

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (93) 5

**CONTAINING PRINCIPLES AIMED AT PROMOTING
THE DISTRIBUTION AND BROADCASTING OF AUDIOVISUAL WORKS
ORIGINATING IN COUNTRIES OR REGIONS WITH A LOW AUDIOVISUAL OUTPUT
OR A LIMITED GEOGRAPHIC OR LINGUISTIC COVERAGE
ON THE EUROPEAN TELEVISION MARKETS**

*(Adopted by the Committee of Ministers on 13 April 1993
at the 492nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is the achievement of greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Bearing in mind the European Cultural Convention;

Bearing in mind also the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 10 thereof which entrenches freedom of expression and freedom of information, regardless of frontiers;

Concerned to ensure that these freedoms can be exercised fully by audiovisual producers in countries and regions with a low audiovisual output or a limited geographic or linguistic coverage, by enabling them to have an effective access to the European television markets for the distribution of their works, in particular high-quality works;

Resolved to create equality of opportunity in the building of a European audiovisual area reflecting the diversity of European cultures, by addressing these specific problems, for the benefit of audiovisual producers operating in countries or regions with a low audiovisual output or a limited geographic or linguistic coverage;

Noting, in this regard, the specific problems encountered by these audiovisual producers in having access to the European television markets as a result of factors such as linguistic transfer costs, lack of awareness on the part of television companies on the European television markets of the quality of their productions, technical standards for the production and broadcasting of audiovisual works, as well as the training needs of audiovisual professionals;

Noting, in particular, the urgency of solving the problems encountered by central and east European countries;

Resolved to follow up the recommendations of the 3rd European Ministerial Conference on Mass Media Policy (Cyprus, 9-10 October 1991) in this regard, and recalling its earlier initiatives, in particular Recommendation No. R (86) 3 on the promotion of audiovisual production in Europe;

Recalling also Article 10, paragraph 3, of the European Convention on Transfrontier Television in accordance with which Contracting Parties undertake to look together for the most appropriate instruments

and procedures to support the activity and development of European production, particularly in countries with a low audiovisual production capacity or restricted language area;

Noting that concrete initiatives in this regard require joint and concerted actions to be undertaken by governments and the professional circles concerned;

Mindful, however, of the importance of ensuring that measures taken by governments in this area do not interfere with the editorial independence of broadcasters in respect of programming matters;

Bearing in mind the initiatives taken in the framework of other international bodies and with a view to supplementing them,

Recommends that the governments of the member states:

- i. be guided in the definition of their national policies and approaches in this area, with due respect to their domestic law and obligations under international law, by the principles set out in this recommendation; and
- ii. ensure, by all appropriate means, that these principles are brought to the attention of broadcasters operating in the European television markets, as well as audiovisual producers in countries or regions with a low audiovisual output or a limited geographic or linguistic coverage.

Principles

Scope and definitions

The purpose of this recommendation is to promote the distribution and broadcasting of audiovisual works originating in the smaller European partners on the European television markets.

For the purposes of this recommendation:

- “smaller European partners” refers to countries or regions in Europe with a low audiovisual output or a limited geographic or linguistic coverage;
- “audiovisual work” refers to any creative work which may be broadcast on television, regardless of its type and its technical production methods.

1. Development of language transfer techniques

Member states should encourage the language transfer of audiovisual works originating in the smaller European partners, so as to facilitate their distribution and broadcasting on the European television markets.

For this purpose, member states should study, in particular, the establishment of fiscal and financial incentives with a view to:

- a. reducing, for both broadcaster-purchasers and producer-vendors, the costs relating to language transfer of these works;
- b. encouraging professional bodies in the audiovisual sector:
 - to develop in a concerted manner, at the European level, research in the area of language transfer;
 - to make greater use of the new language transfer techniques which are already available, as well as techniques which may be developed as a result of research in this area;
 - to develop training and retraining of staff in the use of new techniques, as well as in script-writing and production techniques for audiovisual works, taking account of the possible future need to guarantee, with a view to their subsequent distribution, the language transfer of such works when they reach the stage of completion;
 - to develop information for broadcasters and audiovisual producers in regard to the new techniques which are already available, or which may be developed as a result of research in the area of language transfer.

2. Access to new production and broadcasting technologies

2.1. Member states should take appropriate steps within the competent international bodies so as to create awareness of the problems arising out of the evolution in broadcasting and production techniques and standards for the smaller European partners, as well as awareness of the need to allow them access to these new technologies on an equal footing.

2.2. Member states should, in particular, encourage the adoption of solutions which would enable the smaller European partners:

a. to produce audiovisual works using techniques which are compatible with the new television standards and formats;

b. to continue to exploit their existing audiovisual works to the fullest degree, in particular by means of reformatting or other appropriate techniques, notwithstanding the evolution of broadcasting technologies.

2.3. Member states should also encourage professional circles to develop training and retraining of technical staff in the smaller European partners so as to allow them to adapt to the use of new production and broadcasting technologies.

2.4. Moreover, member states should study the establishment of fiscal and financial incentives so as to encourage and promote the production of audiovisual works using new techniques by producers from the smaller European partners.

3. Development of the distribution of audiovisual works

3.1. Member states should encourage greater co-operation between smaller European partners so as to promote the distribution of their audiovisual works, in particular on the television markets of larger countries.

In this regard, the audiovisual professionals in the smaller European partners should be encouraged to study the creation of systems which would make it possible to bring together the various means necessary for the widest distribution of their works, in particular on the European television markets. Member states should study the establishment of legal structures so as to facilitate such systems.

3.2. In addition, member states should study the establishment, in the framework of their support schemes for the distribution of audiovisual works, of premiums for producers having already successfully distributed audiovisual works in a number of European countries. The grant of such premiums for export could be made subject to their re-investment in a new production.

3.3. Member states should also encourage professional circles to develop training of producers in the smaller European partners in the techniques of marketing, promotion and sales of their audiovisual works.

4. Development of the broadcasting of audiovisual works

4.1. Member states should encourage broadcasters on the larger European television markets to acquire a greater understanding and appreciation of audiovisual works originating in the smaller European partners and invite them to consider the possibility:

a. of reserving programming time, on a regular basis, for quality audiovisual works originating in the smaller European partners;

b. of broadcasting information programmes on audiovisual works so as to create a greater awareness of works produced by the smaller European partners;

c. of co-producing audiovisual works with producers and broadcasters in the smaller European partners, so as to promote the broadcasting of audiovisual works reflecting the cultural identity of the latter;

d. of enabling producers and broadcasters from the smaller European partners:
– to benefit from the works co-produced by methods such as the granting of first broadcasting rights on their territory whenever such works are co-produced with broadcasters from the larger European countries sharing the same language and covering the same territory;

– to exploit by other means and on other markets the works which they co-produced.

4.2. Over and above the provisions of principle 4.1, member states should, in order to promote the co-production of audiovisual works with smaller European partners:

a. examine the appropriateness of developing bilateral or multilateral co-production agreements for the television sector;

b. study the establishment of financial and fiscal incentives so as to encourage producers on the larger European markets to co-produce audiovisual works with producers and broadcasters from the smaller European partners.