nick Hits and Nick Toons) the required percentage of European productions was not met. In the past MTV already stated that these are niche channels aimed exclusively at children. Children's programmes are expensive. In a small country with a limited language area it is therefore impossible to produce (or arrange to have produced) many own children's programmes. It must be borne in mind that the supply of European children's programmes is small and does not always fit in with what Nickelodeon wishes to offer, namely non-violent and educational programmes. That is why many 'own' Nickelodeon programmes from the United States are transmitted.

SBS Broadcasting BV

In 2007 SBS did not attain the required percentage of European productions for the channels Net5 and Veronica/Jetix. In 2008 the required percentage was attained. Over recent years discussions have repeatedly taken place with SBS Broadcasting BV regarding whether or not programme announcements and self-promotion may be included in the transmission time to be taken into account. Last year in the contact committee the European Commission gave a

more detailed explanation of the terms self-promotion and programme announcements. The outcome is that part of the transmission time devoted to announcements in connection with own programmes has indeed been included, whereby SBS now indeed meets the required quotas.

Chellomedia Programming BV

Chellomedia Programming BV's various channels are film channels. In the past, Chellomedia argued that it was difficult to obtain European productions. Accordingly, over recent years they have been in a position to move slowly towards the required percentage.

Fortress Media BV and Iberian Program Services CV

These broadcasters did not launch their channels until 2008.

Free-X TV BV

In 2007 FreeX did not attain the required percentage of European productions on three channels and in 2008 it failed to do so on two channels. The proportion of European productions did increase, however. FreeX TV's channels transmit erotic content.

Sapphire Media International BV

On its three channels, Sapphire did not attain the required percentage of European productions. Sapphire did not state any reasons for this. In respect of 2005 the Commissariaat already pointed out to Sapphire the shortcomings in this regard. Sapphire Media International BV's channels transmit erotic content.

Stichting The World

This channel was launched at the end of 2006. The percentage of European productions increased from 8% in 2006 to 17% in 2007.

TV4U b.v.

Although TV4U did not attain the required percentage of European productions, in contrast to the previous period the broadcaster did submit data. The channel Action Now was launched in mid-2006. The proportion of European productions did increase.

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

Not enough independent productions were transmitted on Nick Toons or on Sapphire Media Internationale BV's channels. This is because not enough European productions were transmitted either.

The following comments should be made regarding regional public broadcasters. Regional public broadcasters transmit mainly programmes which do not count towards the transmission time to be taken into account and which are therefore not subject to the reporting requirement. Programmes are also repeated on a rolling basis. European productions therefore often comprise a single programme produced by the broadcaster itself. That is why in 2007 and 2008 Stichting Omroep Zeeland did not attain the required percentage of independent productions.

In its schedule, De Wereldomroep transmits a cross-section of the Dutch-language programmes as shown on the Dutch public channels. The criterion for choosing programmes is that they must be suitable for Dutch people abroad. The Dutch national public broadcaster transmits more than enough European and independent productions from which the aim of the European Directive is complied with.

Your Channels TV BV transmitted insufficient independent productions on its channel GoedTV, as did Game Network on its various channels. No reasons were stated for this.

B) Measures taken or envisaged by the Member State

The Commissariaat voor de Media has initiated penalty procedures against the following broadcasters for failure to supply the requested data:

- MTV Network BV
- STV International BV
- Satellite Data Broadcasting BV
- Urban Channel
- Digiquest BV
- Stichting Mixed Martial Arts Channel
- Stichting Nedervisie

Also, all broadcasters which in 2007 did not attain the required quotas received a warning from us. Through the measures taken, the Netherlands aims to achieve a still higher compliance rate in the next report.

C) Further comments

No comment.

AUSTRIA

PART 1 - Statistical data

Number of channels identified:		18		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
ALPENGLÜHEN Media GmbH	Alpenglühén TVX	97,2%	100,0%	97,2%	100,0%	EX	EX
ATV PRIVATFERNSEH-GMBH	ATV (Austria)	39,0%	35,2%	39,0%	35,2%	35,0%	29,8%
AUSTRIA 9 TV GMBH	Austria 9	68,5%	70,0%	34,8%	39,6%	22,9%	42,1%
FASHION TV PROGRAMMGESELLSCHAFT MBH	Fashion-TV	66,6%	66,6%	60,0%	60,0%	80,0%	80,0%
Franz Ressel GmbH	EUROTIC TV 3	100,0%	100,0%	EX	EX	EX	EX
GOTV FERNSEH-GMBH	gotv	75,0%	75,0%	25,0%	25,0%	100,0%	100,0%
K-TV FERNSEH GMBH & CO KEG	K-TV	91,7%	99,0%	20,0%	18,0%	54,8%	51,0%
ORF - ÖSTERREICHISCHER RUNDFUNK	ORF 2 Europe	92,4%	94,1%	45,1%	48,9%	35,5%	39,6%
ORF - ÖSTERREICHISCHER RUNDFUNK	ORF Sport Plus	EX	EX	EX	EX	EX	EX
ORF - ÖSTERREICHISCHER RUNDFUNK	ORF1	34,5%	36,6%	23,8%	26,2%	16,4%	17,0%
ORF - ÖSTERREICHISCHER RUNDFUNK	ORF2	92,4%	94,1%	45,1%	48,9%	35,5%	39,6%
PREMIERE FERNSEHEN GMBH	Premiere Austria	41,5%	43,4%	22,0%	23,0%	63,6%	63,1%
PROSIEBEN AUSTRIA GMBH	Kabel Eins Austria	100,0%	100,0%	100,0%	100,0%	100,0%	0,0%
PROSIEBEN AUSTRIA GMBH	ProSieben Austria	100,0%	100,0%	100,0%	100,0%	100,0%	0,0%
PULS City TV GmbH	Puls 4	100,0%	54,1%	0,0%	29,0%	0,0%	100,0%
SAT.1 SATELLITEN FERNSEHEN GMBH	Sat.1 Österreich	100,0%	100,0%	51,0%	8,4%	100,0%	100,0%
TIROL TV GMBH	Tirol TV	EX	EX	EX	EX	EX	EX
TW1	TW1	97,7%	97,9%	72,2%	67,7%	74,9%	55,8%
Covered Channels (IND 1)		16	16	15	15	-	-
Compliance rate (IND 3 and 5)		81,3%	81,3%	93,3%	93,3%	-	-
Average % (IND 2, 4, and 6)		81,0%	79,1%	49,0%	48,7%	58,5%	51,3%

PART 2 - Comments

Monitoring method

Reporting is a legal requirement; failure to do so incurs an administrative penalty.

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

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

ATV is the only private channel which is broadcast terrestrially throughout the country. Because of the market situation, the channel is partly dependent on utilising film rights for non-European works. Although ATV itself produces several shows and series (games, music and sport), these categories are not taken into account when calculating European works. In the case of Premiere Austria, in order to gain greater audience acceptance, an increased number of current international and above all United States productions were used.

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

In the case of EUROTV 3, the small number of non-teleshopping programmes (dating shows, service programmes) are produced by the channel itself and so the IP quota is zero.

As far as recent works are concerned, Alpenglühen Media GmbH is a pay-TV channel broadcasting nostalgic German-language comedies from the late 1960s, the 1970s and the 1980s.

B) Measures taken by or envisaged by the Member State

None reported

C) Further comments

The ORF channel Sportplus is purely a special-interest sports channel and is therefore not subject to the reporting requirement.

Tirol TV is a regional channel, but it is broadcast by satellite. All the programmes are produced by the channel itself; the IP quota would be zero. However the programming of Tirol TV only covers news (information) from the region and is therefore exempt.

In the case of Puls (2007) the programme until October 2007 consisted of 99 % own productions; in November and December two weekly movies (European works) were broadcast in addition. Given these numbers and the fact that the broadcaster was undergoing a transition phase from a regional to a nationwide station, it is - within the meaning of article 17 - not appropriate, to require them to reserve at least 10 % of their transmission time or alternately at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters.

POLAND

PART 1 - Statistical data

Number of channels identified:		67		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
4FUN MEDIA S.A.	4fun.tv	100,0%	95,0%	0,0%	29,0%	0,0%	100,0%
ANTEL SP. Z O.O.	TELE 5	44,0%	43,0%	10,0%	11,0%	51,0%	48,0%
CANAL+ CYFROWY SP. Z O.O.	Ale kino!	50,0%	49,0%	44,0%	43,0%	18,0%	23,0%
CANAL+ CYFROWY SP. Z O.O.	Canal+ Polska	49,0%	45,0%	29,0%	31,0%	73,0%	78,0%
CANAL+ CYFROWY SP. Z O.O.	Canal+ Polska Niebieski Sport	70,0%	58,0%	15,0%	14,0%	92,0%	94,0%
CANAL+ CYFROWY SP. Z O.O.	Canal+ Polska Żółty	48,0%	45,0%	30,0%	31,0%	83,0%	84,0%
CANAL+ CYFROWY SP. Z O.O.	Canal+ Sport 2	EX	EX	EX	EX	EX	EX
CANAL+ CYFROWY SP. Z O.O.	Kuchnia TV	43,0%	52,0%	35,0%	41,0%	54,0%	80,0%
CANAL+ CYFROWY SP. Z O.O.	Mini Mini	50,0%	50,0%	38,0%	46,0%	34,0%	48,0%
CANAL+ CYFROWY SP. Z O.O.	Planete	73,0%	51,0%	42,0%	44,0%	47,0%	73,0%
CANAL+ CYFROWY SP. Z O.O.	Zigzap	43,0%	43,0%	22,0%	25,0%	90,0%	60,0%
FUNDACJA INNOWACJA	Edusat Bis	89,0%	100,0%	10,0%	39,0%	100,0%	67,0%
FUNDACJA INNOWACJA	Edusat Bis2	93,0%	100,0%	7,0%	22,0%	76,0%	69,0%
FUNDACJA LUX VERITATIS	Trwam	88,0%	75,0%	12,0%	13,0%	100,0%	100,0%
International Movie Productions	Trochę Młodsza Telewizja (TMT)	98,0%	NO	39,0%	NO	73,0%	NO
ITI NEOVISION ("N")	nSport	79,0%	100,0%	9,0%	19,0%	100,0%	100,0%
ITI NEOVISION ("N")	OTV	NO	94,0%	NO	94,0%	NO	100,0%
ITI NEOVISION ("N")	Religia TV	NO	80,0%	NO	26,0%	NO	43,0%
KINO POLSKA TV SP. Z O.O.	Kino Polska	100,0%	93,0%	86,0%	86,0%	4,0%	3,0%
MANGO MEDIA SP.Z O.O	Telezakupy Mango24	EX	EX	EX	EX	EX	EX
MEDIA - BIZNES SP. Z O.O.	TV Biznes	100,0%	88,0%	26,0%	24,0%	100,0%	100,0%
MEDIA EKSPERT SP.Z O.O.	Promocja.tv	EX	EX	EX	EX	EX	EX
POLSKIE MEDIA S.A.	TV4	59,0%	63,0%	53,0%	60,0%	87,0%	87,0%

SUPERSTACJA SP. Z O.O.	SUPERSTACJA	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
TELESTAR SP. Z O.O.	ITV (Poland)	100,0%	100,0%	20,0%	24,0%	100,0%	100,0%
TELEWIZJA POLSAT S.A.	Polsat	57,0%	58,0%	51,0%	52,0%	78,0%	77,0%
TELEWIZJA POLSAT S.A.	Polsat 2	93,0%	90,0%	67,0%	76,0%	91,0%	77,0%
TELEWIZJA POLSAT S.A.	Polsat Cafe	88,0%	89,0%	68,0%	67,0%	90,0%	89,0%
TELEWIZJA POLSAT S.A.	Polsat Play	NO	76,0%	NO	25,0%	NO	86,0%
TELEWIZJA POLSAT S.A.	Polsat Sport	97,0%	96,0%	50,0%	49,0%	100,0%	100,0%
TELEWIZJA POLSAT S.A.	Polsat Sport Extra	98,0%	94,0%	57,0%	63,0%	100,0%	100,0%
TELEWIZJA POLSKA S.A.	TVP Białystok/TVP Info	98,0%	98,0%	14,0%	14,0%	86,0%	89,0%
TELEWIZJA POLSKA S.A.	TVP Bydgoszcz/TVP Info	98,0%	97,0%	14,0%	16,0%	84,0%	88,0%
TELEWIZJA POLSKA S.A.	TVP Gdańsk/TVP Info	95,0%	98,0%	12,0%	12,0%	84,0%	86,0%
TELEWIZJA POLSKA S.A.	TVP Gorzów/TVP Info	99,0%	94,0%	14,0%	13,0%	84,0%	88,0%
TELEWIZJA POLSKA S.A.	TVP Historia	NO	100,0%	NO	22,0%	NO	62,0%
TELEWIZJA POLSKA S.A.	TVP Katowice/TVP Info	95,0%	98,0%	15,0%	15,0%	87,0%	90,0%
TELEWIZJA POLSKA S.A.	TVP Kielce/TVP Info	93,0%	97,0%	13,0%	13,0%	85,0%	87,0%
TELEWIZJA POLSKA S.A.	TVP Kraków/TVP Info	99,0%	98,0%	12,0%	13,0%	85,0%	88,0%
TELEWIZJA POLSKA S.A.	TVP Kultura	91,0%	89,0%	45,0%	43,0%	23,0%	23,0%
TELEWIZJA POLSKA S.A.	TVP Łódź/TVP Info	98,0%	98,0%	12,0%	12,0%	83,0%	86,0%
TELEWIZJA POLSKA S.A.	TVP Lublin/TVP Info	98,0%	98,0%	11,0%	12,0%	84,0%	85,0%
TELEWIZJA POLSKA S.A.	TVP Olsztyn/TVP Info	95,0%	98,0%	14,0%	14,0%	78,0%	89,0%
TELEWIZJA POLSKA S.A.	TVP Opole/TVP Info	98,0%	98,0%	15,0%	16,0%	87,0%	90,0%
TELEWIZJA POLSKA S.A.	TVP Polonia	100,0%	100,0%	44,0%	42,0%	82,0%	79,0%
TELEWIZJA POLSKA S.A.	TVP Poznań/TVP Info	98,0%	98,0%	13,0%	13,0%	84,0%	86,0%
TELEWIZJA POLSKA S.A.	TVP Rzeszów/TVP Info	97,0%	98,0%	11,0%	11,0%	82,0%	86,0%

TELEWIZJA POLSKA S.A.	TVP Sport	100,0%	100,0%	18,0%	21,0%	90,0%	100,0%
TELEWIZJA POLSKA S.A.	TVP Szczecin/TVP Info	98,0%	98,0%	12,0%	12,0%	82,0%	86,0%
TELEWIZJA POLSKA S.A.	TVP Warszawa/TVP Info	98,0%	98,0%	15,0%	18,0%	85,0%	87,0%
TELEWIZJA POLSKA S.A.	TVP Wrocław/TVP Info	98,0%	98,0%	12,0%	12,0%	79,0%	77,0%
TELEWIZJA POLSKA S.A.	TVP1	68,0%	66,0%	31,0%	29,0%	60,0%	63,0%
TELEWIZJA POLSKA S.A.	TVP2	66,0%	67,0%	31,0%	33,0%	76,0%	70,0%
TELEWIZJA PULS SP. Z O.O.	TV Puls	69,0%	74,0%	46,0%	39,0%	76,0%	66,0%
TVN SA	TVN	76,0%	70,0%	21,0%	23,0%	78,0%	91,0%
TVN SA	TVN 24	100,0%	94,0%	3,0%	10,0%	75,0%	96,0%
TVN SA	TVN Gra	100,0%	NO	14,0%	NO	75,0%	NO
TVN SA	TVN International (Europe)	89,0%	NO	41,0%	NO	65,0%	NO
TVN SA	TVN International (USA)	90,0%	77,0%	42,0%	41,0%	64,0%	71,0%
TVN SA	TVN Lingua	97,0%	79,0%	17,0%	13,0%	41,0%	50,0%
TVN SA	TVN Med.	100,0%	89,0%	0,0%	8,0%	0,0%	100,0%
TVN SA	TVN Meteo	100,0%	99,0%	2,0%	0,0%	25,0%	0,0%
TVN SA	TVN Siedem	44,0%	38,0%	13,0%	22,0%	34,0%	74,0%
TVN SA	TVN Style	84,0%	73,0%	29,0%	33,0%	90,0%	96,0%
TVN SA	TVN Turbo	88,0%	81,0%	37,0%	37,0%	100,0%	98,0%
TVN SA	TVN-CNBC Biznes	NO	85,0%	NO	47,0%	NO	100,0%
WYKSZA SZKOŁA SPOŁECZNO-EKONOMICZNA	Edusat	87,0%	100,0%	12,0%	33,0%	75,0%	74,0%
Covered Channels (IND 1)		59	61	59	61	-	-
Compliance rate (IND 3 and 5)		89,8%	90,2%	88,1%	95,1%	-	-
Average % (IND 2, 4, and 6)		85,0%	83,1%	25,0%	29,0%	71,3%	76,8%

PART 2 - Comments

Monitoring method

Collection data from broadcasters

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

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

- (e) On average, European works accounted for 38% of "TVN 7's" quarterly transmission time in 2008. This was slightly less than in 2007 (44%). The broadcaster explained that the proportion of such works had decreased in 2008 due to the fact that the broadcaster had classified self-promotional broadcasts into this category of works. KRRiT (the National Broadcasting Council) had objected to this practice on the grounds that it was incompatible with the legal definition of a programme and the broadcaster had to adjust the classification method it had previously used and exclude self-promotional programmes from the group of programmes classified as European works. It should be emphasised that, compared with the previous reporting period 2005-06, the broadcaster of this channel increased the proportion of European works on the channel in the period 2007-08.
- (l) On average, European works accounted for 43% of "ZigZap's" quarterly transmission time in the period 2007-08. According to the broadcaster, the proportion of European works was lower than the requirement due to the broadcaster's focus on Canadian, US American and Australian productions. At the same time, the broadcaster has stated that it is correcting the situation and that in 2009 it will satisfy the requirements regarding the proportion of European works on the channel. KRRiT is currently analysing excerpts of the records of European works transmitted during the first quarter of 2009.
- (m) On the "Kuchnia.tv" channel, European works did not make up the required proportion in one year only – in 2007 they accounted on average for 43% of the quarterly transmission time. The broadcaster explained that this was due to difficulties on the market in acquiring works suitable for this specialised channel. In 2008, the situation improved as the broadcaster increased the proportion of European works to the level stipulated in the Radio and Television Broadcasting Act (52%).
- (n) On average, European works accounted for 43% of "Tele 5's" quarterly transmission time in 2008. This was slightly less than in 2007 (44%). The broadcaster stated that the proportion of European works was lower than required due to the concession holder's financial difficulties. This is confirmed by the company's 2007 annual report which was submitted to KRRiT. According to the broadcaster, the second reason for this situation is strong competition on the satellite broadcasting market, not only for broadcasters operating on the basis of Polish concessions but also for "delocalised" broadcasters. For the reasons mentioned above (and mainly for the financial reasons), it became necessary, in the broadcaster's opinion, to have this programming format so as to attract the largest possible viewer audience at a relatively low cost. In order to bring the channel into line with legal requirements, the broadcaster is currently searching for appealing material from European distributors. At this point, it should be emphasised that the concession holder, following a call from the KRRiT President to bring the channel into line with requirements of the Radio and Television Broadcasting Act, took action to achieve the appropriate proportion of European works on the channel. The report for the first quarter of 2009 shows that the proportion of European works complied with the requirements of the Radio and Television Broadcasting Act.

In 2007 and 2008 the proportion of European works was less than 50% on three channels: Canal+Polska, Canal+Polska Żółty and "Ale Kino". In each case, the average proportion was between 45% and 49% of the quarterly transmission time. The channels in question are specialised film channels and thus benefit from Polish legislation allowing a lower proportion of 45% for European works (cf. Article 15(4)(3) of the Radio and Television Act and Section 2(2) of the KRRiT Regulation of 4 November 2004). The proportion of European works on these channels therefore complies with Polish legal requirements.

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

- (f) On average, works by independent producers accounted for 3% of "TVN 24's" quarterly transmission time in 2007. The broadcaster informed KRRiT that it had taken action to increase the proportion of works by independent producers on the channel. From the second half of 2008, the proportion of works in the above-mentioned category has been at the level legally required.
- (o) On average, works by independent producers accounted for only 1% of "TVN Meteo's" quarterly transmission time in 2007-08. The broadcaster attributed this to the fact that 70% of programming is devoted to information on weather-related phenomena in Poland and the world. The nature of the channel means that the broadcaster has to take care in selecting material for the channel so as to give viewers access to up-to-date information on these phenomena. To that end, the broadcaster has developed appropriate technical capabilities. The outsourcing of programme production away from the channel's editorial structures has resulted in the programme-making process becoming longer. However, the broadcaster has committed to including from the second quarter of 2009 a programme made by an independent producer that will not affect the specialist nature of the channel.
- (p) On average, works by independent producers accounted for 9% of "nSport's" quarterly transmission time in 2007. That was the year in which the channel first broadcast. The broadcaster had not yet finalised the programming for this channel, which had been modified frequently following analyses of viewing figures. In 2008, the broadcaster brought the channel into line with legal requirements in this respect. On average, the proportion of the above-mentioned category of works has represented 19% of the quarterly transmission time.
- (q) On average, works by independent producers accounted for 7% of "Edusat Bis2's" quarterly transmission time in 2007. The broadcaster informed KRRiT, which had asked for clarification, that in view of the specialist educational nature of the channel, with programmes mainly being academic lectures intended for distance-learning students of the Wyższa Szkoła Społeczno-Ekonomiczna (School of Economics and Social Studies), it was difficult for it to meet the requirements regarding the proportion of European works by independent producers. However, the broadcaster did undertake to include works that will be subcontracted to external producers. This undertaking was honoured in 2008 when the proportion of works by independent producers accounted for 22% of the quarterly transmission time.
- (r) The broadcaster of the "4 fun.tv" channel stated in 2007 that it did not broadcast works by independent producers. After clarification by KRRiT, it

emerged that the concession holder had misinterpreted the KRRiT regulation with regard to record-keeping. This was the reason for the lack of records on works by independent producers and also for the broadcaster's failure to collect relevant data which would have allowed such records to be kept. After obtaining all the necessary explanations from KRRiT, the concession holder eventually began to keep records in the manner specified in the KRRiT Regulation of 20 September 2005. In 2008, the proportion of works by independent producers on the 4 fun.tv channel complied with the requirements and, on average, accounted for 29% of the quarterly transmission time.

- (s) On average, works by independent producers accounted for 4% of "TVN Med's" quarterly transmission time in 2007-08. The broadcaster wished to satisfy the legal requirements and therefore subcontracted the making of a programme on venous disorders to an independent producer. After being examined by experts at the Polish Chamber of Physicians it was found that the content of the programme was not up to standard. It therefore became evident that the production of such specialised works (educational material for physicians) by producers not connected to the medical field needed to be subject to the scrutiny of the Chamber of Physicians. That gave rise to obstacles in having this type of programme on the channel. Those obstacles played a part in making the production process longer by, among other things, including a content check by various medical specialists. In the end, the project for such a specialised channel was unsuccessful and in January 2009, at the concession holder's request, KRRiT withdrew the concession to broadcast the TVN Med channel.

B) Measures taken or envisaged by the Member State

Pursuant to Article 10(3) of the Radio and Television Broadcasting Act, the KRRiT President called on the broadcasters mentioned in sections 1 and 2 not to act in breach of that Act. In the 2007-08 period, 22 such calls were issued (this figure also includes two broadcasters which began broadcasting in 2008). The effect of this action by the KRRiT President was that the majority of the channels broadcast complied with legal regulations for the categories of works concerned. At this point, it is worth adding that many broadcasters (particularly satellite broadcasters not operating within large media groups) still report difficulties on the distribution market in acquiring the information needed in order to classify works into specific categories (e.g. the share in the cost of a co-production involving an EU Member State and a third country, and which of them controls the co-production). KRRiT helps broadcasters by providing explanations when there is doubt about the way in which works are classified into specific categories.

C) Further comments

The data pertaining to the channels TVN Gra and TVN International (Europe) cover only 2007 because the broadcasters stopped broadcasting the channels in question in the second half of 2008.

The channels TVP Historia and TVN CNBC-Biznes began broadcasting during 2007. Consequently, the data on these channels in the report pertains only to 2008.

The channel Canal+ Sport2 broadcast only sports transmissions during 2007 and 2008 and so, under Articles 4 and 5 of Directive 89/552/EEC, it is not subject to reporting requirements in

the period in question. The same applies to the pure shopping channels (Promocja TV, Telezakupy Mango24, TVC).

KRRiT is currently investigating Canal + Cyfrowy Sp. z o.o. in connection with its broadcasting of the terrestrial channel Hyper and the fact that the broadcaster considers it to be a programme block.

PORTUGAL

PART 1 - Statistical data

Number of channels identified:		32		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
AVENIDA DOS ALIADOS - SOCIEDADE DE COMUNICAÇÃO, S.A.	Porto Canal	NC	99,2%	NC	22,0%	NC	99,7%
Estudio do Sport Lisboa e Benfica	Benfica TV	NO	EX	NO	EX	NO	EX
LISBOA TV - INFORMAÇÃO E MULTIMÉDIA, S.A.	SIC Noticias	79,6%	90,8%	27,4%	46,4%	100,0%	96,7%
RADIO E TELEVISAO DE PORTUGAL, S.A. (RTP)	RTP Açores	76,6%	75,1%	40,0%	28,4%	98,0%	87,1%
RADIO E TELEVISAO DE PORTUGAL, S.A. (RTP)	RTP Africa	82,5%	85,3%	36,1%	29,8%	83,0%	83,4%
RADIO E TELEVISAO DE PORTUGAL, S.A. (RTP)	RTP Internacional	91,9%	91,3%	32,0%	21,4%	92,0%	82,1%
RADIO E TELEVISAO DE PORTUGAL, S.A. (RTP)	RTP Madeira	67,5%	77,3%	43,0%	16,9%	99,0%	94,5%
RADIO E TELEVISAO DE PORTUGAL, S.A. (RTP)	RTP Memoria	81,1%	84,5%	44,3%	40,5%	EX	EX
RADIO E TELEVISAO DE PORTUGAL, S.A. (RTP)	RTP N	100,0%	99,8%	80,9%	14,8%	100,0%	100,0%
RADIO E TELEVISAO DE PORTUGAL, S.A. (RTP)	RTP1	63,7%	82,2%	22,8%	21,4%	92,4%	92,0%
RADIO E TELEVISAO DE PORTUGAL, S.A. (RTP)	RTP2	53,7%	74,9%	34,7%	45,3%	91,9%	92,2%
RNTV - REGIÃO NORTE TELEVISÃO, S.A.	MVM	NO	78,2%	NO	1,0%	NO	100,0%
RNTV - REGIÃO NORTE TELEVISÃO, S.A.	Região Norte TV	NO	100,0%	NO	1,2%	NO	80,0%
SOCIEDADE INDEPENDENTE DE COMUNICAÇÃO, S.A. (SIC)	SIC	56,2%	50,0%	48,7%	36,9%	99,1%	92,3%
SOCIEDADE INDEPENDENTE DE COMUNICAÇÃO, S.A. (SIC)	SIC Internacional	97,4%	98,1%	67,4%	53,6%	95,6%	94,1%
SOCIEDADE INDEPENDENTE DE COMUNICAÇÃO, S.A. (SIC)	SIC Mulher	45,9%	41,2%	31,4%	22,5%	73,0%	81,1%
SOCIEDADE INDEPENDENTE DE COMUNICAÇÃO, S.A. (SIC)	SIC Radical	50,8%	46,6%	26,3%	32,3%	100,0%	89,4%
SPORT TV PORTUGAL,S.A.	Sport TV África	EX	EX	EX	EX	EX	EX
SPORT TV PORTUGAL,S.A.	Sport TV1	EX	EX	EX	EX	EX	EX
SPORT TV PORTUGAL,S.A.	Sport TV2	EX	EX	EX	EX	EX	EX
SPORT TV PORTUGAL,S.A.	Sport TV3	NO	EX	NO	EX	NO	EX

TVI-TELEVISAO INDEPENDENTE, S.A.	TVI	67,4%	65,8%	18,0%	20,1%	91,3%	94,0%
ZON CONTEUDOS-ACTIVIDADE DE TELEVISAO E DE PRODUÇÃO DE CONTEUDOS,S,A	Canal 21- Canal de Programacao	EX	EX	EX	EX	EX	EX
ZON CONTEUDOS-ACTIVIDADE DE TELEVISAO E DE PRODUÇÃO DE CONTEUDOS,S,A	Cine Clássico	NC	NO	NC	NO	NC	NO
ZON CONTEUDOS-ACTIVIDADE DE TELEVISAO E DE PRODUÇÃO DE CONTEUDOS,S,A	Cine Estreia	NC	NO	NC	NO	NC	NO
ZON CONTEUDOS-ACTIVIDADE DE TELEVISAO E DE PRODUÇÃO DE CONTEUDOS,S,A	Cine Êxitos	NC	NC	NC	NC	NC	NC
ZON CONTEUDOS-ACTIVIDADE DE TELEVISAO E DE PRODUÇÃO DE CONTEUDOS,S,A	MOV	NO	8,8%	NO	8,8%	NO	59,1%
ZON CONTEUDOS-ACTIVIDADE DE TELEVISAO E DE PRODUÇÃO DE CONTEUDOS,S,A	TVC 1	NC	10,9%	NC	10,9%	NC	73,6%
ZON CONTEUDOS-ACTIVIDADE DE TELEVISAO E DE PRODUÇÃO DE CONTEUDOS,S,A	TVC 2	NC	16,2%	NC	16,2%	NC	65,0%
ZON CONTEUDOS-ACTIVIDADE DE TELEVISAO E DE PRODUÇÃO DE CONTEUDOS,S,A	TVC 3	NC	11,4%	NC	11,4%	NC	71,3%
ZON CONTEUDOS-ACTIVIDADE DE TELEVISAO E DE PRODUÇÃO DE CONTEUDOS,S,A	TVC 4	NC	15,5%	NC	15,5%	NC	68,1%
	Canal Parlamento (Artv)	EX	EX	EX	EX	EX	EX
Covered Channels (IND 1)		22	23	22	23	-	-
Compliance rate (IND 3 and 5)		59,1%	65,2%	63,6%	82,6%	-	-
Average % (IND 2, 4, and 6)		72,5%	63,8%	39,5%	23,5%	93,5%	85,5%

PART 2 - Comments

Monitoring Method

The percentages presented for assessing the performance of television operators, with reference to the recommendations made in Articles 4 and 5 of the AVMSD have been calculated:

- for 2007, using actual sampling, supplemented, in specific cases²⁹, with information supplied by the operators themselves;
- for 2008, the amounts examined related, for the first time, to the total amount of broadcasting during the year, rather than to samples for regular periods, as was the case previously.

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

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

See below under C)

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

See below under C)

B) Measures taken or envisaged by the Member State

See below under C)

C) Further comments

1. RTP – Rádio e Televisão de Portugal, S.A.

In keeping with the European Commission guidelines contained in point 2.2 of Annex 1 to document COM(2000) 442 final of 17 July 2000³⁰, (*As an exception to the rule, the term "local" should be interpreted strictly and thus be taken to mean "subregional"*), the Portuguese authorities have decided to include in this report the regional public service channels RTP-Açores and RTP-Madeira, which broadcast in the autonomous regions of the Azores and Madeira respectively.

The data supplied by RTP, the public service television operator, indicate that the operator complied with the percentages set out in Articles 4 and 5 of the Directive during the period in question, as it had done during the previous period.

As already stated in previous reports, the Portuguese authorities take the view that the channel *RTP Memória*, given its specific nature as a channel broadcasting works from the archives of

²⁹ RTP Internacional, RTP Madeira and RTP Açores (RTP – Rádio e Televisão de Portugal, S.A.) and SIC Internacional (SIC – Sociedade Independente de Comunicação, S.A.).

³⁰ Fourth Communication from the Commission to the Council and the European Parliament on the application of Articles 4 to 5 of Directive 89/552/EEC “Television without frontiers” for the period 1997 to 1998.

the public service operator, is exempt from the requirement to broadcast independent, recently-produced works.

If the recent independent production figures for RTP Memória are excluded from the equation for the reasons given above, the public service operator's figures were well above those set out in Articles 4 and 5 of the Directive both when taking into account each programme service individually, and when taking into account the global average of all public service channels.

2. SIC – Sociedade Independente de Comunicação, S.A.

SIC holds four channels. During the two years of the period of analysis (2007 and 2008), non-compliance can be reported with regard to its channel *SIC Mulher* in terms of broadcasting European works. In 2008 its channel *SIC Radical* also failed to comply with regard to the broadcasting of European works.

Despite this non-compliance, when comparing the statistics relating to European works provided in the previous report, the statistics for *SIC Radical* have increased over the period under analysis (31.2% in 2005, 44.2% in 2004, 50.8% in 2007 and 46.6% in 2008). This represents a positive step forward in terms of this channel working towards meeting the percentages laid down in Article 4 of the Directive.

Despite the non-compliance referred to above, it can be noted that, globally speaking, the percentages for *SIC - Sociedade Independente de Comunicação, S.A.* were significantly higher than those provided for in Articles 4 and 5 of the Directive.

With regard to the previous period, please note that the channel *SIC Comédia*, also owned by SIC, has not been broadcasting since 31 December 2006.

3. TVI – Televisão Independente, S.A.

The percentages for this operator were significantly higher than the values established in Articles 4 and 5 of the Directive, with its performance having clearly improved if 2007 and 2008 values are compared with those from the previous period.

4. Lisboa TV – Informação e Multimédia SA

Although the specific nature of the subjects covered by SIC Notícias' thematic news service are *a priori* expressly excluded from the Community broadcasting percentages, this has not prevented the remaining broadcasting figures which could be included in the percentages referred to in Articles 4 and 5 of the Directive from far exceeding the objectives pursued. This is particularly true for the broadcasting of recently independent programmes, for which the percentages of 100% and 96.7% were achieved in 2007 and 2008 respectively.

5. Avenida dos Aliados – Sociedade de Comunicação, S.A.

This operator operates the channel *Porto Canal*, whose characteristics are similar to those of *SIC Notícias*. Given that figures for 2007 could not be provided (the statistics for this channel were only first available in 2008), we can report that in 2008, *Porto Canal* met the targets set out in Articles 4 and 5, with values close to 100% of broadcasting targets relating to European works and recent independent programmes (99.2% and 99.7% respectively).

6. RNTV – Região Norte Televisão, S.A.

This operator is responsible for the channels *Região Norte TV - RNTV* and *mvm – Moda, Vídeo e Música*. These two channels are thematic channels, broadcasting to all of Portugal and not requiring subscription. They are distributed by cable and satellite and began broadcasting in December 2007 (*Região Norte TV – RNTV*) and March 2008 (*mvm – Moda, Vídeo e Música*).

Unlike the situation regarding the broadcasting of European works, where both channels in 2008 achieved levels significantly higher than those recommended in Article 4 of the Directive (100% for *RNTV* and 78.2% for *mvm*), both channels nevertheless failed to comply with the proportion of independent productions, which make up a small percentage of broadcasting as a whole.

Since the channels recently began broadcasting, we believe that they will gradually meet the percentages set out in Article 5 of the Directive.

7. TV Cine 1, TV Cine 2, TV Cine 3 and TV Cine 4

The cinema channels *Lusomundo Premium*, *Lusomundo Gallery*, *Lusomundo Action* and *Lusomundo Happy*, already described in the 2003-2004 report, were renamed in September 2007 **TV Cine 1**, **TV Cine 2**, **TV Cine 3** and **TV Cine 4** respectively. Since 2008 it is technically possible to collect the data of these channels. In this year these channels failed to achieve the minimum quota for European works

8. MOV

The cinema channel **MOV** began broadcasting in December 2007. This channel has failed to reach the minimum quota of European works in 2008.

9. Exempt operators/programme services

Under Article 4(3) of the Directive the requirement that Member States provide the Commission every two years with a report on the application of Articles 4 and 5 applies, in principle, to ‘each of the television programmes falling within the jurisdiction of the Member State concerned’. In order to clarify certain definitions in the Directive and thereby avoid any discrepancies in interpretation and application, the Commission has already specified, in apparently categorical terms, the exemptions from this requirement. However, in practice the Community also tends towards flexibility and reasonableness, as already stated by the Portuguese authorities. Consequently - and bearing in mind that the central objective of the provisions of Chapter III of the Directive is to ensure the development and exploitation of *creative* European works - the Portuguese authorities believe that, in addition to the exemptions specified by the Commission, other exemptions from the rules laid down in Articles 4 and 5 of the Directive should clearly be granted – *inter alia* for certain television programme services under Portuguese jurisdiction, because of their specific nature, as already described in the reports for 2001-2002 and 2003-2004 and mentioned in the report for 2005-2006.

Sport channels

During the previous period, the sport channels **Sport TV3** and **Sport TV África** began broadcasting in June 2008 and August 2008 respectively. Sport TV HD was also authorised to begin broadcasting in December 2008, and began broadcasting in January 2009. The channels *Sport TV3* and *Sport TV África* have the same characteristics as the channels *Sport TV1* and

Sport TV 2 already described in previous reports. These channels are sport channels and Articles 4 and 5 of the Directive therefore do not apply to them.

Benfica TV, which began broadcasting in December 2008 and is a sports-dedicated channel, falls within the same category as the Sport TV channels and the obligations provided for in Articles 4 and 5 of the Directive therefore do not apply to it.

Canal Programação TV Cabo

Given the nature of this channel, already described in the 2001-2002 report, the reasons for its exemption from Articles 4 and 5 of the Directive continue to apply.

Parliament Channel (AR TV)

The Parliament channel (AR TV) is a channel which broadcasts the work and proceedings of the Portuguese Assembly of the Republic (Portuguese Parliament) as well as providing information on the Parliament and parliamentary agenda. Given its specific nature, its exemption from compliance with Articles 4 and 5 of the Directive is justified.

RTP Memória (part thereof)

As explained in the 2003-2004 report, RTP Memória is a general programme service operated by the public service operator, transmitted by cable and satellite, and which rebroadcasts works available in the RTP's huge, unique archive which holds five decades of programmes. Given its specific nature (i.e. broadcasting based on RTP archives), this channel is therefore exempt from the recommendations provided in Article 5 of the Directive, as regards recent independent production. **Concluding remarks**

As indicated above, non-compliance with the programming objectives set out in Articles 4 and 5 of the AVMSD was limited, during the 2007-2008 period and in the context of television broadcasters subject to Portuguese jurisdiction, to *SIC – Sociedade Independente de Comunicação, S.A.* (with regard to European production) and *RNTV – Região Norte Televisão, S.A.* (with regard to independent production).

As regards *SIC – Sociedade Independente de Comunicação, S.A.*, despite the fact that in the case of two channels the percentages for European works did not reach 50% (SIC Mulher in 2007 and 2008 and SIC Radical in 2008), the global figures for this operator fully complied with the percentage laid down in Article 4 of the Directive (62.6% in 2007 and 58.9% in 2008).

In the case of *RNTV – Região Norte Televisão, S.A.*, non-compliance was reported with regard to the broadcasting of independent productions in both programme services examined (RNTV and mvm), whereas the opposite was true with regard to the broadcasting of European works, in which case values of 100% and 78.2% were reported for RNTV and mvm respectively.

However, it should be taken into account that in both cases, the programme services concerned are new, with low audience shares, and it is hoped that the proportion of programming dedicated to independent production will in time increase.

In the case of *TV Cine 1*, *TV Cine 2*, *TV Cine 3* and *TV Cine 4* and *MOV* the Portuguese authorities intend to make sure that these channels will progressively raise their broadcasting time dedicated to European works in order to meet the Directive requirements.

Overall, the Portuguese authorities consider the results for the reference period to be positive.

ROMANIA

PART 1 - Statistical data

Number of channels identified:		78		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
ABC PLUS MEDIA SA	National TV	55,0%	68,0%	NC	NC	NC	NC
ALFA-OMEGA TV PRODUCTION SRL	Alfa Omega TV	63,0%	67,0%	0,5%	1,0%	0,5%	1,0%
ANALOG TV SRL	Analog TV	65,9%	61,0%	1,0%	1,0%	100,0%	100,0%
ANTENA 2 SA	Antena 2	71,9%	68,6%	0,4%	0,0%	100,0%	0,0%
ANTENA 3 SA	Antena 3	EX	EX	EX	EX	EX	EX
ANTENA 4 SA	Euforia Lifestyle TV (Antena 4)	57,5%	52,0%	39,7%	31,0%	94,5%	93,0%
CLAS MEDIA SRL	Favorit TV	100,0%	100,0%	NC	NC	NC	NC
CLAS MEDIA SRL	N24 (Romania)	46,0%	82,0%	NC	NC	NC	NC
DOGAN MEDIA INTERNATIONAL SA	Kanal D (Romania)	62,4%	53,0%	42,4%	42,4%	98,8%	99,7%
DTH TELEVISION GRUP SA ("Boom TV")	Boom Action	32,5%	22,5%	32,5%	22,5%	28,0%	37,0%
DTH TELEVISION GRUP SA ("Boom TV")	Boom Classic	16,0%	NO	16,0%	NO	0,0%	NO
DTH TELEVISION GRUP SA ("Boom TV")	Boom Comedy	36,0%	27,0%	36,0%	27,0%	15,5%	49,0%
DTH TELEVISION GRUP SA ("Boom TV")	Boom Drama	30,0%	25,0%	38,0%	25,0%	45,0%	42,0%
DTH TELEVISION GRUP SA ("Boom TV")	Boom Hop!	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Indian	EX	EX	EX	EX	EX	EX
DTH TELEVISION GRUP SA ("Boom TV")	Boom Music	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Secrets	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Smarty	NC	NC	NC	NC	NC	NC
DTH TELEVISION GRUP SA ("Boom TV")	Boom Sport One	EX	EX	EX	EX	EX	EX
DTH TELEVISION GRUP SA ("Boom TV")	Boom Sport Two	EX	EX	EX	EX	EX	EX
ETNO FOLCLOR MEDIA SRL	Etno TV	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
FORUM PRIVAT PROD OLTENIA SA	Oltenia TV	NC	NC	NC	NC	NC	NC
GLOBAL VIDEO MEDIA SA	Alpha TV Bucuresti	NC	NC	NC	NC	NC	NC

GLOBAL VIDEO MEDIA SA	Alpha TV Ploiesti	NC	NC	NC	NC	NC	NC
HAPPY MEDIA SRL	Party TV	NC	NC	NC	NC	NC	NC
INFO EURESHOP SRL	Canal Teleshop	EX	EX	EX	EX	EX	EX
INFOTON SRL	Info TV (Romania)	EX	EX	EX	EX	EX	EX
MASS MEDIA ROMANIA DE MAINE SRL	TvRM Cultural	NO	86,6%	NO	10,0%	NO	10,0%
MASS MEDIA ROMANIA DE MAINE SRL	TvRM Educational	89,8%	91,6%	10,0%	10,0%	100,0%	100,0%
MIRO SAT SRL ("DTH Romania")	Digi TV Info	NO	EX	NO	EX	NO	EX
NEW TREND MEDIA SRL	U TV (Romania)	60,0%	65,0%	80,0%	82,0%	70,0%	65,0%
NEWS TELEVISION (ROMANIA) SRL	Bucuresti 1 TV	57,4%	66,7%	11,3%	10,1%	19,7%	15,2%
OCRAM TELEVIZIUNE SRL	Oglinda TV (OTV)	NC	NC	NC	NC	NC	NC
PASADENA MEDIA MANAGEMENT SA	Ginx TV	EX	EX	EX	EX	EX	EX
PATRIARHIA ROMANA	Trinitas TV	100,0%	100,0%	10,0%	12,0%	NC	NC
PRATECH TV COMPANY SRL	Pratech TV	70,0%	68,0%	41,0%	12,0%	100,0%	100,0%
PRO TV SA	Acasa TV	40,1%	40,2%	18,4%	22,8%	93,0%	89,1%
PRO TV SA	Pro Cinema	48,6%	49,9%	37,9%	44,4%	70,7%	79,9%
PRO TV SA	Pro TV	49,7%	50,5%	31,1%	27,1%	55,9%	59,0%
PRO TV SA	Pro TV International	100,0%	100,0%	30,1%	28,2%	82,5%	81,4%
PRO TV SA	Sport.ro	EX	EX	EX	EX	EX	EX
REAL TOP MEDIA SRL	Taraf TV	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
REALITATEA MEDIA SA	Realitatea TV	EX	EX	EX	EX	EX	EX
REALITATEA MEDIA SA	The Money Channel (Romania)	EX	EX	EX	EX	EX	EX
SBS BROADCASTING MEDIA SRL	Kiss TV (Romania)	NC	NC	NC	NC	NC	NC
SBS BROADCASTING MEDIA SRL	Prima TV (Romania)	54,1%	55,3%	52,7%	53,1%	100,0%	100,0%
SC AXA TV TRANSILVANIA SRL	Axa TV	NC	NC	NC	NC	NC	NC
SC CAMINA TRUST SRL	GSP TV	EX	EX	EX	EX	EX	EX
SC CAMINA TRUST SRL	GSP TV 2	EX	EX	EX	EX	EX	EX
SC CAMINA TRUST SRL	GSP TV 3	EX	EX	EX	EX	EX	EX
SC DINAMIC AUDIO SERV SRL	Speranta TV	73,2%	73,2%	2,4%	2,4%	100,0%	100,0%
SC EURO CHANNEL INTERNATIONAL	Euro Channel	NC	NC	NC	NC	NC	NC
SC EX COMPUTER SRL	Club TV	NC	NC	NC	NC	NC	NC

SC EX COMPUTER SRL	Feny TV	90,0%	90,0%	50,0%	50,0%	20,0%	20,0%
SC EX COMPUTER SRL	Focus TV	10,0%	10,0%	2,0%	3,0%	5,0%	4,0%
SC EX COMPUTER SRL	Galaxia TV	NC	NC	NC	NC	NC	NC
SC EX COMPUTER SRL	Mulatós TV	90,0%	90,0%	50,0%	50,0%	20,0%	20,0%
SC EX COMPUTER SRL	Mynele TV	NC	NC	NC	NC	NC	NC
SC EXPRES IMAGE SRL	Credo TV	38,2%	50,0%	13,9%	12,5%	100,0%	100,0%
SC LOCIC MEDIA SRL	Canal 1 (Senso)	NC	NC	NC	NC	NC	NC
SC MEDIA TRUST SRL	VTV	NC	NC	NC	NC	NC	NC
SC MUSIC CHANNEL	1 Music Channel (Romania)	NO	NC	NO	NC	NO	NC
SC ONE PRODUCTION SRL	One TV (Romania)	EX	EX	EX	EX	EX	EX
SC R SA	Flux TV	EX	EX	EX	EX	EX	EX
SC ROMANTICA TELEVISION SRL	Romantica	NC	NC	NC	NC	NC	NC
SC SOTI CABLE NEPTUN	TV Neptun	63,0%	72,0%	10,0%	10,0%	5,0%	6,0%
SET-UP MEDIA SRL	Goodlife channel	86,4%	89,5%	1,9%	0,0%	100,0%	0,0%
TELECROMA MEDIA SRL	DDTV Direct Digital TV	NC	NC	NC	NC	NC	NC
TELESPORT INTERMEDIA SRL	Telesport	EX	EX	EX	EX	EX	EX
TEMATIC CABLE SRL	Musicmax	50,0%	50,0%	NC	NC	NC	NC
TV ANTENA 1 SA	Antena 1	56,3%	59,1%	25,5%	29,6%	94,9%	88,4%
TV ANTENA 1 SA	Antena International (Antena 5)	59,9%	61,3%	13,3%	6,2%	100,0%	100,0%
TVR - TELEVIZUNEA ROMANIA	TVR Cultural	80,4%	77,3%	37,8%	39,5%	14,1%	15,5%
TVR - TELEVIZUNEA ROMANIA	TVR International	73,0%	87,9%	0,0%	0,0%	0,0%	0,0%
TVR - TELEVIZUNEA ROMANIA	TVR1	50,3%	43,5%	9,5%	11,2%	7,8%	9,7%
TVR - TELEVIZUNEA ROMANIA	TVR2	68,6%	75,6%	12,1%	14,3%	10,6%	12,8%
TVR - TELEVIZUNEA ROMANIA	TVR3	NO	90,7%	NO	28,8%	NO	10,2%
UNICOM PRODUCTION SRL	Cosmos TV (Romania)	NC	NC	NC	NC	NC	NC
Covered Channels (IND 1)		58	60	58	60	-	-
Compliance rate (IND 3 and 5)		48,3%	53,3%	44,8%	45,0%	-	-
Average % (IND 2, 4, and 6)		63,0%	67,2%	28,2%	26,3%	59,1%	53,2%

PART 2 - Comments

Monitoring method

Quota data was requested from broadcasters; audience share requested from broadcasters and from GFK (for 2008).

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

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

No observations

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

No observations

B) Measures taken or envisaged by the Member State

The Centre for Independent Journalism and the Broadcasters' association ARCA were contacted and implementation procedures will be adopted as a consequence of the collaboration. A new article, no. 91 in the Audiovisual Law, was introduced in December 2008, providing sanctions for failure to communicate or reaching the quota.

C) Further comments

The following channels are not required to submit their statistical data related to Article 4:

- News channels: Antena 3, N24, Realitatea TV, Info TV, Flux TV, The Money Channel (business news), Digi TV Info.
- Sport events channels: Sport.ro, Telesport, GSP TV, GSP TV 2, GSP TV 3.
- Teleshopping channels: Canal Teleshop.
- Games channels: Ginx TV, Arena TV.

SLOVENIA

PART 1 - Statistical data

Number of channels identified:		26		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
Anton Berakovič, s.p., AB Videoprodukcija	Šport TV2 (Slovenia)	EX	EX	EX	EX	EX	EX
ASPN, d.o.o.	Šport klub (Slovenia)	EX	EX	EX	EX	EX	EX
ČARLI, d.o.o.	Čarli TV	EX	EX	EX	EX	EX	EX
ČARLI, d.o.o.	Golica TV	EX	EX	EX	EX	EX	EX
KABELSKA PRODUKCIJA, d.o.o.	i-TV	11,0%	67,3%	10,2%	27,4%	100,0%	NC
KANAL A, d.o.o.	Kanal A	53,6%	53,9%	29,3%	29,7%	92,5%	92,5%
MTV ADRIA, d.o.o.	MTV Adria	EX	EX	EX	EX	EX	EX
NET TV, d.o.o.	NET TV (Slovenia)	21,1%	22,7%	21,7%	22,7%	21,7%	22,7%
NET TV, d.o.o.	NET XXL	EX	EX	EX	EX	EX	EX
POP TV	Pop TV	50,7%	51,4%	10,1%	10,4%	92,3%	75,9%
Prospera, d.o.o.	TV Petelin	EX	EX	EX	EX	EX	EX
PRVA TV, d.o.o.	TV3 Slovenia	10,3%	10,6%	10,3%	11,2%	56,2%	62,8%
RADIOTELEVIZIJA LJUBLJANA	SLOVENIJA, Televizija Koper Capodistria /TV KC/ televizijski program za italijansko narodno skupnost	62,0%	53,7%	10,5%	10,6%	81,3%	81,2%
RADIOTELEVIZIJA LJUBLJANA	SLOVENIJA, Televizija Maribor - Tele M	62,0%	53,7%	10,5%	10,6%	81,3%	81,2%
RADIOTELEVIZIJA LJUBLJANA	SLOVENIJA, TVS1 (SLO1)	62,0%	53,7%	10,5%	10,6%	81,3%	81,2%
RADIOTELEVIZIJA LJUBLJANA	SLOVENIJA, TVS2 (SLO2)	62,0%	53,7%	10,5%	10,6%	81,3%	81,2%
RADIOTELEVIZIJA LJUBLJANA	SLOVENIJA, TVS3 (SLO3)	EX	EX	EX	EX	EX	EX
TELE 59 DRUZBA ZA AUDIO IN VIZUELNO KOMUNIKACIJO D.O.O.	RTS (Slovenia)	8,7%	90,0%	2,2%	2,2%	2,2%	2,2%

TELEVIDEO TELEVIZIJA, VIDEO IN ZALOZNISTVO D.O.O. LJUBLJANA	TV Pika	41,0%	40,0%	2,4%	30,0%	2,4%	33,0%
TELEVIZIJA NOVO MESTO D.O.O.	Vaš kanal	3,5%	NC	0,1%	NC	0,1%	NC
TV CELJE, D.O.O., CELJE	TELEVIZIJA CELJE	23,0%	23,3%	13,9%	14,2%	NC	NC
TV IDEA	Kanal 10	EX	EX	EX	EX	EX	EX
TV STUDIO RADGONA - KANAL 11 Jože /Eosiaë	TV RADGONA (TV SRK-11)	NC	NC	NC	NC	NC	NC
UPC, d.o.o.	Play TV	EX	EX	EX	EX	EX	EX
VA Videoaudio film, d.o.o.	TV Primorka	EX	EX	EX	EX	EX	EX
VTV VELENJSKI TELEVIZIJSKI STUDIO D.O.O.	VAŠA TELEVIZIJA (VTV)	5,9%	5,9%	NC	NC	NC	NC
Covered Channels (IND 1)		15	15	15	15	-	-
Compliance rate (IND 3 and 5)		40,0%	53,3%	66,7%	73,3%	-	-
Average % (IND 2, 4, and 6)		34,1%	44,6%	10,9%	15,9%	57,7%	61,4%

PART 2 - Comments

Monitoring method

Annual reports by broadcasters

A) Reasons given by Member State for failure to reach

1. A majority of European works (Article 4)

No observations

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

No observations

B) Actions taken or envisaged by the Member State

None reported

C) Further comments

Televizija Slovenija (PBS) reports cumulative data on all the channels (to be modified in the future).

SLOVAK REPUBLIC

PART 1 - Statistical data

Number of channels identified:		10		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
CREATV, S.R.O.	MusicBox	NC	NC	NC	NC	NC	NC
I - Commerce s.r.o.	Mooby TV	NC	NC	NC	NC	NC	NC
MAC TV s.r.o.	Joj TV	52,0%	53,0%	18,0%	20,0%	18,0%	20,0%
MARKIZA - SLOVAKIA, SPOL. S R.O.	TV Markiza	55,0%	55,0%	33,0%	28,0%	33,0%	28,0%
Mega Max Media s.r.o	Bebe TV	NC	NC	NC	NC	NC	NC
PANONIA MEDIA PRODUCTION, S.R.O.	A TV (Slovakia)	EX	EX	EX	EX	EX	EX
RING TV s.r.o.	Ring TV (Slovakia)	NC	NC	NC	NC	NC	NC
STV - SLOVENSKA TELEVIZIA	STV1 (Jednotka)	66,0%	69,0%	21,0%	25,0%	21,0%	25,0%
STV - SLOVENSKA TELEVIZIA	STV2 (Dvojka)	93,0%	92,0%	24,0%	22,0%	24,0%	22,0%
TA3 TELEVIZIA	TA3	EX	EX	EX	EX	EX	EX
Covered Channels (IND 1)		8	8	8	8	-	-
Compliance rate (IND 3 and 5)		50,0%	50,0%	50,0%	50,0%	-	-
Average % (IND 2, 4, and 6)		66,5%	67,3%	24,0%	23,8%	24,0%	23,8%

PART 2 - Comments

Monitoring method

Collection of data from broadcasters.

A) Reasons given by Member State for failure to reach

1. A majority of European works (Article 4)

In the reference period from 01/01/2007 to 31/12/2008 all the reported broadcasters exceeded the majority proportion of transmission time laid down in Article 4 of the Directive.

2. Independent productions

The Broadcasters were reporting about the difficulties in determining the programmes which have been created by Independent European Producers.

In the period from 01/01/2007 to 31/12/2008 the two Private Broadcasters (TV Markiza and TV JOJ) managed to stabilize their average annual proportion of work created by Independent Producers above 10% as requested by law.

In the same period the Public Broadcaster, Slovak Television, achieved an average proportion of the independent works above 20 % as requested for the public channels.

B) Measures taken or envisaged by the Member State

In the annual average - such in 2007 as in 2008 - each of the four reported broadcasters reserved the majority proportion of transmission time for European works.

C) Further comments

- (2) The act Nr. 308/2000 of Coll. (§23 art.1) orders to all broadcasters, except local ones whose programme service is not a part of a programme net (§28), have the duty to reserve in their broadcast a major share for European works. All broadcasters are obligated to keep statistics of their broadcasted television programmes. These statistics contain an analysis of the share of the programme types, the share of European productions and the share of the European independent production programmes. The statistics of the programme service for a calendar month are to be delivered by the broadcaster to the Council within 15 days of the end of the appropriate month. A broadcaster with a licence to broadcast operating through satellites, cable networks, a broadcaster of coded and digital broadcasting shall also deliver these statistics within 15 days of the Council's request. One of the competences of the Council is to elaborate statistics on broadcasting programmes with an emphasis on the statistics of broadcasting of European works and independent productions on the basis of broadcasters documentation. The Council evaluates the data quarterly.
- (2) The Statistical Statement shows the same share allocated to European Works (EW) made by Independent Producers and to Recent European Works (RW). It is due to the fact that according to the Slovak law each broadcaster is obligated to achieve the proportion of broadcasting time dedicated to Independent Production by earmarking an adequate proportion for Recent Works. The works considered as new are the TV programmes transmitted within five years from their production.

FINLAND

PART 1 - Statistical data

Number of channels identified:		20		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
MTV OY	MTV3	51,0%	50,0%	32,0%	31,0%	95,0%	100,0%
MTV OY	MTV3 AVA (from 3/2008 on)	NO	32,0%	NO	15,0%	NO	85,0%
MTV OY	MTV3 Fakta	37,0%	21,0%	37,0%	21,0%	90,0%	80,0%
MTV OY	MTV3 MAX	62,0%	38,0%	62,0%	32,0%	75,0%	85,0%
MTV OY	MTV3 Sarja (from 3/2008 on)	NO	31,0%	NO	15,0%	NO	5,0%
Sanoma Television Oy	JIM (2/2007 >)	60,0%	52,0%	59,0%	45,0%	100,0%	100,0%
Sanoma Television Oy	KinoTV	26,0%	19,0%	5,0%	2,0%	50,0%	50,0%
Sanoma Television Oy	Nelonen	51,0%	51,0%	44,0%	32,0%	100,0%	100,0%
SBS FINLAND OY	The Voice (Finland)	100,0%	97,0%	100,0%	100,0%	100,0%	100,0%
SUBTV OY	Sub	27,0%	41,0%	27,0%	41,0%	90,0%	95,0%
SUBTV OY	Sub Juniori	67,0%	78,0%	66,0%	72,0%	75,0%	80,0%
SUBTV OY	Sub Leffa	23,0%	23,0%	23,0%	24,0%	50,0%	25,0%
SUOMEN URHEILUTELEVISIO OY	Urheilu+kanava	EX	EX	EX	EX	EX	EX
SUOMEN URHEILUTELEVISIO OY	Urheilukanava	EX	EX	EX	EX	EX	EX
Yleisradio Oy	TV Finland	79,5%	81,0%	32,0%	33,6%	75,0%	90,2%
Yleisradio Oy	YLE Extra (4/2007 - 12/2007)	93,0%	NO	16,0%	NO	22,0%	NO
Yleisradio Oy	YLE FST5	93,0%	93,0%	26,0%	28,0%	29,0%	86,0%
Yleisradio Oy	YLE Teema	86,0%	85,0%	48,0%	41,0%	47,0%	76,0%
Yleisradio Oy	YLE TV1	90,0%	93,0%	29,0%	30,0%	66,0%	94,0%
Yleisradio Oy	YLE TV2	79,0%	80,0%	35,0%	38,0%	77,0%	83,0%
Covered Channels (IND 1)		16	17	16	17	-	-
Compliance rate (IND 3 and 5)		75,0%	58,8%	93,8%	94,1%	-	-
Average % (IND 2, 4, and 6)		64,0%	56,8%	40,1%	35,3%	71,3%	78,5%

PART 2 - Comments

Monitoring method

Questionnaire

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

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

In 2007, Finland has met the required proportion of European works besides 4 channels, MTV3 Fakta, Sub, Sub Leffa and KinoTV, broadcast by MTV3, SubTV and Sanoma Television respectively. In 2008, the channels unable to meet the required proportion were MTV3 Fakta, MTV3 MAX, MTV3 Sarja, MTV3 AVA, Sub, Sub Leffa and KinoTV.

MTV3 has stated that the proportion of the MTV3 MAX meets the requirement on average of the two years in question. MTV3 AVA and Sarja started operation in 2008. MTV3 has stated that it is challenging to meet the required proportion because of the concept of the channel Sarja, which concentrates on old television series.

SubTV stated that they have been able to raise their level constantly.

Sanoma Television has stated that the KinoTV has endured to meet the required proportion but has found it challenging in given conditions of the broadcasting licence. They have stated that there are a limited number of European movies and series available because of the exclusivity clauses.

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

Finland has met the required proportion of the European works by the independent producers except for KinoTV, broadcast by Sanoma Television.

B) Measures taken by or envisaged by the Member State

Regulatory Authority (Ficora) has given complaints to MTV3, SubTV and Sanoma Television concerning the non-compliance with the proportions of European and / or European Independent works of the channels MTV3 Fakta, Sub, Sub Leffa and KinoTV. All the broadcasters have acknowledged the problem and have stated that they are making efforts to raise their proportions to the required level. SubTV is looking forward to raise the proportion of the European works in channel Sub to 46% in 2009. MTV3 Fakta, MTV3 Sarja and Sub Leffa are compiled in Sweden with TV4. MTV3 and SubTV have stated they are working closely with TV4 in order to raise the proportions to the required level during 2010.

Sanoma Television state, however, that they are committed to alter their acquisition of programmes so that they can meet the required proportions.

C) Further comments

The Ministry of Transport and Communications is about to organise a joint conversation with the broadcasters and the regulatory authority concerning the proportions of the European and Independent works and their reporting once the new legislation implementing the directive 2007/65/EC is passed. The objective of the conversation is to raise awareness of the importance of the new definitions of the act as well as to develop the monitoring method.

SWEDEN

PART 1 - Statistical data

Number of channels identified:		45		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
4chira ekonomisk förening	4chira	NC	NC	NC	NC	NC	NC
AXESS PUBLISHING AB	Axess TV	70,0%	80,0%	40,0%	60,0%	60,0%	70,0%
BABYLON MEDIA FÖRENINGEN	Suroyo	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
BAHRO SURYOYO MEDIA FÖRENING	Suryoyo Sat	NC	NC	NC	NC	NC	NC
C MORE ENTERTAINMENT AB	Canal+ Action(Sweden)	17,0%	33,0%	80,0%	80,0%	90,0%	90,0%
C MORE ENTERTAINMENT AB	Canal+ Comedy(Sweden)	28,0%	29,0%	80,0%	80,0%	90,0%	90,0%
C MORE ENTERTAINMENT AB	Canal+ Drama(Sweden)	25,0%	33,0%	80,0%	80,0%	90,0%	90,0%
C MORE ENTERTAINMENT AB	Canal+ Film HD (Sweden)	14,0%	41,0%	80,0%	80,0%	90,0%	90,0%
C MORE ENTERTAINMENT AB	Canal+ First (Sweden)	21,0%	41,0%	80,0%	80,0%	90,0%	90,0%
C MORE ENTERTAINMENT AB	Canal+ Hits (Sweden)	31,0%	41,0%	80,0%	80,0%	90,0%	90,0%
C MORE ENTERTAINMENT AB	Canal+ Hits Sport Weekend	EX	EX	EX	EX	EX	EX
C MORE ENTERTAINMENT AB	Canal+ Sport 1	EX	EX	EX	EX	EX	EX
C MORE ENTERTAINMENT AB	Canal+ Sport 2	EX	EX	EX	EX	EX	EX
C MORE ENTERTAINMENT AB	Canal+ Sport HD	EX	EX	EX	EX	EX	EX
DTU TELEVISION AB	Canal 7 (Sweden)	EX	EX	8,0%	8,0%	7,0%	7,0%
Kristen TV i Sverige AB	Kanal 10 (Sweden)	79,0%	79,0%	71,0%	71,0%	41,0%	43,0%
NONSTOP TELEVISION 1.0 AB	Showtime Scandinavia	13,0%	35,0%	13,0%	35,0%	34,0%	50,0%
NONSTOP TELEVISION 1.0 AB	Star! Scandinavia (version in Swedish)	EX	EX	1,0%	1,0%	35,0%	100,0%
NONSTOP TELEVISION 2.0 AB	Silver	55,0%	63,0%	55,0%	63,0%	21,0%	53,0%
NONSTOP TELEVISION 4.0 AB	Nonstop TV7	NO	22,0%	NO	22,0%	NO	37,0%
SVERIGES TELEVISION AB	SVT1	84,0%	84,0%	19,0%	16,0%	50,0%	48,0%
SVERIGES TELEVISION AB	SVT2	83,0%	81,0%	20,0%	18,0%	74,0%	71,0%

SVERIGES TELEVISION AB	SVTB	60,0%	72,0%	52,0%	48,0%	47,0%	52,0%
SVERIGES UTBILDNINGSRADIO AB och SVERIGES TELEVISION AB	Kunskapskanalen	89,0%	84,0%	27,0%	30,0%	94,0%	95,0%
THREE ANGELS LIFESTYLE TELEVISION, INSAMLINGSSTIFTELSE	Lifestyle TV	39,0%	41,0%	11,0%	11,0%	13,0%	11,0%
TV1000 AB	TV1000 (Balkan)	30,6%	22,1%	24,2%	12,9%	35,0%	15,7%
TV1000 AB	TV1000 (East Europe)	45,0%	42,0%	42,0%	21,0%	40,0%	22,3%
TV1000 AB	TV1000 (Poland)	10,9%	7,8%	0,0%	3,8%	0,0%	24,7%
TV1000 AB	TV1000 (Scandinavia)	28,0%	28,6%	23,0%	22,9%	77,0%	73,6%
TV1000 AB	TV1000 Action	33,8%	26,2%	18,4%	22,6%	52,0%	50,8%
TV1000 AB	TV1000 Action East	NO	14,9%	NO	14,9%	NO	21,7%
TV1000 AB	TV1000 Classic	21,9%	38,7%	13,6%	34,2%	2,9%	4,5%
TV1000 AB	TV1000 Family	19,8%	18,7%	14,7%	16,2%	71,0%	31,3%
TV1000 AB	TV1000 Nordic	100,0%	100,0%	98,9%	97,8%	45,9%	33,1%
TV1000 AB	TV1000 Premium (Baltic)	NO	2,6%	NO	2,6%	NO	100,0%
TV4 AB	TV SciFi	NO	26,2%	NO	26,2%	NO	5,0%
TV4 AB	TV4 (Sweden)	63,1%	61,4%	63,1%	60,0%	90,0%	90,0%
TV4 AB	TV4 Fakta	NO	49,5%	NO	49,5%	NO	25,0%
TV4 AB	TV4 Film	31,0%	32,0%	31,0%	32,0%	0,0%	0,0%
TV4 AB	TV4 Guld	16,8%	18,2%	16,8%	18,2%	0,0%	0,0%
TV4 AB	TV4 Komedi	18,5%	32,9%	18,5%	32,9%	0,0%	10,0%
TV4 AB	TV4 Plus	57,7%	53,1%	57,7%	53,1%	70,0%	70,0%
TV4 AB	TV4 Sport	NO	EX	NO	EX	NO	EX
TV4 AB	TV400	43,4%	37,9%	43,4%	37,9%	70,0%	70,0%
VIASAT PAY CHANNELS AB	Viasat Crime/Nature (version in Swedish)	70,0%	66,0%	10,0%	10,0%	100,0%	100,0%
Covered Channels (IND 1)		33	38	35	40	-	-
Compliance rate (IND 3 and 5)		36,4%	31,6%	85,7%	85,0%	-	-
Average % (IND 2, 4, and 6)		45,1%	45,5%	41,6%	40,3%	53,6%	53,3%

PART 2 - Comments

Monitoring method

Reporting by channels.

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

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

Two channels have been exempted in relation to EW:

NONSTOP television - Star! has no practical possibility to broadcast European work since the channel is entirely devoted to report about Hollywood from Hollywood.

DTU Canal7 is focused on worldwide programming with particular reference to cultural dialogue and integration of non-European immigrants. The programming is essentially non-European and non-US.

TV4 AB states that its long term aim is to reach 50% for EW for TV400 and TV4 Film. Both channels have however increased the total transmission time significantly, which means that EW has in fact also increased in real terms. TV4 Guld is devoted to old classic productions and will therefore always have a low proportion of RW. The proportion of EW will, however, increase in 2009 due to a recent agreement with ITV/Granada.

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

See above

B) Measures taken by or envisaged by the Member State

None reported

C) Further comments

No comment.

UNITED KINGDOM

PART 1 - Statistical data

Number of channels identified:		592		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
4 Ventures Ltd	Channel 4 Shortcuts	EX	EX	EX	EX	EX	EX
4 Ventures Ltd	E4	61,0%	49,0%	59,0%	48,0%	100,0%	100,0%
4 Ventures Ltd	Film 4	37,0%	33,0%	8,0%	6,0%	28,0%	29,0%
4 Ventures Ltd	More 4	65,0%	72,0%	43,0%	44,0%	83,0%	70,0%
4D Interactive Limited	Chat Box	EX	EX	EX	EX	EX	EX
4D Interactive Limited	Gay Network	EX	EX	EX	EX	EX	EX
Advanced Media Ltd	LA Babes	100,0%	30,0%	0,0%	0,0%	0,0%	0,0%
Africa Channel LLC	Africa Channel	NO	12,0%	NO	8,0%	NO	100,0%
Al Jazeera Internati	Al Jazeera	28,0%	31,0%	21,0%	24,0%	100,0%	100,0%
Al Shirkatul Islamiy	Muslim TV Ahmadiyya	39,0%	33,0%	4,0%	3,0%	95,0%	95,0%
All Entertainment Limited	Life Television	39,0%	69,0%	27,0%	46,0%	63,0%	75,0%
Amalgamated Racing Ltd	Turf TV	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Arabic News Broadcast Limited	Arabic News Broadcast	EX	EX	EX	EX	EX	EX
Arsenal Holdings Plc	AH	NO	100,0%	NO	100,0%	NO	100,0%
Attheraces Ltd	At the races 2	EX	EX	EX	EX	EX	EX
Attheraces Ltd	attheraces	EX	EX	EX	EX	EX	EX
AXN Europe Limited	Anime+	12,0%	6,0%	12,0%	6,0%	100,0%	100,0%
AXN Europe Limited	AXN	29,0%	28,0%	18,0%	23,0%	99,0%	100,0%
AXN Europe Limited	AXN (Italy)	12,0%	12,0%	6,0%	2,0%	100,0%	69,0%
AXN Europe Limited	AXN Crime	16,0%	8,0%	5,0%	4,0%	92,0%	100,0%
AXN Europe Limited	AXN Sci-Fi	13,0%	8,0%	4,0%	3,0%	100,0%	100,0%
AXN North Europe	Animax	12,0%	7,0%	0,0%	0,0%	0,0%	0,0%
AXN North Europe	AXN (Germany, Switzerland, Austria)	17,0%	1,0%	5,0%	0,0%	88,0%	100,0%

Babeworld TV Ltd	Babeworld TV	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Baby Network Ltd	Baby TV	2,0%	2,0%	2,0%	0,0%	0,0%	100,0%
Baltic Media Alliance	First Baltic Channel	53,0%	52,0%	11,0%	11,0%	56,0%	51,0%
Baltic Media Alliance	First Baltic Music	100,0%	100,0%	10,0%	11,0%	100,0%	100,0%
Baltic Media Alliance	REN TV (Baltic version)	52,0%	53,0%	11,0%	10,0%	63,0%	51,0%
Bang Channels Limited	Tease Me 2	100,0%	100,0%	0,0%	10,0%	0,0%	100,0%
Bang Channels Limited	Tease Me 3	NO	100,0%	NO	10,0%	NO	100,0%
Bang Media (London)	Tease Me	100,0%	100,0%	0,0%	10,0%	0,0%	100,0%
BBC	BBC 1	78,0%	84,0%	30,0%	32,0%	99,0%	100,0%
BBC	BBC 2	84,0%	82,0%	26,0%	32,0%	92,0%	90,0%
BBC	BBC 3	91,0%	86,0%	41,0%	45,0%	100,0%	100,0%
BBC	BBC 4	95,0%	93,0%	26,0%	25,0%	96,0%	95,0%
BBC	BBC HD	NO	92,0%	NO	36,0%	NO	100,0%
BBC	BBC News 24	100,0%	99,0%	19,0%	14,0%	100,0%	100,0%
BBC	CBBC	80,0%	88,0%	27,0%	34,0%	91,0%	95,0%
BBC	CBeebies	93,0%	88,0%	37,0%	34,0%	56,0%	95,0%
BBC World News	BBC World	89,0%	95,0%	43,0%	56,0%	100,0%	0,0%
BBC Worldwide Limited	BBC Entertainment (Nordic Region)	NO	100,0%	NO	67,0%	NO	92,0%
BBC Worldwide Limited	BBC Food	71,0%	100,0%	14,0%	100,0%	89,0%	100,0%
BBC Worldwide Limited	BBC HD (Nordic Region)	NO	100,0%	NO	90,0%	NO	100,0%
BBC Worldwide Limited	BBC Knowledge	95,0%	100,0%	26,0%	96,0%	45,0%	100,0%
BBC Worldwide Limited	BBC Knowledge (Nordic region)	NO	100,0%	NO	100,0%	NO	98,0%
BBC Worldwide Limited	BBC Lifestyle (Nordic region)	NO	98,0%	NO	93,0%	NO	97,0%
BBC Worldwide Limited	CBeebies	100,0%	100,0%	73,0%	100,0%	15,0%	99,0%
Best Direct (International) Ltd	Best Direct Plus	EX	EX	EX	EX	EX	EX
Best Direct (International) Ltd	Best Direct TV	EX	EX	EX	EX	EX	EX
BFTV Limited	Baby First TV	26,0%	9,0%	26,0%	9,0%	13,0%	0,0%
Big Game Television Ltd	Big Game TV	EX	EX	EX	EX	EX	EX

Bloomberg LP	Bloomberg Television France	EX	EX	EX	EX	EX	EX
Bloomberg LP	Bloomberg Television Germany	EX	EX	EX	EX	EX	EX
Bloomberg LP	Bloomberg Television Italy	EX	EX	EX	EX	EX	EX
Bloomberg LP	Bloomberg Television Spain	EX	EX	EX	EX	EX	EX
Bloomberg LP	Bloomberg TV (European English Lang)	EX	EX	EX	EX	EX	EX
Box TV Ltd	4Music	50,0%	53,0%	45,0%	51,0%	53,0%	68,0%
Box TV Ltd	Kerrang	27,0%	27,0%	22,0%	22,0%	79,0%	79,0%
Box TV Ltd	Kiss	19,0%	19,0%	14,0%	14,0%	90,0%	90,0%
Box TV Ltd	Magic	56,0%	56,0%	51,0%	51,0%	25,0%	25,0%
Box TV Ltd	Q	65,0%	66,0%	61,0%	61,0%	85,0%	85,0%
Box TV Ltd	Smash Hits	56,0%	56,0%	52,0%	50,0%	72,0%	100,0%
Box TV Ltd	The Box	56,0%	55,0%	50,0%	50,0%	100,0%	99,0%
Broadcasting (Gaia)	100% Babes	37,0%	40,0%	37,0%	40,0%	100,0%	100,0%
Broadcasting (Gaia)	Amateur Babes	100,0%	100,0%	100,0%	100,0%	87,0%	100,0%
Broadcasting (Gaia)	Xtreme Babes	20,0%	20,0%	20,0%	20,0%	100,0%	100,0%
Broadcasting (UK) Limited	Hustler TV UK	32,0%	32,0%	32,0%	32,0%	100,0%	100,0%
BSkyB	18 Plus Movies	17,0%	13,0%	17,0%	13,0%	20,0%	17,0%
BSkyB	Barker Service	EX	EX	EX	EX	EX	EX
BSkyB	Sky Active	EX	EX	EX	EX	EX	EX
BSkyB	Sky Arts	63,0%	63,0%	59,0%	58,0%	42,0%	43,0%
BSkyB	Sky Arts 2 HD	EX	EX	EX	EX	EX	EX
BSkyB	Sky Box Office	17,0%	19,0%	8,0%	10,0%	100,0%	100,0%
BSkyB	Sky Electronic Programme Guide	EX	EX	EX	EX	EX	EX
BSkyB	Sky Movies Action/Thriller	7,0%	6,0%	4,0%	3,0%	86,0%	96,0%
BSkyB	Sky Movies Classics	19,0%	18,0%	10,0%	6,0%	8,0%	9,0%
BSkyB	Sky Movies Comedy	10,0%	12,0%	3,0%	5,0%	65,0%	43,0%
BSkyB	Sky Movies Drama	11,0%	12,0%	5,0%	6,0%	67,0%	61,0%
BSkyB	Sky Movies Family	11,0%	9,0%	5,0%	4,0%	90,0%	99,0%

BSkyB	Sky Movies HD 1	NO	14,0%	NO	6,0%	NO	85,0%
BSkyB	Sky Movies Indie	39,0%	39,0%	30,0%	26,0%	59,0%	66,0%
BSkyB	Sky Movies Modern Greats	9,0%	11,0%	5,0%	3,0%	13,0%	16,0%
BSkyB	Sky Movies Premier	17,0%	21,0%	11,0%	13,0%	62,0%	99,0%
BSkyB	Sky Movies Sci-Fi/Horror	11,0%	10,0%	6,0%	6,0%	26,0%	86,0%
BSkyB	Sky News	99,0%	92,0%	0,0%	0,0%	0,0%	0,0%
BSkyB	Sky One	35,0%	48,0%	24,0%	34,0%	79,0%	64,0%
BSkyB	Sky Real Lives	72,0%	81,0%	57,0%	70,0%	55,0%	36,0%
BSkyB	Sky Sports 1	83,0%	69,0%	31,0%	27,0%	100,0%	100,0%
BSkyB	Sky Sports 2	78,0%	73,0%	34,0%	35,0%	100,0%	100,0%
BSkyB	Sky Sports 3	75,0%	71,0%	50,0%	48,0%	100,0%	100,0%
BSkyB	Sky Sports Extra	80,0%	78,0%	51,0%	56,0%	100,0%	100,0%
BSkyB	Sky Sports HD	EX	EX	EX	EX	EX	EX
BSkyB	Sky Sports HD 2	EX	EX	EX	EX	EX	EX
BSkyB	Sky Sports HD 3	EX	EX	EX	EX	EX	EX
BSkyB	Sky Three	71,0%	66,0%	57,0%	51,0%	82,0%	61,0%
BSkyB	Sky Travel Shop	EX	EX	EX	EX	EX	EX
BSkyB	Sky Two	37,0%	49,0%	26,0%	36,0%	91,0%	67,0%
BSkyB	Sky Vegas	EX	EX	EX	EX	EX	EX
BSkyB	Sky Venue	100,0%	NO	0,0%	NO	0,0%	NO
BSkyB	skypoker.com	EX	EX	EX	EX	EX	EX
BT Plc	What's On	EX	EX	EX	EX	EX	EX
Business News (Europe) Partnership	CNBC Europe	49,0%	48,0%	20,0%	22,0%	100,0%	100,0%
Business News (Europe) Partnership	CNBC Europe (Central)	30,0%	NO	25,0%	NO	100,0%	NO
C Music	C Music TV	80,0%	71,0%	80,0%	19,0%	75,0%	100,0%
CAA Travel Media Limited	Home & Travel	EX	EX	EX	EX	EX	EX
Canis 103	NigeriaMovies	NO	0,0%	NO	0,0%	NO	0,0%
CC Media TV Ltd	IPlay	EX	EX	EX	EX	EX	EX
Channel 4 Television	Channel 4	72,0%	70,0%	58,0%	56,0%	85,0%	88,0%
Channel M TV Ltd	Channel M TV for Man	100,0%	100,0%	2,0%	9,0%	100,0%	100,0%
Channel Television	ITV1	91,0%	87,0%	33,0%	31,0%	94,0%	92,0%

Chelsea Digital Media	Chelsea TV	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Chronos Wide Ltd	ShopABC	EX	EX	EX	EX	EX	EX
CSC Media Group Ltd	Bliss	100,0%	59,0%	97,0%	59,0%	70,0%	51,0%
CSC Media Group Ltd	Chart Show TV	100,0%	55,0%	96,0%	55,0%	96,0%	100,0%
CSC Media Group Ltd	Flaunt	100,0%	80,0%	97,0%	80,0%	95,0%	88,0%
CSC Media Group Ltd	Flava	100,0%	30,0%	95,0%	30,0%	100,0%	100,0%
CSC Media Group Ltd	Kix!	NO	20,0%	NO	11,0%	NO	50,0%
CSC Media Group Ltd	POP	22,0%	34,0%	22,0%	20,0%	0,0%	57,0%
CSC Media Group Ltd	Pop girl	15,0%	14,0%	0,0%	7,0%	0,0%	100,0%
CSC Media Group Ltd	Scuzz	100,0%	25,0%	94,0%	25,0%	95,0%	100,0%
CSC Media Group Ltd	Showcase TV	82,0%	21,0%	82,0%	17,0%	11,0%	75,0%
CSC Media Group Ltd	The Vault	100,0%	60,0%	95,0%	60,0%	60,0%	67,0%
CSC Media Group Ltd	Tiny Pop	15,0%	28,0%	15,0%	26,0%	0,0%	78,0%
CSC Media Group Ltd	True Movies	25,0%	2,0%	7,0%	2,0%	0,0%	100,0%
CSC Media Group Ltd	True Movies 2	25,0%	2,0%	7,0%	2,0%	0,0%	100,0%
Cultoont Television Ltd	Cultoont Television	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Cultoont Television Ltd	Voce	NO	20,0%	NO	20,0%	NO	10,0%
Daar Communications	AIT Movistar	NO	13,0%	NO	13,0%	NO	33,0%
Datel Holdings Ltd	Max TV	EX	EX	EX	EX	EX	EX
Definition Consultants	Omusic TV	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Digital TV Production Company	Channel 854	EX	EX	EX	EX	EX	EX
Digital TV Production Company	Gamein TV3	EX	EX	EX	EX	EX	EX
Digital TV Production Company	i Sportstv 2	EX	EX	EX	EX	EX	EX
Digital TV Production Company	Monte Carlo TV	EX	EX	EX	EX	EX	EX
Digital TV Production Company	NHS Direct	EX	EX	EX	EX	EX	EX
Digital TV Production Company	Poker TV	EX	EX	EX	EX	EX	EX
Digital TV Production Company	Technology TV	EX	EX	EX	EX	EX	EX
Discovery Communications Europe Ltd	Animal Planet (Europe)	65,0%	62,0%	21,0%	21,0%	66,0%	71,0%
Discovery Communications Europe Ltd	Animal Planet (Italy)	57,0%	64,0%	22,0%	21,0%	68,0%	59,0%
Discovery Communications Europe Ltd	Animal Planet (UK)	62,0%	60,0%	22,0%	23,0%	65,0%	67,0%
Discovery Communications Europe Ltd	Disc Channel (Benleux)	41,0%	39,0%	11,0%	1,0%	60,0%	100,0%

Discovery Communications Europe Ltd	Disc Travel & Living	85,0%	80,0%	12,0%	4,0%	51,0%	62,0%
Discovery Communications Europe Ltd	Discovery (Central & Eastern Europe)	44,0%	39,0%	9,0%	2,0%	62,0%	43,0%
Discovery Communications Europe Ltd	Discovery Channel (Italy)	46,0%	43,0%	8,0%	3,0%	53,0%	28,0%
Discovery Communications Europe Ltd	Discovery Channel (Scand)	22,0%	26,0%	2,0%	0,0%	100,0%	100,0%
Discovery Communications Europe Ltd	Discovery Channel (UK)	30,0%	28,0%	13,0%	1,0%	63,0%	100,0%
Discovery Communications Europe Ltd	Discovery Channel France	36,0%	42,0%	5,0%	2,0%	77,0%	92,0%
Discovery Communications Europe Ltd	Discovery Channel Nordic	38,0%	33,0%	13,0%	2,0%	56,0%	100,0%
Discovery Communications Europe Ltd	Discovery Civilisation Channel (Italy)	63,0%	66,0%	23,0%	7,0%	14,0%	59,0%
Discovery Communications Europe Ltd	Discovery HD	21,0%	18,0%	14,0%	10,0%	26,0%	42,0%
Discovery Communications Europe Ltd	Discovery HD Europe	21,0%	18,0%	14,0%	10,0%	26,0%	42,0%
Discovery Communications Europe Ltd	Discovery Home and Health	70,0%	62,0%	21,0%	5,0%	73,0%	51,0%
Discovery Communications Europe Ltd	Discovery Kids	59,0%	NO	27,0%	NO	59,0%	NO
Discovery Communications Europe Ltd	Discovery Knowledge	75,0%	74,0%	17,0%	5,0%	48,0%	49,0%
Discovery Communications Europe Ltd	Discovery Real Time	65,0%	75,0%	24,0%	9,0%	58,0%	51,0%
Discovery Communications Europe Ltd	Discovery RT Extra	85,0%	87,0%	44,0%	23,0%	36,0%	48,0%
Discovery Communications Europe Ltd	Discovery RT France	50,0%	63,0%	1,0%	1,0%	74,0%	100,0%
Discovery Communications Europe Ltd	Discovery RT Italy	62,0%	64,0%	15,0%	10,0%	100,0%	100,0%
Discovery Communications Europe Ltd	Discovery Science (Europe & Middle East)	52,0%	53,0%	43,0%	8,0%	13,0%	44,0%
Discovery Communications Europe Ltd	Discovery Science Channel (Italy)	40,0%	47,0%	23,0%	4,0%	7,0%	62,0%
Discovery Communications Europe Ltd	Discovery Science UK	40,0%	25,0%	26,0%	1,0%	40,0%	64,0%
Discovery Communications Europe Ltd	Discovery Travel & Living	72,0%	49,0%	38,0%	5,0%	8,0%	0,0%
Discovery Communications Europe Ltd	Discovery Travel & Living (Italy)	56,0%	56,0%	7,0%	2,0%	40,0%	33,0%
Discovery Communications Europe Ltd	Discovery Turbo	51,0%	63,0%	21,0%	9,0%	8,0%	31,0%
Discovery Communications Europe Ltd	Discovery World (Europe)	63,0%	56,0%	25,0%	5,0%	19,0%	66,0%
Discovery Communications Europe Ltd	DMAX	NO	45,0%	NO	7,0%	NO	82,0%

Discovery Historia	Discovery Historia	46,0%	36,0%	7,0%	0,0%	4,0%	75,0%
Dolphin Broadcast Services Limited	ACTIONMAX	16,0%	40,0%	16,0%	40,0%	29,0%	14,0%
Dolphin Broadcast Services Limited	Movies4Men	29,0%	40,0%	29,0%	40,0%	37,0%	14,0%
E! Entertainment UK	E!	4,0%	12,0%	4,0%	12,0%	100,0%	100,0%
E! Entertainment UK	E! Entertainment Television (France)	27,0%	33,0%	27,0%	33,0%	100,0%	100,0%
E! Entertainment UK	E! Entertainment Television (Italy)	26,0%	30,0%	26,0%	30,0%	100,0%	100,0%
E! Entertainment UK	E! Entertainment Television (UK & Ireland)	21,0%	16,0%	21,0%	16,0%	36,0%	23,0%
E! Entertainment UK	The Style Network	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
East Midlands TV Lim	Controversial TV	NO	49,0%	NO	29,0%	NO	68,0%
Education Digital Management Ltd	Teachers' TV	96,0%	94,0%	66,0%	68,0%	100,0%	100,0%
Eicom Plc	Rock on TV	52,0%	NO	27,0%	NO	20,0%	NO
Enteraction TV Learn	My Channel	93,0%	82,0%	2,0%	12,0%	0,0%	0,0%
Enterr10 Media TV Ltd	WWS (World Wide Shop)t	EX	EX	EX	EX	EX	EX
Escape Channel Ltd	Lucky Star	100,0%	100,0%	11,0%	10,0%	100,0%	100,0%
ESPN Classic Sport Limited	ESPN Class Sp Europe	EX	EX	EX	EX	EX	EX
ESPN Classic Sport Limited	ESPN Class Sp France	EX	EX	EX	EX	EX	EX
ESPN Classic Sport Limited	ESPN Class Sp Italy	EX	EX	EX	EX	EX	EX
ESPN Classic Sport Limited	ESPN Class Sp UK	EX	EX	EX	EX	EX	EX
Eternal World TV Net	EWTN	24,0%	34,0%	12,0%	12,0%	86,0%	47,0%
Euro Digital Corporation	GayDate TV	EX	EX	EX	EX	EX	EX
Euro Digital Corporation	The Dating Channel	EX	EX	EX	EX	EX	EX
European Channel Bro	BBC Prime	100,0%	100,0%	16,0%	0,0%	61,0%	100,0%
Face Television Ltd	Football Mad TV	EX	EX	EX	EX	EX	EX
Factor 15 Records Ltd	Channel U	60,0%	90,0%	50,0%	90,0%	100,0%	90,0%
FilmFlex Movies Ltd	Barker Channel	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Five	Channel 5	59,0%	62,0%	53,0%	55,0%	94,0%	85,0%
Five	Five USA	31,0%	16,0%	28,0%	16,0%	100,0%	100,0%

Five	Fiver	50,0%	53,0%	8,0%	53,0%	100,0%	98,0%
Forenzquick UK limited	The Other Side	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Forenzquick UK limited	Watchme TV	NO	100,0%	NO	0,0%	NO	0,0%
Fox International Ch (UK) Ltd	f/x Channel	3,0%	1,0%	1,0%	1,0%	100,0%	100,0%
Fox News Channel LLC	Fox News Channel	EX	EX	EX	EX	EX	EX
Freesat (UK) Ltd	Freesat	EX	EX	EX	EX	EX	EX
Gala (Alderny) ltd	Gala TV	EX	EX	EX	EX	EX	EX
Gems TV (UK) Limited	Gems.tv	EX	EX	EX	EX	EX	EX
Gems TV (UK) Limited	Gems.tv2	EX	EX	EX	EX	EX	EX
Geo TV Ltd	Geo News	EX	EX	EX	EX	EX	EX
Ghana Development Fo	Live XXX TV	NO	100,0%	NO	100,0%	NO	100,0%
Glory TV Ltd	Glory TV	NO	83,0%	NO	83,0%	NO	100,0%
GMTV	GMTV1	68,0%	59,0%	10,0%	18,0%	100,0%	94,0%
GMTV	GMTV2	53,0%	39,0%	5,0%	34,0%	100,0%	70,0%
Goldfinn Ltd	Film24	52,0%	62,0%	15,0%	12,0%	100,0%	55,0%
Gradiose Limited	Get Lucky TV	EX	EX	EX	EX	EX	EX
Greener Technology	BEN TV	NO	46,0%	NO	46,0%	NO	100,0%
Grimsby Institute	Propeller	69,0%	95,0%	35,0%	95,0%	100,0%	100,0%
Guthy-Renker (UK) Limited	Celebrity Shopping Channel	EX	EX	EX	EX	EX	EX
Guthy-Renker (UK) Limited	TV Shop	EX	EX	EX	EX	EX	EX
Guthy-Renker (UK) Limited	TV Shop - Sport	EX	EX	EX	EX	EX	EX
Guthy-Renker (UK) Limited	TV Shop 2	EX	EX	EX	EX	EX	EX
Guthy-Renker (UK) Limited	TV Shop Europe	EX	EX	EX	EX	EX	EX
Hellenic TV Ltd	Hellenic TV	100,0%	100,0%	17,0%	16,0%	70,0%	73,0%
History Channel (UK)	History Euro HD	2,0%	0,0%	2,0%	0,0%	100,0%	100,0%
HITV	HiTV	NO	43,0%	NO	37,0%	NO	55,0%
Horse & Country TV Ltd	Horse & Country TV	100,0%	NO	43,0%	NO	47,0%	NO
House of Fun TV	House of Fun	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Ideal Shopping Direct Plc	Create & Craft with Ideal World	EX	EX	EX	EX	EX	EX
Ideal Shopping Direct Plc	Ideal Shopping Direct PLC	EX	EX	EX	EX	EX	EX

Ideal Shopping Direct Plc	Ideal World 2	EX	EX	EX	EX	EX	EX
Ideal Shopping Direct Plc	Ideal World Home Shopping	EX	EX	EX	EX	EX	EX
Information TV Ltd	Info TV 2	91,0%	83,0%	91,0%	83,0%	100,0%	100,0%
Information TV Ltd	Information TV	96,0%	91,0%	96,0%	91,0%	100,0%	100,0%
Information TV Ltd	Russia Today	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
INX Media UK Ltd	9X	EX	EX	EX	EX	EX	EX
ITV plc	CITV	62,0%	67,0%	29,0%	33,0%	92,0%	80,0%
ITV plc	Granada Men + Motors	62,0%	71,0%	16,0%	14,0%	100,0%	99,0%
ITV plc	ITV News Channel	EX	EX	EX	EX	EX	EX
ITV plc	ITV1	91,0%	89,0%	34,0%	31,0%	94,0%	91,0%
ITV plc	ITV2	56,0%	50,0%	12,0%	11,0%	100,0%	97,0%
ITV plc	ITV3	65,0%	67,0%	10,0%	14,0%	59,0%	59,0%
ITV plc	ITV4	41,0%	67,0%	10,0%	10,0%	87,0%	92,0%
Jetix Europe Limited	Jetix (FKU)	64,0%	47,0%	26,0%	16,0%	69,0%	69,0%
Jetix Europe Limited	Jetix CEE	63,0%	48,0%	23,0%	17,0%	75,0%	85,0%
Jetix Europe Limited	Jetix Play Turkey	61,0%	57,0%	33,0%	33,0%	0,0%	0,0%
Jetix Europe Limited	Jetix Poland	57,0%	46,0%	22,0%	16,0%	71,0%	85,0%
Jetix Europe Limited	Jetix Scandinavia	68,0%	71,0%	39,0%	44,0%	33,0%	43,0%
Jetix Europe Limited	Jetix UK	35,0%	44,0%	15,0%	27,0%	54,0%	55,0%
JimJam TV Limited	JimJam (Pan European)	100,0%	73,0%	5,0%	73,0%	50,0%	53,0%
JimJam TV Limited	JimJam(Italian)	76,0%	86,0%	55,0%	77,0%	55,0%	18,0%
JML Direct Ltd	JML Home	EX	EX	EX	EX	EX	EX
JML Direct Ltd	JML Home & DIY	EX	EX	EX	EX	EX	EX
JML Direct Ltd	JML Lifestyle	EX	EX	EX	EX	EX	EX
JML Direct Ltd	Rocks & Co	EX	EX	EX	EX	EX	EX
JML Direct Ltd	Shop Now TV	EX	EX	EX	EX	EX	EX
JML Direct Ltd	Shop on the Box	EX	EX	EX	EX	EX	EX
John Mills Limited	JML Cookshop	EX	EX	EX	EX	EX	EX
Jungle.uk.com Limited	Shop on TV	EX	EX	EX	EX	EX	EX
Just4us Ltd	Just4us	NO	100,0%	NO	0,0%	NO	0,0%

KIDSCO Ltd	KIDSCO	24,0%	39,0%	2,0%	4,0%	0,0%	0,0%
KM TV Limited	Kral Avrupa (King Europe)	EX	EX	EX	EX	EX	EX
KM TV Limited	Pembe Smart	EX	EX	EX	EX	EX	EX
Ladbrokes E-gaming Ltd	Ladbrokes Betting & Games	EX	EX	EX	EX	EX	EX
Liverpoolfc.tv Ltd	lfc tv	100,0%	100,0%	0,0%	0,0%	0,0%	100,0%
Loveworld Ltd	Loveworld TV	22,0%	26,0%	5,0%	8,0%	100,0%	97,0%
Lux.TV UK Ltd	Luxe TV	70,0%	100,0%	57,0%	0,0%	100,0%	0,0%
Majestic TV(Ireland)	Buzz TV	NO	100,0%	NO	100,0%	NO	100,0%
Majestic TV Ltd	Psychic TV	100,0%	100,0%	12,0%	11,0%	100,0%	100,0%
Manchester United TV	MUTV	100,0%	100,0%	0,0%	0,0%	0,0%	0,0%
Master Chemicals (Leeds) Ltd	DBN	EX	EX	EX	EX	EX	EX
Master Chemicals (Leeds) Ltd	PriceCrash	EX	EX	EX	EX	EX	EX
Media News Network Ltd	K2 International News and Entertainment Channel	EX	EX	EX	EX	EX	EX
MGM Channel NLF Ltd	TheMGM Channel	19,0%	23,0%	16,0%	20,0%	19,0%	2,0%
Monster Productions	Paranormal Channel	NO	50,0%	NO	12,0%	NO	100,0%
MTV Networks Europe	Comedy Central Polska	42,0%	36,0%	35,0%	36,0%	100,0%	100,0%
MTV Networks Europe	MTV (Ireland)	38,0%	42,0%	24,0%	35,0%	100,0%	100,0%
MTV Networks Europe	MTV Base	40,0%	45,0%	34,0%	39,0%	100,0%	100,0%
MTV Networks Europe	MTV Base (France)	42,0%	34,0%	37,0%	31,0%	100,0%	100,0%
MTV Networks Europe	MTV Dance	71,0%	71,0%	62,0%	66,0%	100,0%	100,0%
MTV Networks Europe	MTV Denmark	49,0%	41,0%	45,0%	38,0%	100,0%	100,0%
MTV Networks Europe	MTV Espana	62,0%	56,0%	47,0%	51,0%	100,0%	100,0%
MTV Networks Europe	MTV Europe (North)	40,0%	44,0%	38,0%	43,0%	100,0%	100,0%
MTV Networks Europe	MTV Finland	25,0%	41,0%	14,0%	36,0%	100,0%	100,0%
MTV Networks Europe	MTV Flux	63,0%	NO	55,0%	NO	100,0%	NO
MTV Networks Europe	MTV France	43,0%	41,0%	36,0%	37,0%	100,0%	100,0%
MTV Networks Europe	MTV Hits	57,0%	59,0%	48,0%	50,0%	100,0%	100,0%
MTV Networks Europe	MTV Idol	53,0%	52,0%	46,0%	47,0%	100,0%	100,0%
MTV Networks Europe	MTV Music	51,0%	57,0%	49,0%	57,0%	100,0%	100,0%

MTV Networks Europe	MTV Nordic (Sweden)	45,0%	42,0%	32,0%	39,0%	100,0%	100,0%
MTV Networks Europe	MTV Norway	38,0%	34,0%	27,0%	29,0%	100,0%	100,0%
MTV Networks Europe	MTV ONE	40,0%	42,0%	25,0%	35,0%	100,0%	100,0%
MTV Networks Europe	MTV Polska	35,0%	33,0%	27,0%	30,0%	100,0%	100,0%
MTV Networks Europe	MTV Portugal	47,0%	46,0%	44,0%	44,0%	100,0%	100,0%
MTV Networks Europe	MTV Pulse	59,0%	59,0%	53,0%	54,0%	100,0%	100,0%
MTV Networks Europe	MTV TWO	67,0%	59,0%	56,0%	53,0%	100,0%	100,0%
MTV Networks Europe	MTVNHD(Europe)	NO	49,0%	NO	42,0%	NO	100,0%
MTV Networks Europe	MTVNHD(UK)	63,0%	39,0%	54,0%	33,0%	100,0%	100,0%
MTV Networks Europe	MTVR	44,0%	55,0%	32,0%	48,0%	100,0%	100,0%
MTV Networks Europe	Nickelodeon (France)	49,0%	43,0%	43,0%	43,0%	100,0%	100,0%
MTV Networks Europe	Nickelodeon Europe	45,0%	56,0%	28,0%	56,0%	100,0%	100,0%
MTV Networks Europe	Nickelodeon Portugal	43,0%	59,0%	31,0%	59,0%	100,0%	100,0%
MTV Networks Europe	Nickelodeon Scandinavia	32,0%	67,0%	12,0%	63,0%	100,0%	100,0%
MTV Networks Europe	TMF	38,0%	47,0%	30,0%	34,0%	100,0%	100,0%
MTV Networks Europe	VH1	51,0%	50,0%	39,0%	36,0%	100,0%	100,0%
MTV Networks Europe	VH1 - Export	35,0%	36,0%	33,0%	35,0%	100,0%	100,0%
MTV Networks Europe	VH1 Classic	31,0%	37,0%	22,0%	30,0%	100,0%	100,0%
MTV Networks Europe	VH1 Europe Classics	22,0%	22,0%	21,0%	22,0%	100,0%	100,0%
MTV Networks Europe	VH1 Polska	44,0%	51,0%	43,0%	49,0%	100,0%	100,0%
MTV Networks Europe	Viva Polska	72,0%	72,0%	23,0%	64,0%	100,0%	100,0%
MusFlashTV Limited	MusFlash TV	100,0%	NO	100,0%	NO	100,0%	NO
Music Choice Europe	Music Choice	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Neovision UK ltd	n Talk	32,0%	23,0%	25,0%	5,0%	35,0%	100,0%
Netplay TV Broadcasting Ltd	LIVE BINGO	EX	EX	EX	EX	EX	EX
NFL Enterprises LLC	NFL Network	EX	EX	EX	EX	EX	EX
NGC-UK Partnership	Nat Geo Wild (Eu)	39,0%	29,0%	37,0%	28,0%	74,0%	61,0%
NGC-UK Partnership	National Geographic Channel	40,0%	34,0%	38,0%	33,0%	92,0%	87,0%
NGC-UK Partnership	National Geographic Channel - Central Europe	42,0%	39,0%	40,0%	38,0%	92,0%	85,0%

NGC-UK Partnership	National Geographic Channel Benelux	45,0%	38,0%	44,0%	37,0%	90,0%	75,0%
NGC-UK Partnership	National Geographic Channel HD	31,0%	27,0%	31,0%	27,0%	77,0%	82,0%
NGC-UK Partnership	NGHD Benelux	32,0%	32,0%	31,0%	31,0%	80,0%	65,0%
NGC-UK Partnership	NGHD Poland	31,0%	32,0%	31,0%	32,0%	100,0%	100,0%
NGC-UK Partnership	Wild	32,0%	23,0%	31,0%	22,0%	73,0%	61,0%
Nickelodeon UK Limited	Nick Jr	47,0%	46,0%	36,0%	31,0%	65,0%	67,0%
Nickelodeon UK Limited	Nick Jr. (Eire)	47,0%	46,0%	36,0%	31,0%	65,0%	67,0%
Nickelodeon UK Limited	Nick Jr. 2	55,0%	54,0%	46,0%	45,0%	62,0%	56,0%
Nickelodeon UK Limited	Nickelodeon	31,0%	43,0%	29,0%	43,0%	45,0%	100,0%
Nickelodeon UK Limited	Nickelodeon (Eire)	31,0%	31,0%	29,0%	27,0%	45,0%	58,0%
Nickelodeon UK Limited	Nicktoons TV	22,0%	26,0%	21,0%	22,0%	100,0%	53,0%
Nickelodeon UK Limited	Nicktoonsters	NO	13,0%	NO	7,0%	NO	27,0%
NTL Group Ltd	Adult Preview Chan 1	EX	EX	EX	EX	EX	EX
NTL Group Ltd	buy ntl	EX	EX	EX	EX	EX	EX
NTL Group Ltd	Channel ntl	EX	EX	EX	EX	EX	EX
NTL Group Ltd	ntl Electronic Programme Guide	EX	EX	EX	EX	EX	EX
NTL Group Ltd	ntl on demand	EX	EX	EX	EX	EX	EX
Ocean Finance	Ocean Finance	EX	EX	EX	EX	EX	EX
On Demand Management Ltd	Kino Auf Abruf	40,0%	40,0%	40,0%	40,0%	100,0%	100,0%
On Demand Management Ltd	Select Kino	37,0%	34,0%	37,0%	34,0%	100,0%	100,0%
Open Access Group Ltd	Open Access	53,0%	53,0%	53,0%	53,0%	100,0%	100,0%
Open Access Group Ltd	Open Access 2	33,0%	33,0%	33,0%	33,0%	100,0%	100,0%
Over 18 TV Ltd	Over 18 TV	NO	NC	NO	NC	NO	NC
Paramount UK Partnership	Comedy Central	25,0%	22,0%	11,0%	9,0%	89,0%	51,0%
Paramount UK Partnership	Comedy Central (Ireland)	61,0%	22,0%	20,0%	9,0%	22,0%	51,0%
Paramount UK Partnership	Comedy Central Extra	25,0%	48,0%	11,0%	14,0%	89,0%	24,0%
Passion Broadcasting	Passion TV	80,0%	NO	10,0%	NO	100,0%	NO
Penny Street TV	Clubland TV	NO	83,0%	NO	83,0%	NO	85,0%

Phoenix Chinese News and Entertainment Ltd	Phoenix InfoNews Channel	EX	EX	EX	EX	EX	EX
Playboy TV UK/Benelux Ltd	Climax 1	90,0%	65,0%	83,0%	61,0%	76,0%	77,0%
Playboy TV UK/Benelux Ltd	Climax 2	94,0%	81,0%	91,0%	77,0%	74,0%	65,0%
Playboy TV UK/Benelux Ltd	Climax 3	88,0%	76,0%	81,0%	73,0%	73,0%	59,0%
Playboy TV UK/Benelux Ltd	Paul Raymond TV	13,0%	13,0%	12,0%	13,0%	78,0%	83,0%
Playboy TV UK/Benelux Ltd	Playboy	7,0%	4,0%	6,0%	3,0%	43,0%	10,0%
Playboy TV UK/Benelux Ltd	Playboy (France)	27,0%	26,0%	26,0%	23,0%	85,0%	66,0%
Playboy TV UK/Benelux Ltd	Playboy TV	39,0%	20,0%	36,0%	18,0%	73,0%	54,0%
Playboy TV UK/Benelux Ltd	Prowler TV	58,0%	51,0%	45,0%	42,0%	100,0%	90,0%
Playboy TV UK/Benelux Ltd	Spice Extreme	42,0%	37,0%	37,0%	33,0%	94,0%	84,0%
Playboy TV UK/Benelux Ltd	The Adult Channel	64,0%	76,0%	58,0%	66,0%	70,0%	78,0%
Playphone Europe Ltd	Playphone	EX	EX	EX	EX	EX	EX
Podroze TV Ltd	Podroze TV	EX	EX	EX	EX	EX	EX
Poker Channel Limited	All In Sport	EX	EX	EX	EX	EX	EX
Poker Channel Limited	Poker Channel	EX	EX	EX	EX	EX	EX
Portland Enterprises (C.I.) Ltd	Television X Amateur	95,0%	100,0%	95,0%	100,0%	55,0%	55,0%
Portland Enterprises (C.I.) Ltd	TelevisionX Brits	95,0%	100,0%	95,0%	100,0%	56,0%	55,0%
Portland Enterprises (C.I.) Ltd	TelevisionX FFWD	95,0%	100,0%	95,0%	100,0%	55,0%	55,0%
Portland Enterprises (C.I.) Ltd	TV X -	95,0%	100,0%	95,0%	100,0%	55,0%	55,0%
Portland Media Group Ltd	Deal TV	EX	EX	EX	EX	EX	EX
Press TV Ltd	Press TV	NO	64,0%	NO	12,0%	NO	44,0%
Quizchannel Limited	Quizchannel	EX	EX	EX	EX	EX	EX
QVC Limited	QVC - The Shopping Channel	EX	EX	EX	EX	EX	EX
R Music Limited	Genesis	80,0%	70,0%	30,0%	20,0%	100,0%	100,0%
Real Estate TV Ltd	Real Estate TV	54,0%	46,0%	22,0%	0,0%	100,0%	100,0%
Real Estate TV Ltd	Real Estate TV 2	54,0%	46,0%	22,0%	0,0%	100,0%	100,0%
Record TV Network Limited	Record TV News	EX	EX	EX	EX	EX	EX
Revelation TV Ltd	Revelation	80,0%	70,0%	80,0%	70,0%	80,0%	65,0%
RHF Productions Ltd	Blue Tube	95,0%	95,0%	95,0%	95,0%	55,0%	55,0%
RHF Productions Ltd	Dirty Talk	95,0%	95,0%	95,0%	95,0%	55,0%	55,0%

RHF Productions Ltd	Fantasy 1	95,0%	95,0%	95,0%	95,0%	55,0%	55,0%
RHF Productions Ltd	Fantasy 2	95,0%	95,0%	95,0%	95,0%	55,0%	55,0%
RHF Productions Ltd	Gay TV	70,0%	70,0%	60,0%	70,0%	66,0%	55,0%
RHF Productions Ltd	Red Hot 40+	95,0%	95,0%	95,0%	95,0%	55,0%	55,0%
RHF Productions Ltd	Red Hot Amateur	95,0%	95,0%	95,0%	95,0%	55,0%	55,0%
RHF Productions Ltd	Red Hot Gold	95,0%	90,0%	95,0%	90,0%	55,0%	55,0%
RHF Productions Ltd	Red Hot Rears	95,0%	95,0%	95,0%	95,0%	55,0%	55,0%
RHF Productions Ltd	Red Hot Wives	95,0%	95,0%	95,0%	95,0%	55,0%	55,0%
RHF Productions Ltd	Viewers Wives	95,0%	100,0%	95,0%	100,0%	55,0%	55,0%
S4C Limited	S4C Digital	98,0%	98,0%	82,0%	89,0%	72,0%	72,0%
S4C Limited (Sianel Pedwar Cymru)	S4C2	EX	EX	EX	EX	EX	EX
Satellite Entertainment Ltd	Essex Babes	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Satellite Entertainment Ltd	LiveXXXBabes	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Satellite Entertainment Ltd	Northern Birds	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Satellite Entertainment Ltd	SportXXXBabes	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Satellite Entertainment Ltd	SportXXXGirls	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Satellite Entertainment Ltd	SportXXXWives	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Satellite Information Services Limited	SIS Racing FACTS	EX	EX	EX	EX	EX	EX
Satellite Information Services Limited	SiS+	EX	EX	EX	EX	EX	EX
SBS Broadcsting Network	Kanal 4	12,0%	30,0%	11,0%	21,0%	100,0%	80,0%
SBS Broadcsting Network	Kanal 5	17,0%	21,0%	14,0%	21,0%	80,0%	97,0%
SBS Broadcsting Network	Kanal 5 Denmark	3,0%	18,0%	3,0%	7,0%	100,0%	100,0%
SBS Broadcsting Network	Kanal 9	44,0%	43,0%	33,0%	43,0%	72,0%	39,0%
SBS Broadcsting Network	Kanal Fem	18,0%	23,0%	17,0%	23,0%	98,0%	100,0%
SBS Broadcsting Network	The Voice TV (Denmark)	34,0%	39,0%	18,0%	17,0%	100,0%	100,0%
SBS Broadcsting Network	The Voice TV (Norway)	24,0%	32,0%	9,0%	14,0%	100,0%	100,0%
SBS Broadcsting Network	The Voice TV (Sweden)	44,0%	42,0%	8,0%	19,0%	100,0%	100,0%
Sci Fi Channel Europe LLC	13th Street	19,0%	20,0%	2,0%	0,0%	100,0%	50,0%
Sci Fi Channel Europe LLC	Sci Fi (French Language)	19,0%	14,0%	18,0%	13,0%	93,0%	82,0%
Sci Fi Channel Europe LLC	Sci Fi (Poland)	15,0%	NO	6,0%	NO	100,0%	NO
Sci Fi Channel Europe LLC	SCI-FI (Benelux)	4,0%	6,0%	4,0%	0,0%	86,0%	56,0%

Sci Fi Channel Europe LLC	Sci-Fi Channel Europe	10,0%	2,0%	1,0%	0,0%	0,0%	0,0%
Sci Fi Channel Europe LLC	Universal (Poland)	11,0%	11,0%	0,0%	0,0%	0,0%	0,0%
Sci Fi Channel Europe LLC	Universal (Romania)	NO	11,0%	NO	0,0%	NO	0,0%
SDN Ltd	TeleG	100,0%	100,0%	51,0%	54,0%	100,0%	100,0%
Setanta Sport Limited	Setanta Sports	EX	EX	EX	EX	EX	EX
Setanta Sports Ltd	Setanta Sports News	EX	EX	EX	EX	EX	EX
Setanta Transmission Scotland Ltd	Arsenal TV	EX	EX	EX	EX	EX	EX
Setanta Transmission Scotland Ltd	Racing UK	EX	EX	EX	EX	EX	EX
Setanta Transmission Scotland Ltd	Racing World	EX	EX	EX	EX	EX	EX
Shop America TV Limited	Pitch TV	EX	EX	EX	EX	EX	EX
Shop TV 647 Limited	Pitch World	EX	EX	EX	EX	EX	EX
ShortsTV France Ltd	Shorts TV France	75,0%	70,0%	25,0%	63,0%	59,0%	60,0%
Simply Media TV	Gems TV 1	EX	EX	EX	EX	EX	EX
Simply Media TV	High Street TV	EX	EX	EX	EX	EX	EX
Simply Media TV	Superstore TV	EX	EX	EX	EX	EX	EX
sit-up Limited	bid-up.tv	EX	EX	EX	EX	EX	EX
sit-up Limited	bid-up.tv/Screenshop	EX	EX	EX	EX	EX	EX
sit-up Limited	Price-drop.tv	EX	EX	EX	EX	EX	EX
sit-up Limited	Screenshop 2	EX	EX	EX	EX	EX	EX
sit-up Limited	Speed auction/screenshop	EX	EX	EX	EX	EX	EX
Sky Arts Ltd	Sky Arts 2	57,0%	72,0%	23,0%	68,0%	11,0%	48,0%
Smart TV Broadcasting ltd	Casino TV	EX	EX	EX	EX	EX	EX
Smart TV Broadcasting ltd	Smart Live Casino	EX	EX	EX	EX	EX	EX
SMG plc	ITV1	92,0%	88,0%	34,0%	33,0%	94,0%	92,0%
Southern Afria Direct	Southern Africa Direct	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
Sparrowhawk Entertainment Ltd	Diva	2,0%	1,0%	2,0%	1,0%	0,0%	0,0%
Sparrowhawk Entertainment Ltd	Hallmark Ent UK	3,0%	2,0%	1,0%	0,0%	100,0%	0,0%
Sparrowhawk Entertainment Ltd	Movies 24	6,0%	7,0%	4,0%	5,0%	100,0%	33,0%
Sparrowhawk Entertainment Ltd	movies 24 +	6,0%	7,0%	4,0%	5,0%	100,0%	33,0%

Sparrowhawk International Ltd	Hallmark (Nordics)	9,0%	0,0%	5,0%	0,0%	71,0%	100,0%
Sparrowhawk International Ltd	Hallmark Channel (Benelux)	12,0%	5,0%	6,0%	1,0%	70,0%	76,0%
Sparrowhawk International Ltd	Hallmark Channel (Bulgaria)	14,0%	7,0%	7,0%	5,0%	60,0%	97,0%
Sparrowhawk International Ltd	Hallmark Channel (Czech Republic)	12,0%	9,0%	5,0%	6,0%	75,0%	86,0%
Sparrowhawk International Ltd	Hallmark Channel (Italy)	17,0%	25,0%	4,0%	24,0%	90,0%	32,0%
Sparrowhawk International Ltd	Hallmark Channel (Poland)	17,0%	12,0%	7,0%	8,0%	61,0%	100,0%
Sparrowhawk International Ltd	Hallmark Channel (Romania)	14,0%	7,0%	7,0%	5,0%	60,0%	97,0%
Sparrowhawk International Ltd	Movies 24 (Hungary, Poland, Romania, Turkey)	0,0%	1,0%	0,0%	0,0%	0,0%	0,0%
Square 1 Management	BlueKiss TV	100,0%	100,0%	15,0%	11,0%	100,0%	100,0%
Square 1 Management	Smile TV (DTPS)	100,0%	NO	100,0%	NO	100,0%	NO
Static 2358 Ltd	Play Jam Games	EX	EX	EX	EX	EX	EX
Supreme Master Telev	Supreme Master TV	20,0%	78,0%	0,0%	16,0%	0,0%	80,0%
Telecoms TV Limited	Friendly TV	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
Teletext Ltd	1-2-1 Dating	EX	EX	EX	EX	EX	EX
Teletext Ltd	Directgov	EX	EX	EX	EX	EX	EX
Teletext Ltd	Teletext	EX	EX	EX	EX	EX	EX
Teletext Ltd	Teletext Casino	EX	EX	EX	EX	EX	EX
Teletext Ltd	Teletext Holidays	EX	EX	EX	EX	EX	EX
Teletext Ltd	Teletext Holidays TV	EX	EX	EX	EX	EX	EX
Teletext Ltd	Teletext on Channel 5	EX	EX	EX	EX	EX	EX
Teletext Ltd	Teletext on ITV	EX	EX	EX	EX	EX	EX
Teletext Ltd	Teletext Shopping	EX	EX	EX	EX	EX	EX
Teletext Ltd	Teletext.	EX	EX	EX	EX	EX	EX
Telewest Ltd	Virgin Central VOD Barker 1	EX	EX	EX	EX	EX	EX
Thane Direct UK Limited	Thane Direct	EX	EX	EX	EX	EX	EX
Thane Direct UK Limited	Think Thane	EX	EX	EX	EX	EX	EX

Thane Direct UK Limited	TVINS	EX	EX	EX	EX	EX	EX
The Baby Channel Ltd	Simply Movies	100,0%	NC	0,0%	NC	0,0%	NC
The Community Channe	The Community Channel	95,0%	81,0%	83,0%	75,0%	100,0%	100,0%
The Entrepreneur Channel Plc	Entrepreneur TV	EX	EX	EX	EX	EX	EX
The History Channel (UK)	Bio	16,0%	31,0%	10,0%	11,0%	57,0%	44,0%
The History Channel (UK)	Bio HD	NO	2,0%	NO	2,0%	NO	100,0%
The History Channel (UK)	Crime & Investigation Network	26,0%	22,0%	11,0%	6,0%	40,0%	18,0%
The History Channel (UK)	Crime & Investigation Network HD	NO	9,0%	NO	9,0%	NO	0,0%
The History Channel (UK)	History Channel Europe	0,0%	0,0%	0,0%	0,0%	0,0%	100,0%
The History Channel (UK)	History Channel HD	3,0%	6,0%	3,0%	4,0%	0,0%	65,0%
The History Channel (UK)	Military History	NO	26,0%	NO	8,0%	NO	17,0%
The History Channel (UK)	The History Channel	24,0%	32,0%	8,0%	11,0%	20,0%	39,0%
The Minister for the Cabinet, HM Government	Directgov	EX	EX	EX	EX	EX	EX
The TV Group Ltd	XplicitXXX	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
The Walt Disney Company	ABC 1	12,0%	NO	0,0%	NO	0,0%	NO
The Walt Disney Company	Disney Channel	33,0%	33,0%	1,0%	0,0%	100,0%	100,0%
The Walt Disney Company	Disney Channel Middle East	85,0%	87,0%	1,0%	4,0%	100,0%	100,0%
The Walt Disney Company	Disney Cinemagic	31,0%	29,0%	0,0%	0,0%	0,0%	100,0%
The Walt Disney Company	Disney Cinemagic (French Language feed)	100,0%	97,0%	3,0%	1,0%	14,0%	35,0%
The Walt Disney Company	Disney Cinemagic (Portuguese Language feed)	NO	100,0%	NO	9,0%	NO	12,0%
The Walt Disney Company	Disney Cinemagic (Spanish Language feed)	NO	100,0%	NO	18,0%	NO	53,0%
The Walt Disney Company	Playhouse Disney	56,0%	59,0%	3,0%	1,0%	4,0%	0,0%
The Walt Disney Company	Playhouse Disney (Scandinavia)	97,0%	98,0%	2,0%	5,0%	100,0%	100,0%

The Walt Disney Company	The Disney Channel Scandinavia	80,0%	82,0%	1,0%	3,0%	100,0%	100,0%
The Walt Disney Company	Toon Disney Scandinavia	100,0%	100,0%	1,0%	0,0%	0,0%	0,0%
The Wrestling Channel Limited	The Fight Network	EX	EX	EX	EX	EX	EX
Thomas Cook TV Limited	Thomas Cook TV	EX	EX	EX	EX	EX	EX
Trace TV (UK) ltd	Open Access 3	88,0%	87,0%	88,0%	87,0%	100,0%	100,0%
Travel Channel International Limited	Thomson TV	EX	EX	EX	EX	EX	EX
Travel Channel International Ltd	The Travel Channel	51,0%	45,0%	14,0%	13,0%	100,0%	100,0%
Travel Channel International Ltd	Travel - Polish service	50,0%	48,0%	15,0%	14,0%	100,0%	100,0%
Travel Channel International Ltd	Travel Channel 2	NO	67,0%	NO	10,0%	NO	100,0%
Tristit Ltd	Mobile Arena TV	40,0%	NO	40,0%	NO	65,0%	NO
TTV2 Limited	Ontv	65,0%	NO	22,0%	NO	52,0%	NO
Turner Broadcasting System Europe Ltd	CNN International	EX	EX	EX	EX	EX	EX
Turner Entertainment Networks International Limited	Cartoon Network (Games Service)	EX	EX	EX	EX	EX	EX
Turner Entertainment N'works International Ltd	Boomerang (French)	21,0%	24,0%	10,0%	9,0%	90,0%	100,0%
Turner Entertainment N'works International Ltd	Boomerang (German)	1,0%	1,0%	1,0%	1,0%	100,0%	87,0%
Turner Entertainment N'works International Ltd	Boomerang (Italian)	16,0%	0,0%	16,0%	0,0%	0,0%	0,0%
Turner Entertainment N'works International Ltd	Boomerang (Pan European)	2,0%	38,0%	2,0%	20,0%	0,0%	87,0%
Turner Entertainment N'works International Ltd	Boomerang (Spain)	30,0%	23,0%	17,0%	16,0%	7,0%	48,0%
Turner Entertainment N'works International Ltd	Boomerang(Nordic)	25,0%	7,0%	25,0%	7,0%	44,0%	45,0%
Turner Entertainment N'works International Ltd	Cartoon Network (EMEA)	24,0%	28,0%	8,0%	10,0%	50,0%	67,0%
Turner Entertainment N'works International Ltd	Cartoon Network (French Lang.)	39,0%	33,0%	0,0%	10,0%	0,0%	100,0%
Turner Entertainment N'works International Ltd	Cartoon Network (Germany)	9,0%	11,0%	0,0%	1,0%	0,0%	100,0%
Turner Entertainment N'works International Ltd	Cartoon Network (Italian)	33,0%	25,0%	33,0%	0,0%	0,0%	0,0%
Turner Entertainment N'works International Ltd	Cartoon Network (Nordic)	50,0%	21,0%	29,0%	14,0%	63,0%	52,0%

Turner Entertainment International Ltd	N'works	Cartoon Network (Spanish Lang)	24,0%	27,0%	6,0%	21,0%	100,0%	63,0%
Turner Entertainment International Ltd	N'works	Cartoon Network Too	41,0%	41,0%	41,0%	41,0%	42,0%	0,0%
Turner Entertainment International Ltd	N'works	Cartoon Network UK	43,0%	44,0%	25,0%	14,0%	63,0%	0,0%
Turner Entertainment International Ltd	N'works	Cartoon Network/Turner Classic Movies (CEE)	24,0%	27,0%	8,0%	16,0%	50,0%	27,0%
Turner Entertainment International Ltd	N'works	Cartoon Networks Boomerang	22,0%	38,0%	22,0%	27,0%	44,0%	74,0%
Turner Entertainment International Ltd	N'works	Cartoonito	5,0%	27,0%	5,0%	27,0%	82,0%	0,0%
Turner Entertainment International Ltd	N'works	Nuts TV	NO	60,0%	NO	60,0%	NO	100,0%
Turner Entertainment International Ltd	N'works	TCM (French Language)	39,0%	39,0%	39,0%	4,0%	1,0%	59,0%
Turner Entertainment International Ltd	N'works	TCM (Germany)	7,0%	10,0%	7,0%	9,0%	0,0%	3,0%
Turner Entertainment International Ltd	N'works	TCM (Spanish Language)	50,0%	47,0%	50,0%	24,0%	0,0%	0,0%
Turner Entertainment International Ltd	N'works	TCM (Turner Classic Movies)	30,0%	19,0%	29,0%	16,0%	0,0%	0,0%
Turner Entertainment International Ltd	N'works	TCM Clasico	18,0%	23,0%	18,0%	0,0%	0,0%	0,0%
Turner Entertainment International Ltd	N'works	TCM Pan European	28,0%	26,0%	28,0%	26,0%	0,0%	0,0%
Turner Entertainment International Ltd	N'works	TCM2	24,0%	19,0%	22,0%	16,0%	0,0%	0,0%
Turner Entertainment International Ltd	N'works	TNT (Spain)	40,0%	40,0%	0,0%	0,0%	0,0%	0,0%
TV Legal Ltd		Red TV	89,0%	76,0%	0,0%	0,0%	0,0%	0,0%
TV Sports Shop Ltd		JJB Sports	EX	EX	EX	EX	EX	EX
TV Today Network Limited		Aaj Tak	EX	EX	EX	EX	EX	EX
UKTV		Alibi	70,0%	73,0%	13,0%	15,0%	23,0%	29,0%
UKTV		Blighty	65,0%	49,0%	4,0%	3,0%	70,0%	35,0%
UKTV		Dave	71,0%	97,0%	25,0%	32,0%	54,0%	59,0%
UKTV		Eden	63,0%	67,0%	11,0%	10,0%	11,0%	15,0%
UKTV		G.O.L.D.	61,0%	82,0%	19,0%	21,0%	26,0%	18,0%
UKTV		Home	46,0%	57,0%	28,0%	25,0%	43,0%	75,0%

UKTV	Really	36,0%	81,0%	25,0%	25,0%	55,0%	38,0%
UKTV	UK Bright Ideas	87,0%	NO	57,0%	NO	63,0%	NO
UKTV	UK Food	48,0%	87,0%	28,0%	64,0%	26,0%	67,0%
UKTV	Yesterday	52,0%	81,0%	17,0%	20,0%	42,0%	28,0%
United Christian Broadcasters Ltd	UCBTV	74,0%	40,0%	74,0%	32,0%	100,0%	100,0%
Urban Media Network	Urban TV	6,0%	NO	6,0%	NO	100,0%	NO
U-Save TV Limited	Beverly Hills TV	EX	EX	EX	EX	EX	EX
User Generated Broadcasting Ltd	Bedroom TV	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%
UTV	ITV1	90,0%	87,0%	32,0%	30,0%	98,0%	94,0%
Vegas247 Broadcasting Limited	SUPERCASINO.COM	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	3+	18,0%	18,0%	11,0%	12,0%	100,0%	100,0%
Viasat Broadcasting UK Ltd	3+ (Baltics)	72,0%	17,0%	12,0%	17,0%	100,0%	100,0%
Viasat Broadcasting UK Ltd	3+ (Estonia)	93,0%	91,0%	93,0%	91,0%	80,0%	69,0%
Viasat Broadcasting UK Ltd	TV 6	NO	18,0%	NO	10,0%	NO	100,0%
Viasat Broadcasting UK Ltd	TV3 Denmark	14,0%	15,0%	10,0%	10,0%	100,0%	100,0%
Viasat Broadcasting UK Ltd	TV3 Norway	14,0%	13,0%	7,0%	6,0%	100,0%	100,0%
Viasat Broadcasting UK Ltd	TV3 PULS	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	TV3 Sweden	17,0%	17,0%	13,0%	11,0%	100,0%	100,0%
Viasat Broadcasting UK Ltd	TV8	79,0%	76,0%	45,0%	40,0%	17,0%	100,0%
Viasat Broadcasting UK Ltd	Viasat 4	35,0%	29,0%	32,0%	25,0%	100,0%	100,0%
Viasat Broadcasting UK Ltd	Viasat Explorer	51,0%	43,0%	36,0%	20,0%	79,0%	95,0%
Viasat Broadcasting UK Ltd	Viasat Fotboll	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	Viasat Golf	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	Viasat History	78,0%	68,0%	47,0%	25,0%	10,0%	95,0%
Viasat Broadcasting UK Ltd	Viasat Motor	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	Viasat Sport (Baltics)	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	Viasat Sport (East)	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	Viasat Sport (Sweden)	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	Viasat Sport HD	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	Viasat Sport Norway	EX	EX	EX	EX	EX	EX
Viasat Broadcasting UK Ltd	Viasat SportN	EX	EX	EX	EX	EX	EX

Viasat Broadcasting UK Ltd	ZTV	74,0%	66,0%	1,0%	9,0%	100,0%	100,0%
Viasat Broadcasting UK Ltd	ZTV Norway	39,0%	NO	26,0%	NO	55,0%	NO
Virgin Media Television Limited	Challenge Jackpot	EX	EX	EX	EX	EX	EX
Virgin Media Television Ltd	Bravo	44,0%	35,0%	20,0%	17,0%	100,0%	99,0%
Virgin Media Television Ltd	Bravo 2	37,0%	40,0%	14,0%	19,0%	100,0%	91,0%
Virgin Media Television Ltd	Challenge	88,0%	79,0%	14,0%	11,0%	74,0%	70,0%
Virgin Media Television Ltd	Living TV	31,0%	28,0%	17,0%	15,0%	92,0%	100,0%
Virgin Media Television Ltd	Living TV 2	51,0%	51,0%	18,0%	19,0%	72,0%	78,0%
Virgin Media Television Ltd	Trouble	39,0%	25,0%	11,0%	11,0%	100,0%	98,0%
Virgin Media Television Ltd	Virgin 1	49,0%	32,0%	17,0%	13,0%	71,0%	79,0%
Volkswagen Group United Kingdom Ltd	Audi Channel	EX	EX	EX	EX	EX	EX
VOX Africa plc	VOX Africa TV	EX	EX	EX	EX	EX	EX
Wedding TV Limited	Wedding TV	19,0%	41,0%	19,0%	41,0%	100,0%	100,0%
World Fashion Channe	World Fashion Channel	67,0%	94,0%	17,0%	49,0%	100,0%	0,0%
You TV Plc	Sumo TV	100,0%	85,0%	14,0%	17,0%	90,0%	67,0%
Zonemedia Broadcasting Limited	Extreme Sports	EX	EX	EX	EX	EX	EX
Zonemedia Broadcasting Limited	Extreme Sports Channel (France)	EX	EX	EX	EX	EX	EX
Zonemedia Broadcasting Limited	Extreme Sports PE	EX	EX	EX	EX	EX	EX
Zonemedia Broadcasting Limited	Extreme Sports POL	EX	EX	EX	EX	EX	EX
Zonemedia Broadcasting Limited	Extreme Sports SA	EX	EX	EX	EX	EX	EX
Zonemedia Broadcasting Ltd	Zone Club (Hungary)	52,0%	50,0%	13,0%	15,0%	100,0%	100,0%
Zonemedia Broadcasting Ltd	Zone Club (Pan-European)	63,0%	28,0%	12,0%	4,0%	100,0%	100,0%
Zonemedia Broadcasting Ltd	Zone Club (Poland)	51,0%	52,0%	25,0%	15,0%	80,0%	100,0%
Zonemedia Broadcasting Ltd	Zone Europa	6,0%	6,0%	6,0%	6,0%	85,0%	85,0%
Zonemedia Broadcasting Ltd	Zone Fantasy	3,0%	3,0%	3,0%	3,0%	100,0%	100,0%
Zonemedia Broadcasting Ltd	Zone Horror	6,0%	22,0%	6,0%	22,0%	93,0%	100,0%
Zonemedia Broadcasting Ltd	Zone Horror (Netherlands)	7,0%	7,0%	7,0%	7,0%	97,0%	100,0%
Zonemedia Broadcasting Ltd	Zone Reality	20,0%	21,0%	2,0%	11,0%	100,0%	90,0%
Zonemedia Broadcasting Ltd	Zone Reality (EMEA 2)	9,0%	21,0%	1,0%	19,0%	100,0%	87,0%
Zonemedia Broadcasting Ltd	Zone Reality (Poland)	NO	17,0%	NO	17,0%	NO	83,0%

Zonemedia Broadcasting Ltd	Zone Reality (UK)	13,0%	15,0%	7,0%	15,0%	100,0%	100,0%
Zonemedia Broadcasting Ltd	Zone Reality Extra	6,0%	16,0%	3,0%	16,0%	100,0%	85,0%
Zonemedia Broadcasting Ltd	Zone Romantica	5,0%	5,0%	4,0%	4,0%	100,0%	100,0%
Zonemedia Broadcasting Ltd	Zone Romantica 2	NO	7,0%	NO	7,0%	NO	100,0%
Zonemedia Broadcasting Ltd	Zone Thriller	24,0%	31,0%	24,0%	31,0%	77,0%	100,0%
Covered Channels (IND 1)		396	419	396	419	-	-
Compliance rate (IND 3 and 5)		49,5%	45,8%	72,5%	69,7%	-	-
Average % (IND 2, 4, and 6)		51,7%	50,7%	29,8%	29,9%	67,7%	71,2%

PART 2 - Comments

Monitoring method

The UK's independent regulator, the Office of Communications (Ofcom), is responsible for monitoring the quotas and requested annual returns from broadcasters for 2007 and 2008. Broadcasters provided their returns using an on-line reporting system and Ofcom collated the information in the format required by the Commission. They succeeded in obtaining information from all the several hundred channels operating during 2007 and all but two in 2008.

The following channels were new launches during 2008 and were not broadcasting for a complete year:

Africa Channel, AH, Tease Me 3, BBC HD, BBC Entertainment (Nordic Region), BBC HD (Nordic Region), BBC Knowledge (Nordic region), BBC Lifestyle (Nordic region), Sky Movies HD 1, NigeriaMovies, Kix!, Voce, AIT Movistar, DMAX, Controversial TV, Watchme TV, Live XXX TV, Glory TV, BEN TV, HiTV, Just4Us, Buzz TV, Paranormal Channel, MTVNHD(Europe), Nicktoonsters, Over 18 TV, Clubland TV, Press TV, Universal (Romania), Crime & Investigation Network HD, Bio HD, Military History, Disney Cinemagic (Portuguese Language feed), Disney Cinemagic (Spanish Language feed), Travel Channel 2, Nuts TV, TV 6, Zone Reality (Poland), Zone Romantica 2.

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

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

(a) Subject matter of the channel:

Film 4, Al Jazeera, Muslim TV Ahmadiyya, Anime+, Animax, Kiss, Kerrang, Xtreme Babes, Sky Movies Comedy, Sky Movies Action/Thriller, Sky Box Office, 18 Plus Movies, Sky Movies Premier, Sky Movies Classics, Sky Movies Drama, Sky Movies Family, Sky Movies Indie, Sky Movies Modern Greats, Sky Movies Sci-Fi Horror, True Movies, True Movies 2, E!, E! Entertainment (France), E! Entertainment UK, E! Entertainment (Italy), Five USA, MGM Channel, Comedy Central Polska, Kino Auf Abruf, Select Kino, Playboy, Playboy TV, Playboy (France), Southern Africa Direct, Disney Cinemagic, Disney Channel, MTV Base, MTV Europe (North), MTV France, MTV Portugal, VH1 Classic, VH1 Export, VH1 Europe Classics, Africa Channel, Sky Movies HD 1, NigeriaMovies, True Entertainment, Scuzz,

Cultoon Television L, Voce, The Style Network, Five USA, MTV Base (France), Paul Raymond TV, 3+ (Baltics),

(b) When the channel commenced broadcasting:

Kanal Fem. BET, AIT Moviestar, MTVNHD(UK), Nickelodeon (Polish Language), MTVNHD(Europe), Nicktoonsters, HiTV

(c) Difficulty in finding European programmes or finding European programmes at competitive prices:

Nickelodeon France, AXN (Italy), AXN Crime, AXN Sci-Fi, AXN, AXN (Germany, Switzerland), 100% Babes, Sky One, Sky Two, CNBC Europe, POP, Pop Girl, Tiny Pop, Discovery HD, Discovery Channel (Uk), Discovery HD Europe, Discovery Channel France, Discovery Science UK, Discovery Science Channel Italy, Discovery Channel Nordic, Discovery Channel (Italy), Disc Channel (Benelux), Discovery (Central & Eastern Europe) Discovery (Middle East, Africa and Turkey) Discovery Historia, ACTIONMAX, Movies4Men, Trouble, Living TV, f/x Channel, FX+, History Euro HD, National Geo Wild, National Geographic Benelux, National Geographic CE, National Geographic HD, National Geographic Channel, NGHD Benelux, NGHD Poland, Wild, Nick Jr, Nick Jr. (Eire), Nicktoons, Nicktoons TV, Nickelodeon, Nickelodeon France, Nickelodeon (Eire), 13th Street, The Voice TV (Norway), The Voice TV (Sweden), Sci Fi Benelux, Sci Fi Europe, Hallmark Entertainment UK, Hallmark Channel Italy, Hallmark Channel (Cz), Hallmark Channel (Bulgaria), Hallmark Channel (Benelux). Hallmark Channel (Poland), Hallmark Channel (Romania), History Channel HD. Crime & Investigation Network The History Channel Europe, Cartoon Network Too, Boomerang (German), Boomerang (French), Boomerang (Italian), Boomerang (Pan European), Boomerang (Spain), Boomerang (Nordic), Cartoon Network (Germany), Cartoon Network (EMEA), Cartoon Network (French Lang), Cartoon Network (Italian), Cartoon Network (Spanish), Cartoon Network UK, Cartoon Network/TCM, Cartoonito, Cartoon Networks Boomerang, TCM (French), TCM, TCM Clasico, TCM Pan European, TCM2, TV3 Denmark, TV3 Sweden, TV3 Norway, Zone Europa, Zone Thriller, Zone Reality Extra, Zone Reality (UK), Zone Horror, Zone Reality (EMEA 2), Zone Fantasy, Zone Horror (Netherlands), Zone Reality, Zone Romantica UK, Movies 24, Movies 24 +, Movies 24 (Hu, Pl, Ru, Turk), Bravo, Bravo 2, Jetix UK, Baby TV, Kix!, Flava, Discovery Channel (Scandinavia), DMAX, Discovery Travel & Living, FX HD, GMTV 2, n Talk, Comedy Central, Comedy Central (Ireland), Comedy Central Extra, Universal (Poland), Universal (Romania), Sci Fi (French Language), Bio.HD, C&I Network HD, Military History, Bio, The History Channel, TNT Film (Germany), Cartoon Network (Norway), TNT (Spain), TCM (Spanish Language), UCBTv, TV6, Viasat Explorer, Zone Romantica, Zone Romantica (2), Zone Reality (Poland), Zone Club (Pan-European), Hallmark (Nordics), The Voice TV (Denmark), Diva, MTV Polska, Kanal 4, Kanal 5, Kanal 5 (Denmark)

GMTV2:

Our brief, in the Kids Dept, was to create a boy-biased programme brand focussing on high-octane, action-orientated cartoons, hence the umbrella title: "ACTION STATIONS!". European toons tend to concentrate more on character and domestic situations whereas product produced in North America and Japan falls within our brand wheel – epic sagas, with grand vistas, often set in outer space, featuring robots, aliens, transformers, megalomaniacs and super-heroes. It's a struggle to find similar shows from European animation companies,

especially ones that match the quality and volume of North American producers, hence our EU quota shortfall in 2008.

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

Hustler TV UK, EWTN, TMF, MTV One, MTV Ireland, Spice Extreme

- (e) Ceased broadcasting part way through the year

MTV Norway, MTV Finland, MTV Denmark, MTV Nordic (Sweden), Controversial TV

- (f) Other reasons

Jetix (Poland), JETix (FKU), Jetix CEE:

The addition of extra non-European content on the Channel has caused a slight decrease in European Programming on the feed. Jetix is looking to extend the hours on this feed (to 24 hours) which would allow additional European Programming to be aired and meet required targets.

The Travel Channel, Travel Channel (Polish service):

The increase in broadcasting hours for the channel led to more European programming being purchased during late 2008 and 2009, and we expect the level to return to above 51% during 2009.

Sky One:

It is not practicable for the majority of transmission time on Sky One to be devoted to European programming. Sky One is a pay TV channel with a small share of viewing

(Sky One's share of viewing in 2008 was approximately 1% based on all individuals in multi-channel homes). The programming shown on Sky One is designed to appeal to the channel's core target audience and to attract viewers. The channel is particularly sensitive to the desires of viewers, who must take the positive step of choosing to acquire the service in the first instance and can decide to cease subscribing if the channel does not offer the programming they desire, or in the quantities they desire. While the availability of suitable European programming that meets the editorial remit of Sky One and the desires of Sky One's target audience is limited (or is only available at prices which cannot be justified by a channel with such a small share of viewing), Sky commissioned a number of programmes from

European producers, and devoted a substantial percentage of its programming budget to European programming in 2008. Sky One has significantly improved its European quota to 48% in 2008.

Sky Two largely comprises programming derived from Sky One and the considerations above apply equally. The percentage of hours dedicated to European programmes on Sky One and Two in 2008 has increased compared with 2007.

Loveworld:

Aim to get more sponsors as well as equipments to speed up our production. Also expanding contact base to get more European and UK based/focused programmes.

Comedy Central Polska:

This is a Polish language comedy channel. Most successful comedy programming is produced in the US, especially the hit series that are most popular with Polish viewers. There are a number of UK series but not all are available in Poland and some of the humour does not translate well for a Polish audience. Comedy content from other EU countries tends to be very local and culture-specific. There is not that much Polish content available for acquisition as TVP, the Polish public broadcaster, owns most of it.

TV3 Norway, TV3 Denmark, TV3 Sweden, 3+, Viasat 4:

There is a limited demand for European programming in the territory. The audience is more familiar with American programming, therefore there is greater demand for this. A great amount of European programming does not translate well in the language of the territory and is not well received by the majority of the audience due to the language limitations.

Virgin 1:

Majority of Brit commissions did not perform as well as hoped, for example Real Exorcist, so some runs were pulled as they were affecting target. Most of the Wholly Owned Channel content available to us is rather outdated and does not fit with V1 brand; the more big ticket stuff such as Brit Cops we have to wait 3 months from first tx of last episode for, and even longer for LIVING content, which means there is a delay in us getting it and where it can fit into the schedule. Some of the British Challenge content is off limits to V1 as we do not have FTA rights. Brit runs are a lot shorter than US ones, for example 1 series of Hustle is 6 eps, US stuff is 13 to 22 eps. If we repeat them they lose their value. There is also a distinct lack of content; UKTV eat up the majority of the BBC content and terrestrial extensions mean that it's slim pickings in terms of acquisitions. There's not enough volume to fill the hours we have and we don't have enough budget to commission series which have long run and high repeatability.

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

- (a) When the channel commenced broadcasting:

LFC TV, Luxe TV, Disney Cinemagic (Poland), Islam Channel, Just4Us

- (g) Difficulty in finding cost competitive independent European producers

The Disney Channel Scandinavia, Playhouse Disney Scandinavia, Disney Channel Middle ZTV, MUTV, Discovery Real Time France, BBC Prime, Playhouse Disney, Disney Cinemagic(Fre, Discovery T&L Italy, Disc Travel & Living, Discovery Home and Health, Discovery Knowledge, Discovery World (Europe), Discovery Civilisation Italy, Discovery Science EU, Discovery Real Time, Discovery Turbo, Red TV

- (h) Subject matter of channel (e.g. all live broadcasts)

Babeworld TV, Barker Channel, The Other Side, House of Fun, Channel M TV for Man, Turf TV

- (i) Other reasons

Sky Sports News and Sky News:

It is not practicable for at least 10% of transmission time on Sky News/Sky Sports News to be devoted to independent European programming (or at least 50% of this independent programming to be "recent"). Sky already has the relevant resources (e.g. presenters, footage, studio facilities, equipment, etc) to produce such programming and it would be uneconomic to acquire or commission such programming from independent sources. Indeed, if Sky News/Sky Sports News were required to have such programming produced independently, it may choose not to offer that programming at all (which would reduce viewer choice and diminish the amount of European programming on offer).

B) Measures taken or envisaged by the Member State

The UK encourages compliance with the quotas including through monitoring. But there are constraints on the extent to which it is practicable for particular channels to meet them, especially where

- they have a very small audience share (in many cases, less than 1%) and lack the economic resources to buy or commission European (independent) programmes;
- they are special interest channels;
- they have just started up;
- they are subsidiaries of companies based in non-member countries, broadcasting programmes mostly from their own stock.

Of course, the main terrestrial channels (BBC1, BBC2, ITV, Channel 4 and Channel 5) continued significantly to exceed the quota requirements, averaging 84% of European material and 34% of independent European works. These channels accounted for 64.5% of the total audience according to figures from the Broadcasters Audience Research Board. Original productions are one of the key elements of public service broadcasting in the UK –they are programmes that are made in the UK and commissioned from independent producers, or a broadcaster's own in-house production facilities

In addition, the UK's biggest domestic non public service broadcaster, Sky 1, has significantly improved its European quota to 48% in 2008.

C) Further comments

Over this reference period, the number of UK-licensed channels which are affected by the quotas has risen significantly, from 342 channels in 2006 to 419 channels in 2008. The proliferation and diversity of channels in the UK has increased viewer choice and contributed to the Directive's overarching objective of increasing European competitiveness. Ofcom's 2008 *Communications Market Report* which is available at <http://www.ofcom.org.uk/research/cm/cmr08/> notes a majority of the new licences awarded were for channels targeting ethnic minorities (p158).

ANNEX 4:

REPORT FROM THE STATES OF THE EUROPEAN FREE TRADE ASSOCIATION PARTICIPATING IN THE EUROPEAN ECONOMIC AREA

1. Application by the EFTA States participating in the EEA

1.1 Iceland

European works

The seven covered channels broadcast an average of 39.6% European works in 2007 and 42.2% in 2008. This represents a 2.6 percentage point increase over the reference period.

For 2007 and 2008, of the total of seven covered channels, three channels achieved the majority proportion specified in Article 4 of the Directive (Omega Television, RUV and Syn - Vision TV), while four channels didn't meet this target (Sirkus, Skjár 1, Stöð 2 and Stöð 2 Bio). The compliance rate, in terms of numbers of channels, was 42.9%.

European works made by independent producers

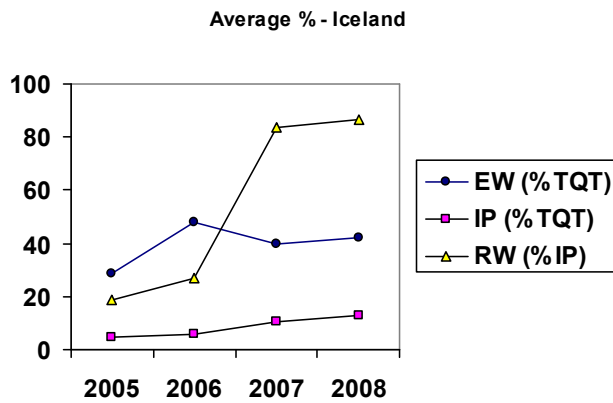
The average proportion of European works by independent producers on all reported channels was 10.7% in 2007 and 12.6% in 2008, representing a 1.9 percentage points increase over the reference period.

In 2007, of the total of seven identified channels, two channels exceeded the minimum proportion under Article 5 of the Directive, while three channels remained below the target. One channel was exempted (Syn - Vision TV) and no data was communicated for another one (Omega Television). The compliance rate, in terms of number of channels, was 33.3%.

For 2008, of the total of seven covered channels, three exceeded the minimum proportion specified in Article 5 of the Directive, while two channels were below the target (Skjár 1 and Stöð 2 Bio). No data were communicated for two channels. The compliance rate, in terms of number of channels, was 42.9%.

The average relative proportion of the recent European works by independent producers for all reported channels was 83.8% in 2007 and 86.7% in 2008, resulting in a 2.9 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



1.2. Norway

Of the total of 14 identified channels, four channels were exempt during the reference period. One channel was non-operational in 2007.

European works

All channels reported broadcast an average of 57.8% and 60.3% in 2007 and 2008 respectively, representing a 2.5 percentage point increase over the reference period.

In 2007, out of nine reported channels, seven channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while two channels did not (TV2 Filmkanalen and Voom HD). The compliance rate, in terms of number of channels, was 77.8%.

For 2008, out of nine reported channels, six channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while three channels did not (NRK3, TV Norge and TV2 Filmkanalen). The compliance rate, in terms of number of channels, was 60%.

European works made by independent producers

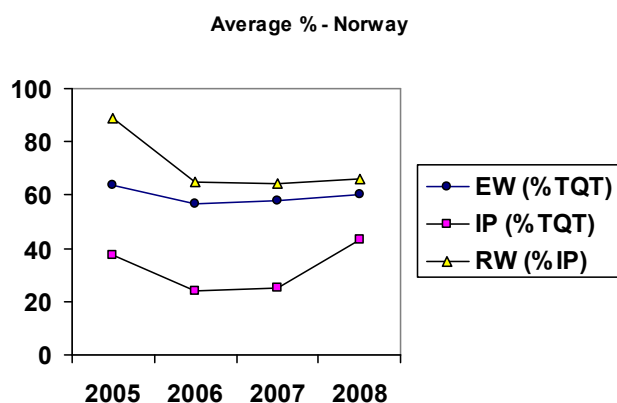
The average proportion of European works by independent producers on all reported channels was 25.2% in 2007 and 43.3% in 2008, representing an 18.1 percentage point increase over the reference period.

In 2007, of the total of nine covered channels, seven channels exceeded the minimum proportion under Article 5 of the Directive, while two channels remained below the target (TV2 Filmkanalen and Voom HD). The compliance rate, in terms of number of channels, was 77.8%.

For 2008, all the nine covered channels exceeded the minimum proportion specified in Article 5 of the Directive. The compliance rate, in terms of number of channels, was 90%.

The average relative proportion of the recent European works by independent producers for all reported channels was 64.6% in 2007 and 66.1% in 2008, resulting in a 1.5 percentage point increase over the reference period.

The evolution of the averages achieved over the period 2005-2008 for European works, independent productions and recent works is reproduced in the chart below:



2. Summary of the report from the EFTA States participating in the EEA

ICELAND

PART 1 - Statistical data

Number of channels identified:		7		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
	Omega Television	54,0%	54,0%	NC	NC	NC	NC
	RUV	55,9%	59,0%	10,1%	12,3%	84,2%	86,3%
	Sirkus	15,0%	21,0%	5,0%	10,0%	80,0%	85,0%
	Skjár 1	12,5%	12,5%	3,5%	2,5%	100,0%	100,0%
	Stöð 2	40,0%	46,0%	30,0%	32,0%	95,0%	96,0%
	Stöð 2 Bio	10,0%	13,0%	5,0%	6,0%	60,0%	66,0%
	Syn - Vision TV	90,0%	90,0%	EX	NC	EX	NC
Covered Channels (IND 1)		7	7	6	7	-	-
Compliance rate (IND 3 and 5)		42,9%	42,9%	33,3%	42,9%	-	-
Average % (IND 2, 4, and 6)		39,6%	42,2%	10,7%	12,6%	83,8%	86,7%

PART 2 - Comments

Monitoring method

No comment.

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

None reported

C) Further comments

No observations

NORWAY

PART 1 - Statistical data

Number of channels identified:		14		Reference period: 2007/2008			
		EW (%TQT)		IP (%TQT)		RW(%IP)	
Broadcaster	Channel	2007	2008	2007	2008	2007	2008
	Miracle	EX	EX	EX	EX	EX	EX
	NRK 1 (NRK)	83,0%	77,0%	31,0%	30,0%	72,0%	69,0%
	NRK 2 (NRK)	73,0%	73,0%	31,0%	35,0%	75,0%	88,0%
	NRK 3 (NRK)	79,0%	48,0%	20,0%	70,0%	56,0%	73,0%
	NRK Super (NRK)	NO	73,0%	NO	50,0%	NO	45,0%
	Rikstoto Direkte	EX	EX	EX	EX	EX	EX
	TV Norge	50,0%	49,0%	48,0%	99,0%	99,0%	100,0%
	TV Visjon Norge	88,0%	88,0%	54,0%	54,0%	54,0%	100,0%
	TV2	57,0%	58,0%	25,0%	24,0%	80,0%	72,0%
	TV2 Filmkanalen	6,0%	22,0%	3,0%	13,0%	0,0%	11,0%
	TV2 Nyhetskanalen	EX	EX	EX	EX	EX	EX
	TV2 Sport	EX	EX	EX	EX	EX	EX
	TV2 Zebra	68,0%	55,0%	14,0%	15,0%	45,0%	37,0%
	Voom HD	16,0%	NC	1,0%	NC	100,0%	NC
Covered Channels (IND 1)		9	10	9	10	-	-
Compliance rate (IND 3 and 5)		77,8%	60,0%	77,8%	90,0%	-	-
Average % (IND 2, 4, and 6)		57,8%	60,3%	25,2%	43,3%	64,6%	66,1%

PART 2 – Comments

Monitoring method

No comment.

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

1. Majority proportion of European works (Article 4)

TV 2 Filmkanalen did not fulfill its obligation in 2007 and 2008. The channel has, however, shown considerable progress by more than tripling the European quotas in this period (from 6 to 22 percent).

The other two channels that did not fulfill the European quotas obligations for 2008 (TVNorge and NRK3) have not stated reasons. However, the deviations are quite small (1 and 2 percent respectively), and both channels have shown good results for the previous years.

2. A minimum proportion of European works by independent producers (Article 5)
TV 2 Filmkanalen has fulfilled the independent production quotas in 2008, increasing the proportion from 3 percent in 2007 to 13 percent in 2008.

B) Measures taken or envisaged by the Member State

The Norwegian authorities will continue to monitor that TV 2 Filmkanalen, TVNorge and NRK3 increase the European works quota for the next period, and take further action if they do not.

C) Further comments

No comment.

ANNEX 5:
LIST OF TELEVISION CHANNELS IN THE MEMBER STATES WHICH FAILED TO ACHIEVE THE MAJORITY PROPORTION REQUIRED BY ARTICLE 4

Country	Channel	AS 07	AS 08	Transmission	IND3 07	IND3 08
BE-VL	2BE	NC	NC	CA, SA	X	X
	Prime Action	NC	NC	CA	NC	X
	Prime Action +1	NC	NC	CA	NC	X
	Prime Family	NO	NC	CA	NO	X
	Prime Fezztival	NC	NC	CA	NC	X
	Prime One / Star HD	NC	NC	CA	NC	X
	Prime Series	NC	NC	CA	NC	X
	Prime Star	NC	NC	CA	NC	X
	Prime Star +1	NC	NC	CA	NC	X
	VijfTV	NC	NC	CA, SA	X	X
	VT4	NC	NC	CA, SA	X	X
BE-FR	AB3	3,60%	3,60%	CA, SA, MO, IP	V	X
BG	BNT SAT	NC	NC	SA	X	X
	DIEMA	2,00%	2,80%	CA, SA	X	X
	DIEMA 2	1,00%	0,90%	CA, SA	X	X
	DIEMA Family	1,70%	3,20%	CA, SA	X	X
	GTV Gotinata Televizija	NO	1,50%	TE, CA, SA	NO	X
	MM	0,10%	0,10%	CA, SA	X	X
	MSAT	NC	6,90%	CA, SA	X	X
	Super 7	NC	3,30%	CA, SA, IP	X	X
	TV Evropa	11,40%	12,60%	CA, SA	X	X
CZ	Cinemax	NC	NC	SA	X	X
	Cinemax2	NC	NC	SA	NC	X
	Filmbox	NC	NC	SA	V	X
	HBO	NC	NC	SA	X	X
	HBO 2 PL	NC	NC	SA	X	X
	HBO ADRIA	NC	NC	SA	X	X
	HBO COMEDY ADRIA	NC	NC	SA	X	X
	HBO Comedy Poland	NC	NC	SA	X	X

	HBO COMEDY REGIONAL	NC	NC	SA		X	X
	HBO HU	NC	NC	SA		X	X
	HBO PL	NC	NC	SA		X	X
	HBO RO	NC	NC	SA		X	X
	HBO2	NC	NC	SA		X	X
	Nonstop kino HD/Filmbox HD	NC	NC	SA		X	X
	Nonstop kino/Filmbox Extra	NC	NC	SA		X	X
	Nova Cinema	NO	0,38%	TE, SA		NO	X
	Prima TV	19,36%	17,93%	TE		V	X
DK	TV 2 Film	1,10%	1,10%	SA		X	X
	TV 2 Zulu	2,50%	2,30%	SA		X	X
DE	Comedy Central (Germany)	0,30%	0,30%	CA, SA		X	X
	Discovery Channel Germany	NC	NC	CA, SA		X	X
	Discovery HD Germany	NC	NC	CA, SA		X	X
	Disney Channel Germany	NC	NC	CA, SA, IP		X	X
	DMAX Deutschland	0,90%	1,10%	TE, CA, SA, MO, IP		X	X
	Jetix (Germany)	NC	NC	CA, SA		X	X
	Kabel Eins	5,60%	5,50%	TE, CA, SA, IP		X	X
	Kabel Eins Classics	NC	NC	CA, SA, IP		X	X
	NICK (Germany)	0,70%	0,80%	CA, SA		X	X
	Playhouse Disney Germany	NC	NC	CA, SA, IP		X	X
	Premiere Serie +Krimi	1,80%	NC	CA, SA		X	X
	RTL 2	3,90%	3,80%	TE, CA, SA		X	X
	Super RTL	2,60%	2,40%	TE, CA, SA, IP		X	X
	Toon Disney Germany	NC	NC	CA, SA, IP		X	X
IE	Channel 6/3e	0,60%	0,70%	CA, SA		X	X
	RTE 2	12,10%	11,50%	TE, CA, SA, MO, IP		X	X
	TV3 (Ireland)	12,80%	12,30%	TE, CA, SA		X	X
EL	BOOMERANG (on NOVA as of 1/10/2008)	NC	NC	SA		X	X
	CARTOON NETWORK	NC	NC	SA		X	X
	DISCOVERY	NC	NC	SA		X	V
	FILMNET 2 renamed NOVACINEMA2	NC	NC	SA		X	X
	FILMNET 3 renamed NOVACINEMA3	NC	NC	SA		X	V

	HISTORY CHANNEL	NC	NC	SA	X	X
	JETIX	NC	NC	SA	X	X
	MAD GREEKZ (on NOVA as of 12/9/2008)	NC	NC	SA	X	V
	MGM	NC	NC	SA	X	X
	MTV	NC	NC	SA	X	X
	NATIONAL GEOGRAPHIC	NC	NC	SA	X	X
	TCM	NC	NC	SA	X	X
	TRAVEL CHANNEL	NC	NC	SA	X	X
	VH1	NC	NC	SA	X	X
ES	300	0,00%	0,00%	TE	X	X
	7RM	0,09%	0,10%	TE	V	X
	8TV	0,25%	0,50%	TE	X	X
	Animax (Spain)	NO	0,00%	SA	NO	X
	Aprende Ingles	NC	0,00%	TE, CA	X	V
	Aprende Ingles	NC	0,00%	TE, CA	X	V
	Aragón Sat	0,00%	0,00%	SA, IP	X	V
	AXN España	0,44%	0,40%	SA	X	X
	Buzz	0,01%	0,00%	CA, SA	X	X
	Calle 13	0,25%	0,30%	CA, SA	X	X
	Canal + 30	0,40%	0,10%	SA	V	X
	Canal + España HD	NC	NC	SA	V	X
	Canal de Historia	0,12%	0,10%	CA, SA	X	X
	Canal+ 2	0,10%	0,10%	SA	V	X
	Canal+ Acción	0,08%	0,10%	SA	X	X
	Canal+ Acción 30	0,02%	0,00%	SA	X	X
	Canal+ Comedia	0,05%	0,10%	SA	X	X
	Canal+ Comedia 30	0,02%	0,00%	SA	X	X
	Canal+ DCine	0,05%	0,06%	SA	X	X
	Canal+ Dcine HD	NC	NC	SA	X	X
	Canal+ España	0,36%	0,30%	SA	V	X
	CineStar	0,09%	0,20%	CA, SA	X	X
	Cosmopolitan TV (Spain)	0,17%	0,20%	CA, SA	X	X
	DISNEY CHANNEL (julio/08)	NO	0,70%	TE	NO	X

	Disney Channel España	0,13%	0,40%	CA, SA	X	X
	Disney Channel España +1	0,08%	0,10%	CA, SA	X	X
	FOX (Spain)	0,48%	0,42%	CA, SA	X	X
	Kidsco (version in Spanish)	0,07%	0,10%	CA, SA	V	X
	Las Provincias TV (in: octub/06)	NC	NC	TE	X	X
	MGM (Spain)	0,07%	0,10%	CA, SA	X	X
	Nickelodeon (version in Spanish)	0,09%	0,10%	CA, SA	X	X
	Onda 6	NC	NC	TE	V	X
	Popular TV Comunidad Valenciana (in: oct/06)	0,21%	NC	TE	V	X
	Sci-Fi España (in: 01/06/06)	0,07%	0,07%	CA, SA	X	X
	Set en Veo (in: enero/06)	0,08%	0,10%	TE	X	X
	Taquilla 1	NC	NC	SA	X	X
	Taquilla 2	NC	NC	SA	X	X
	Taquilla 3	NC	NC	SA	X	X
	Taquilla 4	NC	NC	SA	X	X
	Taquilla 5	NC	NC	SA	X	X
	Taquilla 6	NC	NC	SA	X	X
	Taquilla 7	NC	NC	SA	X	X
	Taquilla 8	NC	NC	SA	X	V
	Taquilla X	NC	NC	SA	X	X
	Taquilla XX	NC	NC	SA	X	V
	Taquilla XX HARD	NC	NC	SA	X	X
	TEIb	NC	NC	SA	X	V
	Telemadrid	1,58%	1,60%	TE	X	X
	The Biography Channel (Spain)	NC	0,00%	CA, SA	X	X
	TVCanaria	0,37%	0,40%	TE	X	X
	Vevo TV	0,05%	0,10%	TE	X	V
	XTRM	NC	0,20%	CA, SA	X	X
	XY	NC	NC	SA	X	X
FR	NRJ 12	NC	NC	TE	X	X
	TF6	NC	NC	TE, CA, SA, MO	X	V
	Trace TV	NC	NC	CA, SA, MO	X	X
IT	administra.it	NC	NC	SA	X	NC

Antenna 10 (Abruzzo)	NC	NC	SA	NC	X
Arcoiris TV	NC	NC	IP	X	NC
Betting Channel	NC	NC	SA	NC	X
Boing TV	0,20%	NC	TE, SA	X	X
Canale 6 (TeleLombardia 2)	NC	NC	SA	X	X
CASA ITALIA	NC	NC	SA	NC	X
Challenger WORLD NEWS	NC	NC	SA	NC	X
Comedy Central (Italy)	NC	NC	SA	X	X
Cooltoon	NO	NC	SA	NO	X
Di.TV (Italia)	NC	NC	SA	X	X
Disney Channel Italia	0,30%	0,30%	TE	X	V
Disney Channel Italia +1	0,10%	0,10%	TE	X	V
FOX (Italy)	0,30%	0,30%	SA	X	X
FOX +1 (italy)	0,00%	0,10%	SA	X	X
FOXCRIME (version in Italian)	0,50%	0,40%	SA	X	X
FOXCRIME + 1 (version in Italian)	0,10%	0,10%	SA	X	X
FOXlife (version in Italian)	0,20%	0,20%	SA	X	X
FOXlife + 1 (version in Italian)	1,00%	0,10%	SA	X	X
FX (Italy)	0,10%	0,10%	SA	V	X
GALAXY TV	NC	NC	SA	NC	X
Globe Media	NO	NC	SA	NO	X
Italia 1	10,60%	10,80%	TE, SA	X	X
Italiani nel Mondo Channel	NC	NC	SA	X	V
Jimmy (Italy)	0,00%	0,10%	SA	NC	X
Match Music	NC	NC	SA	X	X
Mediolanum Channel	NC	NC	SA	X	NC
MONDOARTE	NC	NC	SA	NC	X
Napoli Canale 21	NC	NC	SA	NC	X
National Geographic Channel HD (Italy)	0,00%	0,00%	SA	X	V
Next HD	0,00%	0,00%	SA	X	X
Nickelodeon Italia	NC	NC	SA	X	V
Nostradamus TV	NC	NC	SA	NC	X
ONE MINUTE TV	NC	NC	SA	NC	X

PET MANIA TV	NC	NC	SA	NC	X
PUNTO SAT 1	NC	NC	SA	NC	X
PUNTO SAT 2	NC	NC	SA	NC	X
PUNTO SAT 3	NC	NC	SA	NC	X
RAI Gulp	0,10%	0,20%	TE	NC	X
RED	NO	NC	SA	NO	X
RaiSat	NC	NC	SA	NC	X
RTB International	NC	NC	SA	X	X
Sardegna Uno Sat	NC	NC	SA	V	X
SKY Cinema +1	NO	0,20%	SA	NO	X
SKY Cinema +24	NO	NC	SA	NO	X
SKY Cinema 1	0,20%	0,30%	SA	X	X
SKY Cinema 2	0,20%	NO	SA	X	NO
SKY Cinema Family	NO	0,20%	SA	NO	X
SKY Cinema HD	0,00%	NC	SA	X	X
SKY Cinema Hits	NO	0,20%	SA	NO	X
SKY Cinema Max	0,20%	0,20%	SA	X	X
SKY Cinema Max +1	0,00%	0,00%	SA	X	X
Sky Sport 16:9	0,00%	NO	SA	X	NO
Sport Channel (Italy)	NC	NC	SA	NC	X
Studio Universal	NC	NC	SA	EX	X
T 9 (Lazio)	NC	NC	SA	V	X
Taxi Channel	NC	NC	SA	NC	X
TBN Italia	NC	NC	SA	X	X
Tele Pace	NC	NC	SA	NC	X
Teleisernia	NC	NC	SA	V	X
TELEITALIA	NC	NC	SA	X	X
Telemax	NC	NC	SA	X	X
TELENORD	NC	NC	SA	X	X
Telestudio (Lazio)	NC	NC	SA	X	X
Telesubalpina	NC	NC	SA	X	X
TLC Telecampione	NC	NC	SA	X	X
Toon Disney Italia	0,10%	0,10%	TE	X	V

	TRSP (Télé Radio San Pietro)	NC	NC	SA		NC	X
	TV Centro Marche	NC	NC	SA		X	X
	TV Moda	NC	NC	SA		NC	X
	Ulisse	NC	NC	SA		NC	X
	UnoSat	NC	NC	SA		NC	X
	VENETO FREE CHANNEL	NC	NC	SA		NC	X
	VIDEOITALIA	NC	NC	SA		X	X
	Videolina	NC	NC	SA		X	X
	YKS The Internet Generation Channel	NO	NC	SA		NO	X
CY	Alfa TV (Cyprus)	NC	NC	TE		X	X
	CNC Plus TV	2,90%	3,70%	TE		X	X
	LTV (Lumiere TV)	NC	NC	TE		X	X
	MEGA (Cyprus)	13,70%	11,90%	TE		X	X
	RIK1 (CyBC1)	13,40%	15,50%	TE		X	X
	RIK2 (CyBC2)	5,80%	5,70%	TE		X	X
	SIGMA	19,10%	20,00%	TE		X	X
LV	LNT	18,00%	18,14%	TE		X	X
LT	LNK	22,00%	21,00%	TE, CA, IP		X	X
	TV1	1,60%	2,00%	TE, CA, IP		X	X
	TV3	26,60%	26,00%	TE, CA, SA, IP		X	X
	TV6	2,00%	2,00%	TE, CA, SA, IP		X	X
LU	RTL 8	2,80%	2,70%	TE, CA, SA		V	X
	RTL9	1,20%	0,80%	TE, CA		X	V
HU	4-es csatorna	NC	NC	SA		V	X
	HBO (Hungary)	0,40%	0,00%	SA		X	NC
	HBO 2 (Hungary)	NC	NC	SA		X	NC
	Viasat3 Hungary	5,40%	4,70%	SA		X	X
MT	Smash TV	0,24%	0,30%	TE, CA		X	X
	U TV (Malta)	0,00%	NO	TE, CA		X	NO
NL	Action Now	NC	NC	CA, SA, IP		X	X
	Arrivo (Austria)	NC	NC	CA		X	X
	Arrivo (Switzerland)	NC	NC	CA		X	X
	Blue Hustler	NC	NC	CA, SA		X	X

	Canal Panda	NO	NC	CA	NO	X
	Comedy Central	0,70%	0,90%	CA	X	X
	Film1	NC	NC	CA, SA	X	X
	Film1 Action	NO	NC	CA, SA	NO	X
	Film1.2	NC	NC	CA, SA	X	X
	Film1.3	NC	NC	CA, SA	X	X
	Free-X TV	NC	NC	SA	X	X
	FreeX TV2	NC	NC	SA	X	X
	Hustler TV	NC	NC	CA, SA	X	X
	Jetix/Veronica	3,90%	3,50%	CA	X	V
	MTV Brand New	NC	NC	CA	V	X
	MTV The Netherlands	0,90%	0,70%	CA	X	NC
	Net 5	4,80%	4,90%	CA, SA	X	V
	NICK Hits	NC	NC	CA	V	X
	Nick Jr.	NC	NC	CA	X	X
	NICK Toons	NC	NC	CA	X	X
	Nickelodeon	2,20%	2,20%	CA	X	X
	Spice	NC	NC	TE	X	NC
	The Word Network	NC	NC	SA	X	X
	TMF NL	NC	NC	CA	V	X
	TMF Pure	NC	NC	CA	X	X
	X-dream tv	NC	NC	SA	X	V
	Xite v.h. BASE7	NO	NC	CA	NO	X
	XXX Xtreme	NC	NC	CA, SA	X	X
AT	ATV (Austria)	3,00%	3,60%	TE, CA, SA, MO	X	X
	ORF1	18,00%	15,20%	TE, CA, SA, MO	X	X
	Premiere Austria	NC	NC	CA, SA	X	X
PL	Ale kino!	0,20%	0,20%	SA	V	X
	Canal+ Polska	0,10%	0,10%	SA	X	X
	Canal+ Polska Żółty	0,10%	0,10%	SA	X	X
	Kuchnia TV	0,00%	0,10%	SA	X	V
	TELE 5	0,30%	0,30%	SA	X	X
	TVN Siedem	1,50%	1,60%	SA	X	X

	Zigzap	0,20%	0,20%	SA	X	X
PT	MOV	NO	NC	CA, SA	NO	X
	SIC Mulher	1,10%	1,20%	CA, SA	X	X
	SIC Radical	1,00%	1,30%	CA, SA	V	X
	TVC 1	NC	NC	CA, SA	NC	X
	TVC 2	NC	NC	CA, SA	NC	X
	TVC 3	NC	NC	CA, SA	NC	X
	TVC 4	NC	NC	CA, SA	NC	X
RO	Acasa TV	10,50%	7,70%	CA, SA	X	X
	Boom Action	NC	NC	SA	X	X
	Boom Classic	NC	NO	SA	X	NO
	Boom Comedy	NC	NC	SA	X	X
	Boom Drama	NC	NC	SA	X	X
	Credo TV	NC	NC	SA	X	V
	Focus TV	NC	NC	SA	X	X
	N24 (Romania)	NC	0,70%	CA, SA	X	V
	Pro Cinema	2,20%	1,20%	CA, SA	X	X
	Pro TV	18,30%	12,80%	TE, CA, SA	X	V
	TVR1	11,80%	5,10%	TE, CA, SA, MO, IP	V	X
SI	i-TV	NC	NC	TE	X	V
	NET TV (Slovenia)	NC	NC	CA	X	X
	RTS (Slovenia)	NC	NC	TE, CA	X	V
	TELEVIZIJA CELJE	NC	NC	TE, CA	X	X
	TV Pika	NC	NC	TE, CA, SA	X	X
	TV3 Slovenia	NC	NC	CA	X	X
	Vaš kanal	NC	NC	TE, CA	X	NC
	VAŠA TELEVIZIJA (VTV)	NC	NC	TE, CA	X	X
FI	KinoTV	0,10%	0,20%	TE, CA, SA	X	X
	MTV3 AVA (from 3/2008 on)	NO	1,00%	CA, SA	NO	X
	MTV3 Fakta	0,50%	1,00%	TE, CA, SA	X	X
	MTV3 MAX	1,00%	1,00%	TE, CA, SA	V	X
	MTV3 Sarja (from 3/2008 on)	NO	1,00%	CA, SA	NO	X
	Sub	6,70%	6,00%	TE, CA, SA	X	X

	Sub Leffa	0,50%	1,00%	TE, CA, SA	X	X
SE	Canal+ Action(Sweden)	0,10%	0,10%	TE, CA, SA	X	X
	Canal+ Comedy(Sweden)	0,20%	0,20%	TE, CA, SA	X	X
	Canal+ Drama(Sweden)	0,10%	0,10%	TE, CA, SA	X	X
	Canal+ Film HD (Sweden)	NC	NC	TE, CA, SA	X	X
	Canal+ First (Sweden)	0,30%	0,20%	TE, CA, SA	X	X
	Canal+ Hits (Sweden)	NC	NC	TE, CA, SA	X	X
	Lifestyle TV	NC	NC	SA	X	X
	Nonstop TV7	NO	NC	TE, CA, SA, IP	NO	X
	Showtime Scandinavia	NC	NC	TE, CA, SA, IP	X	X
	TV SciFi	NO	0,10%	TE, CA, SA, IP	NO	X
	TV1000 (Balkan)	NC	NC	CA, SA, IP	X	X
	TV1000 (East Europé)	0,34%	0,44%	CA, SA, IP	X	X
	TV1000 (Poland)	NC	NC	CA, SA, IP	X	X
	TV1000 (Scandinavia)	0,19%	0,21%	CA, SA, IP	X	X
	TV1000 Action	0,11%	0,15%	CA, SA, IP	X	X
	TV1000 Action East	NO	NC	CA, SA, IP	NO	X
	TV1000 Classic	0,05%	0,06%	CA, SA, IP	X	X
	TV1000 Family	0,11%	0,11%	CA, SA, IP	X	X
	TV1000 Premium (Baltic)	NO	NC	CA, SA, IP	NO	X
	TV4 Fakta	NO	0,70%	TE, CA, SA, IP	NO	X
	TV4 Film	0,80%	0,90%	TE, CA, SA, IP	X	X
	TV4 Guld	0,20%	0,30%	CA, SA	X	X
	TV4 Komedi	0,20%	0,20%	CA, SA	X	X
	TV400	0,60%	0,60%	TE, CA, SA, IP	X	X
UK	100% Babes	NC	NC	CA, SA	X	X
	13th Street	NC	NC	CA, SA	X	X
	18 Plus Movies	NC	NC	CA, SA	X	X
	3+	NC	NC	CA, SA	X	X
	3+ (Baltics)	NC	NC	CA, SA	V	X
	ABC 1	NC	NO	CA, SA	X	NO
	ACTIONMAX	NC	NC	CA, SA	X	X
	Africa Channel	NO	NC	CA, SA	NO	X

AIT Movistar	NO	NC	CA, SA	NO	X
Al Jazeera	NC	NC	CA, SA	X	X
Animax	NC	NC	CA, SA	X	X
Anime+	NC	NC	CA, SA	X	X
AXN	NC	NC	CA, SA	X	X
AXN (Germany, Switzerland, Austria)	NC	NC	CA, SA	X	X
AXN (Italy)	NC	NC	CA, SA	X	X
AXN Crime	NC	NC	CA, SA	X	X
AXN Sci-Fi	NC	NC	CA, SA	X	X
Baby First TV	NC	NC	CA, SA	X	X
Baby TV	NC	NC	CA, SA	X	X
BEN TV	NO	NC	CA, SA	NO	X
Bio	NC	NC	CA, SA, IP	X	X
Bio HD	NO	NC	CA, SA	NO	X
Blighty	0,10%	0,10%	CA, SA, IP	V	X
Boomerang (French)	NC	NC	CA, SA	X	X
Boomerang (German)	NC	NC	CA, SA	X	X
Boomerang (Italian)	NC	NC	CA, SA	X	X
Boomerang (Pan European)	0,30%	0,20%	CA, SA, IP	X	X
Boomerang (Spain)	NC	NC	CA, SA	X	X
Boomerang(Nordic)	NC	NC	CA, SA	X	X
Bravo	0,30%	0,20%	CA, SA	X	X
Bravo 2	0,20%	0,10%	CA, SA	X	X
Cartoon Network (EMEA)	NC	NC	CA, SA	X	X
Cartoon Network (French Lang.)	NC	NC	CA, SA	X	X
Cartoon Network (Germany)	NC	NC	CA, SA	X	X
Cartoon Network (Italian)	NC	NC	CA, SA	X	X
Cartoon Network (Nordic)	NC	NC	CA, SA	V	X
Cartoon Network (Spanish Lang)	NC	NC	CA, SA	X	X
Cartoon Network Too	0,10%	0,20%	CA, SA, IP	X	X
Cartoon Network UK	0,30%	0,20%	CA, SA, IP	X	X
Cartoon Network/Turner Classic Movies (CEE)	NC	NC	CA, SA	X	X
Cartoon Networks Boomerang	NC	NC	CA, SA	X	X

Cartoonito	NC	NC	CA, SA	X	X
CNBC Europe	NC	NC	CA, SA, IP	X	X
CNBC Europe (Central)	NC	NO	CA, SA	X	NO
Comedy Central	0,30%	0,30%	CA, SA, IP	X	X
Comedy Central (Ireland)	NC	NC	CA, SA	V	X
Comedy Central Extra	0,20%	0,20%	CA, SA, IP	X	X
Comedy Central Polska	NC	NC	CA, SA	X	X
Controversial TV	NO	NC	CA, SA	NO	X
Crime & Investigation Network	0,10%	0,20%	CA, SA	X	X
Crime & Investigation Network HD	NO	NC	CA, SA	NO	X
Cultoon Television	NC	NC	CA, SA	X	X
Disc Channel (Benleux)	NC	NC	CA, SA	X	X
Discovery (Central & Eastern Europe)	NC	NC	CA, SA	X	X
Discovery Channel (Italy)	NC	NC	CA, SA	X	X
Discovery Channel (Scand)	NC	NC	CA, SA	X	X
Discovery Channel (UK)	0,30%	0,20%	CA, SA, IP	X	X
Discovery Channel France	NC	NC	CA, SA	X	X
Discovery Channel Nordic	NC	NC	CA, SA	X	X
Discovery HD	NC	NC	CA, SA	X	X
Discovery HD Europe	NC	NC	CA, SA	X	X
Discovery Historia	NC	NC	CA, SA	X	X
Discovery Science Channel (Italy)	NC	NC	CA, SA	X	X
Discovery Science UK	0,10%	0,10%	CA, SA	X	X
Discovery Travel & Living	0,10%	NC	CA, SA	V	X
Disney Channel	0,50%	0,50%	CA, SA, IP	X	X
Disney Cinemagic	0,10%	NC	CA, SA	X	X
Diva	NC	NC	CA, SA	X	X
DMAX	NO	0,10%	CA, SA	NO	X
E!	0,10%	0,10%	CA, SA	X	X
E! Entertainment Television (France)	NC	NC	CA, SA	X	X
E! Entertainment Television (Italy)	NC	NC	CA, SA	X	X
E! Entertainment Television (UK & Ireland)	NC	NC	CA, SA	X	X
E4	1,30%	1,20%	CA, SA, IP	V	X

EWTN	NC	NC	CA, SA	X	X
f/x Channel	0,20%	0,20%	CA, SA	X	X
Film 4	0,70%	0,90%	CA, SA, IP	X	X
Five USA	0,60%	0,60%	CA, SA, IP	X	X
Flava	NC	NC	CA, SA	V	X
GMTV2	NC	NC	CA, SA	V	X
Hallmark (Nordics)	NC	NC	CA, SA	X	X
Hallmark Channel (Benelux)	NC	NC	CA, SA	X	X
Hallmark Channel (Bulgaria)	NC	NC	CA, SA	X	X
Hallmark Channel (Czech Republic)	NC	NC	CA, SA	X	X
Hallmark Channel (Italy)	NC	NC	CA, SA	X	X
Hallmark Channel (Poland)	NC	NC	CA, SA	X	X
Hallmark Channel (Romania)	NC	NC	CA, SA	X	X
Hallmark Ent UK	0,60%	0,50%	CA, SA, IP	X	X
History Channel Europe	NC	NC	CA, SA	X	X
History Channel HD	NC	NC	CA, SA	X	X
History Euro HD	NC	NC	CA, SA	X	X
HiTV	NO	NC	CA, SA	NO	X
Home	0,20%	0,20%	CA, SA, IP	X	V
Hustler TV UK	NC	NC	CA, SA	X	X
ITV4	0,10%	0,10%	CA, SA	X	V
Jetix (FKU)	NC	NC	CA, SA	V	X
Jetix CEE	NC	NC	CA, SA	V	X
Jetix Poland	NC	NC	CA, SA	V	X
Jetix UK	0,10%	0,10%	CA, SA, IP	X	X
Kanal 4	NC	NC	CA, SA	X	X
Kanal 5	NC	NC	CA, SA	X	X
Kanal 5 Denmark	NC	NC	CA, SA	X	X
Kanal 9	NC	NC	CA, SA	X	X
Kanal Fem	NC	NC	CA, SA	X	X
Kerrang	0,10%	NC	CA, SA	X	X
KIDSCO	NC	NC	CA, SA	X	X
Kino Auf Abruf	NC	NC	CA, SA	X	X

Kiss	0,10%	0,10%	CA, SA	X	X
Kix!	NO	NC	CA, SA	NO	X
LA Babes	NC	NC	CA, SA	V	X
Life Television	NC	NC	CA, SA	X	V
Living TV	0,70%	0,60%	CA, SA	X	X
Loveworld TV	NC	NC	CA, SA	X	X
Military History	NO	NC	CA, SA	NO	X
Mobile Arena TV	NC	NO	CA, SA	X	NO
Movies 24	0,10%	0,10%	CA, SA	X	X
Movies 24 (Hungary, Poland, Romania, Turkey)	NC	NC	CA, SA	X	X
movies 24 +	NC	0,10%	CA, SA	X	X
Movies4Men	0,10%	NC	CA, SA	X	X
MTV (Ireland)	NC	NC	CA, SA	X	X
MTV Base	0,10%	0,10%	CA, SA	X	X
MTV Base (France)	NC	NC	CA, SA	X	X
MTV Denmark	NC	NC	CA, SA	X	X
MTV Europe (North)	NC	NC	CA, SA	X	X
MTV Finland	NC	NC	CA, SA	X	X
MTV France	NC	NC	CA, SA	X	X
MTV Nordic (Sweden)	NC	NC	CA, SA	X	X
MTV Norway	NC	NC	CA, SA	X	X
MTV ONE	0,20%	0,10%	CA, SA, IP	X	X
MTV Polska	NC	NC	CA, SA	X	X
MTV Portugal	NC	NC	CA, SA	X	X
MTVNHD(Europe)	NO	NC	CA, SA	NO	X
MTVNHD(UK)	NC	NC	CA, SA	V	X
MTVR	NC	NC	CA, SA	X	V
Muslim TV Ahmadiyya	NC	NC	CA, SA	X	X
n Talk	NC	NC	CA, SA	X	X
Nat Geo Wild (Eu)	0,10%	NC	CA, SA	X	X
National Geographic Channel	0,10%	0,10%	CA, SA, IP	X	X
National Geographic Channel - Central Europe	NC	NC	CA, SA	X	X
National Geographic Channel Benelux	NC	NC	CA, SA	X	X

National Geographic Channel HD	NC	NC	CA, SA	X	X
NGHD Benelux	NC	NC	CA, SA	X	X
NGHD Poland	NC	NC	CA, SA	X	X
Nick Jr	0,40%	0,40%	CA, SA	X	X
Nick Jr. (Eire)	NC	NC	CA, SA	X	X
Nickelodeon	0,30%	0,30%	CA, SA	X	X
Nickelodeon (Eire)	NC	NC	CA, SA	X	X
Nickelodeon (France)	NC	NC	CA, SA	X	X
Nickelodeon Europe	NC	NC	CA, SA	X	V
Nickelodeon Portugal	NC	NC	CA, SA	X	V
Nickelodeon Scandinavia	NC	NC	CA, SA	X	V
Nicktoons TV	0,30%	0,20%	CA, SA, IP	X	X
Nicktoonsters	NO	NC	CA, SA	NO	X
NigeriaMovies	NO	NC	CA, SA	NO	X
Open Access 2	NC	NC	CA, SA	X	X
Paul Raymond TV	NC	NC	CA, SA	X	X
Playboy	NC	NC	CA, SA	X	X
Playboy (France)	NC	NC	CA, SA	X	X
Playboy TV	NC	NC	CA, SA	X	X
POP	0,10%	NC	CA, SA	X	X
Pop girl	NC	NC	CA, SA	X	X
Real Estate TV	NC	NC	CA, SA	V	X
Real Estate TV 2	NC	NC	CA, SA	V	X
Really	0,10%	0,10%	CA, SA	X	V
Sci Fi (French Language)	NC	NC	CA, SA	X	X
Sci Fi (Poland)	NC	NO	CA, SA	X	NO
SCI-FI (Benelux)	NC	NC	CA, SA	X	X
Sci-Fi Channel Europe	0,30%	0,20%	CA, SA, IP	X	X
Scuzz	NC	NC	CA, SA	V	X
Select Kino	NC	NC	CA, SA	X	X
Showcase TV	NC	NC	CA, SA	V	X
Sky Box Office	NC	NC	CA, SA	X	X
Sky Movies Action/Thriller	0,20%	0,20%	CA, SA	X	X

Sky Movies Classics	0,10%	0,10%	CA, SA	X	X
Sky Movies Comedy	0,20%	0,20%	CA, SA	X	X
Sky Movies Drama	0,10%	0,10%	CA, SA	X	X
Sky Movies Family	0,20%	0,10%	CA, SA	X	X
Sky Movies HD 1	NO	NC	CA, SA	NO	X
Sky Movies Indie	0,10%	NC	CA, SA	X	X
Sky Movies Modern Greats	0,10%	0,10%	CA, SA	X	X
Sky Movies Premier	0,20%	0,20%	CA, SA	X	X
Sky Movies Sci-Fi/Horror	0,10%	0,10%	CA, SA	X	X
Sky One	1,10%	1,00%	CA, SA, IP	X	X
Sky Two	0,40%	0,40%	CA, SA, IP	X	X
Southern Africa Direct	NC	NC	CA, SA	X	X
Spice Extreme	NC	NC	CA, SA	X	X
Supreme Master TV	NC	NC	CA, SA	X	V
TCM (French Language)	NC	NC	CA, SA	X	X
TCM (Germany)	NC	NC	CA, SA	X	X
TCM (Spanish Language)	NC	NC	CA, SA	V	X
TCM (Turner Classic Movies)	20,00%	0,10%	CA, SA	X	X
TCM Clasico	NC	NC	CA, SA	X	X
TCM Pan European	NC	NC	CA, SA	X	X
TCM2	NC	NC	CA, SA	X	X
The History Channel	0,10%	0,10%	CA, SA	X	X
The Style Network	NC	NC	CA, SA	X	X
The Travel Channel	NC	NC	CA, SA	V	X
The Voice TV (Denmark)	NC	NC	CA, SA	X	X
The Voice TV (Norway)	NC	NC	CA, SA	X	X
The Voice TV (Sweden)	NC	NC	CA, SA	X	X
TheMGM Channel	NC	NC	CA, SA	X	X
Tiny Pop	0,10%	0,10%	CA, SA	X	X
TMF	0,30%	0,30%	CA, SA, IP	X	X
TNT (Spain)	NC	NC	CA, SA	X	X
Travel - Polish service	NC	NC	CA, SA	V	X
Trouble	0,10%	NC	CA, SA	X	X

True Movies	0,10%	0,10%	CA, SA	X	X
True Movies 2	0,10%	0,10%	CA, SA	X	X
TV 6	NO	NC	CA, SA	NO	X
TV3 Denmark	NC	NC	CA, SA	X	X
TV3 Norway	NC	NC	CA, SA	X	X
TV3 Sweden	NC	NC	CA, SA	X	X
UCBTV	NC	NC	CA, SA	V	X
UK Food	0,20%	0,20%	CA, SA	X	V
Universal (Poland)	NC	NC	CA, SA	X	X
Universal (Romania)	NO	NC	CA, SA	NO	X
Urban TV	NC	NO	CA, SA	X	NO
VH1 - Export	NC	NC	CA, SA	X	X
VH1 Classic	0,10%	NC	CA, SA, IP	X	X
VH1 Europe Classics	NC	NC	CA, SA	X	X
VH1 Polska	NC	NC	CA, SA	X	V
Viasat 4	NC	NC	CA, SA	X	X
Viasat Explorer	NC	NC	CA, SA	V	X
Virgin 1	0,30%	0,50%	CA, SA	X	X
Voce	NO	NC	CA, SA	NO	X
Wedding TV	NC	NC	CA, SA	X	X
Wild	NC	NC	CA, SA	X	X
Xtreme Babes	NC	NC	CA, SA	X	X
Zone Club (Pan-European)	NC	NC	CA, SA	V	X
Zone Europa	NC	NC	CA, SA	X	X
Zone Fantasy	NC	NC	CA, SA	X	X
Zone Horror	0,10%	0,10%	CA, SA	X	X
Zone Horror (Netherlands)	NC	NC	CA, SA	X	X
Zone Reality	0,10%	0,10%	CA, SA	X	X
Zone Reality (EMEA 2)	NC	NC	CA, SA	X	X
Zone Reality (Poland)	NO	NC	CA, SA	NO	X
Zone Reality (UK)	NC	NC	CA, SA	X	X
Zone Reality Extra	NC	NC	CA, SA	X	X
Zone Romantica	NC	NC	CA, SA	X	X

Zone Romantica 2	NO	NC	CA, SA	NO	X
Zone Thriller	NC	NC	CA, SA	X	X
ZTV Norway	NC	NO	CA, SA	X	NO

ANNEX 6: LIST OF TELEVISION CHANNELS IN THE MEMBER STATES WHICH FAILED TO ACHIEVE THE MINIMUM PROPORTION REQUIRED BY ARTICLE 5

Country	Channel	AS 07	AS 08	Transmission	IND5 07	IND5 08
BE-VL	11 (version in Flemish)	NC	NC	CA	X	X
	11 TV PPV (version in Flemish)	NC	NC	CA	X	X
	Move-on (version in Flemish)	NC	NC	CA	X	NC
	Move-X TV (version in Flemish)	NC	NC	CA	X	NC
	TMF Vlaanderen	NC	NC	CA	NC	X
	Zoom (version in Flemish)	NC	NC	CA	X	X
BG	BBT	0,60%	0,50%	CA, SA	V	X
	DIEMA	2,00%	2,80%	CA, SA	NC	X
	Super 7	NC	3,30%	CA, SA, IP	X	X
	TV Evropa	11,40%	12,60%	CA, SA	X	X
	TV7 (Bulgaria)	0,70%	2,60%	CA, SA, IP	X	V
CZ	Cinemax	NC	NC	SA	X	V
	CS film	NC	NC	SA	X	NC
	FUN1	NC	NC	CA, SA, IP	X	NC
	HBO	NC	NC	SA	X	V
	HBO 2 PL	NC	NC	SA	X	V
	HBO ADRIA	NC	NC	SA	X	V
	HBO COMEDY ADRIA	NC	NC	SA	X	V
	HBO Comedy Poland	NC	NC	SA	X	V
	HBO COMEDY REGIONAL	NC	NC	SA	X	V
	HBO HU	NC	NC	SA	X	V
	HBO PL	NC	NC	SA	X	V
	HBO RO	NC	NC	SA	X	V
	HBO2	NC	NC	SA	X	V
	DK	24 Sjællandske	NC	NC	SA	X
24NORDJYSKE		NC	NC	SA	X	X
TV 2 Bornholm		NC	NC	TE	X	X

	TV 2 Fyn	NC	NC	TE		X	X
	TV 2 Lorry	NC	NC	TE		X	X
	TV 2 NORD	NC	NC	TE		X	V
	TV 2 ØST	NC	NC	TE		X	X
	TV 2 ØSTJYLLAND	NC	NC	TE		X	X
	TV MIDT-VEST	NC	NC	TE		V	X
	TV SYD	NC	NC	TE		V	X
DE	ARD EinsPlus	NC	NC	TE, CA, SA, IP		X	V
	MTV (Germany)	0,50%	0,50%	TE, CA, SA		X	X
	PHOENIX	0,90%	0,90%	TE, CA, SA		X	X
	ZDF Infokanal	NC	NC	TE, CA, SA, IP		X	X
IE	TV3 (Ireland)	12,80%	12,30%	TE, CA, SA		X	X
EL	ANIMAL PLANET	NC	NC	SA		V	X
	BOOMERANG on NOVA as of 1/10/2008)	NC	NC	SA		X	X
	CARTOON NETWORK	NC	NC	SA		X	V
	CHASSE & PECHE	NC	NC	SA		X	X
	DISCOVERY	NC	NC	SA		X	X
	HISTORY CHANNEL	NC	NC	SA		X	V
	JETIX	NC	NC	SA		X	X
	MAD GREEKZ (on NOVA as of 12/9/2008)	NC	NC	SA		X	X
	MAD MUSIC AWARDS	NC	NC	SA		X	X
	MAD TV	NC	NC	SA		X	V
	MEZZO	NC	NC	SA		X	X
	MGM	NC	NC	SA		X	X
	MTV	NC	NC	SA		X	X
	MTV GREECE (on NOVA as of 27/9/2008)	NO	NC	SA		NO	NO
	PLAYBOY CHANNEL (on NOVA as of 25/6/2007)	NC	NC	SA		X	X
	PRIVATE SPICE (on NOVA as of 25/6/2007)	NC	NC	SA		X	X
	TRAVEL CHANNEL	NC	NC	SA		X	V
	VH1	NC	NC	SA		X	X

ES	NET	9,59%	10,30%	TE, SA	X	X
	40TV	0,05%	0,20%	SA	X	V
	Animax (Spain)	NO	0,00%	SA	NO	NO
	Aprende Ingles	NC	0,00%	TE, CA	V	X
	Aprende Ingles	NC	0,00%	TE, CA	V	X
	Aragón Sat	0,00%	0,00%	SA, IP	X	X
	Canal Clásico	0,01%	0,10%	CA, SA	X	V
	Canal Decasa	NC	0,00%	CA, SA	X	X
	Canal Sur 2	0,75%	0,80%	TE	X	X
	CineStar	0,09%	0,20%	CA, SA	X	X
	Clan TVE (noviembre/05)	0,22%	0,60%	TE, CA, SA	X	X
	Cosmopolitan TV (Spain)	0,17%	0,20%	CA, SA	X	X
	FOX (Spain)	0,48%	0,42%	CA, SA	X	X
	IB3 (in: septiembre/05)	0,18%	0,10%	TE	X	X
	Intereconomía TV (in: febrero/08)	NO	0,10%	TE	NO	NO
	La Otra	0,00%	0,00%	TE	X	V
	MGM (Spain)	0,07%	0,10%	CA, SA	V	X
	Popular TV Canarias	NO	0,50%	TE	NO	NO
	Rioja 4 / Popular TV	0,50%	0,50%	TE	X	X
	Rioja Television	0,63%	0,60%	TE	V	X
	Sci-Fi España (in: 01/06/06)	0,07%	0,07%	CA, SA	X	X
	Set en Veo (in: enero/06)	0,08%	0,10%	TE	X	X
	TPA	0,11%	0,20%	TE	X	V
	TPA 2	10,00%	20,00%	TE	X	V
	TV Popular de la Región	0,50%	0,60%	TE	X	X
	TVE La Primera	17,20%	16,90%	TE, CA, SA, IP	X	X
	XTRM	NC	0,20%	CA, SA	X	X
FR	AB 1	NC	NC	CA, SA	V	X
	Direct 8	NC	NC	TE	EX	X
	TF6	NC	NC	TE, CA, SA, MO	X	V

	TMC	NC	NC	TE	X	X
	W9	NC	NC	TE	X	X
IT	administra.it	NC	NC	SA	X	NC
	Alice	0,00%	0,00%	SA	V	X
	Antenna 10 (Abruzzo)	NC	NC	SA	NC	X
	Betting Channel	NC	NC	SA	NC	X
	Canale 6 (TeleLombardia 2)	NC	NC	SA	X	X
	Canale 8 (Campania)	NO	NC	SA	NO	NO
	CASA ITALIA	NC	NC	SA	NC	X
	Challenger WORLD NEWS	NC	NC	SA	NC	X
	Class News	NO	NC	SA	NO	NO
	Class-CNBC	NC	NC	SA	X	X
	Coming Soon Television	NC	NC	SA	X	NC
	Cooltoon	NO	NC	SA	NO	NO
	Di.TV (Italia)	NC	NC	SA	X	X
	Disney Channel Italia	0,30%	0,30%	TE	X	X
	Disney Channel Italia +1	0,10%	0,10%	TE	X	X
	E' TV Marche	NC	NC	SA	X	NC
	FOX (Italy)	0,30%	0,30%	SA	X	X
	FOX +1 (italy)	0,00%	0,10%	SA	X	X
	FOXCRIME (version in Italian)	0,50%	0,40%	SA	X	V
	FOXCRIME + 1 (version in Italian)	0,10%	0,10%	SA	X	V
	GALAXY TV	NC	NC	SA	NC	X
	Infochannel TV	NC	NC	SA	X	NC
	LA 9 SAT	NC	NC	SA	V	X
	Leonardo	0,00%	0,00%	SA	V	X
	Marco Polo	0,00%	0,00%	SA	V	X
	MONDOARTE	NC	NC	SA	NC	X
	Napoli Canale 21	NC	NC	SA	NC	X
	Napoli Nova	NC	NC	SA	X	NC

Nostradamus TV	NC	NC	SA	NC	X
Nuvolari	0,00%	0,00%	SA	V	X
ONE MINUTE TV	NC	NC	SA	NC	X
PET MANIA TV	NC	NC	SA	NC	X
Playhouse Disney Italia	0,30%	0,30%	TE	X	X
PUNTO SAT 1	NC	NC	SA	NC	X
PUNTO SAT 2	NC	NC	SA	NC	X
PUNTO SAT 3	NC	NC	SA	NC	X
RAI Gulp	0,10%	0,20%	TE	NC	X
RED	NO	NC	SA	NO	NO
Rete 7 E' TV SAT	NC	NC	SA	X	X
RolSat	NC	NC	SA	NC	X
Roma Sat	NC	NC	SA	X	V
SKY Calcio	0,00%	NC	SA	X	X
SKY Cinema HD	0,00%	NC	SA	X	X
SKY Cinema HD +24	NO	NC	SA	NO	NO
SKY Cinema Max	0,20%	0,20%	SA	X	X
SKY Cinema Max +1	0,00%	0,00%	SA	X	X
SKY Inside	0,00%	0,00%	SA	X	X
SKY Meteo 24	0,00%	0,00%	SA	X	X
SKY Sport	0,00%	NC	SA	X	X
SKY Sport 1	0,40%	0,40%	SA	X	X
SKY Sport 2	0,10%	0,10%	SA	V	X
Sky Sport 24	NO	NC	SA	NO	NO
SKY Sport 3	0,10%	0,10%	SA	X	X
SKY Sport EXTRA	0,00%	0,00%	SA	X	X
SKY Sport HD 1	0,00%	0,00%	SA	X	X
SKY Sport HD 2	0,00%	0,00%	SA	X	X
Sky Sport Mobile	NC	NC	MO	X	X
SKY SUPERCALCIO	0,10%	0,10%	SA	X	X

	Sky TG 24	0,20%	0,30%	SA	X	X
	Sport Channel (Italy)	NC	NC	SA	NC	X
	Steel	NO	NC	SA	NO	NO
	Steel +1	NO	NC	SA	NO	NO
	Studio Universal	NC	NC	SA	EX	X
	Taxi Channel	NC	NC	SA	NC	X
	TBN Italia	NC	NC	SA	X	X
	Tele Pace	NC	NC	SA	NC	X
	TeleA sat	NC	NC	SA	X	X
	Teleisernia	NC	NC	SA	X	X
	Telemax	NC	NC	SA	X	X
	TELENORD	NC	NC	SA	X	X
	Telestudio (Lazio)	NC	NC	SA	X	X
	Telesubalpina	NC	NC	SA	X	X
	TLC Telecampione	NC	NC	SA	X	X
	Toon Disney Italia	0,10%	0,10%	TE	X	X
	TRSP (Télé Radio San Pietro)	NC	NC	SA	NC	X
	TV Moda	NC	NC	SA	NC	X
	Ulisse	NC	NC	SA	NC	X
	UnoSat	NC	NC	SA	NC	X
	VENETO FREE CHANNEL	NC	NC	SA	NC	X
	VIDEOITALIA	NC	NC	SA	X	X
	Viva l'Italia channel	NC	NC	SA	V	X
	YKS The Internet Generation Channel	NO	NC	SA	NO	NO
CY	CNC Plus TV	2,90%	3,70%	TE	X	X
LV	LNT	18,00%	18,14%	TE	X	X
	TV5 RIGA	2,20%	3,30%	TE, SA	X	X
LU	Current Italy	NO	NC	SA	NO	NO
HU	FixTV	NC	NC	TE	X	V
	Viasat3 Hungary	5,40%	4,70%	SA	V	X

NL	Action Now	NC	NC	CA, SA, IP	X	X
	Airbox TV	NC	NC	SA	NC	X
	Babestation (v.h. Game Network)	NC	NC	SA	X	X
	Babestation2	NC	NC	SA	V	X
	Blue Kiss	NO	NC	SA	NO	NO
	BVN	NC	NC	TE, CA	X	X
	Comedy Central	0,70%	0,90%	CA	V	X
	Consumenten TV	NC	NC	CA	X	V
	Finest TV	NC	NC	SA	X	X
	Friendly TV	NO	NC	SA	NO	NO
	Het Gesprek	NC	NC	CA	X	V
	Hustler TV	NC	NC	CA, SA	X	X
	LiveXXXtv	NO	NC	SA	NO	NO
	Lucky Star	NO	NC	SA	NO	NO
	NICK Toons	NC	NC	CA	X	X
	Omroep Zeeland	NC	NC	CA	X	X
	Psychic TV	NO	NC	SA	NO	NO
	Sexy Sat 3 TV	NC	NC	SA	X	X
	Sexy Sat 4 TV	NC	NC	SA	X	X
	Sexy Sat Television 1	NC	NC	SA	X	X
	Sexy Sat Television 2	NC	NC	SA	X	X
	Smile TV 2	NO	NC	SA	NO	NO
	Stadsregio TV	NO	NC	CA	NO	NO
	TMF NL	NC	NC	CA	V	X
	WorldMadeChannel	NC	NC	CA	X	X
	Xite v.h. BASE7	NO	NC	CA	NO	NO
	XXX Xtreme	NC	NC	CA, SA	X	X
AT	Puls 4	NC	2,00%	CA, SA, MO	X	V
	Sat.1 Österreich	7,00%	7,10%	TE, CA, SA	V	X
PL	4fun.tv	0,10%	0,20%	SA	X	V

	Edusat Bis2	NC	NC	SA		X	V
	nSport	NC	NC	SA		X	V
	SUPERSTACJA	0,10%	0,20%	SA		X	X
	TVN 24	3,00%	2,70%	SA		X	V
	TVN Med.	NC	NC	SA		X	X
	TVN Meteo	0,10%	0,10%	SA		X	X
PT	MOV	NO	NC	CA, SA		NO	NO
	MVM	NO	NC	CA, SA		NO	NO
	Região Norte TV	NO	0,00%	CA, SA		NO	NO
RO	Alfa Omega TV	NC	NC	SA		X	X
	Analog TV	NC	NC	CA, SA		X	X
	Antena 2	0,50%	0,80%	CA, SA		X	X
	Antena International (Antena 5)	NC	NC	SA		V	X
	Focus TV	NC	NC	SA		X	X
	Goodlife channel	NC	NC	SA		X	X
	Speranta TV	NC	NC	SA		X	X
	TVR International	NC	NC	CA, SA, MO, IP		X	X
	TVR1	11,80%	5,10%	TE, CA, SA, MO, IP		X	V
SI	RTS (Slovenia)	NC	NC	TE, CA		X	X
	TV Pika	NC	NC	TE, CA, SA		X	V
	Vaš kanal	NC	NC	TE, CA		X	NC
FI	KinoTV	0,10%	0,20%	TE, CA, SA		X	X
SE	Canal 7 (Sweden)	NC	NC	TE		X	X
	Star! Scandinavia (version in Swedish)	0,10%	0,00%	TE, CA, SA, IP		X	X
	TV1000 (Poland)	NC	NC	CA, SA, IP		X	X
	TV1000 Premium (Baltic)	NO	NC	CA, SA, IP		NO	NO
UK	13th Street	NC	NC	CA, SA		X	X
	ABC 1	NC	NO	CA, SA		X	X
	Africa Channel	NO	NC	CA, SA		NO	NO
	Animax	NC	NC	CA, SA		X	X

Anime+	NC	NC	CA, SA	V	X
AXN (Germany, Switzerland, Austria)	NC	NC	CA, SA	X	X
AXN (Italy)	NC	NC	CA, SA	X	X
AXN Crime	NC	NC	CA, SA	X	X
AXN Sci-Fi	NC	NC	CA, SA	X	X
Babeworld TV	NC	NC	CA, SA	X	X
Baby First TV	NC	NC	CA, SA	V	X
Baby TV	NC	NC	CA, SA	X	X
Barker Channel	NC	NC	CA, SA	X	X
BBC Prime	NC	NC	CA, SA	V	X
Bio HD	NO	NC	CA, SA	NO	NO
Blighty	0,10%	0,10%	CA, SA, IP	X	X
Boomerang (French)	NC	NC	CA, SA	V	X
Boomerang (German)	NC	NC	CA, SA	X	X
Boomerang (Italian)	NC	NC	CA, SA	V	X
Boomerang (Pan European)	0,30%	0,20%	CA, SA, IP	X	V
Boomerang(Nordic)	NC	NC	CA, SA	V	X
Cartoon Network (EMEA)	NC	NC	CA, SA	X	V
Cartoon Network (French Lang.)	NC	NC	CA, SA	X	V
Cartoon Network (Germany)	NC	NC	CA, SA	X	X
Cartoon Network (Italian)	NC	NC	CA, SA	V	X
Cartoon Network (Spanish Lang)	NC	NC	CA, SA	X	V
Cartoon Network/Turner Classic Movies (CEE)	NC	NC	CA, SA	X	V
Cartoonito	NC	NC	CA, SA	X	V
Channel M TV for Man	NC	NC	CA, SA	X	X
Comedy Central	0,30%	0,30%	CA, SA, IP	V	X
Comedy Central (Ireland)	NC	NC	CA, SA	V	X
Crime & Investigation Network	0,10%	0,20%	CA, SA	V	X
Crime & Investigation Network HD	NO	NC	CA, SA	NO	NO
Cultoon Television	NC	NC	CA, SA	X	X

Disc Channel (Benleux)	NC	NC	CA, SA	V	X
Disc Travel & Living	NC	NC	CA, SA	V	X
Discovery (Central & Eastern Europe)	NC	NC	CA, SA	X	X
Discovery Channel (Italy)	NC	NC	CA, SA	X	X
Discovery Channel (Scand)	NC	NC	CA, SA	X	X
Discovery Channel (UK)	0,30%	0,20%	CA, SA, IP	V	X
Discovery Channel France	NC	NC	CA, SA	X	X
Discovery Channel Nordic	NC	NC	CA, SA	V	X
Discovery Civilisation Channel (Italy)	0,10%	NC	CA, SA	V	X
Discovery Historia	NC	NC	CA, SA	X	X
Discovery Home and Health	0,10%	0,10%	CA, SA, IP	V	X
Discovery Knowledge	NC	0,10%	CA, SA	V	X
Discovery Real Time	0,20%	0,10%	CA, SA, IP	V	X
Discovery RT France	NC	NC	CA, SA	X	X
Discovery Science (Europe & Middle East)	NC	NC	CA, SA	V	X
Discovery Science Channel (Italy)	NC	NC	CA, SA	V	X
Discovery Science UK	0,10%	0,10%	CA, SA	V	X
Discovery Travel & Living	0,10%	NC	CA, SA	V	X
Discovery Travel & Living (Italy)	NC	NC	CA, SA	X	X
Discovery Turbo	0,10%	0,10%	CA, SA	V	X
Discovery World (Europe)	NC	NC	CA, SA	V	X
Disney Channel	0,50%	0,50%	CA, SA, IP	X	X
Disney Channel Middle East	NC	NC	CA, SA	X	X
Disney Cinemagic	0,10%	NC	CA, SA	X	X
Disney Cinemagic (French Language feed)	NC	NC	CA, SA	X	X
Disney Cinemagic (Portuguese Language feed)	NO	NC	CA, SA	NO	NO
Diva	NC	NC	CA, SA	X	X
DMAX	NO	0,10%	CA, SA	NO	NO
E!	0,10%	0,10%	CA, SA	X	V
f/x Channel	0,20%	0,20%	CA, SA	X	X

Film 4	0,70%	0,90%	CA, SA, IP	X	X
Fiver	0,40%	0,50%	CA, SA, IP	X	V
GMTV2	NC	NC	CA, SA	X	V
Hallmark (Nordics)	NC	NC	CA, SA	X	X
Hallmark Channel (Benelux)	NC	NC	CA, SA	X	X
Hallmark Channel (Bulgaria)	NC	NC	CA, SA	X	X
Hallmark Channel (Czech Republic)	NC	NC	CA, SA	X	X
Hallmark Channel (Italy)	NC	NC	CA, SA	X	V
Hallmark Channel (Poland)	NC	NC	CA, SA	X	X
Hallmark Channel (Romania)	NC	NC	CA, SA	X	X
Hallmark Ent UK	0,60%	0,50%	CA, SA, IP	X	X
History Channel Europe	NC	NC	CA, SA	X	X
History Channel HD	NC	NC	CA, SA	X	X
History Euro HD	NC	NC	CA, SA	X	X
House of Fun	NC	NC	CA, SA	X	X
JimJam (Pan European)	NC	NC	CA, SA	X	V
Just4Us	NO	NC	CA, SA	NO	NO
Kanal 5 Denmark	NC	NC	CA, SA	X	X
KIDSCO	NC	NC	CA, SA	X	X
LA Babes	NC	NC	CA, SA	X	X
Ifc tv	NC	NC	CA, SA	X	X
Loveworld TV	NC	NC	CA, SA	X	X
Luxe TV	NC	NC	CA, SA	V	X
Military History	NO	NC	CA, SA	NO	NO
Movies 24	0,10%	0,10%	CA, SA	X	X
Movies 24 (Hungary, Poland, Romania, Turkey)	NC	NC	CA, SA	X	X
movies 24 +	NC	0,10%	CA, SA	X	X
Muslim TV Ahmadiyya	NC	NC	CA, SA	X	X
MUTV	NC	NC	CA, SA	X	X
My Channel	NC	NC	CA, SA	X	V

n Talk	NC	NC	CA, SA	V	X
Nicktoonsters	NO	NC	CA, SA	NO	NO
NigeriaMovies	NO	NC	CA, SA	NO	NO
Playboy	NC	NC	CA, SA	X	X
Playhouse Disney	0,20%	0,30%	CA, SA, IP	X	X
Playhouse Disney (Scandinavia)	NC	NC	CA, SA	X	X
Pop girl	NC	NC	CA, SA	X	X
Real Estate TV	NC	NC	CA, SA	V	X
Real Estate TV 2	NC	NC	CA, SA	V	X
Red TV	NC	NC	CA, SA	X	X
Sci Fi (Poland)	NC	NO	CA, SA	X	X
SCI-FI (Benelux)	NC	NC	CA, SA	X	X
Sci-Fi Channel Europe	0,30%	0,20%	CA, SA, IP	X	X
Simply Movies	NC	NC	CA, SA	X	NC
Sky Box Office	NC	NC	CA, SA	X	V
Sky Movies Action/Thriller	0,20%	0,20%	CA, SA	X	X
Sky Movies Classics	0,10%	0,10%	CA, SA	V	X
Sky Movies Comedy	0,20%	0,20%	CA, SA	X	X
Sky Movies Drama	0,10%	0,10%	CA, SA	X	X
Sky Movies Family	0,20%	0,10%	CA, SA	X	X
Sky Movies HD 1	NO	NC	CA, SA	NO	NO
Sky Movies Modern Greats	0,10%	0,10%	CA, SA	X	X
Sky Movies Sci-Fi/Horror	0,10%	0,10%	CA, SA	X	X
Sky News	0,50%	0,40%	CA, SA, IP	X	X
Sky Venue	NC	NO	CA, SA	X	X
Southern Africa Direct	NC	NC	CA, SA	X	X
Supreme Master TV	NC	NC	CA, SA	X	V
TCM (French Language)	NC	NC	CA, SA	V	X
TCM (Germany)	NC	NC	CA, SA	X	X
TCM Clasico	NC	NC	CA, SA	V	X

Tease Me	NC	NC	CA, SA	X	V
Tease Me 2	NC	NC	CA, SA	X	V
The Disney Channel Scandinavia	NC	NC	CA, SA	X	X
The History Channel	0,10%	0,10%	CA, SA	X	V
The Other Side	NC	NC	CA, SA	X	X
The Style Network	NC	NC	CA, SA	X	X
The Voice TV (Norway)	NC	NC	CA, SA	X	V
The Voice TV (Sweden)	NC	NC	CA, SA	X	V
TNT (Spain)	NC	NC	CA, SA	X	X
Toon Disney Scandinavia	NC	NC	CA, SA	X	X
True Movies	0,10%	0,10%	CA, SA	X	X
True Movies 2	0,10%	0,10%	CA, SA	X	X
Turf TV	NC	NC	CA, SA	X	X
TV3 Norway	NC	NC	CA, SA	X	X
Universal (Poland)	NC	NC	CA, SA	X	X
Universal (Romania)	NO	NC	CA, SA	NO	NO
Urban TV	NC	NO	CA, SA	X	X
Watchme TV	NO	NC	CA, SA	NO	NO
Zone Club (Pan-European)	NC	NC	CA, SA	V	X
Zone Europa	NC	NC	CA, SA	X	X
Zone Fantasy	NC	NC	CA, SA	X	X
Zone Horror	0,10%	0,10%	CA, SA	X	V
Zone Horror (Netherlands)	NC	NC	CA, SA	X	X
Zone Reality	0,10%	0,10%	CA, SA	X	V
Zone Reality (EMEA 2)	NC	NC	CA, SA	X	V
Zone Reality (UK)	NC	NC	CA, SA	X	V
Zone Reality Extra	NC	NC	CA, SA	X	V
Zone Romantica	NC	NC	CA, SA	X	X
Zone Romantica 2	NO	NC	CA, SA	NO	NO
ZTV	NC	NC	CA, SA	X	X
