

European Communities

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EUROPEAN PARLIAMENT

# Working Documents

1983 - 1984

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15 March 1984

DOCUMENT 1-1523/83

## Report

drawn up on behalf of the Committee on Youth, Culture,  
Education, Information and Sport

on broadcast communication in the European Community  
(the threat to diversity of opinion posed by the  
commercialization of new media)

Rapporteur: Mr A. H. HUTTON

PE 78.983/fin.  
Or. De.



At its sitting of 19 September 1980, the Parliament referred the motion for a resolution by Mr Schinzel and others on the threat to diversity of opinion posed by the commercialization of new media (Doc. 1-422/80) to the Committee on Youth, Culture, Education, Information and Sport as the committee responsible and to the Legal Affairs and Political Affairs Committees for an opinion.

On 28 January 1981 the Committee on Youth, Culture, Education, Information and Sport appointed Mr Hutton rapporteur.

At its sitting of 10 April 1981 the Parliament referred the motion for a resolution by Mr Vandemeulebroucke on local radio stations (Doc. 1-130/81) to the Committee on Youth, Culture, Education, Information and Sport as the committee responsible. On 24 September 1981, the Committee on Youth, Culture Education, Information and Sport appointed Mr Wedekind rapporteur. On 24 April 1982, Mr Wedekind was replaced as rapporteur by Mr Del Duca. On 18 May 1982, the Committee on Youth, Culture, Education, Information and Sport decided to incorporate the report of Mr Del Duca into the report of Mr Hutton.

At its sittings of 14 December 1981, 21 January 1982 and 21 April 1982 respectively, the Parliament referred the motion for a resolution by Mr Hutton and Lady Elles on the coordination of specifications for 'Citizens' Band' radio (Doc. 1-790/81), the motion for a resolution by Mr Hutton on the establishment of a European newsfilm agency (Doc. 1-950/81) and the motion for a resolution by Mrs Dury on television advertising in the Member States (Doc. 1-120/82) to the Committee on Youth, Culture, Education, Information and Sport as the committee responsible and to the Committees on Economic and Monetary Affairs (Doc. 1-790/81, 1-950/81, 1-120/82), Social Affairs and Employment (Doc. 1-120/82) and Transport (Doc. 1-790/81) for opinions.

On 18 May 1982, the Committee on Youth, Culture, Education, Information and Sport decided to include the motions for a resolution Docs. 1-790/81, 1-950/81, 130/81 and 120/82 in the report being prepared by Mr HUTTON. On 26 January 1984, the committee decided that it would also include in that report the motion for a resolution by Mrs Phlix and others on the harmonization of legislation on advertising in the Member States (Doc. 1-877/83) which had been referred to it by the European Parliament at its sitting of 28 October 1983. On 30 September 1983, the Committee on Youth, Culture, Education, Information and Sport held a public hearing with representatives of Citizens' Band radio users in the Community.

The Committee considered the draft report at its meetings of 28/29 September 1982, 4/5 November 1982, 25/26 April 1983, 29/30 September 1983, 4 November 1983 and 29 February/1 March 1984. At the last meeting it adopted the motion for a resolution by 10 votes to none, with 2 abstentions.

The following took part in the vote: Mr Hahn, vice-chairman; Mr Hutton, rapporteur; Mr Alexiadis, Mr Arfé, Mr Bøgh, Mr Bord (deputizing for Mr Rolland), Mr Brok, Miss Brookes, Mr Davern (deputizing for Mr Geronimi), Mr J.B. Nielsen (deputizing for Mr Bangemann), Mr Simmonds and Mrs Viehoff.

The opinions of the Legal Affairs Committee and the Committees on Economic and Monetary Affairs and Transport are attached.

The opinion of the Political Affairs Committee will be published separately.

The Committee on Social Affairs and Employment decided not to draw up an opinion.

The report was tabled on 2 March 1984.

The deadline for tabling amendments to this report will be indicated in the draft agenda of the part-session at which it will be debated.

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The Committee on Youth, Culture, Education, Information and Sport hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on broadcast communication in the European Community (the threat to diversity of opinion posed by the commercialization of new media).

The European Parliament

- acknowledging the lead given by the report on radio and television broadcasting in the European Community by Mr HAHN<sup>1</sup>,
- encouraged by the European Commission's interim report on realities and tendencies in European television: perspectives and options (COM(83)229/final),
- having regard to the report by Mr ARFE on the above-mentioned Commission document (COM(83)229/final) adopted by the Committee on Youth, Culture, Education, Information and Sport,
- accepting the principle laid down in Article 10 of the European Convention on Human Rights,
- taking account of the provisions of the EEC Treaty on freedom of establishment and freedom to provide services,
- taking into account the motions for resolutions on:
  - the threat to diversity of opinion posed by the commercialization of new media (Doc. 1-422/80),
  - local radio stations (Doc. 1-130/81),
  - the coordination of specifications for Citizens' Band radio (Doc. 1-790/81),
  - the establishment of a European newsfilm agency (Doc. 1-120/82),
  - television advertising in the Member States (Doc. 1-120/82),
  - the harmonization of legislation on advertising in the Member States (Doc. 1-877/83),
- taking into account the relevant proposals and declarations of the European Broadcasting Union (EBU), and the Council of Europe,
- encouraged by the public hearing of representatives of the Citizens' Band radio users' associations,
- having regard to the report of the Committee on Youth, Culture, Education, Information and Sport and the opinions of the Committee on Economic and Monetary Affairs, the Legal Affairs Committee and the Committee on Transport (Doc. 1-1523/83) and the opinion of the Political Affairs Committee (            ),

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<sup>1</sup> adopted 12 March 1981 (OJ No. 87/83, p. 110)

- A. Welcomes the European Commission's interim report and its positive response to the Parliament's initiative in the Hahn report;
- B. Believes that new broadcasting technology will help efforts to increase European understanding;
- C. Believes that there will be profound changes to patterns of home entertainment which will be reflected in changes to present broadcasting structures;
- D. Believes that new broadcasting techniques will offer material to a wider range of tastes;
- E. Believes that new techniques must attract commercial funding and new services will need to attract advertising to start and expand;
- F. Believes that advertising should continue to be supervised through existing self-regulatory systems;
- G. Is concerned by the extent of restrictions and prohibitions, including time, on broadcast advertising in the Member States as a restriction on freedom of services;
- H. Considers that, if current codes of conduct and commonly accepted standards of practice are pursued, neither an uncontrolled proliferation of new services nor a threat to quality or diversity will arise;
- I. Notes the development and increasing use of Citizens' Band radio in the Community;
- J. Is disturbed at the restrictions experienced by Citizens' Band operators, particularly as regards freedom of movement within the Community;
- K. Is concerned by the continuing variation in the Member States of the frequencies, transmission power and other technical characteristics of CB radio sets;
- L. Believes that the views of Citizens' Band operators should be borne in mind when policy decisions on CB radio are under consideration;



- M. Notes the expansion of local radio in the Community;
- N. Is conscious of the role local radio can play in preserving cultural and regional identities;
- O. Takes into account the ability of local radio to broadcast a greater degree of information of local interest;
- P. Considers that local radio, particularly that broadcasting in border areas, can play a part in furthering European understanding;
- Q. Believes that with increasing international broadcasting within the European Community there will be an increasing demand for European newsfilm;
- R. Believes that a coordinating agency with access to the material held by European television organisations could help speedy distribution of newsfilm;

#### News Broadcasting Technology

- 1. Seeks a continuing debate on the effects of new broadcasting technology in the Community;
- 2. Urges the Commission to prepare framework suggestions on transnational broadcasting which take account of the proposals currently being prepared by the Council of Europe;

#### Citizens' Band Radio

- 3. Calls upon the Commission to set up a dialogue with representatives of Citizens' Band radio organisations in the Community;
- 4. Urges the Commission to speed up its actions in the coordination of technical requirements for CB radios in the various Member States and so remove the restrictions on freedom of movement and freedom of expression affecting Citizens' Band radio operators;
- 5. Supports the reservations of CB users concerning the recommendations in CEPT T/R 20 and urges the Commission to bear these reservations in mind;
- 6. Requests the Commission to draw up a proposal for the harmonization of the Member States' national legislation which takes CB users' concerns into account, and to consider the possibility and practicality of automatically including anti-interference filters in the manufacture of radio and television sets.

### Local Radio

7. Asks the governments of Member States, when formulating broadcasting policy, to take into account the important role local radio plays, especially for ethnic and cultural minorities, rural communities and those living in border areas.
8. Aware that decentralized control and input is essential to the functioning of local radio, believes that the Commission has no regulatory role in its operation.

### News Film Agency

9. Believes that the European Community, in co-operation with the European Broadcasting Union, could play an important role in encouraging and supporting the creation of a European News Film Organisation.
10. Asks the Commission to consider the arguments for and against being involved with European television companies and other sources in the initial financing of a European News Film Organisation.

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11. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

B:

EXPLANATORY STATEMENT

CHAPTER 1

NEW BROADCASTING TECHNOLOGY

1.0. Introduction

- 1.1. Broadcasting, and in particular television, is on the edge of the biggest revolution since its invention.
- 1.2. At least one television screen will be a necessity in every home but only occasionally for watching television transmissions. Some of the other uses are here now, most at the early stages of their availability, others are still being guessed at.
- 1.3. Whatever the eventual range of uses turns out to be, it will mean a radical change in the way television programmes are decided on, funded and transmitted.

2.0. Factors Affecting Change

- 2.1. When television was first introduced to America there was a view that it would never catch on. Now television sets there are on for an average of six hours a day and £6,000 million is spent on television advertising every year.
- 2.2. This represents 31.2% of the total advertising expenditure in the USA. In the UK the comparable figure was £928 million or 29.7% of the total, in France 2886 million FF. or 16% and in Germany 1167 million DM. or 12.1%. (1982 figures.)
- 2.3. Increased leisure time in all walks of life will progressively lead to more demand for home entertainment and, although it is difficult to guess what new forms of entertainment this will lead to, there can be no doubt that television transmissions will face fierce competition in the future.

3.0. Competition to Television Transmissions

- 3.1. The competition for conventional television programmes will come from a number of different sources:
  - 3.1.1. . Video Games;
  - . Videograms and Films;
  - . Personal Video Recordings;
  - . Special Local Cable Programmes;
  - . Videotex and Teletext;
  - . Satellite Transmissions;
  - . Pay TV;
  - . Pay Per View TV.

#### 4.0. Changes in Transmitting Techniques

- 4.1. Television programmes have traditionally been transmitted in much the same way as radio programmes from land based masts, usually on high points for the widest coverage.
- 4.2. For financial rather than technological reasons, this often left remote areas and places in difficult terrain, such as valleys, with poor or no reception. Sometimes such areas could only get reception from outside their own country. Urban areas can also suffer severe interference problems.
- 4.3. The main ways to overcome these difficulties are:
  - . Cables;
  - . Satellites;
  - . Extending terrestrial coverage;
  - . A combination of two or more.

#### 5.0. Cable

- 5.1. The technique of using a communal aerial and distributing the reception widely by cables has been used for a long time:
  - 5.1.1. This technique, as well as improving the quality of reception, can provide a range of extra services to subscribers.
    - . Eventually hundreds of channels;
    - . Reception of national and international programmes;
    - . Pay TV and Pay Per View TV;
    - . Special programmes and information for local areas;
    - . Daily newspapers on video;
    - . School Programmes;
    - . Video Conferences;
    - . Video games for home computer owners;
    - . Home shopping;
    - . Home banking;
    - . Access to data bank information;
    - . Electronic mail service;
    - . Home alarm system to police and fire stations;
    - . Home energy management by computer of heating and air conditioning.
- 5.2. Experiments have already started, in the Qube system in Columbus, Ohio, which allow the television viewer to respond to programmes - quizzes, talent contests, opinion surveys or political comments from the privacy of their own homes.
- 5.3. France, too, is taking the new technology seriously and printed telephone directories will be replaced by an electronic directory system available on a viewdata system relayed by telephone lines.
- 5.4. Cable systems also offer the most precise audience for a local, community or neighbourhood television service.
- 5.5. The ability to watch foreign television services has stimulated the growth of cable, particularly in the smaller countries which are overlapped by foreign signals to a much greater extent than the larger countries. In parts of the Netherlands, for example, up to 15 channels may be distributed from the UK, France, Belgium, Germany and Luxembourg, as well as the domestic channels.

5.5.1. By contrast, in France and Germany the overlap is small and most of the cable systems are community systems built for environmental reasons to avoid a large number of unsightly aerials.

5.6. Penetration of Cable Television in EEC Member and Applicant Countries

Country	Population	Households with TV	Cable Services		Common Aerial Distributed by Cable	
			Viewers	%	Viewers	%
Belgium	10.0	2.7	2.3	85.0	0.1	4.0
Denmark	5.0	2.0	0.1	5.0	0.7	35.0
France	53.0	15.0	0.06	0.4	8.2	55.0
W. Germany	61.5	22.0	0.16	0.7	9.7	44.0
Greece	9.3	-	-	-	-	-
Ireland	3.0	0.7	0.2	28.5	-	-
Italy	56.8	-	-	-	-	-
Luxembourg	0.4	0.13	-	-	0.065	50.0
Netherlands	14.0	4.8	2.1	44.0	0.75	16.0
Portugal	9.8	-	-	-	-	-
Spain	37.1	-	-	-	-	-
United Kingdom	57.0	18.0	2.5	14.0	0.1	0.5

(Columns 2, 3, 4 and 6 in millions)

(Columns 5 and 7 are percentages of column 3)

5.6.1. A number of Member States, which are not at present well-cabled, are considering the alternatives for the technical revolutions of the 1980s and 1990s. In particular, the development of fibre-optics for use in cable relay systems is an important development. Telephone and power cables are also a possible way of extending cable networks. The use of telephone lines has already been developed (e.g. the British Prestel and French systems), which allow the subscriber to order material through a central post office computer, by means of the telephone/television terminal.

6.0. Satellites

6.1. The use of satellites for communications is well developed. In the USA, broadcasting satellites relaying programmes from one transmitter into a number of cable systems have been in use for a number of years.

6.2. New technical developments now allow direct broadcasting from a satellite to individual homes. This system, however, depends for the moment upon the use of relatively large and cumbersome dish aerials, although a flat plate aerial with electronic signal seeking is being developed which will eliminate some of the difficulty of siting "fixed" receivers and would make switching from one service to another comparatively simple.

6.3. In 1977, the World Administrative Radio Conference allocated satellite positions, frequencies and power as well as receiver antennae standards. It was decided that a receiving "dish" aerial of 60 cm would receive the national transmissions, while a 90 cm dish would be able to receive programmes from neighbouring countries. The minimum size for a communal aerial was fixed at 180 cm. (Annexe 1 shows the "footprints" for French, German and British satellites).

6.4. It was agreed that each European country would be allowed a maximum of five television channels. Each channel can carry instead up to twelve stereo radio channels using the digital system. How these are used remains to be decided, although a lot of detailed work, including programme schedules have been drawn up for a suggested European programme on the fifth channel of each satellite. Multiple sound channels, viewdata information and subtitles could also be transmitted.

There has also been a proposal for a pan-European channel but this has not yet been given any enthusiasm by broadcasters.

6.4.1. Developments are moving very fast in this field and have accelerated with recent developments of technology.

There are a growing number of proposals to use the already planned European Communications Satellites instead of putting up new and separate satellite complexes.

6.5. Satellite broadcasting would be most effective in conjunction with cable television to provide viewers with a range of entertainment as the new technologies become available - such as multiple sound channels, viewdata information, qube systems, pay television, local programmes, etc.

6.6. New developments may also make it possible to broadcast programmes with a choice of soundtracks in different languages within the next two decades.

6.7. The introduction of satellite broadcasting will provide an ideal opportunity to make a significant leap forward in transmission techniques to improve picture quality. It will be important to introduce any new system, such as the transmission of pictures by analogue signals in component form, as in the British MAC system, before satellite broadcasting has been established. Although such changes are unlikely to make a significant difference to satellite design, set manufacturers will need to know what will be required of them and will not welcome significant changes subsequently.

6.8. It is impossible to avoid programmes transmitted to one country "spilling over" into another; indeed, powerful receiving aerials can gather in satellite transmissions from great distances. This is not a new phenomenon but it will cause considerable legal difficulties which will not be quickly or easily overcome. There are many examples of overspill in the Community: Northern Germany into Southern Denmark; the United Kingdom into the Republic of Ireland, for example.

## CHAPTER 2

### PRESENT BROADCASTING STRUCTURES IN EEC MEMBER AND APPLICANT COUNTRIES

7.0. Broadcasting conditions in the member and applicant countries vary widely. There are public service and government organisations, commercial stations, government stations which accept commercials, programmes made by interest groups including political parties; some systems are centralised, others are decentralised. Only in Belgium and Denmark is advertising prohibited, though in Belgium the law against advertising from other countries is not enforced. In all other countries broadcast advertising is allowed with varying restrictions. The position in each country is briefly:

#### 7.1. Summary position by country:

BELGIUM There are three public service broadcasting establishments; diversification is required for linguistic reasons:

- . RTBF: French-language broadcasts
- . BRT: Dutch-language broadcasts
- . BRFB: German-language radio broadcasts

DENMARK Danmarks Radio (independent public body).

FRANCE There are at present:

the public broadcasting establishment (TDF) responsible inter alia for the organisations' development, exploitation and maintenance of broadcasting networks and installations; TDF may also broadcast itself.

- . the national programme contractors "Radio-France" (sound radio), Television Francaise 1 (TF1), Antenne 2 (A2), and France-Regions 3 (FR3) for television.
- . the production company (SFP) responsible inter alia for producing films on behalf of the programme companies.
- . INA, a state broadcasting organisation which has 60 hours maximum per year to broadcast government messages.

The French state has a large majority share in the SOFIRAT company which has 35% of the shares of Europe No.1, 83% of the shares of Radio Monte Carlo and 91% of those of Sud Radio. In addition, the state has a considerable participation in HAVAS which is one of the main shareholders of RTL (Luxembourg).

However, the French government has brought in measures, initially approved by Parliament, to alter this system. Among the changes are:

- . an increase in the number of national television companies. These will be governed by an administrative council of 12 members.
- . a company for France's overseas departments and territories.
- . an Institut National de la Communication Audiovisuelle which would be an expansion of the present Institut National de l'Audiovisuelle with responsibilities for study and archives and "commercialisation".
- . Regional radio.
- . Regional television (the decentralisation of FR3).

#### FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany has two separate broadcasting systems. The Zweites Deutsches Fernsehen (ZDF) and two radio bodies Deutsche Welle and Deutschland Funk are set up under federal government and Lander licence and governed by federal law.

On the regional basis there are nine radio and television broadcasting organisations, in principle, one for each Land but some Lander have a joint station. These are governed by Land-legislation.

The regional stations come under the authority of a consortium without legal entity (ARD) whose function is collective representation and co-operation in programming and in legal, technical, financial and operational matters. In practice, ARD broadcasts for most of the day except for 18.00-20.00 hours when the regional stations provide individual programmes (during this time there is NO advertising). Regional stations may, however, substitute their own programmes at any time if they wish.

There is also an agreement co-ordinating the television programmes of ARD and ZDF.

#### GREECE

Two radio and television stations operate in Greece, ERT 1 and ERT 2. ERT stands for Elliniki Radiophonia Teleorase which means Greek (Hellenic) Radio and Television.

Under the Constitution, radio and television stations cannot be privately owned.



. ERT 1 is a Societe Anonyme. It is financed by advertising and a subsidy collected through electricity bills calculated on the basis of the total paid by each household, business, office, etc. Advertising is restricted to the maximum of 30 minutes a day.

. ERT 2 (the former YENED) is now under the jurisdiction of the Minister to the Prime Minister as a public service and no longer belongs to the Ministry of the Armed Forces. It is governed by a 5 man Administrational Council and is financed solely through advertising.

There is no cable television in Greece nor any plans to operate a cable service.

#### IRELAND

Radio Telefis Eireann (RTE) (government controlled)

#### ITALY

In addition to "Radio Televisione Italiana" (RAI), the national company operating under licence, hundreds, and perhaps thousands, of private local radio and television stations have been operating and developing since the Constitutional Court's decisions of 1974 and 1976.

#### LUXEMBOURG

One radio and television organisation: the Compagnie Luxembourgeoise de Telediffusion (CLT), the trade name of which is "Radio-Tele-Luxembourg" (RTL). This is a private commercial company which operates under a state concession. There is a substantial French holding in CLT.

#### NETHERLANDS

The Netherlands Radio and Television Foundation (NOS) is the sole body in charge of the technical management of radio and television transmissions in the Netherlands. It co-ordinates its own broadcasts with those produced by political, religious or other organisations which are allocated broadcasting time by the Minister of Welfare and Health and for Cultural Affairs.

#### PORTUGAL

A public radio and television service is provided by two autonomous public companies:

- . "Radiodifusao Portuguese EP" (RDP), and
- . "Radiotelevisae Portuguesa EP" (RTP).

RDP was founded in 1975 after the nationalization of nine radio stations and their merger with the existing national broadcasting company. There are four regional stations on the mainland as well as stations in Madeira and the Azores. There are also a number of private stations.

RTP covers more than 90% of the country on Programme 1 (VHF) and 60% on Programme 2 (VHF). There are 8 stations on the mainland and one each on Madeira and the Azores.

Broadcasting, and television in Spain, both having the legal condition of public service, are dealt with by different regimes:

- a. Public regime in the case of the television, carried out by a public society, TVE (Television Espanola):

TVE is now granting licences to the new Spanish Autonomous Governments to operate their own public TV channels. Two are already in operation in the autonomous regions of Cataluna and the Basque country.

- b. Public and private regimes in the case of radio.

The public broadcasting societies are:

- . Radio Nacional de Espana (RNE)
- . Radio Cadena Espanola (RCE).

The main private radio broadcasting networks are:

- . Sociedad Espanola de Radiodifusion (SER) (68 stations)
- . COPE (Network owned by Catholic Church) (45)
- . Antena 3 de Radio S.A. (26)
- . Emisoras Rato (19)
- . Radio 80 (18)
- . Compania de Radiodifusion Intercontinental (Inter) (4)

The introduction of private television is being considered.

#### UNITED KINGDOM

The United Kingdom has two radio and television organisations which differ in status and function:

- . The British Broadcasting Corporation (BBC) which produces and transmits on two television channels, four national radio services, separate substantially independent services for Scotland, Wales and Northern Ireland, and twenty-nine local radio stations. It produces a high proportion of its output.
- . The Independent Broadcasting Authority (IBA) which does not itself produce programmes but transmits, supervises and regulates those produced by 15 independent television companies and 39 independent local radio companies with 9 more to start soon. Regulations include directives on the contents of programmes. All of these programme companies have private status.

A new fourth television channel, governed by the IBA, which uses material largely made by independent programme makers and also by other IBA companies, began broadcasting in 1982.

In Wales, the fourth television channel has been given over to a Welsh language broadcasting organisation (S4C).

FUTURE BROADCASTING STRUCTURES

- 8.1. Because of the revolution in the options open to people, television broadcasting will change. It is unlikely that people will watch television continuously as they do now. They are more likely to mix direct broadcasts with films and television programmes played on equipment at home. Films and television programmes can now be rented for home showing and programmes can also be recorded at home for replaying.
- 8.2. There are also increasingly complicated video games which may be more absorbing than many programmes.
- 8.3. A huge variety of information is becoming available on Videotex systems. Viewers can call up constantly up-dated news, weather and travel information. There are recipes and stock market prices, sports scores and food prices.
- 8.4. Equipment has been developed which will allow viewers at home to ask for information such as the balance in their bank account to be displayed on their television screen.
- 8.5. The advantage of all these facilities is that they are available when the viewer wants them.
- 8.6. Although programmed broadcasting by conventional or satellite transmissions or cable will continue, it is likely that more and more demand will come for the provision of facilities to be available when the viewer wants them and that more and more effort will be devoted to satisfying this demand.
- 8.7. The chief characteristic of this change will be that a very wide range of individual tastes will demand to be satisfied and it is likely that this demand can be met best by specialists in certain fields of programme making rather than by the present large structures in broadcasting.
- 8.8. Public Service Broadcasting
- 8.8.1. Public service broadcasting funded exclusively from licence revenue is now rare in Europe but the present public service organisations will become increasingly vulnerable and will decline in size and influence.
- 8.8.2. This will be forced not only by the technological changes which can make it much easier to satisfy particular demands but by economic pressure. Continually rising costs will make the system of funding broadcasting by licence fees more difficult and perhaps eventually impossible. Public service broadcasters are going to face increasing public resistance to increases in licence fees as alternative services become more easily obtainable. Public service broadcasters will have to consider alternative finance such as pay TV or becoming major distributors of their own programmes for home viewing.

8.8.3. Public service broadcasting organisations may be declining in influence but they do have assets to exploit:

- . their great experience in many areas of broadcasting;
- . their ability to report events instantaneously or very quickly;
- . high quality equipment.

8.8.4. While many experienced employees of public service organisations leave to become independent programme makers, and the scope for them looks likely to increase substantially, there is a great deal of experience available which would enable the organisations to produce programmes with an eye to the videogram home market as well as broadcasting. They have the equipment to make technically high quality programmes, they need the management vision to exploit this ability fully.

8.8.5. If they do not, they not only run the risk of losing a valuable source of revenue but also of losing skilled staff and public interest.

8.8.6. The existing public service organisations also have the equipment and the experience to mount fast and effective news coverage of unexpected events. This is, more often than not, likely to be of accidents and disasters in which there is a predictable public interest. If they put emphasis on this service they could hold the loyalty of a reasonable slice of their present audience.

#### 8.9. Commercial Sources of Revenue

8.9.1. These are likely to become more diffuse as the pattern of broadcasting changes. They are also likely to become more important as public resistance to increasing public service licence fees grows.

8.9.2. In spite of the considerable restrictions on advertising in the broadcasting systems of the EEC there is a great demand for advertising time; the extraordinary demand for the tightly restricted advertising on German television is a testament to this. A list of the limits on advertising allowed is in Annexe 2.

8.9.3. The most likely area in which commercial funds will be spent is in cable television. It is a system which is expanding and which is capable of enormous variety.

8.9.4. There is no adequate indication of the likely growth of satellite receivers.

#### 8.10. Video Recordings

8.10.1. Programmes made specially for home viewing seem set to become a major area of growth in the communications business.

8.10.2. It cannot be foreseen with certainty how such programmes will be distributed but, if the gramophone industry is a guide, then many will be marketed by organisations which contract to market the work or commission and fund it themselves.

8.10.3. It is possible that such programmes could be made by large commercial organisations which attach their names to programmes of a general interest kind, such as a major oil company sponsoring a series of programmes about the countryside and its birds, animals and plants.

8.10.4. It is also probable that the makers of videogram programmes could co-operate with the broadcasters and cable operators to show a programme made for home distribution. This has already happened.

FUNDING

9.0. There are generally two ways to fund broadcasting:

- . Public funds - budget allocations or a licence fee;
- . Commercial sources - usually advertising;
- . A combination of these;
- . There are also other minor sources of income.

9.1. The Receiving Licence

9.1.1. This is really a form of taxation in which the audiences for radio and television programmes pay for the entitlement to use their receivers. It can also take the form of a subscription (Italy).

9.1.2. Apart from the amount of the receiving licence fee and the way it is calculated, there are marked differences from country to country between the arrangements for collecting it, and the conditions for its allocation, although, logically, only public utility or public law organisations can have the use of it. For such organisations, it is either the only source of income, or at least the most sizeable; advertising, when it is authorised, accounts for a smaller proportion of total revenue.

9.1.3. Generally, the amount of the licence fee is fixed every year either by the government or by the directors of the beneficiary organisations acting under the control both of their governing bodies (or similar organs) and of the competent authority. In many countries, too, the agreement of parliament is required, usually on the occasion of adopting the budget; for example, the United Kingdom Parliament agreed in 1981 to a licence fee lasting for three years.

9.1.4. A further characteristic of the licence fee which is common to several countries is that its amount varies according to which service is being financed: it is considerably less high for sound radio than for television, and higher for colour television than for black-and-white.

9.1.5. This differentiation sometimes goes further. In Portugal, for example, the radio tax is calculated in terms of domestic electricity consumption and is collected by the electricity supply authority, whereas the television tax continues to be in the form of an ordinary fee collected by the national television organisation (RTP).

9.1.6. The tax applicable to sound radio receivers only, has been abolished in the United Kingdom and, more recently, France.

9.1.7. In some countries the fee is payable directly to the broadcasting organisations (Federal Republic of Germany and Italy), in others it passes through the post office which withholds a certain percentage in transit to cover the costs which sometimes include the cost of maintaining the network. A system of this kind operates in Belgium and the United Kingdom.

9.1.8. In France, on the other hand, the fee is collected by the state and the total is entered provisionally in a special treasury account and then divided, under the aegis of a commission chaired by a magistrate and in accordance with criteria laid down by decree, and after the parliamentary delegation in broadcasting has given its opinion, between the national programme contractors and the public broadcasting establishment.

## 9.2. Advertising

9.2.1. A distinction has to be drawn between the broadcasting companies of a private nature for which advertising is virtually the sole source of income, and the public companies for which advertising is only an extra resource. "Radio-Tele-Luxembourg" (RTL), for example, falls into the first category since its broadcasting and advertising activities are based entirely on commercial profit-making criteria as are the multitude of private stations in Italy.

9.2.2. Where public law or public utility organisations are concerned, there are two member countries which practise a total ban on advertising: Belgium and Denmark, although both are considering proposals to introduce advertising (as in Norway and Sweden, the other two countries in Europe which do not permit advertising in the broadcast media).

9.2.3. Belgium, Denmark, Germany, Italy and the United Kingdom have broadcasting organisations which do not permit advertising.

9.2.4. Even when it is authorised, advertising is only allowed within certain limits and on condition that certain rules are observed. These limits and rules vary from country to country:

- . to their duration in relation to total daily broadcasting time (France, Italy in the case of RAI, Netherlands, Portugal, Federal Republic of Germany, United Kingdom in the case of the IBA);
- . to the volume of revenue which such broadcasts represent in relation to total receipts or in relation to receipts per advertiser (France);
- . to certain times of day (Ireland, Netherlands, Federal Republic of Germany, Spain);
- . to certain days of the week (advertising is prohibited on Sundays and public holidays in Ireland and the Federal Republic of Germany);
- . to the type of product (tobacco, alcoholic beverages and some pharmaceuticals) and to some sectors of industry for which advertising is not permitted (France and Netherlands).

9.2.5. Similarly, while publicity in the form of sponsored broadcasts is authorised in some countries, such as Ireland and the Federal Republic of Germany, it is expressly forbidden in most others. The availability of new technologies may require a re-think on the present ban on this system of financing, given certain strict limitations.

9.2.6. Where regulations on broadcast advertising are concerned, there are general ethical principles which are the rule everywhere: in particular that advertising must be clearly recognisable and presented as such. Some countries have adopted a "block" system, by which all advertisements are shown during a specific period, although other countries prefer the "spot" system, allowing advertisements to be shown between programmes and during natural breaks in programmes.

9.2.7. In addition to state regulations, every country has a system of regulatory control operated by the broadcasting organisations themselves.

### 9.3. Regulation of Advertising

9.3.1. In the development of its broadcasting system every country has created its own individual system of regulation and self-regulation for advertising. Annexe 2 gives a picture of the variety of restrictions on the time available for broadcast advertising currently in force. There are many other prohibitions or restrictions on specific product groups which have been produced haphazardly in each individual Member State. The list of advertising prohibitions and restrictions in Annexe 3 gives a good indication of the limitations on advertising. Most obvious are the difficulties with trade marks and brand names.

9.3.2. There are fears that the spread of new technology with commercial advertising will adversely affect newspapers and magazines' ability to attract advertising. This has not been borne out by experience in the United States of America, nor was it the case when commercial television was introduced in the United Kingdom. These fears would seem to owe more to a dislike of competition than to concern based on evidence and studies have not borne out the fears.

9.3.3. It is obviously essential that there should be care in the governing of advertising. The advertising industry has recognised this and there are various efficient systems of self-regulation in each Member State which complement legislation in the matter of advertising control.

9.3.4. It is important to realise that legislation on matters of, for example, taste or in the specific and very technical areas with regard to advertising for the broadcast media would be difficult, if not impossible, to draft. For this reason the self-regulation practised by the media and the advertising industry itself is most important and should be encouraged.

### 9.4. Other Sources of Income

9.4.1. These are very small and account for only about 5% to 10% of total income. In the case of the BBC, only 1-2% of turnover is accounted for by other sources of income such as publications.

9.4.2. Additional resources can come from:

- . pay tv;
- . revenue from additional commercial activities such as the sale of publications, films or programmes;
- . gifts and legacies;
- . subsidies, in particular from the state budgets, which may in some cases cover possible deficits but may also be allocated to the financing of special services such as the BBC's overseas service (United Kingdom) or the foreign radio broadcasts of the Deutschland Funk and the Deutsche Welle in the Federal Republic of Germany and of Radio-France Internationale in France.

9.4.3. There may also be refunds of expenses incurred by services such as the BBC for the Open University and those of Danmarks Radio for the Danish Ministry of Education.

9.4.4. With the advent of new technologies, and in particular pay television, other sources of income may become much more important to the broadcasting institutions. In a recent important report prepared for the British Home Office by Lord Hunt, it was recommended that some cable television services should be given over to the BBC for a pay television experiment. It seems unlikely that the public subscription system available in the USA will be used in Europe.

## CHAPTER 5

### FUTURE LEGAL DIFFICULTIES

- 10.0. One of the primary purposes of the EEC is to make cross-frontier trading and marketing within the Community much easier. Differences in national standards, differences in national laws, differences in national procedures all make this difficult and much of the Commission's work is in breaking down these obstacles.
- 10.1. There are, however, existing legal difficulties which could create difficulties initially in cross-frontier broadcasting by satellite and cable distribution.
- 10.2 These are principally in:
- . Trade Marks;
  - . Copyright;
  - . Advertising prohibitions;
  - . Performers' rights.
- 10.3. Work is going on in the Commission and other bodies to resolve these problems but satellites will probably be operating before these difficulties have been resolved. The likelihood is that any difficulties which arise will be dealt with in the evolution of practice in this type of broadcasting rather than by pre-regulation.
- 10.4. There is a body of opinion which does not want to see legislation and which would prefer a code of conduct between broadcasters.



GENERAL CONSIDERATIONS

- 11.0. The most important consideration in the future of broadcasting and the other elements which are emerging as the media of the future is that people should have a variety of sources from which to choose.
- 11.1. Article 10 of the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms declares:
- "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."
- 11.2. Experience has shown that there is a clear link between economic liberty and political freedom. The greatest aid to the freedom of expression is wide ownership of the means of broadcasting.
- 11.3. The greatest threats to freedom of expression come from monopolies, even when they seem to be benevolent. These could be monopolies of ownership or employees. The danger is greatest where the ownership is in the hands of the state but there are also risks when a single commercial owner has a monopoly.
- 11.4. The dropping of the news and current affairs section of the Irish Republic's special programme for American cable television in response to pressure from state advertisers in December 1981 was one of the most serious acts of censorship seen in a democracy. The advertisers, government agencies which included the Irish Tourist Board, the Irish Development Authority and Aer Lingus, felt their efforts to attract tourists and industrial investment to Ireland were being hampered by the showing of news of terrorism, political conflicts and industrial difficulties. They successfully pressed the government run broadcasting organisation RTE to drop the news and current affairs section from the programme.
- 11.5. There is also a grave danger in the monopoly unionisation of broadcasting staffs, particularly editorial staffs. While many trade unionists may only wish to see the protection of employees, the complete unionisation of staffs either in a single union or in specialist unions for particular types of work, could be exploited by the unscrupulous to interfere with the free flow of information.
- 11.6. Quantity Versus Quality
- 11.6.1. There is always concern that an increase in quantity would automatically lead to a fall in the quality of broadcast programmes. The experience of America is often cited as an example of more equalling less.
- 11.6.2. Although this may be true of conventional television programming, the availability of new technologies will provide the viewer not with more of the same but a much greater choice and availability of new techniques in the audio visual media if Member States have the courage to seize the opportunities available to them.

## CHAPTER 7

### CITIZENS' BAND RADIO

- 12.0 The growth within the past decade of Citizens' Band or CB radio in the Community has been striking. Arriving primarily from the United States and initially seen by many as little more than a passing gimmick, CB radio has now established roots in all the Member States and become a regular means of communication between a large number of Community citizens.
- 12.1 In its initial years, however, CB radio has also experienced difficulties, especially from the broadcasting regulations under which it must operate.
- 12.2 CB radio has found itself subject to widely differing legislation, mainly of a technical nature, throughout the Community. The result of the current legal framework has been to severely limit the freedom of movement of CB operators. Furthermore, it is not only their freedom of movement which may be affected but also their freedom of expression. CB users may only broadcast on certain frequencies thus restricting their communication range.
- 12.3 In drawing up this report two matters have been particularly important. Firstly, to underline the existence of CB radio as a genuine means of broadcasting and secondly to urge the responsible authorities to enter into negotiations with CB radio operators with a view to arriving at a point where neither the freedom of movement nor the freedom of expression of CB radio operators would be unduly interfered with by legislation.
- 12.4 The opinion of the Parliament's Committee on Transport, which is annexed to this report, deals in detail with the questions of the coordination of regulations relating to Citizens' Band Radio.

## CHAPTER 8

### LOCAL RADIO

- 13.0 Throughout the Community, local radio is becoming an established means of broadcast communication. It fulfills an important function in providing information, education and entertainment on a local level while also acting as a complement to national and regional radio stations.
- 13.1 One of the main reasons for the success of local radio has been its listeners' ability to easily identify themselves with it. By being often a community-run venture it has strengthened ties among local populations and helped to spur on local initiatives and projects.
- 13.1.1 Most people, and certain groups in particular, have come to rely on local radio along with the local press, to find out what is happening in their own area.
- 13.1.2 Local radio has greater flexibility than the local press and as a result is often able to provide more up-to-date information concerning, for example, changes to local events, weather reports and traffic conditions.
- 13.1.3 Experience has shown that radio need not adversely affect the local press. Indeed both can help each other. Apart from the stimulation of competition, usually friendly, local radio can only provide brief information which people can get at greater length in the local papers.
- 13.2 For ethnic and cultural minorities local radio is of particular importance. It is a major force in helping to maintain and strengthen their distinct identity in language, customs, religion and many other activities. Local radio can be a strong focal point in such communities. It has often been claimed that the richness of European culture lies in the diversity of its peoples; local radio is becoming one of the main sources of support for such cultural diversity.
- 13.3 For immigrant communities within the EEC, local radio often broadcasting in their native language provides essential information and advice. By broadening awareness of their ethnic and cultural values, local radio can help assimilate such communities with the wider population and play a part in avoiding the alienation of such groups and the consequent problems which that poses.

- 13.4 Local radio also provides another service for immigrant populations, and not only for immigrants of non-European states but also for those from Ireland, Italy, Greece, Spain and Portugal, countries with a long history of emigration. This service is the link it creates with the immigrants' mother-country, not only by providing news but also by radio link-ups which help to preserve family ties.
- 13.5 Local radio is also important for those living in border areas within the Community. Rather than feeling as though they are on the periphery of one Member State, local radio can help promote cross-border contact and a greater sense of a European awareness. Indeed, the solemn declaration on European Union issued by Heads of State or Government of the Member States at their meeting in Stuttgart in June 1983 drew particular attention to the role cultural co-operation can play in strengthening a European identity. In such a context local radio in border areas is an important factor.
- 13.6 Local radio has also a role to play for business and industry, particularly for small and medium-sized enterprises. These firms are often unable to afford the advertising costs of national radio and moreover national advertising may be of little benefit to them as they are often only equipped to meet local demand. For such firms the cheaper cost and greater effectiveness of advertising on local radio should not be under-estimated.
- 13.7 While local radio is developing in all the Member States the framework within which it operates differs widely. From a legal viewpoint some countries have long established legislation while others are only in the process of introducing it. The content of such legislation may also vary between one Member State and another, from requiring local radio to be a joint venture between local interests and the national radio network to permitting privately-owned commercial local radio.
- 13.8 While your rapporteur feels that the institutions of the Community have no role to play in the administration of local radio, there are a number of basic developments which could benefit local broadcasting.

Firstly, local radio ought to be established on a firm legal basis so as to enable standards to be set. Secondly, the governments of Member States should bear local radio in mind when formulating broadcasting policy. Thirdly, while central government has a broad regulatory role to play in local radio, it should be noted that for local radio to be successful a major element of decentralised control and input is essential.

## CHAPTER 9

### News Film Agency

- 14.0 The concept of a news film agency is in itself not a new one; what is new, however, are the possibilities which new broadcasting technology presents for its development.
- 14.1 Within the Community news film agencies have been in existence for over twenty-five years providing a service for established television and radio stations. A Eurovision News Exchange has operated for several years and has on numerous occasions received material from the European Institutions.
- 14.2 With the advent of cable television and direct satellite broadcasting, the possibility of a continuous news channel offered by satellite to either cable operators or individual viewers may be imminent. To date, the nearest approximation to such a service has been the growth in tele-text broadcasting, though it is currently limited to a textual presentation and limited broadcasting time and distribution.
- 14.3 As direct satellite broadcasting will be first available to cable systems, they may also have the first opportunity to offer continuous news service. Although pioneered in the U.S.A., there is probably a greater potential demand for such a service in Europe than in America. There is, however, a real danger that this demand will be met by a U.S. based and U.S. financed organisation unless there is an early European initiative.
- 14.4 The advantage of a European or Community based news film organisation is that it could be possible to develop an editorial style which is genuinely Pan-European, recognising the international rather than national, news values of the day. Major EEC and Parliament activities could be incorporated more easily into the service.
- 14.5 Market research has suggested that the European cable audience may increase from 12 million connected households at the end of 1984 to 20 million by 1988. However, not all of these potential viewers are in countries where the existing regulations permit the reception of international programming distributed by communications satellite.

If viewing levels in Europe for continuous news programming are comparable with those in the United States, it is feasible that a European News Film Organisation could become self-financing from advertising and/or subscription revenues by the late 1980's.

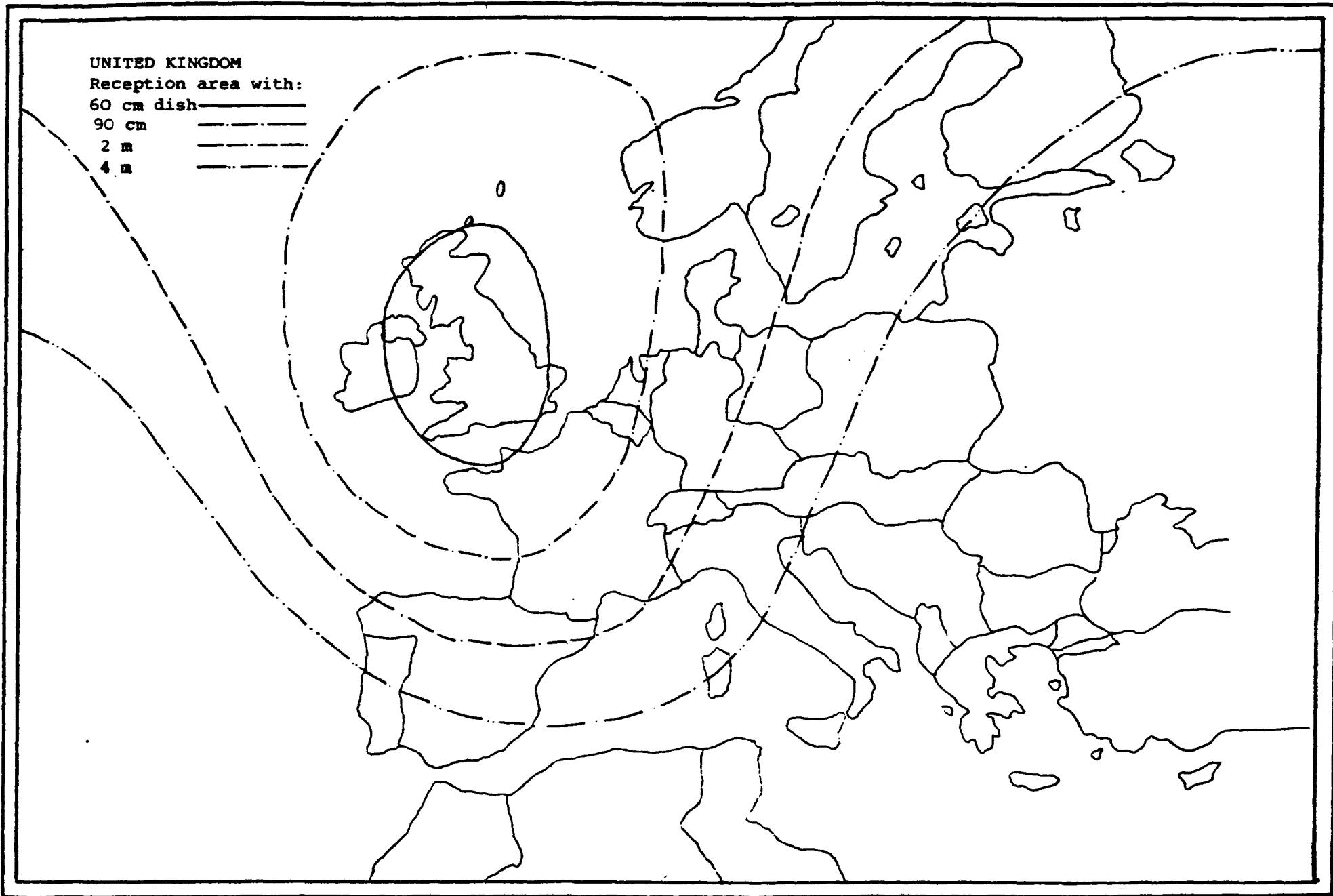
- 14.6 It has been stated that within Europe the potential viewing market would only be sufficient to support one Pan-European news channel in the next 5 - 10 years. Bearing in mind the earlier remarks on American competition it is important that a European News Film Organisation be established soon.
- 14.7 As a European News Film Organisation may require deficit financing in an early stage, it would be beneficial if its initial investors were from both the public and private sectors.
- 14.8 There may also be a case for involvement of the European Community in the organisation's initial funding. It would demonstrate the European character of the service and indicate the underlying Community support for it.
- 14.9 Due to the speed of technological development in the area of broadcast communication, it is essential that a European News Film Organisation be created soon and that it be given from an early stage the encouragement and support of the Community Institutions.

## CHAPTER 10

### CONCLUSIONS

- . Broadcasting is changing rapidly;
- . The future cannot be considered on the basis of past and present structures;
- . The public is likely to watch direct broadcasting less;
- . Viewers will have a much wider choice available from sources outside direct broadcasts;
- . A much wider range of tastes is likely to be satisfied by new techniques;
- . These are likely to be met by small independent companies producing videogram programmes for specific audiences;
- . The public is likely to resent increasing licence fees;
- . The most practical finance for these operations will be commercial;
- . The best guarantee of freedom of information is wide ownership and funding of the sources of broadcasting.





ANNEXE 1

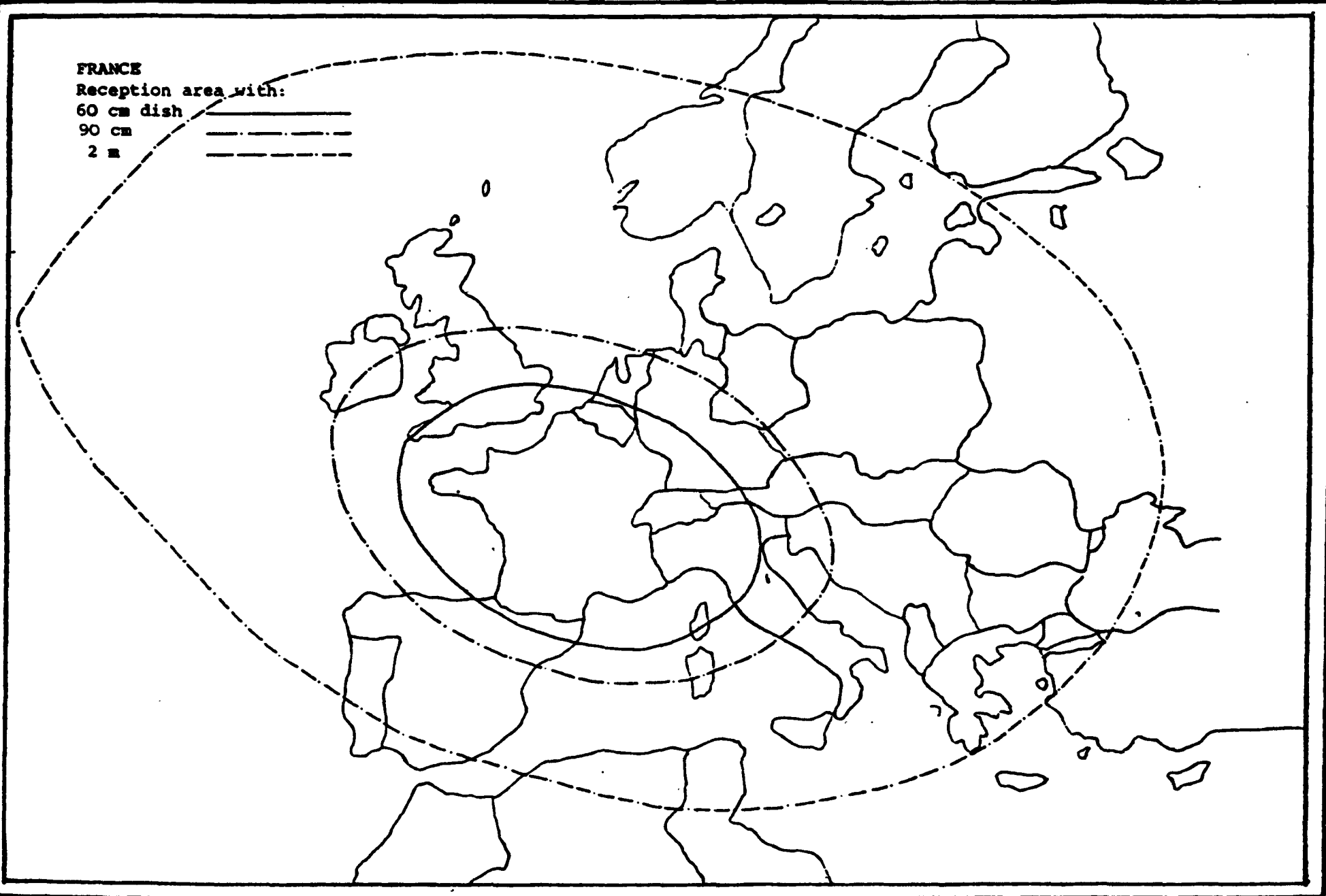
**FRANCE**

Reception area with:

60 cm dish 

90 cm 

2 m 



ANNEXE 1

FEDERAL REPUBLIC OF GERMANY

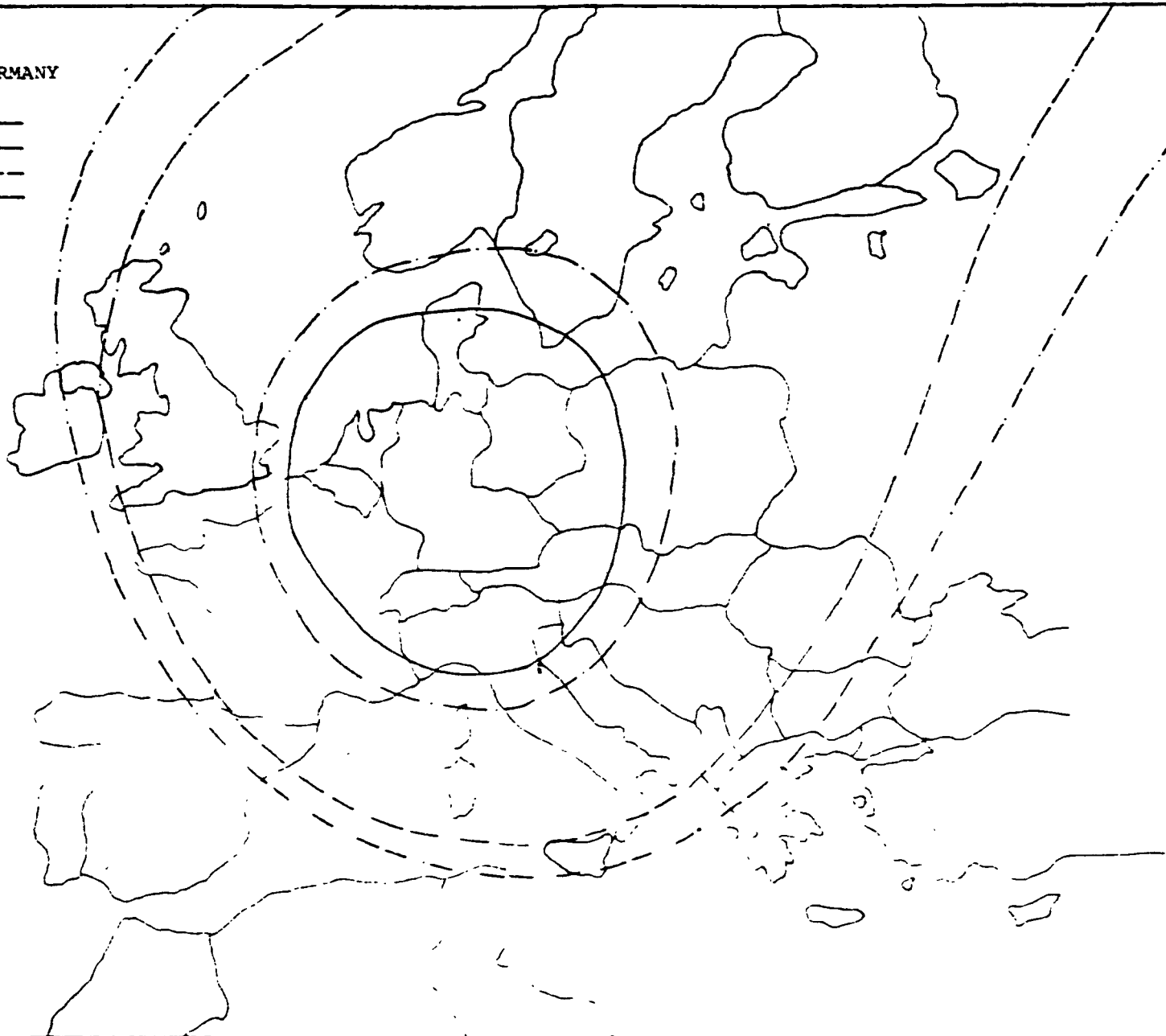
Reception area with:

60 cm dish \_\_\_\_\_

90 cm \_\_\_\_\_

2 m \_\_\_\_\_

4 m \_\_\_\_\_



ANNEXE 2

DURATION OF TELEVISION ADVERTISING PERMITTED

<u>NATION</u>	<u>STATION</u>	<u>MAXIMUM DURATION PER DAY</u>	<u>COMMENTS</u>
BELGIUM		No advertising	Under consideration
DENMARK		No advertising	Under consideration
FRANCE	TF 1	18 minutes	
	A 2	18 minutes	
	FR 3	18 minutes	
GERMANY	ZDF	20 minutes	In 4 blocks between 1730 and 1930
	ARD 1	20 minutes	In 4 blocks between 1800 and 2000
	ARD 2	No advertising	Regional
GREECE	ERT 1	30 minutes	
	ERT 2	Variable	
IRELAND	RTE 1	58 minutes	Limited to average 6 minutes per hour, maximum 7½ minutes per hour.
	RTE 2	25 minutes	
ITALY	RAI 1	28 minutes	Only at specified times
	RAI 2	28 minutes	
	RAI 3	No advertising	
	Private stations	15% per hour	
LUXEMBOURG	RTL	68 minutes	Only at specified times
NETHERLANDS	NETH 1	15 minutes	Three blocks next to evening news programme
	NETH 2	15 minutes	
PORTUGAL	RTP 1	90 minutes	
	RTP 2	45 minutes	
SPAIN	TVE 1	57 minutes	At regular half hour or hourly intervals, mainly in the evenings from 1900.
	TVE 2	42 minutes	
UNITED KINGDOM	BBC 1	No advertising	Limited to average 6 minutes per hour. Maximum 7 minutes per hour.
	BBC 2	No advertising	
	ITV 1	90 minutes	
	Channel 4	50 minutes	

ANNEXE 3

PROHIBITIONS AND RESTRICTIONS ON ADVERTISING ON TELEVISION IN DETAIL

<u>BELGIUM</u>	No commercial advertising.
<u>DENMARK</u>	No commercial advertising.
<u>FRANCE</u>	Alcoholic beverages, tobacco, press, records, housing, margarine, retail outlets, jewellery, correspondence courses, textiles, temporary staff organisations, airlines, computers, tourism, mail order, weight reducers, entertainment.
<u>GERMANY</u>	Cigarettes, prescription drugs, advertising to or with children.
<u>GREECE</u>	Cigarettes (by 1978 oral order), medicines and drugs except over the counter products where the text has been approved by the Ministry of Social Welfare, agricultural medicinal products except where the text has been approved by the Ministry of Agriculture.  Toys can only be advertised on ERT 1 once a day after 2130.  There may be further restrictions on alcohol, advertising for children and advertising which includes women. There is also a proposal for a 30% tax on television advertising.
<u>IRELAND</u>	Cigarettes, tobacco, spirits, contraceptives, moneylenders, contact/corneal lenses, advertising to or with children.  There may be further restrictions on advertising portraying women and on all alcohol.
<u>ITALY</u>	Tobacco, guns and accessories, weight reducers, records, tapes, cars, motorcycles over 125cc, boats, outboard motors, jewellery, furs, gambling houses, horse racing competitions, lotteries, moneylenders, fortune tellers, matrimonial agencies, funeral services, cruises, tours, entertainment, theatre, books, newspapers, magazines, pet foods.
<u>LUXEMBOURG</u>	Cigarettes and tobacco, contraceptives, political parties, religious organisations, private detectives, etc. Everything that would be offensive to general morality and customs. Medicines and drugs in general (but common pain reliever "bland-aids" and generally "non-curative" pharmaceutical specialities are tolerated). Alcohols are accepted (beers, wines and distilled alcohols) but not around programmes addressed to children or young people. Toys and products for children are accepted but they cannot occupy more than one half of the total length of any given commercial break.

NETHERLANDS

Tobacco, prescription drugs, medicinal drugs and methods of treatment, weight reducers, alcoholic beverages, courses of instruction, sweets containing sugar, political and religious organisations.

PORTUGAL

Tobacco, alcoholic beverages before 2130.

SPAIN

Cigarettes and alcohol with a percentage over 23%/100 ml.

UNITED KINGDOM

Cigarettes, political organisations, religious bodies, bookmakers and racing tipsters, breath testing devices and products to mask the effects of alcohol, matrimonial agencies, correspondence clubs, fortune tellers and similar people, undertakers and others associated with death or burial, unlicensed employment services, registers and bureaux, private investigation agencies, privately owned personal or consumer advice services, charitable bodies, branded contraceptives, sanitary protection, smoking cures, alcoholism treatment products, contact or corneal lenses, hair and scalp treatment clinics, haemorrhoid treatment products, pregnancy testing services, hypnosis, hypnotherapy, psychology, psycho-analysis or psychiatry, football pools, 'girlie' magazines and commodity investment.

There are also widespread restrictions in permitted advertising in such subjects as alcohol, medicines and treatments, financial advertising and advertising for children.