



CI Broadcasting Study

Database of regulatory information for the broadcasting sector Data collection by country

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Austria

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
AT	Terrestrial Analogue TV: 1 provider (ORS) and some small content providers with their own platforms.	15.5% of households only use terrestrial. Source: RTR, Communications Report 2004 , p. 158. Newer sources indicate that terrestrial usage dropped to about 10% of households. ORS has 100% of the market share. Source: draft decision market analysis for market 18, March 10, 2006
	Terrestrial Digital TV: ORS received a license for 2 multiplex layers on February 23, 2006. DVB-T will be available by the end of 2006.	
	Cable TV 97 cable TV operators (54 of them offer DVB-C)	38.5% of households use cable, only about 3% of households have DVB-C set-top boxes. Source: RTR, Communications Report 2004 , p. 158
	There is no Austrian satellite provider. ORS resells Astra's services and offers its own CAS.	46.5% of households use satellite, about 27% of households have DVB-S set-top boxes. Source: RTR, Communications Report 2004 , p. 159
	IP TV	The number of subscribers is currently insignificant.
	Mobile TV	-

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
AT	Constitutional law: http://www.rtr.at/web.nsf/englisch/Rundfunk_Rundfunkrecht_Gesetze
	Constitutional law on assuring the independence of broadcasting (Bundesverfassungsgesetz über die Sicherung der Unabhängigkeit des Rundfunks – BVG-Rundfunk). July 20, 1974
	Art. 10 European Convention of Human Rights 1958 (at the constitutional level since 1964)
	Primary legislation: http://www.rtr.at/web.nsf/englisch/Rundfunk_Rundfunkrecht_Gesetze
	ORF act (ORF-Gesetz – ORF-G). Based on a 1974 law, major amendments in 2001, current version since January 1, 2006
	Private radio act (Privatradiogesetz – PrR-G) April 1, 2001. Current version: January 1, 2005
	Private television act (Privatfernsehgesetz – PrTV-G) April 1, 2001. Current version: July 1, 2006

Member state	Types of regulations affecting broadcasting industry
	Telecommunication act 2003 (Telekommunikationsgesetz 2003 – TKG 2003) August 20, 2003. Current version: March 1, 2006
	KommAustria act (KommAustria-Gesetz – KOG) April 1, 2001. Current version: July 1, 2006
	Broadcasting fees act (Rundfunkgebührengesetz – RGG) January 1, 2000. Current version: January 1, 2004
	Secondary legislation: http://www.rtr.at/web.nsf/englisch/Rundfunk_Rundfunkrecht_Verordnungen
	Broadcasting market definition ordinance 2004 (Rundfunkmarktdefinitions-Verordnung 2004 – RFMVO 2004) January 16, 2004
	Conditional access systems and interoperability ordinance (Zugangsberechtigungssysteme- und Interoperabilitätsverordnung – ZIV) March 19, 2003
	Multiplex selection principles ordinance 2005 (MUX-Auswahlgrundsätzeverordnung – MUX-AG-V 2005) May 14, 2005
	Frequency assignment ordinance 2005 (Frequenzbereichszuweisungsverordnung 2005 – FBZV 2005) September 27, 2005
	Frequency usage ordinance 2005 (Frequenznutzungsverordnung 2005 – FNV 2005) September 27, 2005
	Broadcasting frequency usage fee ordinance (Rundfunk-Frequenznutzungsgebührenverordnung – RFGV) August 3, 2001

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
AT	Art. 10 ECHR (in Austria, the ECHR has constitutional rank)	<ul style="list-style-type: none"> Freedom of expression Freedom to receive information
	§§ 3, 4 ORF-G	Objectives for public service broadcasting (see Table 4)
	§ 1 PrTV-G	Developing the dual broadcasting system by supporting private broadcasting and digital broadcasting
	§ 1 PrR-G	Developing the dual broadcasting system by supporting private radio

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
AT	§§ 3 to 5, 9a ORF-G	ORF	See note below.	No changes for the implementation of the 2002 framework
<p>Presence on all networks? Coverage obligation?</p> <p>For radio, there are three radio programmes with nationwide terrestrial coverage and nine radio programmes with terrestrial coverage of the nine federal states.</p> <p>For television:</p> <p>Programming</p> <p>Two television programmes with nationwide terrestrial coverage.</p> <p>NB Amendment since January 1, 2006: ORF must also produce a sports TV channel that <u>must</u> be transmitted over satellite and <u>may</u> be transmitted over digital terrestrial platforms and cable TV.</p> <p>Networks</p> <ul style="list-style-type: none"> Analogue terrestrial transmission and digital terrestrial transmission according to the national digital switch-over strategy. Satellite transmission. ORF-G does not generally oblige ORF to use cable TV. Cable TV transmission of public service broadcasting programmes is regulated by must-carry provisions. <p>ORF-G does not contain an explicit coverage requirement in percentage of population.</p>				

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
AT	Austrian Communications Authority (Kommunikationsbehörde Austria – KommAustria)	<ul style="list-style-type: none"> Frequency licensing + broadcasting licensing ("one-stop shopping") for private radio and TV Frequency licensing for the public service broadcaster Content regulation and supervision for private radio and TV Market definition and market analysis for the broadcasting transmission markets 	KommAustria was assigned responsibility for market definition and market analysis of the broadcasting transmission markets.
	Federal Communications Board (Bundeskommunikationssenat – BKS)	<ul style="list-style-type: none"> Appeal body for appeals against decisions of KommAustria Body of first instance for supervision of the public service broadcaster 	No change, but as the BKS is the appeal body it also received responsibility for appeals against market analysis decisions made by KommAustria.
	Austrian Regulatory Authority for Telecommunications and Broadcasting (Rundfunk und Telekom Regulierungs-GmbH – RTR-GmbH)	<ul style="list-style-type: none"> Operational body for KommAustria (and for the telecommunication regulatory body TKK) Administration and allocation of subsidies from the Digitisation Fund and the Television Film Fund 	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
AT	<p>3G</p> <p>Hutchison 3G (“3”) and Mobilkom Austria (“A1”) offer video on demand and stream some TV and radio programmes.</p> <p>DVB-H</p> <p>No commercial DVB-H or DMB service yet (a DVB-H trial will start during 2006 in parts of Vienna).</p>	<p>Technologies like DVB-H, DMB are treated as broadcasting and fall under the broadcasting regulatory framework, because they use broadcasting frequencies and send the same content to many clients, see the constitutional definition of broadcasting (“renditions designated for the public”).</p> <p>Technologies like IP TV over UMTS are not treated as broadcasting, because they require an interaction between the client and the network to establish the stream (see Table 7).</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
AT	<p>AonDigital TV, provided by telecommunications incumbent Telekom Austria:</p> <ul style="list-style-type: none"> • ADSL line from Telekom Austria and a set-top box • 43 TV programmes for the base fee, 8 additional TV programmes in a premium bundle, 4 radio programmes (the programmes of the public service broadcaster) • Commercial launch in the city of Vienna (1.6 million inhabitants) in March 2006, available in “big parts of Vienna” (aonDigital TV website, April 2006), launch in other regions announced for 2006 <p>Telekom Austria's service aon.tv (streaming services, accessible via ADSL and PC without a set-top box) has been commercially available since 2003, but had little market success due to the limited content offered.</p> <p>infotech.at: Local FTTH provider in the region of Upper Austria, with its own fibre infrastructure.</p>	<p>The regulatory treatment of IP TV is under review.</p> <p>By end of May 2006 IP TV over UMTS was not treated as broadcasting. It is likely that IP TV over ADSL will be treated similar to cable TV.</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Austria				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	§ 15 TKG 2003	Yes	Note: no new analogue TV frequencies available, see Table 9 .	Notification of basic business data and description of the provided networks/services, no approval needed. The same procedure applies for all kinds of electronic communications networks and services (only difference: for broadcasting networks and services KommAustria is the responsible authority; for telecommunication networks and services, RTR).
Digital terrestrial	§ 15 TKG 2003	Yes	Note: multiplex license required, see Table 9 .	Same as above
Cable	§ 15 TKG 2003	Yes	None	Same as above
Satellite	§ 15 TKG 2003	Yes	None	Same as above
Fixed telecommunications network	§ 15 TKG 2003	Yes	None	Same as above
Mobile telecommunications network (UMTS)	§ 15 TKG 2003	Yes	None	Same as above
Other	§ 15 TKG 2003	Yes	None	Same as above
Comment				

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Austria		
	Network operator	TV channel
Analogue terrestrial	Notification to KommAustria (see note A)	Licence for analogue terrestrial television, for private channels (see note B) from KommAustria. The broadcasting license usually includes the frequency license (see note F). No broadcasting licence needed for the public service broadcaster, but the public service broadcaster needs frequency license(s) from KommAustria (see note F). No new analogue terrestrial TV licenses will be issued.

Austria			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	Notification to KommAustria (see A)	Such an operator would need general authorisation (see left column) and to notify the programming (see right column).	Notification to KommAustria (see note C) No licence needed for the public service broadcaster
Fixed telecommunications (DSL)	Notification to RTR (see note A)	Such an operator would need general authorisation (see left column) and would not need a broadcasting license (see right column).	No licence needed
Mobile networks (UMTS)	Notification to RTR (see note A) Frequency license from TKK (see note F)	Such an operator would need general authorisation (see left column) and would not need a broadcasting license (see right column).	No licence needed

Austria			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	Notification to KommAustria (see note A)	Multiplex licence from KommAustria (see note E) Frequency licence from KommAustria (see note F)	Licence for distribution of digital programmes on a terrestrial multiplex platform from KommAustria (see note D)

Austria			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	Currently no Austrian satellite. This would require: <ul style="list-style-type: none"> Notification to RTR (see note A) Frequency licence from regional Telecommunication Office (see note F) 	No licence needed	Licence for satellite broadcasting, for private channels (see note B) from KommAustria No licence needed for the public service broadcaster

Austria				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H /DMB)	Notification to KommAustria (see note A)	Multiplex licence from KommAustria (see note E). Frequency licence from KommAustria (see note F)	Notification to RTR (see note A)	Licence for distribution of digital programmes on a terrestrial multiplex platform from KommAustria (see note D)

Austria	
A	<p>General authorisation for electronic communications networks and services</p> <p>Notification of basic business data and description of the networks and or services provided, no approval needed.</p> <p>The same procedure applies for all kinds of electronic communications networks and services (only difference: for broadcasting networks and services KommAustria is the responsible authority; for telecommunication networks and services, RTR).</p> <p>§ 15 TKG 2003</p>
B	<p>“License for (private) analogue terrestrial television” or “license for satellite broadcasting” (“Zulassung für analoges terrestrisches Fernsehen”, “Zulassung für Satellitenrundfunk”, § 4 PrTV-G). Licenses are granted for 10 years, and for analogue terrestrial television they also allocate frequencies. As the digital switch over has begun, new licenses for analogue terrestrial television are only a theoretical possibility. Examples: ATVplus (nationwide), Puls TV (Vienna), LT1 (Linz), Salzburg TV (Salzburg)</p> <p>The public service broadcaster, ORF, does not need a broadcasting license, it has a “broadcasting obligation” (Versorgungsauftrag) directly imposed by § 3 ORF Act.</p>
C	<p>Content providers for cable TV do not need a license, they only have to notify KommAustria a week in advance and to re-notify at the end of each year (§ 9 PrTV-G). Currently there are about 60 content providers for cable TV networks.</p> <p>The public service broadcaster, ORF, does not need a broadcasting license, it has a “broadcasting obligation” (Versorgungsauftrag) directly imposed by § 3 ORF Act.</p>
D	<p>License for “distribution of digital programmes over a terrestrial multiplex platform” (“Zulassung zur Verbreitung digitaler Programme”, § 28 PrTV-G), granted by KommAustria for a duration of ten years, renewable to content providers. Providers of additional services (e. g. EPGs, MHP) do not need a license, they just have to notify one week in advance and re-notify at the end of each year (§ 29 PrTV-G). There are no such licenses yet as digital terrestrial television will only become operative in September 2006.</p> <p>The public service broadcaster, ORF, does not need a broadcasting license, it has a “broadcasting obligation” (Versorgungsauftrag) directly imposed by § 3 ORF Act.</p>
E	<p>“Multiplex license” (for DVB-T, DVB-H, DMB, ...), according to § 25 PrTV-G (Zulassung für den terrestrischen Multiplex-Betreiber). Currently, one multiplex license exists, issued on February 23, 2006 for digital multiplexes “MUX A” and “MUX B” (both nationwide) to ORS for ten years (August 1, 2006 to August 1, 2016). The multiplex license is the first step of the necessary frequency licenses (see Table 11 for details), but also contains elements of a broadcasting service license (see Table 12 for details on license conditions).</p>
F	<p>Any usage of terrestrial spectrum needs a “frequency license” (Frequenzzuteilung) according to § 54 Telecommunications Act. Spectrum for broadcasting (UHF, VHF, including DVB-H, DMB, ...) is managed by KommAustria and these frequency licenses are closely related to the broadcasting license (see note B) or the multiplex license (see note E and also Tables 11 and 13).</p> <p>Spectrum not designated for broadcasting: Scarce frequencies (e. g. UMTS) are auctioned by Telekom Control Commission (TKK), non scarce frequencies (e. g. radio links, satellite frequencies) are licensed on a first come first serve basis by the regional Telecommunication Offices.</p> <p>Spectrum in cable TV is not licensed at all. Spectrum on satellites is only licensed theoretically (if an Austrian satellite would exist).</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
AT	KommAustria plans different regional switch-off after short simulcast phases. The last analogue switch-off is planned for 2010.	No	KommAustria has to reserve frequencies, which are suitable for digital terrestrial television, in a "frequency pool for digital terrestrial television". In practice, KommAustria reserves all available frequencies (174–223, 470–806 MHz, channels 5–11, 21–69) in this pool (§§ 18, 26 PrTV-G). Channel 12 (223–230 MHz) is reserved for T-DAB by the frequency usage ordinance.	No decision yet	No decision yet	Austria is awaiting the results of RRC-06.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Austria					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	KommAustria	Yes	Broadcasters	KommAustria first checks if the frequency shall be assigned to an existing broadcaster (see right column). If not, it conducts a beauty contest.	Frequency license and broadcasting license are obtained simultaneously. The two licences are closely related. The regional extent of the broadcasting licence is defined by the footprint of the granted frequency licence. See note below for the sequence.
	<p>Sequence of license assignment</p> <p>KommAustria has to allocate free terrestrial frequencies in this order:</p> <p>a) to the public service broadcaster if it is needed to meet its obligations;</p> <p>b) to an existing broadcasting license holder if it is needed to improve transmission quality in its existing coverage region;</p> <p>c) to an existing broadcasting license holder with nationwide coverage if it is needed to extend its coverage;</p> <p>d) to extend the coverage region of existing broadcasting licenses or to create a new broadcasting license.</p> <p>If KommAustria decides to create a new broadcasting license this new license and the corresponding frequencies are put to a tender (see 'Frequency assignment method'). If KommAustria decides to allocate the new frequency to an existing broadcasting license, KommAustria can allocate it directly (if this can be justified by considerations on frequency economy) or can put it out to tender.</p>				
Digital terrestrial (DVB-T)	KommAustria	Yes	Multiplexers	Beauty contest	Multiplex operators have to obtain a "multiplex license" first. The multiplex license itself does not grant usage rights on frequencies, it is the first step of frequency management and entitles the license holder to obtain frequency licenses for frequencies that are reserved for digital terrestrial television, i.e. the winner of the "multiplex license" gets all frequency licenses needed to fulfil the coverage requirements of the multiplex license.
Mobile over terrestrial networks (DVB-H /DMB)	KommAustria	Yes	Multiplexers	Beauty contest	Multiplex operators have to obtain a "multiplex license" first. The multiplex license itself does not grant usage rights on frequencies, it is the first step of frequency management and entitles the license holder to obtain frequency licenses for frequencies that are reserved for digital terrestrial television, i.e. the winner of the "multiplex license" gets all frequency licenses needed to fulfil the coverage requirements of the multiplex license.
Satellite	KommAustria	Yes	Frequencies would be assigned to the satellite operator (only a theoretical possibility because there is no Austrian satellite).	There are no Austrian satellites. If there would be any interest then frequencies for satellites would be assigned on first-come first-serve basis.	N/A

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
AT	Typical license conditions for broadcasting frequency licenses			
	License duration	None	See note below	Analogue terrestrial radio broadcasting licenses usually oblige the licensee to provide the programme scheme that it offered in the beauty contest.
	The technology related conditions for broadcasting frequency licenses are: <ul style="list-style-type: none"> • coordinates for the antenna (longitude, latitude, altitude, height over ground); • effective radiated power (maximum, and detailed for each direction), directed/non directed antenna, polarisation; • radio station must fulfil R&TTE requirements; • requirement to use specific technical standards; • radio programmes: RDS PI Code is assigned as part of the frequency conditions. 			
	Multiplex license for digital terrestrial television (examples from the first license of February 23, 2006)			
	The license contains two nationwide layers, but does not list the frequencies yet. frequency licenses for any site are needed as a second step. License duration (10 years).	See note below	See note below	See note below
	Non-content conditions <ul style="list-style-type: none"> • roll-out plan; • coverage requirements; • whole data stream of must be archived seven days; • must-carry obligations (see content conditions); • notification of all programmes carried and additional services to KommAustria; • several market competition regulations (tariffs, non-discrimination, accounting separation, ...) to be replaced by regulatory obligations of a market analysis proceeding. 			
	Technology Related Conditions <ul style="list-style-type: none"> • efficient use of frequency spectrum (single frequency networks); • EN 300 744 (DVB); • ETSI TS 101 812 (MHP); • Standards of Art. 17 para. 2 Framework Directive; • Modulation 16-QAM, Coderate 3/4, Guard interval 1/4 = 14.93 Mbit/s; • at least 2.900 Kbit/s for each TV programme, at least 170 Kbit/s for each radio programme, statistic multiplexing with at least 500 Kbit/s for each TV program; • no encryption on multiplex A; • DVB-H must not yet be used, is subject to a later decision. 			
	Content Conditions <ul style="list-style-type: none"> • at least three TV programmes on each of the two multiplex layers; • must-carry for ORF1, ORF2, ATVplus on multiplex A; • ORF must be able to regionalise one programme, i.e. to send two regional versions of the same programme on the same site; • selection of further TV programmes according to detailed selection criteria in the license annex; 			

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
	<ul style="list-style-type: none"> each TV content provider must have the possibility to send additional services (including teletext, EPG) up to 900 Kbit/s; grant access for EPG operator, if no own EPG provided; remaining free bandwidth can be used for radio programmes according to detailed selection criteria in the license annex. 			

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
AT	<p>Broadcasting frequencies: € 6.50 (which is the general fee for any administrative act of any public authority if no special fee is defined). The one-off fee for a radio broadcasting license is: € 490 (TP 452 BVerwAbgVO). Telecommunication frequencies: there are many different fees to cover administrative costs (regulated in detail in the Annex of TKGV); auction fees for scarce frequencies.</p>	<p>No fee for broadcasting frequencies (§§ 1, 2 RFGO). Monthly fees must be paid for some telecommunication frequencies (regulated in detail in the Annex of TKGV), e. g. for GSM/UMTS € 581.38 per 200 kHz (paired), per month.</p>	<p>No plans for harmonization NB The regulatory authority is financed by fees paid by the operators (3/4) and from the state budget (1/4). These fees are not related to frequency licenses. The broadcasters finance the regulator's broadcasting activities, the operators of electronic communication networks and services finance the regulator's telecommunication activities. The amount of the fees depends on the companies' annual turnover.</p>

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
AT	No formal policy	The relevant provision (§ 20 PrTV-G) was slightly amended twice during the last years (in force since August 1, 2004 and since July 1, 2006), but not on the basis of a "review".	No formal consultation process, both amendments were directly introduced as bills by members of Parliament.	No changes resulting from a review Note: In practice, only about three to seven programmes must be carried by cable TV networks, see Table 15 .

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Austria							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	None	N/A	N/A	N/A	N/A	N/A	N/A
Cable network (analogue and or digital)	§ 20 PrTV-G	Cable network operators	All cable network operators are subject to must-carry.	<p>Universal access for the public service broadcaster's programmes and for the holder of the nationwide private analogue terrestrial TV licence (must be carried nationwide).</p> <p>Universal access for holders of regional private analogue terrestrial TV licences (must be carried in the region where they can be received terrestrially).</p> <p>Industrial policy (support for local and Austrian content).</p>	<p>§ 20 PrTV-G does not explicitly say, if must-carry applies to analogue and or digital transmission.</p> <p>In a decision of November 23, 2001, KommAustria obliged a cable TV operator to carry a local information channel in its analogue and in its digital package.</p>	<p>All radio and the two TV programmes (ORF1, ORF2) of the public service broadcaster.</p> <p>The TV programme of the holder of the nationwide private analogue terrestrial TV licence (ATVplus).</p> <p>The TV programmes of the holders of regional private analogue terrestrial TV licences, if they can be received terrestrially in the area of the cable network.</p> <p>A programme for local information, if it produces more than 120 minutes of content per day and the cable network does not already carry more than one similar programme.</p> <p>A programme with Austrian content, if it produces more than 12 hours per day and the cable network does not already carry a similar programme.</p>	<p>Must-carry is directly regulated by the law.</p> <p>Some must-carry obligations depend on whether the cable network already carries similar programmes (see left column).</p>

Austria							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Digital terrestrial	§ 25 PrTV-G	Licence holder of the first multiplex licence	Licence condition in the first issued multiplex licence.	Universal access for the public service broadcaster's programmes and for the holder of the nationwide private analogue terrestrial TV licence.	<p>According to § 25 (2) PrTV-G, must-carry (for two TV programmes of ORF and for the TV programme of the holder of the private nationwide analogue terrestrial TV licence) is part of the first "multiplex licence". KommAustria included these must-carry obligations in its licence of February 23, 2006.</p> <p>According to § 27 PrTV-G any multiplex operator must give fair, balanced and non-discriminatory access to providers of digital programmes and services.</p>	<p>Must-carry for two TV programmes of the public service broadcaster (i. e. ORF1, ORF2).</p> <p>Must-carry for the programme of the holder of the private nationwide analogue terrestrial TV licence (ATVplus).</p> <p>Non-discriminatory access for other programmes and services.</p>	Must-carry is directly regulated by the law.
Satellite	None	N/A	N/A	N/A	N/A	N/A	N/A
Fixed network operator	None	N/A	N/A	N/A	N/A	N/A	N/A
Mobile network operator	None	N/A	N/A	N/A	N/A	N/A	N/A
Other	None	N/A	N/A	N/A	N/A	N/A	N/A

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
AT	The public service broadcaster's programmes must be carried free of charge. Must-carry obligations for other TV programmes: cable TV network operator can request the broadcaster to pay remuneration for must-carry.	Free of charge "reasonable" price (to be determined by KommAustria in case of disputes). KommAustria had one case (November 23, 2001) and decided by benchmarking.	No legal relation between must-carry remuneration and copyright obligations. No detailed information available, but it seems that in many cases cable TV operators and content providers agree that neither of them pays the other.

Table 17 - Must-offer

This table describes whether a Member State has imposed "must-offer" obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
AT	No formal must-offer obligation, but for the public service broadcaster it could be argued by the general objectives of the law (§ 3 ORF-G).	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
AT	Analogue terrestrial transmission services for TV signals	Yes	N/A
	Analogue terrestrial FM (VHF) transmission services for radio signals	Yes	N/A
	TV transmission via individual cable networks	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> competition law is sufficient.
	TV transmission via satellite	No	Market transnational. NRA unable to investigate because no provider operating in Austria.
	Analogue terrestrial AM (MF) transmission services for radio signals	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> competition law is sufficient.
	Radio transmission via cable networks or satellites, if signals are transmitted to end-users	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> competition law is sufficient.
Source: Broadcasting market definition ordinance 2004 (Rundfunkmarktdefinitionsverordnung 2004 - RFMVO 2004). See also KommAustria's decisions of May 29, 2006, concluding market analysis on market 18 and imposing regulatory obligations on ORS.			

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
AT	Analogue terrestrial transmission services for TV signals	ORS	Yes Provision of access to, and use of, specific network facilities (including masts and sites) on reasonable request, without bundling services that were not requested.	Yes KommAustria did not impose a specific cost accounting system, but refers to costs of efficient service provision, which takes into account the average costs of "fictitious" infrastructure.
	Analogue terrestrial FM (VHF) transmission services for radio signals	ORS	Yes Same as above	Yes Same as above
Source: KommAustria's decisions of May 29, 2006 on market 18, concluding market analysis on market 18 and imposing regulatory obligations on ORS.				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
AT	Regulated by § 27b PrTV-G and an ordinance of KommAustria (ZIV) Responsible authority: KommAustria	See note below	CAS operators	Remuneration should be on "fair, reasonable and non-discriminatory terms".	According to § 27b (2) PrTV-G KommAustria can change the ordinance after a market analysis.
<p>Scope of Access</p> <ul style="list-style-type: none"> CAS must allow handover of control to local or regional network operators. CAS providers must offer access on fair, reasonable and non-discriminatory terms to TV broadcasters. Accounting separation for CAS providers. Holders of patents must offer licences to producers of set-top boxes on fair, reasonable and non-discriminatory terms; licences must not hinder APIs. <p>NB ORS operates a CAS for satellite transmission, offers this to public broadcaster ORF and private broadcaster ATV, and practices accounting separation.</p> <p>Handover of control used in practice between Pay-TV-provider Premiere and cable network operator UPC Telekabel.</p>					

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
AT	Definition of API in § 2 Z 24 PrTV-G, corresponds to the definition of Art. 2 (p) Framework Directive § 27a (2) Z 2 PrTV-G allows KommAustria to impose obligations on operators, especially to oblige owners of APIs to provide information on technical parameters for reasonable compensation.	ORS provides encryption with Cryptoworks, Nagravision and Betacrypt (phased out) on its satellite platform (which is a resale of Astra services). For digital terrestrial television, MHP will be used by all parties.	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
AT	§ 27a (2) Z 1 PrTV-G Regulatory authority: KommAustria	<p>The law specifies that KommAustria can impose obligations on operators to ensure that consumers can find digital programmes and additional services under “fair, balanced, and non-discriminating” conditions.</p> <p>The first multiplex license of February 23, 2006 (see Item 4.4 of the binding part of the decision):</p> <ul style="list-style-type: none"> • If ORS (multiplex operator) operates an EPG, it must contain all programmes and additional services, ranked by objective criteria (e. g. must-carry programmes first, ranking by market share). • If ORS does not operate an EPG itself, it must grant access to an EPG operator (Item 4.3.8 of the bidding part of the decision). <p>In a decision based on Austrian merger control legislation (December 19, 2005, 26 Kt 391/05, see Table 23), the Cartel Court limited ORS’ possibilities of giving control on EPG content or marketing of EPG advertisements to other undertakings. Advertising on the EPG must be handled on a fair and non-discriminatory basis. In this decision, the Cartel Court approved the acquisition of 40% of ORS’ shares by Medicur, which has influence on several media and advertising undertakings.</p>

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
AT	<p>Federal Competition Authority: (Bundeswettbewerbsbehörde)</p> <p>Federal Cartel Attorney: (Bundeskartellanwalt)</p> <p>Higher Regional Court Vienna as Cartel Court: (Kartellgericht)</p>	<p>The Austrian Cartel Act contains special provisions on media concentration:</p> <p>§ 9 Cartel Act 2005: on the threshold for the obligation to notify planned concentrations, revenues of media enterprises and media services are multiplied by 200 and revenues of e. g. printers or distributors are multiplied by 20.</p> <p>§ 13 Cartel Act 2005: media concentrations must be forbidden if they can impair media plurality</p>	See note below
<p>Recent Competition Actions</p> <p>State aid</p> <ul style="list-style-type: none"> • March 16, 2005: The Commission approved Austrian Digitization Fund (C(2005) 586fin, State Aid No. N 622/2003). • July 2005: Complaint by the Association of private Austrian broadcasters (Verband Österreichischer Privatsender) to the European Commission about fees for financing the public service broadcaster, and about its commercial activities. • March 2006: Complaint by Pay-TV operator Premiere to the European Commission against the new amendment of ORF Act, which allows ORF to start a sports channel financed by fees. <p>Antitrust</p> <ul style="list-style-type: none"> • On March 10, 2006 the Federal Competition Authority announced, that it investigates a contract which grants exclusive TV broadcasting rights on Austrian Skiing World Cup competitions to ORF for the next 10 years 			

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
	<p>Merger control</p> <p>On December 19, 2005 the Cartel Court approved (26 Kt 391/05) the acquisition of 40% of the shares of the public service broadcaster's network operator ORS by Medicur. Medicur is part of the Raiffeisen bank conglomerate, and has influence on several media and advertising undertakings, especially parts of the print media conglomerate mentioned above. The Cartel Court imposed conditions on ORS' EPG (see Table 22).</p>		

Belgium

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
BE	Terrestrial – analogue TV Only 1 provider: the public broadcaster (VRT)	All households can receive the signal.
	Terrestrial – digital TV Only 1 provider: the public broadcaster (VRT).	In theory, all households can receive the signal.
	Cable TV: <ul style="list-style-type: none"> • Telenet; • Integan; • PBE; • WVEM; • Interelectra. 	95% of households are connected to cable TV. Telenet, the biggest cable TV operator in Flanders had 1,597,000 cable TV subscribers at the end of March 2006. The four remaining operators have together 780,000 subscribers.
	IP TV: one provider (Belgacom TV)	73,635 subscribers June 2006
	Mobile TV	On demand only
	No satellite provider in Belgium. TV Vlaanderen Digitaal to be launched in June 2006.	-

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
BE	Decreten betreffende de radio-omroep en de televisie, gecoördineerd op 4 maart 2005 Media Decree
	Technical regulation and regulation of frequency authorisation procedures <ul style="list-style-type: none"> • Government decree No. 346/2004 (XII.22) • Informatics and Communication Minister decree No. 35/2004 (XII.28) • Informatics and Communication Minister decree No. 6/2004 (IV.13)

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
BE	Constitution (art. 19 and 25)	<ul style="list-style-type: none"> Freedom of expression, freedom of press
	Media Decree	<ul style="list-style-type: none"> Must-carry Programme diversity Plurality Flemish language and culture Freedom of information Protection of minors
	Decree of the Flemish Government on events of major importance.	<ul style="list-style-type: none"> Listing the events of major importance that must be available to the majority of the public despite exclusive broadcasting rights

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography; etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
BE	<p>Media Decree, art. 6</p> <p>Provide cultural, news, educational and entertainment programmes of quality (quality in terms of content, forms and language used).</p> <p>Specific programmes for youth.</p> <p>Ensure the development of the identity and the diversity of the Flemish culture.</p> <p>A sufficient number of programmes must be of interest for the public in general. Some programmes targeting specific groups can also be proposed.</p> <p>VRT must follow the evolution of technology in order to provide new applications if it seems useful for the public.</p>	The public service broadcaster "VRT" (Vlaamse Radio- en Televisieomroep).	To be available for as many media users as possible.	<p>No</p> <p>A new decree should be adopted to clarify the general interest objectives of the public service broadcaster (VRT).</p>

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
BE	Vlaamse Regulator voor de Media (Flanders)	For Flemish-speaking community: <ul style="list-style-type: none"> • Licensing, monitoring and enforcement of the decree on broadcasting • Protection of minors • Dispute resolution 	Yes Three different bodies have been merged into one single media regulator.
	Flemish Ministry responsible for media (Ministry van Bestuurszaken, Buitenlands Beleid, Media en Toerisme)	For Flemish-speaking community: <ul style="list-style-type: none"> • Licensing • General policy on broadcasting 	No
	Ministère de la Communauté française, Service Général de l'Audiovisuel et Multimédias	<ul style="list-style-type: none"> • regulatory matters (French-speaking community) 	
	Conseil Supérieur de l'Audiovisuel	<ul style="list-style-type: none"> • authorisations (French-speaking community) 	
	Medienrat der Deutschsprachigen Gemeinschaft	<ul style="list-style-type: none"> • regulatory matters (German-speaking community) 	
	Institut belge des services postaux et télécommunications (IBPT)	<ul style="list-style-type: none"> • Frequency management • Monitoring of spectrum 	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
BE	<p>3G</p> <p>Proximus, Base and Mobistar offer some live TV channels and video on demand.</p> <p>DVB-H</p> <p>Trials only (in both Flemish and French speaking communities).</p>	<p>Nothing specific to mobile TV, which is considered as broadcasting. The existing regulatory framework for 3G permits transmission of multimedia services.</p> <p>NB The Flemish community is considering the creation of an authorisation specifically for mobile TV. The French community plans to launch a consultation on mobile TV.</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
BE	<p>Belgacom TV</p> <ul style="list-style-type: none"> • Own infrastructure, using xDSL • Access through a set-top box 	Nothing specific to IP TV, which is considered as broadcasting.

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Belgium				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	Media Act , art. 118.	Yes	No	Notification to VRM (regulator for broadcasting). Notification must contain data identifying the operator, a short description of the provided networks/services and the date when provision will start
Digital terrestrial	Media Act , art. 134.	Yes	No	Same as above
Cable	Media Act , art. 105.	Yes	No	Same as above
Fixed telecommunications network	Electronic Communications Act , art. 9.	Yes	No	Notification to BIPT (regulator for telecommunication). Notification to VRM (regulator for broadcasting). Notification must contain data identifying the operator, a short description of the provided networks/services and the date when provision will start.

Belgium				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Mobile telecommunications network (UMTS)	Electronic Communications Act , art. 9.	Yes	No	Same as above
Comment				

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Belgium (Flanders)		
	Network operator	TV channel
Analogue terrestrial	Licence for analogue terrestrial broadcasting network (see note B)	Programme licence (see note A), except the public service broadcaster

Belgium (Flanders)			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	Notification (see note D)	Notification (see note D) Programme licence (see note A)	Programme licence (see note A), except the public service broadcaster
Fixed telecommunications (DSL)	Notification (see note E)	Notification (see note E) Programme licence (see note A)	Programme licence (see note A), except the public service broadcaster
Mobile networks (UMTS)	Notification (see note E) Licence to use 3G frequencies (see note F)	Notification (see note E) Licence to use 3G frequencies (see note F) Programme licence (see note A)	Programme licence (see note A), except public service broadcaster

Belgium (Flanders)			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	Licence for digital terrestrial broadcasting network (see note C)	Not yet decided (except public service broadcaster – see note C)	Programme licence (see note A), except the public service broadcaster

Belgium (Flanders)			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite TV	Nothing foreseen in the regulatory framework	Programme licence (see note A)	Programme licence (see note A), except the public service broadcaster

Belgium (Flanders)				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H / DMB)	Not yet decided	Not yet decided	Not yet decided	Programme licence (see note A), except public service broadcaster

Belgium (Flanders)	
A	<p>Programme licence granted by VRM. Five categories of TV programmes are defined: general interest, regional, teleshopping, Pay-TV, thematic channels. (Media Decree, art. 58).</p> <p>Terms: 9 years.</p> <p>Other types of TV programmes (like VOD) are included in the category 'Television services' (Media Decree, art. 90). In this case, only a notification to VRM is needed.</p>
B	<p>Licence for analogue terrestrial broadcasting network: authorisation granted by VRM (Media Decree, art. 118).</p> <p>Term: same as the programme licence.</p> <p>The public service broadcaster (VRT) is allowed to create its broadcasting networks without prior approval.</p>
C	<p>Licence for digital terrestrial broadcasting network: licence granted by VRM (Media Decree, art. 134).</p> <p>Term: to be set in a future Flemish government Decree.</p> <p>The public service broadcaster (VRT) is allowed to create a digital terrestrial broadcasting network without prior approval. The Flemish government grants to VRT the frequencies it needs to create the network. VRT only needs prior approval by the Flemish government when it wants to broadcast commercial channels over the frequencies it uses.</p>
D	<p>General authorisation to provide Cable TV networks. Notification to VRM (Media Decree, art. 126).</p>
E	<p>General authorisation to provide telecommunications networks. Notification to BIPT (Telecommunication Act, art. 9).</p>
F	<p>Licence for mobile 2G/3G networks: right to use radio frequencies for 2G/3G services granted by BIPT (Telecommunication Act, art. 18).</p> <p>Term: 15 years (2G): 20 years (3G).</p>

Belgium (French-speaking Community)		
	Network operator	TV channel
Analogue terrestrial	<p>Network operator notification (see note C)</p> <p>Licence for the use of spectrum (see note D)</p>	<p>Editor licence (see note A)</p> <p>Distributor notification (see note B)</p>

Belgium (French-speaking Community)			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	Network operator notification (see note C)	<p>Network operator notification (see note C)</p> <p>Distributor notification see note (see note B)</p>	Editor licence (A)

Belgium (French-speaking Community)			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Fixed telecommunications (DSL)	Network operator notification (see note C)	Network operator notification (see note C) Distributor notification (see note B)	Editor licence (A)
Mobile networks (UMTS)	Network operator notification (see note C) Licence to use 3G frequencies (see note E).	Network operator notification (see note C) Distributor notification (see note B). Licence to use 3G frequencies (see note E).	Editor licence (see note A)

Belgium (French-speaking Community)			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	Network operator notification (see note C) Licence for the use of spectrum (see note D)	Distributor notification (see note B)	Editor licence (see note A)

Belgium (French-speaking Community)			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite TV	Network operator notification (see note C) Licence for the use of spectrum (see note D)	Distributor notification (see note B)	Editor licence (see note A)

Belgium (French-speaking Community)				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H /DMB)	<i>Not yet settled but likely to be:</i> Network operator notification (see note C) Licence for the use of spectrum (see note D)	Distributor notification (see note B)	Licence to use 3G frequencies (see note E)	Editor licence (see note A)

Belgium (French-speaking Community)	
A	Editor of services Authorisation granted by CSA (Media Decree, art. 33) except for public broadcaster and local TV where the Government of the French-speaking Community grants the authorisation. All categories of TV and radio services, including video on demand. Terms: 9 years.
B	Distributor notification Notification to CSA (Media Decree, art. 75). Distributors of radio and TV services over networks (i.e. cable operators, DSL operators, 3G mobile operators, satellite operators).
C	Network operator notification Notification to CSA (Media Decree, art. 97). Providers of broadcasting transmission networks for end-users.

Belgium (French-speaking Community)	
D	Licence for the use of spectrum: licence granted by CSA to use spectrum for broadcasting purposes (Media Decree, art. 100, 103, 109, 113, 117, 120).
E	Licence for mobile 2G/3G networks: right to use radio frequencies for 2G/3G services granted by BIPT (Telecommunication Act, art. 18). Term: 15 years (2G): 20 years (3G).

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
BE	Start in 2010. To be completed in 2012 (Flanders).	No	To be set after RRC-06.	To be set after RRC-06	2012	The three language communities have the authority to regulate media on their territory. The Federal government is responsible for regulating broadcasting in Brussels and telecommunications. This means that each community and the federal state must at some point reach an agreement on the use of the spectrum.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Belgium (Flanders)					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	Ministry responsible for Media	No	Broadcaster	Direct assignment	<u>Public channels</u> : automatically assigned by the government. <u>Private channels</u> : frequencies granted once broadcasters have been authorised by the broadcasting regulator (VRM).
Digital terrestrial (DVB-T)	Ministry responsible for Media	No	Multiplexer	Digital terrestrial only operated by the public broadcaster (frequencies are automatically assigned by the government). Details on assignment for private operator not yet set.	<u>Public operator</u> : automatically assigned by the government. <u>Private operator</u> : authorisation to be a network operator by VRM.
Mobile over terrestrial networks (DVB-H /DMB)	Ministry responsible for Media	No	Multiplexer	Details on assignment for private operator not yet set.	<u>Public operator</u> : automatically assigned by the government. <u>Private operator</u> : authorisation to be a network operator by VRM.
Satellite	Ministry responsible for Media	No	Satellite operator	No specific assignment method foreseen	N/A

Belgium (French-speaking Community)					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	CSA (broadcasting authority) except for the public broadcaster (Government)	Yes	Broadcaster (editor licence)	Direct assignment (TV) Call for tender (radio)	<u>Public channels</u> : automatically assigned by the government. <u>Private channels</u> : frequencies granted once broadcasters have been authorised by CSA.
Digital terrestrial (DVB-T)	CSA (broadcasting authority) except for the public broadcaster (Government)	Yes	Network operator	Call for tender	First, notification to CSA (network operator notification), then spectrum granted following the call for tender.

Belgium (French-speaking Community)					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Mobile over terrestrial networks (DVB-H /DMB)	CSA (broadcasting authority) except for the public broadcaster (Government)	Yes	Network operator	Call for tender	First, notification to CSA (network operator notification), then spectrum granted following the call for tender.
Satellite	CSA (broadcasting authority) except for the public broadcaster.	Yes	Network operator	Direct assignment	First, notification to CSA (network operator notification), then spectrum granted by CSA.

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
BE	No information available	No information available	Frequency licences are never service neutral.	No information available

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
BE	None	None	No

Table 14 - Reviews of must-carry obligations

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
BE Flanders	No formal policy. The decree specifies that it must be reviewed at regular intervals	None	No formal consultation process	No changes

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Belgium (Flanders)							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Cable network (analogue and or digital)	Media decree	Every cable network provider provided that this network is the main way to receive broadcasting programmes for a large number of users.	Platforms that are the main way to receive broadcasting programmes for a large number of users. Cable TV network is the most used platform to receive TV programmes.	Ensure pluralism and cultural diversity.	Flemish Community public broadcasters (radio and TV). French speaking Community public broadcasters (2 radio and 2 TV channels). German speaking Community public broadcasters (2 radio and the TV channels). Regional Channels recognised by the Flemish Community. All bundled regional TV channels in a digital pay package. Dutch public broadcasters (all the TV channels and 2 radio channels). VRM can decide to add private channels if it considers those channels have “a certain importance”, and taking into account the financial costs and technical availability of the network.	Public radio and TV channels from Belgium and the Netherlands. Regional private Flemish TV channels.	Political decision
Digital terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Satellite	None	N/A	N/A	N/A	None	N/A	N/A
Fixed network operator	None	N/A	N/A	N/A	None	N/A	N/A
Mobile network operator	None	N/A	N/A	N/A	None	N/A	N/A
Other	-						

Belgium (French-speaking Community)							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Cable network (analogue and or digital)	Media Decree, art. 82	Media Decree, art. 81 Must carry obligation apply to cable networks (without distinction between coax and IP networks)	Cable networks are the main way to receive TV programmes.	Ensure pluralism and cultural diversity.	<ul style="list-style-type: none"> Belgian French-speaking public channels (TV+radio) 2 Belgian Dutch-speaking public TV channels (with reciprocity conditions) and all public radio channels. Belgian German-speaking public services (radio channels) Local TV channels (limited to those where the subscriber is located) International channels, appointed by the government, in which the French-speaking public broadcaster participates (TV5) 	Public radio and TV channels from Belgium Regional private TV channels	Political decision
Digital terrestrial	Media Decree, art. 84	The distributor of service (MUX)	Ensure access to French-speaking public broadcaster.	N/A	Belgian French-speaking public channels (TV+radio) if the network covers all the territory of the French-speaking Community Local and Regional TV if the network has only a local/regional coverage.	Public radio and TV channels from Belgium Regional private TV channels	Political decision
Satellite	None	N/A	N/A	N/A	None	N/A	N/A

Belgium (French-speaking Community)							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Fixed network operator	Media Decree , art. 82	Media Decree , art. 81 Must carry obligation apply to cable networks (without distinction between coax and IP networks).	Main way to receive TV programmes.	Ensure pluralism and cultural diversity.	<ul style="list-style-type: none"> • Belgian French-speaking public channels (TV+radio) • 2 Belgian Dutch-speaking public TV channels (with reciprocity conditions) and all public radio channels. • Belgian German-speaking public services (radio channels) • Local TV channels (limited to those where the subscriber is located) International channels, appointed by the government, in which the French-speaking public broadcaster participates (TV5)	Public radio and TV channels from Belgium Regional private TV channels	Political decision
Mobile network operator	None	N/A	N/A	N/A	None	N/A	N/A
Other	-						

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
BE	Cable TV operators do not receive payment for the transmission of regional TV. For the other channels, the Cable TV operators are paid by the broadcasters.	Agreement between cable operator and broadcasters	Copyright fees paid to broadcasters.

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
BE	No must-offer obligations	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
BE	Not yet completed	N/A	N/A

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
BE	Not yet completed	See column 1	See column 1	See column 1

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as ‘any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation’. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
BE	Media Act art. 150 to 153 VRM	Similar to Annex 1 of the Access Directive	CAS operators	Remuneration should be on fair, reasonable and non-discriminatory rates (but these have not been defined).	Market analysis not yet started.

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
BE	Media Act art. 154 Regulatory authority: VRM, Flemish government	No standard imposed by law No specific agreement between market participants	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
BE	Media Act, art. 155 Regulatory authority: VRM, Flemish government	The Media Act specifies that the government can impose some obligations to access EPG. No decision taken.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
BE	Conseil de la concurrence (Competition Council)	No	Merger control In November 2003, the Competition Council cleared the acquisition of Canal+ by Telenet (the main cable operator in Flanders).

Cyprus

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
CY	Analogue terrestrial TV	National coverage for public service broadcaster CYBC (99% of the population) and 85% of the population for commercial service broadcasters (free-to-air and pay TV) 43,000 subscribers for 2 pay TV channel packages (LTV and ALPHA) Source: OCECPR
	Digital terrestrial TV	Not yet introduced in Cyprus.
	Satellite	NOVACYPRUS: 20,000 subscribers ATHENASAT: data not available (Source: NOVACYPRUS)
	Cable TV	Cablenet 159 subscribers (network has a footprint of around 20,000 households mostly in Nicosia and Limasol) (Source: OCECPR)
	IP TV	CYTA: miVision 9,670 subscribers PrimeTV: 81 subscribers Source: OCECPR
	Mobile TV	-

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
CY	Cyprus Radio Television Authority (CRTA): <ul style="list-style-type: none"> • The Radio and Television Stations Law 7(I)/1998 • Amendments 88(I)/98, 13(I)/99, 159(I)/99, 23(I)/2000, 55(I)/2000, 134(I)/2000, 18(I)/2001, 53(I)/2001, 65(I)/2001, 78(I)/2001, 126(I)/2001, 102(I)/2002, 186(I)/2002, 24(I)/2003, 97(I)/2004, 85(I)/2006 • The Radio and Television Stations Regulations 10/2000, 451/2004, 192/2006, 193/2006
	Ministry of Communications and Works, Department of Electronic Communications (MCW-DEC): http://www.mcw.gov.cy/mcw/mcw.nsf/dmldec_en/dmldec_en?OpenDocument): <ul style="list-style-type: none"> • The Radiocommunications Law (L.46(I)/2002) • Amendments 15(I)/2003, 16(I)/2004, 180(I)/2004 • The Radiocommunications (Fees) Regulations 2004 (P.I 461/2004) • The Radiocommunications (Authorization) Regulations 2004 (P.I 463/2004)

Member state	Types of regulations affecting broadcasting industry
	<p>Office of the Commissioner for Electronic Communications and Postal Regulation (OCECPR):</p> <ul style="list-style-type: none"> • The Regulation of Electronic Communications and Postal Services Law of 2004 • Licensing (Electronic Communications) Order of 2004, KDP 851/2004 • Administrative Charges (Electronic Communications) Order of 2004, KDP 849/2004 • Interconnection Agreements (Electronic Communications) Order of 2005, KDP 14/2005 • Definition of the Procedures for Amending RIO and RUO (Electronic Communications) Order of 2005, KDP 15/2005 • Interconnection Fees (Electronic Communications) Order of 2005, KDP 16/2005 • Quality of Services (Electronic Communications) Order of 2005, KDP 74/2005 • Net Specific Facilities of the Universal Service Provider (Electronic Communications) Order of 2005, KDP 142/2005
	<p>Cyprus Broadcasting Corporation (CYBC):</p> <ul style="list-style-type: none"> • The Cyprus Broadcasting Corporation Law CAP.300A (1959-2006) (not available online) • Amendments 46/1959, 20/1960, 21/1960, 27/1961, 69/1961, 26/1962, 39/1963, 61/1972, 52/1977, 14/1979, 21/1979, 212/1987, 284/1987, 9/1988, 204/1991, 238/1991, 38(I)/1995, 8(I)/1998, 24(I)/2000, 7(I)/2001, 10(I)/2001, 60(I)/2001, 83(I)/2001, 136(I),2002, 23(I)/2003, 116(I)/2003, 96(I)/2004, 83(I)/2006 • Regulations 93/2001, 616/2003, 194/2006
	<p>Commission for the Protection of Competition (CPC):</p> <p>http://www.competition.gov.cy/competition/competition.nsf/All/0A34BACE60CDD6D0C2256C8C003229FC?OpenDocument:</p> <ul style="list-style-type: none"> • The Protection of Competition Law 207/89 and amendments 111(I)/1999, 87(I)/2000, 155(I)/2000 • Control of concentrations between Undertakings Law 22(I)/99 and amendments 107(I)/99, L154(I)2000 • P.I 206/90- Protection of Competition (Applications, Notifications, Complaints and Publications of Decisions and Applications) Order of 1990 • P.I. 365/00- Block Exemptions (Vertical Agreements and Concerted Practises) Order of 2000

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
CY	See Table 2 .	<p>The general interest objectives listed below are scattered in a number of the laws in Table 2 above:</p> <ul style="list-style-type: none"> • Universal access for certain programmes • Plurality of the media • Media diversity • Freedom of expression • Freedom to receive information • Cultural identity promotion

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;

- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
CY	The Cyprus Broadcasting Corporation Law CAP. 300A (1959-2006) Regulations 93/2001, 616/2003, 194/2006 Definition of "Public Radio Television Service" in the Cyprus Broadcasting Corporation Law. See note below.	Cyprus Broadcasting Corporation (CYBC)	99% of the population CYBC owns the infrastructure for transmitting their signals nationwide (80 sites).	23(I)/2003 – Regulates the qualitative and quantitative obligations of CYBC for presidential elections. 116(I)/2003 - Regulates the qualitative and quantitative obligations of CYBC 96(I)/2004 – Protection of minors, discrimination, right to reply, tele-shopping advertising messages and sponsorship.
	Public Radio Television Service in Radio and Television Broadcastings that constitutes a general Economic Interest Service that responds directly to the democratic, social and cultural needs of the Cyprus society and to the need of guaranteeing pluralism of the cultural and linguistic differences of the Media, and includes the provision of a balanced bundle of services that is constituted of informative, cultural and entertaining broadcasts, social programmes, programmes that are addressed to Cypriots living abroad, as well as programmes for emergency cases and public defence, as these are defined in regulations that are issued under the powers of this law and as this is expanded or otherwise amended, in light of technological improvements or new conditions and situations.			

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
CY	Office of the Commissioner for Electronic Communications and Postal Regulation (OCECPR)	<ul style="list-style-type: none"> • Authorisation of electronic communications networks and services 	No
	Ministry of Communications and Works, Department of Electronic Communications (MCW-DEC)	<ul style="list-style-type: none"> • Frequency assignment 	No
	Cyprus Radio Television Authority (CRTA)	<ul style="list-style-type: none"> • Licensing of broadcasters, content regulation 	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
CY	No mobile TV services have been launched yet by the two GSM/3G licence holders in Cyprus (CYTA Mobile/Vodafone and Areeba)	No specific licensing requirements for mobile TV beyond the conditions of the GSM/3G licences.

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
CY	<p>CYTA miVision:</p> <ul style="list-style-type: none"> • ADSL based on own network infrastructure • 9,670 subscribers <p>PrimeTel-Prime TV:</p> <ul style="list-style-type: none"> • ADSL based on LLU or shared access from CYTA, leased lines and own infrastructure managed by the electricity utility • 81 subscribers <p>(subscriber data end 1Q 2006, OCECPR)</p>	<p>IP TV is treated as an “extended wireline telecommunications service” and falls under the telecommunications regulatory framework. CYTA miVision and PrimeTel-PrimeTV are covered by a general authorisation to provide electronic communications networks and services.</p> <p>Work is ongoing to include IP TV under the broadcasting regulatory framework.</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Cyprus				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	None – covered by broadcasting licence, see Table 9	No	N/A	N/A
Digital terrestrial	Licensing procedure not yet decided			
Cable	Notification to OCECPR <ul style="list-style-type: none"> • The Regulation of Electronic Communications and Postal Services Law of 2004 (Part 8 – Authorisation regime); • Licensing (Electronic Communications) Order of 2004, KDP 851/2004; • “Guidelines on the provision of electronic communication networks and services”; • The Definition of terms and/or special obligations under General Authorization, decision 436/2005. 	Yes	Information not available	Notification to OCECPR
Satellite	Same as above	Same as above	Same as above	Same as above
Fixed telecommunications network	Same as above	Same as above	Same as above	Same as above
Mobile telecommunications network (UMTS)	Same as above	Same as above	Same as above	Same as above
Other				
Comment				

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Cyprus		
	Network operator	Broadcaster
Analogue terrestrial	Covered by broadcasting content licence issued by CRTA (see note A) No separate notification of network activity to OCECPR	Broadcasting content licence issued by CRTA (see note A)

Cyprus			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Cable	Notification to OCECPR (see note B)		Broadcasting content licence issued by CRTA (see note C)
Fixed telecommunications (DSL)	Notification to OCECPR (see note B)		No broadcasting licence
Mobile networks (UMTS)	Notification to OCECPR (see note B)		No broadcasting licence

Cyprus			
	Terrestrial network operator	Multiplex operator	Broadcaster
Digital terrestrial (DVB-T)	Licensing procedure not yet decided.		

Cyprus			
	Satellite platform	Distributor of bouquets of Broadcasters	Broadcaster
Satellite	No information available		

Cyprus				
	Terrestrial network operator	Multiplex operator	Mobile operator	Broadcaster
Mobile over terrestrial networks (DVB-H /DMB)	Licensing procedure not yet decided			

Cyprus	
A	<p>Broadcasting content licence issued by Cyprus Radio Television Authority (CRTA) including rights to use specific analogue frequencies in the UHF/VHF spectrum bands. All analogue terrestrial broadcasters have their own networks.</p> <p>5 national commercial broadcasters:</p> <ul style="list-style-type: none"> • Free-to-air: ANT1, SIGMA, MEGA • Pay-TV: LTV and ALPHA <p>They all started services in 1991-93 with temporary licences. Following the establishment of CRTA in 1998, a tender was started to award permanent licences based on beauty contest. Licences were awarded in 2001 for a period of 10 years, renewable, although this is unlikely given that this will coincide with the timetable for digital switchover.</p> <p>A sixth national licence was awarded to ASTRA in 2002 following a tender. ASTRA will launch shortly.</p> <p>A seventh national licence was awarded to DTV in March 2004 following another tender but this was revoked by the Supreme Court in April 2005. CRTA has appealed the decision and the appeal is pending.</p> <p>There are six local commercial broadcasters (all free-to-air: VoxTV, Fred TV, Capital TV, New Extra TV, Paphos TV, Omega TV). Two more local licences are planned, but a 10-year period would overlap with the digital switchover schedule. CRTA says that it will include a term in these licences so that when switch-off takes place they will automatically be obliged to broadcast digitally via DTTV.</p> <p>The public service broadcaster CYBC has not been granted a licence by CRTA. Instead, this is covered directly by the legislation establishing CYBC (Cyprus Broadcasting Corporation Law).</p>

Cyprus	
B	<p>Notification to Office of the Commissioner of Electronic Communications and Postal Regulation (OCECPR) for general authorisation to provide electronic communications networks and services.</p> <ul style="list-style-type: none"> • The Regulation of Electronic Communications and Postal Services Law of 2004 (Part 8 – Authorisation regime); • Licensing (Electronic Communications) Order of 2004, KDP 851/2004; • “Guidelines on the provision of electronic communication networks and services”; • The Definition of terms and/or special obligations under General Authorization, decision 436/2005.
C	<p>Cable TV provider license to offer television programming via cable networks issued by CRTA. Term 10 years, renewable. There is one cable licence and the holder is Cablenet.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the ‘digital dividend’). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
CY	<p>There is a Steering Committee that currently discusses all the topics about the introduction of DVB-T in Cyprus.</p> <p>Consultation on the introduction of DVB-T expected in July 2006.</p> <p>Procedure for auction of licences to start in Q1-2 2007.</p> <p>Digital broadcasting to begin in 2008.</p> <p>Start of switch-off 2010, to be completed by 2012.</p>	<p>Yes, under consideration as part of the project to introduce DVB-T.</p>	<p>Not officially decided yet</p> <p>Content provision, other electronic communications and information society services.</p>	<p>Not decided yet</p>	<p>After analogue switch-off</p>	<p>None</p>

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Cyprus					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	Cyprus Radio Television Authority (CTRA). See below.	Yes	Broadcaster Each broadcaster has its own network.	Beauty contest for commercial service broadcasters.	See first column.
	<p>Who assigns the frequencies?</p> <p>The national frequency plan is developed by the Ministry of Communications and Works (MCW), Department of Electronic Communications (MCW-DEC). The plan specifies packages of spectrum for different national and local analogue terrestrial television and radio channels, including site locations, transmission parameters, and coverage requirements.</p> <p>The CRTA assigns broadcasting content licences, including the rights to use specific channels with conditions set by DEC in the frequency plan.</p> <p>The public service broadcaster, CYBC, has not been granted a licence by CRTA. Instead, this is covered directly by the legislation establishing CYBC (Cyprus Broadcasting Corporation Law). CYBC's frequency was awarded directly by the MCW.</p>				
Digital terrestrial (DVB-T)	There is a Steering Committee that currently discusses all the topics about the introduction of digital terrestrial television in Cyprus. This Committee considers the method of authorizing DVB-T network operators, but no final decision taken yet.				
Mobile over terrestrial networks (DVB-H /DMB)	MCW/DEC for frequency licence. 2 GSM/3G licences were granted in Cyprus after an auction procedure, but no mobile TV services launched yet. DVB-H licensing procedure and conditions not yet decided.				

Cyprus					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Satellite	Only Uplink frequency licensed by MCW/DECEMBER Downlink is receive only.				

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
CY	No information available.			

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
CY	None for analogue broadcasting	None for analogue broadcasting	Introduction of frequency fees is under consideration with the implementation of digital terrestrial TV, but no final decision taken yet.
	<p>However, commercial analogue terrestrial broadcasters (FTA and pay-TV) have to pay a one-off application fee and an annual fee for a broadcasting licence which implicitly includes rights to use spectrum.</p> <p>Annual fees:</p> <ul style="list-style-type: none"> • National TV CYP 30,000 • Local TV CYP 7,000 • National radio CYP 3,000 • Local radio CYP 500 <p>Plus 0.5% of gross advertising income.</p> <p>CYBC, the public service broadcaster, does not pay a broadcasting licence fee.</p>		

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
CY	No must-carry obligation. No established policy for review.	No formal review carried out. Must-carry is under consideration in the context of the introduction of digital terrestrial TV, but no final decision taken yet.	Not applicable – see column 1	Not applicable – see column 1

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Cyprus							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	No must-carry or other types of carriage obligations.						
Cable network (analogue and or digital)	No must-carry or other types of carriage obligations.						
Digital terrestrial	Must-carry under consideration in the context of the introduction of digital terrestrial TV, but no final decision taken yet.						
Satellite	No must-carry or other types of carriage obligations						
Fixed network operator	No must-carry or other types of carriage obligations.						

Cyprus							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Mobile network operator	DVB-H licensing procedure and conditions not yet decided.						
Other							

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
CY	No must-carry obligation Must-carry is under consideration in the context of the introduction of digital terrestrial TV, but no final decision has been taken yet.	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
CY	No must-offer obligations	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
CY	National analogue terrestrial services of TV signals to deliver TV content to end-users	Yes	N/A
	Local analogue terrestrial services of TV signals to deliver TV content to end-users	No	No need for local TV stations to develop a network as they transmit from one point and do not individually cover a large proportion of the whole population.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
	National analogue terrestrial FM transmission services of radio signals to deliver content to end-users	Yes	N/A
	Local analogue terrestrial FM transmission services of radio signals to deliver content to end-users	No	No need for local radio stations to develop a network as they transmit from one point and do not individually cover a large proportion of the whole population.
	TV broadcasting via cable networks	No	One supplier with low penetration that does not cover the whole of Cyprus.
	Terrestrial AM radio broadcasting	No	Majority of radio broadcasting uses FM. Only one station broadcasts using AM that also broadcasts using FM.
	Radio broadcasting via cable and satellite	No	Not applicable
	TV via satellite	No	Low penetration of satellite compared to free-to-air services
	<p>OCECPR national consultation document on market 18 is expected to be published by end of July 2006. Market definition has yet to be finalised.</p> <p>In practice, each analogue terrestrial television broadcaster has its own network. The public service broadcaster has around 80 sites, the commercial service broadcasters have around 20. The sites are specified in the rights to use frequency granted under the broadcasting content licences to CSBs or under the legislation establishing CYBC in the case of the public service broadcaster.</p> <p>CYBC has facility sharing agreements with CSBs, taking various forms, site sharing, mast sharing, antenna sharing. These are based on commercial agreements. No provisions in broadcasting law on the sharing of facilities.</p>		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
CY	National analogue terrestrial services of TV signals to deliver TV content to end-users.	Not yet decided, but it is likely that there is no SMP since each broadcaster has its own network.		
	National analogue terrestrial FM transmission services of radio signals to deliver content to end-users.	Not yet decided, but it is likely that there is no SMP since each broadcaster has its own network.		

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as ‘any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation’. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
CY	Regulation of CAS under study, see next column OCECPR is the responsible authority.	No regulation of CAS for two analogue terrestrial pay-TV channels, cable TV network or IP TV CAS under consideration in the context of the introduction of digital terrestrial TV, but no final decision taken yet.	Not applicable yet	Not applicable yet	Not applicable yet

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
CY	No regulation yet. Regulation of APIs under consideration in the context of the introduction of digital terrestrial TV, but no final decision has been taken yet.	No information available	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
CY	No regulation yet. Regulation of EPGs is under consideration in the context of the introduction of digital terrestrial TV, but no final decision has been taken yet.	No

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
CY	Commission for the Protection of Competition (CPC)	No special treatment is applied to broadcasting or media by the national competition law, with the exception of undertakings that are entrusted by the state with services of a general economic interest or of a state monopoly in so far as they satisfy the conditions of article 7 of the national competition law (corresponding to article 86 of the EC Treaty on special and exclusive rights).	See below
<p>In June 2006 CPC fined:</p> <ul style="list-style-type: none"> • LTV CYP 275,000 • Multichoice (MCC) CYP 130,000 • NetMed CYP 130,000. <p>LTV is a pay TV provider in Cyprus. It operates one of the two analogue terrestrial pay TV channels. It is also available on the satellite platform of NOVACYPRUS. Multichoice is a subscriber management company for both the LTV and NOVACYPRUS platforms. NetMed is the majority shareholder of MCC, LTV and NOVACYPRUS are also shareholders.</p> <p>Until now, LTV had an exclusive distribution agreement with MCC, which it now wishes to break in order to offer its content over incumbent telecommunications operator CYTA's IP TV platform miVision.</p> <p>CPC ruled that the exclusive distribution agreement that LTV signed with MCC, which prohibits LTV from entering into any commercial agreements with any other competing channel distribution platforms, violates article 4(1) of the national competition law on restrictive practices and is null and void.</p> <p>CPC also has an ongoing investigation open into the agreement between CYTA and LTV to distribute LTV's content over CYTA's IP TV platform miVision.</p> <p>Other commercial broadcasters and telecommunications operators have claimed that the agreement would have exclusionary effects. Telecommunications operators PrimeTel and OTEnet are seeking that LTV gives them the same content that it is providing to miVision at the same cost and on the same terms.</p> <p>In March 2006 CYTA was fined CYP 25,000 for refusing to cooperate with the investigation.</p> <p>There is no indication of when the investigation is likely to be completed.</p>			

Czech Republic

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
CZ	Analogue terrestrial	Available for about 95% of the households.
	Digital terrestrial	160,000 set-top-boxes have been sold. Available for about one third of the population in the Czech Republic.
	Cable (analogue) Three radio stations available for UPC's subscribers.	94,400 (1Q 2005) According to UPC, it is received by around 20% to 25% of all households.
	Satellite	331,000 (2003) Around 16% to 32% of households
	IP TV	-
	Mobile TV	Available to Eurotel subscribers with 3G handsets

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
CZ	Broadcasting Act No. 231/2001 (cz , en) as amended: No. 309/2002 No. 274/2003 No. 341/2004 No. 501/2004 No. 626/2004 No. 82/2005 No. 127/2005
	Czech Television Act No. 483/1991 as amended: First amendment No. 36/1993 Second amendment Types of regulations affecting broadcasting industry Third amendment No. 301/1995 Fourth amendment No. 39/2001 Fifth amendment No. 231/2001 Sixth amendment No. 82/2005 Seventh amendment No. 127/2005
	Czech Radio Act No. 484/1991 as amended: First amendment No. 253/1994 Second amendment No. 301/1995 Third amendment No. 135/1997 Fourth amendment No. 192/2002
	Electronic Communications Act No. 127/2005 as amended

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
CZ	Broadcasting Act No. 231/2001 (as amended). Constitution - Bill of rights (article 17, § 1)	See note below.
<p>General interest objectives</p> <p>The general interest objectives to be pursued vary according to the type of operator. Some obligations are common to all broadcasters (the public service broadcaster and the commercial broadcasters), the broadcasters and the operators of retransmission (cable and satellite operators), and some are specific to the public service broadcaster or to operators of re-transmission.</p> <p>All broadcasters must:</p> <ul style="list-style-type: none"> • provide objective and balanced information; • ensure that news and political programmes contain an objective and balanced account of views from political parties and society; • provide facilities for the deaf in at least 15% of broadcasts (for broadcasters other than the public service broadcaster); • reserve more than half of the total broadcasting time of each channel to European production; • reserve at least 10% of the total broadcasting time of each channel to European works produced by independent producers; • not use exclusive rights over events of major importance in any way that could deprive a substantial proportion of the public in the Czech republic of the possibility of following the event in a non-encrypted form without payment of a special fee. <p>In addition, the public service broadcaster must ensure a well-balanced programming portfolio is offered to all the population and facilities for the deaf in at least 70% of broadcasts.</p> <p>All broadcasters and operators of retransmission (cable and satellite operators) must broadcast programmes in a free and independent manner. Any intervention on the contents of programmes is only allowed if foreseen in a law. They cannot broadcast programmes that:</p> <ul style="list-style-type: none"> • include programming that promotes war, inhumane, violent, or discriminatory behaviour; • include programming that might seriously affect the physical, mental or moral development of minors; • include programmes or announcement between 6 am and 10 pm that could endanger the physical, mental or moral development of minors. <p>Cable operators must ensure:</p> <ul style="list-style-type: none"> • that at least one channel is reserved for the broadcasting of local community information (if the local municipality requests this); • that their programme offer includes regional and non-encoded broadcasting of all the national channels of the public service broadcasters and commercial broadcasters that are licensed in the Czech Republic, except for programmes that are only broadcast in digital format. <ul style="list-style-type: none"> • Freedom of speech and to receive information. 		

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
CZ	<p>Czech Television Act No. 483/1991 Czech Television Code Czech Television Statute</p> <p>Article 2 of Czech Television act: 'Czech Television shall provide a service to the public by creating and distributing television channels or other multimedia content and accessory services on the whole territory of the Czech Republic (hereinafter referred to as "public service remit in the field of television broadcasting")'.</p> <p>Czech Radio Act No. 484/1991</p>	Czech TV	<p>There is apparently no clear view in the country as to whether the public service obligation of Czech television means that it has an obligation to provide its channels to all network operators.</p> <ul style="list-style-type: none"> • However, the CTO and the Broadcasting Council reserve radio frequencies to Czech TV. Furthermore, Czech television has an obligation to provide its channels free of charge to cable operators. • National television broadcasting means broadcasting that is can be received by at least 95 percent of the population. (art. 3(3) of Czech Television Act No. 483/1991 	The Electronic Communications Act 127/2005 has amended the Czech Television Act and the Czech Radio Act.

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
CZ	Council for Radio and Television broadcasting (RRTV)	<ul style="list-style-type: none"> • Licensing radio and television broadcasting • Registration of operators of retransmission (cable and satellite operators) • Keeping records of licensed and registered operators • Ensuring plurality of programme offers and information • Preparing the part of the allocation plan for radio and television broadcasting frequencies in cooperation with the Czech Telecommunications Office • Monitoring broadcasts • Imposing sanctions 	With the implementation of the Electronic Communications Package, there has been a separation of content regulation from the regulation of transmission platforms.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
		<ul style="list-style-type: none"> Preparing of opinions and proposals on broadcasting policy Setting the technical parameters, which are included in the broadcasting licence. This is only for analogue frequencies, and not digital frequencies 	
	Czech Telecommunications Office (CTU)	<ul style="list-style-type: none"> Administration of broadcasting frequencies Cooperation with RRTV to develop the frequency plan for radio and television frequencies Authorization to use radio frequencies Market 18 	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
CZ	<p>3G</p> <p>Telefonica O2 Czech Republic (Eurotel), offering TV channels TV Ůčko, ČT24, ČT2, Eurosport, Meteo TV and TV Prima</p> <p>DVB-H</p> <p>Trials only (T-Mobile)</p>	<p>Broadcasting Act 2001 not adapted to mobile TV.</p> <p>RRTV has started a legal action against a mobile operator for offering a broadcasting service without a broadcasting licence.</p> <p>CTU plans to start a selection procedure for mobile TV in 2007. CTU would like to reserve one multiplex for all mobile operators using DVB-H.</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
CZ	<p>Cesky Telecom</p> <p>Not officially launched yet.</p>	Was registered by RRTV in 2005 as a 'cable operator'.

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Czech Republic				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	Articles 9 and 10 of the Electronic Communications Act 2005.	Yes	No apparent difference	Notification in writing to be sent to CTU which must include: <ul style="list-style-type: none"> • Name and address • Type and extent of network or service envisaged • Planned start date • How to ensure compliance with requirements on tapping and recording • Evidence of compliance with conditions specified in general authorisation. Payment of administrative fee. CTU gives certificate to applicant to testify that a notification has been submitted. CTU maintains database with providers of electronic communications networks and services.
Digital terrestrial	Articles 9 and 10 of the Electronic Communications Act 2005.	Yes	No apparent difference	CTU Same as above
Cable	Articles 9 and 10 of the Electronic Communications Act 2005.	Yes	No apparent difference	CTU Same as above
Satellite	Articles 9 and 10 of the Electronic Communications Act 2005.	Yes	No apparent difference	CTU Same as above
Fixed telecommunications network	Articles 9 and 10 of the Electronic Communications Act 2005.	Yes	No apparent difference	CTU Same as above

Czech Republic				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Mobile telecommunications network (UMTS)	Articles 9 and 10 of the Electronic Communications Act 2005.	Yes	No apparent difference	CTU Same as above
Other				

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Czech Republic		
	Network operator	TV channel
Analogue terrestrial	Notification to CTU (see note F) (general authorisation)	Programme licence from the Broadcasting Council for radio and television broadcasting disseminated through transmitters (see note A). Includes the frequencies.

Czech Republic			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	Notification to CTU (see note F) (general authorisation) Registration by the Broadcasting Council (even for mere retransmission) (see note D)		Programme licence from the Broadcasting Council for radio and television broadcasting disseminated through cable and satellite (see note B)
Fixed telecommunications (DSL)	Notification to CTU (see note F) (general authorisation) Registration by the Broadcasting Council (even for mere retransmission) (see note D)		Assimilation to cable Programme licence from the Broadcasting Council for radio and television broadcasting disseminated through cable and satellite (see note B).
Mobile networks (UMTS)	Notification to CTU (see note F) (general authorisation)		Unclear situation. Nothing foreseen in the Broadcasting Act 2002

Czech Republic			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	Notification to CTU (see note F) (general authorisation)	Multiplex licence from CTU (see note C) Includes the frequencies.	Programme licence from the Broadcasting Council for radio and television broadcasting disseminated through transmitters (see note A).

Czech Republic			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	Notification to CTU (see note F) (general authorisation)	Registration by the Broadcasting Council (even for mere retransmission) (see note D)	Programme licence from the Broadcasting Council for radio and television broadcasting disseminated through cable and satellite (see note B)

Czech Republic				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H /DMB)	Notification to CTU (see note F) (general authorisation)	Nothing foreseen in the Broadcasting Act 2002 (see note E)		

Czech Republic	
A	<p>Programme licence for radio and television broadcasting disseminated through transmitters. Granted by the Broadcasting Council in accordance with the licensing procedure contained in article 12 and following the Broadcasting Act 2001. There are two nationwide commercial broadcasters: Nova and Prima TV and 15 regional TV broadcasters. Licences are granted for 12 years for television and 8 years for radio. The frequencies are included in the licence for analogue broadcasting.</p> <p>The Broadcasting Council begins the procedure through a public announcement. The procedure involves a public hearing, submitting information, and a decision taken by vote by the Council members. The Council can also issue a short-term licence, including a licence for pilot broadcasting.</p>
B	<p>Programme licence for radio and television broadcasting disseminated through satellite and cable. Granted by the Broadcasting Council in accordance with the licensing procedure contained in articles 25 and following the Broadcasting Act 2001. There are 11 TV operators with a licence to broadcast through the cable and 11 TV operators with a licence to broadcast through satellite. The procedure starts on the initiative of the licence applicant. In addition to the standard requirements to be fulfilled (article 14) the application must also contain:</p> <ul style="list-style-type: none"> written evidence of the person authorised to operate the cable network if the applicant himself does not operate a cable network; or information on the country where it is possible to receive the programme and the specification of the satellite.
C	<p>Multiplex license given for digital multiplex, valid until 30.6.2007. Includes frequencies 470 – 862 MHz. There are 3 multiplex licences (JTR Management, Czech Digital Group, Český Telecom). The licence is granted by the CTU to the multiplex operators.</p>
D	<p>Cable or satellite operator registration. Cable and satellite operators need to be registered by the Broadcasting Council in accordance with part 4 of the Broadcasting Act 2001. To be registered the main requirements are that applicants:</p> <ul style="list-style-type: none"> are established in the Czech Republic; provide information on the shareholding and management; the planned channels and programmes to be retransmitted, the time frame and geographical area of the broadcasting, and on the technical parameters. <p>The procedure starts by a written application and the Broadcasting Council must take a decision within 30 days from receipt of the application.</p> <p>Operators need to report to the Broadcasting Council, in advance, changes in the shareholding, programme offer, and geographical area of retransmission.</p>
E	<p>There is currently only a trial licence that has been awarded for DVB-H. It is anticipated that there will be a separate multiplex for DVB-H that will be shared by all mobile operators.</p>

Czech Republic	
F	<p>General authorisation</p> <p>No specific conditions for broadcasting in the conditions attached to the general authorisation.</p> <p>Notification in writing to be sent to CTU which must include:</p> <ul style="list-style-type: none"> • Name and address • Type and extent of network or service envisaged • Planned start date • How to ensure compliance with requirements on tapping and recording • Evidence of compliance with conditions specified in general authorisation. <p>Payment of administrative fee.</p> <p>CTU gives a certificate to the applicant to testify that a notification has been submitted.</p> <p>CTU maintains a database with providers of electronic communications networks and services.</p> <p>Articles 9 and 10 of the Electronic Communications Act 2005.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
CZ	No date fixed yet but probably around 2012.	See note below.	Not specified yet	Not specified yet	Not specified yet	Not specified yet
		<p>The CTU is expected to adopt a technical plan for the digital switchover by the end of 2006.</p> <p>Ministry for Informatics lists some of the challenges associated with the development of digital broadcasting. In particular, it states that the national coordination group that has been set-up to examine these questions, and should analyse amendments to regulations (e.g. simplification of conditions for granting licences for the operation of audio and video broadcasting, and '<i>limitation to excessive cases of regulatory interference in relation to the broadcasting transmission convergence method</i>').</p> <p>The CTU is also waiting to an amendment to the Broadcasting Act 2002 to give it clear responsibility for the switch-off.</p> <p>The plan at the moment, is that if there are available frequencies in DVB-T these will not be able to be used for other services than broadcasting and related services.</p>				

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Czech Republic					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	The Broadcasting Council	Yes	Broadcasters	Direct assignment to broadcasters. Czech television has reserved frequencies, which are included in its statute as a public service broadcaster.	Applicant to ensure that there is available frequency in frequency plan. Apply for the broadcasting licence which will include the frequency to be used. Broadcasters receive the frequency licence from the Czech Telecommunications Office (CTU).
Digital terrestrial (DVB-T)	Czech Telecommunications Office (CTU)	No, the broadcasting licences are granted by the broadcasting Council.	Multiplex operators	Not yet decided	Applicant must provide evidence that it has an agreement with a holder of a broadcasting licence. Frequency granted, after consultation with the Council for Radio and Television Broadcasting (RRTV).
Mobile over terrestrial networks (DVB-H /DMB)	Czech Telecommunications Office (CTU)	No, the broadcasting licences are granted by the broadcasting Council.	Multiplex operators For DVB-H, there will probably be a separate multiplex which will be shared by the mobile operators.		Same as above
Satellite	No satellites operating from the Czech Republic				

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
CZ	<p>Section 18 of the Electronic Communications Act: The conditions relate to:</p> <ul style="list-style-type: none"> the frequency band and technical parameters; the service or type of network or technology; the type of radio transmission equipment; fees; the period of validity for which the validity period shall not be shorter than the time for which a licence was granted under the Broadcasting Act No. 231/2001; prevention of harmful interference and protection of citizens against the harmful action of electromagnetic radiation; the commitments resulting from applicable international treaties on the usage of radio frequencies. <p>If the authorisation to use radio frequencies is granted for broadcasting, the rights to use radio frequencies could be transferred only with the prior consent of the CTU provided certain conditions are met.</p>	<p>The conditions and procedures for transfer of the rights are determined in the measure of general nature No. OOP/12/07.2005-6.</p>	None	None

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
CZ	<p>Decision of the Broadcasting Council:</p> <p>The law specifies that the cost of the licence to operate analogue television broadcasting in whole of the Czech Republic is 400,000,000 Kc.</p> <p>This is not an annual fee but a one-off fee that only needs to be paid again when the licence is renewed.</p>	<p>The holder of an authorisation needs to pay an annual fee for the use of radio frequencies. The amount is determined by the CTO according to the type of radiocommunication service:</p> <p>Terrestrial mobile service (range between 1,000 to 8,000,000 CZK) per frequency channel, depending on the width of the frequency band used, the parameters of the radio equipment and the size of</p>	No

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
	<p>This provision has never been applied. The last licence was granted in 1994 under legislation that has now been repealed. At that time, the licence fee was 3,000 kc.</p> <p>There is no separate fee for the analogue frequency or the digital frequency. A new law was adopted in May 2006, which stipulates that the licence fee for analogue and digital is 50,000 kc.</p>	<p>the area covered;</p> <p>Terrestrial fixed service (range is from 300 to 1,200,000 CZK per frequency).</p> <p>Propagation and transmission of a broadcasting radio service (the range is between 375 and 180,000 CZK)</p> <p>Satellite services (range is between 1,000 and 180,000)</p> <p>Other radiocommunications services (range between 1,200 and 9,600 CZK)</p> <p>The government has adopted a regulation to determine the amount and the method of calculation of the fees.</p>	

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
CZ	<p><u>Must-carry in Electronic Communications Act 2005</u></p> <p>Implementation of the must-carry provision of the Universal Service Directive is formally in article 72 of the Electronic Communications Act 2005. It does not contain a review cycle policy but mentions that a special legal regulation needs to be adopted before the CTU can exercise any powers.</p>	None	Not applicable – see column 1	Not applicable – see column 1
	<p><u>Draft law</u></p> <p>A law is in the process of adoption but it is not entirely clear at this stage whether it is an implementation of article 72 of the Electronic Communications Act on must-carry.</p> <p>The draft law would amend the Broadcasting Act 2001 by adding an additional responsibility to those</p>	None	A law is in the process of adoption which is aimed at giving the responsibility for the review cycle to RRTV but the draft law does not contain any information on how the review should be carried out.	Not applicable – see column 1.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
	<p>of the audiovisual council (RRTV). It would be responsible to determine which programmes and services must be distributed by television and radio broadcast network operators. It is also specified that RRTV would carry out the review process of whether the obligations should continue to apply.</p> <p>The draft specifies that RRTV will submit a binding opinion to the CTU on the need to impose or to withdraw carriage obligations.</p>			

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Czech Republic							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial					De facto obligation for the analogue transmitter (Ceske Radiokomunikace) to carry programmes of licensed broadcasters for broadcasting that are 'disseminated by transmitters' and of the statutory broadcaster (public service broadcaster).	Public service channels of Czech Television and nationwide commercial broadcasters.	Licences for the broadcasting is for analogue terrestrial transmission.
Cable network (analogue and or digital)	Article 72 of the Electronic Communications Act provides that the CTU can, on the basis of legislation (which has not yet been adopted), impose on an undertaking whose public communications network is used by end users as the main means of reception of broadcasting, the obligation to distribute designated radio or television programmes.	In practice, 'must-carry' under article 72 is not put into force. Carriage obligations are only imposed under title V of the Broadcasting Act 2001 (basic offer of cable operators).	According to the Electronic Communications Act, the CTO decides to impose must-carry on the basis of a law. A draft law is in the process of adoption that would amend the Broadcasting Act 2001 by adding an additional responsibility to the audiovisual council (RRTV). It would be responsible for determining which programmes and services must be distributed by operators of networks that are used for the distribution of television and radio broadcasts. The draft specifies that RRTV will submit a	It is clear that, under current legislation, there is no mention of the general interest objectives that are to be pursued when imposing a must-carry obligation. The new law that is in the process of adoption, and which gives the responsibility to RRTV to determine which programmes should be carried specifies that this decision should be taken in the 'public interest'. A new article would also be added in the Broadcasting Act to specify that RRTV should take into account, when assessing public interest objectives, programmes of 'public interest', own production programmes, the need for	Cable operators must ensure a minimum programme offer, which must include regional and non-encoded broadcasting of all the channels of the public service broadcaster, of all the nationwide licensed broadcasters, including local broadcasting on frequencies shared with a nationwide broadcaster, except for programmes that are broadcast only in digital format. Broadcasters in the cable system and cable operators must, if the municipality requests it, reserve one channel for unpaid local information system, serving exclusively for the local community. Title V of the Broadcasting Act 2001.	All nationwide channels of broadcasters licensed in the Czech Republic. Unpaid local information system.	

Czech Republic							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
			binding opinion to the CTU on the need to impose or to withdraw carriage obligations.	visually and hearing impaired users to access programmes and the need to ensure urgent announcements.			
Digital terrestrial					(temporary) Multiplex A is reserved for public service channels (including at the moment one nationwide commercial TV channel, to be later removed and placed in another multiplex).	Public service channels (TV and Radio)	
Satellite	None	N/A	N/A	N/A	None	N/A	N/A
Fixed network operator	None	N/A	N/A	N/A	None	N/A	N/A
Mobile network operator	None	N/A	N/A	N/A	None	N/A	N/A
Other	None	N/A	N/A	N/A	None	N/A	N/A

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
CZ	No mention of payment in section 72 of the Electronic Communications Act of 2005 Nothing is foreseen in the draft law.	Not applicable	Not applicable
	Free of charge for the cable operator's basic offer	Not applicable	Cable operators pay copyright fees to collecting societies even for the basic offer channels.

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
CZ	Article 54 (3) of the Broadcasting Act 2001	Statutory broadcaster (Czech Television) Nationwide licensed broadcasters Local broadcaster using frequencies that are shared with a nationwide licensed broadcaster. In favour of cable operators	Article 54 (3) of the Broadcasting Act 2001	Free of charge	There was a dispute between a small cable operator and a Czech commercial broadcaster over the fact that the broadcaster did not make available the television signals to the cable's head end.

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
CZ	Market analysis not yet started. It is expected to be completed by June 2006. The CTU foresees that the market analysis will only cover analogue broadcasting networks. Digital networks will be covered in a second phase, probably in 2007.	N/A	N/A

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
CZ	Market analysis not yet started. Was expected to be completed by June 2005. The CTU foresees that the market analysis will only cover analogue broadcasting networks. Digital networks will be covered in a second phase, probably in 2007.	See column 1	See column 1	See column 1

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
CZ	Section 83 of Electronic Communications Act of February 22, 2005 Responsible authority: CTU	Offer basic services to broadcasters on fair, reasonable, and non-discriminatory terms to enable viewers or listeners to view the programmes.	'Undertakings providing the service of dissemination of the protected content'.	Fair, reasonable, and non-discriminatory terms	Foreseen in the law but not applied.

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
CZ	Section 83 of Electronic Communications Act of February 22, 2005 Responsible authority: CTU	Encouragement to use MHP	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
CZ	Section 83 of the Electronic Communications Act of February 22, 2005 which refers to powers of the Broadcasting Council in this area. Regulatory authority: Broadcasting Council	There is no practice in the Czech Republic on EPGs. A new law that covers EPGs is being prepared.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
CZ	The office for the protection of competition The CTU The Broadcasting Council	No	Antitrust The office for the protection of competition fined Dattel Kabel (now UPC) for abusing their dominant position (7.8 million Kc) – they increased prices of programme offers of cable TV (offer MINI was increased by 289%, KLASIK by 141%, KLASIK + HBO by 98,8%). The fine was not paid because of the long period of the case.

Denmark

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
DK	Terrestrial - analogue Broadcast Service Danmark AS (BSD) offers digital and analogue radio, digital and analogue television.	All households (2,498,621) can receive signals 18% of the population use the terrestrial platform as the primary source. 35% of households rely on the terrestrial platform for TV2 and local content.
	Terrestrial – digital (DVB-T) IS Digi-TV is licensed for a new digital network that commenced operations on April 1, 2006. It is operated by BSD.	All households are potential receivers.
	Cable TV <ul style="list-style-type: none"> • TDC Kabel TV • Telia Stofa • Many small operators 	62% (1,554,000) of the households are connected. Source: Nordicom Statistics 2003/2004
	Fibre TV <ul style="list-style-type: none"> • Electricity companies 	Commercial rollout has started.
	Satellite <ul style="list-style-type: none"> • Canal Digital • Viasat 	About 500,000 households, 20% of the population Source: Estimate by DVB (See http://www.dvb.org/about_dvb/dvb_worldwide/denmark/index.xml)
	IP TV <ul style="list-style-type: none"> • Dansk Bredbånd • TDC TV 	Commercial operations have started.
	Mobile TV (DVB-H) Test phase with DR, Nokia, Motorola and TDC coordinated by the Technical University of Denmark	No information available

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
DK	Broadcasting regulations – Primary law, being consolidated by amending laws Lov Om Radio- Og Fjernsynsvirksomhed Lovbekendtgørelse Nr. 506 Af 10. Juni 2004 . Lov Om Ændring Af Radio- Og Fjernsynsloven - Lov Nr. 1437 Af 22. December 2004 Om Politiske Reklamer Og Forlængelse Af Programtilladelser. Lov Om Ændring Af Lov Om Radio- Og Fjernsynsvirksomhed Og Medieansvarsloven Lov Nr. 1404 Af 21. December 2005
	Broadcasting regulations
	Lov Om Tv 2/Danmark A/S - Lov Nr. 438 Af 10. Juni 2003
	Tv 2/Danmark A/S' Programvirksomhed - Bek. Nr. 1031 Af 11. December 2003

Member state	Types of regulations affecting broadcasting industry
	Vedtægt For De Regionale Tv 2-Virksomheder - Bek. Nr. 1032 Af 11. December 2003
	Bekendtgørelse Om Lokal Radio- Og Fjernsynsvirksomhed Bek. Nr. 1439 Af 15. December 2005
	Radio- Og Fjernsynsvirksomhed Vha. Satellit Eller Kabel – Bek. 338 av 19. april 2006
	Bekendtgørelse Om Radio- Og Fjernsynslicens Bekendtgørelse Nr. 1339 Af 15. December 2004.
	Vedtægt For Dr - Bekendtgørelse Nr. 350 Af 14. Maj 2003 June 1, 2003 with retroactive validity to January 1, 2003.
	Beredskabsmeddelelser - Bekendtgørelse Nr. 164 Af 16. Marts 2005
	Forretningsorden For Radio- Og Tv-Nævnet - Bekendtgørelse Nr. 779 Af 28. August 2001 September 15, 2001 with retroactive validity to January 1, 2001.
	Bekendtgørelse Om Den Regnskabsmæssige Adskillelse Mellem Dr's, Tv 2 Danmark A/S' Og De Regionale Tv2-Virksomheders Public Service Virksomhed Og Anden Virksomhed Bek. Nr. 1327 Af 14. December 2005
	Bekendtgørelse Om Reklame Og Sponsorering I Radio Og Fjernsyn Bekendtgørelse Nr. 1368 Af 15. December 2005
	Electronic communications regulations
	Act on radio frequencies - Act No. 421 of June 6, 2002 . Consolidated act No. 680 of June 23, 2004
	Act on establishment and joint utilisation of masts for radio communications purposes - Consolidated Act No. 663 of July 10, 2003. No. 681 of June 23, 2004.
	Act on cable laying access and expropriation etc. for telecommunications purposes. Consolidated Act No. 662 of July 10, 2003
	Consolidated Act on competitive conditions and consumer interests in the electronic communications market. No. 784 of July 28, 2005
	Act on the standards for transmission of TV signals etc. Consolidated Act No. 664 of July 10, 2003
	Executive order on Digital radio and TV services. December 11, 2003
	Executive order of March 18, 2004. National frequency plan
	Bekendtgørelse nr. 1376 af 15. december 2005 om IT- og Telestyrelsens gebyrer og afgifter i 2006 (12.01.06). Executive Order No. 1376 of 15 December 2005 on the National IT and Telecom Agency's Fees and Charges in 2006
	Bekendtgørelse om det frekvenspolitiske rammemandat (15.12.05) Executive Order No. 1128 of November 18, 2005 on the Spectrum Policy Framework Mandate

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
DK	LOV OM RADIO- OG FJERNSYNSVIRKSOMHED Lovbekendtgørelse nr. 506 af 10. juni 2004.	<ul style="list-style-type: none"> • Must-carry • Programme diversity • News, information, education, art and entertainment • Cultural and societal debates • Freedom of speech • Danish language and culture • Plurality • Specially profiled radio stations • European content • Content for youth and children

Member state	Regulation	General interest objective
	<p>VEDTÆGT FOR DR - Bekendtgørelse nr. 350 af 14. maj 2003</p> <p>TV 2/DANMARK A/S' PROGRAMVIRKSOMHED - Bek. nr. 1031 af 11. December 2003</p> <p>VEDTÆGT FOR DE REGIONALE TV 2-VIRKSOMHEDER - Bek. nr. 1032 af 11. December 2003</p> <p>RADIO- OG FJERNSYNSVIRKSOMHED VHA. SATELLIT ELLER KABEL - Bek. nr. 1174 af 17. december 2002</p>	<ul style="list-style-type: none"> • Minimum ½ hour per day of local news • Substantial part of programmes produced by or for Danes • Transmission time for non-commercial stations
	<p>BEKENDTGØRELSE OM LOKAL RADIO- OG FJERNSYNSVIRKSOMHED Bek. nr. 1439 af 15. December 2005</p>	<ul style="list-style-type: none"> • Minimum ½ hour per day of local news • Substantial part of programmes produced by or for Danes • Transmission time for non-commercial stations
	<p>BEREDSKABSMEDDELELSER - Bekendtgørelse nr. 164 af 16. marts 2005</p>	<ul style="list-style-type: none"> • Obligation to transmit messages on emergency situations
	<p>DR public service contract</p> <p>TV 2/Danmark public service contract</p>	<ul style="list-style-type: none"> • Details for the fulfilment of public service objectives defined by primary law • Special support for people with hearing deficiencies • Internet website with content related to public service free for advertising

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
DK	<p>Article 10 of Primary Law</p> <p>Defines objectives, but the law does not provide a formal definition.</p>	<ul style="list-style-type: none"> • DR (Danish Radio) • DR 1 TV • DR 2 TV Satellite and terrestrial • P1 (FM) • P3 (FM) • P4 (FM) • AM (long) • AM (med) • Radio Klassisk • P2 (FM) temporary licence • DAB radio • Regional TV2 • 8 regional channels 	<p>BSD is a 50/50 joint venture between DR and TV 2/Danmark, which has been formed to meet the coverage obligations of these public service channels.</p> <p>Coverage obligations are included in the licence of Digi-TV:</p> <ul style="list-style-type: none"> • virtually 100% national coverage with stationary reception over exterior directional antennas, by October 31, 2009 (digital switchover date). <p>NB This is similar to the coverage obligation</p>	No

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
		<ul style="list-style-type: none"> TV2/Danmark AS FM 5 channel <p>NB 1. AM (long) and AM (short) are intended for audiences abroad. Although, as public service radio channels they are formally included in must-carry requirements, this is not the case in practice.</p> <p>2. The fifth FM channel (FM 5) was operated by Skye. Their operations have terminated prior to licence expiration and the channel is now subject to a new tendering procedure.</p>	<p>for analogue broadcasting for DR1 and TV 2.</p> <p>FM 5 – 84% population coverage</p>	

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in [Table 23](#).

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
DK	Ministry of Culture	<ul style="list-style-type: none"> Licensing of programme activities 	
	<p>The Danish Radio and Television Board (Radio og tv-nævnet)</p> <ul style="list-style-type: none"> Board Secretariat (Mediesekretariatet) 	<ul style="list-style-type: none"> Licensing of programme distribution via the terrestrial digital network Licensing of nationwide and regional terrestrial analogue networks Registration of programme activity by satellite, cable TV Monitoring of the Radio and Television Act Appeals of decisions of local boards Handling subsidies to radio and TV stations Decisions on advertising and sponsoring 	<p>The monitoring responsibility is now with the NRA for electronic communications for:</p> <ul style="list-style-type: none"> must-carry; conditional access systems (decoders).
	National It and Telecom Agency (IT og Telestyrelsen)	<ul style="list-style-type: none"> Frequency licensing Standards applicable to television, decoders, access control, APIs 	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
DK	DVB-H Trials only.	No specific regulatory framework for mobile TV.

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
DK	TDC TV (Telecom Denmark) is an IP TV provider. Dansk Bredbaand provides IP TV over their optical fibre network.	There is no framework that specifically addresses IP TV. The primary law on radio and television (Law 1404 of December 15, 2005) mentions Internet: <ul style="list-style-type: none"> • as a distribution method for sound and image programmes in the context of delivery of public service programmes (Art- 10); • that DR cannot have advertising revenues from its public service activities on Internet (Art. 15.2.). The framework for IP TV is currently under consideration, but has not yet been subject to public consultation.

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Denmark				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (notification, type of information to submit, approval?)
Analogue terrestrial	See comment	Yes	<ul style="list-style-type: none"> • may be subject to conditions for conditional access systems; • may be subject to television transmission standards. 	No procedure, no notification
Digital terrestrial	See comment	Yes	<ul style="list-style-type: none"> • may be subject to conditions for API, EPG; • Interactive TV should use open API; • conditions for conditional access systems; • may be subject to television transmission standards; • transmission in broad-screen format. 	No procedure, no notification
Cable	See comment	Yes	<ul style="list-style-type: none"> • structural separation in case of organisations with special rights or dominant position in electronic communications; • may be subject to conditions for conditional access systems; • Interactive TV should use open API; • may be subject to television transmission standards; • transmission in broad-screen format (if digital transmission). 	No procedure, no notification

Denmark				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (notification, type of information to submit, approval?)
Satellite	See comment	Yes	<ul style="list-style-type: none"> • may be subject to conditions for conditional access systems; • may be subject to television transmission standards; • transmission in broad-screen format (if digital transmission). 	No procedure, no notification
Fixed telecommunications network	See comment	Yes	<ul style="list-style-type: none"> • may be subject to conditions for conditional access systems; • Interactive TV should use open API; • may be subject to television transmission standards; • transmission in broad-screen format (if digital transmission). 	No procedure, no notification
Mobile telecommunications network (UMTS)	See comment	Yes	<ul style="list-style-type: none"> • may be subject to conditions for API, EPG; • may be subject to conditions for conditional access systems; • Interactive TV should use open API; • may be subject to television transmission standards; • transmission in broad-screen format (if digital transmission). 	No procedure, no notification
Other	See comment	Yes		No procedure, no notification
Comment	<p>The Danish regime for electronic communications operates with general authorisations for all electronic communications services. There are no notification requirements. All applicable conditions are found in primary or secondary law. See Table 2 for an overview.</p> <p>Danish legislation for radio and broadcasting defines conditions for distribution networks for radio and television, including must-carry requirements for cable TV.</p> <p>Distribution of radio and television channels in real time, without change of content, provided over unconstrained resources are not subject to any notification or registration requirements.</p>			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Denmark		
	Network operator	TV channel
Analogue terrestrial	General authorisation (no notification) (see note F)	Licence to perform 'programme activities' from the Ministry of Culture (see note A) Frequency licence from National IT and Telecom Agency (see note D)

Denmark			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	General authorisation (no notification) (see note F)	Cable TV operators are not allowed to modify the content of television stations. However, the provision of text is allowed (see note F). Registration with the Danish Radio and Television Board if the cable operator provides programming, i.e. its own television channels (see note C).	Registration with the Danish Radio and Television Board
Fixed telecommunications (DSL)	General authorisation (no notification) (see note F)	Not specifically addressed, but is likely to be similar to cable.	Likely to be similar to cable
Mobile networks (UMTS)	General authorisation (no notification) (see note F) Frequency licence from National IT and Telecom Agency (see note E)	Not specifically addressed Download of stored programmes to 3G terminals is not considered broadcasting.	

Denmark			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	General authorisation (no notification) (see note F)	Authorisation from the Danish Radio and Television Board (see note B) Frequency licence from National IT and Telecom Agency (see note D)	Licence to perform 'programme activities' from the Ministry of Culture (see note A)

Denmark			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	General authorisation (no notification) (see note F)	Modification of content of television stations not allowed. Allowed if no modification (see note F). Registration with the Danish Radio and Television Board if the satellite operator provides programming (its own television channel(s)) (see note C).	Registration with the Danish Radio and Television Board Frequency licence from National IT and Telecom Agency if uplink from Denmark (see note D).

Denmark				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H /DMB)	General authorisation (no notification) (see note F)	Framework not yet determined	Framework not yet determined	Framework not yet determined

Denmark	
A	<p>Licence to perform “programme activities” from the Ministry of Culture. (There are some exceptions to the requirement). The main TV stations on a national as well as regional level have been authorised by the primary law. The Minister of Culture may grant “special” authorisations to other organisations. The law does not specify any specific duration for such authorisations.</p> <p>Local communities do not need a licence unless programmes are broadcast by radio.</p> <p>The organisations authorised are.</p> <ul style="list-style-type: none"> • Danmark Radio (DR); • 8 regional TV stations; • TV2/Denmark AS. <p>They have public service contracts.</p>
B	<p>Authorisation from The Danish Radio and Television Board for the distribution of sound and picture programmes through digital terrestrial networks. This is in fact a multiplex licence with detailed specifications for multiplex operations.</p> <p>The organisations authorised are: I/S Digi-TV, which is jointly owned by the two public service broadcasters, Danmark Radio and TV2 /Denmark. This company has been created specifically to operate the first multiplex. It subcontracts the backbone distribution network and the antennas to other organisations. The authorisation is valid until the end of 2013.</p>
C	<p>Registration with The Danish Radio and Television Board if the operator provides programming. This is defined as moving video. The provision of text messages is not considered to be programming. The conditions are set out in Radio- Og Fjernsynsvirksomhed Vha. Satellit Eller Kabel – Bek. 338 av 19. april 2006.</p> <p>NB Retransmission of radio and broadcasting channels over cable TV networks is not programming and does not require registration. However, the operator must not make changes to the content.</p>
D	<p>Frequency licence from National IT and Telecom Agency</p> <p>The applicant must hold an appropriate authorisation under the Radio and Television Act in order to get licence D</p> <p>NB There are no frequency conditions that affect multiplex operations.</p>
E	Normal frequency licence for 2G or 3G operations from National IT and Telecom Agency

Denmark	
F	<p>General authorisation for electronic communications networks and services.</p> <p>No procedure, no notification.</p> <p>The framework includes specific regulations aimed at broadcasting networks:</p> <p>Consolidated Act on competitive conditions and consumer interests in the electronic communications market. March 31, 2004. July 28, 2005</p> <p>MUX operators may be instructed to have:</p> <ul style="list-style-type: none"> • reasonable and non-discriminatory conditions for API; • reasonable and non-discriminatory conditions for EPG. <p>Operators of digital transmission may be instructed to have:</p> <ul style="list-style-type: none"> • conditions for conditional access systems. <p>Operators with significant market power may have specific requirements.</p> <p>Cable TV operators are subject to structural separation in case of organisations with special rights or dominant position in electronic communications.</p> <p>Executive order on Digital radio and TV services December 11, 2003.</p> <p>Digital services subject to:</p> <ul style="list-style-type: none"> • transmission in wide-screen format; • conditions for conditional access systems; • conditions for API. <p>NB Cable TV operators are also subject to must-carry obligations set out in primary broadcasting legislation.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
DK	October 31, 2009	No	To be decided after RRC-06 conference	Information not available	After October 31, 2009	Media political agreement of June 22, 2005: frequency redistribution to be reconsidered after RRC-06 conference. 2nd and subsequent multiplexes depend on the freeing of analogue frequencies, which will not take place before 2009.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Denmark					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	National IT and Telecom Agency	No The Ministry of Culture or the Danish Radio and Television Board authorises programming activities.	Broadcasters	Direct assignment without competition	
Digital terrestrial First MUX (DVB-T)	National IT and Telecom Agency	No Same as above	Multiplex operator	Direct assignment without competition	
Digital terrestrial Second and subsequent multiplexers	National IT and Telecom Agency	No Same as above	Not yet decided	Auction is most likely, but will not take place before the digital dividend is available in 2009.	
Mobile over terrestrial networks (DVB-H /DMB)	National IT and Telecom Agency	No Same as above	Not yet determined, but expected to be the multiplex operators	Not yet decided	
Satellite	National IT and Telecom Agency				

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
DK	Technical specifications Broadcasting activity shall be in accordance with Radio and Television Act.	None	None	None
	MUX 1 related conditions (specified in individual licence from the Danish Radio and Television Board for distribution network): <ul style="list-style-type: none"> • coverage near 100% of households with outside directional antennas before October 31, 2009; • specific TV channels; • distribution of new digital services must be associated with public service; • only 10% of the capacity of multiplex 1 can be used for distribution to closed user groups under commercial conditions (measured over the 24 hour day); • multiplex capacity allocation between the two main public-service operators; • licence covers essentially MUX operations; • single frequency network (SFN); • modulation: 64 QAM, code rate 2/3; • guard Interval: 224 us (called ¼); • picture and sound coding: MPEG-2; • non-encrypted transmission; • encouragement for open standard APIs; • transmission capacity shall be used for public service programming according to public service contract between the Ministry of Culture and the respective TV-stations; • parallel analogue and digital transmission in transition period. 			

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
DK	No	Flat fees ranging from 1,044 DKR to 208,828 DKR per frequency or channel There are additional revenue related fees for permission to broadcast.	No

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
DK	No review cycle defined in law	The scope of must-carry obligations was modified by amendment to the primary law and is applicable from January 1, 2006	No formal consultations on the scope of must-carry. However, the change took place after lobbying from the Danish Cable TV association.	The requirement to carry the local TV channels was removed from the must-carry list from January 1, 2006.

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Denmark							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial					BSD is a joint venture between DR and TV 2/Danmark for the explicit purpose of ensuring coverage of their radio and television channels.	See the list of public service channels.	N/A
Cable network (analogue and or digital)	LOV OM RADIO- OG FJERNSYNSVIRKSOMHED Lovbekendtgørelse nr. 506 af 10. juni 2004. Section 4. National and regional broadcasting legislation. Consolidated Act No. 410 of 2 May, 2006	Owners of cable TV networks. NB. The question of how to define cable TV networks has not been finally determined. It is possible that a triple play offering may qualify as a cable TV offering when it is delivered via cable. If so, it would be subject to must carry.	The obligation is part of the primary law and applies to all owners of cable TV networks.	Programme diversity News, information, education, art and entertainment Cultural and societal debates Freedom of speech Danish language and culture Plurality Specially profiled radio stations European content Content for youth and children	All public service channels: <u>Television:</u> DR 1 and DR 2 (analogue and or digital) TV 2/Danmark (analogue and or digital) <u>Radio:</u> DR P1 DR P2 (Music and culture) DR P3 DR P4 DR Klassisk radio (only digital satellite radio channel from July 1, 2006) (if the network distributes digital radio channels) DR DAB channels (if the network distributes digital radio channels) FM 5(84% of population coverage) (currently in tender procedure)	DR has two public service TV channels and three public service radio channels. TV 2/Danmark is a public service channel. Fourth FM channel is operated by DR and provides music and public debates.	Decision in primary law

Denmark							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Digital terrestrial					<p>The capacity of MUX 1 is shared by DR (2/3) and TV 2/Danmark (1/3):</p> <p>DR 1 DR 2 TV 2 Regional TV 2 (in the capacity allocation for TV 2)</p> <p>In addition, MUX 1 capacity can be used for new digital services with public service profile.</p> <p>Maximum 10% of MUX 1 capacity may be used for other purposes</p>	<p>DR 1 and DR 2 are public service TV channels.</p> <p>TV 2/Danmark is a public service channel.</p> <p>Regional TV 2 have 8 regional public service channels.</p>	Decision in primary law
Satellite					None after April 1, 2006 (start of DVB-T)		
Fixed network operator					None		
Mobile network operator					None		
Other					None		

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
DK	Cable TV providers receive no payment for the distribution of signals. Instead, they pay a modest amount per household for the right to redistribute.	Not applicable	Copyright payments are made on the basis of the number of subscribers: <ul style="list-style-type: none"> • directly to broadcasting channels; • indirectly to collection societies: <ul style="list-style-type: none"> • CopyDan; • Koda. The combination of direct and indirect copyright payments leads to a form of double payments by cable TV subscribers, because the channels also receive payments from the collection societies. Other forms of distribution do not have to pay copyright payments to collection societies.

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
DK	No must-offer obligations	N/A	N/A	N/A	TV 2/Danmark refuses to let Viasat redistribute its channel.

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
DK	Radio transmission services via terrestrial (analogue and digital) network	No	NITA proposes to exclude terrestrial platforms for analogue and digital radio and TV transmission, because of the existing regulations with regard to access to broadcasting spectrum and access to masts and sites. Spectrum licences are issued by NITA only to broadcasters authorised under the law on radio and TV (Lov Om Radio- Og Fjernsynsvirksomhed) – i.e. not to some standalone transmission providers. Access to masts and site sharing is regulated in other existing laws: law on the establishment and joint use of masts for radiocommunications, planning and construction regulations.
	Television transmission services via terrestrial (analogue and digital) network	No	N/A
	Television transmission via satellite	No	Market transnational. NITA unable to investigate because no provider operating in Denmark.
	Television transmission via cable and IP-TV networks	Yes	N/A
	Source: NITA national consultation on definition of the relevant market for radio- and TV-transmission services (May 16 – June 12, 2006. Market analysis is not yet completed.		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
DK	Not yet completed	See column 1	See column 1	See column 1

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as '*any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation*'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
DK	Responsible authority: National IT and Telecom Agency Digital radio and TV services (Regulation of December 11, 2003)	See note below	CAS operators and/or providers of pay TV services	Not defined	Market analysis has not been carried out yet.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
	<p>Scope of Access</p> <p>May require the use of CAS capable of decrypting signals that have been encrypted by a European encryption standard, if this is mandated by the European Commission.</p> <p>Must provide technical possibility for passing on access control to 'other providers', subject to:</p> <ul style="list-style-type: none"> • non-discrimination • separate accounting requirement. <p>CAS providers are not required to offer any TV station the ability to:</p> <ul style="list-style-type: none"> • have consecutive channels • be part of specific packages provided by the CAS provider • be part of packages that also include non-encrypted programmes. 				

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
DK	National IT and Telecom Agency may demand the use of standards if made mandatory by the European Commission. Digital radio and TV services (Regulation of December 11, 2003)	The regulation urges use of European standards included in the European Commission's list.	Digi-TV, a company jointly owned by Danmark Radio (DR) and TV 2 /Danmark to operate the digital terrestrial broadcasting network, has a form of access obligation in its licence set out by the Radio and Television Board. The obligation urges Digi-TV to make use of open API standards according to the European Commission's list of standards.

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
DK	General EPG conditions are set out in Consolidated Act on competitive conditions and consumer interests in the electronic communications market , Specific EPG requirements are set out in Annex I to Public Service Contracts for Public Service Broadcasters.	The law authorises the National IT and Telecom Agency to impose access obligations on MUX operators under fair, reasonable, and non-discriminatory conditions as required to ensure user access to digital radio and television. Licences for DR, TV 2/Danmark and regional TV2 include obligations to jointly develop EPG which shall at least cover the activities of MUX 1. There must be no advertising on the opening page (Annex I to Public service contracts for public service broadcasters. See for example http://www.kum.dk/sw6519.asp#516_19449).

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
	The Radio and Television Board is the authority that monitors these licences.	

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
DK	Danish Competition Authority	No	See note on Antitrust below
	<p>Antitrust</p> <ul style="list-style-type: none"> December 21, 2005: Decision on complaint from TvDanmark against TV2/Danmark about price and discount structures December 15, 2004: Decision on joint negotiations with most of Danish radio and television stations on side and two payment collection agencies, Koda and Gramex, on the other side. October 29, 2003: Decision on joint use of antenna masts over 100 meters. October 29, 2003: Joint use of antenna masts under 50 meters. <p>April 8, 2002: Decision on complaint from TvDanmark against TV2/Danmark about price and discount structure</p>		
	The National IT and Telecom Agency is the competition authority for certain aspects in the electronic communications sector.	No	-

Estonia

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
EE	Analogue terrestrial TV	No specific information available, but see below (Source: Ministry of Economics and Communications; Ministry of Culture; Estonian National Communications Board). About 476,000 TV-sets (total number of households about 582,000) were estimated in 2003. Source: Ministry of Economics and Communications, Communications Department (interview June 2006)
	Digital terrestrial TV (DVB-T)	No commercial launch Levira has been performing trials in the Tallinn area since May 2004.
	Cable TV	212,000 subscribers (total number of households about 582,000) at the end of 2005. Source: Estonian National Communications Board, Division of Specific Regulations (interview June 2006)
	Satellite TV (but no uplinks in Estonia)	No specific information available, but see below. Source: Ministry of Economics and Communications; Ministry of Culture; Estonian National Communications Board About 98,000 satellite TV subscribers were estimated in 2003. Source: Ministry of Economics and Communications, Communications Department (interview June 2006)
	IP TV	Start-up phase, a couple of thousand subscribers Source: Elion , Starman , April-June 2006
	Mobile TV (DVB-H)	None (no licences issued)
	Mobile TV (UMTS, EDGE, GPRS)	Start-up phase, EMT has a couple of thousand subscribers. Source: EMT , June 2006

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
EE	Ringhäälinguseadus of May 19, 1994. Last amendment on January 1, 2005 Broadcasting Act
	Elektronilise side seadus of December 08, 2004. Last amendment on May 11, 2006 Electronic Communications Act
	Autoriõiguse seadus of November 11, 1992. Last amendment on August 12, 2005 Copyright Act
	Reklaamiseadus of June 11, 1997. Last amendment on March 23, 2005 Advertising Act
	Pornograafilise sisuga ja vägivalda või julmust propageerivate teoste leviku reguleerimise seadus of December 16, 1997. Last amendment on June 19, 2002 Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty

Member state	Types of regulations affecting broadcasting industry
	Konkurentsiseadus of June 5, 2001. Last amendment on June 28, 2004 Competition Act
	Infoühiskonna teenuse seadus of April 14, 2004. Last amendment on April 19, 2006 Information Society Services Act
	Riigilõivuseadus of October 22, 1997. Last amendment on May 10, 2006 State Fees Act
	Majandus- ja kommunikatsiooniministri määrus nr 17 "Eesti raadiosagedusplaan" of February 13, 2006 Decree No. 17 by the Minister of Economics and Communication on the "Estonian frequency allocation plan"
	Kultuuriministri määrus nr 11 "Eesti Raadio ringhäälingusageduste määramine" of December 2, 2004 Decree No. 11 by the Minister of Culture on the "Assignment of broadcasting frequencies for Estonian Radio"
	Majandus- ja kommunikatsiooniministri määrus nr 107 "Enampakkumise läbiviimise kord sagedus- ja numbriloo andmiseks" of September 16, 2005 Decree No. 107 by the Minister of Economics and Communications on the "Procedure of the tendering for frequency and numbering authorisations"
	Majandus- ja kommunikatsiooniministri määrus nr 127 "Nõuded kaabelvõrgu piirkonnas vastuvõetava televisiooniprogrammi edastamise teenuse osutamisele" of October 19, 2005 Decree No. 127 by the Minister of Economics and Communications on the "Requirements to the television programming provisioning services in cable distribution networks"
	Vabariigi Valitsuse määrus nr 392 "Raadiosageduskanali, lühinumbri või numeratsioonivahemiku kasutamine avalikes huvides" of November 30, 2000. Last amendment on March 12, 2003 Government decree No. 392 on the "Usage of radio frequency channel, short number or numbering range for the public purposes"

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or "general interest objectives", for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States' laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
EE	§ 45 of the Constitution of Estonia of June 28, 1992; amended on February 25, 2003 and on October 05, 2003.	The constitution specifies the following: <ul style="list-style-type: none"> freedom to disseminate ideas, opinions, beliefs and other information by word, print, picture or other means which may be restricted by law to protect public order, morals, and the rights and freedoms, health, honour and good name of others or by law for state and local government public servants, to protect a state or business secret or information received in confidence, which has become known to them by reason of their office, and the family and private life of others, as well as in the interests of justice; no censorship.
	Chapter 2 (§ 6 - § 13) of the Broadcasting Act of May 19, 1994; last amendment on January 1, 2005	Chapter 2 specifies the following: <ul style="list-style-type: none"> freedom of broadcasting activity in compliance with law, and terms and conditions of the broadcasting licence; broadcasters must ensure a political balance in the transmission time; broadcasters must protect their sources of information; freedom of reception and retransmission in compliance with the law; broadcasters must ensure the right of reply; broadcasters must not transmit content which is immoral or in conflict with the Constitution or laws;

Member state	Regulation	General interest objective
		<ul style="list-style-type: none"> • in case of a threat to public security or the constitutional order, broadcasters are required to promptly transmit the official announcements of the Parliament, the President and the Government at their own expense; • broadcasters must, without delay and free of charge, transmit information which is necessary for the protection of life, health and security of people or for the prevention of damage to property, or for the prevention or reduction of environmental damage; • broadcasters and operators must observe the requirements specified in the Copyright Act; • if an Estonian broadcaster has acquired an exclusive right to broadcast events which a Member State of the EU or a state that is a party to the European Convention on Transfrontier Television has included in its list of events regarded as being of major importance for society, the broadcaster shall not exercise the exclusive right if by so doing it deprives a substantial proportion of the public in the state concerned of the possibility of following such major events via free television whereas the substantial proportion of the Estonian public equals at least 70 per cent of the population; • broadcasters must ensure the recording of transmitted programmes (recordings shall be preserved for at least 20 days after the date of transmission); • broadcasters shall appoint executive producers for programmes and programme services transmitted that shall ensure the compliance with the requirements of the Broadcasting Act, fair practices of the press and freedom of speech.
	<p>§ 25 and § 26 of the Broadcasting Act of May 19, 1994.</p>	<p>The general objectives of Public Services Broadcasters (Estonian Radio and Estonian Television) are to:</p> <ul style="list-style-type: none"> • advance and promote Estonian national culture, and record, preserve and introduce its greatest achievements; • present the greatest achievements of world culture to the public; • create and transmit multifaceted and balanced programme services of high journalistic, artistic and technical standards; • satisfy information needs of all sections of the population, including minorities; • create primarily informational, cultural, educational and entertainment programmes. <p>Estonian Radio and Estonian Television must ensure the recording of events and works significant from the point of view of national culture and history, and the preservation of recordings for future generations, and to facilitate the:</p> <ul style="list-style-type: none"> • preservation and development of the Estonian nation, language and culture; • strengthening of Estonian statehood; • advancement of Estonia's international reputation.

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography; etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
EE	§ 24, 25, 26 of the Broadcasting Act of May 19, 1994 (see Table 3)	Eesti Raadio (ER, Estonian Radio) and Eesti Televisioon (ETV, Estonian Television)	<p>Networks</p> <p>No specific obligations, ER and ETV may provide public service programming in all communications networks.</p> <p>In practice, present on:</p> <ul style="list-style-type: none"> terrestrial platforms through Levira (an undertaking established according to the § 21 of the Broadcasting Act); cable-TV platform through a must-carry obligation under § 90 of the Electronic Communications Act. <p>Coverage</p> <p>No specific obligations</p>	No

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in [Table 23](#).

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
EE	Estonian National Communications Board (ENCB)	Supervision and implementation of some provisions of the Electronic Communications Act of December 8, 2004 (§ 133, 134): <ul style="list-style-type: none"> 'notifications of electronic communications activity' (i.e. general authorisations); market definitions outside of the Commission recommendation on relevant markets; analysis of market 18; management of the radio frequency plan and granting the frequency authorisations. 	No
	Ministry of Economics and Communications of Estonia	Supervision and implementation of some provisions of the Electronic Communications Act of December 8, 2004 (§ 133, 134): <ul style="list-style-type: none"> adoption of radio frequency plan; supervision of ENCB. 	No

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
	Ministry of Culture of Estonia Commission of Granting of Broadcasting Licences	Supervision and implementation of the provisions of the Broadcasting Act of May 19, 1994 (§ 42): <ul style="list-style-type: none"> number and type of broadcasting licences to be issued; granting of broadcasting licences; supervision of broadcasting licences. 	No
	Broadcasting Council (9 members) appointed by the Parliament (by the Cultural Commission) for 5 years. 5 members from the Parliament members and 4 members from experts in broadcasting.	Supervision of fulfilment of public service broadcasting objectives according to the Broadcasting Act of May 19, 1994. Supervision of the activity of Estonian Radio and Estonian Television, including the: number of programmes, annual budget, appointment and supervision of management boards, and elaboration and supervision of long-term plans.	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
EE	DVB-H No commercial launch yet, no licences granted yet.	DVB-H is treated as broadcasting and currently subject to the same obligations as other terrestrial platforms.
	UMTS, EDGE, GPRS EMT launched its mobile TV services on October 28, 2005 over its UMTS network (with limited coverage of two major cities in Estonia). Requires a 3G handset.	<p>If a TV channel, transmitted over the mobile network, has an international, country-wide, regional, local or temporary broadcasting licence it is not required to have a separate <i>"broadcasting licence for transmitting over cable distribution networks"</i>.</p> <p>If a TV channel is only broadcast on a cable distribution network (a mobile network falls into that category), a <i>"broadcasting licence for cable distribution network"</i> is required.</p> <p>§ 2 of the Broadcasting Act of May 19, 1994 defines <i>"broadcasting"</i> as the transmission of radio or television programme services over the air (including satellite) or over the cable distribution network intended for reception by the public with commonly used receivers.</p> <p>Therefore, as television programming is transmitted over the air in the case of mobile TV, it could be interpreted as being subject to the broadcasting regulation. However, there are no established interpretations yet.</p> <p>Mobile TV is subject to electronic communications regulation:</p> <ul style="list-style-type: none"> § 2 of the Electronic Communications Act of December 8, 2004 defines a <i>"cable distribution network"</i> as any electronic communications network that is capable of providing <i>"cable distribution services"</i>;

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
		<ul style="list-style-type: none"> § 2 of the Electronic Communications Act defines a “<i>cable distribution service</i>” as a publicly available electronic communications service which consists of transmission of television or radio broadcasts and television or radio programmes to end-users for an agreed charge. <p>Therefore, mobile TV could be interpreted as a “<i>cable distribution service</i>” and a mobile network operator that provides mobile TV services should submit a notification to the Estonian National Communications Board (ENCB).</p> <p>However, no such practice is applied yet (EMT that transmits a couple of mobile TV programmes has not notified ENCB of the provision of cable distribution services).</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
EE	<p>Elion DigiTV:</p> <ul style="list-style-type: none"> • On the basis of its DSL2+ connection (up to 15 Mbps) • Own infrastructure, including access network (copper or fibre) • TV set-top box • Available in Tallinn, Tartu, Pärnu, Narva and other four smaller cities • 70 TV-channels, Electronic Programming Guide <p>Elion ITV:</p> <ul style="list-style-type: none"> • Video-on-demand only • Over any internet access network that is capable of delivering data at a rate of 1 Mbps • PC <p>Starman DigiTV:</p> <ul style="list-style-type: none"> • Coaxial or fibre access network (cable-TV network) • TV set-top box • 77 channels, Electronic Programme Guide, Personal Video Recording • Available in most of the cities in Estonia <p>STV DigiTV:</p> <ul style="list-style-type: none"> • Coaxial or fibre access network (cable-TV network) • TV set-top box • 72 TV channels plus radio channels, Electronic Programme Guide • Available in most of the cities in Estonia 	<p>If a TV channel, transmitted over the fixed broadband network, has an international, countrywide, regional, local or temporary broadcasting licence, it is not required to have a separate “<i>broadcasting licence for transmitting over cable distribution networks</i>”.</p> <p>If a TV channel is only broadcast on a cable distribution network (a fixed network falls into that category), a “<i>broadcasting licence for cable distribution network</i>” is required.</p> <p>§ 2 of the Broadcasting Act of May 19, 1994 defines “<i>broadcasting</i>” as the transmission of radio or television programme services over the air (including satellite) or over the cable distribution network intended for reception by the public with commonly used receivers.</p> <p>IP TV is subject to the electronic communications regulation:</p> <ul style="list-style-type: none"> • § 2 of the Electronic Communications Act of December 8, 2004 defines a “<i>cable distribution network</i>” as any electronic communications network that is capable of providing “<i>cable distribution services</i>”. • § 2 of the Electronic Communications Act defines a “<i>cable distribution service</i>” as a publicly available electronic communications service which consists of transmission of television or radio broadcasts and television or radio programmes to end-users for an agreed charge. <p>Therefore, IP TV could be interpreted as being a “<i>cable distribution service</i>” and a fixed broadband network operator that provides IP TV services should submit a notification to Estonian National Communications Board (ENCB) on the provision of cable distribution services under § 3 and 4 of the Electronic Communications Act of December 8, 2004. Elion has submitted a notification on the provision of cable distribution services.</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Estonia				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	§ 2, 4 of the Electronic Communications Act (see note below)	Yes	No	Notification to ENCB under § 4 of the Electronic Communications Act . ENCB must provide the confirmation within 7 working days.
Digital terrestrial	§ 2, 4 of the Electronic Communications Act (see note below).	Yes	No	Notification to ENCB under § 4 of the Electronic Communications Act . ENCB must provide the confirmation within 7 working days.
Cable	§ 2, 4 of the Electronic Communications Act (see note below)	Yes	No	Notification to ENCB under § 4 of the Electronic Communications Act . ENCB must provide the confirmation within 7 working days.
Satellite	§ 2, 4 of the Electronic Communications Act (see note below)	Yes	No	Notification to ENCB under § 4 of the Electronic Communications Act . ENCB must provide the confirmation within 7 working days.
Fixed telecommunications network	§ 2, 4 of the Electronic Communications Act (see note below)	Yes	No	Notification to ENCB under § 4 of the Electronic Communications Act . ENCB must provide the confirmation within 7 working days.
Mobile telecommunications network (UMTS)	§ 2, 4 of the Electronic Communications Act (see note below)	Yes	No	Notification to ENCB under § 4 of the Electronic Communications Act . ENCB must provide the confirmation within 7 working days.
Comment	<p>"General authorisation". Under § 4 of the Electronic Communications Act of December 8, 2004 a general authorisation is defined as <i>"before the commencement of [the provision of electronic communications services], an undertaking ... shall submit a written notice to the Communications Board"</i>.</p> <p>According to §2 of the Act:</p> <ul style="list-style-type: none"> • electronic communications service is a service which consists wholly or mainly in the transmission or conveyance of signals on electronic communications networks under the agreed conditions. Network services are also electronic communications services; 			

Estonia				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
	<ul style="list-style-type: none"> • network service is an electronic communications service which consists of creation, management and grant of use, in full or in part, of an electronic communications network to other communications undertakings for the provision of an electronic communications service; • electronic communications networks also include the satellite network, telephone network, data communication network, mobile telephone network, broadcasting transmission network, cable distribution network and electric cable system, if used for the transmission or conveyance of signals, regardless of the nature of information broadcast through them.” : • cable distribution service is a publicly available electronic communications service which consists of transmission of television or radio broadcasts and television or radio programmes to end-users for an agreed charge; • cable distribution network is an electronic communications network which is created for the provision of cable distribution services.” <p>Under the Act, the definition of ‘cable distribution service’ seems to cover all possible platforms for broadcasting transmission services.</p>			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Estonia		
	Network operator	TV channel
Analogue terrestrial	<p>General authorisation for the provision of electronic communications network services (see note A)</p> <p>Frequency licence (see note C)</p> <p>General authorisation for the provision of cable distribution services, if also ‘transmission of television or radio broadcasts and television or radio programmes to end-users for an agreed charge’ (see note A).</p>	Broadcasting licence (see note B). Either local, regional, national, international or temporary broadcasting licence.

Estonia			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	General authorisation for the provision of electronic communications network services (see note A)	General authorisation for the provision of electronic communications network services (see note A) General authorisation for the provision of cable distribution services (see note A). Broadcasting licence (see note B)	Broadcasting licence (see note B) In case a TV-channel has an international, national, regional, local or temporary broadcasting licence, it is not required to have a separate broadcasting licence for cable distribution. In case the TV-channel is broadcast only on a cable distribution network, a broadcasting licence for cable distribution is required.
Fixed telecommunications (DSL)	General authorisation for the provision of electronic communications network services (see note A)	General authorisation for the provision of electronic communications network services (see note A) General authorisation for the provision of cable distribution services (see note A) Broadcasting licence (see note B)	Broadcasting licence (see note B) In case a TV-channel has an international, national, regional, local or temporary broadcasting licence, it is not required to have a separate broadcasting licence for cable distribution. In case the TV-channel is broadcast only on a cable distribution network (fixed network falls into that category), a broadcasting licence for cable distribution is required.
Mobile networks (UMTS)	General authorisation for the provision of electronic communications network services (see note A) General authorisation for the provision of mobile services (see note A) Frequency licence (see note C)	General authorisation for the provision of electronic communications network services (see note A) General authorisation for the provision of mobile services (see note A) General authorisation for the provision of cable distribution services (see note A) Frequency licence (see note C) Broadcasting licence for cable distribution (see note B)	Broadcasting licence (see note B) In case the TV channel has an international, national, regional, local or temporary broadcasting licence, it is not required to have a separate broadcasting licence for cable distribution. In case the TV channel is broadcasted only on a cable distribution network (a mobile network falls into that category), a broadcasting licence for a cable distribution is required (see note B).

Estonia			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	<p>NB No practice yet, but the law could be interpreted as follows:</p> <p>General authorisation for the provision of electronic communications network services (see note A)</p> <p>Frequency licence (see note C)</p> <p>General authorisation for the provision of cable distribution services, if also 'transmission of television or radio broadcasts and television or radio programmes to end-users for an agreed charge' (see note A)</p>	<p>NB No practice yet, but the law could be interpreted as follows:</p> <p>General authorisation for the provision of electronic communications network services (see note A)</p>	<p>NB No practice yet, but the law could be interpreted as follows:</p> <p>Broadcasting licence (see note B)</p>

Estonia			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	<p>General authorisation for the provision of electronic communications network services (see note A)</p> <p>Frequency licence (see note C) (for uplink only. Currently no uplinks in Estonia).</p>	No information available	No information available

Estonia				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H/DMB)	<p>NB No practice yet, but the law could be interpreted as follows:</p> <p>General authorisation for the provision of electronic communications network services (see note A)</p> <p>Frequency licence (see note C)</p> <p>General authorisation for the provision of cable distribution services, if also 'transmission of television or radio broadcasts and television or radio programmes to end-users for an agreed charge' (see note A).</p>	<p>NB No practice yet, but the law could be interpreted as follows:</p> <p>General authorisation for the provision of electronic communications network services (see note A)</p>	<p>NB No practice yet, but the law could be interpreted as follows:</p> <p>General authorisation for the provision of electronic communications network services (see note A)</p> <p>General authorisation for the provision of mobile services (see note A).</p> <p>Frequency licence (see note C)</p> <p>General authorisation for the provision of cable distribution services, if also 'transmission of television or radio broadcasts and television or radio programmes to end-users for an agreed charge' (see note A).</p>	<p>NB No practice yet, but the law could be interpreted as follows:</p> <p>Broadcasting licence (see note B)</p>

Estonia	
A	<p>“General authorisation”. Under § 4 of the Electronic Communications Act of December 8, 2004 a general authorisation is defined as <i>“before the commencement of [the provision of electronic communications services], an undertaking ... shall submit a written notice to the Communications Board”</i>.</p> <p>According to §2 of the Act:</p> <ul style="list-style-type: none"> • electronic communications service is a service which consists wholly or mainly in the transmission or conveyance of signals on electronic communications networks under the agreed conditions. Network services are also electronic communications services; • network service is an electronic communications service which consists of creation, management and grant of use, in full or in part, of an electronic communications network to other communications undertakings for the provision of an electronic communications service; • electronic communications networks include also the satellite network, telephone network, data communication network, mobile telephone network, broadcasting transmission network, cable distribution network and electric cable system, if used for the transmission or conveyance of signals, regardless of the nature of information broadcast through them; • cable distribution service is a publicly available electronic communications service which consists of transmission of television or radio broadcasts and television or radio programmes to end-users for an agreed charge; • cable distribution network is an electronic communications network which is created for the provision of cable distribution services. <p>Under the Act, the definition of ‘cable distribution service’ seems to cover all possible platforms for broadcasting transmission services.</p>
B	<p>“Broadcasting licence”. Under § 37 of the Broadcasting Act of May 19, 1994, a broadcasting licence is defined as <i>“an activity licence which grants the legal or natural person specified in the licence the right to broadcast programmes and programme services under the conditions specified in the licence. Broadcasting licences are issued by the Ministry of Culture on the basis and pursuant to the procedure prescribed by this Act”</i>.</p> <p>According to § 37 (3) of the Broadcasting Act there are six types of broadcasting licences: local, regional, national, international, temporary and for cable distribution networks. A broadcasting licence for TV/radio broadcasting operations must be applied for from the Ministry of Culture. There are only two national TV broadcasting licences (or one national and one international TV broadcasting licence). Public Service Broadcasters ETV and ER do not need a broadcasting licence.</p> <p>The broadcasting licence does not cover frequencies. The licence term is for a maximum of 5 years (local broadcasting licence for TV broadcasting - 2 years).</p> <p>Current national TV broadcasting licensees are: Analogue: TV3 (Swedish commercial broadcaster) and Kanal 2 (Norwegian commercial broadcaster). Digital: none.</p> <p>There are no regional TV broadcasting licensees.</p> <p>The current local TV broadcasting licensee is: Alo TV (Estonian commercial broadcaster).</p> <p>The current TV cable distribution network broadcasting licensees are: LITES (in Jõhvi cable television network), Eesti Uudised (Estonian News in STV cable television networks), Tele2 Infokanal (Tele2 Information Channel, ended due to disposal of Tele2 cable operations to Starman), Pimp TV (formerly CITV, Estonian commercial broadcaster, in some networks), TV9 (Starman’s programming on its cable-TV networks), Starmani Filmikanal (Starman’s Movie Channel, programming on Starman’s cable-TV networks), STV (STV’s programming on its cable-TV networks), STV Kino (STV Movie, programming in STV’s cable-TV networks), Paldiski Television (programming in Paldiski cable-TV network), Orsent TV (Estonian programming in Russian language on several cable-TV networks).</p>
C	<p>“Frequency licence”. Under § 11- 20 of the Electronic Communications Act of December 8, 2004, a <i>‘frequency licence’</i> must be acquired for the use of radio frequencies. The Decree of Minister of Economics and Communications no 25 of April 13, 2006 lists radio equipment, the use of which does not require a frequency licence. If an applicant for a frequency licence is going to use radio frequencies for the provision of electronic communications services (including cable distribution or any kind of electronic communications network services), a notification to the NRA has to be submitted prior to commencing the service provision. If an applicant for the frequency licence is going to provide broadcasting or broadcasting services, a broadcasting licence has to be issued before applying for a frequency licence (except ETV and ER). The licence is granted by the NRA for a period of one year with an annual extension procedure, except for UMTS frequency licences that are valid 10 years. The validity of frequency licences that are granted for broadcasting purposes are linked to the validity of the relevant broadcasting licence.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
EE	December 20, 2012.	No	Not specified yet	Not specified yet	Not specified yet	No plans yet

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Estonia					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	ENCB, according to the Radio Frequency Plan , adopted by the Minister of Economics and Communications.	No Broadcasting licence granted by the Ministry of Culture.	Network operator	Beauty contest for broadcasting licence (according to the decision of the Commission of Granting of Broadcasting Licences of Ministry of Culture). Frequency authorisation automatically.	(1) Broadcasting licence under the Broadcasting Act of May 19, 1994. (2) Frequency licence under the Electronic Communications Act of December 8, 2004.
Digital terrestrial (DVB-T)	Same as above	Same as above	Same as above	Not decided yet	Sequence of licence assignment depends on the frequency assignment method, which has not been decided yet.

Estonia					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Mobile over terrestrial networks (DVB-H /DMB)	Same as above	Same as above	Same as above	Not decided yet	Sequence of licence assignment depends on the frequency assignment method, which has not been decided yet.
Satellite	Same as above Currently, there are no satellite operators operating from Estonia (i.e. no uplink satellite stations) and no frequencies assigned.	Same as above	Same as above	Requires an international broadcasting licence; frequency licence automatically.	(1) Broadcasting licence under the Broadcasting Act (2) Frequency licence under the Electronic Communications Act

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
EE	Broadcasting licence under the Broadcasting Act of May 19, 1994			
	Additional conditions which do not conflict with Law and the principle of freedom of speech			
	Frequency licence under the Electronic Communications Act of December 8, 2004			
	The purpose, manner, area or location of use of radio frequencies.			
	The requirements for the efficient and purposeful use of radio frequencies.			
The technical terms and conditions of use of radio frequencies.				
The technical conditions for the avoidance of harmful interference.				
The requirements arising from international agreements.				

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
EE	<p>There are no one-off fees for the licence for broadcasting frequencies.</p> <p>The one-off fee for 3G frequency licences that were issued in 2004 on the basis of direct offers to EMT, Elisa and Tele2 was Kroon 70m (€ 4.474m).</p> <p>The entry fee for the public auction for the fourth 3G licence will also be Kroon 70m (€ 4.474m).</p>	<p>Annual fees for broadcasting frequencies (clause 13 of Annex 2 of State Fees Act):</p> <ul style="list-style-type: none"> in the frequency band 87.5-108 MHz and 470-862 MHz fees vary from Kroon 120 (€ 7.67) for a 100 mW transmitter up to Kroon 96,000 (€ 6,136) for a transmitter of 1 MW or more; in the frequency band up to 26.1 MHz, 47-87.5 MHz, 174-240 MHz, and 1452-1492 MHz fees vary from Kroon 240 (€ 15.34) for a 100 mW transmitter up to Kroon 192,000 (€ 12,271) for a transmitter of 1 MW or more. <p>Annual fees for 2G/3G depend on several factors (e.g. frequencies used, bandwidth, coverage etc) included in the State Fees Act. The factors and multipliers are different for different services.</p>	No.

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
EE	No established policy			<p>2001</p> <p>Cable Distribution Act (of May 31, 2001, last amendment December 17, 2003; not in force since January 1, 2005) stipulated that:</p> <p><i>“The holder of a cable network licence shall ensure the continuous transmission of the following programmes within the basic package of programmes distributed by cable:</i></p> <p><i>1) programmes of Estonian public service broadcasters;</i></p> <p><i>2) television programmes transmitted by terrestrial broadcasting transmitters within an area specified in the cable network licence that are received at a signal intensity compatible with the technical requirements and for the transmission of which the owner requires no charge.”</i></p> <p>2004</p> <p>The provisions of must-carry obligations for cable distribution network operators were transferred into the Electronic Communications Act of December 8, 2004 (§ 90) after the Cable Distribution Act was repealed:</p>

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
				<p><i>“(1) A communications undertaking who provides cable distribution services shall guarantee the continuous retransmission of the following programmes:</i></p> <p><i>1) television programmes of the Estonian public service broadcaster;</i></p> <p><i>2) television programmes transmitted by terrestrial broadcasting transmitters within a cable distribution network area that are received at a signal strength compatible with the technical requirements and for the transmission of which the broadcaster requires no charge.</i></p> <p><i>(2) The programmes specified in subsection (1) of this section are transmitted as a single packet based on a subscription contract entered into between the communications undertaking providing cable distribution services and the end-user”.</i></p>

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Estonia							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	An undertaking that is established according to §21 (1) of the Broadcasting Act of May 19, 1994 (i.e. Levira) must-carry Public Service Broadcasting broadcasts (i.e. ER and ETV). (There is some ambiguity in the definitions as also analogue terrestrial could be interpreted as “a cable distribution network” under § 2 of the Electronic Communications Act).	Levira (51% owned by the State, 49% by TDF).	Broadcasting Act of May 19, 1994	Same objectives as stated in Table 3	ETV	Public service broadcasting	Broadcasting Act
Cable network (analogue and or digital)	Cable distribution service providers must continuously retransmit television programmes of the Estonian public service broadcaster	Cable distribution service providers	§ 90 of the Electronic Communications Act of December 8, 2004	Same as above	Nationally <ul style="list-style-type: none"> Estonian Television’s ETV TV3 Kanal 2 	Profiles: <ul style="list-style-type: none"> ETV: Public service broadcasting TV3: commercial Kanal 2: commercial 	§ 90 of the Electronic Communications Act

Estonia							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	(ETV), and television programmes, transmitted by terrestrial broadcasting transmitters in a cable distribution network area, which are received at a signal strength compatible with the technical requirements and for the transmission of which the broadcaster requires no charge.				Regionally <ul style="list-style-type: none"> Different terrestrial analogue or digital TV channels from Finland (YLE, MTV3, Nelonen in North of Estonia), Latvia (South of Estonia) and Russia (East of Estonia) 	<ul style="list-style-type: none"> Others (regional): public service broadcasting and commercial 	
Digital terrestrial	Same as for cable-distribution operators due to definition of a “ <i>cable distribution network</i> ” under § 2 of the Electronic Communications Act	Same as for cable-distribution operators	Same as for cable-distribution operators	Same as for cable-distribution operators	Same as for cable-distribution operators	Same as for cable-distribution operators	Same as for cable-distribution operators
Satellite	No (ambiguity in definitions, see entry for analogue terrestrial above)	No	No	No	No	No	No

Estonia							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Fixed network operator	Same as for cable-distribution operators due to definition of a “ <i>cable distribution network</i> ” under § 2 of the Electronic Communications Act	Same as for cable-distribution operators	Same as for cable-distribution operators	Same as for cable-distribution operators	Same as for cable-distribution operators	Same as for cable-distribution operators	Same as for cable-distribution operators
Mobile network operator	Same as for cable-distribution operators due to definition of a “ <i>cable distribution network</i> ” under § 2 of the Electronic Communications Act .	Same as for cable-distribution operators.	Same as for cable-distribution operators.	Same as for cable-distribution operators.	Same as for cable-distribution operators	Same as for cable-distribution operators.	Same as for cable-distribution operators.

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
EE	Broadcasting of ETV and ER programmes over terrestrial network (Levira) is financed through State Budget (ETV and ER pay for transmission of its programmes to Levira).	Annual budgeting of ETV, ER and Levira	No
	Under § 90 of the Electronic Communications Act of December 8, 2004 cable distribution services providers must-carry the content free of charge.	Not relevant	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
EE	No must-offer obligations	N/A	N/A	N/A	No

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
EE	Not yet completed ENCB has started the analysis of market 18 but it does not expect to issue it for national consultation before 2007.	N/A	N/A

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
EE	Not yet completed ENCB has started the analysis of market 18 but it does not expect to issue it for national consultation before 2007.	Not applicable	Not applicable	Not applicable

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as ‘any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation’. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
EE	§ 2, 50 and 67 of the Electronic Communications Act of December 8, 2004. Responsible authority: ENCB	See note below	A communications undertaking that provides conditional access systems.	Cost orientation and non-discrimination	Not yet
<p>Scope of access</p> <p>“Conditional access” means a set of technical facilities that enables the use of radio or television services only against remuneration.</p> <p>A communications undertaking that provides conditional access services to providers of digital television and radio services, and if the access by broadcasters to potential viewers and listeners depends on the access services, is required to:</p> <ol style="list-style-type: none"> 1) offer to all broadcasters, on a fair, reasonable and non-discriminatory basis, technical services enabling the broadcasters’ digitally transmitted services to be received by viewers or listeners authorised by means of decoders; 2) keep separate accounts of its activities as a provider of conditional access services. <p>A communications undertaking that provides conditional access systems is required to use activity-based cost (ABC) accounting.</p>					

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
EE	Same regulation as for conditional access systems (CAS), see Table 20 Under § 50 of the Electronic Communications Act of December 8, 2004, the ENCB may impose obligations for access to network or systems on an operator with SMP.	No	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
EE	§ 2, 50 and 67 of the Electronic Communications Act of December 8, 2004 Responsible authority: ENCB	Under § 50 of the Electronic Communications Act of December 8, 2004, the ENCB may impose obligations for access to a network or systems on an operator with SMP. No decisions taken.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
EE	Estonian Competition Board (see note below)	No	No recent action published by the competition authority.
	<p>Under § 133 of the Electronic Communications Act of December 8, 2004, supervision of compliance with this Act shall also be exercised by the Competition Board in the limits of its authority specified by this Act and the Competition Act.</p> <p>Under § 144 of the Electronic Communications Act, the Communications Board must co-operate and where necessary, exchange information, on the competition situation in the electronic communications markets with the Competition Board.</p> <p>The Communications Board and the Competition Board may specify the conditions and organisation of their co-operation in a protocol. They must ensure uniform and consistent interpretation of the competition situation and must prevent the passing of contradictory decisions.</p>		

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
	<p>The Communications Board must provide the Competition Board with the information on its market analysis promptly, including the definition of relevant markets, SMP designation, and remedies. The Communications Board has the right to forward confidential business information to the Competition Board.</p> <p>If an undertaking is designated as having SMP and the Communications Board has imposed remedies, the Competition Board cannot apply measures under the Competition Act based on a finding of a dominant position, or to take decisions that contradict those of the Communications Board.</p> <p>ENCB is responsible for the supervision of pricing behaviour and access provision by an operator designated as having SMP, despite such an undertaking's possible dominant market position under competition law.</p> <p>One member in the Commission of Granting of Broadcasting Licences at the Ministry of Culture is appointed by the Estonian Competition Board.</p>		

Finland

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
FI	Analogue terrestrial TV	No information available
	Digital terrestrial TV (DVB-T)	33% of households (total number of households c.a. 2.2 million) Source: Ministry of Transport and Communications , April 2006
	Cable TV	50% of households Source: Ministry of Transport and Communications , January 2004
	Satellite TV (but no uplinks in Finland)	10% of households Source: Ministry of Transport and Communications , June 2004
	IP TV	Start-up phase, a couple of thousand subscribers Source: Ministry of Transport and Communications , April 2006
	Mobile TV (DVB-H)	None (licensing in progress)
	Mobile TV (UMTS, EDGE, GPRS)	Trial phase (Sonera pilot project)

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
FI	Viestintämarkkinalaki 23.5.2003/393 (Communications Market Act) §134 on must-carry for cable TV in force until December 31, 2007
	Laki viestintähallinnosta 29.6.2001/625 (Act on Communications Administration)
	Liikenne- ja viestintäministeriön asetus toimilupahakemusten ja teletoimintailmoitusten sisällöstä 3.7.2003/695 Ministry of Transport and Communications decree on the content of licence applications and telecommunication notifications
	Laki radiotaajuuksista ja telelaitteista 16.11.2001/1015 The Radio Act
	Laki televisio- ja radiotoiminnasta 9.10.1998/744 Act on radio and television operations
	Valtioneuvoston asetus televisio- ja radiotoiminnasta 10.7.2003/698 Governmentmnt decree on radio and television operations
	Valtioneuvoston asetus televisio- ja radiotoimintaan sekä toimiluvanvaraiseen teletoimintaan määrättyjen taajuuksalueiden käyttösuunnitelmasta 19.12.2002/1159, muutoksineen Government decree on the usage plans of the frequency bands allocated for the purposes of television and radio broadcasting and licensed telecommunications operations 19.12.2002/1159, as amended

Member state	Types of regulations affecting broadcasting industry
	<p>FICORA radiotaajuusmääräys 4 F/2005 M, ja liitteenä oleva taajuusjakotaulukko FICORA frequency regulation 4 F/2005 M of March 8, 2005, and the annexed 'frequency allocation table'</p>
	<p>Liikenne- ja viestintäministeriön asetus Viestintäviraston radiohallinnollisista suoritteista perittävistä maksuista 7.12.2005/964 Ministry of Transport and Communications decree on frequency administration fees payable to FICORA 7.12.2005/964</p>
	<p>Laki valtion televisio- ja radiorahastosta 9.10.1998/745 Act on the State Television and Radio Fund</p>
	<p>Laki Yleisradio Oy:stä 22.12.1993/1380 Act on Yleisradio Oy</p>
	<p>Valtioneuvoston asetus viestintämarkkinoihin liittyvästä varautumisvelvollisuudesta ja viranomaistiedotteiden välittämismuutoksista 25.9.2003/838 Government decree on obligations to prepare for exceptional circumstances and transmit information from authorities.</p>
	<p>FICORA decision 183/934/2004 of September 3, 2004 concluding the analysis of market 18 and designating Digita as having SMP Ministry of Transport and Communications decision 049:00/2001 of September 1, 2004 on market definition (outside of the Commission recommendation)</p>

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
FI	§ 12, 15 of the Constitution of Finland 11.6.199/731	<ul style="list-style-type: none"> Freedom of expression, balanced with the right of protection of property (in case of must-carry)
	§ 7 of the Act on Yleisradio Oy 22.12.1993/1380	<p>Provision of comprehensive television and radio programming with the related additional and extra services for all citizens under equal conditions, in particular:</p> <ul style="list-style-type: none"> support democracy and everyone’s opportunity to participate by providing a wide variety of information, opinions and debates as well as opportunities to interact; take educational and equality aspects into consideration in the programmes, provide an opportunity to learn and study, give focus on programming for children, and offer devotional programmes; treat Finnish-speaking and Swedish-speaking citizens equally and produce services in the Sami, Romany, and sign languages as well as, where applicable, in the languages of other language groups in the country; support tolerance and multiculturalism and provide programming for minority and special groups; promote cultural interaction and provide programming directed abroad; broadcast official announcements and make provision for television and radio broadcasting in exceptional circumstances.

Member state	Regulation	General interest objective
	§ 10 of the Act on radio and television operations 9.10.1998/744	When granting ' <i>programme licences</i> ' the authority must, taking into consideration the television and radio broadcasting of the area in question as a whole, aim at: <ul style="list-style-type: none"> • promoting freedom of speech; • safeguarding the diversity of the provision of programmes; • the needs of special groups of the public.
	Government proposal 112/2002 for the Communications Market Act 393/2003, p. 200	<ul style="list-style-type: none"> • Universal access for programmes of the public broadcaster Yleisradio (YLE) • Media diversity, public interest and commercial programmes complement each others • Freedom of expression, guaranteed by the end-user right to receive public interest programmes

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
FI	§7 of the Act on Yleisradio Oy 22.12.1993/1380 Provision of comprehensive television and radio programming with the related additional and extra services for all citizens under equal conditions (see Table 3).	Yleisradio Oy (YLE - the Finnish Broadcasting Company)	Networks No obligation. YLE " <i>may provide</i> " public service programmes in all communications networks. Coverage Obligation to provide programmes to all citizens.	No

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
FI	Finnish Communications Regulatory Authority (FICORA)	<p>Supervision and implementation of provisions of Communications Market Act 23.5.2003/393 including:</p> <ul style="list-style-type: none"> • <i>'telecommunications notifications'</i> (i.e. general authorisations); • analysis of market 18. <p>Supervision and implementation of provisions of the Act on radio and television operations 9.10.1998/744 including:</p> <ul style="list-style-type: none"> • temporary <i>'programme licences'</i>; • <i>notifications</i> (in cases where programme licence from government is not required); • management of the frequency plan. <p>Granting of <i>'radio licence'</i> under § 7 of the Radio Act 16.11.2001/1015</p>	No
	Ministry of Transport and Communications Finland	<p>General guidance and development of:</p> <ul style="list-style-type: none"> • electronic communications; • TV and radio broadcasting. <p>Market definitions outside of Commission recommendation on relevant markets</p> <p><i>'Network licences'</i> (government) under the Communications Market Act 23.5.2003/393</p> <p><i>'Programme licences'</i> under the Act on radio and television operations 9.10.1998/744</p>	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
FI	<p>DVB-H</p> <p>No commercial launch yet – <i>'network licence'</i> granted to Digita on March 23, 2006, valid to March 22, 2026. According to licence, commercial launch in 2006. The licensee is responsible for the transmission network and management of the multiplex.</p>	<p>DVB-H is treated as broadcasting and currently subject to the same obligations as other terrestrial platforms, but changes have been proposed.</p> <p>On December 20, 2005 a DVB-H working group presented its draft proposal to amend the Act on radio and television operations 9.10.1998/744. The following is proposed:</p> <ul style="list-style-type: none"> • the aim is to have several programme licensees in the DVB-H multiplex. It is important that the capacity of the mobile television network will not be in the hands of just one operator; • the application procedure for mobile television <i>'programme licences'</i> would be lighter. The licences for the multiplex would be granted by FICORA (and not the ministry);

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
		<ul style="list-style-type: none"> existing programme licensees for DVB-T could broadcast simultaneously and unaltered on the DVB-H network without a separate licence. The same applies to YLE, the public broadcaster; services other than television and radio could be provided on the DVB-H network without a 'programme licence'. These could include information services such as sports results.
	<p>UMTS, EDGE, GPRS</p> <p>No commercial launch yet</p> <p>Sonera pilot project in progress. Requires a 3G handset (but also works with transmission speeds provided by EDGE and GPRS).</p> <p>On March 21, 2006 Elisa announced three-month trials of mobile TV from April 2006.</p>	<p>Mobile TV does not fall into the scope of the broadcasting regulatory framework.</p> <p>A separate 'programme licence' under the Act on radio and television operations 9.10.1998/744 is not needed, because a public mobile telecommunications network does not qualify as a 'terrestrial mass communications network' under § 2 of the Communications Market Act 23.5.2003/393.</p> <p>According to FICORA, a notification to the NRA under § 7b of the Act on radio and television operations 9.10.1998/744 is not needed, because:</p> <ul style="list-style-type: none"> public mobile networks could not be interpreted to be a "conventional broadcasting network" referred to in preparatory works to the Act; and in any case; the broadcasting operations are still negligible.

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
FI	<p>TDC Song in combination with Maxisat:</p> <ul style="list-style-type: none"> LLU and shared access, from 2 to 24 Mbps with an xDSL connection Accessed via a set-top box Offered in the Helsinki region 	<p>IP TV does not fall into the scope of the broadcasting regulatory framework.</p> <p>A separate 'programme licence' under the Act on radio and television operations 9.10.1998/744 is not needed, because a public mobile telecommunications network does not qualify as a 'terrestrial mass communications network' under § 2 of the Communications Market Act 23.5.2003/393.</p> <p>According to FICORA, neither a notification to the NRA under § 7b of the Act on radio and television operations 9.10.1998/744 is needed, because:</p> <ul style="list-style-type: none"> PSTN could be interpreted as not being a "conventional broadcasting network" referred to in preparatory works to the Act; and in any case; the broadcasting operations are still negligible. <p>On April 28, 2006 the Ministry published a report 23/2006 on 'IP TV today and in the near future.</p>
	<p>Elisa TV:</p> <ul style="list-style-type: none"> Video on demand only Own DSL infrastructure Accessed via PC 	

Member state	IP TV commercial launch	Regulatory framework for IP TV
	<p>In January 2006, Finnet announced that some of the local fixed operators belonging to the group will launch IP TV offers:</p> <ul style="list-style-type: none"> Using their own 8 Mbps DSL infrastructure Accessed via a set-top box 	

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Finland				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	Notification to NRA § 13-15 of the Communications Market Act 23.5.2003/393	Yes	No	Notification, where required, to the NRA (FICORA) under § 13-15 of the Communications Market Act 23.5.2003/393 , and under § 15 of the Act on radio and television operations 9.10.1998/744 . On the request of the operator, FICORA must provide confirmation of the receipt of a telecommunications notification within one week.
Digital terrestrial	Notification to NRA § 13-15 of the Communications Market Act 23.5.2003/393	Yes	No	
Cable	Notifications to NRA § 13-15 of the Communications Market Act 23.5.2003/393 § 15 of the Act on radio and television operations 9.10.1998/744	No individual broadcasting licence (' <i>programme licence</i> ')	No	
Satellite	Notification to NRA § 13-15 of the Communications Market Act 23.5.2003/393	No individual broadcasting licence (' <i>programme licence</i> ')	No	

Finland				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Fixed telecommunications network	Notification to NRA § 13-15 of the Communications Market Act 23.5.2003/393	No individual broadcasting licence ('programme licence')	No	
Mobile telecommunications network (UMTS)	Notification to NRA § 13-15 of the Communications Market Act 23.5.2003/393	No individual broadcasting licence ('programme licence'), but licence under Communications Market Act ('network licence')	No	
Mobile TV (DVB-H)	Notification to NRA § 13-15 of the Communications Market Act 23.5.2003/393	Yes	No	
Comment	<p>Under § 13 of the Communications Market Act 23.5.2003/393 a general authorisation is defined as "a written notification of the intention to operate public telecommunications shall be submitted to FICORA before the operations begin (telecommunications notification)". This does not apply to temporary public telecommunications that are temporary in nature, aimed at a small audience or otherwise of minor significance. Public telecommunications are defined as "the provision of a network service or a communications service to a set of users that is not subject to any prior restriction".</p> <p>§ 7 b and 15 of the Act on radio and television operations 9.10.1998/744 require a notification to the NRA prior to the commencement of other television and radio broadcasting activities which do not require an individual 'programme licence' (i.e. broadcasting in a terrestrial mass communications network).</p>			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Finland		
	Network operator	TV channel
Analogue terrestrial	General authorisation (see note A1) Radio licence (see note D)	Programme licence (see note B)

Finland			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable TV	General authorisation (see note A1)	<ul style="list-style-type: none"> General authorisation (see note A1) Programme authorisation (see note A2) 	Programme authorisation (see note A2)
Fixed telecommunications network (DSL)	General authorisation (see note A1)	General authorisation (see note A1)	<p>A separate programme licence (see note B) is not needed because a public fixed telecommunications network does not qualify as a <i>'terrestrial mass communications network'</i> under § 2 of the Communications Market Act 23.5.2003/393.</p> <p>According to FICORA, a programme authorisation (see note A2) is not needed, because:</p> <ul style="list-style-type: none"> public fixed networks could not be interpreted to be a "conventional broadcasting network" referred to in preparatory works to the Act; and in any case; the broadcasting operations are (still) negligible.
Mobile network (UMTS)	<p>General authorisation (see note A1)</p> <p>Network licence (see note C)</p> <p>Radio licence (see note D)</p>	<p>General authorisation (see note A1)</p> <p>Network licence (see note C)</p> <p>Radio licence (see note D)</p>	<p>A separate programme licence (see note B) is not needed because a public mobile telecommunications network does not qualify as a <i>'terrestrial mass communications network'</i> under § 2 of the Communications Market Act 23.5.2003/393.</p> <p>According to FICORA, a programme authorisation (see note A2) is not needed, because:</p> <ul style="list-style-type: none"> public mobile networks could not be interpreted to be a "conventional broadcasting network" referred to in preparatory works to the Act; and in any case; the broadcasting operations are (still) negligible.

Finland			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial TV (DVB-T)	General authorisation (see note A1) Network licence (see note C) Radio licence (see note D)	In Finland, the network operator is also the multiplex operator.	Programme licence (see note B)

Finland			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite TV	General authorisation (see note A1) Radio licence (see note D) A licence is needed for an uplink but not for a downlink.	Programme authorisation (see note A2)	-

Finland				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial (DVB-H /DMB)	General authorisation (see note A1) Network licence (see note C) Radio licence (see note D)	In Finland, the network operator is also the multiplex/mobile operator.		Programme licence (see note B)

Finland	
A1	'General authorisation' : Under § 13 of the Communications Market Act 23.5.2003/393 , a general authorisation is defined as "a written notification of the intention to operate public telecommunications shall be submitted to FICORA before the operations begin (telecommunications notification)". This does not apply to temporary public telecommunications that are temporary in nature, aimed at a small audience or otherwise of minor significance. Public telecommunications are defined as "the provision of a network service or a communications service to a set of users that is not subject to any prior restriction".
A2	'Programme authorisation' : § 7 b and 15 of the Act on radio and television operations 9.10.1998/744 require a notification to the Finnish NRA FICORA prior to the commencement of other television and radio broadcasting activities which do not require an individual 'programme licence' (i.e. broadcasting in terrestrial mass communications network).
B	'Programme licence' : Under § 7 of the Act on radio and television operations 9.10.1998/744 a licence for TV/radio broadcasting operations in a terrestrial mass communications network must be applied for from the government ('programme licence'), except in some exceptional cases from the NRA. Does not cover frequencies. Licence term is maximum 10 years. Current programme licensees are: Analogue : MTV (Finnish commercial broadcaster), Ruutunelonen, TV-Tampere, KRS-TV, När-TV (and YLE to retransmit Swedish programmes). Digital : MTV, SubTV, Suomen Urheilutelevisio, Ruutunelonen; C More Entertainment, Turun Kaapelitelevisio, TV5 Finland, Keski-Pohjanmaan Kirjapaino, KPY Kaapelitelevisio, and Tuotantoyhtiö Kuvaputki. NB Under 7a of the Act, YLE, the public broadcaster can operate without a programme licence. On the digital network, its channels are in multiplex A. (Other than terrestrial broadcasting is subject to a notification ('programme authorisation') to the NRA under § 7b of the same Act).
C	'Network licence' : Under § 4 of the Communications Market Act 23.5.2003/393 , a licence is required to provide a network service that uses radio frequencies in a digital terrestrial mass communications network or in a mobile network practicing public telecommunications ('network licence'). For digital terrestrial broadcasting, the network licence authorises an operator to use and sell capacity (frequencies) in multiplexes. The network licence is granted by the government and the maximum term is 20 years. The current network licensee is Digita (100% subsidiary of TDF) for the administration of 3 multiplexes (A, B and C).

Finland	
D	'Radio licence' : Under § 7-12 of the Radio Act 16.11.2001/1015 , a <i>'radio licence'</i> must be acquired for the possession and use of a radio transmitter in order to guarantee efficient, appropriate and sufficiently interference free use of radio frequencies. The radio licence defines technical parameters for the transmitter. (I.e. in practice, a licensee authorised to use frequencies must have a separate concession for the network in case of digital broadcasting, and broadcasting concession in case of analogue broadcasting). In the case of satellite, where the downlink frequencies are not managed by Finnish authorities, only radio licence is needed. The licence is granted by the NRA for a period of up to 10 years. However, the radio licence for a radio transmitter to be used for television and sound broadcasting or the radio licence for a radio transmitter in a public mobile network shall be granted for up to 20 years.

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
FI	August 31, 2007	No	Not specified yet	Not specified yet	Not specified yet	No plans yet on digital dividends. According to FICORA, the dividends will mainly be used by HDDT.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Finland					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	See note below.	Yes, for TV/radio broadcasting operations in a terrestrial mass communications network, except for temporary use (where the authority is FICORA).	Network operator	Beauty contest	See note below.
<p>Who assigns the frequencies?</p> <p>The government (Ministry of Transport and Communications):</p> <ul style="list-style-type: none"> allocates frequencies under the decree on the usage plans for frequency bands allocated for the purposes of television and radio broadcasting and licensed telecommunications operations 19.12.2002/1159, as amended; grants the '<i>network licence</i>' under the Communications Market Act 23.5.2003/393 to provide a network service that uses radio frequencies on a digital mass communications network or on a public mobile communications network. <p>Sequence of license assignment</p> <p>NB A '<i>network licence</i>' under the Communications Market Act 23.5.2003/393 is not needed because the analogue platform will be phased out in the coming years.</p> <p>If the same undertaking operated as a network and service (i.e. content) provider:</p> <p>(1) '<i>Programme licence</i>' from the Ministry of Transport and Communications under Act on radio and television operations 9.10.1998/744;</p> <p>(2) '<i>Radio licence</i>' under the Radio Act 16.11.2001/1015.</p>					
Digital terrestrial (DVB-T)	Same as above	Same as above	Network operator	Beauty contest	<p>(1) '<i>Network licence</i>' under the Communications Market Act 23.5.2003/393;</p> <p>(2) If the same undertaking operated as a service provider (in Finland it does not), '<i>programme licence</i>' under Act on radio and television operations 9.10.1998/744;</p> <p>(3) '<i>Radio licence</i>' under the Radio Act 16.11.2001/1015.</p>

Finland					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Mobile over terrestrial networks (DVB-H /DMB)	Same as above	Same as above, but see below. On December 20, 2005 a DVB-H working group presented its draft proposal to amend the Act on radio and television operations 9.10.1998/744 . Among other things it proposed, that the application procedure for mobile television 'programme licences' would be lighter. The licences for the multiplex would be granted by FICORA (and not the ministry).	Network operator	Beauty contest	(1) 'Network licence' under the Communications Market Act 23.5.2003/393 ; (2) If the same undertaking operated as a service provider, 'programme licence' under Act on radio and television operations 9.10.1998/744 ; (3) 'Radio licence' under the Radio Act 16.11.2001/1015 .
Satellite	Currently, there are no satellite operators operating from Finland (i.e. no uplink satellite stations) and no frequencies assigned by 'radio licence'.	No individual programme licence needed, but notification to FICORA ('programme authorisation').	Network operator	Beauty contest	(1) 'Programme authorisation' under the Act on radio and television operations 9.10.1998/744 (2) 'Radio licence' under the Radio Act 16.11.2001/1015 (for uplink, no licence needed for downlink).

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
FI	'Network licence' under § 10 of the Communications Market Act 23.5.2003/393 :			
	Efficient use of frequencies Capacity to be reserved at cost oriented charge to YLE (the Finnish Broadcasting Company Ltd) and programme licensees Cooperation between programme licensees in the distribution of capacity	Geographic coverage Conditions complementing art. 1 (objectives of the Act)	Conditions complementing art 128-129 (network/service quality/integrity) Electronic programme guides Technology	None
	'Programme licence' under § 11 of the Act on radio and television operations 9.10.1998/744 :			
	None	Geographic coverage	Transmission technology and capacity	Conditions necessary to safeguard programme diversity and needs of special user groups Time of day of the broadcasting
FI	'Radio licence' under § 7-12 of the Radio Act 16.11.2001/1015 :			
	Conditions to ensure efficient and appropriate use of radio frequencies, efficiency of the communication market and prevention or removal of interference.	Condition that the radio licence be kept in the immediate vicinity of the radio transmitter.	None	None

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
FI	-	Annual fees for 2G/3G and broadcasting depend on several factors (e.g. frequencies used, bandwidth, population coverage etc) included in a formula set out in a ministerial decree. The factors and multipliers are different for different services. For an overview, see FICORA website .	A new ministerial decree entered into force on January 1, 2006 that moved away from fees per transmitter to fees tied to bandwidth and other factors. Ministry of Transport and Communications decree on frequency administration fees payable to FICORA 7.12.2005/964

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
FI	No established policy	Substance changed in 1999.	Normal consultations with interest groups and public entities according to the legislative process.	<p>1987</p> <p>§16 of the Act on cable TV operations 13.3.1987/304 (not in force anymore). Original must-carry covered:</p> <ul style="list-style-type: none"> • national public broadcast channels of YLE; • local public broadcast channels of YLE in the operation area of the cable TV network. <p>1999</p> <p>Legal basis changed to the Act on radio and television operations 9.10.1998/744 and the scope of must-carry was widened to its current extent (see Table 15)</p> <p>2003</p> <p>Legal basis changed to § 134 of the Communications Market Act 23.5.2003/393, with sunset date of December 31, 2007</p> <p>Proposal for changes</p> <p>Ministry working group report 59/2004 of October 13, 2004 on 'public service television and radio broadcasting in 2010' proposes the following changes to must-carry:</p> <ul style="list-style-type: none"> • Extension: in addition to cable, other communications networks that are "mainly used for broadcasting" would be covered (e.g. broadband networks); • Limitation: only <i>freely available</i> commercial channels of 'programme licensees', advertisements and other services related to programmes would be covered; • other provisions on must-carry would be carried over in their current form.

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Finland							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	None	None	Not applicable	Not applicable	None	Not applicable	Not applicable
Cable network (analogue and or digital)	<p><u>Obligation</u></p> <p>§ 134 of the Communications Market Act 23.5.2003/393.</p> <p>§ 134 in force from July 24, 2003 to December 31, 2007 (“<i>sunset clause</i>”).</p> <p>Transmission without charge of:</p> <ul style="list-style-type: none"> freely receivable programmes of YLE and supplementary and ancillary services; programmes of national ‘<i>programme licensees</i>’, and advertising and material forming part of the programme. <p><u>Limitations</u></p> <p>No need to significantly invest in improvements in network capacity to fulfil must-carry obligation.</p> <p>No must-carry obligation if the network capacity is used by a cable TV network operator’s own TV/radio operations or reserved for its the reasonable future needs.</p> <p>A cable TV network operator may charge end-users reasonable fees for maintenance of the network.</p>	Cable TV network operator	<p>Generic obligation in law for all cable TV operators</p> <p>The government proposal of 2002 (see next column) notes that about 40% of households have a cable TV connection, and in some urban areas it is the only means of receiving TV signals.</p>	The motivations in the Government proposal 112/2002 for the Communications Market Act 393/2003 refer to general interests listed in Table 3.	Must-carry under § 134 of the Communications Market Act 23.5.2003/393 (see Table 14)	<p>‘<i>Freely receivable</i>’ (i.e. no pay channels) public broadcast channels of YLE and related ancillary/ supplementary services.</p> <p>Commercial channels (i.e. also pay channels) of undertakings licensed to operate on a national terrestrial broadcasting network (<i>‘programme licensees</i>’), advertisements and other services related to programmes.</p> <p>Above programming must be provided to end-users unmodified and simultaneously with original broadcast.</p>	No established procedure

Finland							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Digital terrestrial	§ 10 of the Communications Market Act 23.5.2003/393 'network licence' for digital terrestrial network may be granted on the condition that sufficient capacity is reserved at a cost oriented charge to YLE (the Finnish Broadcasting Company Ltd) and programme licensees under Act on radio and television operations 9.10.1998/744 .	DTT operator (Digita)	See column 1	See column 1	YLE (the Finnish Broadcasting Company Ltd), and programme licensees under Act on radio and television operations 9.10.1998/744 .	Digita's network licence stipulates that it must transmit: <ul style="list-style-type: none"> the public broadcast channels of YLE in multiplex A; and commercial channels of undertakings licensed to operate on a terrestrial broadcasting network ('programme licensees') in multiplexes B and C. 	No established procedure
Satellite	None	None	Not applicable	Not applicable	None	Not applicable	Not applicable
Fixed network operator	None	None	Not applicable	Not applicable	None	Not applicable	Not applicable
Mobile network operator (2G/3G)	None	None	Not applicable	Not applicable	None	Not applicable	Not applicable
Mobile TV (DVB-H)	Same as above for digital terrestrial	Same as above for digital terrestrial	Same as above for digital terrestrial	Same as above for digital terrestrial	Same as above for digital terrestrial	Same than above for digital terrestrial	Same as above for digital terrestrial

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
FI	Under §134 of the Communications Market Act 23.5.2003/393 cable TV operators must carry the content free of charge.	Not applicable	No § 25(i) of the Copyright Act 404/1961 stipulates that a licence is not needed for retransmission of programming that is subject to must-carry.

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
FI	No must-offer obligations	N/A	N/A	N/A	Competition authority decision (826/61/95 , 28.6.1999) stating that distribution policy of Music Television (MTV) discriminated against satellite reception by offering cable TV networks better prices.

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
FI	Digital television (national and local) transmission services in the terrestrial digital television network in multiplexes A, B, and C as referred to in the network licence.	Yes	N/A
	National analogue television transmission service in the terrestrial analogue television network	Yes	N/A
	National digital radio transmission services in the terrestrial digital network.	Yes	N/A
	National analogue radio transmission services in the terrestrial analogue radio network	Yes	N/A
	Transmission services in cable television networks	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> • must-carry obligations; • limited negotiating power of cable operators.
	Terrestrial local analogue television transmission services	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> • no high barriers to entry.
	Terrestrial local analogue radio transmission services	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> • no high barriers to entry.
	Transmission services in satellite networks	No	Market transnational. Offered by foreign companies and on frequencies that are administered by non-Finnish companies.
	<p>Source: FICORA decision 183/934/2004 of Sept. 3, 2004 concluding the analysis of market 18 and designating Digita as having SMP.</p> <p>Ministry of Transport and Communications decision 049:00/2001 of September. 1, 2004 on market definition (outside of the Commission recommendation).</p>		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
FI	Digital television (national and local) transmission services in the terrestrial digital television network in multiplexes A, B and C as referred to in the network licence.	Digita	Yes <i>“Provision of capacity in the digital terrestrial network”</i> , under § 29 of the Communications Market Act 23.5.2003/393 , i.e. a service that covers: <ul style="list-style-type: none"> • Multiplexing; • transmission (from multiplex to antennas); • broadcasting (from antennas to end-users). Another possible access obligation under § 28 of the Act would be to <i>“lease out part of a terrestrial mass communications network”</i> . On terrestrial digital TV/radio this would mean access to any or all of the 3 components listed above. This obligation was not imposed.	Yes Cost orientation – not further defined.

	Relevant market	SMP	Access obligation?	Price regulation?
	National analogue television transmission service in the terrestrial analogue television network	Digital	No	Yes The Act enables cost orientation obligation even in the absence of a specific access obligation. Cost orientation – not further defined.
	National digital radio transmission services in the terrestrial digital network	Digital	Yes Same as above for digital TV	Yes Cost orientation – not further defined.
	National analogue radio transmission services in the terrestrial analogue radio network	Digital	No	Yes Same as above for national analogue TV. Cost orientation – not further defined.
Source: FICORA decision 183/934/2004 of Sept. 3, 2004 concluding the analysis of market 18				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
FI	§ 136 of the Communications Market Act 23.5.2003/393 Responsible authority: FICORA	See note below	A "telecommunications operator that uses a decoding system in a digital television and radio network".	Cost orientation and non-discrimination	No CAS not addressed in the analysis of market 18.
<p>Scope of access</p> <p>Unless technically inappropriate or otherwise unreasonable, operators using a decoding system have an obligation to ensure that it does not prevent the distribution of television and radio programmes and related ancillary and supplementary services of another operator in a digital television and radio network.</p> <p>Wherever necessary the operator using a decoding system, has an obligation to supply another operator with the technical services required for the distribution at a cost oriented and non-discriminatory price.</p>					

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
FI	Under § 32 of the Communications Market Act 23.5.2003/393 FICORA may impose the obligation to provide access “to a programming interface for a digital television or radio system” on an operator with SMP. The same obligation can be imposed on non-SMP operators, if this is necessary to ensure that information covered by a must-carry obligation under § 134 can be connected to the programming interface.	MHP is used on a voluntary basis.	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
FI	Under § 31 of the Communications Market Act 23.5.2003/393 Responsible authority: FICORA	According to the law, FICORA may impose the obligation to provide access “to an EPG to digital television or radio to telecommunications operators” on an operator with SMP. The same obligation can be imposed on non-SMP operators, if this is necessary to ensure that must-carry programming under §134 is available in EPGs. Under § 129 FICORA may also issue orders on the quality requirements and interoperability of communications networks and communications services, including the content and structure of the opening page of an EPG. No decisions have been taken yet.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
FI	Finnish Competition Authority (see note below)	No	No recent action published by the competition authority.
<p>Under § 120 of the Communications Market Act 23.5.2003/393 “In discharging duties under this Act, the Ministry of Transport and Communications and the Finnish Communications Regulatory Authority shall work in cooperation with the competition authorities and the consumer authorities wherever necessary.”</p> <p>In March 2003, FICORA and the Finnish Competition Authority published a joint memorandum on their cooperation in supervising the Finnish telecommunications market. It sets out, <i>inter alia</i>, that: “the NRA and NCA regularly exchange information on current cases and forward cases to the responsible authority.”</p> <p>If the complainant is claiming damages under the Competition Restrictions Act, then the case falls most naturally under the NCAs authority.</p> <p>In cases of breaches of SMP obligations, the NRA is the responsible authority.</p> <p>Where both authorities have responsibility, the authority best placed to examine the case will take over.</p> <p>Parallel investigations are also possible. For example, in some cases the NRA is best placed to investigate price levels whereas the NCA can better examine discriminatory practices. If needed, meetings with parties where both authorities are present may be organised.</p> <p>Where appropriate, the NRA and NCA may jointly launch investigations on their own initiative.</p>			

France

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
FR	Analogue terrestrial TV 8 channels: France 2, France 3, France 5, FRO, Arte, TF1, Canal+, M6	Total number of households: 23.5 million 15.7 million households only have terrestrial television. Source: Analysis/Informa, August 2005
	Digital terrestrial TV 29 channels (see Table 9)	
	Cable TV 866 cable operators in January 2004 but only one main group in April 2006: Cinven-Alice/Noos-UPC	3.75 million households have cable TV. Source: Analysis/Informa, August 2005
	Satellite TV 3 operators: Canal Satellite, TPS, AB Sat	4 million households have satellite TV. Source: Analysis/Informa, August 2005
	IP TV 4 operators: France Telecom, Free, Alice, Neuf Telecom	No information available
	Mobile TV TV over 3G and EDGE networks 4 operators: Orange, SFR, Bouygues Telecom, NRJ Mobile	No information available

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
FR	Law 86-1067 of September 30, 1986 on freedom of communication, as modified
	Law 2004-669 of July 9, 2004 on electronic communications et audiovisual communication services
	Post and electronic communications Code
	Decree 2005-862 of July 26, 2005 on the conditions for the establishment and exploitation of networks and for the provision of electronic communication services
	Decree 89-518 of July 26, 1989 on the organisation and functioning of the Audiovisual Council
	Decree 2002-140 of February 4, 2002 on radio and television by cable or satellite
	Decree 2005-1355 of October 31, 2005 on the declaration regime of distributors of audiovisual communication services
	Decree of November 21, 2001 on the technical specifications of equipments receiving digital television signals
	Decree of December 24, 2001 on the technical specifications of signals for digital terrestrial television
	Decree of December 27, 2001 on the specifications of equipments for the reception of services transmitted by digital terrestrial networks
	Law of August 4, 1994 on the use of French
	Decree 95-240 of March 3, 1995 on the use of French
	Decree 92-280 of March 27, 1992 on advertising, sponsorship and teleshopping
Decree 90-66 of January 17, 1990 on the broadcasting of cinematographic and audiovisual works	

Member state	Types of regulations affecting broadcasting industry
	Decree 2004-1392 of December 22, 2004 on events of major importance
	Decree 2001-1332 of December 28, 2001 on the contribution of encoded channels to the development of the production of cinematographic and audiovisual works
	Decree 2001-1333 of December 28, 2001 on the digital terrestrial broadcasting of services (other than radio)
	Decree 2001-609 of July 9, 2001 on the level of the production of cinematographic and audiovisual works
	Law 66-457 of July 2, 1966 on the installation of television receiving antennas
	Decree 94-813 of September 16, 1994 approving the terms and conditions of France 2 and France 3
	Decree 95-71 of January 20, 1995 approving the terms and conditions of France 5
	Decree 2005-286 of March 29, 2005 approving the terms and conditions of France 4
	Decree 93-535 of March 27, 1993 approving the terms and conditions of RFO
	Decision of ARCEP 06-0161 of April 6, 2006 on market 18

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
FR	Law 86-1067 on freedom of communication	<ul style="list-style-type: none"> • Freedom of audiovisual communication • Quality and diversity of programmes • Protection of minors and adolescents • Development of the audiovisual production • Protection of the French language and culture • Independence and impartiality of the radio and TV public sector • Free competition and non discriminatory relationships between editors and distributors of services • Plurality of opinion • Free viewing of events of major importance • Respect of human rights and democratic principles • Facilitate access by disabled people • Development and diffusion of artistic and intellectual creation, of civilian, economic, social, scientific and technical knowledge • Facilitate the democratic debate, social insertion and citizenship
	French Constitution , preamble	<ul style="list-style-type: none"> • Freedom of communication
	Decision of the Constitutional Council 86-217 of September 18, 1986	<ul style="list-style-type: none"> • Plurality of opinion • Freedom of communication • Protection of public order

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
FR	<p>Art 43-11, 44, 45, 45-2 of Law 86-1067 on freedom of communication</p> <p>Provide a set of programmes and services characterised by their diversity and pluralism, quality and innovation requirements, respect of human rights and democratic principles.</p> <p>Facilitate the democratic debate, exchanges between different parts of the population, social insertion, and citizenship. Ensure the promotion of the French language and of the cultural and linguistic heritage in its local and regional diversity.</p> <p>Help the development and diffusion of artistic and intellectual creation and of civilian, economic, social, scientific, and technical knowledge.</p> <p>Facilitate access by disabled people to their programmes.</p> <p>Ensure fairness, independence, and pluralism of information as well as pluralist expression of viewpoints.</p> <p>Contribute to an external audiovisual action.</p> <p>Develop new services to enrich or complement their programmes as well as new production and diffusion methods.</p>	<p>France 2 France 3 France 5 Réseau France Outre-Mer Radio France Radio France Internationale Arte-France La Chaîne Parlementaire</p>	<p>The terms and conditions of public service channels contain a number of coverage obligations.</p> <p><u>France 2 and France 3</u></p> <ul style="list-style-type: none"> • Programmes to be broadcast in analogue terrestrial mode over the whole metropolitan territory • Programmes to be fully and simultaneously retransmitted on electronic communications networks that do not use frequencies assigned by the broadcasting council, as well as by digital terrestrial networks <p><u>France 5</u></p> <ul style="list-style-type: none"> • Service to be broadcast in analogue and digital terrestrial mode over the whole metropolitan territory • Service to be fully and simultaneously retransmitted on electronic communications networks that do not use frequencies assigned by the broadcasting council, in particular by satellite <p><u>France 4</u></p> <ul style="list-style-type: none"> • Broadcast in digital terrestrial mode over the metropolitan territory • Programme to be fully and simultaneously retransmitted on other electronic communication networks 	<p>No</p>

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
			RFO Programmes to be broadcast in overseas departments and territories	

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
FR	Conseil Supérieur de l'Audiovisuel (CSA)	<ul style="list-style-type: none"> • Issuing broadcasting licences to radio and television companies • Provision of opinions, including on government bills, technical specifications, frequencies, positions of France in international negotiations, etc • Management and allocation of frequencies dedicated to radio and television (such as DVB-T licensing) • Enforcement of broadcasting legislation, including that for programme content • Imposing administrative sanctions • Ensuring the independence and impartiality of the public radio and TV sector • Promote free competition and the creation of non-discriminatory relationships between editors and distributors of services • Ensuring the quality and diversity of programmes, the development of the national audiovisual production and creation, and the protection of the French language 	<p>Since the 2004 law that transposed the 2003 regulatory package into French law, the CSA responsibilities were extended to radio and television services that are broadcast on networks other than terrestrial, cable, or satellite: Internet, ADSL and mobile telephony.</p> <p>Since then, it also has the authority to settle disputes relating to the distribution of radio and television services, including when they relate to the contractual relationships between editors and distributors of services.</p>
	Autorité de Régulation des Communications Electroniques et des Postes (ARCEP)	<ul style="list-style-type: none"> • Responsible for electronic communications networks and services • Management and allocation of frequencies dedicated to electronic communication services (such as 2G/3G licensing) • For market 18, ARCEP's responsibilities are limited to the relationships between transmitters. 	No

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
	Media development Department (under the authority of the Prime Minister and the supervision of the Ministry of Culture and Communication)	<ul style="list-style-type: none"> Responsible for implementing the national public policies in favour of the media and the information society 	No
	Ministry of Industry Directorate General for Enterprises (DGE)	<ul style="list-style-type: none"> Responsible for promoting an environment favourable to the development of enterprises Responsible for ensuring an open environment for all electronic communications services 	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
FR	<p>3G</p> <p>Orange</p> <ul style="list-style-type: none"> More than 50 channels and one specific mobile channel (LCI mobile) using UMTS/EDGE. Video on demand. For 3G and 3G+ networks, possibility for mobile HDTV. <p>SFR TV</p> <ul style="list-style-type: none"> More than 60 channels via UMTS. Possibility to access CanalSat and TPS channels and stream or download mobisodes; <p>Bouygues Telecom</p> <ul style="list-style-type: none"> More than 45 channels via I-mode over EDGE, with possibility to stream or download video programs. CanalPlus video on demand available. <p>NRJ Mobile</p> <ul style="list-style-type: none"> 3 NRJ TV channels + Trace TV and Mangas via UMTS. <p>Neuf Twin</p> <ul style="list-style-type: none"> 21 TV channels via Wi-Fi network. <p>DVB-H/T-DMB/MediaFlo/DVP-SP</p> <p>Trials only.</p>	<p>Providers of mobile TV services over 3G networks fall under the definition of 'distributors of audiovisual services on a network that does not use frequencies assigned by the Audiovisual Council' (art. 34 of Law 86-1067) if they have contractual relationships with editors of services (or with other distributors) for the creation of an offering of audiovisual communication services. In that case, they must submit a declaration to the Audiovisual Council. Therefore, while mobile TV broadcasters and platform operators must register with the CSA, mobile networks are licensed by ARCEP.</p> <p>Future changes to mobile TV licensing and authorisation are planned.</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
FR	<p>France Telecom, Ma ligne TV.</p> <ul style="list-style-type: none"> • France Telecom own infrastructure • Access via a TV set-top-box <p>Neuf Telecom</p> <ul style="list-style-type: none"> • LLU full access • Access via a TV set-top-box <p>Free</p> <ul style="list-style-type: none"> • LLU full access • Access via a TV set-top-box <p>Alice (Telecom Italia)</p> <ul style="list-style-type: none"> • LLU • Access via a TV set top box 	<p>IP TV is considered as a form of broadcasting.</p> <p>Providers of IP TV services are treated as 'distributors of TV services on a network that does not use frequencies assigned by the Audiovisual Council' (art. 34 of Law 86-1067) if they have contractual relationships with editors of services (or with other distributors) for the creation of an offering of audiovisual communication services. They are regulated by the broadcasting legislation and must submit a declaration to the Audiovisual Council.</p> <p>See also the website of Audiovisual Council.</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

France				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	Art L33 and L33-1 IV of the Post and Electronic Communications Code	Yes Broadcasting frequency licence granted by CSA.	<ul style="list-style-type: none"> • Interconnection and access • Allow control by ARCEP and exercise of the market analysis 	Same as for cable
Digital terrestrial	Art L33 and L33-1 IV of the Post and Electronic Communications Code	Yes Broadcasting frequency licence and multiplexer licence granted by CSA.	<ul style="list-style-type: none"> • Interconnection and access • Allow control by ARCEP and exercise of the market analysis 	Same as for cable

France				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Cable	Art L33 and sq of the Post and Electronic Communications Code Decree 2005-862 of July 26, 2005 on the conditions of setting-up and exploitation of electronic communication networks and services.	Yes Additional declaration to be submitted to the CSA by distributors who make available to the public an audiovisual communication service (distributor declaration) – see Table 9 .	See note below.	See note below.
	<p>Conditions attached to the general authorisation</p> <ul style="list-style-type: none"> • Quality, availability and continuity of the network • Confidentiality and neutrality of transmitted messages and information linked to the communications • Standards and specifications for the network and services • Protection of health and environment, planning • Requirements stemming from public order, defence and public security, including for interception purposes and including the right to a fair remuneration for the services provided to that effect • Free transmission of emergency calls • Funding of universal service • Provision of information • Information on contractual conditions for the provision of the service and the protection of users • Equivalence of the operation • Interoperability of services • Interconnection and access <p>Allow control by ARCEP and exercise of the market analysis.</p>			
	<p>Procedure for the general authorisation</p> <p>Declaration to be sent to ARCEP, by registered letter, with request for acknowledgment of receipt. Declaration to be done in French and include:</p> <ul style="list-style-type: none"> • Identity of the applicant • Name • Address • Legal status • Trade Registration, with an extract • Brief description of the nature of the network and its characteristics • Schedule for the deployment and starting of operations • If needed, elements enabling ARCEP to check the experimental nature of the network. <p>Within 3 weeks of the reception of the declaration, the chairman of ARCEP must either deliver an acknowledgment of receipt or inform the company making the declaration that the declaration is not in line.</p>			

France				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Satellite	Art L33 and sq of the Post and Electronic Communications Code Decree 2005-862 of July 26, 2005 on the conditions of setting-up and exploitation of electronic communication networks and services.	Yes Additional declaration to be submitted to the CSA by distributors who make available to the public an audiovisual communication service (distributor declaration) – see Table 9 .	Same as for cable	Same as for cable
Fixed telecommunications network	Art L33 and sq of the Post and Electronic Communications Code Decree 2005-862 of July 26, 2005 on the conditions of setting-up and exploitation of electronic communication networks and services.	Yes Additional declaration to be submitted to the CSA by distributors who make available to the public an audiovisual communication service (distributor declaration) – see Table 9 .	Same as for cable	Same as for cable
Mobile telecommunications network (UMTS)	Art L33 and L33-1 IV of the Post and Electronic Communications Code	Yes Additional declaration to be submitted to the CSA by distributors who make available to the public an audiovisual communication service (distributor declaration) – see Table 9 .	Same as for cable	Same as for cable

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

France		
	Network operator	TV channel
Analogue terrestrial	Declaration to ARCEP (see note F) (general authorisation)	Authorisation needed from CSA (see note A)

France			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	Declaration to ARCEP (see note F) (general authorisation) Declaration to CSA as distributors (see note D)	Declaration to ARCEP (see note F) (general authorisation) Declaration to CSA as distributors (see note D) Authorisation needed from CSA if the network operator provides 'television services' (see note C).	Authorisation needed from CSA (see note C)
Fixed telecommunications (DSL)	Declaration to ARCEP (see note F) (general authorisation) Declaration to CSA as distributors (see note D)	Declaration to ARCEP (see note F) (general authorisation) Declaration to CSA as distributors (see note D) Authorisation needed from CSA if the network operator provides 'television services' (see note C)	Authorisation needed from CSA (see note C)
Mobile networks (UMTS)	Declaration to ARCEP (see note F) (general authorisation) Declaration to CSA as distributors (see note D)	Declaration to ARCEP (see note F) (general authorisation) Declaration to CSA as distributors (see note D) Authorisation needed from CSA if the network operator provides 'television services' (see note C)	Authorisation needed from CSA (see note C)

France			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	Declaration to ARCEP (see note F) (general authorisation)	To be authorised by CSA (see note B)	Authorisation needed from CSA (see note E)

France			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	Declaration to ARCEP (see note F) (general authorisation) Exploitation of frequencies to be authorised by ANFR	Declaration to CSA as distributors (see note D)	Authorisation needed from CSA (see note B)

France				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H /DMB)	Declaration to ARCEP (see note F) (general authorisation)	Not yet determined	Not yet determined	Not yet determined

France	
A	<p>Authorisation for analogue TV</p> <p>The authorisation is granted by the Audiovisual Council to editors of television services (i.e. broadcasters). It includes the authorisation to use the necessary frequencies. It must be preceded by the conclusion of a convention that specifies the conditions that are attached to the provision of the service.</p> <p>The right to use frequencies is given by priority to the public broadcasters for the achievement of their public service missions as well as to the Arte channel and the 'Chaîne Parlementaire'.</p> <p>Term of licence: maximum 10 years, with one possibility of renewal for 5 years.</p> <p>Art 30, 26, 27, 28 and 28-1 of Law 86-1067.</p> <p>Current licensees for national channels: France 2, France 3, France 5, RFO, Arte, TF1, Canal+, and M6.</p>
B	<p>Authorisation for multiplex operator</p> <p>Multiplexers designated by the authorised editors of services (see E) need to be authorised by the Audiovisual Council. The authorisation includes the assignment of frequencies.</p> <p>Term of licence: maximum 10 years.</p> <p>Art 30-2 of Law 86-1067.</p> <p>Current licensees: R1: Société de Gestion du Réseau; R2: Nouvelles Télévisions Numériques; R3: Compagnie Numérique Hertzien; R4: MULTI 4; R6: SMR6.</p>
C	<p>Television service licence for services distributed over cable networks, satellite, ADSL or other electronic communication networks</p> <p>A convention must be agreed by the Audiovisual Council and editors of services (i.e. broadcasters) that are distributed over networks that do not use frequencies assigned by the Audiovisual Council (i.e. cable networks, ADSL, 3G, satellite), except for services that consist in the full and simultaneous rebroadcast of:</p> <ul style="list-style-type: none"> • services provided by public service broadcasters, the 'Chaîne Parlementaire' or the Arte channel; • services already benefiting from a licence for terrestrial distribution, except if as a consequence of the rebroadcast, a local television service would be received by more than 10 million people. <p>The convention specifies the obligations attached to the service. It is not needed for services whose annual budget does not exceed €150,000. Only a prior declaration is required.</p> <p>Television services are defined as services of communication to the public by electronic means destined to be received simultaneously by the whole or part of the public and whose main programming is composed of an organised series of programmes with images and sounds.</p> <p>Term of licence: maximum 10 years.</p> <p>Art 33 and 33-1 of Law 86-1067 and decree 2002-140.</p> <p>Current licensees: see website of the Audiovisual Council.</p>
D	<p>Distributor declaration</p> <p>Distributors of radio and TV services over networks that do not use frequencies assigned by the Audiovisual Council (i.e. cable operators, ADSL operators, 3G mobile operators, satellite operators) must declare their activity to the Audiovisual Council (except for very small networks of less than 100 households).</p> <p>The Audiovisual Council can oppose the exploitation of the service or require a modification of the offering if it does not comply with the law 86-1067 on freedom of communication or if it could prejudice the public service mission of public broadcasters or the Arte channel.</p> <p>Art 34 of Law 86-1067 and decree 2005-1355.</p>
E	<p>Television service licence for services distributed over terrestrial networks</p> <p>Editors of television services to be distributed over digital terrestrial networks need to be authorised by the Audiovisual Council, following a call for tender procedure. The licence includes the right to use the necessary frequencies. It must be preceded by the conclusion of a convention, which specifies the conditions that are attached to the provision of the service.</p> <p>Services that were already authorised for analogue terrestrial distribution in the same geographic area before the call for tender was launched were to be authorised by the Audiovisual Council if they are fully and simultaneously rebroadcast and their pay or free nature does not change.</p>

France	
	<p>Public broadcasters, Arte and La Chaîne Parlementaire were given a priority right to access the frequency necessary for the achievement of their public service missions.</p> <p>Term of licence: 10 years, with one possibility of renewal for 5 years.</p> <p>Art 30-1, 28, 28-1 of Law 86-1067.</p> <p>Current licensees: France 2, France 3, France 4, France 5, RFO, Arte, and La Chaîne Parlementaire.</p> <p>TF1, M6, Direct8, W9, TMC, NT1, NRJ12, Canal+, AB1, Eurosport, LCI, Paris Première, TF6, BFM TV, Jeunesse TV, Europe 2 TV, I-Télé, Canal J, Canal + Cinema, Canal + Sport, Planète, and TPS Star.</p> <p>NB These companies are considered as distributors and must submit a declaration to the Audiovisual Council. The Council can notify the applicant that it does not have the distributor status if it does not fulfil the necessary conditions. Art 30-2 IV Law 86-1067</p>
F	<p>General authorisation</p> <p>Declaration to be sent to ARCEP, by registered letter, with request for acknowledgment of receipt.</p> <p>Declaration to be done in French and include:</p> <ul style="list-style-type: none"> • Identity of the applicant • Name • Address • Legal status • Trade Registration, with an extract • Brief description of the nature of the network and its characteristics • Schedule for the deployment and starting of operations • If needed, elements enabling ARCEP to check the experimental nature of the network. <p>Within 3 weeks of the reception of the declaration, the chairman of ARCEP must either deliver an acknowledgment of receipt or inform the company making the declaration that the declaration is not in line.</p> <p>NB No conditions specific to broadcasting under the general authorisation.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
FR	2011 Precise date to be set by an inter-ministerial committee (see next column).	National frequency agency (ANFR) launched a strategic plan on digital switchover in November 2005. Two scenarios for the use of digital dividend: <ul style="list-style-type: none"> • All broadcasting: HDTV and mobile TV 	Possible candidate applications: <ul style="list-style-type: none"> • Broadcasting: increase in the number of TV channels, HDTV, Mobile TV • 3G • FWA 	Enough for two additional multiplexes except in border areas (today Alsace, for example, has only 3 DTT multiplexes against 5 for French areas	2011 or later depending on the application requirements (e.g. 3G: re-farming could delay usage until 2015).	UHF "TV broadcast" bands are the responsibility of the broadcasting authority. Therefore, assignment of spectrum for telecommunication applications in this band could be problematic. A Digital Fund (fonds d'accompagnement

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
		<ul style="list-style-type: none"> Mixed broadcasting and telecommunications (3G and FWA) <p>In May 2006, President Chirac has set up a strategic (inter-ministerial) committee to speed up the switchover to digital broadcasting.</p> <p>The committee will set the precise date for the switchover and decide on the use of the digital dividend.</p>	<ul style="list-style-type: none"> Defence and home security <p>The Minister of Industry said on March 2, 2006 that DD would be used to broadcast more channels (incl. HDTV), increase 3G and WiMax geographical coverage.</p> <p>The Audiovisual Council has indicated that the dividend generated by the move to MPEG4 will first be used on the 5 existing multiplexes for:</p> <ul style="list-style-type: none"> the diffusion of a local television channel; and the migration to high definition of pay television services that are authorised in standard format. 	<p>not close to borders).</p> <p>A move from MPEG2 to MPEG4 could generate a 20% dividend (dubbed MPEG4 dividend).</p>		<p>du numérique) of €15 million has been set to help the less well-off migrate to digital.</p>

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

France					
	Who assigns the frequencies	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	Audiovisual Council (CSA)	Yes	Broadcasters	Beauty contest (except for public channels). Note that because of a lack of available frequencies, new frequencies are now only assigned for local television channels, or for an extension of the geographic coverage of channels that are already authorized.	Publication by the Audiovisual Council of the list of available frequencies and call for tender. The Audiovisual Council decides which applications are valid. Public hearing of the accepted applicants. Authorisation to use frequencies granted by the Audiovisual Council, following the conclusion of a convention or 'cahier des charges' for public service channels.
Digital terrestrial (DVB-T)	Audiovisual Council (CSA)	Yes	Multiplex operator. Broadcasters are being granted the right to use the frequencies.	Ad hoc. For a detailed description of the assignment process, see the website of the Audiovisual Council.	See note below.
<p>Sequence of license assignment</p> <ol style="list-style-type: none"> 1. Publication by the Audiovisual Council of the list of available frequencies, types of services and launch of a call for tender. 2. Consultation with the various stakeholders. 3. The Audiovisual Council decides which applications are valid. 4. Public hearing of the applicants. 5. Granting of authorisation to use the frequencies to editors of services following the conclusion of a convention (except in some cases for public service channels). 6. Editors authorised to use the same radio-electric resource to propose jointly a multiplex operator. 7. Multiplex operator to be authorised by the Audiovisual Council and assigned the frequency. <p>Note that services that were already authorised for analogue terrestrial distribution in the same geographic area before the call for tender was launched were to be authorised by the Audiovisual Council provided that they are fully and simultaneously rebroadcast and their pay or free nature does not change.</p>					
Mobile over terrestrial networks (DVB-H /DMB)	Audiovisual Council (CSA)	Yes	To be determined	Same as for digital terrestrial television	Same sequence as for digital terrestrial television
Satellite	No information available				

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
FR	See note below	In the convention concluded between the Audiovisual Council and editors of audiovisual services that precedes the granting of the authorisation to use the radio-electric resource: <ul style="list-style-type: none"> Measures to ensure the independence of producers Additional support to the cinematographic industry 	See frequency licence conditions	See note below
<p>Frequency Licence conditions</p> <ul style="list-style-type: none"> Characteristics of signals and transmission and diffusion sites Technical conditions for multiplexing and characteristics of equipments Place of emission Protection against interferences Inclusion of an interactive tool allowing reception on all terminals Time by which the use of the radio-electric frequency must start Upper limit of appearing radiating power <p>Additional conditions can be imposed, depending on the scarcity of emission sites in a given area.</p>				
<p>Content conditions</p> <p>In the convention concluded between the Audiovisual Council and editors of audiovisual services that precedes the granting of the authorisation to use the radio-electric resource:</p> <ul style="list-style-type: none"> duration and characteristics of programming; diffusion of works in French and acquisition of rights for the diffusion of these works, scheduling of these works; respect of the French language; diffusion of educational and cultural programmes; proportion of programmes for disabled people; contribution to cultural, educational and consumer protective actions; diffusion of radio or television programmes abroad; time dedicated to advertising, sponsorship and conditions of insertion; possibility to have differentiated local programming ('décrochages locaux'); data enriching or complementing the main programming; diffusion of programmes dedicated to the scientific, technical and industrial culture. 				

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
FR	No	Currently no. In its consultation on the future regulatory framework for DVB-H, the government proposes to set up an annual fee that would have to be paid either by the editors or the distributors, depending on who will be assigned the	No

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
		frequencies. It also envisages the payment of a fee for HDTV services.	

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
FR	No review cycle defined in law	2004 (Law 2004-669 of July 9, 2004 on electronic communications and audiovisual communication services). The next review is foreseen in 2006 and this might extend must-carry obligations to mobile television over terrestrial networks.	Public consultation in view of the modification of Law 86-1067. There is a possibility to comment on proposals within a certain time period.	2004 Extension of must-carry obligations to platforms other than cable and satellite (ADSL and UMTS). Right for free-to-air commercial channels to be distributed on all platforms under fair and non discriminatory conditions Prohibition for editors of terrestrial channels to oppose the retransmission of their services over the internal distribution network of a collective building where this network is connected to a cable network ('système antenne').

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

France							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial		Not applicable Inherent in the frequency assignment process			None	N/A	N/A
Cable network (analogue and or digital)	Law 86-1067 (as modified by Law 2004-669) Decree 2005-1355 of October 31, 2005 Except if television editors consider that it would be manifestly incompatible with the fulfilment of their public service missions, distributors must freely (art 34-2) make available to their subscribers: <ul style="list-style-type: none">• Arte and France Television that are transmitted by analogue terrestrial networks;• TV5 channel;• Réseau France Outre-Mer that are destined to the metropolitan public;• the above channels that are transmitted by digital terrestrial networks when the distributor proposes a digital offering. They must also carry the Parliamentary channel (art 45-3 Law 86-1067) and services for disabled people associated with the channels to be carried (art 34-2).	All distributors of services over networks that do not use frequencies assigned by the Audiovisual Council (i.e. cable network operators, satellite operators, mobile TV operators on 3G networks). Distributors are defined as those who have contractual relationships with editors of services (or with other distributors) for the creation of an offering of audiovisual communication services.	Defined in the law as a generic obligation imposed on all distributors over networks not using frequencies assigned by the Audiovisual Council.	Not depriving television viewers from receiving programmes that represent a plurality of opinion (see also decision of the Constitutional Council 86-217). Ensuring access to the free DTT channels. Some editors of audiovisual services subject to must-carry obligations can oppose the retransmission if it would manifestly be incompatible with the fulfilment of their public interest missions (art 34-2 I of Law 86-1067).	<u>Mandatory</u> <ul style="list-style-type: none">• France 2• France 3• France 5• France 4 (only for digital)• Arte• TV5• Services of Réseau France Outre-Mer (RFO) that are destined to the metropolitan public.• La Chaîne Parlementaire.• Services for disabled people associated to the channels to be carried.	France 2, France 3, France 5, France 4, RFO are public channels. TV5 is an international channel in French. Arte is the European cultural channel. Local channels 'La Chaîne Parlementaire' is a channel on parliamentarian activity, produced by the National Assembly and the Senate.	No information

France							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	<p>Distributors (except on satellite) must also carry local channels that so request. There are a number of exceptions to this rule, e.g. where the number of subscribers does not exceed 3% of the households in the geographic area of the local channel (art 34-2 and decree 2005-1355).</p> <p>In relation to private free-to-air channels, unclear whether the following requirement could be interpreted as implying a carriage obligation.</p> <p>Any distributor must accept requests of editors of private free-to-air (analogue and digital) channels to have access to their distribution terminal, under fair, reasonable and non-discriminatory conditions (art 34-4 Law 86-1067).</p>				<p><u>On request from the channels</u> Local channels</p>		
Digital terrestrial	Law 86-1067 (as modified by Law 2004-669)	Not applicable (Inherent in the frequency assignment process – see column on the covered TV channels)			<p>The 29 TV channels selected by the broadcasting regulator for DTT frequencies have formed five multiplexes (also under the supervision of the regulator).</p> <p>Each multiplex buys transmission and broadcasting services from one of the three technical operators.</p> <p>Technical operators broadcast all the TV channels present on a given multiplex as</p>	N/A	N/A

France							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
					decided by the Audiovisual Council and have no say on what they carry.		
Satellite	<p>Law 86-1067 (as modified by Law 2004-669)</p> <p>Decree 2005-1355 of October 31, 2005</p> <p>Except if television editors consider that it would be manifestly incompatible with the fulfilment of their public service missions, distributors must freely (art 34-2) make available to their subscribers:</p> <ul style="list-style-type: none"> • Arte and France Televisions that are transmitted by analogue terrestrial networks; • TV5 channel; • Réseau France Outre-Mer that are destined to the metropolitan public; • the above channels that are transmitted by digital terrestrial networks when the distributor proposes a digital offering. <p>They must also carry the Parliamentary channel (art 45-3 Law 86-1067) and services for disabled people associated with the channels to be carried (art 34-2).</p> <p>In relation to private free-to-air channels, unclear whether the following requirement could be interpreted as implying a carriage obligation.</p> <p>Any distributor must accept requests of editors of private free-to-air (analogue and digital) channels to have access to</p>	<p>All distributors of services over networks that do not use frequencies assigned by the Audiovisual Council (i.e. cable network operators, satellite operators, mobile TV operators on 3G networks).</p> <p>Distributors are defined as those who have contractual relationships with editors of services (or with other distributors) for the creation of an offering of audiovisual communication services.</p>	<p>Defined in the law as a generic obligation imposed on all distributors over networks not using frequencies assigned by the Audiovisual Council.</p>	<p>Not depriving television viewers from receiving programmes that represent a plurality of opinion (see also decision of the Constitutional Council 86-217).</p> <p>Ensuring access to the free DTT channels.</p> <p>Some editors of audiovisual services subject to must-carry obligations can oppose the retransmission if it would manifestly be incompatible with the fulfilment of their public interest missions (art 34-2 I of Law 86-1067).</p>	<p>France 2</p> <p>France 3</p> <p>France 5</p> <p>France 4 (only for digital)</p> <p>Arte</p> <p>TV5</p> <p>Services of Réseau France Outre-Mer that are destined to the metropolitan public.</p> <p>La Chaîne Parlementaire</p> <p>Services for disabled people associated with the channels to be carried.</p> <p><u>On request from the channels</u></p> <p>Local channels</p>	<p>France 2, France 3, France 5, France 4, RFO are public channels.</p> <p>TV5 is an international channel in French.</p> <p>Arte is the European cultural channel.</p> <p>Local channels</p> <p>'La Chaîne Parlementaire' is a channel on parliamentary activity, produced by the National Assembly and the Senate.</p>	No information

France							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	their distribution terminal, under fair, reasonable and non-discriminatory conditions (art 34-4 Law 86-1067).						
Fixed network operator	<p>Law 86-1067 (as modified by Law 2004-669)</p> <p>Decree 2005-1355 of October 31, 2005</p> <p>Except if television editors consider that it would be manifestly incompatible with the fulfilment of their public service missions, distributors must freely (art 34-2) make available to their subscribers:</p> <ul style="list-style-type: none"> • Arte and France Television that are transmitted by analogue terrestrial networks; • TV5 channel; • Réseau France Outre-Mer that are destined to the metropolitan public; • the above channels that are transmitted by digital terrestrial networks when the distributor proposes a digital offering. <p>They must also carry the Parliamentary channel (art 45-3 Law 86-1067) and services for disabled people associated with the channels to be carried (art 34-2).</p> <p>Distributors (except on satellite) must also carry local channels that so request. There are a number of exceptions to this rule, e.g. where the number of subscribers does not exceed 3% of the households in the geographic area of the local channel (art 34-2 and</p>	<p>All distributors of services over networks that do not use frequencies assigned by the Audiovisual Council (i.e. cable network operators, satellite operators, mobile TV operators on 3G networks).</p> <p>Distributors are defined as those who have contractual relationships with editors of services (or with other distributors) for the creation of an offering of audiovisual communication services.</p>	<p>Defined in the law as a generic obligation imposed to all distributors over networks not using frequencies assigned by the Audiovisual Council.</p>	<p>Not depriving television viewers from receiving programmes that represent a plurality of opinion (see also decision of the Constitutional Council 86-217).</p> <p>Ensuring access to the free DTT channels.</p> <p>Some editors of audiovisual services subject to must-carry obligations can oppose the retransmission if it would be manifestly incompatible with the fulfilment of their public interest missions (art 34-2 I of Law 86-1067).</p>	<p><u>Mandatory</u></p> <p>France 2</p> <p>France 3</p> <p>France 5</p> <p>France 4 (digital only)</p> <p>Arte</p> <p>TV5</p> <p>Services of Réseau France Outre-Mer that are destined to the metropolitan public</p> <p>La Chaîne Parlementaire</p> <p>Services for disabled people associated to the channels to be carried</p> <p><u>On request from the channels</u></p> <p>Local channels</p>	<p>France 2, France 3, France 5, France 4, RFO are public channels</p> <p>TV5 is an international channel in French</p> <p>Arte is the European cultural channel</p> <p>Local channels</p> <p>'La Chaîne Parlementaire' is a channel on parliamentarian activity, produced by the National Assembly and the Senate</p>	No information

France							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	<p>decree 2005-1355). This exception currently benefits the fixed network provider.</p> <p>In relation to private free-to-air channels, unclear whether the following requirement could be interpreted as a carriage obligation.</p> <p>Any distributor must accept requests of editors of private free-to-air (analogue and digital) channels to have access to their distribution terminal, under fair, reasonable and non-discriminatory conditions (art 34-4 Law 86-1067).</p>						
Mobile network operator	<p>Law 86-1067 (as modified by Law 2004-669).</p> <p>Decree 2005-1355 of October 31, 2005.</p> <p>Except if television editors consider that it would be manifestly incompatible with the fulfilment of their public service missions, distributors must freely (art 34-2) make available to their subscribers:</p> <ul style="list-style-type: none"> • Arte and France Television that are transmitted by analogue terrestrial networks; • TV5 channel; • Réseau France Outre-Mer that are destined to the metropolitan public; • the above channels that are transmitted by digital terrestrial networks when the distributor proposes a digital offering. <p>They must also carry the Parliamentary channel (art 45-3 Law 86-1067) and services for disabled</p>	<p>All distributors of services over networks that do not use frequencies assigned by the Audiovisual Council (i.e. cable network operators, satellite operators, mobile TV operators on 3G networks).</p> <p>Distributors are defined as those who have contractual relationships with editors of services (or with other distributors) for the creation of an offering of audiovisual communication services.</p>	<p>Defined in the law as a generic obligation imposed on all distributors over networks not using frequencies assigned by the Audiovisual Council.</p>	<p>Not depriving television viewers from receiving programmes that represent a plurality of opinion (see also decision of the Constitutional Council 86-217).</p> <p>Ensuring access to the free DTT channels.</p> <p>Some editors of audiovisual services subject to must-carry obligations can oppose the retransmission if it would be manifestly incompatible with the fulfilment of their public interest missions (art 34-2 I of Law 86-1067).</p>	<p>France 2 France 3 France 5 France 4 (digital only) Arte TV5 Services of Réseau France Outre-Mer that are destined to the metropolitan public La Chaîne Parlementaire Services for disabled people associated to the channels to be carried <u>On request from the channels</u> Local channels</p>	<p>France 2, France 3, France 5, France 4, RFO are public channels</p> <p>TV5 is an international channel in French</p> <p>Arte is the European cultural channel</p> <p>Local channels</p> <p>'La Chaîne Parlementaire' is a channel on parliamentary activity, produced by the National Assembly and the Senate</p>	No information

France							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	<p>people associated with the channels to be carried (art 34-2).</p> <p>Distributors (except on satellite) must also carry local channels that so request. There are a number of exceptions to this rule, e.g. where the number of subscribers does not exceed 3% of the households in the geographic area of the local channel (art 34-2 and decree 2005-1355).</p> <p>In relation to private free-to-air channels, unclear whether the following requirement could be interpreted as a carriage obligation.</p> <p>Any distributor must accept requests of editors of private free-to-air (analogue and digital) channels to have access to their distribution terminal, under fair, reasonable and non-discriminatory conditions (art 34-4 Law 86-1067).</p>						
Mobile TV (DVB-H)					The bill to amend Law 86-1067 (presented on July 26, 2006) specifies that must-carry obligations would be imposed on distributors of mobile television services in relation to public service channels.		
Other					-	-	

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
FR	<p><u>Public free-to-air channels and local channels</u></p> <p>The transport and diffusion costs stemming from the must-carry obligations are to be borne by the distributor. For local channels, this does not include the digitalisation costs.</p> <p><u>Private free-to-air channels</u></p> <p>Conditions imposed by distributors must be fair and non-discriminatory.</p> <p><u>Collective reception systems</u></p> <p>Editors cannot subject the retransmission of their services to remuneration.</p>	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
FR	<p>French legislation contains two obligations that are close to must-offer:</p> <p><u>“Service antenne”</u></p> <p>Editors of terrestrial channels cannot oppose the retransmission of their services over the internal distribution network of a collective building where this network is connected to a cable network (‘service antenne’).</p> <p><u>Cable TV (2004-09)</u></p> <p>During the 5 years after the entry into force of Law 2004-669, these editors cannot oppose the</p>	<p>The obligations are imposed on editors of terrestrial channels for the broadcast of their services:</p> <ul style="list-style-type: none"> • in collective reception systems connected to cable networks; 	<p>Terrestrial channels:</p> <ul style="list-style-type: none"> • all the analogue ones; • all the free DTT ones. <p>France Television’s channels</p>	No remuneration.	Disputes can be brought before the Audiovisual Council by editors or distributors (art 17-1 Law 86-1067).

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
	<p>retransmission of their services over cable networks.</p> <p>Law 86-1067 on freedom of communication as modified by Law 2004-669 (articles 34-1 and 34-1-1).</p> <p>See also the recommendation of the Audiovisual Council of March 2006 on the 'service antenne' on digital cable networks.</p>	<ul style="list-style-type: none"> on cable networks for 5 years. <p>Some public service channels (France 2, France 3, France 4, France 5) over all networks</p>			

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
FR	<p>ARCEP draws a distinction between two types of wholesale markets as follows:</p> <ul style="list-style-type: none"> Wholesale market for transmission services offered to broadcasters or multiplex operators; Wholesale market for radio and TV broadcasting transmission services offered to other broadcasting transmission service providers (see the five markets listed below). 	No	<p>ARCEP considered that the wholesale market for transmission services offered to broadcasters or multiplex operators falls under the audiovisual and electronic commerce legislation (law on freedom of communication of September 1986 that, among other things, deals with matters such as must-carry and must-offer) enforced by the French broadcasting regulator, CSA. Therefore, ARCEP does not have the authority to impose remedies on this market.</p> <p>In any case, ARCEP suggested that this market tends towards effective competition and competition law would be sufficient to remedy potential competition problems.</p>
	<p>Transmission services offered to broadcasters or multiplex operators</p> <p>Basically, this is the market for backbones. Transport of programmes from the radio/TV channels to the broadcasting sites or cable head-ends.</p>	No	<p>ARCEP considered that this market falls under the audiovisual legislation (law on freedom of communication of September 1986 that, among other things, deals with matters such as must-carry and must-offer) enforced by the French broadcasting regulator, CSA. 3 criteria test for ex ante regulation not passed:</p> <ul style="list-style-type: none"> market tends towards effective competition; competition law is sufficient.
	<p>Transmission for radio broadcasting in AM mode</p>	No	<p>3 criteria test for ex ante regulation not passed:</p> <ul style="list-style-type: none"> competition law is sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
	Transmission for radio broadcasting in FM mode	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> no high barriers to entry; competition law is sufficient.
	Transmission for terrestrial television broadcasting (analogue and digital) The geographical market is the metropolitan territory, the overseas departments, Saint-Pierre et Miquelon and Mayotte.	Yes	N/A
	Transmission for television broadcasting by wired networks (cable and ADSL)	No	<p>Cable</p> <p>Absence of a wholesale offer from cable operator</p> <p>Cable operators are already subject to must-carry obligations under broadcasting regulation</p> <p>3 criteria test for ex ante regulation not passed:</p> <ul style="list-style-type: none"> competition law is 'a priori' sufficient. <p>DSL</p> <p>Regulation of TV over DSL is already addressed through the regulation on unbundling of the local loop.</p>
	Transmission for satellite broadcasting	No	ARCEP is waiting for a formal European Commission position on the possible definition of a pan-European market.
Source: ARCEP decision of April 6, 2006			

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
FR	Transmission for terrestrial television broadcasting. (analogue)	TDF	No NB The only obligation imposed is accounting separation and cost accounting.	No
	Transmission for terrestrial television broadcasting. (digital)	TDF	<p>Yes</p> <p>Provision of access on reasonable request. ARCEP distinguishes between two types of access:</p> <ul style="list-style-type: none"> access to TDF buildings and masts. Under this scenario, a TDF competitor would install at a TDF site their own transceivers, feeders, antennas, etc.; access to TDF multiplexers. Under this scenario, a TDF competitor would use TDF transmission equipment such as feeders and antennas. <p>NB In this context, the term 'multiplexers' refers to equipment present at each of TDF's 115 (so far) digital sites. It should not be</p>	Yes Prohibition of excessive or predatory prices

	Relevant market	SMP	Access obligation?	Price regulation?
			confused with the 'multiplexes' used by the six multiplex operators holding the DTT authorisations. This type of access may be compared to bitstream access in wired telecommunications, in that the rival seeking this type of access has less control over infrastructure compared to a rival that obtains fully unbundled access to infrastructure.	
Source: ARCEP decision of April 6, 2006				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as '*any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation*'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
FR	Law 86-1067 on freedom of communication, art. 95 and art. 30-3 Opinion of the Audiovisual Council of January 24, 2006 Responsible authority: Audiovisual Council (CSA)	See note below	Operators of CAS	Fair, reasonable and non-discriminatory rates	No See note below
	Scope of access				
	<ul style="list-style-type: none"> • Provide technical services to allow the reception of digital radio and television services offered by distributors or editors that make an access request • Obligation to "use technical means that can be used by distributors of grouped offerings of services." <p>In addition, the law requires editors of pay-television digital terrestrial services to conclude agreements with all distributors to ensure interoperability of set top boxes.</p>				
Market analysis and removal of obligations if no SMP					
ARCEP has stated that it does not have the authority to cover this topic in the market analysis as it is regulated by law 86-106 and the Audiovisual Council has the responsibility in the case of disputes relating to conditional access systems (art 17-1 Law 86-1067).					

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
FR	Law 86-1067 on the freedom of communication, art 95 Decree of December 2001 on the characteristics of signals for digital terrestrial television Audiovisual Council (CSA)	TPS: OpenTV (Proprietary) CanalSat: MediaHighway (Proprietary)	The Law on the freedom of communication regulates access to APIs only in relation to TV channels and distributors that have negotiated access to a conditional access system. For digital terrestrial television only, the decree of December 2001 specifies that the coding of information relating to the security and signalling of applications must be done in accordance with the TS 102 812 standard (MHP). For functions other than security and signalling, TV channels must notify the Audiovisual Council of the standards and specifications used. These must be open and non-proprietary.

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
FR	Art 34-4 Law 86-1067 Responsible regulatory authority: Audiovisual Council	The law specifies that distributors of services must grant access to their electronic programme guides to editors of free to air analogue or digital television services who so request, under fair, equitable, and non-discriminatory conditions. No decisions have been taken on this in France.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
FR	See note on competition authority below	Specific provisions in the broadcasting legislation on concentrations to ensure media pluralism (art 38 ss of Law 86-1067)	See note on recent competition actions below
<p>Competition Authority</p> <p>The Competition Council has the general responsibility of safeguarding the economic public order, including the audiovisual sector.</p> <p>The Audiovisual Council (CSA) can submit recommendations to the government on the development of competition in the audiovisual sector (art 17 Law 86-1067).</p> <p>It must bring to the Competition Council anti-competitive practices it is aware of in the audiovisual sector and can ask for interim measures (art 41-4 Law 86-1067).</p> <p>The CSA is authorised to settle disputes in defined circumstances which may raise competition problems. For instance, according to art 17-1 of the Law 86-1067, the CSA is authorised to settle disputes relating to the distribution of television services, including the relationships between editors and distributors.</p> <p>The Competition Council must inform the CSA of any cases it deals with in sectors that are in the CSA's area of responsibility and provide it with the possibility to submit observations, about concentrations and to anti-competitive practices. (Art 41-4 of Law 86-1067 and Art 35 of Decree 2002-689).</p> <p>In addition, it was decided on January 31, 2006 to create a liaison group between the two authorities to discuss topics of common interest.</p>			
<p>Recent Competition Actions</p> <p><u>Antitrust</u></p> <p>Interim measures adopted by the Competition Council on April 15, 2004 against TPS and France Telecom in the ADSL television sector (decision 04-MC-01; followed by a ruling of the Court of Appeal of Paris on June 29, 2004 and of the 'Cour de Cassation' on November 8, 2005).</p> <p>Decision of the Competition Council of December 1, 2003 on a request for interim measures made by Towercast against TDF (decision 03-MC-03).</p> <p>Decision of the Competition Council of April 1, 2002 on a request for interim measures made by Antalis against TDF for access to its broadcasting sites (decision 02-MC-04).</p> <p>Decision of the Competition Council of March 18, 2005 on the practices of the group Canal Plus in the pay-TV sector, following a complaint by TPS (decision 05-D-13; followed by a ruling of the Court of Appeal of Paris on November 15, 2005).</p> <p>Decision of the Competition Council of July 1, 2004 on the practices of certain TV channels towards producers of audiovisual works (decision 04-D-27).</p> <p>Opinion of April 2, 2004 on the acquisition by TDF of mast sites owned by Bouygues Telecom (Opinion 02-A-04).</p> <p>Decision of the Competition Council of December 9, 2003 on a request for interim measures made by I-Tele and Canal Plus against TPS, TF1 and LCI (decision 03-D-59).</p> <p>Interim measures adopted by the Competition Council on January 23, 2003 about the broadcasting rights for the French First League football matches, following a complaint by TPS (decision 03-MC-01; followed by a ruling of the Court of Appeal of Paris on April 29, 2003).</p> <p>Interim measures adopted by the Competition Council on May 11, 2001 about the practices of Canal Plus and Kiosque for the purchase of exclusive rights to broadcast recent French films on pay-per-view (complaint by TPS and Multivision) (decision 01-MC-01).</p> <p>Observations of the Audiovisual Council on these cases can be found on the website of the CSA.</p>			

Germany

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
DE	<p>Terrestrial TV</p> <p>DVB-T is being rolled out since November 2002 (region of Berlin-Brandenburg), and should cover 90% of the German population by the end of 2008.</p> <p>Analogue terrestrial TV will be switched off in 2010.</p>	<p>1.6 million households (4.6%) have terrestrial TV (at the end of 2005)</p> <p>0.62 million households have DVB-T (at the end of 2004)</p> <p>Sources: AGF and draft decision for market 18, February 22, 2006, p. 16, 18</p>
	<p>Cable TV networks</p> <p>German cable TV networks are historically structured into four different network levels; the most important are levels 3 and 4.</p> <p><u>Network level 3</u>: regional distribution networks between regional headends and transfer points outside the subscriber's home. The most important operators are the three successors of DT's former monopoly: KBW (Federal State of Baden-Württemberg), Unity Media (Federal States of Hessen and North Rhine-Westphalia) and KDG (in the other 13 federal states). Additionally, there are some regional cable TV operators (especially ewt, Kabelfernsehen München, NetCologne, and PrimaCom).</p> <p><u>Network level 4</u>: the portion of the network from the transfer point to the cable jack in the subscriber's home; about 14,000 small operators, e. g. KDG services only one third of its subscribers via its own network on level 4.</p> <p>Source: draft decision for market 18, February 22, 2006, p. 8</p>	<p>19.4 million households (55.5%) have cable TV (at the end of 2005)</p> <p>1.98 million households via DVB-C (at the end of 2004)</p> <p>Sources: AGF and draft decision for market 18, February 22, 2006, p. 16, 18</p>
	<p>Satellite transmission platforms</p> <p>There are no German operators.</p> <p>Astra (Luxembourg) is the market leader, followed by Eutelsat (France).</p> <p>Source: draft decision for market 18, February 22, 2006, p. 9</p>	<p>14.0 million households (39.9%) have satellite TV (at the end of 2005).</p> <p>4.51 million households have DVB-S (at the end of 2004)</p> <p>Sources: AGF and draft decision for market 18, February 22, 2006, p. 16, 18</p>
	<p>IP TV</p> <p>T-Online Vision (DT offer)</p> <p>Alice Home TV (Hansenet)</p>	No information available
	<p>Mobile TV: DVB-H/DMB was launched in mid 2006</p>	No information available

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
DE	Overview of all national regulations: www.alm.de
	Telecommunications Act (Telekommunikationsgesetz –TKG) June 26, 2004
	Interstate Broadcasting Treaty (Rundfunkstaatsvertrag – RStV) August 31, 1991. 8th amendment: October 8/15, 2004
	Interstate Treaty for the Protection of Minors in the Media (Jugendmedienschutz-Staatsvertrag – JMStV) September 10/27, 2002. Last amendment: October 8/15, 2004
	Interstate Treaty for Media Services (Mediendienste-Staatsvertrag – MDStV) January 20/February 12, 1997. Last amendment: October 8/15, 2004
	Interstate Treaty for Finances of Broadcasting (Rundfunkfinanzierungsstaatsvertrag –RFinStV) August 31, 1991. Last amendment: October 8/15, 2004
	Broadcasting acts of the 16 federal states Date of adoption different in each federal state
	The legal basis for the “first” public service broadcaster, ARD, is an association agreement of the nine regional public service broadcasters and “Deutsche Welle”.
	The legal basis for the “second” public service broadcaster, ZDF, is an interstate treaty of the federal states. June 6, 1961
	The legal basis for the nine regional public service broadcasters (who produce the “third” TV programmes) are laws or interstate treaties of the federal states. Date of adoption different in each federal state.

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
DE	Art. 5 GG (constitution)	Similar to Art. 10 ECHR. It also contains the “freedom of broadcasting” which is the basis for several important decisions of the Constitutional Court.
	§ 1 RStV	Dual broadcasting system
	§ 2a RStV	Principles for TV programmes: human dignity, respect for life, liberty, bodily integrity, faith and the opinions of others
	Constitutional Court, 1961, BVerfGE 12, 205	Independence of broadcasting from the state (“Staatsferne”). No federal responsibility for broadcasting, it is the responsibility of the federal states. However, broadcasting transmission has only a “serving function” and is a federal responsibility.
	Constitutional Court, 1981, BVerfGE 57, 295	Private broadcasting is allowed by the constitution, but only on the basis of laws which ensure media plurality.
	Constitutional Court, 1986, BVerfGE 73, 118	“Dual broadcasting system”: private broadcasting is allowed by the constitution, as long as the basic service (“Grundversorgung”) by public service broadcasting is ensured.
	Constitutional Court, 1987, BVerfGE 74, 297	“Grundversorgung” does not mean “minimal service”.

Member state	Regulation	General interest objective
	Constitutional Court, 1991, BVerfGE 83, 238	Guarantee for the existence and development (“Bestands- und Entwicklungsgarantie”) of public service broadcasting; dynamic concept of “Grundversorgung”: the offers of public service broadcasters are open for new forms and contents and for new services via new technology.

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
DE	Decisions of the Constitutional Court, see Table 3 .	<p>The “first” public service broadcaster, ARD, is an association of the nine regional public service broadcasters and “Deutsche Welle”.</p> <p>The “second” public service broadcaster, ZDF, is based on an interstate treaty of the federal states.</p> <p>Nine regional public service broadcasters (who produce the so-called “third” TV programmes) are based on laws or interstate treaties of the federal states.</p>	See note below.	No
<p>Presence on all networks? Coverage obligation?</p> <p>There is no explicit obligation for public service broadcasters to have a presence on all platforms, but the jurisdiction of the Constitutional Court gives public service broadcasting a very strong role. Public service broadcasting is the norm and private broadcasting is only allowed as long as basic service (“Grundversorgung”) by public service broadcasting is ensured. “Grundversorgung” does not mean “minimal service”. “Dynamic concept” of “Grundversorgung”: the offers of public service broadcasters are open for new forms and contents and for new services via new technology.</p> <p>Public service broadcasting has a guarantee for existence and development (“Bestands- und Entwicklungsgarantie”).</p> <p>“Dynamic concept” of “Grundversorgung”: the offers of public service broadcasters are open for new forms and contents and for new services via new technology.</p>				

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities’ website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
DE	Bundesnetzagentur (Federal Network Agency)	<ul style="list-style-type: none"> • Frequency regulation (frequency licenses for infrastructure operators) • Market analysis • General authorisation 	No
	Each federal state has its own regional media authority; only the federal states Berlin and Brandenburg have a joint media authority. See list below.	<ul style="list-style-type: none"> • Broadcasting licensing (includes allocation of frequency capacities for broadcasters) • Content regulation (for the private sector) • Must-carry 	No
Regional Media Authorities Baden-Württemberg: Landesanstalt für Kommunikation Baden-Württemberg (LFK) Bavaria: Bayerische Landeszentrale für neue Medien (BLM) Berlin and Brandenburg: Medienanstalt Berlin-Brandenburg (mabb) Bremen: Bremische Landesmedienanstalt (brema) Hamburg: Hamburgische Anstalt für neue Medien (HAM) – will be merged with ULR Hesse: Hessische Landesanstalt für privaten Rundfunk (LPR Hessen) Lower Saxony: Niedersächsische Landesmedienanstalt (NLM) Mecklenburg-Western Pomerania: Landesrundfunkzentrale Mecklenburg-Vorpommern (LRZ) North Rhine-Westphalia: Landesanstalt für Medien Nordrhein-Westfalen (LfM) Rhineland-Palatinate: Landeszentrale für Medien und Kommunikation Rheinland-Pfalz (LMK) Saarland: Landesmedienanstalt Saarland (LMS) Saxony: Sächsische Landesanstalt für privaten Rundfunk und neue Medien (SLM) Saxony-Anhalt: Medienanstalt Sachsen-Anhalt (MSA) Schleswig-Holstein: Unabhängige Landesanstalt für Rundfunk und neue Medien (ULR) – will be merged with HAM Thuringia: Thüringer Landesmedienanstalt (TLM)			
Joint bodies of the regional broadcasting authorities: <ul style="list-style-type: none"> • Commission on Concentration in the Media (Kommission zur Ermittlung der Konzentration im Medienbereich – KEK) • Conference of Directors of the Regional Media Authorities (Direktorenkonferenz der Landesmedienanstalten – DLM) These two bodies are formally established by § 35 RStV <ul style="list-style-type: none"> • Commission on the Protection of Minors (Kommission für Jugendmedienschutz – KJM), established by § 14 JMStV A number of other joint bodies without legal responsibilities have been installed by DLM, e.g. the Commission on Digital Access (Gemeinsame Stelle Digitaler Zugang), chaired by mabb		Commission on Concentration in the Media: Media concentration. Conference of Directors of the Regional Media Authorities: Coordination between regional media authorities. Commission on the Protection of Minors: Protection of minors.	

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
	Federal states' governments (usually the "Staatskanzlei" or "Senatskanzlei", which is the office of the head of the government) have an important role in media politics, especially because they negotiate the various Interstate Treaties. In some federal states, the government is responsible for licensing public service broadcasters (i.e. the media authority is only responsible for the private broadcasters).	In some federal states: licensing for public service broadcasters	
	Commission for the determination of the financial needs of public service broadcasters (Kommission zur Ermittlung des Finanzbedarfs der Rundfunkanstalten – KEF, established by § 2 RFinStV).	Decisions on funding for public service broadcasters	
	Self-regulation bodies of the public service broadcasters	Self-regulation (content regulation)	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
DE	<p>3G</p> <p>T-Mobile and Vodafone stream several TV channels and offer video on demand. O2 offers video on demand.</p> <p>DMB</p> <p>On May 31, 2006 MFD started DMB broadcasting at the venues of the Football World Cup in June 2006. MFD broadcasts the TV programmes ZDF (public service broadcaster), MTV (music) and N24 (news), a special mobile entertainment channel and several audio channels, one of them "enhanced with visual elements".</p> <p>DVB-H</p> <p>Trial only: On May 29, 2006, before the Football World Cup, a DVB-H trial started in the cities of Hamburg, Hannover, Berlin and Munich.</p>	<p>Mobile TV is currently treated as broadcasting and falls under the broadcasting regulatory framework. The definition of broadcasting is technology neutral. Broadcasting is defined as "presentation and distribution of renditions of all kinds, intended to be received by the general public, in audio or images, using electro-magnetic waves either wireless or using a wire" (§ 2 RStV).</p> <p>Required licenses:</p> <ul style="list-style-type: none"> • Frequency assignment for the infrastructure operator (from BNetzA), • allocation of transmission capacity for the platform operator (from the federal states' broadcasting authorities); and • broadcasting licenses for the content providers (from the federal states' broadcasting authorities). <p>For DMB specifically, as the Interstate Broadcasting Treaty does not yet contain a harmonised framework for licensing mobile TV platforms, MFD needed 15 different licenses from the regional media authorities (16 federal states, but the states of Berlin and Brandenburg have a joint media authority) according to the different federal states' media legislation. All of these licenses allocate transmission capacity and some of them are combined</p>

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
		<p>with a broadcasting license for content provision. In some federal states the regional media authority had to use legal provisions that were designated for licensing trials, due to a lack of provisions that would allow issuing a long-term license. All regional media authorities had tenders for DMB in early 2006, for the first time in a coordinated manner. After a recommendation of a joint commission of the regional media authorities on February 20, 2006, MFD won all DMB tenders. However, the licenses granted in these tenders have different duration (e. g. eight years in Baden-Württemberg, five years in Bavaria and three years in Hamburg). The frequency assignments were issued by BNetzA in tender procedures parallel to the regional media authorities tenders.</p> <p>It is expected that a harmonised framework for mobile TV licensing will be established by a revision of the Interstate Broadcasting Treaty.</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
DE	<p>T-Online Vision is the IP TV offer of DT.</p> <p>Requirement: subscription to 'T-DSL' service based on DT's own infrastructure (DSL). It requires a set-top box.</p> <p>By end of May 2006 it was a video on demand service and also offered news, but did not transmit the typical linear TV programmes. DT bought the broadcasting rights for Internet broadcasting from the German Football League and intends to market its new VDSL network with its IP TV capabilities.</p> <p>Hansenet (a Telecom Italia subsidiary, operating in several big cities, coverage: about 25% of German households) started its IP TV offer Alice Home TV offer in May 2006 in the region of Hamburg and the city of Lübeck. Requirements: Hansenet own infrastructure (DSL), set-top box.</p>	<p>IP TV is treated as broadcasting and falls under the broadcasting regulatory framework. The definition of broadcasting is technology neutral. Broadcasting is defined as "<i>presentation and distribution of renditions of all kinds, intended to be received by the general public, in audio or images, using electro-magnetic waves either wireless or along or using a wire</i>" (§ 2 RStV).</p> <p>A broadcasting license for the content is required. No broadcasting license is required for an operator that just distributes other content without changing it.</p> <p>It has not been decided yet whether Internet radio needs a broadcasting license.</p> <p>The Conference of Directors of the Regional Media Authorities discussed the definitions of broadcasting and media services in the paper "Drittes Strukturpapier zur Unterscheidung von Rundfunk und Mediendiensten" (2003). The main difference between a broadcasting service and a media service is, that broadcasting services present and distribute renditions ("Darbietungen", which has a higher relevance for public opinion) whereas media services are information and communication services ("Informations- und Kommunikationsdienste"). The paper is very detailed and also contains several examples.</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Germany				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	§ 6 TKG 2004	Yes	No	Any commercial public offer of telecommunication networks and/or services must be notified to BNetzA. Notification must contain data identifying the operator, a short description of the provided networks/services and the date when provision will start. No approval needed
Digital terrestrial	§ 6 TKG 2004	Yes	No	Same as above
Cable	§ 6 TKG 2004	Yes	No	Same as above
Satellite	§ 6 TKG 2004	Yes	No	Same as above
Fixed telecommunications network	§ 6 TKG 2004	Yes	No	Same as above
Mobile telecommunications network (UMTS)	§ 6 TKG 2004	Yes	No	Same as above
Other	§ 6 TKG 2004	Yes	No	Same as above
Comment				

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Germany		
	Network operator	TV channel
Analogue terrestrial	<p>Notification to BNetzA (see note D)</p> <p>Frequency licence from BNetzA (see note B)</p> <p>No new analogue terrestrial licences in practice (although the theoretical possibility still exists until 2010).</p>	<p>Broadcasting licence from the regional media authority for private channels (see note A). The licence also includes an allocation of frequency capacity.</p> <p>Public service broadcasters do not need a broadcasting licence, but an allocation of frequency capacity.</p> <p>No new analogue terrestrial licences in practice.</p>

Germany			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	<p>Notification to BNetzA (see note D) (general authorisation)</p> <p>Channel allocation from the regional media authorities (see note C)</p>	<p>Such an operator would need general authorisation (see left column). If the operator produces own content, it would need a broadcasting licence (see right column).</p> <p>Channel allocation from the regional media authorities (see note C)</p>	<p>Broadcasting licence from the regional media authority for private channels (see note A)</p> <p>No licence needed for public service broadcasters</p> <p>Channel allocation from the regional media authorities (see note C)</p>
Fixed telecommunications (DSL)	<p>Notification to BNetzA (see note D) (general authorisation)</p>	<p>Such an operator would need general authorisation (see left column). If the operator produces own content, it would need a broadcasting licence (see right column).</p>	<p>Broadcasting licence from the regional media authority for private channels (see note A)</p> <p>No licence needed for public service broadcasters</p>
Mobile networks (UMTS)	<p>Notification to BNetzA (see note D) (general authorisation)</p> <p>Frequency licence from BNetzA (see note B)</p>	<p>Such an operator would need general authorisation (see left column). If the operator produces own content, it would need a broadcasting licence (see right column).</p>	<p>Broadcasting licence from the regional media authority for private channels (see note A)</p> <p>No licence needed for public service broadcasters</p>

Germany			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	<p>Notification to BNetzA (see note D) (general authorisation)</p> <p>Frequency licence from BNetzA (see note B)</p>	<p>Broadcasting licence from the regional media authority (see note A)</p> <p>Allocation of frequency capacity from the regional media authority (see note A)</p>	<p>Broadcasting licence from the regional media authority for private channels (see note A). The licence also includes an allocation of frequency capacity.</p> <p>No licence needed for public service broadcasters, but they need an allocation of frequency capacity.</p>

Germany			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	No German satellite currently used. Would require: <ul style="list-style-type: none"> Notification to BNetzA (see note D) (general authorisation) Frequency licence from BNetzA (see note B) 	Broadcasting licence from the regional media authority for private channels (see note A) No licence needed for public service broadcasters	Broadcasting licence from the regional media authority for private channels (see note A) No licence needed for public service broadcasters In some cases: channel allocation from the regional media authorities (see note C)

Germany				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H /DMB)	Notification to BNetzA (see note D) (general authorisation) Frequency licence from BNetzA (see note B)	Allocation of frequency capacity from the regional media authority (see note A)	Notification to BNetzA (see note D) (general authorisation)	Broadcasting licence from the regional media authority for private channels (see note A) No licence needed for public service broadcasters

Germany	
A	<p>Broadcasting license (“Zulassung”): Any rendition of broadcasting by a private broadcaster needs a license by the regional media authority (§ 20 RStV and the respective provisions in the federal states’ legislation). This obligation to get a license is independent of which technology is used for content distribution.</p> <p>Public service broadcasters do not need a broadcasting license, their right and duty to broadcast is directly based on the constitution.</p> <p>Broadcasting licenses for analogue terrestrial radio (analogue terrestrial TV is being switched off) and digital terrestrial TV also include an allocation of the frequency capacity and detailed decisions on the multiplex. This means, that the media authority makes a tender (beauty contest) for the multiplex and the programmes carried by the multiplex, and decides on both with its broadcasting license.</p> <p>It is possible that a broadcaster may obtain a single license for a nationwide programme that is to be broadcasted via satellite from one regional media authority without needing licenses from all other regional media authorities. When the broadcaster needs allocation of frequency capacity for terrestrial broadcasting, this is currently not possible; the broadcaster has to apply separately at all regional media authorities. However, the regional media authorities coordinate their activities (see the discussion regarding DMB licenses in Table 6).</p> <p>License duration is regulated by federal states’ legislation. Sometimes the license is not issued in the form of a decision, but in the form of a contract between the federal state and the broadcaster.</p>
B	<p>Frequency license “Frequenzzuteilung” by BNetzA according to § 55 TKG (Telecommunications Act). Frequency licenses for DVB-T (and DVB-H) are regulated in RegTP’s (now: BNetzA) decision 6/2002. Frequency licenses for T-DAB (and DMB) are regulated in decision 110/1998.</p> <p>Such a license is needed for any kind of usage of terrestrial frequencies (and for satellite frequencies, but there is no German broadcasting satellite). The license is needed by the infrastructure operator, which is usually T-Systems. T-Systems operates almost all FM (VHF) radio sites and many TV sites. Some TV sites are operated by the public service broadcasters themselves.</p> <p>NB Broadcasting licenses also allocate frequency capacities; i.e. the same frequency on the same site is usually regulated by a frequency license of BNetzA and a broadcasting license by the media authority.</p> <p>BNetzA usually tries to harmonize license durations by defining a certain date for a specific technology. All frequency licenses end on: December 31, 2025 for DVB-T, December 31, 2020 for UMTS, December 31, 2016 for GSM. Frequency licenses for trials have a shorter duration.</p>

Germany	
C	<p>Channel allocation (“Kanalbelegung”) by regional media authorities. The regional media authorities decide on the channel allocation of cable TV.</p> <p>If German satellites would be used, the regional media authorities would also decide on channel allocation of satellites.</p> <p>For Cable TV, see the details in Table 15. In analogue cable TV parts of the bandwidth (in some states: all bandwidth) are directly allocated by the media authority and the cable TV operator has no freedom to choose programmes. The channel allocation of those parts of the bandwidth, where the cable TV operator can choose programmes independently, usually needs to be notified to the media authority two months in advance. See also § 52 RStV.</p>
D	<p>General authorisation</p> <p>Any commercial public offer of telecommunication networks and or services must be notified to BNetzA. Notification must contain data identifying the operator, a short description of the networks and or services provided and the date when provision will start. No approval is needed.</p> <p>§ 6 TKG 2004</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the ‘digital dividend’). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
DE	<p>Shortly after the introduction of DVB-T, differs from region to region (e.g. Frankfurt: DVB-T launched in October 2004 and switched-off in December 2004). The public service broadcasters ARD and ZDF intend to cover 90% of German households by 2008. The last analogue switch off is planned for 2010 at the latest.</p>	<p>BNetzA published key points on frequency management in general for national consultation. The document does not make a clear statement about DD. BNetzA supports the idea to use parts of the broadcasting spectrum for other purposes than traditional forms of broadcasting, but this question is not part of BNetzA's responsibility.</p>	<p>The frequency allocation plan and BNetzA's decisions (e.g. decision 6/2002) specify, which technologies have priority in which frequency ranges. At RRC-06 BNetzA planned band III for T-DAB (3 layers) and DVB-T (1 layer) and bands IV and V for DVB-T.</p> <p>In the spectrum reserved for DVB-T, the frequency allocation plan has no reservation for specific services (e.g. public service channels).</p> <p>Some federal states' broadcasting acts</p>	<p>No decision yet</p>	<p>No decision yet</p>	<p>In Germany, broadcasting is the responsibility of the federal states and for broadcasting. If the federal states declare a demand for broadcasting, frequencies must be used for broadcasting purposes. A “digital dividend” for telecommunications applications would require the federal states to abstain from declaring a demand.</p>

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
			reserve a certain amount of frequencies for public service broadcasters for digital switchover, e. g. the Interstate Media Treaty of the federal states Berlin and Brandenburg reserves three TV channels for SFB and ORB in Berlin, two TV channels for ORB in Brandenburg and one TV channel for ZDF in Berlin and Brandenburg.			

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Germany					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	Each broadcasting frequency has two assignments: BNetzA assigns frequency licenses to the infrastructure operators, but the broadcasting licenses from regional media authorities also allocate the capacities realised on these	No, for the frequency assignment by BNetzA. Yes, for the allocation of frequency capacity by the regional media authority: it issues a broadcasting content license and allocates a frequency capacity.	Infrastructure operator Broadcasters	Frequency license for the infrastructure operator: Beauty contest. The broadcasting license is assigned after a beauty contest (except for public channels) and includes an allocation of frequency capacity to the broadcaster.	The infrastructure operator notifies for general authorisation and applies to BNetzA for the frequency license. The frequency licensing by BNetzA and the broadcasting licensing in the federal states usually run in parallel. A typical result is that an infrastructure operator gets the frequency license from BNetzA and a broadcaster gets the capacity realised by the same frequency allocated for his programme under federal states' legislation. No new analogue terrestrial TV.

Germany					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
	frequencies (to content operators). The two license holders must cooperate.				
Digital terrestrial (DVB-T)	Each broadcasting frequency has two assignments: BNetzA assigns frequency licenses to the infrastructure operators, but the broadcasting licenses from regional media authorities also allocate the capacities realised on these frequencies (to the multiplex and or content operators). The two license holders must cooperate.	No, for the frequency assignment by BNetzA. Yes, for the allocation of frequency capacity by the regional media authority: it issues a broadcasting content license and allocates a frequency capacity.	Infrastructure operator Broadcasters	Frequency license for the infrastructure operator: Beauty contest The broadcasting license is assigned after a beauty contest (except for public channels) and includes an allocation of frequency capacity to the broadcaster	The infrastructure operator notifies for general authorisation and applies to BNetzA for the frequency license. The frequency licensing by BNetzA and the broadcasting licensing in the federal states usually run in parallel. A typical result is that the infrastructure operator gets the frequency license from BNetzA, a broadcaster gets the capacity allocated for a given multiplex by the media authority, and several broadcasters get broadcasting licenses with allocated programme equivalents on the multiplex by the media authority. During the transition to digital switchover, secondary legislation by the media authority sometimes already determined who would get how many frequencies for a multiplex, and the license was granted in a contract, in which existing license holders for analogue TV also obliged themselves to give up existing licenses in exchange for the new licenses.
Mobile over terrestrial networks (DVB-H /DMB)	Each broadcasting frequency has two assignments: BNetzA assigns frequency licenses to the infrastructure operators, but the broadcasting licenses from regional media authorities also allocate the capacities realised on these frequencies (to the	No, for the frequency assignment by BNetzA. Yes, for the allocation of frequency capacity by the regional media authority: it issues a broadcasting content license and also allocates a frequency capacity.	Infrastructure operator Broadcasters	Frequency license for the infrastructure operator: Beauty contest The broadcasting license is assigned after a beauty contest (except for public channels) and includes an allocation of frequency capacity to the broadcaster.	The infrastructure operator notifies for general authorisation and applies to BNetzA for the frequency license. The frequency licensing by BNetzA and the broadcasting licensing in the federal states usually run in parallel. A typical result is that the infrastructure operator gets the frequency license from BNetzA, a broadcaster gets the capacity allocated for a given multiplex by the media authority, several broadcasters get broadcasting licenses with allocated programme equivalents on the multiplex by the media authority.

Germany					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
	multiplex and or content operators). The two license holders must cooperate.				
Satellite	There are no German satellites. If there would be any interest, frequencies for satellites would be assigned on a first-come first-serve basis.				

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
DE	Specific service or technology License duration Usage fees	See Table 9 : The broadcasting licenses of the regional media authorities also allocate frequency capacities. This means (for all broadcasting frequencies) that the license holder of the frequency license always must-carry the license holder of the broadcasting license (e. g. the frequency license holder must carry the multiplex operator that was licensed by the responsible regional media authority).	Technical standard (e. g. DVB-T) Coverage requirements NB Germany uses allotment planning, the licence defines allotments, i.e. it does not define the location of certain sites.	No content condition in the frequency license

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
DE	<p>Frequency fees for certain administrative acts are regulated in the "Frequenzgebührenverordnung" of 1996.</p> <p>Fees to cover administrative costs.</p> <p>Examples (Item in the Annex of this ordinance):</p> <ul style="list-style-type: none"> Decision on technical parameters for a site of a UMTS network: € 36 per sector and channel (Annex B.1.5). Frequency license for one channel in band II (UKW, FM): € 50 per 10 km², minimum € 450 (Annex B.9.6). Frequency license for one channel in band III (DAB block): € 30 per 10 km², minimum € 450 (Annex B.9.7). Frequency license for one channel in L band (DAB): € 10 per 10 km², minimum € 450 (Annex B.9.8). Frequency license for one channel in band III to V (analogue TV): € 250 per 10 km², minimum € 450 (Annex B.9.9). Frequency license for one DVB-T channel: € 125 per 10 km², minimum € 450 (Annex B.9.10). 	<p>In general, the costs for spectrum administration and electromagnetic compatibility (EMC) are regulated in the "Frequenzschutzbetragsverordnung" (FSBeitrV, Ordinance on contributions for protection of interference", in force since January 1, 2003, last amendment May 27, 2005). 20% of the costs for spectrum administration are paid by the federal budget according to the public interest on efficient frequency usage. Accordingly, 25% of the costs for electromagnetic compatibility (EMC) are paid by the federal budget. The rest must be paid by frequency users per coverage area (e.g. FM radio, T-DAB, TV broadcasting), per frequency (long, medium and short wave radio), per network (GSM/DCS), per channel (e.g. TETRA), or per site.</p> <p>Examples (see No. 2 in the Annex of this ordinance. The values in this annex are for 2003, each year they are re-calculated on the basis of the average costs of the last three years):</p> <ul style="list-style-type: none"> FM radio (VHF, "UKW"): € 3.40 per 10 km² for frequency administration, € 1.30 per 10 km² for EMC administration; T-DAB: € 7.30 per 10 km² for frequency administration, € 0.40 per 10 km² for EMC administration; TV broadcasting: € 3.80 per 10 km² for frequency administration, € 29.20 per 10 km² for EMC administration. 	<p>Fees of these ordinances are designated to cover administrative costs.</p> <p>No plans to address the difference between auctions (e.g. for UMTS or WiMAX) and beauty contests for broadcasting spectrum.</p>

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
DE	§ 53a RStV: Reviews every third year, for the first time by March 31, 2007	Amendments of RStV, October 2004	No formal consultation process	<p>Must-carry rules for digital cable TV are now harmonised in the Interstate Treaty RStV (public broadcasters + one analogue channel + one third of the remaining capacity).</p> <p>Some federal states reduced carriage obligations for analogue cable TV during the last years, but some states still have carriage obligations for the whole available spectrum (see Table 15).</p>

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	The frequency licence is granted under federal law (Telecommunications Act) to the infrastructure operator, the broadcasting licence is granted under federal states' broadcasting legislation to the content provider. Both licences allocate the same frequencies. If the licences are granted to different companies, both must co-operate. Analogue terrestrial television is phased out.	All infrastructure operators	N/A	N/A	See left column	Any terrestrial channel	Carriage obligation is automatically imposed by the two licenses.
Cable network (analogue)	Analogue cable TV Different regulation in federal states' media legislation (see Table 2). Different terminology (“must-must-carry”, “must-carry”, “can carry”,	All cable TV operators	Some carriage obligations are directly imposed by legislation (public service broadcasters, private programmes licensed and or	Different objectives in different federal states: <ul style="list-style-type: none"> universal access for certain programmes (all public service broadcasters of the respective federal state, other 	§ 52 (2) RStV allows different legislation in the 16 federal states. In some federal states, the media authorities decide channel allocation for all available channels (typically, 33-34 analogue channels are available). NB Terminology used in		NB Background information: <ul style="list-style-type: none"> Jurisdiction of the Constitutional Court (see Table 3) sees broadcasting as a public objective.

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	<p>“channel allocation by media authorities”).</p> <p>In six federal states, carriage obligations cover 20 to 40% of available analogue bandwidth, in four states 60 to 70%, in the remaining six states carriage obligations cover 80 to 100% of spectrum.</p>		<p>terrestrially available in the respective federal state).</p> <p>Some carriage obligations are selected and imposed by media authorities due to general objectives like media plurality.</p>	<p>programmes licensed in the respective federal state, programmes that can be received terrestrially, ...);</p> <ul style="list-style-type: none"> • interests of subscribers; • plurality of the media; • media diversity (full programmes, non commercial programmes, special interest programmes and programmes in foreign languages, media services); • in some federal states: general obligation for the media authority, to regulate the full available spectrum. 	<p>Germany differs from the European terminology e.g. terms like “must-must-carry”, “must-carry”, “can carry” or “channel allocation by the media authority” are used in Germany and would probably all be called “must-carry” in documents at the European level.</p>		<p>This jurisdiction gives public service broadcasters a strong role stresses the importance of broadcasting regulation.</p> <ul style="list-style-type: none"> • On August 3, 2005 the German Cable Association (Deutscher Kabelverband) filed a complaint with the European Commission and claimed that Art. 31 Universal Service Directive has not been properly transposed in German legislation. Cable TV operators especially criticise those federal states, where carriage obligations cover 60 to 100% of the available analogue spectrum.

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
							<ul style="list-style-type: none"> The Association of Private Broadcasters and Telecommunication (Verband Privater Rundfunk und Telekommunikation) supports the existing obligations and claims that Germany has many small content providers who can only survive if they must be carried. DTT gave many content providers the first possibility to be received terrestrial.

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Cable network (analogue) continued					Channels designated by federal states legislation (sometimes called "must-must-carry"). In most federal states, this obligation fills about 15 to 20% of the available spectrum.	Public service broadcaster's channels: ARD ("first program"), ZDF ("second program"), one or more regional "third programmes", 3 sat (cooperation DE-AT-CH), arte (arts channel) phoenix (news, politics), kika (children), some federal states have an "open channel".	Carriage obligation imposed directly by federal states' broadcasting laws
Cable network (analogue) continued					In some federal states, private broadcasters, who have a broadcasting license in the federal state ("Landeskinder"), automatically have must-carry status. However, several federal states revoked similar provisions during the last years. Some federal states give must-carry status automatically to every content provider that can be received terrestrially in the respective state. Between 0 and 40% of available spectrum are filled with this carriage obligation, especially in Bavaria, Hamburg, Lower Saxony, Bremen, and Schleswig-Holstein.	Private broadcasters with a broadcasting license in the respective federal state, and or private broadcasters that can be received terrestrially.	Carriage obligation imposed directly by federal states' broadcasting laws.

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Cable network (analogue) continued					Some federal states "allocate" all or almost all available channels (this is sometimes called "must-carry", sometimes called "channel allocation by the media authority"). Schleswig-Holstein, Hesse, and Bremen fill the whole remaining spectrum, Lower Saxony and Hamburg almost all. Medienanstalt Berlin-Brandenburg (mabb) differs between areas of Berlin, where the cable TV is technically well developed – here mabb "gives leeway" (" Spielräume ") to cable TV operators – and other areas, where mabb decides over all channels. In North-Rhine Westphalia the law restricts LFM to select exactly 17 programmes (see right column).	Channels selected by the media authority	Carriage obligation imposed by the regional media authorities, but cable TV operators and content providers can somehow influence the decision. Media authorities' decisions are mostly determined by the objective of media plurality Example: North-Rhine Westphalia. The law requires LFM to select 12 terrestrial programmes which can be received, a maximum of two channels for regional, local or state-wide programmes, and at least one tele-shopping channel. Additionally, LFM can select a maximum of two foreign-language programmes, and near the border to the Netherlands and to other federal states, LFM can select one cross-border channel.

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Cable network (analogue) continued					In three federal states (Bavaria, Rhineland-Palatinate, and Mecklenburg-Western Pomerania) media authorities select a “programme bouquet” and allow the cable TV operators to select from this “bouquet” (usually called “can carry”). The “bouquet” fills about 20% of available spectrum in Bavaria and Rhineland-Palatinate, about 50% in Mecklenburg-Western Pomerania.	Channels selected by the cable TV operators out of a “programme bouquet” defined by the media authorities.	Media authorities’ decisions are mostly determined by the objective of media plurality.
Cable network (analogue) continued					“Non-must-carry”: Even if the carriage obligations mentioned above do not impose a certain selection of programmes by the cable TV operator, the cable TV operator is usually bound by general objectives (media plurality, protection of minors, ...) and the channel allocation typically needs to be notified to the regional media authority two months in advance. In six federal states (Saarland, Saxony, Saxony-Anhalt, Thuringia, Brandenburg and Baden-Württemberg), cable TV operators can select about 60 to 80% of available spectrum. In four federal states (North Rhine-Westphalia, Bavaria, Rhineland-Palatinate and Mecklenburg-Western Pomerania), cable TV operators can select about 30 to 40% of spectrum. In the remaining six federal states (Hamburg, Berlin,	Channels can be selected by cable TV operators, as long as they follow general objectives.	Channel selection typically needs to be notified to the regional media authority two months in advance.

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
					Lower Saxony, Bremen, Hesse, Schleswig-Holstein), cable TV operators have only 0 to 15% available for “non-must-carry” selection.		
Cable network (digital)	Digital cable TV Harmonized regulation in § 52 RStV	All cable TV operators	Cable TV operators must follow certain principles (see right column) for one third of remaining spectrum.	Principles for channel allocation by the cable TV network operators (§ 52 (3) and (4) 1 RStV): <ul style="list-style-type: none"> • universal access for certain programmes (all public service broadcasters of the respective federal state, other programmes licensed in the respective federal state); • interests of subscribers; • plurality of the media; • media diversity (full programmes, non commercial programmes, special interest programmes and programmes in foreign languages, media services). 	Must-carry obligations for digital cable TV are harmonised for all federal states by § 52 RStV .		

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Cable network (digital) Continued					Cable TV operators must carry channels that are designated by federal states legislation.	Public service broadcaster's channels: ARD ("first program"), ZDF ("second program"), one or more regional "third programmes", 3sat (cooperation DE-AT-CH), arte (arts channel) phoenix (news, politics), kika (children).	Carriage obligation imposed directly by § 52 RStV and federal states' broadcasting laws.
Cable network (digital) continued					Cable TV operators must-carry private broadcasters that have regional programme windows (the two biggest private TV broadcasters must have regional programme windows).	Private broadcasters who have regional programme windows.	Carriage obligation imposed directly by § 52 RStV and federal states' broadcasting laws.
Cable network (digital) continued					The capacity of one analogue channel must be reserved for regional and local programmes, which have a licence in the respective federal state, and for "open channels".	Local or regional programmes with a licence in the respective federal state, "open channels".	Media authorities select the programmes based on the objectives of the federal states' broadcasting laws.
Cable network (digital) continued					One third of the remaining spectrum must be selected by the cable TV operator due to objectives of § 52 (4) RStV: taking into account the interests of subscribers, media plurality, selection of full programmes, free-to-air programmes, special interest programmes, foreign language programmes and media services. The cable TV operator	Selection of programmes by the cable TV operator.	Selection must be notified to the media authority two months in advance. Media authorities can overrule the cable TV operators' selection.

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
					can select the other two thirds of the remaining spectrum, only being obliged to follow general legislation.		
Digital terrestrial	Digital terrestrial TV It is not usually called "must-carry", but the licensing scheme forces infrastructure operators, multiplex operators and content providers to co-operate.	Infrastructure operators (terrestrial broadcasters) and multiplex operators.	Not applicable (Inherent in the frequency assignment process).	Broadcasting licences are a result of a beauty contest. Transitional provisions for digital switchover (§ 52a RStV): In the introduction phase for DVB-T those programmes, which are already broadcasted via analogue terrestrial TV must be privileged.	The frequency licence is granted under federal law (Telecommunications Act) to the infrastructure operator, broadcasting licences are granted under federal states' broadcasting legislation to the multiplex operator and to the content providers. All licences allocate the same frequencies. If the licences are granted to different companies, all must co-operate.	Any terrestrial multiplex, any terrestrial channel	Carriage obligation is automatically imposed by the licences (sometimes licences are granted in the form of contracts between the federal state and the licensees). Example: BNetzA granted a frequency licence for channel 44 on masts in Berlin Alexanderplatz and Berlin Schäferberg to T-Systems. mabb granted a multiplex licence to ProSiebenSat.1 for channel 44, and also decided which programmes (Sat1, Pro7, Kabel1, N24) must be carried by this multiplex. All companies must co-operate.
Satellite	N/A	N/A	N/A	N/A	As only foreign satellites (Astra, Eutelsat) are used in practice, no carriage obligation can be imposed on the satellite operator.	N/A	N/A

Germany							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Fixed network operator	N/A	N/A	N/A	N/A	No carriage obligation.	N/A	N/A
Mobile network operator	N/A	N/A	N/A	N/A	DVB-H, DMB: Same as digital terrestrial UMTS: No carriage obligation	N/A	N/A
Other	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
DE	<p>Cable TV</p> <p>A system of contracts (known as “DTAG/MSG-Verträge”) expired at the end of 2005, but a new system of contracts between content providers and the big cable operators could be negotiated.</p> <p>The bigger cable TV operators on network level 3 have a tariff scheme for payments by content providers. All content providers pay according to the same scheme, but the cable TV operators’ schemes differ. One network operator uses a tariff scheme based on costs of efficient service provision calculated by PWC, the other tariff schemes are based on an old table calculated by RegTP in the late 1990s. Small cable TV operators typically do not charge content providers.</p>	<p>Contractual arrangements, unregulated.</p> <p>Market analysis of market 18 is not finished yet. The draft decision designates SMP of the big cable TV operators, but regulatory obligations will be decided in a later stage of the proceedings (see Table 19).</p>	<p>All cable TV operators must pay to collecting societies, independently whether or not it is must-carry independently of whether or not they charge content providers.</p>
	<p>Digital terrestrial television:</p> <ul style="list-style-type: none"> • Contractual arrangements between infrastructure operators, multiplex operators, and content providers. Due to licensing conditions, all companies must co-operate (see Table 15). Some of these contracts regulate the whole process of digital switchover. • The media authority of Berlin and Brandenburg (mabb) gave subsidies of about € 4 million to private broadcasters. On November 9, 2005 the Commission ruled that these subsidies were illegal under European state aid rules. mabb appealed this decision at the Court of First Instance. • Lack of state aid in several other federal states caused private broadcasters to withdraw from terrestrial broadcasting. RTL group and ProSiebenSat.1 group handed back their analogue terrestrial licenses and do not participate in digital terrestrial television in North-Rhine Westphalia. Private broadcasters also do not participate in Baden-Württemberg, Saxonia, Saxonia-Anhalt, Thuringia, Hesse and Mecklenburg-Western Pomerania. 	<p>Contractual arrangements</p> <p>DTT was excluded from market analysis due to its low commercial importance (see Table 18).</p>	<p>It is not publicly known how much content providers pay to multiplex of infrastructure operators to be carried and how much they receive for copyright.</p>

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
DE	No explicit must-offer regulation, but it could be argued that the regime of carriage obligations also obliges many content operators, especially the public service broadcasters, to offer.	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
DE	Cable TV: “Analogue and digital feeding of broadcasting signals in individual broadband cable networks” or delivery of broadcast signals to network level 3: Seven different markets, each according to the network of one of the seven operators on network level 3. NB German cable TV networks are historically structured into four different network levels (see Table 1). Network level 3 corresponds to regional distribution networks between regional head ends and transfer points outside the subscriber’s home.	Yes	N/A
	Cable TV: “Delivery for cable network providers with analogue and digital radio signals by cable network providers of a preceding network level” or delivery of broadcast signals from network level 3 to network level 4: Three regional markets, according to the regions covered by KDG (13 federal states), Unity Media (Hesse, North Rhine-Westphalia), and KBW (Baden-Württemberg) on network level 3 (see the NB above).	Yes	N/A

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
	Satellite transmission	No	Market transnational
	Wholesale analogue terrestrial TV transmission for content providers (nationwide market)	No	Not relevant because the market is in its final decline before the digital switchover.
	Wholesale digital terrestrial TV transmission for content providers (Seven regional markets, according to the regions, where DVB-T multiplex platforms have been established).	No	Coverage of DVB-T is only 1.6% of households; it cannot be detected yet if DVB-T can find its own market niche besides satellite and cable. At least for the next two years competition law is sufficient.
	Wholesale analogue terrestrial radio (FM/VHF) transmission for content providers (nationwide market)	Yes	-
	Wholesale digital terrestrial radio transmission for content providers (eight regional markets, according to the regions, where DAB multiplex platforms have been established).	No	Coverage of DAB is very low: in 10 years, only 100,000 receivers were sold (compared to 240–300 million analogue radio receivers).
	Wholesale digital terrestrial radio transmission for providers of telecommunication services (six regional markets, according to those regions where the DAB multiplex operator is not identical with the network operator).	No	Coverage of DAB is very low: in 10 years, only 100,000 receivers were sold (compared to 240–300 million analogue radio receivers).
	Source: BNetzA draft decision of February 22, 2006 on market 18. By end of May 2006, market analysis had not yet been notified to the Commission.		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
DE	Cable TV: “Analogue and digital feeding of broadcasting signals in individual broadband cable networks” or delivery of broadcast signals to network level 3: Seven different markets, each according to the network of one of the seven operators on network level 3.	KDG, Unity Media, and KBW on their respective networks. The other four markets (corresponding to the networks of the other four operators) are effectively competitive.	Not yet decided	Not yet decided
	Cable TV: “Delivery for cable network providers with analogue and digital radio signals by cable network providers of a preceding network level” or delivery of broadcast signals from network level 3 to network level 4: Three regional markets, according to the regions covered by KDG (13 federal states), Unity Media (Hesse, North Rhine-Westphalia), and KBW (Baden-Württemberg) on network level 3.	KDG, Unity Media, and KBW have SMP in their respective regions	Not yet decided	Not yet decided

	Relevant market	SMP	Access obligation?	Price regulation?
	Wholesale analogue terrestrial radio (FM/VHF) transmission for content providers (nationwide market).	T-Systems controls nearly all infrastructure in this market and therefore has SMP.	Not yet decided	Not yet decided
Source: BNetzA draft decision of February 22, 2006 for on market 18. By end of May 2006, market analysis had not yet been notified to the Commission.				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as ‘any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation’. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
DE	<p>Telecommunication legislation</p> <p>§ 48 TKG transposes Annex VI of the Universal Service Directive.</p> <p>§ 50 TKG contains provisions on access to CAS systems, accounting separation, and a dispute resolution mechanism.</p> <p>BNetzA is the responsible regulatory authority, but it has to inform the regional media authority. If the media authority has concerns according to media law, it can also decide. Both decisions can be made in a common procedure.</p> <p>Media legislation</p> <p>§ 53 RStV requires, that content providers must not be unreasonably hindered or discriminated in distribution of their content by a CAS, API, EPG, or the tariff structure. Use of CAS, API, EPG must be notified to the regional media authority.</p> <p>Secondary legislation from the media authorities (“Satzung digitaler Zugang”) contains more detailed provisions.</p> <p>Common procedure</p> <p>In December 2005, BNetzA and regional media authorities agreed on a detailed description of the procedure. The procedure is led by BNetzA, the media authorities are represented by their joint body: the Commission on Digital Access (Gemeinsame Stelle Digitaler Zugang)</p>	<p>CAS operators must allow telecommunications network operators at the regional or local level to take control over services which use CAS.</p> <p>If CAS patent holders give licenses to manufacturers of TV receivers or other parties, they must use fair, reasonable and non-discriminatory conditions.</p> <p>CAS operators must offer services to all content providers using fair, reasonable and non-discriminatory conditions.</p> <p>Accounting separation obligation for CAS operators.</p> <p>Nagravision is the commonly used CAS.</p>	Operators of CAS	Fair, reasonable and non-discriminatory rates (undefined)	<p>If CAS operators or CAS users do not have SMP, the regulatory authority (BNetzA) can amend or withdraw access obligations, if this has no negative impact on the retail markets and the responsible regional media authority says, that it has no negative impact on duties according to federal states' law (§ 50 (5) TKG).</p> <p>By end of May, 2006 this was not yet an issue in the current market analysis proceedings for market 18.</p>

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
DE	See note below	MHP is used by private and public broadcasters, but acceptance by end-users is very low.	Secondary legislation by the regional media authorities (“Satzung digitaler Zugang”), see note below
<p>Telecommunication legislation</p> <p>§ 49 TKG transposes Art. 18 of the Framework Directive and contains a provision on dispute settlement. BNetzA is the responsible regulatory authority, but it has to inform the regional media authority. If the media authority has concerns according to media law, it can also decide. Both decisions can be made in a common procedure.</p> <p>Media legislation</p> <p>§ 53 RStV requires, that content providers must not be unreasonably hindered or discriminated against in the distribution of their content by a CAS, API, EPG, or the tariff structure. Use of CAS, API, and EPG must be notified to the regional media authority.</p> <p>Secondary legislation by the media authorities (“Satzung digitaler Zugang”) contains more detailed provisions.</p> <p>Common procedure</p> <p>In December 2005, BNetzA and regional media authorities agreed on a detailed description of the procedure. The procedure is led by BNetzA, the media authorities are represented by their joint body: the Commission on Digital Access (Gemeinsame Stelle Digitaler Zugang)</p>			

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
DE	See comment	§ 53 RStV specifies that content providers must not be unreasonably hindered or discriminated in the distribution of their content through EPGs, or the tariff structure.
<p>Regulation and Regulatory Authority</p> <p>RStV mentions EPG in some provisions, but does not define it.</p> <p>§ 2 (2) Nr. 9 RStV defines the “programme bouquet” as a bundle of programmes and services under a common EPG.</p> <p>§ 53 RStV requires that content providers must not be unreasonably hindered or discriminated in distribution of their content by a CAS, API, EPG, or the tariff structure. Use of CAS, API, and EPG must be notified to the regional media authority.</p> <p>Secondary legislation of the media authorities (“Satzung digitaler Zugang”) contains provisions that are more detailed.</p> <p>§ 13 Satzung digitaler Zugang contains some provisions on non-discrimination and which programmes must be part of the EPG.</p>		

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
DE	<p>The Federal Cartel Office (Bundeskartellamt) is the federal competition authority.</p> <p>The regional media authorities have the Commission on Concentration in the Media (Kommission zur Ermittlung der Konzentration im Medienbereich – KEK) as a joint body.</p> <p>The Bundeskartellamt assesses mergers or other competition issues from an economic point of view whereas the regional media authorities and KEK assess the aspects of media plurality. Bundeskartellamt and the media authorities do not share jurisdiction, but cooperate informally. KEK's opinions on media plurality are binding for the responsible regional media authorities.</p>	<p>For the thresholds for merger control, revenues of media (print, broadcasting, advertising in broadcasting) are multiplied by 20 (§ 38 GBW)</p>	<p>Merger control</p> <p>Planned Springer / ProSiebenSat.1 merger: The merger needed approval both by the Bundeskartellamt (under competition law) and the responsible regional media authorities (under broadcasting legislation). The regional media authorities have to refer such cases to KEK to get KEK's opinion on media plurality issues. On January 10, 2006 KEK decided against the merger because it saw problems in the combination of Springer's strong position in the print media and ProSiebenSat.1's strong position in the TV media. On January 19, 2006 the merger was forbidden by a decision of the Bundeskartellamt, because it would strengthen existing dominant positions in the market for TV advertising (where ProSiebenSat.1 and Bertelsmann have joint dominance), the market for selling daily papers to readers on the street (where Springer has about 80% market share) and the market for advertising in print media (where Springer has about 40 to 50% market share).</p> <p>Several cable merger cases.</p> <p>State aid</p> <p>On March 3, 2005 the European Commission requested Germany (and IE and NL) to clarify the role and financing of public service broadcasters. The Commission's preliminary view is, that the financing system is not in line with state aid rules.</p> <p>The media authority of Berlin and Brandenburg (mabb) gave subsidies of about € 4m to private broadcasters. On November 9, 2005 the Commission ruled that these subsidies were illegal under European state aid rules. mabb appealed this decision at the Court of First Instance.</p>

Greece

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
GR	Analogue terrestrial radio and television providers Television and radio: ANTENNA, ALPHA, MEGA, Greek Parliament, ERT SAT Some broadcasters retransmit via satellite and cable TV, but there is no independent cable TV provider. There is a cable network funded by the EU for the preservation of specific urban areas. Managed through the Ministry of Urban Planning and Environment.	No information available, however analogue terrestrial is the dominant platform in Greece.
	Analogue terrestrial pay TV provider	Operator "Filmnet." Estimated number of subscribers: 75,000 (no publicly available information)
	Digital terrestrial television (DTT)	Public broadcaster ERT AE Digital. Trial phase only, no viewer data available.
	Digital satellite	NOVA (mixed radio and TV), offered by Multichoice Hellas. Subscriber base of 225,000 is estimated as no publicly available information exists.
	IP TV	Trials announced.
	Mobile TV	Cosmote, Vodafone, TIM. Subscriber information not available

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
GR	NB. The broadcasting aspects of the EU 2003 regulatory framework had not been implemented in Greece by July 31, 2006. A new law implementing the directives is being prepared.
	Law 2863/2000 (Official Government Gazette 262/A/29-11-2000): National Radio-Television Broadcasting Authority
	Presidential Decree 100/2000 (Official Government Gazette 98/A/17-03-2000): Harmonizing Greek Legislation with Directive 97/36, on content provision
	Law 3051/2002, art. 19 (Official Government Gazette 220/A/20-09-2002): (a) amending Law 2644/98, art. 17, (b) amending law 2863/2000, the National Radio-Television Broadcasting Authority (ESR) became the responsible authority to Call for Tenders and grant Licenses for Radio and Television Stations. (c) art 19, para. 3, License of the Terrestrial Analogue Pay Television Channel "Filmnet"
	Joint Ministerial Decision 68390/1996 (Official Government Gazette 484/B/1996): Radio Frequencies Plan for the Region of Attica (Athens area) for Radio Broadcasting
	Joint Ministerial Decision No 15587/E/1997 (Official Government Gazette 785/B/26-8-1997): Radio Frequency Plan, technical requirements, assessment of technical requirements, for private television stations licensing
	Law 2644/1998, Art. 17, (Official Government Gazette 233/A/1998): Licensing, operational and content requirements and conditions for the provision of Pay Television and Radio Stations
	Law 2328/1995 (Official Government Gazette 159/A/1995): Basic principles for granting and renewing licenses for Television and Local Radio (non Public) broadcasting
	Presidential Decree 77/2003 (Official Government Gazette 75/A/28-3-2003) Code Of Practice For TV And Radio

Member state	Types of regulations affecting broadcasting industry
	Law 3310/2005 (Official Government Gazette 30/A/14-2-2005): Public Procurement rules for Media Sector/ +/ Provisions aiming to secure Transparency, fair play, pluralism and provision of information under terms of objectivity and equity
	Law 3414/2005 (Official Government Gazette 279/A/10-11-2005): amending certain provisions of Law 3310/2005
	Law 3021/2002 (Official Government Gazette 143/A/2002): Legal Restrictions on public procurement contracts for people who own media enterprises
	Law 3431/2006 (Official Government Gazette 13/A/3-2-2006): The National Regulatory Authority for Electronic Communications (EETT) is the responsible body for the supervision and control over Radio frequencies use and antennae installations

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
GR	<p>Greek Constitution (2001), article 9, 15, par.2 (see below).</p> <p>Law 2328/1995, art. 3, par. 1, art. 4, par.1</p> <p>Presidential Decree 100/2000, art. 8, par.3</p> <p>Presidential Decree 77/2003, art. 2. par.1, art 5, par.1, art. 8, art. 9 and art.10.</p> <p>Law 2863/2000</p> <p>Notes:</p> <p>1. There are also a number of Directions issued by the National Radio _Television Broadcasting Authority specifying the general interest objectives in practice.</p> <p>2. Several decisions for sanctions imposed on broadcasters for breaching the general interest objectives can be found in the relevant section of the authority’s website.</p>	<p>The general objectives are:</p> <ul style="list-style-type: none"> • Objectivity • Quality of the media and of the content • Non-discrimination in the presentation of the news, and cultural information (literature and arts) • Plurality of the media • Media diversity • Freedom of expression • Freedom to receive information • Respect of human dignity, and • Respect and protection of minors and youth
	<p>The Greek Constitution, art. 15, par. 2: “Radio and television shall be under the direct control of the State. The control and imposition of administrative sanctions belong to the exclusive competence of the National Radio and Television Council, which is an independent authority, as specified by law. The direct control of the State, which may also assume the form of a prior permission status, shall aim at the objective and on equal terms transmission of information and news reports, as well as of works of literature and art, at ensuring the quality level of programs mandated by the social mission of radio and television 29 and by the cultural development of the Country, as well as at the respect of the value of the human being and the protection of childhood and youth. Matters relating to the mandatory and free of charge transmission of the workings of the Parliament and of its committees, as well as of the electoral campaign messages of the political parties by radio and television, shall be specified by law.”</p>	

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
GR	<p>Law 1730/1987 (Official Government Gazette 145/A/11-08-1987): (amended and currently in force) Creation of Public National Radio and Television Broadcasting Company, ERT A.E.</p> <p>Law 3166/2003, art. 22 (Official Government Gazette 178/A/2003): amending Law 1730/87, art.2, adding as an additional objective for ERT AE, the obligation to grant National Radio and Television network and frequencies to the Greek Parliament, by virtue of a Ministerial Decision. No license required.</p> <p>Ministerial Decision 15983/E (Official Government Gazette 984/B/16-7-2003): Granting of frequencies to the Greek Parliament for a National Television Station.</p>	<p>ERT as the public service broadcaster in Greece.</p> <p>All free to air broadcasters (obligations for messages and information of public interest, addressed to the public by the Administration).</p>	<p>All free to air broadcasters have coverage obligations (99% geographic coverage).</p> <p>ERT has a 100% geographic coverage obligation.</p>	<p>No recent changes. The Ministry of State is planning a review of public service broadcasting, but no specific date has been set.</p>

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
GR	The National Council for Radio and Television (EΣP or ESR)	National broadcasting (radio and TV) regulatory authority, with responsibility for: <ul style="list-style-type: none"> • licensing (frequency and content); • supervision and control of broadcasters, including dispute resolution, hearings and imposition of penalties; • competition rules for the broadcasting sector, in particular cross-ownership and media concentration; • must-carry; • access to associated facilities under the EU 2003 regulatory framework (when implemented). 	No Current members of ESR are due for replacement, as their terms expired in June 2006. No new appointments had been announced by July 31, 2006.
	The Ministry of State, Secretariat of Communication and Information	The Ministry is responsible for setting policy for the broadcasting sector in conjunction with the Ministry of Transport, including drafting legislation and the frequency plan.	In 2004, under Law No. 3242 (Article 2), the Ministry of Press and Mass Media was dissolved and two General Secretariats under the Prime Minister were established: The Secretariat General of Communication and the Secretariat General of Information, which incorporated the functions of the defunct Ministry. Under Decision No. Y93, of May 26, 2004, the Prime Minister placed the two secretariats under the Minister of State.
	Hellenic Telecommunications and Post Commission (EETT)	National electronic communications regulatory authority, with responsibility in the broadcasting sector for: <ul style="list-style-type: none"> • analysis of market 18; • management of interference, including supervision and control of broadcasters, seizure of installations and imposition of penalties. 	No
	The Ministry of Transport and Communications	The Ministry is responsible for setting policy for the broadcasting sector, including drafting legislation and frequency management.	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
GR	In May 2006, Cosmote (leading mobile operator) launched a mobile TV service, "MOBILE TV". The service is offered over 3G networks and is accessible on specific 3G handsets. The service includes 6 channels: Alpha, ANT1, MAD, MEGA, FASHION TV, and ERT.	No mobile TV-specific requirements. Mobile operators currently offering mobile TV use existing 3G licences. No statements have been made by any regulatory authority about mobile TV, and no specific rules for mobile TV are planned.
	Vodafone - Panafone, launched a mobile TV service called "live tv", on December 2004 free of charge. Since June 1, 2005 a charging scheme was implemented. Apart from ERT SAT which is offered free of charge, the prices for the other channels are €1.785 per day or €4.998 per month. The service is offered over its 3G network and includes local and global channels (Antenna, Mega, FASHION TV, EUROSPOT. Only a limited number of handsets are currently available.	
	TIM launched a mobile TV service initially via a GPRS network (launched in July 2004), and later via its 3G network (launched in July 2005). The service includes 10 channels: ANT1, MEGA, Mad TV, ALPHA, STAR, CNN International, ALTER, ERT –Sat, GBC, and CNBC Europe. Browsing the menu service TIM Plus charges €0.42 per visit (max. 24 hours), irrespective of the duration and the volume of data. Browsing the menu service for TIM Plus Non-Stop costs €3.49 per month. If subscribers choose to connect with one of the available television stations the charging scheme is €1.19 per channel.	

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
GR	The incumbent telecommunications operator, OTE, has announced trials of IP TV, but no details were available by July 31, 2006.	No IP TV-specific requirements. No statements have been made by any regulatory authority about IP TV, and no specific rules for IP TV are planned

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Greece				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial Digital terrestrial Cable Satellite Fixed telecommunications network Mobile telecommunications network (UMTS) Other	<p>The EU 2003 regulatory framework has not yet been implemented for the broadcasting sector.</p> <p>No system of general authorisation for broadcasting platforms exists in Greece.</p>			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Greece		
	Network operator	Broadcaster
Analogue terrestrial television	<p>Terrestrial broadcasters are vertically integrated in Greece by law, so they operate both the transmission networks and offer programming.</p> <p>Due to the fact that the EU 2003 regulatory framework is not implemented, and no licenses have been granted to television stations, the operation of all TV broadcasters is subject to individual authorisation granting "lawful operation" status (Joint Ministerial Decisions, Certificates of Lawful Operation by the Minister & the National Radio-Television Broadcasting Authority - EΣΡ):</p> <ul style="list-style-type: none"> • During the first call for tender for broadcasting licenses in 1993, the responsible authorities granted individual authorisations to national private television stations. • A second call for tender, issued in 1998, resulted in Law 2644/1998 whereby it was decided that until the licensing procedure of the call for tender was finalized, all television stations that applied for a license according to the tender terms would be considered as "lawfully operating" broadcasters (article 17 of Law 2644/1998 in conjunction with article 19, par. 3 of Law 3051/2002). The tender of 1998 was cancelled, as the bidders did not meet the financial criteria. • A new tender was issued in 2003 for 6 national, 51 regional and 57 local terrestrial analogue free to air television licences. However, this process did not result in any license being granted, as it was cancelled. • Until today, par. 17 of Law 2644/1998 for the "Lawfully operating" broadcasters is still in force and is the legal status under which all free to air broadcasters operate in Greece. As a result no licensed free to air television stations exist in Greece. Regional and local terrestrial analogue television is similarly based upon a lawful operation regime (see http://www.esr.gr/map3.php, for lists of regional and local "lawfully operating" television stations). <p>Local rights of way from municipal authorities are also required for broadcasters in order to install masts and other transmission equipment.</p>	

Greece			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Cable	Does not exist in Greece		
Fixed telecommunications (DSL)	IP TV trial has been announced by incumbent operator OTE, but no details are available. No plans to adopt specific authorisation or licensing procedure for IP TV.		
Mobile networks (UMTS)	Existing 3G licence		

Greece			
	Terrestrial network operator	Multiplex operator	Broadcaster
Digital terrestrial (DVB-T)	ERT digital television in trial phase only, operated by permission of the Ministry of State. No other licensing or other authorisation obtained. A draft law implementing the EU 2003 regulatory framework for the broadcasting sector is expected to address the authorisation and licensing system for digital TV.		

Greece			
	Satellite platform	Distributor of bouquets of Broadcasters	Broadcaster
Satellite	NOVA TV, offered by Multichoice Hellas, is transmitted by EUTELSAT, and does not have a transmission frequency licence.	Multichoice Hellas has a pay TV via satellite content licence from ESR.	

Greece				
	Terrestrial network operator	Multiplex operator	Mobile operator	Broadcaster
Mobile over terrestrial networks (DVB-H /DMB)	Does not exist in Greece. No plans to adopt specific authorisation or licensing procedure for mobile TV.			

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
GR	The Ministries of State and Transport (July 31, 2006) is working on a draft law to implement the EU 2003 regulatory framework for broadcasting, which is expected to contain plans for digital switchover in Greece.					

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Greece					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
	Due to the fact that the EU 2003 regulatory framework is not implemented, and no licenses have been granted to television stations, the operation of all TV broadcasters is subject to individual authorisation granting "lawful operation" status (Joint Ministerial Decisions, Certificates of Lawful Operation by the Minister & the National Radio-Television Broadcasting Authority – ΕΣΡ or ESR) (see Table 9). The answers below correspond to the 1998 lawful operation regime. A draft law is being prepared which is expected to address authorisation and licensing for digital TV, which may affect the existing procedure.				
Analogue terrestrial	ESR assigns the frequencies; however, the frequencies are under the control of the Ministry of Transport, with whom ESR must co-ordinate.	Yes	Broadcasters, who by Greek law are vertically integrated (provide both transmission and programming).	ESR managed the call for tenders. If licences had been assigned, they would have contained both frequencies and programming authorisation and conditions.	ESR would approve the content authorisation first, then assign frequencies to the broadcasters.
Mobile over terrestrial networks	3G licences were auctioned in 2001 by EETT and awarded to mobile operators. The licensees did not require any additional authorisation to provide mobile TV as of July 31, 2006.				
Satellite	No frequency licence needed.				

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
GR	No authorisation or licensing system currently exists for broadcasting in Greece; see Table 9			

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
GR	In principle, a law of 1995 stipulated a fee for spectrum, but this was tied to a broadcasting licence, and as no broadcaster has a licence (see Table 9) it was never implemented. A Ministry decision required broadcasters to pay fees, determined by a Ministry decision for each broadcaster. According to the broadcasters, fees have multiple components, including an annual fee based on percentage of revenue as well as other types of fees, e.g. charge for contributing to facilities for the blind and for production of Greek content.		No

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
GR	No established policy			No review of must-carry

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Greece							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	Broadcasters, not the terrestrial platform per se, have programming obligations. Enabling legislation for the provision of subscriber radio and television services and related regulation (Law 2644/1998). However, broadcasters are vertically integrated, and broadcast using their own transmission facilities.	Terrestrial broadcasters	Decided by law (Ministry as policy maker). No further information available, as must-carry is not controversial in Greece.	<ul style="list-style-type: none"> • Universal access to subscriber television services for content of public entities free of charge • Free access to subscriber television services for the television channel of the Hellenic parliament • Freedom to receive information 	<ul style="list-style-type: none"> • The Greek Parliament • Content for social messages • Content for the provision of information and news services to people with hearing disabilities • Political plurality programming 	<ul style="list-style-type: none"> • Political programming • Social messages are for disabled and socially excluded groups • People with hearing disabilities • Inclusion of all political parties in equal time segments during regular (prime-time) programming <p>NB Enforced by ESR taping broadcast programming (!) as well as self-reporting.</p>	Nothing other than the link to general interest objectives.
Cable network (analogue and or digital)	Does not exist in Greece, except for retransmission of terrestrial broadcasters in selected urban areas; run by government authorities.						
Digital terrestrial	Does not exist in Greece.						

Greece							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Satellite	Digital satellite pay TV providers are obliged to offer space on their platform to the public sector as a FTA channel (not encrypted). Enabling legislation for the provision of subscriber radio and television services and related regulation (Law 2644/1998).	Digital satellite pay TV providers (only one, Nova, exists at present) are obliged to offer space on their platform to the public sector as a FTA channel (not encrypted).	The reasoning for imposing must-carry on satellite is that it is the only platform with available capacity (as it is digital).	<ul style="list-style-type: none"> • Universal access to subscriber television services for content of public entities free of charge • Free access to subscriber television services for the television channel of the Hellenic parliament • Freedom to receive information 	<ul style="list-style-type: none"> • The Greek Parliament • Up to 24 hrs. daily programming to one or more public institutions 	Political programming Other public sector programming (undefined)	Nothing other than the link to general interest objectives.
Fixed network operator	Does not exist in Greece.						
Mobile network operator	No must-carry obligation.						

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
GR	No fees are paid. The digital satellite subscriber platform is actually burdened with the operating cost of the free channels and/or content it must-carry. In addition, free to air television stations are burdened with the cost of their advertising revenues lost during the broadcast of social messages.	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
GR	No regulation	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
GR	Not yet completed Data collection completed, analysis ongoing	N/A	N/A

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
GR	Not yet completed Data collection completed, analysis ongoing	See column 1	See column 1	See column 1

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as '*any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation*'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
GR	Article 5 par. 4 (ia) of Law 2644/1998 Responsible authority: ESR	Conditional access for consumers to all radio and television subscriber services transmitted by any technical method or means.	All radio and television broadcasters licensed under the terms of Law 2644/1998	No compensation is contemplated. It is an obligation under law.	No market analysis has been done. No plans for market analysis

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
GR	No regulation. Digital television exists in Greece only for satellite pay platform.	NOVA satellite platform offers a standard STB and a new PVR. Technical information on standard STB is not available. For the PVR: <ul style="list-style-type: none"> CAS: DVB descrambler Irdeto Softcell; UEC middleware; OpenTV; Supports MPEG 1&2. 	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
GR	Law 2644/1998, article 9. No definition of EPG provided Regulatory authority: ESR	The law requires all licensed digital television operators: <ul style="list-style-type: none"> to grant access to the EPGs to subscribers free of charge; and to include the programme of content providers in the EPGs free of charge.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
GR	The Greek competition authority has responsibility for all sectors including broadcasting. Sector specific regulation for broadcasting grants competition authority to ESR (art. 2 of Law 2644/1998) in the areas of cross-ownership and media concentration.	No Sector specific regulation for broadcasting includes limits on cross-ownership and media concentration (art. 2 of Law 2644/1998, Law 3310/2002 and Law 3414/2005). Cross-ownership and media concentration is expected to be included in draft legislation implementing the EU 2003 regulatory framework for broadcasting.	None by the competition authority ESR has issued a number of rulings on cross-ownership and concentration with regard to terrestrial broadcasters, some of which have resulted in fines (and some of those have been overturned by the Greek courts).

Hungary

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
HU	Analogue terrestrial radio and television providers	33.6% of households with a television Source: AGB Nielsen Media Research , October 2005
	Digital terrestrial radio and television providers (trials only) DVB-T trials started in 1999 in Budapest and in 2002 in a rural location (Kabhegy). Since October 2004, the three public service channels (m1, m2 and Duna TV) are broadcast on two multiplexes on a trial basis. DAB trials since July 2004	No information available
	Cable TV operators (analogue) There are 450 registered cable operators, but only four large operators: <ul style="list-style-type: none"> • UPC • T-Kabel (a subsidiary of Magyar Telekom) • Fibrenet • EMKTV Only one cable operator, T-Kabel, has started to digitise its network based on an overlay approach rather than full network digitisation.	58.0% of households with a television Source: AGB Nielsen Media Research , October 2005 2.2 million households have cable TV. The four large operators have the following number of subscribers: <ul style="list-style-type: none"> • UPC: 730,000 subscribers • T-Kabel (a subsidiary of Magyar Telekom): 300,000 subscribers • Fibrenet: 150,000 subscribers • EMKTV: 65,000 subscribers
	Satellite There are two satellite DTH operators in Hungary (both digital): <ul style="list-style-type: none"> • UPC Direct (since 2001) • DigiTV (since 2006) 	7.5% of households with a television Source: AGB Nielsen Media Research , October 2005 UPC Direct has 170,000 subscribers DigiTV has 30,000 subscribers
	MMDS (microwave)	0.9% of households with a television Source: AGB Nielsen Media Research , October 2005
	IP TV providers. 1 offer: T-Online	Very limited service 0%
	Mobile TV (3G) Limited offers by T-Mobile and Pannon GSM	Limited offers No information available

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
HU	<p>Act I of 1996 on Radio and Television (February 1, 1996)</p> <p>Act XX of 2002 modifying the Act on Radio and Television 1996 mainly to transpose the Television Without Frontiers Directive</p> <ul style="list-style-type: none"> • Enabling legislation creating and organizing the broadcasting authority • Broadcasting authority regulations • National broadcasting legislation • Regional broadcasting legislation • Enabling legislation creating and organizing the public service broadcaster(s)
	<p>Act C of 2003 on Electronic Communications (January 1, 2004)</p> <ul style="list-style-type: none"> • Enabling legislation creating and organizing the telecom authority • Telecoms authority regulations • National telecoms legislation
	<p>Technical regulation and regulation of frequency authorisation procedures</p> <ul style="list-style-type: none"> • Government decree No. 346/2004 (XII.22) • Informatics and Communication Minister decree No. 35/2004 (XII.28) • Informatics and Communication Minister decree No. 6/2004 (IV.13)
	<p>Market analyses (market 18) under the 2003 EU regulatory framework and Act C of 2003 on Electronic Communications</p> <p>The Board of NHH published its draft decision and started the national consultation on market 18 on February 21, 2005.</p> <p>The Board has not notified its decision to the European Commission yet (see Tables 18 and 19).</p>
	<p>Law on the introduction of digital broadcasting</p> <p>The Ministry of Informatics and Communications (IHM) submitted a draft law on digital broadcasting to parliament on February 13, 2006, but the draft was not adopted on final vote.</p> <p>Following the general election in April 2006 which returned the Socialist/Free Democrats coalition for a second term, IHM became part of the Ministry of Economy and Transport.</p> <p>A government strategy document on national switchover is under preparation. There are further preparations ongoing for a new draft law on digital switchover.</p>

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
HU	Act I of 1996 on Radio and Television	<ul style="list-style-type: none"> • Universal access for certain programmes • Plurality of the media • Media diversity
	Constitution (Article 61)	<ul style="list-style-type: none"> • Freedom of expression of opinion, to access and distribute information of public interest and freedom of press • Freedom to receive information
	Act LVIII of 1997 on Business Advertising Activities	<ul style="list-style-type: none"> • Other (regulation of advertising)

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
HU	Public service broadcast is defined as “a broadcast in which public service programmes play a decisive role, and which regularly informs the listeners and viewers living in the area of reception of the broadcaster of issues deserving the attention of the public.” Act I of 1996 on Radio and Television (section 2)	Magyar Televízió Rt. (public)	Channel 1 (m1) on terrestrial, cable, digital satellite platforms ~ 100% coverage Channel 2 (m2) on cable and satellite only ~ 66% coverage (Section 22-30 and 53-76 of the Act)	No
		Duna Televízió (public)	Cable, satellite ~ 66% coverage (Section 22-30 and 53-76 of the Act)	No
		National or regional commercial broadcasters TV2, RTL Klub 25% of TV2's broadcasting time should be public service programmes. Obligation for RTL Klub is less than 25% and was established in the tender conditions. (Section 129 (4-5) of the Act).	Terrestrial, cable, digital satellite. > 90% coverage	No

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
HU	National broadcasting authority: National Radio and Television Commission (ORTT)	<ul style="list-style-type: none"> • Authorisation of programme providers, content regulation 	No
	National electronic communications regulatory authority: National Communications Authority (NHH)	<ul style="list-style-type: none"> • Market analysis, frequency assignment, network regulation, radio licensing, market surveillance. • Inspection of frequency usage 	No
	Other: Ministry of Economy and Transport	<ul style="list-style-type: none"> • Legislation 	Following the general election in April 2006 which returned the Socialist/Free Democrats coalition for a second term, the Ministry of Informatics and Communications became part of the Ministry of Economy and Transport.
	Other: General Inspectorate for Consumer Protection	<ul style="list-style-type: none"> • Consumer protection 	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
HU	<p>Limited mobile TV offers by T-Mobile and Pannon GSM:</p> <ul style="list-style-type: none"> • T-Mobile 3G service is available in Budapest and Debrecen. Live streaming of 6 channels and some downloadable content. TV2 (commercial) and MTV (public) channels available since June/July 2005. • Pannon GSM: Live streaming of MTV m1 channel and some downloadable content from RTL. • DVB-H pilot in Budapest. 	<p>No specific regulations for mobile TV at present, but regulations are being prepared.</p> <p>Understood from ORTT that no registration is required for mobile broadcasters (with possible exception of DVB-H in future).</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
HU	There is only one IP TV offer on the market: T-Online offers 1 channel (AXN). T-Online also offers video-on-demand services. T-Online ADSL subscription is required for the IP TV and VoD services.	<p>No specific regulations for IP TV at present, but regulations are being prepared.</p> <p>A policy statement by the National Radio and Television Commission: Principles of Content Regulation for Public Electronic Communications – Appendix: Evaluation of the legal status of radio and television broadcasting through the Internet (March 2002) recommended:</p> <ul style="list-style-type: none"> to extend the scope of the Broadcasting Act to cover broadcasting services that are provided online ('web casting'); the same registration obligation to ORTT for web casters as for cable operators. <p>No follow-up since.</p> <p>At present, no ORTT registration is required for Internet broadcasters.</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Hungary				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (notification, type of information to submit, approval?)
Analogue terrestrial	Registration at NHH Act C of 2003 on Electronic Communications (articles 74-77)	Yes	Same	Registration at NHH
Digital terrestrial	Same as above	Same as above	Same as above	Same as above
Cable	Same as above	Same as above	Same as above	Same as above
Satellite	Same as above	Same as above	Same as above	Same as above
Fixed telecommunications network	Same as above	Same as above	Same as above	Same as above
Mobile telecommunications network (UMTS)	Same as above	Same as above	Same as above	Same as above
Other				
Comment				

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Hungary		
	Network operator	TV channel
Analogue terrestrial	Registration at NHH (see note A) Frequency assignment and radio licensing by NHH	Broadcasting content licence awarded via tender by ORTT (see note B) Includes rights of use of analogue frequency.

Hungary			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	Registration at NHH (see note A)	Registration at ORTT (see note C)	Registration at ORTT (see note C)
Fixed telecommunications (DSL)	Registration at NHH (see note A)	No broadcasting licence needed	No broadcasting licence needed
Mobile networks (UMTS)	UMTS licence tender awarded by NHH Frequency assignment and radio licensing by NHH	No broadcasting licence needed	No broadcasting licence needed

Hungary			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	DVB-T trials only	-	-

Hungary			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	Registration at NHH (see note A) Frequency assignment and radio licensing by NHH	Registration at ORTT (see note C)	Registration at ORTT (see note C)

Hungary				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H /DMB)	DVB-H not yet launched.	-	-	-

Hungary	
A	<p>Registration as a provider of electronic communications networks and or services at the National Communications Authority (NHH).</p> <p>Act C of 2003 on Electronic Communications (article 76).</p>
B	<p>Broadcasting content licence given together with right of use of analogue frequencies in the UHF/VHF spectrum bands. Licences awarded by tender by the National Radio and Television Commission (ORTT). Term 10 years, can be extended once for a period of 5 years for commercial broadcasters. A public broadcaster licence can be extended for multiple periods of 10 years (Act I of 1996 on Radio and Television section 133):</p> <ul style="list-style-type: none"> • m1 (public television): awarded 1996 (extended automatically); • TV2 and RTL Klub (commercial television): awarded 1997 (ORTT has approved licence extension until 2012. Supreme Prosecutor's Office has opened an investigation into the licence extension). <p>The public service broadcaster does not pay for its licence. Licence fees for TV2 and RTL Klub are part of the contracts between the ORTT and the broadcasters and are not public. In general, 30% of the fee bid in the tender is paid as a one-off fee covering the first 3 years. Annual fees starting from the fourth year. Licence fees for local broadcasters have been regulated by ORTT.</p> <p>Revenues from licence fees from commercial TV and radio broadcasters go into Broadcasting Fund, which is used to finance public service broadcasting channels and production of public service programming.</p> <p>National and regional analogue broadcasters employ Antenna Hungaria to provide transmission service. Local broadcasters mostly provide own transmission.</p> <p>Act I of 1996 on Radio and Television (section 123).</p>
C	<p>Registration for the provision of television programming via cable or satellite networks at the National Radio and Television Commission (ORTT)</p> <p>The registration applies to the cable/satellite broadcasters and the broadcasting services (channels via cable/satellite).</p> <p>Act I of 1996 on Radio and Television (Section 113, 96.§ (1)-(3)).</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
HU	See note below.	No	Most likely DVB-T, mobile DVB-H and interactive services	Not determined yet (not very much given that Hungary has 7 neighbouring countries which requires lots of frequency coordination)	Not known	None

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
						<p>Expected in 2012 although a final decision still has to be taken by government. Regional switch-off likely to be adopted.</p> <p>A government strategy document on national switchover is being prepared.</p> <p>Plan for DVB-T contains 7 multiplexes in UHF band and one in VHF band. At first stage, 3 multiplexes with 70%, 50% and 30% coverage respectively. Frequencies to additional multiplexes are currently used by analogue channels.</p> <p>It is expected that ORTT will conduct the competition for 3 multiplexes in 2007. DTT launch expected in 2007 with two or three multiplexes on "islands" covering areas with higher population density.</p> <p>DVB-T trials started in 1999 in Budapest and in 2002 in a rural location (Kabhegy). Since October 2004 the three public service channels (m1, m2 and Duna TV) are broadcast on two multiplexes on a trial basis.</p>

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Hungary					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	<p>National Communications Authority (NHH) manages the national frequency plan. National Radio and Television Commission (ORTT) awards the individual broadcasting licences together with the right to use of the frequency. Following this, NHH assigns the frequencies for broadcasters or to the transmission provider with which the broadcaster has concluded a contract, and defines technical conditions and frequency fee.</p> <p>Act I of 1996 on Radio and Television (section 52, 103)</p>	<p>No</p> <p>National Radio and Television Commission (ORTT) awards the individual broadcasting licences together with the right to use the frequency.</p> <p>NHH assigns the frequency and grants the radio licence after ORTT declared the authorized programme provider.</p>	<p>Broadcaster or transmission provider with which the broadcaster has concluded a contract (in practice, Antenna Hungaria, see next column).</p>	<p>In the case of national analogue broadcasters (which are not allowed to provide their own transmission and purchase this from Antenna Hungaria), AH applies to NHH for the assignment of frequencies awarded to the broadcaster in its licence.</p>	<p>The whole frequency management process:</p> <ul style="list-style-type: none"> • Frequency planning (NHH). • Tender for broadcast content licence and frequency rights (ORTT). • Authorized programme provider is declared by ORTT. • Contract between broadcaster and transmission provider (no contract if broadcaster is transmission provider). • Assignment of frequency to the broadcaster or transmission provider (NHH). • Radio licence for transmission provider (NHH). <p>According to the above the frequency and broadcasting licences are obtained simultaneously.</p> <p>More detailed description below.</p>

Hungary					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
	<p>Sequence of license assignment</p> <ul style="list-style-type: none"> Following a tender, ORTT conclude broadcasting contracts with the winning content providers (therefore those content providers who have the right to provide programmes also have the right to use the frequencies needed for it). Content providers with valid broadcasting contracts submit a planned coverage plan to NHH. If the coverage plan meets the requirements, the content providers will be notified accordingly by NHH. After receipt of this notification, the frequency assignment decision can be applied for. NHH issues a frequency assignment decision either to: <ul style="list-style-type: none"> the content provider who has the right to provide programmes, or the electronic communications service provider contracted by the content provider to carry out the broadcasting transmission – relevant contracts between the two parties have to be submitted to NHH; the decision's annexes define the technical requirements the transmitter has to comply with and the one-off frequency reservation fee, which depends on the maximum effective radiated power (ERP) of the transmitter station (Fees determined by Ministerial Decree 6/1997. (IV. 22.) KHVM on fees for reservation and use of frequencies); the decision entitles the applicant to purchase the transmitter equipment and install it; when the installation of the transmitter station is finished, it has to be reported to NHH, and an application for the radio licence should be submitted; if the implemented technical characteristics comply with those approved in the coverage plan, the radio licence is issued to the broadcaster, which is valid until the expiry of the broadcasting rights; the radio licence's annexes define the technical requirements the transmitter station has to comply with and the monthly frequency usage fee, which depends on the maximum effective radiated power (ERP) of the transmitter station. The fees were determined by Ministerial Decree 6/1997 (IV. 22.) KHVM). The holder of a radio licence is obliged to pay the fee to NHH on a monthly basis. In practice, the contract between the radio licence holder and the content provider stipulates that frequency usage fees are invoiced to the content provider. NHH supervises compliance with the terms of the radio licence. 				
Digital terrestrial (DVB-T)	DVB-T not yet launched and frequency assignment procedure not yet defined.	See column 1	See column 1	See column 1	See column 1
Mobile over terrestrial networks (DVB-H /DMB)	DVB-H not yet launched and frequency assignment procedure not yet defined.	See column 1	See column 1	See column 1	See column 1
Satellite	National Communications Authority (NHH) assigns frequencies for uplink earth stations. Satellite operators assign frequencies for downlink satellite stations according to the relevant provisions of the Radio Regulation.	No Broadcasting content licence is not needed. The content provider is obliged to notify the necessary data (on the content provider, on the satellite operator, type and characteristics of the program) to the National Radio and Television Commission (ORTT). If the data meet the	Transmission provider, who submits an application for uplink frequency licence to NHH.	NHH examines the frequency licensing plan submitted by the applicant.	The transmission provider must submit an application with a frequency licensing plan to the Directorate for Frequency Management of NHH. The plan must contain the following data: details of the satellite to be used for broadcasting, geographical and technical details of the earth station, frequency and modulation details, interference calculations. If the frequency licensing plan meets the requirements NHH gives the frequency assignment licence and the radio licence.

Hungary					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
		requirements of Act I of 1996 on Radio and Television (§ 96 indent 1-3) they will be registered.			

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
HU	The licence conditions are defined in the General Tender Conditions Act I of 1996 on Radio and Television (Section 91-94)			
	<ul style="list-style-type: none"> • radio frequencies: 7 years (can be extended by 5 years one time); • television frequencies: 10 years (can be extended by 5 years one time for commercial broadcasters and by 10 years on multiple occasions for public broadcaster). Act I of 1996 on Radio and Television (Section 107, 133).	Consumer protection: Act I of 1996 on Radio and Television (Section 5).		Quotas of public service programmes (commercial television licences). Act I of 1996 on Radio and Television (Section 129 (4-5)).

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
HU	After frequency assignment, the transmission provider has to pay a one-off frequency reservation fee which depends on the maximum effective radiated power (ERP) of each transmitter station. Fees determined by	After radio licence is awarded, the transmission provider has to pay monthly frequency usage fee which depends on the maximum effective radiated power (ERP) of the transmitter station. Fees determined by Ministerial Decree 6/1997. (IV. 22.) KHVM.	The Hungarian legislation defines several types of pricing in connection with frequencies. Each frequency user, who obtained a radio licence pays an administrative incentive frequency fee: <ul style="list-style-type: none"> • one-time fee for frequency reservation after frequency assignment and • monthly fee for frequency usage during operation of radio station.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
	Ministerial Decree 6/1997. (IV. 22.) KHVM on fees for reservation and use of frequencies.	<p>The holder of a radio licence is obliged to pay the fee to NHH on a monthly basis. (In practice the contract between the radio licence holder and the content provider stipulates that frequency usage fees are invoiced to the content provider).</p> <p>Antenna Hungaria pays approx. >€ 1 million per month to NHH for use of frequencies to broadcast national analogue public service and commercial TV channels.</p>	<p>The frequency usage fee (monthly fee) reflects the value of the frequency band used, as well as the amount of spectrum used. It depends on the service, the frequency band, the occupied bandwidth, the coverage area and whether shared or exclusive frequencies are assigned</p> <p>The revenues of frequency fees cover the work and development of frequency management and other services provided by NHH in the field of radio communications. The services deal with civil spectrum management and market surveillance.</p> <p>During development of the frequency fee system, activities and equipment used in frequency management were specified and their associated costs calculated. It was the base of the minimum revenues needed to cover the work of frequency management.</p>

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
HU	No formal policy	No formal review carried out	No formal consultation process	No changes
See comments in Table 15 on new public service channels that ORTT decided benefit from must-carry status.				

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Hungary							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Cable network (analogue)	Act I of 1996 on Radio and Television (Section 117, 118)	Cable network operators + MMDS	Not defined	Not defined	<p>Cable network operators + MMDS: must-carry obligation of public service channels (currently 3 channels: m1, m2 and Duna TV but see below).</p> <p>Cable network operator + MMDS also have obligation to conclude contracts with local channels and Hungarian national and regional channels, in both cases up to 10% of capacity or maximum of 3 channels.</p> <p>The Hungarian Competition Authority investigated the channel bouquets of cable operators several times and obliged them to include the national commercial channels in the cheaper packages.</p>	Public service channels	
	<p>Public service broadcaster MTV announced a plan, but later withdrawn, to introduce a new channel called 'Democracy'. Other public service broadcaster Duna TV (targeted at Hungarian minorities in neighbouring states) has launched a new channel called 'Autonomy'. ORTT ordered that these new channels as public service broadcasters are covered by must-carry obligation. UPC has appealed (in 2005 on MTV 'Democracy' channel and in 2006 on Duna 'Autonomy' channel). Next hearing in appeals will take place in June 2006.</p> <p>UPC argues:</p> <ul style="list-style-type: none"> no review of content or quality of must-carry channels or potential demand for the channels; adding extra must-carry channel to its basic 'social service' channel package involves technical changes to network requiring major investment. <p>In practice, UPC has agreed on commercial terms to carry Duna's 'Autonomy' channel on a few of its networks in border areas.</p>						
Digital terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Satellite	None	N/A	N/A	N/A	None	N/A	N/A

Hungary							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Fixed network operator	None	N/A	N/A	N/A	None	N/A	N/A
Mobile network operator	None	N/A	N/A	N/A	None	N/A	N/A
Other	None	N/A	N/A	N/A	None	N/A	N/A

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
HU	No fee Act I of 1996 on Radio and Television (Section 117 (2)) The manager of the Broadcasting Fund shall pay the copyright fees according to the Copyright Act instead of the operator (Section 78 (7)).	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
HU	No must-offer obligation	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
HU	National analogue terrestrial radio broadcasting transmission services	Yes	N/A
	Local/regional analogue terrestrial radio broadcasting transmission services	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> market tends towards competition; competition law is sufficient.
	National analogue terrestrial television broadcasting transmission services	Yes	N/A
	Local/regional analogue terrestrial television broadcasting transmission services	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> market tends towards competition; competition law is sufficient.
	Satellite broadcasting transmission services	No	Market is transnational.
	Fixed line broadcasting distribution services	No	Not available at time of market analysis
	<p>Source: NHH Board draft decision of February 21, 2005 on market 18 published for national consultation. The Board has not notified the decision to the European Commission yet. The information above refers to the draft decision, which may be expected to change.</p> <p>Since the original draft decision, NHH launched a project to look at the cable TV market to consider whether to regulate the sub-market for cable transmission. A consultation document on the findings of the cable project was published by NHH in May 2006. After that consultation, NHH will proceed with an updated analysis of market 18, including a new national consultation on its findings, followed by the notification to the Commission on the basis of article 7 of the Framework Directive.</p>		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
HU	Wholesale market for national analogue terrestrial radio broadcasting transmission services Wholesale market for national analogue terrestrial television broadcasting transmission services	Antenna Hungaria	No	Yes The pricing of AH's transmission services is currently regulated by a price cap set by ministerial decree on an annual basis (RPI-2% for 2006). 2/2003 IHM Decree on the maximum prices of television and radio broadcasting transmission services amended by 15/2003 IHM Decree . Abrogation of the decree is currently ongoing. NHH plans to replace it with pricing regulation on AH based on the analysis of market 18. Competition authority (GVH) terminated in summer 2006 investigation into alleged excessive pricing of broadcasting transmission and distribution services of AH (see Table 23). Other planned obligations: <ul style="list-style-type: none"> Transparency Non-discrimination

	Relevant market	SMP	Access obligation?	Price regulation?
	<p>Source: NHH Board draft decision of February 21, 2005 on market 18 published for national consultation. The Board has not notified the decision to the European Commission yet. The information above refers to the draft decision, which may be expected to change.</p> <p>Since the original draft decision, NHH launched a project to look at the cable TV market to consider whether to regulate the sub-market for cable transmission. A consultation document on the findings of the cable project was published by NHH in May 2006. After that consultation, NHH will proceed with an updated analysis of market 18, including a new national consultation on its findings, followed by the notification to the Commission on the basis of article 7 of the Framework Directive.</p>			

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as '*any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation*'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
HU	<p>The regulation of digital broadcasting has not been adopted. The Ministry of Informatics and Communications submitted a draft law on digital broadcasting to parliament on Feb. 13, 2006, but the draft was not adopted on final vote.</p> <p>There are further preparations ongoing for a new draft law on digital switchover.</p> <p>There is no specific regulation in connection with CAS, API or EPG for satellite digital platform, except the definition of CAS can be found in the 11/2004 (IV. 22) Ministerial (IHM) Decree on technological specifications in connection with digital television broadcasting (Article 2 (1) g). The definitions of API and EPG are set out in Article 3 (2) 3.1 and 3.2 of 277/2003 (XII.24) Government Decree on reference offers, network contracts and the detailed provisions of connected procedures.</p>	<p>According to the draft legislation: grant access to specified service or content providers</p>	<p>According to the draft legislation: all operators using CAS</p>	Not defined	<p>The regulation of CAS will be based on the market analysis procedure according to the draft legislation.</p>

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
HU	<p>The regulation of digital broadcasting has not been adopted. The Ministry of Informatics and Communications submitted a draft law on digital broadcasting to parliament on Feb. 13, 2006, but the draft was not adopted on final vote.</p> <p>There are further preparations ongoing for a new draft law on digital switchover.</p> <p>There is no specific regulation in connection with CAS, API or EPG for satellite digital platform (see Table 20).</p>	<p>Digital terrestrial and cable TV services have not been introduced yet.</p>	<p>No</p> <p>According to a draft legislation on digital broadcasting (that was rejected): digital broadcasting and broadcasting transmission operators will be obliged to use open standards and grant access to specified service or content providers. However, this obligation will only apply if it is proportionate for the operators until 2012.</p>

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
HU	<p>The regulation of digital broadcasting has not been adopted. The Ministry of Informatics and Communications submitted a draft law on digital broadcasting to parliament on February 13, 2006, but the draft was not adopted on final vote.</p> <p>There are further preparations ongoing for a new draft law on digital switchover.</p> <p>There is no specific regulation in connection with CAS, API or EPG for satellite digital platform (see Table 20).</p>	<p>Digital terrestrial and cable TV services have not been introduced yet.</p> <p>According to the draft legislation: Multiplex operators will be obliged to offer EPGs unless they already offer EPG services on their network and there are economic or technical obstacles to transmission of another EPG.</p> <p>The regulation of access to EPGs will be based on the market analysis procedure.</p>

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
HU	Hungarian Competition Authority (GVH)	No	See below
<p>Recent Competition Actions</p> <p>Antitrust</p> <p>GVH usually investigates 5-10 cases per year of suspected abuses of a dominant position by cable operators in the form of unilateral modification of the content of their programme packages or excessive pricing. Recent cases where cable operators were found to have abused their dominant positions:</p> <ul style="list-style-type: none"> • Unilateral modification of packages (in the last two years): Vj-50/2004 Fibrenet, Vj-98/2005 PR Telecom. • Excessive pricing: Vj-98/2003 Kábelszat-Balatonfüred, Vj-14/2003 Győri Ktv., Vj-31/ 2002 Zelka, Vj-44/2002-Parisat, Vj-48/2002 - Győri Ktv., Vj-81/2002-Zunda Kft., Vj-17/1998-Kaposkábel, Vj-99/1998 Kábeltel Bp. <p>GVH also investigated the Antenna Mikro service of Antenna Hungaria (analogue MMDS before it was replaced by digital MMDS service called Antenna Digital) because of suspected excessive pricing and changing the content of the service. Investigation found no abuse of dominance because of the existence of cable and satellite as substitutes.</p> <p>In summer 2006 GVH terminated its investigation into pricing of broadcasting transmission and distribution services of Antenna Hungaria. The pricing of AH's transmission services are regulated by a price cap set by ministerial decree on an annual basis (RPI-2% for 2006). GVH was not able to prove on competition law basis that AH was charging excessively high prices.</p> <p>Merger control</p> <p>GVH prohibited acquisition by T-Kabel/Magyar Telekom of some smaller cable operators in 2000-01.</p> <p>GVH carried out a merger assessment when Swisscom bought Antenna Hungaria in 2005. No competition issues were found.</p> <p>Infringement proceedings</p> <p>On April 11, 2006 the European Commission sent a 'reasoned opinion' (second step of infringement proceeding) requesting Hungary to abolish the restriction imposed by the Act on Radio and Television (section 115(4)) on the provision of cable TV services in violation of EU competition rules.</p> <p>Commission Directive 2002/77/EC on competition in the markets for electronic communications networks and services requires Member States to ensure that no restrictions are imposed or maintained on the provision of electronic communications services, including broadcasting transmission services.</p> <p>The Hungarian Act limits the rights of cable operators to provide broadcasting transmission services in Hungary to a territory covering not more than one third of the population. This is in contravention of the Directive, says the Commission.</p> <p>Any change to the Act on Radio and Television would require a two-thirds majority by Parliament. In the meantime, the competition authority (GVH) has advised ORTT to disregard this paragraph and ORTT declared that it would not apply the paragraph 115 (4) in future.</p>			

Ireland

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
IE	Analogue terrestrial TV RTE (the public service broadcaster).	1.43 million households have terrestrial TV
	Analogue/digital cable/MMDS TV and radio providers	568,500 cable/MMDS subscribers (352,470 analogue and 216,030 digital) (Q1 2006) Source: ComReg Doc. 06/15 - Irish Communications Market: Key Data Report March 2006
	TV and radio satellite operator There are no Irish operators.	393,000 satellite subscribers (Q1 2006) Source: ComReg Doc. 06/15 - Irish Communications Market: Key Data Report March 2006
	IP TV and radio providers)	The number of subscribers is currently insignificant.
	Analogue/digital TV and radio deflector operators	21,000 subscribers (Q3 2003). Source: ComReg Doc. 03/126 Analysis of market 18
	Mobile TV	Trial phase

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
IE	Broadcasting Acts <ul style="list-style-type: none"> • Broadcasting (Funding) Act, 2003 • Broadcasting Act, 2001 • Broadcasting Authority (Amendment) Act, 1993 • Broadcasting Act, 1990 • Radio & Television Act, 1988 • Broadcasting Authority (Amendment) Act, 1979 • Broadcasting Authority (Amendment) Act, 1976 • Broadcasting Authority (Amendment) Act, 1974 • Broadcasting Authority (Amendment) Act, 1971 • Broadcasting Offences Act, 1968 • Broadcasting Authority (Amendment) Act, 1966 • Broadcasting Authority (Amendment) Act, 1964 • Broadcasting Authority Act, 1960
	Wireless Telegraphy Acts <ul style="list-style-type: none"> • Wireless Telegraphy (Multipoint Microwave Distribution System) Regulations S.I.No.529 of 2003 • Wireless Telegraphy (UHF Television Programme Retransmission) Regulations 2003 SI No 675 of 2003 • Wireless Telegraphy (fixed satellite earth stations) regulations • Broadcasting & Wireless Telegraphy Act, 1988 • Wireless Telegraphy Act, 1956 • Wireless Telegraphy Act, 1926

Member state	Types of regulations affecting broadcasting industry
	Broadcasting (Major Events Television Coverage) Acts <ul style="list-style-type: none"> • Broadcasting (Major Events Television Coverage) (Amendment) Act, 2003 • Broadcasting (Major Events Television Coverage) Act, 1999
	Electronic communication regulations (July 25, 2003) <ul style="list-style-type: none"> • European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations 2003 S.I. 306 of 2003 • European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003 S.I. 307 of 2003 • European Communities (Electronic Communications Networks and Services)(Universal Service and Users' Rights) Regulations 2003 S.I. 308 of 2003 • European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 S.I. 305 of 2003
	Others <ul style="list-style-type: none"> • Communications Regulation Act 2002 • European Communities (Conditional Access) Regulations, 2000 S.I. 357 of 2000 • BCI's Ownership and Control Policy (2005) • Competition Act 2002

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
IE	Irish Constitution	<ul style="list-style-type: none"> • Article 40.6.ii: freedom of expression (refers specifically to the media)
	Broadcasting Act, 2001	<ul style="list-style-type: none"> • Section 11.2: BCI to ensure pluralism and diversity • Section 28: RTE’s public service remit: universal access (i.e. free-to-air service) and coverage of services (i.e. available, in so far as it is reasonably practicable, to the whole community on the island of Ireland) • Section 37: must-carry • Section 38: access to services of interest to people living in a particular geographical location • Section 39: development of geographic communities and/or communities of interest
	Public Broadcasting Charter	RTE, as the national public service broadcaster, has some obligations, such as: <ul style="list-style-type: none"> • reflect the democratic, social and cultural values of Irish society and the need to preserve media pluralism; • strive to reflect fairly and equally the regional, cultural and political diversity of Ireland and its peoples; • reflect regional diversity and include a significant range and proportion of indigenous programming (i.e. from outside the Dublin area); • reflect the lives and concerns of all social strata in Ireland and its news reporting and public affairs coverage should be undertaken from a variety of perspectives and not just from a Dublin viewpoint; • ensure that children are respected as young citizens with a valued contribution to make a voice of their own;

Member state	Regulation	General interest objective
		<ul style="list-style-type: none"> actively support the use of the Irish language in everyday life through the production of suitable programming; take measures to increase the accessibility and relevance of programming to those with a physical, sensory or intellectual disability.
	Radio and Television Act, 1988 BCI's Ownership and Control Policy (2005)	<ul style="list-style-type: none"> Plurality of ownership and diversity of content
	BCI's TV licence policy	<ul style="list-style-type: none"> Provide access to a diversity of programming from a variety of sources in the form of broadcasting services of such number and categories as will best serve the needs of the people of the island of Ireland, bearing in mind their languages and traditions and their religious, ethical and cultural diversity Provide a licensing regime which: <ul style="list-style-type: none"> caters for new media opportunities in content and which responds to technological and market developments; and increases the number and categories of television programme services and content, which, in particular, cater for the specific interests and needs of the people of the island of Ireland, (including local and regional communities). Facilitate the development of communities through the provision of television programme services designed to acknowledge and support such development Facilitate business opportunities in the media sector

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
IE	None The DCMNR has published a public service broadcasting charter , which clarifies what is expected from RTE as the national public service broadcaster.	RTE, Ireland's public service broadcaster	RTE must be a free-to-air service to be made available, in so far as it is reasonably practicable, to the whole community of Ireland.	The charter is intended to be kept under review so that it continues to reflect change in the broadcasting environment. A formal review of the charter is expected in 2009.

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
IE	Broadcasting Commission of Ireland (BCI)	Key functions include: <ul style="list-style-type: none"> content regulator for non-state sector broadcasting services (incl TV services on digital, cable, MMDS and satellite systems); developing codes and rules on programming and advertising standards; and monitoring all licensed services to ensure compliance with statutory obligations and terms of contracts. 	No
	RTE Authority	Acts as RTE's (Ireland's public service broadcaster) regulator, i.e. controls, manages, and authorises RTE's broadcasting services.	
	Commission for Communications Regulation (ComReg)	Key broadcasting functions include: <ul style="list-style-type: none"> developing and issuing radio equipment and spectrum licences for transmission purposes; devising new licensing regimes and drafting appropriate secondary legislation; and monitoring and enforcing compliance with licence terms and conditions. 	
	Department of Communications, Marine and Natural Resources (Broadcasting Division)	Key functions include: <ul style="list-style-type: none"> developing a policy and legislative framework to facilitate the provision of quality broadcasting services in Ireland; optimising the opportunities presented by the emerging technologies for the provision of new Irish-based broadcasting services; and ensuring that the approach taken on topics arising from the convergence of telecommunications and broadcasting will optimise the contribution of broadcasters, programme makers, other product generators, infrastructure operators and other participants in broadcasting-related activities. 	
	Broadcasting Complaint Commission (BCC)	Deals with all broadcasting complaints about radio and television broadcasters licensed in Ireland.	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
IE	<p>Hutchison 3G Ireland provides video-on-demand service.</p> <p>No commercial launch but ComReg is consulting on a scheme to issue licences for local or regional DVB in the UHF Band or potentially on a wider scale in the scale of DVB-H.</p> <p>NB O2 and Hutchison 3G Ireland have been authorised by ComReg to launch trials using DVB-H. RTE, the Irish public broadcaster, has also been authorised to launch a trial using digital audio broadcasting (DAB) standard for TV services.</p>	<p>The regulatory framework for licensing new content to be delivered via this platform is unclear. There is an argument that if the service falls within the definition of a broadcast service under the 2001 Act (as is the case in IP TV), then it might be licensed by the BCI. This is not a definitive position, as it has not arisen.</p> <p>ComReg intends to conduct a high level consultation on convergence, which could have an impact on the provision of mobile TV in Ireland.</p> <p>Proposed legislation lists the Broadcasting Commission of Ireland (BCI) as the content regulator for DVB-H.</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
IE	<p>Magnet Networks uses FTTH and services can be accessed via a TV set-top box.</p> <p>Smart Telecom ('Smart Vision') uses FTTH and services can be accessed via PC or a TV set-top box.</p>	<p>No specific regulatory framework for IP TV</p> <p>IP TV operators only need a general authorisation to provide services.</p> <p>No broadcasting content licence is required as long as only existing content is transmitted (and therefore no programming is produced).</p> <p>New content services can be licensed by the BCI if they are broadcasting services as defined under the 2001 Act</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Ireland				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
	A "general authorisation" means an authorisation for an undertaking to provide an electronic communications network or service under and in accordance with Regulation 4 of S.I. 306 of 2003 .	Yes	Same as those of the Authorisation Directive, see Doc 03/81 .	See note below.
	<p>Procedure for the general authorisation</p> <p>1. Notification form must be completed and sent to ComReg. with the following minimal information:</p> <ul style="list-style-type: none"> • name and address of notifying person; • contact details; • network/service description; • if networks/services are to be publicly available; • estimated date of commencement. <p>2. If the form is completed correctly, the person is deemed to be authorised on the date of receipt of the notification form by ComReg. The person may start operations without further formalities (subject to meeting other requirements provided for in law (such as planning permission). ComReg may request further information from a notifying person if the notification form has not been completed properly.</p> <p>3. ComReg issues a declaration (standard acknowledgment) within one week of the receipt of a completed notification form. It contains the confirmation that the person has submitted a notification and details the circumstances under which that person has the right to:</p> <ul style="list-style-type: none"> • apply for a consent to carry out road works; • negotiate interconnection, and • obtain access to access and interconnection. <p>ComReg publishes details of the notifying person on a register along with details of the intended network and/or service. See Doc 03/83</p>			
Analogue terrestrial	Same as above.	Yes	Same as above	Same as above
Digital terrestrial	No DTT in Ireland.			
Cable/MMDS	Same as above	Yes	Same as above	Same as above
Satellite	No Irish satellite operator. No notification needed for broadcasting satellite services supplied from abroad (the UK).			
Fixed telecommunications network	Same as above	Yes	Same as above	Same as above
Mobile telecommunications network (UMTS)	Same as above	Yes	Same as above	Same as above
Deflectors	Same as above	Yes	Same as above	Same as above

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Ireland		
	Network operator	TV channel
Analogue terrestrial TV	Notification to ComReg (see note F) (general authorisation) Analogue terrestrial licence - RTE licence (see note C1)	Television programme service contract (see note A)
MMDS	Notification to ComReg (general authorisation) (see note F) MMDS TV licence (see note C2)	MMDS content licence (see note B1) from BCI Local content contracts (see note B3) from BCI Community content contract (see note B3) from BCI
Deflector (see note below)	Notification to ComReg (general authorisation) (see note F) Deflector licence (see note C3)	No licence needed (no Irish channels).

Deflectors are operators that deliver broadcast services (maximum of 4 channels, usually the UK channels BBC 1 & 2, ITV, and Channel 4) to rural parts of Ireland (using UHF frequencies). These services are usually considered as complementary to the national analogue terrestrial network. The networks are fragmented (only in certain parts of the country), mainly small (less than 1,000 subscribers), and generally have low coverage capacity. They were supposed to be replaced by DTT.

Ireland			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	Notification to ComReg (general authorisation) (see note F) No content licence is required as long as they do not produce content.	Notification to ComReg (general authorisation) (see note F) Content licence	Cable content contract (see note B1) from BCI Local content contracts (see note B3) from BCI Community content contract (see note B3) from BCI
TV over Fixed telecommunications networks (DSL)	Notification to ComReg (general authorisation) (see note F) No content licence is required as long as they do not produce content.	Notification to ComReg (general authorisation) (see note F) Content licence	Only video-on-demand currently offered for which no licence is needed.
Mobile networks (UMTS)	Does not exist.	Does not exist.	Does not exist.

Ireland			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	Notification to ComReg (general authorisation) (see note F) Transmission licence (see note E)	Multiplex licence (see note E)	Digital content contract (B5)

Ireland			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	No satellite in Ireland. Would require: <ul style="list-style-type: none"> a licence for uplinks to satellite (see note C4); notification ComReg (general authorization) (see note F). 	No Irish commercial bouquet	Satellite content contract (see note B2) from BCI Local content contracts (see note B3) from BCI Community content contract (see note B3) from BCI

Ireland				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H /DMB)	No legal framework yet	No legal framework yet	No legal framework yet	No legal framework yet

Ireland	
	CONTENT Licences
A	<p>Television programme service contract</p> <p>BCI licenses independent broadcasting services aiming to provide listener choice and diversity. Currently BCI licenses a national television programme service (TV3), a national radio service (Today FM) and 53 local, community, community of interest and institutional radio services.</p> <p>RTE Authority is the regulator of RTE broadcasting services (the Irish public service broadcaster). As a public broadcaster, RTE is not subject to a content licence, but established under the broadcasting Act 1960.</p>
B	<p>Additional television services</p> <p>BCI also licenses content (additional television services) on digital, cable, MMDS and satellite systems.</p> <p>The approach to content licensing varies according to the platform (cable/MMDS and satellite) or the audience (community, local, national, trans-national). In addition, content contracts are not mutually exclusive (for example, it is possible for a particular programme type to be licensed under different sections of the Broadcasting Act 2001. Terms of 10 years.</p>
B1	<p>Cable/MMDS content contracts</p> <p>These contracts allow for the supply of a compilation of programme material to be broadcast by means of a cable or MMDS. They are strictly platform specific. An additional satellite content contract is necessary for the transmission of the same content on satellite. Additional local and or community content contracts are needed where local and or community content is to be supplied. Terms of 10 years.</p>
B2	<p>Satellite content contracts</p> <p>These contracts allow for the licensing of a broad range of television content, targeting national, international, or smaller local, regional, and or community audiences. It allows for the re-transmission of services carried on other platforms and for services offered to viewers on a subscription or pay-per-view basis. An additional content contract is necessary for the transmission of the same content on MMDS/cable. Additional local and or community content contracts are needed where local and or community content is to be supplied. Terms of 10 years.</p>
B3	<p>Local content contracts</p> <p>Local content contracts are more likely to be in the form of a block of content supplied to a cable or MMDS, to be combined with other licensed content. The programme content should also be of such a character as is likely to make it of special interest to people living in that locality. Where these services are to be transmitted on satellite, a satellite contract licence is needed. Terms of 10 years.</p>
B4	<p>Community content contracts.</p> <p>These services will be licensed to serve a specific geographical community and or community of interest. These services will promote and support active participation in, and demonstrate commitment to, principles of community empowerment and community development. These services must be carried on cable and MMDS. Terms of 5 years</p>
B5	<p>Digital content contract for DTT</p> <p>DTT has not been introduced in Ireland.</p>

Ireland	
	SPECTRUM licences
	Under the Wireless Telegraphy Act 1926, ComReg issues licences for the possession and operation of apparatus for wireless telegraphy. The licences allow for the installation and right to use the equipment necessary (wireless telegraphy apparatus) to transmit programme services (rather than allowing for the use of allocated frequencies per se).
C1	Analogue terrestrial RTE licence. The Broadcasting Act 1960 entitles RTE Authority to “establish, maintain and operate broadcasting stations and to acquire, install and operate apparatus for wireless telegraphy”. These powers may not be exercised save under licence issued by ComReg. Expires on February 28, 2012 (see doc 05/13a). BCI TV and sound broadcasting contract licences.
C2	MMDS TV licence Terms of 10 years (Chorus' licence expires in 2014 and ntl's licence in 2012).
C3	Deflector licence This licence authorises the operation of retransmission stations using a maximum of four frequency channels at any single location. Term of 1 year.
C4	Satellite (no satellite operator in Ireland) Licence for uplinks to satellite (fixed satellite earth station) (i.e. apparatus for wireless telegraphy, located on the earth's surface, intended for the transmission of radio signals to, and or the reception of radio signals from a space station). Term of 1 year.
D	Mobile telecommunications rights of use UMTS licences. Terms of 20 years.
E	Digital terrestrial DTT not introduced in Ireland but legislation exists which would provide two licences, both for a term of 15 years: <ul style="list-style-type: none"> • transmission licence (including assigned frequencies) for the transmission services to the DTT multiplex operator; and • multiplex licence for the operation of multiplexes and the retailing of packages of TV and other services.
F	General authorisation No conditions specific to broadcasting in the general authorisation. Procedure for notification: <ol style="list-style-type: none"> 1. A notification form must be completed and sent to ComReg. with the following minimal information: <ul style="list-style-type: none"> • name and address of notifying person; • contact details; • network/service description; • if networks/services are to be publicly available; • estimated date of commencement. 2. If the form is completed correctly, the person is deemed to be authorised on the date of receipt of the notification form by ComReg. The person may start operations without further formalities (subject to meeting other requirements provided for in law (such as planning permission). 3. ComReg may request further information from a notifying person if the notification form has not been completed properly. 4. ComReg issues a declaration (standard acknowledgment) within one week of the receipt of a completed notification form. It contains the confirmation that the person has submitted a notification and details the circumstances under which that person has the right to: <ul style="list-style-type: none"> • apply for a consent to carry out road works; • negotiate interconnection; and • obtain access to access and interconnection. <p>ComReg publishes details of the notifying person on a register along with details of the intended network and or service. See Doc 03/83.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
IE	Still to be decided. See ‘Ireland – Intentions towards digital switch-over’ (in 2003). ComReg’s strategy statement on spectrum management 2005-2007 speaks about analogue switch-off by 2014.	No	-	-	-	See note below.
<p>The following plans are expected:</p> <ul style="list-style-type: none"> • The Ministry explores options aimed to introduce digital free-to-air TV. A DTT pilot was to be undertaken in August 2006, with one multiplex carrying the four national TV channels. It is planned to accommodate DTT in the UHF band. See Doc 04/108; • ComReg consults on a scheme to issue licences for local and regional DVB-T in the UHF band or potentially on a wider scale in the case of DVB-H. <p>RTE the Irish public broadcaster, has launched a trial using digital audio broadcasting (DAB) standard for TV services.</p> <p>NB Although the Broadcasting Act 2001 provides for introduction of DTT, the process did not result in the successful bid for the multiplex licence and DTT was not rolled out.</p>						

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Ireland					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	ComReg directly (except for commercial channels where ComReg assigns the frequencies to BCI that grants them to TV3, Today FM and independent local radio and community stations).	No BCI grants licences for broadcasting services or content. RTE Authority acts as regulator for RTE the public service broadcaster.	Broadcasters	RTE licence: spectrum assigned by ComReg to RTE as it is the Irish public service broadcaster BCI TV and sound broadcasting contract licences:	Frequency licences and content licences are more or less obtained simultaneously. The typical process is as follows: <ul style="list-style-type: none"> • BCI seeks expressions of interest for new channels/services. • If interest showed, BCI asks ComReg whether spectrum is available. • If yes, BCI organises a beauty contest and selects a winner; ComReg allows BCI to assign spectrum to the selected broadcasters; and ComReg amends the BCI licence to include details of the new frequency or frequencies. • BCI awards content contract to the winner of beauty contest (including the frequencies).
MMDS	ComReg	No The TWF Directive applies to content, apart from additional services originating in Ireland which are subject to a licence from the BCI	MMDS operators	Beauty contest	No additional frequencies are made available to accommodate additional services on MMDS. All programming must be accommodated in the spectrum included in the existing licences.
Deflector	ComReg	As content on deflector networks consists of relays of UK-based stations, it is therefore not subject to regulation by BCI. The TWF Directive applies to content.	Deflector operators	Beauty contest ODTR doc 99/55 ODTR 99/65 – guidance note for applicants.	No additional frequencies are made available to accommodate additional services on deflector networks. All programming must be accommodated in the spectrum included in the existing licences.
Digital terrestrial (DVB-T)	DTT not introduced yet Expressions of interest and tenders are being sought for the transmission equipment elements of the DTT Pilot. See Ministry website .				

Ireland					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Mobile over terrestrial networks (DVB-H /DMB)	Trials using DVB-H and DAB standards were launched in 2006.				
Satellite	No satellite operator in Ireland				

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
IE	General conditions			
	<p>Same, except that there is no mention of conditions relating to the transfer of rights (see Part B of Authorisation Regulations).</p> <p>NB As licences are issued for the possession of apparatus rather than for the use of allocated frequencies, it is difficult to enable operators to transfer rights to use radio frequencies to other companies.</p>	<p>Information obligations under the general authorisation (see Reg. 18 of Authorisation Regulations) may be required by ComReg for:</p> <ul style="list-style-type: none"> • case by case or systematic verification of administrative charges, contributions of funding to universal service or usage fees; • case by case verification of compliance with general authorisation and frequency conditions; or in case of investigation by ComReg; • procedures for and assessment of requests for granting rights of use; • publication of comparative overviews of quality and price services for consumer benefit; • statistical purposes; • market analysis purposes. <p>Except for the procedures for and assessment of requests for granting rights of use, that information cannot be requested as a condition for market access.</p>	Depends on the platform (see below)	No general content condition attached with the granting of frequency licences.

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
		Amendment of rights and obligations (see Reg 15 of Authorisation Regulations); Enforcement - compliance with obligations (see Reg 16); Suspension/withdrawal of licences/rights of use (see Reg 17).		
Analogue terrestrial				
	RTE licence: <ul style="list-style-type: none"> conditions relating to the operation, maintaining and establishment of broadcasting stations and wireless apparatus; compliance with any ComReg directions; compliance with ICNIRP radio emission standards prevention of interference No licence transfer without prior consent of ComReg. 		Conditions relating to the establishment and operation of analogue radio and television broadcasting stations. See doc 05/13a , p 9.	No content condition attached with the granting of frequency licences
	BCI TV and sound broadcasting contract licences:		Licences not publicly available	Same as above
MMDS				
	MMDS licence (see doc 99/81 & S.I. 529 of 2003 Wireless Telegraphy MMDS Regulations 2003): <ul style="list-style-type: none"> roll-out network coverage; provision of digital TV services by specified dates; no transfer of licence without prior consent of ComReg; effective and efficient use; licence duration; prevention of interference; variation of licence; force majeure events; additional conditions on restrictions, information and inspection (Reg. 11 & 12 of S.I. 529 of 2003). 		There are: <ul style="list-style-type: none"> technical conditions for analogue and for digital transmission; conditions for the operation of conditional access systems; technical conditions for digital MMDS (frequency spectrum management, safety and the provision of a satisfactory service to the subscriber): <ul style="list-style-type: none"> at 2524 to 2668 MHz, see Doc 04/42 at 12GHz see Doc 04/28. 	Same as above
Deflector				
	<ul style="list-style-type: none"> duration and renewal of licences; exclusive use for provision of UHF TV programme retransmission and on frequency channels as specified in the licence; no transfer of rights without consent of ComReg; compliance with ICNIRP guidelines; payment of fees; no restriction on the make or type of apparatus which may be sued for receiving licensed programme services; use of apparatus for transmission of no more than 4 frequency channels; amendment, revocation and suspension; prevention of interference (in particular, licence can be revoked or suspended continued operation causes interference with DTT. <p>See Wireless Telegraphy (UHF Television Programme Retransmission) Regulations 2003.</p> <p>Detail of licences: see doc 00/39</p>		List of frequency channels doc 00/25 Conditions relating to the establishment and operation of an analogue UHF television retransmission service in the frequency band 470.0 - 862.0 MHz (see Pro format licence doc 00/37r).	Same as above

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
	Satellite (no satellite operator in Ireland)			
	<p>Fixed satellite earth stations licence:</p> <ul style="list-style-type: none"> • efficient and exclusive use; • no licences transfer or lease ; • compliance with ICNIRP guidelines; • no harmful interference; • safety conditions; • measures in order not to receive non-authorised information/messages by earth stations; • no divulgation of non-authorised information/messages received unintentionally; • Compliance with any ComReg directions and requirements relating to the licensed satellite earth station under applicable Irish and EC law; • Enforcement, amendment, revocation and suspension. <p>Reg. 13 of Wireless Telegraphy (fixed satellite earth stations) regulations.</p>		Technical conditions for fixed satellite earth stations	Same as above
	DTT (not introduced in Ireland)			
	<p>However, legislation is in place (until superseded by new legislation). It states:</p> <p>Multiplex operator:</p> <ul style="list-style-type: none"> • authorised to operate six multiplexes; • duration of licence: 15 years; • licence fee of 3.5% of gross revenues; • no charge for customer requiring free-to-air channels only • data cap of 20% of each multiplex at any one time, subject to an aggregate maximum of 15% over a 24h period to apply. • prior approval for charges put on broadcasters; • no prior approval of retail prices but investigations (followed by directions) from ComReg are possible; common national price to apply • non discriminatory and fair digital content contracts concluded with broadcasters • maintenance of accounts; • one multiplex to RTE; half a multiplex to TnaG and TV3 and whole or part of multiplex to be reserved to Northern Ireland; • arrangements with service providers cannot result in the having insufficient capacity for to carry Northern Ireland services; • where BCI terminates contracts or if these contracts expire and are not renewed, they have to be discontinued by the multiplex company; • licensed services to be received in open standard digital TV; • Additional licences for the multiplexing of programme material or other data to licensee or other person is possible. <p>Transmission operator:</p> <ul style="list-style-type: none"> • prior approval for charges put on multiplex operator • duration of licence: 15 years (run conterminously with the multiplex licence); • universal service obligations on the transmission company (target: 99% of population no later than 10 years after launch); • maintenance of separate accounts. 		<ul style="list-style-type: none"> • Draft technical conditions for the multiplex licence: see p 31 of doc 01/17 • Draft technical conditions for conditional access: see p 38 of doc 01/17 • Draft technical conditions for the transmission licence: see p 41 of doc 01/17 	<ul style="list-style-type: none"> • one multiplex to RTE; • half a multiplex to TnaG and TV3. • whole or part of a multiplex to be reserved for Northern Ireland.

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
IE	There are administrative charges and spectrum licence fees.		
	Administrative charges per annum	Spectrum fee (per annum)	
			There is an argument for treating networks used for TV distribution in the same way as the rest of the telecommunications industry, which would imply a harmonisation of the basis for fees and charges. However, as noted in 03/61, convergence apparently did not extend to consumers of retail broadcasting services and, for the time being, it was decided not to treat the provision of access to end users at the retail level as an electronic communications service to which ComReg's regulatory powers under the new framework relate. See Doc 03/98 .
	RTE terrestrial network: € 100 per transmitter	Not applicable (n/a)	
	BCI's contractor's terrestrial networks: € 100 per transmitter	n/a	
	Cable networks: € 0.50 per subscriber connected	n/a	
	MMDS networks: € 0.50 per subscriber connected.	X/Y x € 1,905/MHz X/Y is the number of homes passed divided by total number of TV households (currently 1.373 million).	
	Deflector networks: € 0.50 per subscriber connected.	Deflector networks: € 50 per transmitter	
	Satellite networks with downlinks to Ireland but licensed abroad: € 0.50 per satellite receiving dish (on a voluntary basis).	The voluntary scheme has never been proceeded with.	
	DTT networks: (not introduced in Ireland yet): € 0.50 per subscriber (per play platform operator) or € 100 per transmitter carrying free TV services.	DTT networks: € 1,905/MHz	
Transmission services (terrestrial and satellite)	0.2% of relevant revenues This relates to revenues from non-broadcasting activities, such as access to the network.		
NB Entities are exempt from paying administrative charges that total less than € 1,000 in the financial year.			

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
IE	No review took place and no changes expected. Must-carry rules are included in the Broadcasting Act 2001 (section 37). ComReg has not included "must-carry rules" in the Universal Service Regulations 2003 as it is not the body with statutory responsibility for content regulation. It is also mindful of the requirement that the general authorisation conditions should not duplicate conditions applicable to undertakings because of other national legislation.			

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Ireland							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	Not applicable	<p>RTE Transmission Network Limited's ("RTNL's") has no must-carry obligations but:</p> <ul style="list-style-type: none"> it fulfils RTE's obligations under the broadcasting legislation to provide radio and TV services; transmission services must be available nationally. <p>RTNL is RTE's transmission operation providing analogue terrestrial transmission services to TV and radio broadcasters in Ireland.</p>	Not applicable (case of self-supply)	Not applicable		<p>Public TV channels:</p> <ul style="list-style-type: none"> RTE 1 RTE 2 TG4 (Irish language service) <p>Public radio stations:</p> <ul style="list-style-type: none"> RTÉ Radio 1 (news, current affairs, chat shows, some music) 2FM (popular music) Lyric FM (classical) Radio na Gaeltachta (Irish language service) 	RTE is the Irish national public broadcaster. It is required under the Broadcasting Act 2001 to endeavour to ensure insofar as it is reasonably practicable to offer free-to-air services to the whole Irish community.

Ireland							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Cable/MMDS network (analogue and or digital)	Broadcasting Act, 2001 , art 37 Cable and MMDS licences record the must-carry obligations.	Cable operators and digital MMDS operators have a must-carry obligations for the four free-to-air national channels; analogue MMDS operators have a 'must-carry' obligation on TV3; NB The new community TV ("Dublin Community TV") to be launched in 2007 will also have must-carry status.	No rationale	No general interest objectives mentioned in legislation.	Specified analogue/digital free-to-air services (i.e. RTE1, NET2, TG4 and TV3) on analogue/digital cable network. Specified analogue/digital free-to-air service (i.e. TV3) on analogue/digital MMD system.	RTE 1, RTE 2 and TG4 are public channels. TV3 is an independent commercial channel. NB The new community TV ("Dublin Community TV") to be launched in 2007 will also have must-carry status (see below).	Offering free-to-air services to the whole Irish community.
	RTE Transmission Network Limited's ("RTNL's") has no must-carry obligations but transmission services must be available nationally and it fulfils RTE's obligations under the broadcasting legislation to provide radio and TV services; RTNL is RTE's transmission operation providing analogue terrestrial transmission services to TV and radio broadcasters in Ireland						
Satellite					None. There is no satellite operator in Ireland. For satellite broadcasting services that are originated from abroad (such as Sky Digital Service in the UK), content regulation is the responsibility of the country of origin. However, there is an agreement between BskyB and RTE/TV3 under which RTE/TV3 programmes are transmitted (i.e. must-carry channels).	RTE 1, RTE 2 and TG4 are public channels. TV3 is an independent commercial channel.	Offering free-to-air services to the whole Irish community.

Ireland							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Digital terrestrial	No DTT in Ireland						
Fixed network operator					None	N/A	N/A
Mobile network operator					None	N/A	N/A
Other					Under the Broadcasting Act 2001, must-carry obligations may be extended to local/community TV channels which enter into a new contract regime with the BCI.		

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
IE	There is no legal provision on a financing mechanism. No money is paid or received for the carriage of 'must-carry' channels (i.e. the RTE/TV3 channels). However, cable and MMDS operators generally pay other programmers a fee per subscriber for the rights to carry their channels (other than must-carry channels).	No money is paid or received for the carriage of 'must-carry' channels.	TV3 and Today FM pay RTNL for transmission services. Deflector operators pay the UK channels for the right to retransmit their programmes. Local radio stations that do not own their transmission, lease their transmission from third parties (RTE, ntl, Chorus and mobile operators in exchange for payment).
	Satellite operators are not subject to must-carry obligations, but an arrangement exists between BSkyB and RTE/TV3, under which no money is paid by either party for the transmission of RTE/TV3 programmes (i.e. must-carry programmes).		

Table 17 - Must-offer

This table describes whether a Member State has imposed "must-offer" obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
IE	No must-offer obligations				

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
IE	Radio broadcasting transmission services on national analogue terrestrial networks	Yes	N/A
	TV broadcasting transmission services on analogue terrestrial networks	Yes	N/A
	Radio broadcasting transmission services on local/regional analogue terrestrial networks	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> no high barriers to entry.
	Broadcasting transmission services on cable and satellite networks	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> market tends towards competition.
	Sources: ComReg Market Analysis Document 03/126 and Response to Consultation 04/06 – Wholesale broadcasting transmission services		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
IE	Radio broadcasting transmission services on national analogue terrestrial networks	RTENL	No	No However, ComReg has said it could reconsider its position at a later date should the output of the accounting separation (which is a remedy proposed by ComReg) show discriminatory treatment of broadcasters or excess profits in RTENL's regulated business.
	TV broadcasting transmission services on analogue terrestrial networks	RTENL	No	
Sources: ComReg Decision 04/47 on SMP designation and Decision 04/122 on remedies – Wholesale broadcasting transmission services.				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
IE	Regulation: <ul style="list-style-type: none"> European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003 S.I. 307 of 2003 (Reg. 2 for definition) European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 S.I. 305 of 2003 (Reg. 7) Responsible authority: ComReg	Offer services on a fair, reasonable and non-discriminatory basis	All existing and future providers of CAS	Commercial negotiations	In its analysis of market 18 , ComReg considers that the existing obligation to offer services on a fair, reasonable and non-discriminatory basis which is imposed on all providers of CAS in Ireland continues to be appropriate. It is therefore not appropriate to undertake a review of this obligation.

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
IE	European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2003 S.I. 307 of 2003 (Section 28) European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 S.I. 305 of 2003 , Section 6 (2)(b) ComReg BCI must be consulted if access obligations are placed on API providers.	Open standards are used.	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
IE	<p>Broadcasting Act, 2001 (section 16)</p> <p>European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 S.I. 305 of 2003, Section 6 (2)(b)</p> <p>European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003 S.I. 307 of 2003</p> <p>BCI</p> <p>ComReg must consult BCI where access obligations would be put on EPG providers.</p>	<p>The Broadcasting Act, 2001 defines an EPG as “an electronic means of providing information to members of the public about the schedule of programme material the subject of any broadcasting service”.</p> <p>The Act also specifies that the preparation or making available of an EPG is subject of obtaining an EPG contract from BCI. Holders of such a contract are required to</p> <ul style="list-style-type: none"> comply with guidelines made by BCI; and enable access by the public to schedules of programme material provided by RTE, TnaG, TV3 and any broadcasting service provided “in Northern Ireland by any person being a service that is receivable throughout the whole of Northern Ireland and which is provided by terrestrial means”. BCI may invite expressions of interest in the securing of a programme guide contract. <p>No access obligations are imposed. According to BCI, ntl (cable operator), which is the only provider of EPG, complies with best practices.</p>

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
IE	<p>In principle, the Competition Authority is responsible for administering and enforcing the Competition Act 2002. Sections 4 and 5 of the contain provisions which are closely modelled on Articles 81 and 82 of the EC Treaty.</p> <p>However, anti-competitive practices in the telecommunications sector can be reviewed by ComReg and the Competition Authority and in the broadcasting sector by the BCI and the Competition Authority depending on the nature of the practice and whether it gives rise to a breach of the regulatory provisions alone or also a breach of the Competition Act, 2002.</p> <p>Following section 34 of the Act, there are co-operation agreements between ComReg and the BCI and the Competition Authority governing situations where both parties have an interest in a particular subject.</p>	<p>Section 23 of the Act contains specific provisions on control of media mergers.</p> <p>The main authorities involved in the review of media mergers are the Competition Authority and the Minister for Enterprise, Trade and Employment.</p> <p>ComReg or the BCI is consulted according to the nature of the merger.</p>	<p>Merger control</p> <p>No media merger has yet been blocked by the Competition Authority/Minister for Enterprise, Trade and Employment although one merger, Scottish Radio Holdings/FM104 (M/03/033), was cleared subject to conditions.</p>

Italy

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
IT	Analogue terrestrial TV	98% population coverage
	Digital terrestrial TV (DVB-T)	4 million households (total number of households is c.a. 22 million)
	Satellite TV	3.5 million households
	Cable TV	200,000 households
	IP TV providers <ul style="list-style-type: none"> • Fastweb • Alice Home TV (Telecom Italia) 	No information available
	Mobile TV (DVB-H and 2G/3G)	No information available
	Source: AGCOM June 2006	

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
IT	Decreto Legislativo 1 agosto 2003, n. 259 , Codice delle comunicazioni elettroniche Electronic Communications Code (transposing the EU 2003 regulatory framework)
	Decreto legislativo 31 luglio 2005, n. 177 , Testo unico della radiotelevisione Consolidated text on broadcasting
	Legge 20 marzo 2001, n. 66 , Conversione in legge, con modificazioni, del decreto-legge 23 gennaio 2001, n. 5 , recante disposizioni urgenti per il differimento di termini in materia di trasmissioni radiotelevisive analogiche e digitali, nonché per il risanamento di impianti radiotelevisivi. Digital Broadcasting Law 2001
	AGCOM decision n. 435/01/CONS , Approvazione del regolamento relativo alla radiodiffusione terrestre in tecnica digitale Authorisations and licences for terrestrial digital broadcasting
	AGCOM decision n. 149/05/CONS of March 7, 2005, Approvazione del regolamento recante la disciplina della fase di avvio delle trasmissioni radiofoniche terrestri in tecnica digitale (Authorisations and licences for terrestrial digital radio broadcasting during the transition from analogue to digital broadcasting)
	AGCOM decision n. 253/04/CONS , Norme a garanzia dell'accesso dei fornitori di contenuti di particolare valore alle reti per la televisione digitale terrestre Access to digital network by content providers of 'particular value'
	Legge 3 maggio 2004, n. 112 , Norme di principio in materia di assetto del sistema radiotelevisivo e della RAI - Radiotelevisione italiana Spa, nonché delega al Governo per l'emanazione del testo unico della radiotelevisione 'Gasparri Law' 2004, now for the most part replaced by the 'Consolidated text on broadcasting'
	AGCOM decision n. 15/03/CONS , Approvazione del piano nazionale di assegnazione delle frequenze per la radiodiffusione televisiva terrestre in tecnica digitale (PNAF-DVB) Digital frequency assignment plan
	AGCOM decision n. 136/05/CONS , Interventi a tutela del pluralismo ai sensi della legge 3 maggio 2004, n. 112 AGCOM decision on duopoly of RAI and RTI

Member state	Types of regulations affecting broadcasting industry
	<p>AGCOM decision n. 61/06/CONS, 1 febbraio 2006, consultazione pubblica sulla identificazione ed analisi del mercato dei servizi di diffusione radiotelevisiva per la trasmissione di contenuti agli utenti finali, sulla valutazione di sussistenza del significativo potere di mercato per le imprese ivi operanti (mercato n. 18 fra quelli identificati dalla raccomandazione sui mercati rilevanti dei prodotti e dei servizi della commissione europea).</p> <p>AGCOM national level consultation of February 1, 2006 on market 18 covering the definition of relevant markets and assessment of SMP</p>
	<p>AGCOM decision n. 266/06/CONS, Modifiche al regolamento relativo alla radiodiffusione terrestre in tecnica digitale di cui alla delibera n. 435/01/CONS. Disciplina della fase di avvio delle trasmissioni digitali terrestri verso terminali mobili</p> <p>Amendments for mobile TV to the AGCOM decision n. 435/01/CONS on authorisations and licences to provide terrestrial digital broadcasting</p>
	<p>Decreto del Presidente della Repubblica 28 marzo 1994, Approvazione della convenzione tra il Ministero delle poste e delle telecomunicazioni e la RAI - Radiotelevisione italiana S.p.a. per la concessione in esclusiva del servizio pubblico di diffusione circolare di programmi sonori e televisivi sull'intero territorio nazionale</p> <p>Licence Convention between the State and RAI</p>
	<p>Contratto di servizio 2003-05 tra il Ministero delle Comunicazioni e la RAI – Radiotelevisione Italiana Spa</p> <p>Service Contract between the Ministry of Communications and RAI</p>
	<p>Legge 31 luglio 1997, n. 249, Istituzione dell'Autorita' per le garanzie nelle comunicazioni e norme sui sistemi delle telecomunicazioni e radiotelevisivo</p> <p>Law setting up AGCOM and Introducing Regulations of the Telecommunications and Broadcasting Systems ('Maccanico Law 1997')</p>

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
IT	<p>Decreto legislativo 31 luglio 2005, n. 177, Testo unico della radiotelevisione:</p> <ul style="list-style-type: none"> Article 3 defines the “fundamental principles”; Article 45 sets out the actual public “<i>general public broadcasting service</i>” obligations. 	<p><i>Fundamental principles</i> (that all broadcasters must follow):</p> <ul style="list-style-type: none"> Pluralism Freedom to express opinions, receive or communicate information or ideas, unrestricted by national frontiers Objective, complete, trustworthy and impartial information Receptiveness to different political, social, cultural, religious opinions and tendencies Ethnic differences and national and local cultural, artistic and environmental heritage Freedom, rights, and dignity of a person Promotion and defence of the well-being, health and harmonious physical, psychic, and moral development of children, as guaranteed in the Italian constitution, Community law, and international norms in force in the Italian legal system, state and regional laws <p><i>General public broadcasting service obligations</i> (that RAI must satisfy)</p> <ul style="list-style-type: none"> Guarantee national broadcasting of all programmes of public service radio and television, as far as technical conditions allow Broadcast an adequate number of radio and television programmes devoted to education, information, training, promotion of culture, and theatrical, cinematographic, television and musical works, including works in the original language, that are recognised as being of great artistic value or highly innovative. The number of hours devoted to such programmes is defined every three years by the Communications Authority. Children’s programmes are excluded from the calculation of these hours

Member state	Regulation	General interest objective
		<ul style="list-style-type: none"> • Allocate broadcasting time, in accordance with the legislation, to: all parties and groups represented in Parliament; regional assemblies and councils; local autonomy associations; national trade unions; religious denominations; political movements; public bodies; political and cultural associations; legally recognized national cooperative associations; and ethnic and linguistic groups. • Establish a company for producing, distributing, and broadcasting Italian programmes abroad • Broadcast in German and Ladino in the autonomous provinces of Bolzano and Trento, in French in the autonomous region of Valle d'Aosta, and in Slovenian for the autonomous region of Friuli Venezia Giulia • Broadcast announcements of public and social interest, as requested by the Prime Minister, free of charge, and broadcasting information on road and motorway traffic • Broadcast children's programmes at appropriate hours • Preserve, and provide public access to, historical radio and television archives • Reserve a quota of no less than 15% of the overall annual revenue for the production of European works, including those made by independent producers • Build infrastructure for digital terrestrial broadcasting • Create interactive digital services of public use • Respect the limits for advertising • Adopt suitable measures for people suffering from sensory disabilities • Promote and develop decentralized production centres • Provide for distance learning
	<p data-bbox="328 1140 695 1424">Decreto del Presidente della Repubblica 28 marzo 1994, Approvazione della convenzione tra il Ministero delle poste e delle telecomunicazioni e la RAI - Radiotelevisione italiana S.p.a. per la concessione in esclusiva del servizio pubblico di diffusione circolare di programmi sonori e televisivi sull'intero territorio nazionale</p> <p data-bbox="328 1435 663 1487">Licence Convention between the State and RAI</p> <p data-bbox="328 1498 679 1576">Contratto di servizio 2003-05 tra il Ministero delle Comunicazioni e la RAI – Radiotelevisione Italiana Spa</p> <p data-bbox="328 1588 655 1666">Service Contract between the Ministry of Communications and RAI</p>	

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
IT	<p>In practice, the border between public service broadcasting and commercial broadcasting is not clear.</p> <p>Article 7 of Decreto legislativo 31 luglio 2005, n. 177, Testo unico della radiotelevisione</p> <p><i>“Information provided on radio and television by any broadcaster is a service of general interest”.</i></p> <p>However, article 45 of the same law then defines the duties associated with the “general public broadcasting service”.</p>	<p>RAI-Radiotelevisione italiana SPA (RAI) until 2016</p> <p>Article 45 of Decreto legislativo 31 luglio 2005, n. 177,</p> <p><i>“The general public broadcasting service licence is granted to ... company, which operates on the basis of a national service contract, which is stipulated with the Ministry of Communications, and regional and provincial service contracts, as with the autonomous provinces of Trento and Bolzano, which lay down the rights and obligations of the licensee. These contracts are renewed every three years.”</i></p>	<p>Coverage</p> <p><i>Analogue TV: article 16 of the service contract</i></p> <p>RAI 1-3: 99% of national population</p> <p>RAI 3: 97% of regional population</p> <p><i>FM radio: article 17 of the service contract</i></p> <p>RAI 1-3 99% of population and 80% of the territory</p> <p>Article 45(2)(a) of Decreto legislativo 31 luglio 2005, n. 177</p> <p><i>“Guaranteeing national broadcasting of all programmes of public service radio and television, as far as technical conditions allow.”</i></p> <p>Presence</p> <p>Analogue terrestrial TV/radio</p> <p>DVB-T</p>	<p>Article 45(4) of Decreto legislativo 31 luglio 2005, n. 177</p> <p><i>“Before the end of each three-year period, a joint resolution adopted by AGCOM and the Minister for Communications sets guidelines for the renewal of the national service contract, and any new general public broadcasting service obligations, bearing in mind market developments, technological progress, and national and local cultural needs.”</i></p>
<p>The company holding the general public broadcasting service licence may carry out, commercial and editorial activity provided that they do not adversely affect the quality of the public service and contribute to good company management. RAI is partly funded by advertising revenue.</p> <p>99.5% of RAI is controlled by RAI Holding Spa (100% owned by the Italian State, i.e. the Ministry of Finance), and 0.45% is owned by <i>Società Italiana degli Autori ed Editori (SIAE)</i>, the intellectual property rights association.</p> <p>Under the Italian legal framework, RAI does not differ much from private broadcasters. Under ‘Testo Unico’, the difference between RAI and private broadcasters seems to be that under law and the agreements with the State, it carries out specific assignments, and its main source of income and financing is the annual licence fee imposed on the taxpayers.</p>				

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities’ website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
IT	Ministry of Communications (Ministero delle Comunicazioni)	<ul style="list-style-type: none"> • Granting of most authorisations and individual licences • National frequency allocation plan • Approval of the ‘Service Contract’ with RAI (mission and content of the public service, renewed every three years) • Approval of the Licence Convention between the State and RAI 	No

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
	Communications Regulatory Authority (Autorità per le garanzie nelle comunicazioni (AGCOM))	<ul style="list-style-type: none"> Analysis, regulation, and supervision of market 18 Guaranteeing the enforcement of fundamental rights (freedom of speech etc) General supervision and enforcement of broadcasting regulation National plan for the assignment of frequencies Power to intervene in case of dominance in the <i>'integrated communications system'</i> (<i>sistema integrato delle comunicazioni</i>) (SIC). AGCOM can adopt measures to boost competition and pluralism by issuing a public warning and then by taking <i>"measures necessary for eliminating or preventing"</i> the formation of dominant positions 	The 'Gasparri Law' 2004 introduced the current provisions on: <ul style="list-style-type: none"> SIC; the appointment of RAI's Board of Directors.
	The Parliamentary Commission for General Guidance and Supervision of Broadcasting Services Commissione parlamentare per l'indirizzo generale e la vigilanza dei servizi radiotelevisivi	<ul style="list-style-type: none"> Right to query and supervise public television, with the aim of guaranteeing that it respects the fundamental principles of public broadcasting, including pluralism, fairness, completeness and impartiality of information Appointment of seven of the nine members of RAI's Board of Directors 	
	Ministry of Economy (Ministero dell'Economia e delle Finanze)	<ul style="list-style-type: none"> State ownership of RAI Appointment of two of the nine members of RAI's Board of Directors, including the president 	
	Regions	Section 117 of the Constitution gives the Regions certain responsibilities relating to <i>"organization and regulation of telecommunications"</i> . According to the Decreto legislativo 31 luglio 2005 , n. 177, Testo unico della radiotelevisione, regions have concurrent legislative power for regional or provincial broadcasting including: <ul style="list-style-type: none"> mast and transmitter authorisations; authorisations for content providers at regional and provincial levels. 	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
IT	<p>3G</p> <p>Vodafone Live!</p> <p>DVB-H</p> <ul style="list-style-type: none"> TIM leased capacity on Mediaset's DVB-H network and signed an agreement to rebroadcast Mediaset content with its mobile TV offer TIM TV. The commercial offer includes Mediaset channels (Italia 1 and Canale 5), Telecom Italia Media channels (La7 and MTV) and SKY channels (SKY Sports, SKY News24 and SKY Meteo) and SportItalia at a 5€ per month subscription fee. Commercial launch scheduled for June 2006. H3G to offer pay-TV and interactive services based on combined UMTS/DVB-H technology over its own network. The basic package (3 TV Digitale Mobile) includes Mediaset and RAI channels as well as some thematic channels provided by SKY (SKY cinema, SKY news, SKY TG24 and SKY Vivo) and some original programming (3 live and 3 sport) for a monthly fee of 19€. Commercial launch scheduled for June 2006. <p><i>RTI (the Mediaset Group)</i></p> <p>On April 12, 2006 AGCM, the national competition authority, approved a concentration whereby RTI acquired control of the analogue terrestrial transmission network and related frequencies of Europa TV. The approval was subject to conditions, including that the acquired network will be reserved exclusively for mobile digital TV using DVB-H and that a portion of the capacity would be leased to mobile operators interested in providing mobile TV via DVB-H.</p> <p>On April 19, 2006 Vodafone and Mediaset signed an agreement under which Vodafone Italia is to use Mediaset's multiplex DVB-H capacity (see above) for a period of five years, with an option for a further five years. Vodafone Italia will contribute to the launch by making its technology and broadcast infrastructure available in order to complete the network, thereby enabling the rollout of the new service by the end of 2006.</p>	<p>DVB-H and 2G/3G</p> <p>On May 16, 2006 AGCOM adopted decision n. 266/06/CONS that amends AGCOM decision n. 435/01/CONS on authorisations and licences to provide terrestrial digital broadcasting. The amendments clarify that the same authorisations and licences apply to mobile TV as to DVB-T for network operators, content providers, and for providers of associated interactive services and conditional access. However,</p> <ul style="list-style-type: none"> network operators that already have a relevant network licence for DVB-T must notify their intention to operate mobile TV to the Ministry of Communications. One network operator cannot operate more than one digital mobile TV multiplex; content providers that have the authorisation for DVB-T, satellite or cable platforms must notify their intention to provide content on a mobile TV platform to the Ministry of Communications; providers of associated interactive services or conditional access that already have a general authorisation for this activity on another platform, must notify their intention to provide services on the mobile TV platform to the Ministry of Communications. <p>Therefore, at this stage the mobile operators do not need separate DVB-H network licences because:</p> <ul style="list-style-type: none"> in November 2005 H3G Italia acquired 'Canal 7' and its existing DVB-T licence; and TIM uses the digital platform of Mediaset (which is also a DVB-T licensee). Vodafone has made a similar agreement with Mediaset.

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
IT	<p>Fastweb</p> <ul style="list-style-type: none"> Fastweb's own FTTH or ADSL based on full LLU from Telecom Italia Requires a set-top box 	<p>'Network operators'</p> <p>Relevant provisions of broadcasting regulation apply:</p> <ul style="list-style-type: none"> General authorisation i.e. notification to the Ministry under electronic communications legislation, i.e. Decreto Legislativo 1 agosto 2003, n. 259, Codice delle comunicazioni elettroniche

Member state	IP TV commercial launch	Regulatory framework for IP TV
	<p>On November 28, 2005 Telecom Italia launched 'Alice Home TV'. According to plans, it will cover:</p> <ul style="list-style-type: none"> • 2 million families, initially in Rome, Milan, Bologna and Palermo; • from January 22, 2006 a total of 4 million families; and • at the end of 2006, a total of 8 million families. <p>Based on 'Alice 4 Mega' T1 4 Mbps ADSL access lines.</p>	<p>'Content providers'</p> <p>Relevant provisions of broadcasting regulation apply:</p> <ul style="list-style-type: none"> • Authorisation from the Ministry under broadcasting legislation, i.e. section 21 of Decreto legislativo 31 luglio 2005, n. 177, Testo unico della radiotelevisione; and AGCOM decision n. 289/01/CONS. <p>'Providers of associated interactive services and conditional access'</p> <p>Relevant provisions of broadcasting regulation apply:</p> <ul style="list-style-type: none"> • General authorisation i.e. notification to the Ministry under electronic communications legislation, i.e. Decreto Legislativo 1 agosto 2003, n. 259

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Italy				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	In practice, under the Italian legislative framework, analogue concessions (<i>concessione per la radiodiffusione televisiva su frequenze terrestri</i>) (and also the right to broadcast on 'occupied frequencies') have been prolonged on request until the analogue switch-off. Therefore, the general authorisation regime will not be applied in practice to analogue broadcasting.			
Digital terrestrial	<p>General authorisation (network operator): Section 25 of Decreto Legislativo 1 agosto 2003, n. 259, Codice delle comunicazioni elettroniche.</p> <p>Authorisation (content provider): Section 16 of Decreto legislativo 31 luglio 2005, n. 177,</p>	No individual 'broadcasting licences', but different 'authorisations' for network operators, content providers and providers of interactive associated	Conditions for general authorisation under section 25 of Decreto Legislativo 1 agosto 2003 , n. 259 are the same as in the Authorisation directive (except that no mention of must-carry that does not exist).	<p>General authorisation (network operator; and provider of interactive associated services and conditional access): notification to the Ministry of Communications.</p> <p>Authorisation (content provider): request to Ministry of Communications.</p>

Italy				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
	<p>Testo unico della radiotelevisione; and AGCOM decision n. 435/01/CONS.</p> <p>General authorisation (provider of associated interactive services or conditional access): Section 25 of Decreto Legislativo 1 agosto 2003, n. 259, Codice delle comunicazioni elettroniche.</p>	services and conditional access services.		<p>Authorisation must be issued within 60 days of the request.</p> <p>Regional/provincial: request to regional/provincial authorities.</p>
Cable	<p>General authorisation (network operator): Section 25 of the Decreto Legislativo 1 agosto 2003, n. 259; AGCOM decision n. 289/01/CONS.</p> <p>Authorisation (content provider): Section 21 of Decreto legislativo 31 luglio 2005, n. 177; AGCOM decision n. 289/01/CONS.</p> <p>General authorisation (provider of associated interactive services or conditional access): Section 25 of Decreto Legislativo 1 agosto 2003, n. 259.</p>	Same as above	Same as above	<p>General authorisation (network operator; and provider of interactive associated services and conditional access): notification to the Ministry of Communications.</p> <p>Authorisation (content provider): authorisation from the Ministry.</p>
Satellite	<p>General authorisation (network operator); Section 25 of Decreto Legislativo 1 agosto 2003, n. 259; AGCOM decision n. 289/01/CONS.</p> <p>Authorisation (content provider): Section 20 of Decreto legislativo 31 luglio 2005, n. 177; AGCOM decision n. 289/01/CONS.</p> <p>General authorisation (provider of associated interactive services or conditional access): Section 25 of Decreto Legislativo 1 agosto 2003, n. 259.</p>	Same as above	Same as above	<p>General authorisation (network operator; and provider of interactive associated services and conditional access): notification to the Ministry of Communications</p> <p>Authorisation (content provider): authorisation from AGCOM.</p>
Fixed telecommunications network	<p>General authorisation (network operator): Section 25 of the Decreto Legislativo 1 agosto 2003, n. 259;</p>	Same as above	Same as above	<p>General authorisation (network operator; and provider of interactive associated services and conditional access):</p>

Italy				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
	<p>AGCOM decision n. 289/01/CONS.</p> <p>Authorisation (content provider): Section 21 of Decreto legislativo 31 luglio 2005, n. 177; AGCOM decision n. 289/01/CONS.</p> <p>General authorisation (provider of associated interactive services or conditional access): Section 25 of Decreto Legislativo 1 agosto 2003, n. 259.</p>			<p>notification to the Ministry of Communications</p> <p>Authorisation (content provider): authorisation from the Ministry</p>
Mobile telecommunications network (UMTS)	<p>General authorisation (network operator): Section 25 of Decreto Legislativo 1 agosto 2003, n. 259.</p> <p>Authorisation (content provider): Section 16 of Decreto legislativo 31 luglio 2005, n. 177, Testo unico della radiotelevisione; and AGCOM decision n. 435/01/CONS.</p> <p>General authorisation (provider of associated interactive services or conditional access): Section 25 of Decreto Legislativo 1 agosto 2003, n. 259, Codice delle comunicazioni elettroniche.</p>	Same as above	Same as above	<p>General authorisation (network operator, and provider of associated interactive services or conditional access): notification to the Ministry of Communications.</p> <p>Authorisation (content provider): request to Ministry of Communications. Authorisation must be issued within 60 days of the request.</p> <p>Regional/provincial: request to regional/provincial authorities.</p>
Mobile TV (DVB-H)	Same as for digital terrestrial (see comment below)	Same as above	Same as above	Same as for digital terrestrial (see comment below)
Comment	<p>Under AGCOM decision n. 266/06/CONS same authorisations and licences apply to mobile TV as to DVB-T for network operators, content providers, and for providers of associated interactive services and conditional access. However,</p> <ul style="list-style-type: none"> network operators that already have a relevant network licence for DVB-T must only notify their intention to operate mobile TV to the Ministry of Communications. One network operator cannot operate more than one digital mobile TV multiplex; content providers that have the authorisation for DVB-T, satellite or cable platforms must only notify their intention to provide content on a mobile TV platform to the Ministry of Communications; providers of associated interactive services or conditional access that already have a general authorisation for this activity on another platform, must only notify their intention to provide services on the mobile TV platform to the Ministry of Communications. Section 22 of Decreto legislativo 31 luglio 2005, n. 177, Testo unico della radiotelevisione, foresees that 'free to air' terrestrial content providers (i.e. broadcasters) are allowed to 'simulcast' on every other electronic communications network, subject to a notification to the Ministry. Detailed procedural rules will be adopted by AGCOM. 			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Italy	
	TV channel
Analogue terrestrial	Analogue broadcast concession (see note B)

Italy			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable TV	General authorisation (network operator) (see note A1)	Requirements in columns 1 and 3	Authorisation (content provider) (see note A2)
Fixed telecommunications network (DSL)	General authorisation (network operator) (see note A1)	Requirements in columns 1 and 3	Authorisation (content provider) (see note A2)
Mobile network (UMTS)	Mobile licence (see note D)	Requirements in columns 1 and 3	Authorisation (content provider) (see note A2)

Italy			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	Network operator licence for national or local terrestrial digital TV (see note C)	In Italy, the network operator is also the multiplex operator.	Authorisation (content provider) (see note A2)

Italy			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite TV	General authorisation (see note A1) (Frequency licence for up-link) (see note D)	General authorisation (conditional access, see note A1)	Authorisation (content provider) (see note A2)

Italy				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H/DMB)	Network operator licence for national or local terrestrial digital TV (see note C)	In Italy, the network operator is also the multiplex operator.	Mobile licence (see note D)	Authorisation (content provider) (see note A2)

Italy	
A1	<i>General authorisation (network operator; and provider of interactive associated services and conditional access)</i> under section 25 of the Decreto Legislativo 1 agosto 2003, n. 259 . Notification to the Ministry of Communications.
A2	<p><i>Authorisation (content provider)</i> under section 21 of Decreto legislativo 31 luglio 2005, n. 177.</p> <ul style="list-style-type: none"> • Digital terrestrial: Request to Ministry of Communications. Authorisation must be issued within 60 days of the request. Regional/provincial: Request to regional/provincial authorities. • Cable: Authorisation from the Ministry. AGCOM decision on the procedure (AGCOM decision n. 289/01/CONS) • Satellite: Authorisation from AGCOM. AGCOM decision on the procedure (AGCOM decision n. 289/01/CONS) • Fixed telecommunications network: Authorisation from the Ministry. AGCOM decision on the procedure (AGCOM decision n. 289/01/CONS). • 2G/3G mobile: Request to Ministry of Communications. Authorisation must be issued within 60 days of the request. Regional/provincial: request to regional/provincial authorities.
B	<p><i>Analogue broadcast concession (concessione per la radiodiffusione televisiva su frequenze terrestri)</i> for national and or local broadcasting. Authorises the use of frequencies and the installation and use of radio transmitters. Granted for a period of six years by the Ministry of Communications (national and local licences) and may be granted to corporations or businesses registered and conducting business in Italy or in the EU. (AGCOM decision n. 78/1998)</p> <p>Under the Italian legislative framework, in practice, analogue concessions (and also right to broadcast on 'occupied frequencies') have been prolonged on request until the analogue switch-off. Therefore, the general authorisation regime will not be applied in practice to analogue broadcasting).</p>
C	<p><i>'Network operator licence'</i> for national or local terrestrial digital TV from the Ministry of Communications under AGCOM decision n. 435/01/CONS. Authorises installation, use and provision of electronic communications networks and masts and sites, multiplexing, and the use of frequencies assigned to radio transmitters according to a plan by AGCOM. Licence period is 12 years.</p> <p>NB The 'Gasparri Law 2004', introduced a system where a licence was issued on request to undertakings that legitimately exercised (analogue) television broadcasting activities, provided they cover an area of at least 50% of the population of the local service area.</p> <p>On May 16, 2006 AGCOM adopted decision n. 266/06/CONS that amends AGCOM decision n. 435/01/CONS on authorisations and licences to provide terrestrial digital broadcasting. The amendments clarify that the same authorisations and licences apply to mobile TV than to DVB-T for network operators, content providers, and for providers of associated interactive services and conditional access. However:</p> <ul style="list-style-type: none"> • network operators that already have a relevant network licence for DVB-T must only notify their intention to operate mobile TV to the Ministry of Communications. One network operator cannot operate more than one mobile TV multiplex; • content providers that have the authorisation for DVB-T, satellite or cable platforms must only notify their intention to provide content on a mobile TV platform to the Ministry of Communications; • providers of associated interactive services or conditional access that already have a general authorisation for this activity on another platform, must only notify their intention to provide services on a mobile TV platform to the Ministry of Communications.
D	<p><i>"Individual rights of use of frequencies"</i> under Decreto Legislativo 1 agosto 2003, n. 259 (the Electronic Communications Code): The Code follows the wording of art. 5 of the Access Directive in that the use of radio frequencies would not be subject to the grant of individual rights of use, in particular in the absence of the risk of interference, but the conditions for usage would be included in the general authorisation. However, where it is necessary to grant individual rights of use for radio frequencies, as in practice it is in most cases, such a concession would be given by the Ministry for an "<i>adequate period</i>" not exceeding the validity of the general authorization.</p> <p>NB The existing mobile telephony licences are valid until their expiry (section 38 of the Electronic Communications Code).</p> <p>(Under Section 126 of the Electronic Communications Code, building and use of radio transmitters (<i>stazione radioelettrica</i>) requiring the assignment of frequencies under the plan by AGCOM is subject to an individual rights of use (<i>concessione di diritto individuale di uso</i>).</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;

- what is the date envisaged for DD to be released; and
 - comments on the national debate and on related issues, such as spectrum refarming costs/complexity.
- NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
IT	December 31, 2008 On February 2, 2006 the Parliament adopted the legislative decree n. 273 of December 30, 2005 which officially postpones the original analogue broadcasting switch-off date of December 31, 2006 to December 31, 2008. The switchover has just started in two regions (Sardinia and Valle d'Aosta). Switch-off date in these regions is foreseen in the first half of 2008.					<p>Details of digital dividend not yet decided. Decisions on frequencies are taken by the Ministry of Communications, based on the preparatory work by AGCOM.</p> <p>The situation for the allocation and assignment of frequencies is particularly complex in Italy. In short, in the past, undertakings 'occupied' analogue frequencies and started to broadcast without any specific licence or authorisation. Now, the transition from analogue to digital terrestrial broadcasting is done in an environment where, in practice, all the frequencies are already occupied by analogue broadcasters. Therefore, undertakings wanting to operate as DVB-T network operators needed to acquire masts and the related frequencies from other operators, mainly from local broadcasters that have decided to cease operations in connection with the analogue switch-off. In addition, the legislation includes provisions that enable analogue broadcasters to acquire concessions, on request, for digital broadcasting, subject to certain conditions.</p> <p>Consequently, the switchover is characterised by a gradual transformation of <i>existing</i> analogue networks to digital by <i>existing</i> network operators. Due to this background, the broadcasting frequencies are scattered over the spectrum, without clear grouping.</p> <p>An AGCOM decision on the 'approval of national plan to assigning frequencies for digital terrestrial broadcasting' exists (delibera n. 15/03/CONS), but it has not yet been enforced in practice. The plan provides for 12 national and six regional multiplexes.</p>

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Italy					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	In practice, under the Italian legislative framework, analogue concessions (and the right to broadcast on 'occupied frequencies') have been prolonged on request until the analogue switch-off.				
Digital terrestrial (DVB-T)	The Ministry of Communications draws up frequency allocation plan and issues network licences for broadcasting and mobile licences for 2G/3G. AGCOM draws up the national plan for the assignment of frequencies (site by site).	Not always - authorisation (content provider): 1. Request to Ministry of Communications. Authorisation must be issued within 60 days of the request. 2. Regional/provincial: Request to regional/provincial authorities.	Network operator (RTI (owned by Mediaset) and RAI (the public service broadcaster) are vertically integrated operators and also content providers. According to AGCOM's analysis of M 18, the market share of RTI is 46% whereas the share of the next biggest operator, HCSC, is 23%. Other operators in this market are Telecom Italia Media, RAI and Gruppo l'Espresso).	The ' Gasparri Law 2004 ', introduced a system where a licence was issued on request to undertakings that legitimately exercised (analogue) television broadcasting activities, provided they cover an area of at least 50% of the population in the local service area. After the digital switchover provisions have been set to assign the free frequencies.	No information available
Mobile over terrestrial networks (DVB-H/DMB)	On May 16, 2006 AGCOM adopted decision n. 266/06/CONS that amends AGCOM decision n. 435/01/CONS on authorisations and licences to provide terrestrial digital broadcasting. The amendments clarify that the same authorisations and licences apply to DVB-T for network operators, content providers, and for providers of associated interactive services and conditional access. However, network operators that already have a relevant network licence for DVB-T must only notify their intention to operate mobile TV to the Ministry of Communications. A network operator cannot operate more than one digital mobile TV multiplex.				
Satellite	The Ministry of Communications issues frequency licences.	No Authorisation (content provider) from AGCOM. AGCOM will adopt a decision on the procedure.	Network operator	Frequency licences for up-links assigned by the Ministry of Communications on request.	No information available

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
IT	<i>Network operator licence</i> for DVB-T (and DVB-H - proposed) under AGCOM decision n. 435/01/CONS , Approvazione del regolamento relativo alla radiodiffusione terrestre in tecnica digitale. No mention of licence conditions as such, but the AGCOM decision itself lays down several obligations, including:			
	<ul style="list-style-type: none"> only frequencies that have been assigned by AGCOM to particular sites can be used; licence duration. 	<ul style="list-style-type: none"> conformity of environmental rules and provisions on rights of way; ensuring of proper functioning of the network and network integrity; payment of licence fees; network sharing; transparency obligations. 	<ul style="list-style-type: none"> use of standards laid down in Annex A of AGCOM decision 216/00/CONS; network planning taking into account the limits for electromagnetic fields radiation; conformity of network equipment with the current regulatory framework. 	<ul style="list-style-type: none"> requirement not to alter the content provided by third parties.
	<i>Individual rights of use of radio frequencies</i> for public mobile networks under section 28 and Annex 1.B of Decreto Legislativo 1 agosto 2003, n. 259 , Codice delle comunicazioni elettroniche: Same conditions as under Annex B of the Authorisation directive.			

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
IT	No	<p>Administrative fees</p> <p><i>Providers of electronic communications networks</i></p> <p>National territory: € 111,000</p> <p>Territory up to 10 million inhabitants: € 55,500</p> <p>Territory up to 200,000 inhabitants: € 27,750</p> <p><i>Providers of electronic communications network/services via satellite</i></p> <p>Up to 10 stations: € 2,220</p> <p>Up to 100 stations: € 5,550</p> <p>More than 100 stations: € 11,100</p> <p>Frequency fees</p> <p>Frequency licensees for TV broadcasting, according to bandwidth:</p> <p>Up to 100 kHz: € 1,110</p> <p>From 100 kHz to 1 MHz: € 5,550</p> <p>From 1 MHz to 10 MHz: € 11,100</p> <p>More than 10 MHz: € 22,200</p>	Under discussion by the authorities.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
		See Annex 10 of Decreto Legislativo 1 agosto 2003, n. 259 , Codice delle comunicazioni elettroniche.	

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
IT	No must-carry rules in Italy	N/A	N/A	N/A

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Italy							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Cable network (analogue and or digital)	None	N/A	N/A	N/A	None (cable TV negligible in Italy)	N/A	N/A
Digital terrestrial (DVB-T)	None	N/A	N/A	N/A	<p>The law and sector regulator AGCOM decisions lay down several obligations on digital terrestrial TV network operators.</p> <p>Among other obligations, there are additional transparency and non-discrimination requirements in the provision of digital terrestrial transmission capacity to providers of ‘<i>content of particular value</i>’ (in respect of quality of the programming or information pluralism). Such content providers also have privileged access in case of shortage of transmission capacity. In certain circumstances, network operators are required to reserve at least 20% of the capacity dedicated to third parties on their network – or, in any event, enough capacity for the broadcasting of one programme – to providers of content with particular value.</p> <p>No particular mechanism is designed to finance these obligations.</p>	<p>Fulfilment of one of the following criteria is needed.</p> <p>National level</p> <p>Independent providers, mainly in Italian, of:</p> <ul style="list-style-type: none"> educational content addressed to school and pre-school students; content that strengthens information pluralism by thematic (i.e. at least 70% of the programming on same theme) news channels; content that improves the relationship between the citizens and public administration, or citizens and providers of services of general interest by offering thematic channels and interactive services; other than thematic channels, but content that promotes national and European cultural identity by 	Criteria defined in AGCOM decision (see previous column)

Italy							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
					(AGCOM decision n. 253/04/CONS , Norme a garanzia dell'accesso dei fornitori di contenuti di particolare valore alle reti per la televisione digitale terrestre).	<p>meeting certain quotas for such programming.</p> <p>Local level</p> <p>Independent providers of:</p> <ul style="list-style-type: none"> programming of which at least 70% is reserved to one or more of the following themes: <ul style="list-style-type: none"> training, in the context of development of local services and industry or internationalisation; local information and culture; improvement of the relationship between the citizens and local public administration, or citizens and local providers of services of general interest by offering thematic channels and interactive services. European works; content dedicated to linguistic minorities. 	
Satellite	None	N/A	N/A	N/A	None	N/A	N/A
Fixed network operator	None	N/A	N/A	N/A	None	N/A	N/A
Mobile network operator	None	N/A	N/A	N/A	None.	N/A	N/A
DVB-H	None	N/A	N/A	N/A	None.	N/A	N/A

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
IT	No must-carry obligations in Italy	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
IT	No must-offer obligations	N/A	N/A	N/A	Yes, but related to merger control undertakings – see Table 23 .

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
IT	Transmission for national analogue TV	Yes	N/A
	Transmission for national digital TV	Yes	N/A
	Transmission for national (analogue) radio AGCOM only assessed analogue radio, as digital terrestrial radio (DAB) is still in its experimentation phase.	Yes	N/A

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
	Transmission for analogue local TV AGCOM only assessed analogue TV, as it states that digital local TV is still negligible.	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> no high barriers to entry (more than 500 operators); competition law is sufficient.
	Transmission for local analogue radio AGCOM only assessed analogue radio, as digital terrestrial radio (DAB) is still in its experimentation phase.	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> no high barriers to entry (more than 2,000 operators); competition law is sufficient.
	Transmission via fixed line (fibre optic/xDSL) for TV and radio Only digital transmission technology used.	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> AGCOM considers the market as 'emerging' that could tend towards effective competition within the next 18 months.
	Transmission via satellite for TV and radio Digital transmission technology used almost exclusively.	No	Market transnational
Source: AGCOM national level consultation document n. 61/06/CONS of February 1, 2006 on market 18 Market analysis has not yet been notified to the Commission.			

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
IT	Transmission for national analogue TV	Joint dominance by RAI-Radiotelevisione Italiana (RAI, the public service broadcaster) and Reti Televisive Italiane (RTI, part of the Mediaset Group).	AGCOM has not yet proposed regulatory obligations. AGCOM faces a situation where law and its own previous regulations already set out requirements on network operators for access, transparency, and non-discrimination. Therefore, it is not yet clear how AGCOM will fulfil its obligation under the EU 2003 regulatory framework to impose at least one wholesale obligation on operators designated as having SMP.	
	Transmission for national digital TV	None – market effectively competitive	None – market effectively competitive	None – market effectively competitive
	Transmission for national (analogue) radio AGCOM only assessed analogue radio, because digital terrestrial radio (DAB) is still in its experimentation phase.	None – market effectively competitive	None – market effectively competitive	None – market effectively competitive
Source: AGCOM national level consultation document n. 61/06/CONS of February 1, 2006 on market 18. Market analysis has not yet been notified to the Commission. For digital terrestrial broadcasting, the law and sector regulator AGCOM decisions lay down several obligations on network operators. These obligations are not imposed because of finding SMP in a given market following the market analysis under the EU 2003 regulatory framework. Instead, the obligations are based on the assignment of scarce resources, i.e. frequencies.				

	Relevant market	SMP	Access obligation?	Price regulation?
	<p>The transition from analogue to digital terrestrial broadcasting is done in an environment where, in practice, all the frequencies are already occupied by analogue broadcasters. Therefore, undertakings wanting to operate as DVB-T network operators needed to acquire masts and the related frequencies from other operators, mainly from local broadcasters that have decided to cease operations in connection with the analogue switch-off. Consequently, the switchover is characterised by a gradual transformation of <i>existing</i> analogue networks to digital by <i>existing</i> network operators.</p> <p>NB For example, on April 12, 2006 AGCM, the competition authority, approved a concentration whereby RTI (part of the Mediaset group) acquired control of the analogue terrestrial transmission network and related frequencies of Europa TV. RTI has announced that it would use the acquired frequencies for mobile digital TV based on the DVB-H standard. The approval was given on the condition that <i>only</i> DVB-H will be used.</p> <p>The scarcity of frequencies limiting the building of new networks has led the legislator to adopt provisions to safeguard access to digital transmission capacity by content providers who do not have their own networks/frequencies, and to promote media pluralism. Such obligations include:</p> <ul style="list-style-type: none"> • Obligations on network operators, including transparency and non-discrimination requirements; and accounting separation (local operators) and structural separation (national operators) between the activities of a network operator and content provider (section 27 of AGCOM decision n. 435/01/CONS, Approvazione del regolamento relativo alla radiodiffusione terrestre in tecnica digitale; and art. 5, Decreto legislativo 31 luglio 2005, n. 177, Testo unico della radiotelevisione). • Network operators that have more than one analogue licence must reserve 40% of the transmission capacity in their digital multiplexes for third party content providers on transparent and non-discriminatory terms. The obligation is in force during the “<i>experimentation period</i>”, i.e. until the analogue switch-off (Legge 20 marzo 2001, n. 66, Conversione in legge, con modificazioni, del decreto-legge 23 gennaio 2001, n. 5, recante disposizioni urgenti per il differimento di termini in materia di trasmissioni radiotelevisive analogiche e digitali, nonché per il risanamento di impianti radiotelevisivi). • Additional obligations on RAI (the public broadcaster) and RTI to reserve 40% of the transmission capacity in their multiplexes after the “<i>experimentation period</i>” for third party content providers, and until the implementation of the digital frequency assignment plan (AGCOM decision n. 136/05/CONS, Interventi a tutela del pluralismo ai sensi della legge 3 maggio 2004, n. 112) <p>Additional transparency and non-discrimination requirements in the provision of transmission capacity to providers of ‘<i>content of particular value</i>’ (on the quality of the programming or information pluralism). Such providers also have privileged access in case of shortage of transmission capacity. In certain circumstances, network operators are required to reserve at least 20% of the capacity dedicated to third parties on their network (see bullets above) – or, in any event, enough capacity for the broadcasting of one programme – to providers of content with particular value. No particular mechanism is designed to finance these obligations (AGCOM decision n. 253/04/CONS, Norme a garanzia dell’accesso dei fornitori di contenuti di particolare valore alle reti per la televisione digitale terrestre).</p>			

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as ‘*any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation*’. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
IT	Sections 42-43 and Annex 2 of the Decreto Legislativo 1 agosto 2003, n. 259 , Codice delle comunicazioni elettroniche (transposes art. 6 and Annex I, part I of the Access Directive). Responsible authority: AGCOM	The same as set out in Annex I, part I of the Access Directive	All providers of conditional access services irrespective of the means of transmission, who provide access services to digital television and radio services and whose access service broadcasters depend on to reach any group of potential viewers or listeners.	Fair, reasonable and non-discriminatory terms	No market analysis so far Not addressed in the national level consultation on market 18.

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
IT	Section 21 of the Decreto Legislativo 1 agosto 2003, n. 259 , Codice delle comunicazioni elettroniche (transposes almost in verbatim art. 18 of the Framework Directive) AGCOM, after hearing the Ministry	MHP is widely used for digital TV set-top boxes: <ul style="list-style-type: none"> voluntary industry agreement to use MHP; state subsidy scheme for interactive decoders; definition of common implementation specifications. 	No
<p>The Italian government subsidises consumers purchasing interactive digital TV set-top boxes. The subsidy compensates the price difference between the interactive set-top box and the cheaper non-interactive products. Consequently, decoders based on MHP now dominate the market, with a critical mass of equipment and price of MHP decoders of less than €100. In 2004 and 2005, Italy subsidised end-users by more than €200 million.</p> <p>On December 21, 2005 the European Commission (Commission) opened a state aid inquiry into these subsidies. The Commission received two complaints from terrestrial and satellite television operators alleging that even if the direct beneficiaries of the grant are end-users, the measure may constitute an indirect advantage to the current terrestrial television broadcasters and network operators.</p> <p>The Italian government's view is that the subsidies are not illegal because:</p> <ul style="list-style-type: none"> the aid was granted directly to end-users; only interoperable decoders have been subsidised. According to the Minister, satellite broadcasting is a proprietary platform, and therefore not interoperable with other technologies; 			

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
	<ul style="list-style-type: none"> in any case, the subsidies for 2006 in the budget law do not distinguish between different digital broadcasting platforms. <p>On May 19, 2006 the Commission published in the EU Official Journal an invitation to submit comments on the case. The investigation is still open before the Commission.</p>		

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
IT	Section 42(2)(b) and annex 2, part II of the Decreto Legislativo 1 agosto 2003, n. 259 , Codice delle comunicazioni elettroniche Regulatory authority: AGCOM	Almost verbatim reproduction of art. 5(1) and annex 1 Part II of the Access Directive No decisions taken.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
IT	Autorità Garante della Concorrenza e del Mercato (AGCM , the Italian Competition authority) AGCOM	Yes See note on competition legislation below	See note on recent competition actions below
<p>Does competition legislation grant broadcasting or media sector special treatment? Yes</p> <p>Media pluralism and competition governed by Title VI of Decreto legislativo 31 luglio 2005, n. 177, Testo unico della radiotelevisione.</p> <p>These provisions set out, <i>inter alia</i>, that:</p> <ul style="list-style-type: none"> no content provider shall be permitted to hold, directly or through subsidiaries, an authorisation to broadcast more than 20% of television programmes (or 20% of all radio programmes, as the case may be) nationwide by means of terrestrial technologies; no registered '<i>communication operator</i>' may earn, directly or through subsidiaries, revenues exceeding 20% of the '<i>integrated communications system</i>' (<i>sistema integrato delle comunicazioni</i>) (SIC). SIC includes all revenues from the media sector activities, such as subscription fees for RAI, sponsorships, telesales, advertisement and revenues from the selling of newspapers and magazines. Telecommunications operators that earn 40% of their overall revenues in the telecommunications sector may not accrue revenues exceeding 10% of SIC. <p>AGCOM is the responsible authority enforcing the provisions on media pluralism.</p>			
<p>Recent Competition Actions (selected cases)</p> <p>Opinion on draft bill. In December 2002, AGCM sent Parliament and the Government a report, following on from the bill reforming the radio and television system (later '<i>Gasparri Law</i>'). AGCM drew attention to the fact that the radio and television system was currently the most highly concentrated in Europe and had high entry barriers, principally of a regulatory and institutional nature, that hampered the entry and impeded the growth of potential new entrants. This had led to the development of a non dynamic market, characterized by a lack of innovation. AGCM stated, <i>inter alia</i>, that it would be necessary to introduce mechanisms for the allocation and use of frequencies designed to prevent the indefinite continuation of their current <i>de facto</i> occupation and comply with the principles of objectiveness, transparency and non-discrimination set out in the EC directives.</p>			

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
			<p>General fact-finding inquiry. In November 2004 AGCM concluded a general fact-finding inquiry into the television sector and, more particularly, the related television advertising market. It found that the market is controlled by a small group of firms and is highly concentrated. The dominant operator, Fininvest (the Mediaset Group) accounts for 65% of television advertising while RAI accounts for almost all the rest (29%). The fact that six networks are controlled by the two major television groups (in a context of limited availability of frequencies), enables them to implement strategies aimed at hindering market access and blocking the growth of new operators, thereby limiting the entry and growth of competitors in the television advertising market. AGCM proposed, for example, a review of the legislation on public radio and television services, in order to guarantee public service requirements and to maintain adequate competitive pressure in the domestic advertising market. In particular, AGCM pointed out the need to establish two separate companies, one with public service obligations to be financed exclusively through taxation; the other, of a commercial nature, to be financed through advertising. AGCM also emphasized the usefulness of measures to encourage the development of a plurality of transmission media, such as terrestrial platforms, satellite, cable and x-DSL technologies, safeguarding the principle of technological neutrality to promote inter-platform competition among different operators in the television-advertising sector.</p> <p>State aid</p> <p>State aid for digital TV decoders. On December 21, 2005 the Commission opened a state aid inquiry into Italian subsidies for digital TV decoders. In 2004 and 2005 Italy subsidised end-users more than €200 million to buy or rent decoders capable of receiving digital programming over digital terrestrial TV (DTT) or fixed line networks. The Commission received two complaints from terrestrial and satellite television operators alleging that even if the direct beneficiaries of the grant are end-users, the measure may constitute an indirect advantage to the current terrestrial television broadcasters and network operators. The investigation is still ongoing.</p> <p>Antitrust</p> <p>In March 2002 the Italian football association applied to AGCM for an extension of the exemption granted in July 1999 for the collective sale of rights relating to the Coppa Italia football matches to include the 2002-2005 seasons. This application was examined assuming the relevant market to be premium sports television rights (1st and 2nd division championship, Coppa Italia, UEFA Cup, Champions League, matches played by the Italian national football team, the Formula 1 world championship and the Giro d'Italia). Authority authorized the collective sale for a period of three years, exclusively relating to the direct elimination rounds.</p> <p>Merger control</p> <p>RTI/Europa TV. On April 12, 2006 AGCM, the competition authority, approved a proposed concentration whereby RTI acquired control of the analogue terrestrial transmission network and related frequencies of Europa TV. RTI has announced that it would use the acquired frequencies for mobile digital TV based on the DVB-H standard.</p> <p>NB According to the AGCOM draft market analysis decision of February 1, 2006 on market 18, Europa TV has a licence for analogue broadcasting, and its network consists of 450 masts with population coverage of 78.5%. RTI is licensed to operate two DVB-T multiplexes.</p> <p>The approval is subject to conditions, including the following:</p> <ul style="list-style-type: none"> • the acquired network will be reserved exclusively for mobile digital TV using DVB-H; • third party operators will have non-discriminatory access to the transmission capacity, and Mediaset will not offer DVB-H services directly to end-users; • content other than RTI/Mediaset's can be delivered over the network; • Mediaset will not be involved in advertising on the acquired network. <p>SKY/eBismedia. In October 2004 AGCOM adopted a decision to resolve a dispute between the satellite pay-TV operator, Sky Italia, and e.BisMedia on the price and contractual conditions for the wholesale acquisition of premium content from the Sky Italia satellite platform for distribution on non-satellite platforms.</p> <p>In April 2003, the European Commission approved the merger of the two Italian pay-TV providers, Telepiu and Stream, subject to a number of conditions, including that the merged entity, Sky Italia, would offer third parties unbundled and non-exclusive rights to distribute any premium content from its satellite platform by means other than satellite (e.g. cable, Internet, 3G mobile) based on the retail minus pricing principle. The effectiveness of the commitments would be guaranteed by an arbitration procedure involving AGCOM.</p> <p>The AGCOM decision establishes that the discount on the retail price offered by Sky Italia to e.Bismedia should fall into one of six values ranging from 51.6% to 62.6% depending on the price of the premium content.</p> <p>The e.Biscom group controls two fully owned subsidiaries, e.BisMedia and Fastweb. Fastweb offers 'triple play' television, broadband Internet access and fixed telephony services in a number of Italian cities using either its own fibre-optic network direct to the customer's premises or alternatively ADSL technology over unbundled local loops from Telecom Italia.</p> <p>RAI/local network operators. In April 2004, AGCM authorised the acquisition by RAI of 11 new business divisions (local broadcasters), comprising a total of 84 television transmission sites and the related frequencies. The aim of these transactions was to acquire frequencies for DVB-T. AGCM found that the acquisition did not appear to create a dominant position in the domestic markets for broadcasting networks and infrastructures for terrestrial television broadcasting. AGCM reached this conclusion for the following</p>

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
			<p>reasons: (1) analogue switch-off planned for 2006 (now postponed to 2008) will free up frequencies that can be made available through market mechanisms to the actual competitors of the two major operators (RAI and RTI) as well as to new market entrants; (2) the availability of frequencies controlled by local operators, which new operators may acquire in order to establish further digital terrestrial networks.</p> <p>Canal+/Stream. In May 2002, AGCM authorized, subject to compliance with certain conditions, the concentration in which the Canal+ group would have purchased Stream Spa. AGCM found that as originally notified, the concentration would lead the Canal+ group to establish a monopoly in the domestic market for pay-TV, entailing a restriction of competition that would be detrimental to viewers, particularly given the possibility of setting high prices and the lack of incentives to improve the quality and variety of services offered.</p> <p>Media pluralism</p> <p>Duopoly of RAI and RTI.</p> <p>Under the Italian legislation (see Table 19 for details) network operators that have more than one analogue licence must reserve 40% of the transmission capacity in their digital multiplexes for third party content providers on transparent and non-discriminatory terms. The obligation is in force during the “<i>experimentation period</i>”, i.e. until the analogue switch-off. On March 1, 2005 AGCOM imposed, <i>inter alia</i>, additional obligations on RAI (the public broadcaster) and RTI to reserve third party content providers 40% of the transmission capacity in their multiplexes also after the “<i>experimentation period</i>”, and until the implementation of the digital frequency plan. (AGCOM decision n. 136/05/CONS, Interventi a tutela del pluralismo ai sensi della legge 3 maggio 2004, n. 112).</p>

Latvia

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
LV	1 analogue terrestrial provider: Latvian Radio and TV Centre 27 broadcasters (including public broadcaster offering 2 national channels) use the services of the Latvian Radio and TV Centre	97% of households (out of the total of 790,000 households with a TV set)
	1 digital terrestrial television provider (test phase): Latvian Radio and TV Centre	Less than 1% of households
	36 registered cable TV operators (analogue)	55% of households
	2 digital cable TV operators: Baltcom and Izzī.	1.9% of households (15,000 subscribers)
	2 registered satellite operators: Sirius and Viasat. They broadcast: <ul style="list-style-type: none"> • Pirmais Baltijas Kanāls (regional coverage of the three Baltic states, mainly Russian-language content); • Fan TV (registered in Latvia but broadcasts in Sweden); • Three Plus – a UK channel; • Latvian public channels. 	22.2% of households
	IP TV provider: Lattelekom	No information available
	Mobile TV provider: LMT	Growth of 2,000 new users per month

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
LV	Law on Radio and TV (Sept. 8, 1995) amended on December 16, 2004
	Law on Electronic Communications (November 17, 2004) Amended on May 12, 2005
	Regulations of the Cabinet of Ministers (No. 185) on Transmission of important events.
	A strategy document for 2006-2008 on Electronic mass media development . (National Radio and Television Council)
	Regulations of the Cabinet of Ministers "On saving audiovisual documents" 1999 (in archives)
	Regulations of the Cabinet of Ministers "On radiofrequency allocation usage permits", No 453, June 6, 2006
	Ustawa z dnia 2 lipca 2004 r. o swobodzie działalności gospodarczej Dz. U. z 2004 r. Nr 173, poz. 1807 The Law on Freedom of Economic Activities

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
LV	Law on Radio and TV	<ul style="list-style-type: none"> • Universal access to programmes of the Latvian Television and the Latvian Radio • Access to local, national, regional and world news and information; • Service to public or social interests • Language of broadcasting
	Law on Freedom of Information	<ul style="list-style-type: none"> • Freedom of information • Access to unbiased information
	Law on Press and other mass media	<ul style="list-style-type: none"> • Freedom of expression • Freedom to access and distribute information of public interest • Freedom of the press • Provision of plurality of views • Non-favouritism of a political party, religious, social, political movement • Protection of minors • Non-dissemination of harmful content

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
LV	According to the Law on Radio and TV (section 5): <i>“Public broadcasting organisations shall ensure diverse and balanced programmes, consisting of informative, educational and entertaining broadcasts for all groups in society, as well as ensure freedom of information and expression and objectiveness and diversity of broadcasts “</i>	Latvian Radio and Latvian Television are public broadcasting organisations. They are financed by the state and operate as state non-profit companies.	Should cover the whole territory of Latvia (at present around 97%) and target groups abroad	The 2006-2008 development concept stresses the need to ensure digital transmission.

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
LV	National broadcasting authority: National Radio and Television Council	<ul style="list-style-type: none"> • Authorisation of programme providers, content regulation 	No
	National electronic communications regulatory authority: Electronic Communications Office	<ul style="list-style-type: none"> • Management of radio frequency spectrum, planning of technical use of frequencies, international coordination and registration of frequency assignments, ensuring of electromagnetic compatibility, issue of permits, assignment, monitoring of frequency spectrum and network regulation, inspection of implementation and radio licensing • Inspection of frequency usage. 	No
	National electronic communications regulatory authority: Public Utilities Commission	<ul style="list-style-type: none"> • General authorisations and licensing of electronic communications networks; market analysis 	No
	Other: Ministry of Transportation	<ul style="list-style-type: none"> • Development of legislation. National development concepts 	Draft Law on Public Broadcasters

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
LV	LMT and Tele2 offer mobile TV in the capital Riga for users of EDGE or UMTS (65 Kbits/sec). From LMT, four channels can be streamed live and some content can be downloaded. The customer base is growing at about 2,000 new users per month.	No regulatory framework specific for mobile TV. However, according to the Law on Radio and Television Act 10, organizations must receive broadcast licences for broadcasting.

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
LV	Lattelecom TV (16 programmes)	No specific regulations for IP TV

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Latvia				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (notification, type of information to submit, approval?)
Analogue terrestrial Digital terrestrial Cable Satellite Fixed telecommunications network Mobile telecommunications network (UMTS) Other	Law on Electronic Communications , Chapter VII General Authorizations Regulation , issued on May 25, 2005	Yes	No	Notification to PUC
Comment	<p>General Authorisation Regulations</p> <p>The general authorisation regulations may include conditions in relation to:</p> <ol style="list-style-type: none"> 1) the financing of investments in the universal service; 2) information regarding the State fee; 3) the interoperability of the electronic communications services and the interconnection of electronic communications networks; 4) the routing of user calls in conformity to the national numbering plan and the European numbering space numbers; 5) the requirements of environmental, city and rural territorial planning; 6) access to privately and publicly owned land; 7) utilisation of common infrastructures (including technical and financial guarantees); 8) mandatory transmission of radio or television programmes; 9) protection of user data including personal data in the electronic communications sector; 			

Latvia				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (notification, type of information to submit, approval?)
	<p>10) specific requirements for the protection of consumer rights in the electronic communications sector;</p> <p>11) restriction of the broadcasting of information with unlawful contents;</p> <p>12) information, which is to be submitted to the Commission, in order that it may supervise the implementation of the general authorisation regulations;</p> <p>13) ensuring electronic communications services in extraordinary situations between the State Fire-Fighting and Rescue Service, State police, emergency medical care and the gas emergency service, as well as the number "112" service and State administrative institutions; the possibility of informing of the general public in extraordinary situations;</p> <p>14) limitation of the impact of electronic communications network electromagnetic radiation;</p> <p>15) access for electronic communications merchants, as well as special access requirement specification procedures and criteria for electronic communications merchants with a significant market influence;</p> <p>16) electronic communications network connection technical regulations and requirements to prevent electromagnetic interference in electronic communications networks;</p> <p>17) protection of public electronic communications networks against unauthorised access;</p> <p>18) use of the common radio frequency spectrum for commercial activities; and</p> <p>19) conformity to the standards or specifications published in the Official Journal of the European Community.</p> <p>Information to be Submitted to the Public Utilities Commission</p> <p>The Public Utilities Commission approves and publishes regulations in which the type and amount of information to be regularly submitted to the Commission and the time periods for the submission of such information in the newspaper <i>Latvijas Vēstnesis</i>.</p> <p>The Commission may request that an electronic communications merchant provide information regarding the utilisation of rights of use, special requirements to ensure access, or the provision of universal services obligations, which are not included in the general authorisation regulations. The Commission has the right to request additional information.</p>			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Latvia		
	Network operator	Broadcaster
Analogue terrestrial	See notes A, C, and D.	See notes C and E.

Latvia			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Cable	See notes A and E.	See notes A and E.	See note E.
Fixed telecommunications (DSL)	See notes A and E.	See notes A and E.	See note E.
Mobile networks (UMTS)	See note B.	See note B.	No licence or permit

Latvia			
	Terrestrial network operator	Multiplex operator	Broadcaster
Digital terrestrial (DVB-T)	See notes A, C, and D.	Not yet specified	See note E.

Latvia			
	Satellite platform	Distributor of bouquets of Broadcasters	Broadcaster
Satellite	See note A.	See notes C, D and E.	See note E.

Latvia				
	Terrestrial network operator	Multiplex operator	Mobile operator	Broadcaster
Mobile over terrestrial networks (DVB-H /DMB)	See notes A, C and D.	Not yet specified	See note B.	See note E.

Latvia	
A	A general authorisation issued by the Public Utilities Commission (PUC) as an electronic communications network (see Law on Electronic Communications , Chapter VII)
B	Individual license for mobile electronic communications services at the Public Utilities Commission (PUC).
C	Frequency assignment by the Electronic Communications Office (ECO) to transmit specified content.
D	Frequency assignment by the Electronic Communications Office (ECO) to transmit content of another broadcaster (for cases where frequencies are assigned to the terrestrial network operator who carries out transmission for a broadcaster).
E	<p>Broadcasting permit from the National Radio and TV Council.</p> <p>Cable operators are treated as broadcasters, even if they only re-transmit programmes. They must acquire an authorization from the National Radio and TV Council specifying the programmes they intend to re-broadcast. The authorization gives them the right to perform their own programming.</p> <p>According to the Law on Radio and TV, Chapter II:</p> <p>A broadcasting permit is issued for: radio – for 5 years, TV – for 7 years, for cable radio and TV – for 10 years. Re-registration of broadcasting permits is performed each year.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
LV	December 31, 2010	Yes. The Ministry of Transport submitted draft frequencies plan to the Cabinet of Ministers on July 4, 2006	No DD is expected	No DD is expected	No date	See draft Digital broadcasting switchover plan.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Latvia					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	Electronic Communications Office.	No	Terrestrial network operator (it may include the condition to transmit content of a specified broadcasting licence holder) or a broadcasting license holder if it carries out transmission.	<p>Direct assignment to a broadcasting licence holder, or to electronic communications network operator.</p> <p>Law on Electronic Communications, Section 50:</p> <p>It is permitted to utilise the radio frequency spectrum for radio equipment operations after the receipt of a radio frequency allocation use permit from the Electronic Communications Agency [Office] or in accordance with a common radio frequency allocation use permit according to the procedures specified by the Cabinet.</p> <p>Regulation No. 453 on Radiofrequency allocation usage permits of June 6, 2006.</p>	<p>A network operator who does not need a broadcasting licence, applies directly to the Electronic Communications Office or takes part in a competition or an auction held by the Public Utilities Commission.</p> <p>For analogue or digital radio and TV broadcasters the sequence is the following:</p> <p>The Electronic Communications Office submits information to the National Radio and TV Council about coordinated available radio frequencies together with information about the basic conditions of operating electronic communications networks required to issue broadcasting and/or re-broadcasting licences.</p> <p>The Radio and TV Council issues broadcasting and/or re-broadcasting licences (beauty contest).</p> <p>The holder of the broadcasting license then applies to the Electronic Communications Office, which either:</p> <ul style="list-style-type: none"> • issues a document authorizing the broadcasting license

Latvia					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
					holder to use specified frequencies under specified technical arrangements to transmit its content; or <ul style="list-style-type: none"> issues a document authorizing the Radio and TV Centre to transmit the content of the broadcasting license holder (for terrestrial radio and TV) using specified frequencies and under specified technical arrangements.
Digital terrestrial (DVB-T)	Electronic Communications Office	No	Terrestrial network operator (it may include the condition to transmit content of a specified broadcasting licence holder)	Test phase, licensing regime has not been finalized.	Test phase, licensing regime has not been finalized.
Mobile over terrestrial networks (DVB-H /DMB)	Electronic Communications office	No	Test phase, licensing regime has not been finalized.	Test phase, licensing regime has not been finalized.	Test phase, licensing regime has not been finalized.
Satellite	Electronic Communications office	No	Satellite operator	Direct assignment to a broadcasting licence holder, or to electronic communications network operator.	The Electronic Communications Office submits information to the National Radio and TV Council about coordinated available radio frequencies together with information about the basic conditions of operating electronic communications networks. The Radio and TV Council issues broadcasting and/or re-broadcasting licences. The holder of the broadcasting license then applies to the Electronic Communications Office, which issues a document authorizing the broadcasting license holder to use specified frequencies under specified technical arrangements to transmit specified content.
Comment	The Cabinet of Ministers adopts the National Radio Frequencies Plan once a year. The Public Utilities Commission and the Electronic Communications Office coordinate frequency assignment. The Public Utilities Commission has a coordination and oversight role, issues general authorisations, holds competitions and auctions for available frequencies and the Electronic Communications Office assigns frequencies to broadcasters, monitors implementation, carries out sites inspections.				

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
LV	A frequency licence (permit) is issued only after a content permit from the National Radio and Television Council has been received. According to Regulation No. 453 of the Cabinet of Ministers published on June 6, 2006 the requirements attached to frequency licences are the same as in Annex B of the Authorisations Directive.	The frequency licence specifies all parameters to ensure the use of frequency in the optimal way: equipment specification, exact location, effective radiation power. None of the specified parameters can be changed without permission (for example, the exact location).	The frequency licence specifies the technical conditions that must be complied with by the licence holder.	The license specifies: <ul style="list-style-type: none"> • the date of commencement of broadcasting; • transmission schedule; • if the frequencies are assigned to an operator providing transmission services to a broadcaster, it is specified in the licence.

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
LV	Broadcasting companies are not subject to any one-off fees.	There is no annual fee at the moment. The new Concept of an annual fee for use of radio frequency spectrum, accepted by the Cabinet of Ministers on July 27, 2006 proposes an annual fee calculated on the basis of radio frequency market value.	There is a frequency value factor included into the fee calculations. For broadcasting the factor is 0.05, but for the telecommunications sector it ranges from 0.1 to 1.0.

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
LV	None	January 2004	Ministerial with participation of stakeholders	Cable TV operators are obliged to transmit national public TV channels. Before the review, all platforms were obliged to transmit all channels available in the area.

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Latvia							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	<p>Law on Radio and Television, article 58:</p> <p>‘The Latvian State Radio and TV Centre shall fully ensure the distribution of the national remit programme of Latvian Radio and TV in the entire territory of the State as well as the target audience outside the borders of the State.’</p> <p>Commercial companies do not have such obligation.</p>	The Latvian State Radio and TV Centre	Ministerial consultation	No explicitly stated link.	Two channels provided by the Latvia public TV (LTV1 and LTV7).	National public channels	Not specified

Latvia							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Cable network (analogue and or digital)	<p>Law on Radio and Television, article 34:</p> <p>Within cable television systems, the supply to subscribers shall be ensured for all this populated area of reliably receivable public television programmes, which are broadcast in Latvia, in an unchanged form. No broadcasting permit is needed to distribute these programmes on cable television systems.</p>	Cable operators only	Same as above	The National Radio and Television Council shall regularly control the conformity of cable television programmes with the general programme concept.	Two channels provided by the Latvia public TV (LTV1 and LTV7).	National public channels.	Not specified
Digital terrestrial	No obligations						
Satellite	No obligations						
Fixed network operator	No obligations						
Mobile network operator	No obligations						

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
LV	No payments	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
LV	No must-offer obligations	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
LV	National analogue terrestrial radio broadcasting transmission services	No decision taken	N/A
	Local/regional analogue terrestrial radio broadcasting transmission services	No decision taken	N/A
	National analogue terrestrial television broadcasting transmission services	No decision taken	N/A
	Local/regional analogue terrestrial television broadcasting transmission services	No decision taken	N/A

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
	Satellite broadcasting transmission services	No decision taken	N/A
	Fixed line broadcasting distribution services	No decision taken	N/A
The Market Analyses only started recently and covered 3 markets so far. No decision on the inclusion of markets has been made public yet.			

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
LV	M 18 not yet analysed.			

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

NB National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
LV	Public Utilities Commission (PUC) The Law on Electronic Communications (art. 36)	Ensure access fairly, proportionally and with equal treatment.	Public electronic communications network operators.	Not yet decided	Not yet made

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
LV	<p>According to the Law on Electronic Communications, Section 36:</p> <p>“(2) In order to ensure for a user the possibility of access to digital radio and digital television broadcasting services, the Public Utilities Commission, in accordance with Chapter IX of this Law, has the right to fairly, proportionally and with equal treatment specify that public electronic communications network operators have a duty to ensure access to application software interfaces and electronic programme guides.”</p> <p>Public Utilities Commission</p>	<p>Baltcom TV (digital cable operator) uses MMDS.</p> <p>Izzi, (digital cable operator) delivers content by connecting to the Ethernet (IP TV).</p>	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
LV	<p>Public Utilities Commission (PUC)</p> <p>The Law on Electronic Communications (art. 36)</p>	<p>PUC has the right to fairly, proportionally, and with equal treatment specify that public electronic communications network operators have a duty to ensure access to electronic programme guides.</p> <p>There has been no decision so far.</p>

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
LV	<p>The Latvian Competition Council has responsibility for all sectors including broadcasting</p>	<p>No</p> <p>See Competition Law of April 22, 2004</p> <p>As stated in the Law on Radio and TV, Chapter 9:</p> <p>“Compliance of the operation of broadcasting organisations with the provisions of this Law shall be supervised by the National Radio and Television Council, the State Telecommunications Inspection of the Ministry of Transport and the Competition Council in the scope of their authority as specified by law.”</p>	No

Lithuania

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
LT	Analogue terrestrial networks 49 analogue terrestrial radio providers 31 analogue terrestrial TV providers	Total number of households: 1440 thousand (end of 2005) Analogue terrestrial TV is available to 98% of households. There are no data on the number of households who have analogue only. Sources: Statistics Lithuania, Namų ūkių pajamos ir išlaidos 2005 , Statistics Lithuania , Lietuvos Radijo ir Televizijos Komisijos 2005-ŲJŲ METŲ ATASKAITA LIETUVOS RESPUBLIKOS SEIMUI (April 2006)
	Cable television networks 55 cable TV providers	Cable TV networks can reach 78% of all households, but only 25.2% households were subscribers (including subscribers of MMDS). By the end of 2005 number of cable TV subscribers was 295.5 thousand Sources: Communications Regulatory Authority Lithuanian Communications Sector 2005 , Lietuvos Radijo ir Televizijos Komisijos 2005-ŲJŲ METŲ ATASKAITA LIETUVOS RESPUBLIKOS SEIMUI, April 2006
	Microwave multi-channel television networks (MMDS) 4 MMDS providers	The MMDS providers have a total of 34,800 subscribers Sources: Communications Regulatory Authority Lithuanian Communications Sector 2005 , Lietuvos Radijo ir Televizijos Komisijos , 2005-ŲJŲ METŲ ATASKAITA LIETUVOS RESPUBLIKOS SEIMUI, April 2006
	Satellite networks 1 satellite TV provider	7.5% of households are satellite TV subscribers Source: Lietuvos Radijo ir Televizijos Komisijos 2005-ŲJŲ METŲ ATASKAITA LIETUVOS RESPUBLIKOS SEIMUI (April 2006)
	Under development: Digital terrestrial networks: Five digital terrestrial TV broadcasters received licenses to provide services using DVB-T networks of the Lithuanian Radio and TV Centre (LRTC) and the TEO LT, AB (till May 5, 2006 – Lietuvos Telekomas AB) on March 1, 2006. One digital cable provider One digital MMDS provider	
	IP TV	-
	Mobile TV via UMTS (and GPRS): • Omnitel • Bite Lietuva (Mobilioji TV)	No information available

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
LT	The Law on Provision of Information to the Public, of 1996 (new edition entering into force on 1 September, 2006)
	The Law on Electronic Communications of April 15, 2004 (EN) May 1, 2004 introduces the EU 2003 framework
	Rules on licensing broadcast and re-broadcast activities of December 1, 2004 (EN)
	Law on Lithuanian National Radio and Television of October 8, 1996 (EN-2001) Amended on December 22, 2005
	Model of digital television implementation in Lithuania of November 25, 2004
	Development plan of digital terrestrial television of April 28, 2005
	Strategy for allotment of radio frequencies for broadcast and re-broadcast of radio and television programmes of March 27, 2003
	Strategic plan for allotment of radio frequencies for broadcast and re-broadcast of radio and television programmes of October 15, 2003
	Rules on allotment and use of radio frequencies (channels) for broadcast and re-broadcasting of radio and television programmes of February 6, 2006
	Order on Licence fees for broadcasting and re-broadcasting in cable television and MMDS networks of June 29, 2005 (not very important, may be deleted).
	National radio frequency allocation table February 3, 2003
	Rules on allocation and use of radio frequencies/channels of October 6, 2005
	Rules on implementation and use of electronic infrastructure of June 10, 2005 Last edition of December 8, 2005 in force from December 18, 2005

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
LT	<ul style="list-style-type: none"> • Constitution of the Republic of Lithuania • Law of provision of information to the public • Government’s resolution on the means to ensure acceptance of LRT programmes in the entire Lithuania • Law on Lithuanian national radio and television 	<ul style="list-style-type: none"> • Citizen’s rights for access to information <p>The Radio and Television Commission gives priority to the applicants who will undertake to:</p> <ul style="list-style-type: none"> • produce cultural, information and enlightening broadcasts of original creative work; • ensure fair and impartial provision of information, respect the person’s dignity and his/her right to a private life; • protect minors from the possible negative impact of public information on their physical, mental and moral development; • broadcast programmes, which are not yet broadcast in the reception zone by other broadcasters. <p>The Government of Lithuania obliged RRT (electronic communications regulator), RTK (Radio and TV Commission), and LRT (public broadcaster) to ensure that LRT programmes have 99 percent coverage.</p>

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
LT	LRT must collect and publish information concerning Lithuania and the world, acquaint the public with the variety of European and world culture and principles of modern civilisation, reinforce the independence and democracy of the Republic of Lithuania, create, nurture and protect the values of national culture, foster tolerance and humanism, culture of co-operation, thought and language, and strengthen public morality and civic awareness and develop the country's ecological culture In preparing and broadcasting its coverage LRT must be guided by the principles of objectivity, democracy and impartiality, ensure freedom of speech and creative freedom, must reflect in its broadcasts diverse opinions and convictions, with individuals of various convictions having the right to take part and voice their views in them. Human rights and dignity must be respected in the broadcasts, and the principles of morality and ethics must not be violated.	Lithuanian National Radio and Television (LRT) - state television, which has the mission of being the public broadcaster, the structure of its programme is composed by representatives of the public. Source: <ul style="list-style-type: none"> • Law on amendment of the law on national radio and television of Lithuania, October 8, 1996. I-1571 (Original Law), June 29, 2000. No. VIII – 1780) (amended on January 25, 2001. No. IX - 155) • New Law on public broadcaster since December 22, 2005 in Russian • Link to the description of the recent changes in English 	The presence of LRT is defined in the Law of provision of information to the public and in the licences of re-broadcasters: “LRT shall have a priority right to newly co-ordinated electronic communication channels (radio frequencies), state radio and television broadcasting installations with state of the art radio and television technologies. LRT shall have the right to have 2 television and 4 radio programmes”	See note below.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
	<p>Recent changes to public service broadcaster obligations</p> <p>Changes on December 22, 2005:</p> <ul style="list-style-type: none"> rejected the idea of introducing the licence fee for public service broadcaster (which was foreseen earlier with the purpose that LRT becomes independent from Government); the broadcaster is not obliged to translate audio and video works into Lithuanian using dubbing, it can present them with Lithuanian subtitles in the original language. (dubbing used to be obligatory); the public broadcaster has to prepare programmes for national minorities; must prepare programmes for the disabled. (earlier it was the right of the LRT, but not an obligation); with the increase of the LRT allocations from the State Budget, advertising time will be progressively reduced to 10% of the daily transmission time(it used to be 15%); apart from the LRT Council and the Director General, the Administrative Commission, introduced from 1 April, 2006, that will control the overall financial activity of the broadcaster; strengthened requirements for the annual report of LRT finance: revenues collected from the State budget, advertising and commercial activity and the utilisation of financial resources from each of these sources. 			

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
LT	Lithuanian Radio and Television Commission (RTK) (National broadcasting authority)	<p>Regulation of broadcasting and re-broadcasting sector:</p> <ul style="list-style-type: none"> Issue of broadcasting and re-broadcasting licences; Monitoring of broadcasters' and re-broadcasters' programmes to maintain control over compliance with the laws and Commission decisions (content regulation). <p>See Competencies of the Radio and Television Commission.</p>	No
	Ministry of Transport and Communications of the Republic of Lithuania	Governed by regulations of the Ministry of Transport and Communications – Approved by Resolution No 1117 of the Government of the Republic of Lithuania of 15 September 1998 (as amended by Resolution No 1233 of 17 November 2005)	No
	LRT Council	<p>The Council is the highest governing institution of LRT, representing the public interests. It is comprised of twelve members who are prominent individuals in the social, scientific, and cultural spheres. It's main responsibilities are to:</p> <ol style="list-style-type: none"> form the state strategy of the LRT programmes; 	

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
		<p>2. form the scope and structure of LRT programmes, establish the duration of LRT programme broadcasting, annually approve the composition of LRT programmes and changes thereof;</p> <p>3) establish the number of channels and their use in programme transmission.</p> <p>(Read more in Article 10 of the Law on Lithuanian national radio and television)</p>	
	National electronic communications regulatory authority (RRT)	<p>RRT regulates electronic communications sector and influences broadcasting sector at such extent that relates to frequencies and other resources:</p> <ul style="list-style-type: none"> • frequencies allocation; • spectrum monitoring; • terminal equipment; • telecommunications regulation and market analyses; • postal services regulation. <p>See Responsibilities of the Communications Regulatory Authority.</p>	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
LT	<p>On September 15, 2005 Omnitel (mobile services provider) launched its mobile TV service "TV telephone" using a WAP platform "Omni SurfPort". It broadcasts LNK, LTV, TV3 and Euronews.</p> <p>On September 8, 2005 Bite Lietuva launched mobile TV service "Mobilioji TV". It broadcasts 20 TV programmes.</p> <p>Mobile TV reception is possible via handsets with EDGE and "Streaming" technologies, e.g. NOKIA: 6111, 6170, 6230, 6230i, 6270, 6280, 6630, 6680, 6681, 7270, 7710, 8800, N70, N90, N91, 9300, 9500.</p> <p>The service is offered without any additional subscription fee, it costs 0.30 LT/min for data transmission.</p>	<p>No regulatory framework specific for mobile TV</p> <p>The Radio and TV Commission (RTK) and the Communications Regulatory Authority (RRT) are considering the introduction of regulation of this market. There are technical and copyright matters to be addressed. They intend to issue mobile TV licences on a non-tender basis for broadcasters and/or network operators. No documents have been issued so far.</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
LT	<p>On March 3, 2006 RTK issued licences to broadcast programmes through fixed broadband networks to:</p> <ul style="list-style-type: none"> • TEO LT, AB (former Lietuvos telekomas) (using ADSL technology); • 5Ci (using its optical LAN network). 	<p>There is no specific regulation for IP TV. LT and 5Ci obtained “re-broadcasting licences using fixed broadband networks” from the Radio and Television Commission (RTK).</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Lithuania				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	None	No	N/A	No procedure
Digital terrestrial	None	No	N/A	No procedure
Cable	None	No	N/A	No procedure
Satellite	None	No	N/A	No procedure
Fixed telecommunications network	None	No	N/A	No procedure
Mobile telecommunications network (UMTS)	None	No	N/A	No procedure
Comment	<p>There are no general authorisations in Lithuania. To broadcast or re-broadcast radio and/or television channels in real time an individual broadcasting licence must be obtained.</p> <p>Notifications exist only in the electronic communications sector. However, if an operator would like to distribute content over its electronic communications network it should apply for a broadcasting licence.</p>			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Lithuania			
	Network operator (performing transmission only)	Distributor of bouquets of TV channels	TV channel
Analogue terrestrial	License A	Not specified	Licence C, D, and E
MMDS	Licence A	Licence G	Licence D, E

Lithuania			
	Network operator (performing transmission only)	Distributor of bouquets of TV channels	TV channel
Cable TV	Notification B	Licence G	Licence F
Fixed telecommunications	Notification B	Licence G	Licence F
Mobile networks (2G/3G)	Y	Licence G	Licence F

Lithuania			
	Terrestrial network operator (performing transmission only)	Distributor of bouquets of TV channels	TV channel
Digital terrestrial	License A	Not specified	Licence D, and E

Lithuania			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	There is no satellite operator in Lithuania.	Licence G	Licence F

Lithuania				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks	Test phase. Regulatory framework under development.			

Lithuania	
Comment	Individual licences are regulated by the Law on Provision information to the Public Resolution No.112 of the Radio and Television Commission of Lithuania of December 1, 2004. It states that: "Where radio frequencies (channels) provided for in the Strategic Plan for Allocating Radio Frequencies to Broadcast and Transmit Radio and Television Programmes (hereinafter referred to as the Strategic Plan) are used for the broadcasting and (or) re-broadcasting activities, the Radio and Television Commission (RTK) shall issue broadcasting and re-broadcasting licences, which grant the right to engage in broadcasting and (or) re-broadcasting activity as well as the right: 1. to install and exploit one's own networks of electronic communications (license C), 2. to use one's own networks of electronic communications to broadcast and (or) rebroadcast programmes (license D); or 3. to make use of the transmission service provided by a third party (license E)."
A	RRT (Communications Regulatory Authority) issues a licence, which grants the right to install one's own networks of electronic communications and gives the right to use frequencies allocated for broadcasting.
B	Notification to RRT (Communications Regulatory Authority) - where radio frequencies are not used (Law on Electronic Communications).
C	When radio frequencies are needed for broadcasting or re-broadcasting activities, LRTK issues a licence, which grants the right to engage in broadcasting and (or) re-broadcasting activity as well as the right to install one's own networks of electronic communications and gives the right to use frequencies. Issued by LRTK on a tender basis. This licence is also called "broadcasting" licence. Applies to analogue terrestrial networks only.
D	When radio frequencies are needed for broadcasting or re-broadcasting activities, LRTK issues a licence which grants the right to engage in broadcasting and (or) re-broadcasting activity as well as the right to use one's own network of electronic communications to broadcast and or re-broadcast programmes. Applies to analogue terrestrial and digital terrestrial networks.
E	When radio frequencies are needed for broadcasting or re-broadcasting activities, LRTK issues a licence which grants the right to engage in broadcasting and (or) re-broadcasting activity as well as the right to make use of the transmission service provided by a third party who has the right to use frequencies allocated for broadcasting. Applies to analogue terrestrial and digital terrestrial networks.
F	LRTK issues a licence that grants the right to engage in broadcasting and (or) re-broadcasting activity. Applies to satellite, cable, broadband (IP TV, 2G/3G, etc.), MMDS networks.
G	LRTK issues a licence that grants the right to engage in re-broadcasting activity for retransmission of programme package. Applies to satellite, cable, broadband (IP TV, 2G/3G, etc.), MMDS networks.
Y	2G/3G licence given by RRT (communications regulatory authority).

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
LT	2012	Details of digital dividend are not yet clear. RRT plans to follow guidelines of the ITU RRC-06. Interference with neighbouring Russia is a major concern.	According to the Model of introduction and development of digital TV in Lithuania and the Development Plan for digital terrestrial TV, DVB-T is developed in the frequency bands 174-230 MHz and 470-862 MHz ('Band III' and 'Bands IV-V' respectively). These frequencies are currently used for analogue TV.	-	-	-

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Lithuania					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	RRT (communications regulatory authority): Following Art. 49 of the Law on Electronic Communications .	No	Broadcasters and transmission operators.	Direct assignment together with individual transmission and or broadcasting and or re-broadcasting license.	See note below.
<p>Sequence of license assignment</p> <p>The Communications Regulatory Authority (RRT) submits information to the Radio and Television Commission (RTK) of Lithuania about radio frequencies available together with information about the basic conditions of operating electronic communications networks required to issue broadcasting and or re-broadcasting licences.</p> <p>RTK announces tenders at the request of interested people or on its own initiative for the free co-ordinated radio frequencies. RTK issues broadcasting licences in the frequencies available.</p> <p>Frequencies are assigned at the same time as the broadcasting license is issued by RTK.</p>					

Lithuania					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Digital terrestrial (DVB-T)	RRT (communications regulatory authority): Following Art. 49 of the Law on Electronic Communications	No	Broadcasters and transmission operators	Beauty contest or direct assignment together with individual transmission and or broadcasting and or re-broadcasting license	Frequencies are assigned at the same time as the broadcasting license is issued by RTK However, two of the existing DDT licence-holders (out of five) first obtained frequencies and then applied for broadcasting licences – but this was an exceptional case.
Mobile over terrestrial networks (DVB-H/DMB)	RRT (communications regulatory authority): Following Art. 49 of the Law on Electronic Communications .	No	No regulation in place		
Satellite	RRT (communications regulatory authority): Following Art. 49 of the Law on Electronic Communications .	No	Satellite broadcaster	Direct assignment together with individual transmission and or broadcasting and or re-broadcasting license.	Frequencies are assigned by RRT.

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
LT	<ul style="list-style-type: none"> • Licence duration: 10 years (exceptions: 1W radio station - 3 years, 20W radio and TV stations – 5 years) while broadcast licences issued by RTK are unlimited. • Requirements to pay usage fees 	<ul style="list-style-type: none"> • Timing of network implementation • Coverage requirement • Investment requirements • Quality requirement for signal 	<ul style="list-style-type: none"> • Requirement to use analogue or digital technology • To coordinate radio technical plan with RRT • Network equipment must conform to the requirements set in LR legal acts 	No content conditions

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
	<p>See Order on the approval of the rules for the assignment and use of radio frequencies/channels (CRA/Order/199/2002 12 20/came into force 2003 01 01/Official Gazette Valstybės žinios'2002 Nr.125-5706) and</p> <p>General terms and conditions for engaging in electronic communications activities (CRA/Order/1V-340/2005 04 08/came into force 2005 04 17/Official Gazette Valstybės žinios'2005 Nr.49-1641).</p> <p>The frequency licence determines technical usage of frequencies and compatibility conditions only. It does not contain content related conditions. Content conditions are determined by broadcasting licence.</p> <p>Broadcast transmission services are not licensed. The only provider is LRTC (Radio and TV centre).</p>			

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
LT	<p>Broadcast licence fee (up to € 200) paid to the Radio and TV Commission.</p> <p>Annual fee (can be paid once for the entire licensing period) is paid to the Radio and TV Commission.</p> <p>Frequency fee (€ 70-200) for examination of application paid to the Communications Regulatory Authority.</p> <p>Fee for supervision of frequencies paid annually to the Communications Regulatory Authority.</p>	<p>Broadcast licence fee paid by terrestrial broadcasters is calculated per transmitter depending on the coverage. e.g. fee for TV stations – LT3,000 (€ 870) for stations with coverage of up to 50,000 inhabitants, and LT24,000 ((€ 6,900) for stations with coverage of up to 750,000 inhabitants.</p> <p>The fee paid by cable and MVDS operators depends upon the size of the licensed territory.</p> <p>The fee for the supervision of frequencies depends on the power of the terrestrial station and is paid by the sender of the broadcast content.</p>	No

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
LT	No formal policy	None	None	None

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Lithuania							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	<p>Article 33 of the Law on provision of information to the society.</p> <p><i>‘The re-broadcasters of television programmes must re-broadcast at least one public TV programme and all the uncoded terrestrial television programmes of Lithuania’s national broadcasters, unless the Radio and Television Commission provides otherwise.’</i></p> <p>LRTC, the government-owned terrestrial transmission network operator, must in any case ensure the broadcast of LRT programmes over its terrestrial networks.</p>	All re-broadcasters	<p>Article 33 of the Law on provision of information to the society.</p> <p>According to the Law, all re-broadcasters have this obligation.</p> <p>In the event that limited radio frequency (channel) resources are used for the re-broadcasting of programmes, the Commission may limit the maximum number of re-broadcast programmes, taking into account the need of such resources for the re-broadcasting of programmes.</p>	Unclear Must-carry is a separate article of the Law.	Four television channels broadcast nationwide: LTV1 (first channel of the public broadcaster), TV3 (commercial), LNK (commercial), BTV (commercial).	National channels	Individual broadcasting licence
Cable network (analogue and or digital)	<p>Article 33 of the Law on provision of information to the society.</p> <p><i>‘The re-broadcasters of television programmes must re-broadcast at least</i></p>	All re-broadcasters	<p>Article 33 of the Law on provision of information to the society.</p>	Unclear Must-carry is a separate article of the Law.	All channels broadcast nationwide (one public and three commercial) and regional channels. The total number of must-carry channels may vary depending on the number of regional channels. As an example, Tele2 offers 7 channels in Vilnius:	National and regional channels	Individual broadcasting license

Lithuania							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	<i>one public TV programme and all the uncoded terrestrial television programmes of Lithuania's national broadcasters, unless the Radio and Television Commission provides otherwise.'</i>		<p>According to the Law, all re-broadcasters have this obligation.</p> <p>In the event that limited radio frequency (channel) resources are used for the re-broadcasting of programmes, the Commission may limit the maximum number of re-broadcast programmes, taking into account the need of such resources for the re-broadcasting of programmes.</p>		<ul style="list-style-type: none"> • Four television channels broadcast nationwide: LTV1 (first channel of the public broadcaster), TV3 (commercial), LNK (commercial), BTV (commercial); • Three television channels broadcast only in Vilnius: LTV2 (second public channel), Tango TV (commercial); LNK TV1 (commercial); 		
Digital terrestrial	Chapter II Art. 9 of the Model of Digital TV implementation	All re-broadcasters	<p>Article 33 of the Law on provision of information to the society.</p> <p>According to the Law, all re-broadcasters have this obligation.</p> <p>In the event that limited radio frequency (channel) resources are used for the re-broadcasting of programmes, the Commission may</p>	Unclear Must-carry is a separate article of the Law.	No less than 5 unencrypted (free of charge) programmes, including two programmes of the public broadcaster LTV.	National channels and possibly regional channels (not specified)	Individual broadcasting licence

Lithuania							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
			limit the maximum number of re-broadcast programmes, taking into account the need of such resources for the re-broadcasting of programmes.				
Satellite	<p>Article 33 of the Law on provision of information to the society.</p> <p><i>'The re-broadcasters of television programmes must re-broadcast at least one public TV programme and all the uncoded terrestrial television programmes of Lithuania's national broadcasters, unless the Radio and Television Commission provides otherwise.'</i></p>	All re-broadcasters	<p>Article 33 of the Law on provision of information to the society.</p> <p>According to the Law, all re-broadcasters have this obligation.</p> <p>In the event that limited radio frequency (channel) resources are used for the re-broadcasting of programmes, the Commission may limit the maximum number of re-broadcast programmes, taking into account the need of such resources for the re-broadcasting of programmes.</p>	Unclear Must-carry is a separate article of the Law	Four television programmes broadcast nationwide: LTV1 (first channel of the public broadcaster), TV3 (commercial), LNK (commercial), BTV (commercial).	National channels	Individual broadcasting license

Lithuania							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Fixed network operator	<p>Article 33 of the Law on provision of information to the society.</p> <p><i>'The re-broadcasters of television programmes must re-broadcast at least one public TV programme and all the uncoded terrestrial television programmes of Lithuania's national broadcasters, unless the Radio and Television Commission provides otherwise.'</i></p>	All re-broadcasters	<p>Article 33 of the Law on provision of information to the society.</p> <p>According to the Law, all re-broadcasters have this obligation.</p> <p>In the event that limited radio frequency (channel) resources are used for the re-broadcasting of programmes, the Commission may limit the maximum number of re-broadcast programmes, taking into account the need of such resources for the re-broadcasting of programmes.</p>	Unclear Must-carry is a separate article of the Law.	Four television programmes broadcast nationwide: LTV1 (first channel of the public broadcaster), TV3 (commercial), LNK (commercial), BTV (commercial).	National channels	Notification to RTK and RRT
Mobile network operator	No obligation						

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
LT	There are no payments. According to Art. 33 paragraph 3 of the Law on provision of information to the public: "Re-broadcasters shall not pay broadcasters for the programmes that have to be re-broadcast."	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed "must-offer" obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
LT	No must-offer obligations				

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
LT	Terrestrial radio broadcasting transmission services, when the radio frequency is assigned to a broadcaster.	Yes	N/A
	Terrestrial radio broadcasting transmission services, when the radio frequency is assigned to a transmission (service) provider.	Yes	N/A
	Terrestrial television broadcasting transmission services, when the radio frequency is assigned to a broadcaster.	Yes	N/A
	Terrestrial television broadcasting transmission services, when the radio frequency is assigned to a transmission (service) provider.	Yes	N/A
	Wire radio broadcasting transmission services	No	Wire radio infrastructure is out-of-date and located only in old type many-flat houses. Only 3 radio programmes are broadcast via wired radio network. There is a small possibility that a new entrant may come into this market. Therefore, there are no indications that competition problems will arise in this market, consequently, it does not require ex ante regulation.
	Radio broadcasting transmission services via cable television networks	No	Radio broadcast through cable television networks is not popular, radio is offered as a complementary service attached to the cable television services. There are no indications that competition problems will arise in this market, consequently, it does not require ex ante regulation.
	Cable television broadcasting services	No	Does not fulfil the 3 criteria for markets subject to ex ante regulation: No high barriers to entry, there are 70 cable operators in the market.
	Satellite radio broadcast services	No	Market is transnational.
	Satellite television broadcast services	No	Market is transnational.
	<p>Source: RRT report on the draft analysis of market 18 of April 24, 2006 (see Konsultacija dėl transliacijų perdavimo paslaugų, skirtų turinio paslaugoms galutiniams vartotojams teikti, rinkos tyrimo)</p> <p>On April 24, 2006 RRT notified draft decision to Commission. Phase 1 investigation ongoing.</p>		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
LT	Terrestrial radio broadcasting transmission services, when the radio frequency is assigned to a broadcaster.	LRTC - Lietuvos Radijo ir Televizijos Centras AB (Lithuanian Radio and Television Centre)	Provision of network access on reasonable request	Yes Price regulation and cost accounting 24 months from the date of imposition of this obligation the undertaking Lietuvos Radijo ir Televizijos Centras AB (LRTC) must implement FDC (Fully Distributed Costs) cost accounting system. Since the date of imposition of this obligation until the date on which FDC cost

	Relevant market	SMP	Access obligation?	Price regulation?
				accounting system is implemented, LRTC must provide the relevant broadcasting transmission services for prices not higher than on June 30, 2005. LRTC must calculate the costs of the relevant broadcasting transmission services using FDC costing system in accordance with the Rules on Cost Accounting set by RRT.
	Terrestrial radio broadcasting transmission services, when the radio frequency is assigned to a transmission (service) provider.	LRTC	Yes Same as above	Yes Same as above
	Terrestrial television broadcasting transmission services, when the radio frequency is assigned to a broadcaster.	LRTC	Yes Same as above	Yes Same as above
	Terrestrial television broadcasting transmission services, when the radio frequency is assigned to a transmission (service) provider.	LRTC	Yes Same as above	Yes Same as above
<p>Source: RRT report on the draft analysis of market 18 of April 24, 2006 (see Konsultacija dėl transliacijų perdavimo paslaugu, skirtų turinio paslaugoms galutiniams vartotojams teikti, rinkos tyrimo). On April 24, 2006 RRT notified draft decision to Commission. Phase 1 investigation ongoing.</p>				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
LT	<p>Model of introduction and development of digital television in Lithuania</p> <p>Responsible authority: RTK (Radio and Television Commission).</p>	<p>The model specifies that a digital TV network operator may agree with a digital TV broadcaster on the:</p> <ul style="list-style-type: none"> • coding of programmes (CAS); 	<p>Not yet decided</p> <p>After the obligations have been set then broadcasters and network operators will enter into commercial agreements.</p>	Not yet decided	There is no need so far.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
		<ul style="list-style-type: none"> transmission of programmes; development of end-user infrastructure; provision of additional services via the sender's network. 			

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
LT	Regulatory authority: RRT Legislation: Paragraph 2 (2) of Article 22 of the Law on Electronic Communications Paragraph 25 of the Model of introduction and development of digital TV in Lithuania	The provisions of the directives on APIs are fully transposed in the Law on Electronic Communications. The model of introduction and development of digital TV in Lithuania recommends that digital television providers use open APIs with the same standard. MPEG-4 is used by all operators on a voluntary basis. The broadcasting licences (number of programmes in the channel) are issued taking into account MPEG-4.	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
LT	<p>Legislation:</p> <ul style="list-style-type: none"> Paragraph 2(2) of Article 22 and paragraph 5 of Article 25 of the Law on Electronic Communications Paragraph 20 of the development plan for digital terrestrial television technical and regulatory requirements for implementation and development of digital TV in Lithuania. <p>Responsible authority: RRT</p>	<p>According to paragraph 5 of Article 25 of the Law on Electronic Communications, RRT has the right to establish requirements for the provision and use of electronic programme guides. For the time being the requirement that the amount of stream used for EPG and teletext should not exceed 15% of the entire stream (see paragraph 20 of the development plan for digital terrestrial television).</p>

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
LT	See note below	No	<p>Broadcast via internet:</p> <p>On December 20, 2005 LRTC (Lithuanian Radio and TV Centre) started to rebroadcast Lithuanian TV programs (LTV, LNK, TV3, BTV, "Tango TV" and LTV2) via the internet (accessible at the http://erdves.lt/Tvonline website). The Lithuanian Radio and TV Commission (RTK) demanded that the broadcast is stopped because of infringement of copyright: Lithuanian broadcasters have the rights to broadcast in Lithuania but not in the whole world.</p> <p>LRTC stopped broadcast of commercial channels but has continued broadcast of the two public channels: LTV and LTV2.</p> <p>IPTV contest results:</p> <p>On May 3, 2006 RTK issued IPTV licences for Lietuvos Telekomas and 5c. Balticum TV appealed RTK's decision to issue an IPTV licence for Lietuvos Telekomas</p> <p>arguing that the LT proposal was</p>

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
	<p>The broadcasting sector is governed by Competition Law. The law is implemented by the Competition council and the RTK.</p> <p>According to the Law of provision of information to the public:</p> <p>Art. 23:</p> <p>6. The Radio and Television Commission (RTK) may refuse to give its consent for the transfer of a broadcaster's and/or re-broadcaster's shares (units) and/or its control (management) if:</p> <ul style="list-style-type: none"> • 3) concentration takes place due to the transfer and acquisition of a broadcaster's and/or re-broadcaster's shares and the Competition Council has not issued a relevant permission where such permission is required by the Republic of Lithuania Law on Competition. <p>Art.29:</p> <p>... Dominant position in the field of provision of information to the public shall be determined in conformity with the Law of Competition.</p> <p>Art. 39:</p> <p>12. The National Consumer Rights Protection Board and the Competition Council, in cooperation with regulatory institutions governing the activities of producers and/or disseminators of public information as well as with self-regulatory institutions, shall maintain control over compliance with advertising requirements specified in this and other laws.</p>		<p>not in conformity with the requirements of the contest (Lietuvos Telekomas and 5c had won this contest, while Balticum TV and Baltijos TV had lost it).</p> <p>The case is still pending. In the meantime, Lietuvos Telekomas (recently renamed TEO LT) launched pilot IPTV services.</p>

Luxembourg

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
LU	Terrestrial analogue free-to-air	2.5% of households
	Terrestrial digital free-to-air	Since June 1, 2006
	Cable	90% of households
	Satellite	20% of households
		In 2005, there were 180,517 households NB Some households have both cable and satellite.
	IP TV	-
	Mobile TV(DVB-T/DVB-H)	Trials only

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
LU	Broadcasting legislation
	Law of July 27, 1991 on electronic media (coordinated version)
	Law of June 8, 2004 on freedom of speech in media
	Luxembourg regulation of January 10, 1992 establishing the list of Luxembourg broadcasting frequencies, foreseen in article 2 of the Law of July 27, 1991 on electronic media
	Luxembourg regulation of February 13, 1992 establishing the limits to be imposed on the number of advertisements that can be broadcast in local radio programmes
	Luxembourg regulation of January 21, 1993 establishing the allocation rules for licences to broadcast Luxembourg programmes at international level as well as the general rules governing these authorisations and their specifications
	Luxembourg regulation of January 21, 1993 establishing the rules on how the Government grants licences for Luxembourg programmes broadcast by satellite as well as the general rules governing these authorisations and their specification schedules
	Luxembourg regulation of March 17, 1993 establishing the allocation rules for authorisations to broadcast television and teletext programmes and other related programmes as well as the general rules governing these authorisations and their specification schedules
	Luxembourg regulation of March 17, 1993 establishing the rules on how the Government grants licences for Luxembourg programmes broadcast by cable as well as the general rules governing these authorisations and their specification schedules
	Law of August 2, 2002 on the legal protection of conditional access services
Broadcasting authorities legislation	

Member state	Types of regulations affecting broadcasting industry
	<p>Luxembourg regulation of December 17, 1991 establishing the internal organisation of the Media and Communications Service, created by article 29 of the law of July 27, 1991 on electronic media</p> <p>Luxembourg regulation of December 17, 1991 establishing the internal organisation of the Independent Broadcasting Commission</p> <p>Luxembourg regulation of November 7, 1991 on the organisation and functioning of the Consultative Media Commission</p> <p>Luxembourg regulation of February 27, 1992 establishing the rules on the internal functioning of the National Programme Council, created by article 31 of the law of July 27, 1991 on electronic media</p> <p>Luxembourg regulation of June 19, 1992 establishing the rules on the structure and functioning of the public body created by article 14 of the law of July 27, 1991 on electronic media</p>
	Electronic communications and spectrum legislation
	Telecom package of May 30, 2005 (including law on organisation and management of radio frequencies)
	<p>Luxembourg regulation of January 28, 1999 on the usage conditions of the parts of the frequency spectrum</p> <p>Luxembourg regulation of February 4, 2000 on frequency and telecommunications equipment and the mutual acknowledgment of their conformity</p> <p>Luxembourg regulation of March, 10 2001 on the assignment plan for frequencies</p>

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
LU	Constitution	<ul style="list-style-type: none"> Freedom of speech and freedom of press (art. 24) Freedom of commerce and industry (art. 11(6))
	Law of July 27 1991 on electronic media (coordinated version).	<p>Free access of the population to a multitude of sources of information and entertainment, guaranteeing the freedom of expression and of information, as well as the right to receive and retransmit on the Luxembourg territory all programmes complying with the law.</p> <p>The organisation of broadcasting is to be based on:</p> <ul style="list-style-type: none"> free and pluralistic audiovisual communication; independence and pluralism of information; respect of the human person and dignity; highlighting of the cultural heritage and of contemporary creation; promotion of communication, intercultural exchange and integration of immigrants; safeguarding of a pluralistic written press (art 1).
	This law also stipulates (art. 10) that schedules of conditions which are attached to broadcasting licences may contain obligations, such as performing specific cultural services in the general interest of the country, respect of pluralism and promotion of culture and creative activities.	
	Law of June 8, 2004 on freedom of speech in medias	This law specifies the freedom of speech in media.

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
LU	There is no public broadcaster as such but the private organisation 'CLT-UFA' is entrusted (to some extent) with a public service mission. In 1995, CLT-UFA committed - as a counterpart for the granting of licences (relating to programmes and frequencies) by the government – to provide certain public service broadcasts on its Luxembourg radio ('RTL Radio Lëtzebuerg' - see above) and television programmes, ('RTL Télé Lëtzebuerg'). These stations must broadcast, for a determined minimum of time in their ordinary schedule, programmes devoted to news, culture, sports, and foreign speaking communities and transmit a number of events of national interest.	CLT-UFA ('RTL Télé Lëtzebuerg').	No No national coverage obligations	This situation is likely to continue until the expiration of CLT-UFA's broadcasting licence at the end of 2010. It is expected that the government will create a legal basis for TV public service broadcasting.

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
LU	Institut Luxembourgeois de Régulation (ILR)	<p>ILR is responsible for regulating electronic communication networks and services. Key broadcasting related functions are:</p> <ul style="list-style-type: none"> • supervise the authorisation regime; • implement the market analysis process; • develop and issue spectrum licences for transmission purposes; • monitor and enforce compliance with licence terms and conditions. 	No
	Service des Médias et des Communications (Ministère d'Etat)	<p>Responsibilities include:</p> <ul style="list-style-type: none"> • advising the Prime Minister in matters of media policy; • facilitating the development of the programmes offered in the media; • promoting the Grand Duchy as an important European place for media and communications activities; • representing the country in international committees dealing with media matters; • assisting the functions of the government commissioner for the supervision of the execution of the broadcasting licenses of CLT-UFA, SES and the public radio station 100,7; • administratively assist the supervising commissions (see below) in their tasks of radio and television licensing or monitoring; • maintain cooperative connections with the Luxembourg Regulation Institute (ILR). 	<p>None, but in March 2002, the government published a policy paper on basic orientations for a reform of the legislation on electronic media ("Orientations pour une nouvelle législation sur la radio et la télévision").</p> <p>The government says that it intends to propose a merger of the existing media commissions and to set up a real regulating body for the media in the form of a new independent regulatory authority ("ARI") to be responsible for the authorisation process and the monitoring of authorised activities, including the power to impose sanctions.</p> <p>A draft law is ready for that purpose but is on hold until the revision of the TWF Directive is completed.</p>
	Commission Indépendante de la Radiodiffusion (CIR)	<p>Responsibilities include:</p> <ul style="list-style-type: none"> • deciding on the grant or withdrawal of authorisation of local radios and radio networks ("programmes a réseau d'émission"), independently of the government; • advising the government on the authorisation and the functioning of the other programmes (radio or television) to be licensed (in particular it gives a non-binding opinion on the grant of a licence ("concession") to Luxembourg TV and radio programmes broadcast by cable or satellite); • settle possible disputes between the management of the socio-cultural radio station (100,7) and the National Programme Council (CNP). 	See above.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
	Conseil National des Programmes (CNP)	Responsibilities include: <ul style="list-style-type: none"> advising the government on the supervision of all kinds of programmes licensed, authorised or distributed in the Grand-Duchy, as to their compliance with programme content regulations; submitting proposals for a balanced content of the programmes of the (public) socio-cultural radio station 100,7, and monitoring such programmes; making proposals for increased and balanced choice of programme content for the domestic audience; ensuring the protection of minors and of minorities in the media and to apply an adequate protection for audiences against offensive or harmful material and against unfairness or the infringement of privacy. 	See above.
	Commission Consultative des Médias (CCM)	Responsibilities include: <ul style="list-style-type: none"> representing companies, associations and unions from the media sector to the government, in particular in the TV, multimedia, radio, cable and satellite field; delivering opinions after a request from the minister responsible for media or on its own initiative on any question relating to media. 	See above.

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
LU	No offer yet Trials using DVB-T and DVB-H technology are conducted by CLT-UFA based on a temporary frequency test licence granted by the Minister responsible for communications.	No regulatory framework specific for mobile TV No plan in that sense, a market approach (commercial negotiations) is favoured.

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
LU	No offer yet. EPT and Tele2 are expected to offer IP TV in short/medium term.	No No plan in that sense, a market approach (commercial negotiations) is favoured. NB During the licensing procedure to operate a Luxembourg radio station primarily on the Internet, the Independent Broadcasting Commission (CIR) expressed the opinion that the transmission of data on a 'tele-computer' network using the IP protocol was not subject to the law on electronic media. It concluded that no licence was needed for a programme distributed exclusively on the Internet.

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Luxembourg				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	Same as in Authorisation Directive Law of May 30, 2005 on electronic communication networks and services (art. 2(6) & Title II)	Yes.	The law of May 30, 2005 contains the following rights and obligations: <ul style="list-style-type: none"> • right to negotiate interconnection with other network and service providers and to get access to, or interconnection with their network; • financial contribution for the costs incurred by the regulator for managing the telecommunication s sector; • must-carry 	<ul style="list-style-type: none"> • Any physical or moral person intending to supply electronic communication networks and services must notify, at least 20 days before starting to provide these services to ILR. • The notification must clearly identify the undertaking and contain a description of the networks and or services to be supplied and the date foreseen for starting activities (this information is stored by ILR in a public file accessible

Luxembourg				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
			<p>obligations;</p> <ul style="list-style-type: none"> supply of all information (including financial information) necessary for verifying compliance with the law and ILR's decisions. supply of information on annual turnover (and any additional information on turnover); rights of way on the public domains of the State and the communes. Installation of infrastructure and associated facilities must be done in the least detrimental fashion to the public domain. <p>If offering telephony services accessible to the public must provide:</p> <ul style="list-style-type: none"> if supplying directory services, direct enquiry services or operator's assistance services, the data of its subscribers who have accepted the disclosure of their phone number(s); any final user access to services of operator's assistance and direct enquiry services <p>If offering electronic communication networks and services accessible to the public with an annual turnover for these activities exceeding € 50,000; and is also entitled to special or exclusive rights for the supply of services in other sectors</p>	<p>electronically).</p> <ul style="list-style-type: none"> Where an undertaking so requires, ILR delivers, within one week of the notification, a standardised certificate acknowledging receipt of notification. This aims to facilitate the exercise of rights with other administrations or undertakings. The notification entails acceptance of the conditions for participating to the financing of the costs incurred by ILR for managing the telecommunications sector. <p>ILR has developed a standard notification form to help notified companies. In particular, the form asks whether:</p> <ul style="list-style-type: none"> the supply of the network requires frequencies, and if yes, which bands of frequencies are needed; the network allows radio and TV broadcasting.

Luxembourg				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
			on the national territory, or in other Member States must: <ul style="list-style-type: none"> keep separate accounts for activities linked to the supply of electronic communication networks and services in the same way as if these activities were undertaken by companies which are legally independent; and to set up a structural separation for these activities. 	
Digital terrestrial	Same as above	Same as above	Same as above	Same as above
Cable	Same as above	Same as above	Same as above	Same as above
Satellite	Same as above	Same as above	Same as above	Same as above
	However, Art. 20 of the Law of July 27 1991 on electronic media (coordinated version) requires a licence ("concession") to operate a "Luxembourg satellite system".			
Fixed telecommunications network	Same as above	Same as above	Same as above	Same as above
Mobile telecommunications network (UMTS)	Same as above	Same as above	Same as above	Same as above

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Luxembourg		
	Network operator	Broadcaster
Analogue terrestrial	See note C.	See points A1, A2, C.

Luxembourg			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Cable TV	See note C.	See points C, B1.	See points C, B1.

Luxembourg			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Fixed telecommunications network (DSL)	See note C. No offer yet.	See note C. Unlikely that operators will produce their own content.	See points A1, A2.
Mobile network (UMTS)	See note C. No offer yet	See note C. Unlikely that operators will produce their own content.	See points A1, A2.

Luxembourg			
	Terrestrial network operator	Multiplex operator	Broadcaster
Digital terrestrial TV (DVB_T)	See note C.	See note C.	See points C, B3. NB In practice, authorisation has been authorised on the basis of A2 (and not B3).

Luxembourg			
	Satellite platform	Distributor of bouquets of Broadcasters	Broadcaster
Satellite TV	See note C.	See note C.	See points C, B2.

Luxembourg				
	Terrestrial network operator	Multiplex operator	Mobile operator	Broadcaster
Mobile over terrestrial (DVB-H /DMB)	No offer yet See note C.	See note C.	See note C. Unlikely that operators will produce their own content.	See points C, A1, A2.

Luxembourg	
	Broadcasting licences/authorisation
	<p>The media law establishes the possibility:</p> <ul style="list-style-type: none"> for operators established in Luxembourg to obtain a licence ("concession") for broadcasting TV or radio programmes of international range destined to reach audiences beyond the domestic population in Luxembourg (referred to as "<i>programmes à rayonnement international</i>"); and to grant authorisations ("permissions") for sound and/or visual programmes targeting the domestic public only ("<i>programmes visant un public résident</i>"). <p>A schedule of conditions is attached to any licence/authorisation. It may include a number of provisions such as on the type of programmes, fees, content requirements (pluralism, independent programmes), advertising, financing mechanism, etc.</p>
A1	<p>TV programmes targeting an international audience (art. 9 of the electronic media law).</p> <p>A licence ("concession") granted by the government (following a proposal by the Minister responsible for media) and after consultation of the Independent Broadcasting Commission, is needed for broadcasting programmes targeting an international audience.</p>
A2	<p>TV programmes targeting the domestic public (art. 12 of the electronic media law).</p> <p>An authorisation ("permission") granted by the government (following a proposal by the Minister responsible for media) and after consultation of the Independent Broadcasting Commission for broadcasting programmes to the domestic public only.</p> <p>Term of authorisation: 15 years (until 2010)</p>

Luxembourg	
B1	<p>Luxembourg programmes broadcast by cable (art. 23 of the electronic media law).</p> <p>A licence (“concession”) granted by the government (following a proposal by the Minister responsible for media) is needed for broadcasting Luxembourg programmes by cable. The licence is limited in time, renewable, personal, can be granted for several programmes, and cannot be transferred.</p>
B2	<p>Luxembourg programmes broadcast by satellite (art. 21 of the electronic media law).</p> <p>A licence (“concession”) granted by the government (following a proposal by the Minister responsible for media) is needed for broadcasting Luxembourg programmes by satellite. The licence is limited in time, renewable, personal, can be granted for several programmes, and cannot be transferred.</p>
B3	<p>TV programmes broadcast by DTT (“<i>multiplex numérique</i>”) (art. 19 of the electronic media law).</p> <p>An authorisation (“permission”) granted by the government (following a proposal by the Minister responsible for media) and after consultation with the Independent Broadcasting Commission is needed for broadcasting programmes via DTT. In principle, a Grand-Duchy Regulation must implement this provision but this has not been adopted.</p> <p>NB Since June 1, 2006 CLT-UFA is allowed to broadcasts its channels via DTT on the basis of the authorisation of art. 12 of the law on electronic media (i.e. TV programmes targeting the domestic public) and not on the basis of art 19.</p>
Frequency licences	
C	<p>The granting of frequency licences is foreseen in Art. 5 and 6 of the law of May 30, 2005 on the management of frequencies (general regime) and in Art. 5 of the law on electronic media of July 27, 1991 (regime specific to broadcasting).</p> <p>Frequency bands are granted by the Minister responsible for communications according to two types of procedure (see Table 11). Anyone (network operator, broadcaster, etc.) may apply for a frequency licence. It must be noted that in Luxembourg there is no problem of scarcity of spectrum (supply goes beyond demand).</p> <p>NB Art. 20 of the law on electronic media stipulates that a licence (“concession”) is necessary to exploit a Luxembourg satellite system, granted by the government on proposal of the ministry(ies) responsible for communications and media. Such a licence can contain exclusive conditions, in particular for the use of certain frequency bands or certain orbital positions or other types of applications for satellite communications.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the ‘digital dividend’). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
LU	Luxembourg has decided not to develop a switchover plan. A market-driven approach is favoured instead.	-	-	-	-	-

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence.)

Luxembourg					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	The minister responsible for communications	No However, broadcasting content licences are granted by the Media and Communications Service functioning as a department of the Ministry of State, which is itself under the responsibility of the Prime Minister and the minister responsible for communications.	Network operator or broadcaster	<p>The legislation foresees two methods:</p> <p><u>Law on electronic media</u></p> <p>A frequency licence (“autorisation d’émettre”) is delivered by the government (following a proposal from the minister responsible for communications) to set up or exploit a broadcasting station.</p> <p>The holder of the broadcasting licence (“permission” or “concession”) does not need to introduce an application. The minister responsible for communications starts the licensing procedure once he is informed about the granting of a broadcasting licence.</p> <p><u>Law on the management of frequencies of May 30, 2005</u></p> <p>The minister responsible for communications grants licences on a fair, transparent, and non-discriminatory basis.</p> <p>Licences are granted following a public tender procedure using either a beauty contest (“sélection comparative”) or an auction method (“sélection concurrentielle”) in two cases:</p> <ul style="list-style-type: none"> • when several applicants want to use the same frequency(ies) on an exclusive basis, or 	<p><u>Law on electronic media</u></p> <p>The frequency licence (“autorisation d’émettre”) is granted after the broadcasting licence.</p> <p><u>Law on the management of frequencies</u></p> <p>A frequency licence can be granted without the need to obtain a broadcasting licence first.</p>

Luxembourg					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
				<ul style="list-style-type: none"> the frequency(ies) must be used for the setting-up of a network whose purpose is the supply of electronic communication services to the public. <p>The minister decides on the selection method on a case-by-case basis.</p>	
Digital terrestrial (DVB-T)	The minister responsible for communications	Same as above	Network operator, multiplex operator or broadcaster	Same as above	Same as above
Mobile over terrestrial networks (DVB-H /DMB)	The minister responsible for communications No offer yet (trials ongoing)	Same as above	Network operator, or broadcaster	Same as above	Same as above
Satellite	The minister responsible for communications	See below	Network operator or broadcaster	Same as above	Same as above
<p>Art. 20 of Law of July 27 1991 on electronic media (coordinated version) requires a licence (“concession”) to operate a “Luxembourg satellite system”. This article stipulates that this licence may contain elements of exclusivity, in particular for the use of some frequency bands or certain orbital positions. The licence (“concession”) is granted by the government, following a joint proposal from the minister responsible for communications and the minister responsible for media.</p>					

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
LU	<p>Licence conditions are the same as those in Annex B of the Authorisation Directive, except conditions on:</p> <ul style="list-style-type: none"> usage fees (these are part of a specific article – art. 8); transfer of rights on the initiative of the rightholder (this is prohibited – art 3.3). <p>See Law of May 30, 2005 on the management of frequencies.</p>	<p>Grand Duchy Regulation of January 28, 1999 on the conditions of use of frequencies (to be repealed and replaced soon) contains the following conditions:</p> <ul style="list-style-type: none"> maintain confidentiality of correspondence; no interference of radio communication systems; any radio electric equipment destined to be connected to a telecommunications network accessible to the public must be approved beforehand; any radio electric equipment for which a fee must be paid must be permanently accompanied by a document which certifying the payment of the fee. 	<p>The frequency licence ("<i>autorisation d'émettre</i>") specifies the technical conditions that must be complied with by the licence holder.</p> <p>Other technology-related conditions could be those that result from the national frequency plan (frequencies must be granted complying with the frequency plan).</p>	<p>Content conditions could be:</p> <ul style="list-style-type: none"> Exclusive use of a frequency band for a determined TV programmes and services Conditions coming from commitments made during the frequency allocation process
<p>Commitments taken by a company who obtained a licence following a public tender procedure (see Table 11) are part of the licence and must be published 'in an adequate way' within one month after the granting of the licence.</p>				

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
LU	<p>The main broadcaster <i>CLT-UFA</i> does not pay any fee for using frequency bands (as a counterpart for ensuring public services missions).</p> <p>Other operators must pay a fee based on annual profits.</p> <p>Art 8 of the law of May 30, 2005 on the management of radio frequencies states that fees (for administrative management and rights of use of frequency bands) must be set by a Grand Duchy regulation. This regulation is in the process of being adopted.</p>		<p>No. There are no problems of scarcity of frequencies</p>
<p>Any notified company must also pay administrative fees (see ILR Decision 06/90/ILR of January 10, 2006).</p>			

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
<p>LU</p>	<p>No must-carry obligations but these obligations are foreseen in legislation:</p> <ul style="list-style-type: none"> • Title II on the authorisation regime in the telecommunications package of May 30, 2005; • in art. 22(5) of the law on electronic media, which provides the possibility to set up (through a grand ducal decree) a list of programmes which might benefit from a priority of retransmission on cable networks. 	<p>None</p>	<p>None</p>	<p>In a programme declaration of August 2004, the Luxembourg Government announced that, besides the public service, programmes of particular interest for the domestic public might benefit from a right of access to the cable networks and/or could possibly get an access to terrestrial frequencies made available for digital transmission, upon transparent, pluralistic and equitable criteria. No such plan has emerged so far.</p>

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Luxembourg							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
<p>There are no must-carry obligations for any platform but these obligations are foreseen in legislation:</p> <ul style="list-style-type: none"> • Title II on the authorisation regime in the telecommunications package of May 30, 2005; • in art. 22(5) of the law on electronic media which provides for a possibility to set up (through a grand ducal decree) a list of programmes which might benefit from a priority of retransmission on cable networks. 							

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
LU	No must-carry obligations (see Table 14)	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
LU	No must-offer obligations	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
LU	Market not yet analysed. Expected mid-2007 according to ILR.	N/A	N/A

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
LU	Market not yet analysed. Expected mid-2007 according to ILR.	See column 1	See column 1	See column 1

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as ‘any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation’. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
LU	Law of May 30, 2005 on electronic communication networks and services (art. 28) ILR	No CAS provider	None	None	Market not yet analysed

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
LU	Law of May 30, 2005 on electronic communication networks and services (art. 26.b). ILR	No provider of APIs	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
LU	Law of May 30, 2005 on electronic communication networks and services (art. 26.b). ILR	No

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
LU	The law of May 17, 2004 on competition has created the two Luxembourg competition authorities: <ul style="list-style-type: none"> the Competition Council, responsible for making decisions (independent administrative authority); and the Competition Inspection, responsible for investigations (service established in the Ministry of the Economy and Foreign Trade). 	No The law of May 17, 2004 states that it applies to any activity of production and distribution of goods and supply of services (including those of public authorities). The law also stipulates that both the Council and the Inspection may require information from sectoral regulators (including confidential information) to ensure compliance with the law.	None

Malta

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
MT	Analogue terrestrial television 4 national broadcasters each with own antenna and repeaters for national coverage: <ul style="list-style-type: none"> • TVM (public service broadcaster) • Net TV (private commercial channel belonging to the Nationalist Party – government party) • Super One TV (private commercial channel belonging to the Maltese Labour Party – opposition) • Smash TV (private commercial channel) 	Analogue terrestrial radio 12 national broadcasters, including 2 public service broadcaster channels, and 50+ local channels, about half of which operate on a temporary basis.
	Analogue cable TV: <ul style="list-style-type: none"> • One operator: Melita 	Radio is not available on the analogue cable TV platform.
	Digital cable TV: <ul style="list-style-type: none"> • One operator: Melita 	Same as TV, as all digital cable packages include radio.
	Digital terrestrial television Two network operators licensed but only one has launched: <ul style="list-style-type: none"> • Multiplus (started commercial operations on July 1, 2005) • Maltacom (not yet launched) 	No information available
	Digital terrestrial radio	Assignment of rights is in process – no subscribers yet
	No satellite (analogue or digital) operator licensed in Malta.	-
	Mobile TV Two licensed 2G/3G operators: <ul style="list-style-type: none"> • go mobile (fully owned subsidiary of Maltacom) • Vodafone (no TV services offered) 	No information available
	IP TV	No offer yet

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
MT	Enabling legislation creating and organizing the broadcasting and/or telecoms authority Broadcasting Authority: <ul style="list-style-type: none"> • Constitution of Malta (Articles 118, 119), September 21, 1964 • Broadcasting Act Cap 350, June 1, 1991

Member state	Types of regulations affecting broadcasting industry
	Malta Communications Authority: <ul style="list-style-type: none"> Malta Communications Authority Act Cap 418, August 1, 2000 Electronic Communications (Regulation) Act Cap 399 - (Part II), December 31, 1997
	Broadcasting, telecommunications and or radio authority regulations: <ul style="list-style-type: none"> Radiocommunications Act Cap 49 LN 44/ 1994 Television Programmes (Classification Certificates) Regulations LN 71/ 1998 Television Broadcasting Services (Antennae) Regulations LN63/ 1999 Radio Broadcasting Services (Master Antenna) Regulations LN 158/ 2000 Broadcasting (Jurisdiction and European Co-Operation) Regulations LN 160/ 2000 Broadcasting Code for the Protection Of Minors LN 161/2000 Code for the Investigation and Determination of Complaints LN 162/ 2000 Special Administrative Procedure Regulations LN 167/ 2001 Cable Systems (General) Regulations, 2001 LN 245/ 2000 Dubbing of Tapes Regulations LN 106/ 2001 Fees Payable on the Filing of Judicial Acts in Connection with Appeals Regulations Government Notice 806/ 2001 Broadcasting (Jurisdiction and European Co-operation) Regulations http://www.ba-malta.org/ select > Broadcasting Legislation > Legal Notices under the Broadcasting Act LN 133/ 2002 Broadcasting Code on the Correct Use of the Maltese Language on the Broadcasting Media LN 300/ 2005 Advertising, Sponsorship and Teleshopping (Protection of Consumers' Interest) (Television Broadcasting Injunction) Order, 2005 LN302/ 2005 Administrative Penalty (Revision) Order, 2005 LN 412/ 2004 Electronic Communications Networks and Services (General) Regulations, 2004
	Enabling legislation creating and organizing the public service broadcaster: <ul style="list-style-type: none"> Broadcasting Act Cap 350 Article 6; Second Schedule Articles 1, 7, 16 – 19 June 1, 1991 National Broadcasting Policy (not legislation) 2004.
	Legislation licensing the cable operator Melita Cable: <ul style="list-style-type: none"> LN 167/ 2001 Cable Systems (General) Regulations, 2001
	Market analyses (market 18) under the 2003 EU Regulatory Framework: <ul style="list-style-type: none"> To be finalised by the end of 2006 (source: MCA Annual Plan 2006)

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
MT	Constitution of Malta (Articles 118, 119)	<ul style="list-style-type: none"> Impartiality in matters of political or industrial controversy or relating to current public policy; Fair apportionment of broadcasting facilities and time between people belonging to different political parties.
	LN 158/2000 Broadcasting (Jurisdiction and European Co-Operation) Regulations Government Notice 806/2001 Broadcasting (Jurisdiction and European Co-operation) Regulations	<ul style="list-style-type: none"> Universal access for certain programmes: the Malta Song Festival; the Malta Song for Europe Festival; the Eurovision Song Festival; the Malta carnival; the Broadcasting Authority’s Programme Awards; the New Year’s Concert from Vienna; the Maltese national football team’s home and away matches; the final of the local FA trophy; the final of any European football club competition; all the matches in the final stages of the European national football

Member state	Regulation	General interest objective
	http://www.ba-malta.org/ select > Broadcasting Legislation > Legal Notices under the Broadcasting Act	championship and World Cup; the summer Olympic Games; the Small Nations Games; the March and September regattas; the Middle Sea Race.
	Broadcasting Act Cap 350 Article 13(2)	<ul style="list-style-type: none"> • Accuracy of news • Inclusion of impartial news and current affairs • Inclusion of programmes in the Maltese language and programmes that reflect Maltese cultural identity
	Broadcasting Act Cap 350 Second Schedule Article 1	<ul style="list-style-type: none"> • Freedom of expression • Pluralism in broadcasting • Editorial, regulatory and economic independence of public broadcasting services from government • Technology neutrality and opportunities for new services to develop • Choice of range, variety and quality of programmes • Prohibition of uncompetitive practices and market distortions
	Broadcasting Act Cap 350 Article 20	This law specifies taste and decency in programmes.

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
MT	Broadcasting Act Cap 350 Second Schedule Article 18	'Public broadcasting media': <ul style="list-style-type: none"> • Public Broadcasting Services Limited (PBS), the national public broadcaster; • The cable system (Melita Cable) for the community and education channels. 	No No obligation to meet specific population or geographic coverage.	None

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
MT	National broadcasting authority: Broadcasting Authority Malta	Issues licences for, and regulates, the provision of sound and television broadcasting services. Licensing responsibilities include grants of rights for use of analogue broadcasting frequencies.	No
	National electronic communications regulatory authority: Malta Communications Authority	<ul style="list-style-type: none"> Responsible for general authorisations for public communication networks, including television and radio distribution services. Responsible for analysis of Market 18. Also responsible for management of radio frequencies under the national radio frequency plan. 	Took over frequency assignment rights. This was not done directly as a result of the EU 2003 regulatory framework. (see Radiocommunications Act Cap. 49)
	Ministry for Competitiveness and Communications	Responsible for the national radio frequency plan. The Minister is empowered to adopt and publish the plan and to take decisions on any aspect of radio frequency management.	No
	Ministry for Investment, Industry and Information Technology	Responsible for Public Broadcasting Services Limited (PBS), the public broadcaster	No
	Ministry for Tourism and Culture	Responsible for cultural policy, and therefore broadcasting policy and the Broadcasting Act	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
MT	<p>On March 1, 2006 <i>go mobile</i> (a fully owned subsidiary of Maltacom) launched 'TV on your mobile', a TV streaming service delivered over Enhanced Data rates for GSM Evolution (EDGE) technology. The service offers a line-up of local channels (Net TV, Super 1 TV), foreign channels (BBC World, fashiontv, MTV shorts) and an on demand streaming video library (including MTV shows, Extreme Sports and Tikka). The service is available to <i>go mobile</i> customers in Malta who have selected EDGE-compatible handset models, and abroad on <i>go mobile</i> roaming partners that support EDGE.</p> <p>www.go.com.mt</p> <p>select > Services > TV on your mobile</p> <p>No mobile live TV streaming offered by other mobile operator Vodafone.</p>	<p>Currently there are no mobile TV-specific licences and conditions. A mobile TV streaming service is considered as "retransmission" for the purposes of the Broadcasting Act and is covered by a mobile operator's general authorisation for public communications networks and services. If a mobile operator provides its own broadcasting services it is also subject to the relevant provisions in the Broadcasting Act.</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
MT	Currently there are no IP TV commercial offerings, although trials have been in progress.	Currently there are no IP TV-specific licences and conditions. An IP TV streaming service is considered as "retransmission" for the purposes of the Broadcasting Act and is covered by a general authorisation for public communications networks and services. If a wireline operator provides its own broadcasting services over IP TV it is also subject to the relevant provisions in the Broadcasting Act.

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Malta				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	None – covered by broadcasting licence, see Table 9	No	N/A	N/A
Digital terrestrial	Notification to Malta Communications Authority (MCA) <ul style="list-style-type: none"> • Electronic Communications (Regulation) Act Cap 399 - Articles 17-20; • LN 412/2004 Electronic Communications Networks and Services (General) Regulations 2004 - Regulations 54-60 and Tenth, Eleventh and Twelfth 	Yes	Same	Notification to Malta Communications Authority (MCA)

Malta				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Cable	Same as above			
Satellite	Same as above			
Fixed telecommunications network	Same as above			
Mobile telecommunications network (UMTS)	Same as above			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Malta		
	Network operator	Broadcaster
Analogue terrestrial	Covered by a broadcasting licence issued by the Minister for the public broadcaster and by the Broadcasting Authority for the commercial broadcasters. See note A below. No separate notification of network activity to Malta Communications Authority	Covered by a broadcasting licence issued by the Minister for the public broadcaster and by the Broadcasting Authority for the commercial broadcasters. See note A below.

Malta			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Cable	Notification to Malta Communications Authority (see note B)		Covered by broadcasting licence issued by Minister (see note C)
Fixed telecommunications (DSL)	Notification to Malta Communications Authority (see note B)		No broadcasting licence (see note D)
Mobile networks (UMTS)	Notification to Malta Communications Authority (see note B)		No broadcasting licence (see note E)

Malta			
	Terrestrial network operator	Multiplex operator	Broadcaster
Digital terrestrial (DVB-T)	Notification to Malta Communications Authority (see note B) Frequencies licensed to DTTV network operators by MCA (see note F)		No broadcasting licence (DTTV network operator Multiplus provides re-transmission only)

Malta			
	Satellite platform	Distributor of bouquets of Broadcasters	Broadcaster
Satellite	Notification to Malta Communications Authority (see note B) In practice, no authorised satellite transmission networks and services are in operation in Malta. There are thousands of satellite TV receivers, but these either receive free-to-air channels, or pay TV channels and bouquets through unconventional means.		

Malta				
	Terrestrial network operator	Multiplex operator	Mobile operator	Broadcaster
Mobile over terrestrial networks (DVB-H /DMB)	Licensing procedure not yet decided.			

Malta	
A	<p>Public broadcaster (Public Broadcasting Services Ltd) licensed by the Minister responsible for wireless telegraphy. PBS Ltd was set up on 27th September 1991 and on the same day it was issued with a renewable licence valid for ten years (BA Annual Report 1991 pg. 37). Licence not in the public domain.</p> <p>Broadcasting Authority issued licences to three commercial analogue terrestrial free-to-air channels:</p> <ul style="list-style-type: none"> • Net TV obtained a renewable licence valid for 8 years in March 1998 (BA Annual Report 1998 pg. 12); • Super 1 TV obtained a renewable licence valid for 8 years on 25th February 1994 (BA Annual Report 1994 pg. 23); • Smash TV obtained a renewable licence valid for 8 years on 27th October 1994 (BA Annual Report 1994 pg. 23). <p>Licences not in the public domain.</p> <p>No plans to licence any more analogue terrestrial TV channels.</p> <p>The four licences include rights to use specific analogue frequencies in the UHF/VHF spectrum bands. All analogue terrestrial broadcasters have their own antenna and repeaters for national coverage.</p> <p>Although analogue terrestrial broadcasters operate their own transmission equipment, they are not authorised by Malta Communications Authority for activity as electronic communications network/services provider.</p>
B	<p>Notification to Malta Communications Authority for general authorisation to provide electronic communications networks and/or services (ECNS). General authorisation procedure and conditions for TV and radio broadcast transmission are essentially same as those for any public ECNS.</p> <p>Authorisations cover a small list of ECNS, among which 'television and radio distribution services' (see LN 412 11th Schedule). The administrative fees for the latter are slightly different (see same Schedule). The 12th Schedule of LN 412 carries the text of the general authorisation for ECNS. It also carries Part 2, Section C which applies exclusively to television and radio distribution services. The obligations therein are high level and mention broadcasting and must-carry rules.</p>

Malta	
	<ul style="list-style-type: none"> • Electronic Communications (Regulation) Act Cap 399 - Articles 17-20; • LN 412/2004 Electronic Communications Networks and Services (General) Regulations 2004 - Regulations 54-60 and Tenth, Eleventh and Twelfth Schedules. <p>Conditions attached to the general authorisation are the same as Annex A of the EU Authorisation Directive</p>
C	<p>Melita Cable licensed by Government on 3rd June 1991 through a 15-year franchise agreement (BA Annual Report 2001 pg 15). It launched commercial operations in June 1992.</p> <p>The licence specifies types of genre of programming that Melita can carry. Permission required from Minister before they can carry other types of programmes. The licence covers both re-transmission activity and provision of own broadcast programming channels.</p> <p>The licence prohibits Melita from advertising without prior permission from the Minister.</p> <p>In May and June 2006, the Malta Communications Authority imposed two fines on Melita Cable each of Lm 10,000 (€23,400) plus Lm 200 (€470) for every day of continued non-compliance in the case of the May fine only for carrying advertisements on its Weather and Information Channel and Sports Channel without having first obtained the written consent of the Minister responsible for communications as required under regulation 26 of the Cable Systems (General) Regulations.</p> <p>Melita is contesting the advertising restriction and the fines imposed as a result. There is no indication of when this will be lifted, possibly after the analysis of Market 18.</p>
D	<p>Currently there are no IP TV-specific licences and conditions. An IP TV streaming service is considered as "retransmission" for the purposes of the Broadcasting Act and is covered by a general authorisation for public communications networks and services. If a wireline operator provides its own broadcasting services over IP TV it would also be subject to the relevant provisions in the Broadcasting Act.</p>
E	<p>Currently there are no mobile TV-specific licences and conditions. A mobile TV streaming service is considered as "retransmission" for the purposes of the Broadcasting Act and is covered by a mobile operator's general authorisation for public communications networks and services. If a mobile operator provides its own broadcasting services it would also be subject to the relevant provisions in the Broadcasting Act.</p>
F	<p>Frequencies assigned to two DTTV network operators: Multiplus and Maltacom. Both were licensed by Malta Communications Authority in May 2005. Both operators have licence condition to complete their network deployment (95% nationwide coverage) by October 2006. Only Multiplus has launched so far (on July 1, 2005).</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
MT	December 31, 2010 Both Multiplus and Maltacom have licence condition to complete their network deployment (95% nationwide coverage) by	No. Each network operator originally assigned 8 frequency channels, but following the ITU Regional Radio Communications Conference 2006, less frequency is available to Malta and this will need to be changed.	Not yet determined	Not yet determined	Not yet determined	The MCA plans to carry out a policy and strategic review of frequency spectrum in 2006 MCA Annual Plan 2006 pg 9 and 22. Pg 7 mentions implications of RRC at ITU)

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
	October 2006. Only Multiplus has launched so far.					

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Malta					
	Who assigns the frequencies	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	<p>The Minister responsible for wireless telegraphy (currently the Minister for Competitiveness and Communications) is responsible for frequency matters and for the frequency plan. The Minister allocates broadcasting frequencies to the Broadcasting Authority. The Minister can also vary the conditions for frequency use by the broadcasting licence holder. Spectrum licensing to the public broadcaster is done by the Minister.</p> <p>The Broadcasting Authority assigns analogue frequencies with broadcasting licences to commercial broadcasters.</p>	<p>Yes</p> <p>The Broadcasting Authority grants licences for the provision of sound or television broadcasting services, except for the public broadcaster which is licensed by the Minister responsible for wireless telegraphy.</p> <p>(BA Act Art 10(2) and Art 16).</p>	<p>The four analogue terrestrial broadcast channels (TVM, Net TV, Super One TV and Smash TV).</p>	<p>First come, first served. Until a few years ago, broadcasting spectrum supply exceeded demand. During 2003, demand outstripped supply – no assignments have been made since then.</p> <p>(see the Digital Broadcasting Strategy CP 21 July 2004 pg 24).</p> <p>Qualification for a broadcasting licence, which includes rights of use of frequencies, depends on the following criteria:</p> <ul style="list-style-type: none"> • quality and variety of programming; • legal status of the applicant for the requirements laid down in the Broadcasting Act; • applicant's financial potential; 	<p>The Minister responsible for wireless telegraphy allocates broadcasting frequencies to the Broadcasting Authority.</p> <p>The Broadcasting Authority issues a public call for applications, where applicants are required to fill in a detailed form.</p> <p>The Authority then grants broadcasting licences to the successful applicants, which also includes rights of use of broadcasting frequencies.</p> <p>(see BA Act & Digital Broadcasting Strategy CP 21 July 2004 pg 24).</p>

Malta					
	Who assigns the frequencies	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
	Day-to-day spectrum management is carried out by the Malta Communications Authority. (BA Act Art 17 and 2 nd Schedule Art 14)			<ul style="list-style-type: none"> quality of technical facilities, studio equipment and transmitters. (BA Annual Report 1992 pg 15)	
Digital terrestrial (DVB-T)	Malta Communications Authority is responsible for licensing spectrum to digital terrestrial TV network operators. (ECC Report 84 pg 5).	No The Broadcasting Authority grants licences for the provision of sound or television broadcasting services, except for the public broadcaster which is licensed by the Minister responsible for wireless telegraphy. (BA Act Art 10(2) and Art 16)	Digital terrestrial TV network operators (Multiplus and Maltacom).	Beauty contest. The successful bidders in the beauty contest were selected on the following broad criteria: <ul style="list-style-type: none"> competence and experience; technical solution; business and financial plan; consumer benefit; any other information relevant to the appraisal. 	There is no pre-set sequence for obtaining different licences or notification to obtain general authorisations. In practice, one of the two successful bidders for rights of use of radio frequencies for DTTV obtained a general authorisation to provide television and radio distribution services before the beauty contest took place; the other successful bidder is yet to obtain such a general authorisation. None of the two has so far sought a broadcasting licence.
Mobile over terrestrial networks (DVB-H /DMB)	No licences for DVB-H/DMB issued yet	See column 1	See column 1	See column 1	See column 1
Satellite	No analogue or digital operator licensed in Malta	See column 1	See column 1	See column 1	See column 1

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
MT	No information available			

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
MT	Analogue Terrestrial TV		
	Applicants for a broadcasting licence pay a non-refundable application fee of Lm2,500 (€5,800) (BA Act Art 10(6)(c) and 4 th Schedule Part D).	Licensees pay Lm6,000 (€14,000) for their broadcasting licences, which also include rights of use of frequency. In effect, broadcasters are not charged for use of radio spectrum (BA Act Art 10(6)(c) and 4 th Schedule Part D, and ECC Report pgs 5-6)).	Yes. All digital spectrum will carry an annual charge of Lm2,500 per frequency channel (Policy and Implementation Strategy re: DTTV, 3G, BWA Point 4.2.7 pg 13). In 2006, MCA is expected to conduct a policy and strategy review of radio spectrum, followed by a comprehensive review of the radio spectrum licensing regime (MCA Annual Plan 2006 pg. 22).
MT	DTTV		
	Applicants pay a fee of Lm1,500 (€3,500) to cover expenses for the radio frequency rights assignment process (DTTV licence call for applications pg 14 clause 6.4).	A fee of Lm20,000 (€46,700) (8 frequency channels at Lm2,500 each). (DTTV licence Article 6). Each network operator originally assigned 8 frequency channels (i.e. each operator can carry around 8*4 = 32 programme channels). However, following ITU Regional Radio Communications Conference 2006, less frequency is available to Malta and this will need to be changed.	

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
MT	No formal policy - periodically. (source MCA Annual Plan pg 10)	Review originally planned for 2005 and then 2006. No formal review carried out yet. The government announced in 2005 that the MCA and the Broadcasting Authority would be reviewing the extent of applicability of must-carry obligations	None	None

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
		(source: Policy and Implementation Strategy re DTTV, 3G, BWA; MCA Annual Plan 2005; and 11 th Implementation Report).		

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Malta							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	No must-carry obligation	-	-	-	-	-	-
Cable network (analogue and or digital)	Broadcasting Act Cap 350 Article 40	All undertakings licensed to operate any system for the retransmission of television broadcasting services to the public. These shall distribute all television broadcasting services other than services devoted entirely to teleshopping, licensed in Malta and receivable terrestrially and free of charge by the general public in Malta	Obligation set down directly in the law.	-	TVM, Super One TV, Net TV, Smash TV, Community Channel, Education Channel, Weather/ Information Channel in reception service tier for which no charge or deposit on a converter can be required. (source: Cable Systems Regs Reg 25 and 4 th Schedule).	Channel profiles: <ul style="list-style-type: none"> • TVM is the public service broadcaster’s free-to-air TV channel; • Super One TV, Net TV and Smash TV are private free-to-air TV channels; • Community Channel used to be operated by the Broadcasting Authority. It is now defunct. (BA Act 2nd Schedule Art 2); • Education 22 is the education channel operated in conjunction with the Department of Education. (BA Act 2nd Schedule Art 2); • Weather/Information Channel carries updated weather information and other general information, such as flight schedules; 	This obligation is laid down directly in LN 167/2001 Cable Systems (General) Regulations, 2001. The obligation is not specified as must-carry.

Malta							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	Second Schedule Article 2	Cable TV system	Obligation set down directly in the law	Pluralism of the media	Community Channel, Education 22 channel	See above	Obligation set down directly in the law
	Electronic Communications (Regulation) Act Cap 399 – Article 34(1)(h).	Not specified	The Minister may, either on the recommendation of MCA or on his own initiative after consultation with the MCA, make regulations.	To give better effect to the provisions of the Electronic Communications (Regulation) Act.	'Obligation to make channel capacity for public, governmental, or educational use'. The Minister has not made any regulations to date.	-	-
	LN 412/2004 Electronic Communications Networks and Services (General) Regulations 2004 Regulation 51	Undertakings providing electronic communications networks used for the distribution of radio or television broadcasts to the public where a significant number of end-users of such networks use them as the principal means to receive radio and television broadcasts.	MCA may impose reasonable must-carry obligations for the transmission of specified radio and television broadcast channels and services. In doing so it must take into account the views of end-users, consumers in particular disabled users, manufacturers, and undertakings that provide electronic communications networks and/or services.	Obligations may only be imposed in pursuit of "clearly defined general interest objectives". No such objectives exist to date. Review in process.	Not specified	-	-

Malta							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	Twelfth Schedule, Section C	Undertakings authorised to provide television and radio distribution services.	Obligations may be established by the Minister responsible for communications or by MCA after consultation with the Broadcasting Authority.	-	Not specified	-	-
	LN 167/2001 Cable Systems (General) Regulations 2001 – Regulation 25	Any person who operates a cable system and, or provides a cable service.	Obligation set down directly in the law.	-	Community Channel, Education 22, Weather and Information Channel, TVM, Super 1 TV, Net TV.	See above	-
Digital terrestrial	Broadcasting Act Cap 350 Article 40	All undertakings <u>licensed</u> to operate any system for the retransmission of television broadcasting services to the public. These shall distribute all television broadcasting services other than services devoted entirely to teleshopping, licensed in Malta and receivable terrestrially and free of charge by the general public in Malta.	Obligation set down directly in the law.	-	TVM, Super One TV, Net TV, Smash TV Three of the analogue terrestrial channels are already carried on the Multiplus DTTV platform. The fourth, Smash TV, has not yet reached an agreement with Multiplus due to disagreement over copyright fees that Multiplus should pay to Smash TV.	See above	There is a problem with interpretation as to whether the Act applies to DTTV as the legal provisions still refer to licensed, rather than authorised, operators. (11 th Implementation Report Annex part on Malta).

Malta							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Satellite	No must-carry obligation	-	-	-	No other carriage obligations.	-	-
Fixed network operator	No must-carry obligation	-	-	-	No other carriage obligations.	-	-
Mobile network operator	No must-carry obligation	-	-	-	No other carriage obligations.	-	-
Mobile TV (DVB-H)	No must-carry obligation						
Other							

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
MT	No compensation mechanism is in place. In practice, no compensation is paid by any party.	'in a proportionate and transparent manner' (LN412/ 2004 Art 51)	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed "must-offer" obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
MT	No must-offer obligations	N/A	N/A	N/A	Three of the analogue terrestrial channels are already carried on the Multiplus DTTV platform. The fourth, Smash TV, has not yet reached an agreement with Multiplus due to disagreement over copyright fees that Multiplus should pay to Smash TV. No formal complaint has been lodged with either the courts or any authority.

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
MT	National consultation on analysis of Market 18 has not yet started. The national consultation on the market analysis is expected to start by end July 2006 and the process is expected to be finalised (i.e. issue of a national decision after the European Commission's comments) by end 2006. (source: MCA Annual Plan 2006)		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
MT	National consultation on analysis of Market 18 has not yet started. The national consultation on the market analysis is expected to start by end July 2006 and the process is expected to be finalised (i.e. issue of a national decision after the European Commission's comments) by end 2006. Source: MCA Annual Plan 2006			

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
MT	CAS access obligations are regulated by LN 412/2004 Electronic Communications Networks and Services (General) Regulations 2004 - Regulation 16 and Part A of the Third Schedule. Other provisions on CAS are also found in the Electronic Communications (Regulation) Act , specifically Article 2 (definition) and Article 27 (prohibition of illicit devices)	1. Operators using CAS must grant access to all broadcasters' digitally-transmitted services on a fair, reasonable and non-discriminatory basis. (source LN412 Third Schedule Point 2.1)	1. All operators using CAS for digital television and radio services broadcast to viewers and listeners, irrespective of the means of transmission. (source LN 412 Reg 16(1))	1. Fair, reasonable and non-discriminatory basis (undefined) (source LN412 Third Schedule Point 2.1)	National consultation on analysis of Market 18 expected to start by end July 2006. The market analysis process is expected to be finalised (i.e. issue of a

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
	CAS access obligations are the responsibility of the Malta Communications Authority.		The MCA may amend or withdraw obligations for operators found not to have SMP following market analysis. (source LN 412 Reg 16(2))		national decision after the European Commission's comments) by end 2006. (source: MCA Annual Plan 2006)
		2. DTTV operators using CAS must in addition enter into negotiations with other DTTV network operators to agree on the conditions for interoperability of CAS. (source DTTV licence Annex III Clause 8)	2. DTTV operators using CAS (source DTTV licences)	2. Not specified for DTTV	

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
MT	API access obligations are regulated by LN 412/2004 Electronic Communications Networks and Services (General) Regulations 2004 : <ul style="list-style-type: none"> definition - Regulation 3 (2); interoperability of digital interactive television services - Regulation 11; power of NRA to impose on digital operators obligations of access to APIs and 	DTTV network operators are required to adhere to prevailing standards, such as MHP, as far as is reasonably possible. (source DTTV licences Annex III Clause 2) Information on the actual use of standards by cable TV operator and DTTV operators is not publicly available, but it appears that they use proprietary systems for their set-top boxes and associated APIs.	All providers of digital interactive television services to the public are encouraged to use open API interfaces. (source LN412 Reg 11) The radio frequency licences of operators of DTTV networks, Maltacom and Multiplus respectively, specify that they are to adhere to prevailing open standards, such as MHP, as far as possible with a view to achieving API level interoperability. (source DTTV licences Annex III Clause 2)

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
	<p>EPGs - Regulation 15(1)(b) and Part B of Third Schedule.</p> <p>API and CAS access obligations are the responsibility of the Malta Communications Authority.</p>		

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
MT	<p>EPG access obligations are regulated by LN 412/2004 Electronic Communications Networks and Services (General) Regulations 2004:</p> <ul style="list-style-type: none"> Power of NRA to impose on digital operators obligations of access to APIs and EPGs - Regulation 15(1)(b) and Part B of Third Schedule. <p>EPG access obligations are the responsibility of the Malta Communications Authority.</p>	<p>The MCA is empowered to impose EPG access obligations (on fair, reasonable and non-discriminatory terms) on digital platform operators. No decisions in practice.</p> <p>DTTV licences contain no such provisions.</p>

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
MT	<p>The Consumer and Competition Division (CCD) regulates competition, inter alia in the media and broadcasting sectors. No specific unit covering media and/or broadcasting.</p> <p>The Commission for Fair Trading is the appellate body for competition cases.</p> <p>The Malta Communications Authority (MCA) has competition powers in the electronic communication sector, including television and radio distribution services.</p>	<p>Competition laws have general application and also cover the media sector.</p>	<p>See below</p>

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
	<p>CCD and MCA are parties to a MoU establishing procedures in cases of concurrent jurisdiction. The Commission for Fair Trading is not party to the CCD – MCA MoU and is not subject to its provisions.</p>		<p>Abuse of dominant position by Melita Cable</p> <p>On May 19, 2006 the Commission for Fair Trading issued an interim measure valid for three months against Melita Cable, following a request by the Office for Fair Competition in the Consumer and Competition Division. The Commission ordered Melita Cable to stop blocking certain sports events broadcast on the Italian free-to-air television channels, which are retransmitted as part of Melita's basic reception package after the company acquired exclusive rights to broadcast certain sports events, such as the World Cup and Formula 1, in Malta (The Italian free-to-air channels can also be freely received in Malta via a television antenna since the signals spill over from Italy).</p> <p>The text of the interim measure has not been published and no government press release was published on the Commission's decision, but details on the case are available in press releases No. 0330 and No. 0624.</p> <p>Melita argues that Italian rights do not extend to Malta and it would be breaking copyright if it did not block those events.</p> <p>Fines on Melita Cable for advertising on its channels without approval</p> <p>In May and June 2006 the Malta Communications Authority imposed two fines on Melita Cable each of Lm 10,000 (€23,400) plus Lm 200 (€470) for every day of continued non-compliance for carrying advertisements on its Weather and Information Channel and Sports Channel without having first obtained the written consent of the Minister responsible for communications as required under regulation 26 of the Cable Systems (General) Regulations.</p>

Netherlands

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
NL	Terrestrial – analogue TV Only 1 provider: the public broadcaster (NOS).	All households can receive the signal. Only 1% of households use terrestrial analogue TV.
	Terrestrial – digital TV Nozema (DVB-T network) 2 multiplexers: Digitenne (4 multiplexes) and NOS (public broadcaster, with 1 multiplex)	Digitenne: 114,000 subscribers (Source: OPTA annual report 2005) NOS: free-to-air (need to buy a decoder smart card and a to receive the encrypted signal) DVB-T coverage: 60% of the territory
	Cable TV • 5 major operators (UPC, Casema, Essent, Multikabel and Delta) • 52 small operators	6.4m connections. 93% of households are connected to cable TV. Source: OPTA annual report 2005
	IP TV One provider (Tele2) • KPN to start operation in second half 2006	35,000 households connected to IPTV (mid. 2005). Source: OPTA annual report 2005
	Mobile TV Vodafone: limited offer	No information available
	Satellite TV One distributor (Canal Digitaal)	350,000 satellite connections (mid. 2005) Source: OPTA annual report 2005

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
NL	Wet van 21 april 1987 , houdende regels betreffende de verzorging van radio- en televisieprogramma's, de omroepbijdrage en de steunverlening aan persorganen (Revision underway) Media act
	Besluit van 19 november 1987 , houdende regelen ter uitvoering van de bepalingen van de Mediawet Media Decree
	Wet van 19 oktober 1998 , houdende regels inzake de telecommunicatie (Telecommunicatiewet) Telecommunication Act
	Besluit van , houdende vaststelling van regels met betrekking tot systemen voor voorwaardelijke toegang (Besluit voorwaardelijke toegang) Conditional Access Decree

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
NL	Media Act	Public broadcaster must ensure satisfaction of social, cultural, religious, or spiritual needs amongst the public in such a way as to ensure that the programme service offered, together with the programme services of other broadcasters, provides a balanced reflection of the social, cultural, religious, and spiritual diversity in the Netherlands.

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
NL	Media Act: art. 13c: Tasks for public broadcasting: <ul style="list-style-type: none"> • provide a varied and high quality range of programme services for general broadcasting purposes at national, regional and local level in the fields of information, culture, education and entertainment and to transmit them on open networks; • to perform all the activities relating to programme service provision and transmission required for that purpose; • to provide and transmit programme services intended for countries an regions outside the Netherlands and for Dutch people residing outside the Netherland. 	NOS	Public broadcasting programme services shall be accessible to the entire population in the area for which the programmes are intended.	None

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
NL	Commissariaat voor de media (CVDM)	Broadcasting regulator (authorisation for broadcasters, content matters, must-carry obligations)	No
	Agentschap Telecom (Ministry of economic affairs)	Radiocommunication agency	No
	OPTA	National electronic communications regulatory authority (dealing with transmission services and infrastructures)	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
NL	Yes Vodafone broadcast some TV channels and video on demand on its UMTS network.	No regulatory framework specific for mobile TV, which is considered as broadcasting.

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
NL	Tele2 TV <ul style="list-style-type: none"> • Full LLU • Access through a set-top box 	Nothing specific to IP TV, which is considered as broadcasting.

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Netherlands				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Digital terrestrial	Telecommunications Law, art. 2.1.	Yes	Conditions for general authorisation similar as in the Authorisation Directive	Notification to OPTA
Cable		Yes	Same as above	Notification to OPTA
Satellite		Yes	Same as above	Notification to OPTA
Fixed telecommunications network		Yes	Same as above	Notification to OPTA
Mobile telecommunications network (UMTS)		Yes	Same as above	Notification to OPTA

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Netherlands		
	Network operator	TV channel
Analogue terrestrial	Notification (see note C)	Authorisation (see note A) Licence (see note B)

Netherlands			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	Notification (see note C)	Licence (see note A) Notification (see note C)	Licence (see note A)
Fixed telecommunications (DSL)	Notification (see note C)	Notification (see note C)	Licence (see note A)

Netherlands			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
		Authorisation (see note A)	
Mobile networks (UMTS)	Notification (see note C) Licence (see note B)	Licence (see note A) Notification (see note C) Licence (see note B)	Licence (see note A)

Netherlands			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	Notification (see note C)	Licence (see note B)	Licence (see note A)

Netherlands			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	Notification (see note C) Licence (see note B)	Licence (see note A)	Licence (see note A)

Netherlands			
	Terrestrial network operator	Multiplex operator	TV channel
Mobile over terrestrial networks (DVB-H/DMB)	Notification (see note C)	Licence (see note B)	Licence (see note A)

Netherlands	
A	Broadcasting licence (commercial broadcasting) (Media Act, art. 71) Term: 5 years.
B	Frequency licence: license required to use radio frequencies. Granted by the Ministry of economic affairs. (Telecommunication Act, art. 3.3)
C	General authorisation to provide electronic communication networks. Notification to OPTA. (Telecommunication Act, art. 3.1).

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
NL	October 30, 2006	No	Not yet determined	Not yet determined	Not yet determined	None

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Netherlands					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	The frequency plan is defined by the Ministry of economic affairs and managed by the radio frequency agency “ Agentschap Telecom ” (a specific department in the Ministry of economic affairs) which assigns the frequency licences.	No Broadcasting licence (TV/Radio content) granted by the broadcasting regulator (CVDM).	Broadcaster	Mix between beauty contest and auction for commercial broadcasters Direct assignment for public broadcaster	Frequencies assigned after the broadcaster has been authorised by the CVDM.
Digital terrestrial (DVB-T)			Multiplex operator (except for the public broadcaster)	Beauty contest	Frequencies assigned after the multiplex operator has been authorised by the CVDM.
Mobile over terrestrial networks (DVB-H /DMB)			Multiplex operator	DVB-T licencees can start DVB-H activities	Direct assignment by the spectrum authority
Satellite			For uplink, the platform operator	Direct assignment	Direct assignment by the spectrum authority

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
NL	Conditions for good spectrum usage	Technical compatibility with other services	Technical compatibility with other services	No content conditions in the frequency licence

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
NL	Radio (AM/FM): one-off from € 140 to € 565 depending on the frequency used.	Radio (AM/FM) per year: from € 302 to € 500 depending on the channel, bandwidth and transmitter strength.	No <i>A one-off administrative fee applies to each licence and an annual spectrum fee, based on recovering the cost of enforcement and monitoring and are calculated on the basis of bandwidth, and applies to each transmitter.</i>
	DVB-T/T-DAB: one-off : € 565	DVB-T/T-DAB per year: from € 311 depending on the channel, bandwidth and transmitter strength.	
	Wereld omroep No	Wereld omroep Charge for international frequency co-ordination.	

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
NL	No provision for a review of must-carry obligations	2004 (on the implication of local councils)	None	None

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Netherlands							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	N/A	N/A	N/A	N/A	None	N/A	N/A
Cable network (analogue and or digital)	Media Act, art. 82i to 82k	Broadcasting networks using mainly cables.	Cable TV network is the most used platform to receive TV programmes.		Dutch public broadcaster (4 radios and 3 TV channels). Flemish public broadcaster from Belgium (2 radio and 2 TV channels). Regional TV and radio channels linked to the location of the subscriber. Local TV and radio channels linked to the location of the subscriber. Additional TV and radio channels defined by each municipality.	Public radio and TV channels from and the Netherlands and Flanders. Local and regional TV channels. Additional TV and radio channels.	For channels defined in the Media Act: political decision. Each municipality will set up a programme service Council that will decide which channels to include in the must-carry obligations in addition to those defined by the Media act. The Council shall be composed in such a way as to be representative of the major social, cultural, religious, or other spiritual movements in the municipality.
Digital terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Satellite	None	NA/	N/A	N/A	None	N/A	N/A
Fixed network operator	None	NA/	N/A	N/A	None	N/A	N/A
Mobile network operator	None	N/A	N/A	N/A	None	N/A	N/A

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
NL	Cable TV operators do not receive payment for the transmission of regional TV.	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
NL	No must-offer obligations	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
NL	Transmission of pay and free-to-air radio- and television packages via cable in the coverage area of UPC, Casema, Essent, Delta, Multikabel, and 52 small cable operators.	Yes	N/A
	Transmission of radio via radio spectrum	Yes	N/A
	Supply of free-to-air radio- and television packages in the coverage area of each cable operator (retail market)	Yes	N/A

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
	Transmission for analogue terrestrial TV	No	The platform will be phased out in the Netherlands by 2006.
	Transmission for digital terrestrial TV (DVB-T), TV over DSL, and TV over fibre optic cable.	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> markets tend towards competition because of price constraints by cable network operators.
	Satellite transmission	No	Market transnational
Source: OPTA's final decisions on market 18 (March 2006)			

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
NL	Wholesale market for transmission of pay and free-to-air radio- and television packages via cable in the coverage area of UPC, Casema, Essent, Delta and Multikabel (market 18)	Each operator in its area	Yes Provision of access to the network for reasonable request.	Yes, for the three biggest operators (UPC, Casema, Essent). Cost oriented access tariffs (cost accounting system developed by each operator to be submitted to OPTA).
	Retail market for supply of free-to-air radio- and television packages in the coverage area of each cable operator (the five biggest mentioned above + 52 small cable operators).	Each operator in its area	No (see comments below)	No (see comments below)
Source: OPTA's final decisions on market 18 (March 2006)				
NB The retail market for supply of free-to-air radio- and television packages has been defined outside the scope of the Commission recommendation on relevant markets. OPTA designated each cable operator has having SMP in its coverage area. OPTA imposed on each operator an obligation of transparency (clearly distinguish between transmission related and the content related services), and the prohibition to bundle services (bundle free-to-air packages with unnecessary paid services like set-top box or a broadband connection).				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as '*any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation*'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
NL	Telecommunication Act , art. 8.5 Decree on conditional access Responsible authority: OPTA	Similar to Annex 1 of the Access Directive	Operators of conditional access systems used for the broadcasting of services that can be received by digital TV and radio systems.	Fair, reasonable and non-discriminatory rates (undefined)	CAS is not included in the analysis of market 18.

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
NL	Telecommunication Act , art. 8.6 Responsible authority: OPTA	No agreement between market participants Open standards are used.	No The Telecommunication Act specifies that a decision can be adopted to impose access to APIs. No decision taken.

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
NL	Telecommunication Act , art. 8.6 Decree on conditional access Responsible authority: OPTA	The Telecommunication Act specifies that a decision can be adopted to impose access to EPGs. No decision taken.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
NL	Nederlandse Mededingingsautoriteit	None	See note below
<p>Recent Competition Actions</p> <p>Antitrust</p> <p>In September 2005, NMa ruled that UPC and Casema (the two biggest cable operators in the Netherlands) had not abused their dominant position for setting the price of their analogue standard packages for radio and television between 2003 and 2005.</p> <p>Merger control</p> <p>In June 2005, NMa cleared the acquisition of Canal+ by UPC (the largest cable TV operator in the Netherlands). In February 2005, NMa stopped UPC's buy-out of Canal+, claiming that this situation would place UPC in a dominant position to acquire rights to the distribution of film and sport content.</p>			

Poland

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
PL	Analogue terrestrial TV and radio	38,004,000 (99,6% population) Source: Informacja o podstawowych problemach radiofonii i telewizji , marzec 2006 r. KRRiT
	Cable TV and radio	4,500,000 (February 2006) UPC TK – 1,000,000, Vectra – 625,000, Multimedia Polska 450,000, ASTER – 365,000, TOYA – 100,000, TK Poznań – 100,000.
	Satellite	2,500,000 (IV/2005) of which: CYFRA – 700,000, POLSAT CYFROWY – 500,000
	IP TV	Multimedia Polska S.A. – the service can be currently offered to 506,000 households (potential customers); Telewizja Kablowa Poznań – started in October 2005, 100,000 potential customers; ASTER City Cable – 36,000 (I/2006) in Warsaw, 280,000 households are potential customers; 2,000 in Kraków (started in October 2005), 135,000 households are potential customers.
	Mobile TV	Commercial operations have only just started (April 2006), PTK Centertel – TVN.

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
PL	Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., October 17, 1997 Constitution of the Polish Republic of April 2, 1997) Articles 54 and 213 – 215
	Ustawa z dnia 2 kwietnia 2004 r. o zmianie ustawy o radiofonii i telewizji Dz. U. z 2004 r. Nr 91, poz. 874 , May 1, 2004 The Act amending the Broadcasting Act
	Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 , November 29, 2004 (March 1, 1993) The Broadcasting Act
	Ustawa z dnia 29 grudnia 2005 r. o przekształceniach i zmianach w podziale zadań i kompetencji organów państwowych w sprawach łączności, radiofonii i telewizji Dz. U. z 2005 r. Nr 267, poz. 2258 , January 14, 2006 The Act on changes in the division of responsibilities of state organs in matters relating to communications, radio and TV
	Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 , September 3, 2004 The Telecommunications Act
	Ustawa z dnia 21 kwietnia 2005 r. o opłatach abonamentowych Dz. U. z 2005 r. Nr 85, poz. 728 , June 16, 2005 The licence fees Act
	Ustawa z dnia 2 lipca 2004 r. o swobodzie działalności gospodarczej Dz. U. z 2004 r. Nr 173, poz. 1807 The Law on Freedom of Economic Activities

Member state	Types of regulations affecting broadcasting industry
	<p>Europejska Konwencja o Telewizji Ponadgranicznej sporządzona w Strasburgu dnia 5 maja 1989 r. Dz. U. z 1995 r. Nr 32, poz. 160, May 1, 1993</p> <p>European Convention on TV without frontiers</p>
	<p>Protokół Poprawek sporządzony w Strasburgu dnia 9 września 1998 r. do Europejskiej Konwencji o Telewizji Ponadgranicznej, sporządzonej w Strasburgu dnia 5 maja 1989 r. Dz.U. z 2004 r. Nr 28, poz.250, March 1, 2002</p> <p>Protocol of amendments to the Convention</p>
	<p>Rozporządzenie Rady Ministrów z dnia 8 lutego 2005 r. w sprawie rocznych opłat za prawo do dysponowania częstotliwością Dz. U. Z 2005 r. Nr 24, poz. 196, February 14, 2005 (Regulation concerning annual fees for the right to use frequencies)</p>
	<p>Rozporządzenie Rady Ministrów z dnia 29 czerwca 2005 r. w sprawie Krajowej Tablicy Przeznaczeń Częstotliwości Dz. U. Z 2005 r. Nr 134, poz. 1127, August 5, 2005</p> <p>Regulation on the National Frequencies Allocation Table</p>
	<p>Rozporządzenie KRRiT z dnia 21 kwietnia 2004 r. w sprawie list wydarzeń uznanych przez inne państwa europejskie za ważne wydarzenia oraz zasad wykonywania wyłącznych praw do telewizyjnych transmisji takich wydarzeń Dz. U. z 2004 r. Nr 82, poz. 765, May 1, 2004</p> <p>Regulation on special events and exercising exclusive rights to provide their TV coverage)</p>
	<p>Rozporządzenie KRRiT z dnia 23 czerwca 2005 r. w sprawie kwalifikowania audycji lub innych przekazów mogących mieć negatywny wpływ na prawidłowy fizyczny, psychiczny lub moralny rozwój małoletnich oraz audycji lub innych przekazów przeznaczonych dla danej kategorii wiekowej małoletnich, stosowania wzorów symboli graficznych i formuł zapowiedzi Dz. U. z 2005 r, Nr 130, poz. 1089, August 15, 2005</p> <p>Regulation concerning classification of programmes or other broadcasts that might have an adverse impact upon a healthy physical, mental and moral development of minors and programmes or other broadcasts intended for a given age group of minors, use of graphic symbols and forms of announcement</p>
	<p>Control of broadcasters</p> <p>Rozporządzenie KRRiT z dnia 6 lipca 2000 r.w sprawie sposobów utrwalania i przechowywania przez nadawców audycji, reklam i innych przekazów Dz.U. z 2000 r. Nr 65 poz. 786, August 9, 2000</p> <p>Regulation concerning the methods of recording and preserving programme items, advertisements and other broadcasts by broadcasters</p>
	<p>Rozporządzenie KRRiT z dnia 6 lipca 2000 r. w sprawie sposobu sponsorowania audycji lub innych przekazów Dz.U. z 2000 r. Nr 65 poz. 785, August 9, 2000</p> <p>Regulation on sponsoring programmes items and other broadcasts</p>
	<p>Rozporządzenie KRRiT z dnia 3 czerwca 2004 r. w sprawie sposobu prowadzenia działalności reklamowej i telesprzedaży w programach radiowych i telewizyjnych Dz.U. z 2004 r. Nr 148 poz. 1565, June 29, 2004</p> <p>Regulation concerning principles of advertising and telshopping in the radio and television program services</p>
	<p>Rozporządzenie KRRiT z dnia 4 listopada 2004 r. w sprawie niższego udziału w programie telewizyjnym audycji wytworzonych pierwotnie w języku polskim i audycji europejskich Dz.U. z 2004 r. Nr 247 poz. 2483, December 4, 2004</p> <p>Regulation concerning lower share of programs originally produced in the Polish language and of European works in television program services</p>
	<p>Rozporządzenie KRRiT z dnia 20 września 2005 r. w sprawie sposobu prowadzenia przez nadawcę ewidencji czasu nadawania audycji wytworzonych pierwotnie w języku polskim, audycji europejskich i audycji europejskich wytworzonych przez producentów niezależnych oraz czasu jej przechowywania Dz.U. z 2005 r. Nr 201 poz. 1676, December 15, 2005</p> <p>Regulation concerning the manner of keeping record by the broadcaster of transmission time of programmes originally produced in the Polish language, European works and European works produced by independent producers as well as the duration of storage period of such records</p>
	<p>Public radio and TV</p> <p>Rozporządzenie KRRiT z dnia 21 sierpnia 1996 r. w sprawie trybu postępowania w związku z prezentowaniem i wyjaśnianiem w publicznej radiofonii i telewizji polityki państwa przez naczelne organy państwowe Dz.U. z 1996 r. Nr 109 poz. 526, October 1, 1996 (Ordinance regarding presentation and explanation of state policy by principal state organs)</p>
	<p>Rozporządzenie Krajowej Rady Radiofonii i Telewizji z dnia 24 kwietnia 2003 r. w sprawie trybu postępowania w związku z przedstawianiem w programach publicznej radiofonii i telewizji stanowisk partii politycznych, związków zawodowych i związków pracodawców w węzłowych sprawach publicznych Dz.U. z 2003 r. Nr 75 poz. 679, May 5, 2003</p> <p>Regulation concerning procedures related to presentation of standpoints with regard to crucial public issues by political parties, trade unions and employers' organizations in public radio and television</p>

Member state	Types of regulations affecting broadcasting industry
	<p>Rozporządzenie KRRiT z dnia 3 czerwca 2004 r. w sprawie uzupełnienia opisu zasad prowadzenia dokumentacji związanej z polityką rachunkowości w spółkach radiofonii i telewizji publicznej oraz określenia sposobu sporządzenia sprawozdań kwartalnych i rocznych składanych Krajowej Radzie Radiofonii i Telewizji przez spółki radiofonii i telewizji publicznej Dz.U. z 2004 r. Nr 148 poz. 1566, July 1, 2004</p> <p>Regulation on accounting of public radio and TV companies and on their reports submitted annually to the Broadcasting Council</p>
	<p>Licence fee</p> <p>Rozporządzenie KRRiT z dnia 30 sierpnia 2005 r. zmieniające rozporządzenie w sprawie rodzajów dokumentów oraz wzoru oświadczenia potwierdzających uprawnienia do zwolnień od opłat abonamentowych Dz.U. z 2005 r. Nr 181 poz. 1523, October 6, 2005</p> <p>Regulation amending the Regulation concerning types of documents and model declaration confirming the entitlement to exemptions from payment of licence fees</p>
	<p>Rozporządzenie KRRiT z dnia 2 czerwca 2005 r. w sprawie wysokości opłat abonamentowych za używanie odbiorników radiofonicznych i telewizyjnych oraz zniżek za ich uiszczenie z góry za okres dłuższy niż jeden miesiąc w 2006 r. Dz.U. z 2005 r. Nr 104 poz. 878, June 29, 2005</p> <p>Regulation concerning amounts of licence fees for the use of radio and television sets and discounts for advance payment of licence fees for the period exceeding one month in 2006</p>
	<p>Licensing process</p> <p>Rozporządzenie KRRiT z dnia 7 września 2005 r. w sprawie trybu ogłaszania konkursu na rezerwację częstotliwości na cele rozpowszechniania lub rozprowadzania programów radiofonicznych lub telewizyjnych w sposób cyfrowy drogą rozsiewczą naziemną Dz.U. z 2005 r. Nr 186 poz. 1565, October 13, 2005</p> <p>Regulation concerning the procedure for announcing the contest for reservation of frequencies for the purposes of digital transmission or retransmission of radio and television programme services by terrestrial diffusion</p>
	<p>Rozporządzenie KRRiT z dnia 2 czerwca 1993 r. w sprawie zawartości wniosku oraz szczegółowego trybu postępowania w sprawach udzielania i cofania koncesji na rozpowszechnianie programów radiofonicznych i telewizyjnych Dz.U. z 1993 r. Nr 52 poz. 244, September 29, 2000</p> <p>Regulation concerning the content of the application and detailed procedures of granting and withdrawing licences to provide radio and television programme services</p>
	<p>Rozporządzenie KRRiT z dnia 4 lutego 2000 r. w sprawie opłat za udzielenie koncesji na rozpowszechnianie programów radiofonicznych i telewizyjnych Dz.U. z 2000 r. Nr 12 poz. 153, January 1, 2001</p> <p>Regulation concerning the fees for granting licences to transmit radio and television programme services</p>
	<p>Registry</p> <p>Rozporządzenie KRRiT z dnia 17 sierpnia 2004 r. w sprawie szczegółowego sposobu i trybu prowadzenia rejestru programów w sieciach kablowych oraz wzoru rejestru i wzoru zgłoszenia o wpis do rejestru Dz.U. z 2004 r. Nr 194 poz. 2002, September 6, 2004</p> <p>Regulation concerning detailed procedures and manner of keeping a register of program services in cable network, as well as model register and model application for registration</p>
	<p>Rozporządzenie KRRiT z dnia 24 listopada 2004 r. w sprawie opłat za dokonanie wpisu do rejestru programów rozprowadzanych w sieciach kablowych Dz.U. z 2004 r. Nr 262 poz. 2618, December 10, 2004</p> <p>Regulation concerning fees for registration in the register of program services retransmitted in cable networks</p>
	<p>Market analyses</p> <p>Rozporządzenie Ministra Infrastruktury z dnia 25 października 2004 r. w sprawie określenia rynków właściwych podlegających analizie przez Prezesa Urzędu Regulacji Telekomunikacji i Poczty Dz.U. z 2004 r. Nr 242 poz. 2420, November 25, 2004</p> <p>Regulation determining relevant markets to be analysed</p>

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
PL	Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r (art. 54, art. 213 ust. 1) (The Constitution of the Polish Republic)	<ul style="list-style-type: none"> • Freedom of expression • Freedom to receive information
	Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji art. 15, 15a, 18, 21 Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act)	<p>All broadcasters:</p> <ul style="list-style-type: none"> • Non-discrimination on the grounds of nationality, race and sex • Respect for the religious beliefs of the public and especially the Christian system of values • Protection of minors • Protection of health, safety and of the natural environment <p>Public broadcasters:</p> <ul style="list-style-type: none"> • Production and transmission of programme services for reception abroad in the Polish language • Programme services meeting the democratic, social and cultural needs of local societies • Encouraging artistic, literary, scientific and educational activities • Dissemination of knowledge about the Polish language • Take into account the needs of national and ethnic minorities as well as those of local communities using dialects by, among other things, broadcasting news and information programmes in languages of these minorities or in these dialects (regional languages) • Production of educational programmes and ensuring access by people of Polish descent and Poles living abroad to such programmes • Provide reliable information about the vast diversity of events and processes taking place in Poland and abroad • Encourage an unconstrained development of citizens' views and formation of the public opinion • Enable citizens and their organisations to take part in public life by expressing diversified views and approaches as well as by exercising the right to social supervision and criticisms • Assist the development of culture, science and education, with special emphasis on Polish intellectual and artistic achievements • Respect the Christian system of values, being guided by the universal principles of ethics • Serve to strengthen family ties • Advance the propagation of a pro-health attitude • Contribute to combating social pathologies • Protection of the Polish language and culture
	Dz. U. z 2005 r, Nr 130, poz. 1089 (Regulation concerning the classification of programmes or other broadcasts that might have an adverse impact upon a healthy physical, mental or moral development of minors and programmes or other broadcasts intended for a given age group of minors, use of graphic symbols and forms of announcement)	This regulation deals with the issues related to the protection of minors.
	Dz.U. z 2004 r. Nr 247 poz. 2483 (Regulation concerning lower share of programs produced in the Polish language and of European works in television program services)	This regulation defines the share of programs produced in the Polish language and of European works.

Member state	Regulation	General interest objective
	przechowywania Dz.U. z 2005 r. Nr 201 poz. 1676 (Regulation concerning the manner of keeping records by the broadcaster of transmission time of programmes originally produced in the Polish language, European works and European works produced by independent producers as well as the duration of storage period of such records)	This regulation determines the way of documenting broadcasts of programs produced originally in the Polish, European works and European works produced by independent producers
	Dz.U. z 1996 r. Nr 109 poz. 526 (Regulation concerning the procedures related to presenting and explaining the policy of the state by supreme national authorities in public radio and television)	This regulation specifies the presentation of public policy; and encourages an unconstrained development of citizens' views and formation of public opinion.
	<p>The following regulations encourage an unconstrained development of citizens' views and formation of public opinion:</p> <ul style="list-style-type: none"> • Dz.U. z 2003 r. Nr 75 poz. 679 (Regulation concerning procedures related to the presentation of standpoints with regard to crucial public issues by political parties, trade unions and employers' associations in public radio and television) • Dz.U. z 2002 r. Nr 164 poz. 1350 Dz.U. z 2005 r. Nr 59 poz. 516 Dz.U. z 2005 r. Nr 109 poz. 920 (Regulation on party electoral broadcasts – election of local councils) • Dz.U. z 2002 r. Nr 164 poz. 1351 Dz.U. z 2004 r. Nr 1 poz. 8 Dz.U. z 2005 r. Nr 59 poz. 513 Dz.U. z 2005 r. Nr 109 poz. 923 (Regulation on electoral broadcasts – elections of mayors) • Dz.U. z 2001 r. Nr 74 poz. 800 Dz.U. z 2005 r. Nr 109 poz. 921 (Regulation on electoral broadcasts – parliamentary elections, The National Electoral Commission) • Dz.U. z 2001 r. Nr 89 poz. 991 Dz.U. z 2005 r. Nr 59 poz. 512 Dz.U. z 2005 r. Nr 109 poz. 922 (Regulation on electoral broadcasts – lower and upper houses of parliament) • Dz.U. z 2005 r. Nr 165 poz. 1382 Dz.U. z 2005 r. Nr 168 poz. 1409 (Regulation on electoral broadcasts – regional and nationwide channels) • Dz.U. z 2000 r. Nr 59 poz. 692 Dz.U. z 2005 r. Nr 109 poz. 919 (Regulation of electoral broadcasts – presidential elections, The National Electoral Commission) • Dz.U. z 2000 r. Nr 73 poz. 854 (Regulation on electoral broadcasts – presidential elections) • Dz.U. z 2003 r. Nr 166 poz. 1621 Dz.U. z 2005 r. Nr 59 poz. 514 (Regulation on electoral broadcasts – referenda) • Dz.U. z 2004 r. Nr 82 poz. 766 Dz.U. z 2004 r. Nr 119 poz. 1251 Dz.U. z 2005 r. Nr 59 poz. 515 Dz.U. z 2005 r. Nr 109 poz. 924 (Regulation on electoral broadcasts – European Parliament elections) 	

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
PL	Article 21 of the Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act)	Telewizja Polska S.A.: <ul style="list-style-type: none"> • TVP1 • TVP2 • TVP3 - 17 regional 	Public broadcasters' programmes are shown on all cable networks and on both digital platforms of CYFRA+. Some of them are shown on the platform	Ustawa z dnia 2 kwietnia 2004 r. o zmianie ustawy o radiofonii i telewizji Dz.U. z 2004 r. Nr 91, poz.874 (The

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
	Public radio and TV fulfil their public service mission by offering, in accordance with principles determined in the Act, to the whole society and its individual parts diversified programmes and other services in the area of information, current affairs, culture, entertainment, education and sport, that are characterised by pluralism, impartiality, balance and independence as well as innovation, high quality and integrity.	<p>channels</p> <ul style="list-style-type: none"> • TVP Polonia (satellite) • TVP Kultura (satellite) <p>Polskie Radio SA:</p> <ul style="list-style-type: none"> • Programme 1 PR • Programme 2 PR • Programme 3 PR • Programme 4 PR – Radio Bis • Radio Parlament • Radio Polonia • 17 regional channels 	<p>of POLSAT CYFROWY.</p> <p>Appropriate authorities have to ensure that the companies producing and broadcasting nationwide TV programme services (TVP1 and TVP2) and nationwide radio programmes (Programme 1, 2, 3 and 4 PR) have frequencies necessary for nationwide coverage.</p> <p>Actual coverage in terms of population: TVP1 – 99.6%, TVP2 – 99.39%, TVP3 – 75.42%, Programme 1 PR - 53.72% (FM) i 100% (LW), Programme 2 PR – 78%, Programme 3 PR – 92.5%, Programme 4 PR – 62.6%. Na podstawie: Sprawozdanie KRRiT z działalności w 2005 roku, Informacja o podstawowych problemach radiofonii i telewizji w 2005 roku. (Annual Report from the Broadcasting Council on basic problems of radio and TV in 2005)</p> <p>Public broadcasters have an obligation to conduct research on new broadcasting technologies.</p>	<p>Broadcasting Act) introduces a new definition of general interest objectives. An overview of the <i>status quo</i> and of the proposed changes for public service broadcasting can be found in the electronic media strategy of the Polish state, presented by the National Broadcasting Council to the Council of Ministers on August 28, 2005: Strategia Państwa Polskiego w dziedzinie mediów elektronicznych na lata 2005 – 2020 (The Polish State's strategy in the field of electronic media, 2005 – 2020)</p>

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
PL	Urząd Komunikacji Elektronicznej (The Office of Electronic Communications)	<p>Responsibilities include:</p> <ul style="list-style-type: none"> • preparation of frequency management plans, in particular for spreading and distribution of radio and TV programmes; • setting the terms for and organising tenders for broadcasting licences and spectrum rights and withdrawal of these rights for digital radio and TV broadcasting (frequency assignment decisions); 	<p>According to uzasadnienie (justification) of the Act of 29 December 2005 on changes in the division of tasks and responsibilities of state organs in the area of communications and broadcasting Dz. U. z 2005 r. Nr 267, poz. 2258 this is the first step towards consolidation of media and broadcasting</p>

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
	<p data-bbox="331 436 612 548">Krajowa Rada Radiofonii i Telewizji (The National Broadcasting Council)</p>	<ul data-bbox="699 257 1109 425" style="list-style-type: none"> conducting public consultations, relevant market analyses and imposition of regulatory obligations; maintaining a registry of telecommunication undertakings (general authorisations). <p data-bbox="699 436 1141 515">The Broadcasting Act, Article 6 (2), lists the following tasks of the National Broadcasting Council:</p> <ol data-bbox="699 526 1141 1646" style="list-style-type: none"> 1) to draw up, in agreement with the Prime Minister, the directions of the State policy in respect of radio and television broadcasting; 2) to determine, within the limits of powers granted to it under this Act, the terms of conducting activities by broadcasters; 3) to make, within the scope set forth by the Act, decisions concerning broadcasting licences to transmit and retransmit programme services; 3a) to grant to a broadcaster the status of a social broadcaster or to revoke such status, on terms laid down in the Act; 4) to supervise the activity of broadcasters within the limits of powers granted to it under the Act; 5) to organise research into the content and audience of radio and television programme services; 6) to determine the licence fees, fees for granting broadcasting licences and registration; 7) to act as a consultative body in drafting legislation and international agreements related to radio and television broadcasting; 8) to initiate research and technical development and training in the field of broadcasting 9) to organise and initiate international co-operation in the field of radio and television broadcasting; 10) to co-operate with appropriate organisations and institutions in respect of protecting copyright and neighbouring rights as well as the rights of performers, producers and broadcasters of radio and television programme services. <p data-bbox="699 1657 1101 1713">In order to fulfil these tasks, the Council has <i>inter alia</i> the following powers:</p> <ul data-bbox="699 1724 1141 1982" style="list-style-type: none"> formulating public broadcasting policy; issuing of regulations determining the way of documenting of Polish and European programming shares , advertising, sponsoring, protection of minors, list of important events, presentation of government policy, positions of political parties and election broadcasts in radio and TV in the public media; 	<p data-bbox="1165 257 1444 414">authorities into a combined regulator (similar to Ofcom). The responsibilities of the UKE were increased at the expense of the KRRiT.</p>

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
		<ul style="list-style-type: none"> control of activities of broadcasters from the point of view of their ownership structure; granting and withdrawing of licences for broadcasting of programme services, and setting licence fees and terms and conditions of their payments; control of content and reception of radio and TV programme services; maintaining a registry of cable TV networks operators and of programme services distributed by them; in public radio and TV: change of their statutes, appointment of supervisory boards, and defining the documents necessary for accounting and reporting. 	
	Urząd Ochrony Konkurencji i Konsumentów (The Office for Protection of Competition and Consumers)	Co-decision in: <ul style="list-style-type: none"> assessment whether relevant market are effectively competitive; designation of undertaking with SMP; imposition of regulatory obligations; issuing opinions on tenders to reserve frequencies. 	
	Minister Transportu (The minister responsible for communications)	Responsibilities include: <ul style="list-style-type: none"> determination (identification) of relevant markets to be analysed by the UKE; standards applicable to television, decoders, access control. 	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
PL	On April 3, 2006 TVN and PTK Centertel (Orange) launched their mobile TV service, Mobiina Telewizja , in Poland: <ul style="list-style-type: none"> Fees for data transmission in accordance with the given tariff package: for the first 6 months there is a possibility of free reception for the first 80 minutes each months (bezpłatna transmisja). Programmes are available where Orange's 3G network already has coverage (zasięg sieci) – currently it covers Warsaw and the centres of Kraków, Katowice, Poznań, Trójmiasto (Gdańsk, Sopot and Gdynia) and Wrocław. 	No regulatory framework specific for mobile TV

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
	<ul style="list-style-type: none"> Programmes are available to the subscribers who use specific types of handsets (3G handsets). The service includes 11 channels: TVN24, TVN Meteo, TVN Style, TVN Turbo, TVN Gra, TV Fly, Fashion TV, 4funtv, Tele5, TV5, and BBC World. 	

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
PL	<p>Multimedia Polska S.A. uses ADSL. Access via a TV set-top-box.</p> <p>Telewizja Kablowa Poznań uses ADSL. Access via a TV set-top-box.</p> <p>ASTER City Cable - offered in Warszawa (36k clients) and Kraków. It has fibre-optic network and HFC (Hybrid Fibre Coax) network. Access via a IP Multicast.</p>	<p>The KRRiT (the National Broadcasting Council) decided that only xDSL telecommunications operators who offer integrated access services to the Internet, TV, and voice services are to be subject to a registration procedure, in accordance with the KRRiT's Rozporządzenie w sprawie szczegółowego sposobu i trybu prowadzenia rejestru programów w sieciach kablowych oraz wzoru rejestru i wzoru zgłoszenia o wpis do rejestru of 17 August 2004 Dz.U. z 2004 r. Nr 194 poz. 2002 (Regulation concerning detailed procedures and manner of keeping a register of program services in cable networks, as well as model register and model application for registration), see: Stanowisko regulacyjne w sprawie kwalifikacji prawnej usługi TV over DSL (TVoDSL) oraz kwestii właściwości KRRiT wobec regulacji usług telewizyjnych udostępnianych za pośrednictwem nowych platform, May 31, 2006 (Regulatory statement concerning legal qualification of TVoDSL and whether KRRiT is the appropriate organ to regulate TV services provided over new platforms)</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Poland				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	See 1 below.	Yes	See 3 below.	Notification. See 4 below.
Digital terrestrial	See 1 below.	Yes	See 3 below.	Notification. See 4 below.
Cable	See 1 below.	Yes	See 3 below.	Notification. See 4 below.
Satellite	See 1 below.	Yes	See 3 below.	Notification. See 4 below.
Fixed telecommunications network	See 1 below.	Yes	See 3 below.	Notification. See 4 below.
Mobile telecommunications network (UMTS)	See 1 below.	Yes	See 3 below.	Notification. See 4 below.
Other				
Comment	<ol style="list-style-type: none"> 1. The provisions regarding general authorisations are contained in Chapter 2 of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) and they apply to all providers of electronic communications services. 2. Ustawa z dnia 29 grudnia 2005 r. o przekształceniach i zmianach w podziale zadań i kompetencji organów państwowych w sprawach łączności, radiofonii i telewizji Dz. U. z 2005 r. Nr 267, poz. 2258 (The Act on changes in the division of responsibilities of state organs in matter relating to communications, radio and TV; note that it only amended the Broadcasting Act) that entered into force on 14 January 2006 separated from each other the decisions granting concessions to broadcast programme services and the decision granting spectrum rights. 3. All applicable conditions can be found in the acts of parliament and in relevant regulations issued on their basis. There is nothing in general authorisations describing the conditions that apply to specific services such as broadcasting distribution platforms. 4. Economic activities in the area of broadcasting transmission have to be entered into a registry (Rozporządzenie Ministra Infrastruktury. w sprawie wzoru wniosku o wpis lub zmianę wpisu do rejestru przedsiębiorców telekomunikacyjnych of 21 December 2004, Dz. U. z 2004 r. Nr 283, poz. 2831) (Regulation concerning the application form to be included or to change one's entry in the registry of telecommunication entrepreneurs) . The entry is made on the basis of a written application containing: the name of the undertaking, its address and registered address, legal form, tax number, registered number, contact person, general description of the network or of the services provided, geographical area of activities, the expected date of commencing activities, and a statement confirming that the data submitted are correct. The President makes the entry in the register within 7 days from receiving the information. If the entry is not made within that period, the undertaking or other entity authorized to perform business activities on the basis of separate regulation may commence the performance of its activities after another 7 days, having informed the President of the UKE about it. 			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Poland		
	Network operator	Broadcaster
Analogue terrestrial	General authorisation (see note A)	Spectrum rights (see note B) Radio permission (see note D) Licence to broadcast programme services (see note C)

Poland			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Cable	General authorisation (see note A) Channel registration (see note E)	General authorisation (see note A) Channel registration (see note E) Licence to transmit programme services (see note F)	Licence to broadcast programme services (see note F)
Fixed telecommunications (DSL)	General authorisation (see note A). Channel registration (see note E)	General authorisation (see note A) Channel registration (see note E) Licence to transmit programme services (see note F)	Licence to broadcast programme services (see note F)
Mobile networks (UMTS)	General authorisation (see note A) Spectrum rights (see note G)	General authorisation (see note A) Spectrum rights (see note G)	No licence to broadcast programme services

Poland			
	Terrestrial network operator	Multiplex operator	Broadcaster
Digital terrestrial (DVB-T)	General authorisation (see note A)	General authorisation (see note A) Spectrum rights (see note H) Radio permission (see note D)	Licence to broadcast programme services (see note F)

Poland			
	Satellite platform	Distributor of bouquets of Broadcasters	Broadcaster
Satellite	No autonomous satellite platform in Poland	Not applicable	Licence to broadcast programme services (see note I)

Poland				
	Terrestrial network operator	Multiplex operator	Mobile operator	Broadcaster
Mobile over terrestrial networks (DVB-H /DMB)	No offer yet	Not applicable	Not applicable	Not applicable

Poland	
A	The provisions regarding general authorisations are contained in Chapter 2 of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) and they apply to all providers of electronic communications services. Economic activities in the area of broadcasting transmission have to be entered into a register (Rozporządzenie Ministra Infrastruktury. w sprawie wzoru wniosku o wpis lub zmianę wpisu do rejestru przedsiębiorców telekomunikacyjnych of December 21, 2004, Dz. U. z 2004 r. Nr 283, poz. 2831 – Regulation concerning the application form to be included or to change one's entry in the registry of telecommunication entrepreneurs). The President of the UKE makes the entry in the register within 7 days from receiving the information.
B	Article 37 of the Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act) and Articles 114 and 115 of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act). Spectrum rights are a basis of receiving a radio permit Reservation is done by the President of the UKE for a limited period of time (in relationship with the duration of the licence to distribute programmes). Current licensees are: Telewizja Polska S.A., Telewizja Polsat S.A., TVN S.A., Polskie Media S.A., Telewizja Puls Sp. z o.o., Telewizja Odra Sp. z o.o., NTL-TED Sp. z o.o., TL-B Sp. z o.o., Telewizja Gryf. Because of the ongoing process of planning of digital terrestrial TV, in accordance with the timetable contained in Strategia przejścia z techniki analogowej na cyfrową (Transition strategy), adopted by the Council of Ministers on May 4, 2005 the consideration of applications for spectrum rights for non-public TV broadcasters was in principle stopped.
C	In accordance with Article. 33 of the Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act) „Transmission of radio and TV programme services, with exception of the programme services of public radio and TV, requires a licence” A licence is granted for 10 years by the President of the KRRiT. Current licensees are: Telewizja Polsat S.A., TVN S.A., Polskie Media S.A., Telewizja Puls Sp. z o.o., Telewizja Odra Sp. z o.o., NTL-TED Sp. z o.o., TL-B Sp. z o.o., Telewizja Gryf. The license to transmit TV programme services allows also to use TV signals for distribution of text services.
D	A radio permission, in accordance with Article 143 of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) is necessary to use broadcasting equipment. A broadcaster who has spectrum rights can demand the radio permission. Radio permissions are issued for a period of time not longer than 10 years by the President of the UKE.
E	In accordance with Article. 41 of the Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act) ”Retransmission of programme services shall be subject to registration”. The register is run by the KRRiT: Rejestr programów w sieciach kablowych (The Registry) . According to Stanowisko regulacyjne KRRiT z 31 maja 2006 roku (Regulatory statement) the transmission services in xDSL networks should be treated in the same way as transmission in cable TV networks.
F	Article 33 of the Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act). A license is granted for 10 years by the President of the KRRiT. A license can be granted for a teleshopping channel or for a channel promoting its own activities as a broadcaster. A licence to transmit TV programmes also covers the use of the TV signal to distribute text services. The list: koncesje na rozpowszechnianie drogą kablową (cable broadcast licences) . According to Stanowisko regulacyjne KRRiT z 31 maja 2006 roku (Regulatory statement) the transmission services in xDSL networks should be treated in the same way as transmission in cable TV networks.
G	In accordance with Articles 114 and 116 of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) spectrum rights are granted by the President of the UKE after a tender.
I	Articles 114 and 115 of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act). Spectrum rights are granted by the President of the UKE after a tender for a definite period of time. Spectrum rights determine the channels to be included in the given multiplex. A tender for a multiplex operator has not been announced yet.

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
PL	In accordance with Strategią przejścia z techniki analogowej na cyfrową (the strategy for the transition from analogue to digital technology in terrestrial TV) adopted by the Council of Ministers on May 4, 2005 analogue broadcasting will end in Poland on 31 December .2014.	The President of the UKE is planning to organise in the second half of June 2006 a discussion (debate) on the national strategy for spectrum management and on the use of spectrum to develop new telecommunications technologies (digital radio and TV, broadband systems).	Not yet determined	Preliminary estimate: between 790 and 862 MHz (channels 61 – 62), not used for analogue transmission.	Since the model of accelerated conversion (“island model”) was accepted it is proposed to split the whole implementation process into 8 to 10 phases (stages), starting with Województwo Wielkopolski and Warsaw. The conversion process is supposed to be completed in 10 years. In the transition period, some channels in the range of 790 - 862 MHz (channels 61 – 62) are going to be used to build the MSN network in consecutive regions.	In accordance with the strategy for the switchover: <ul style="list-style-type: none"> as designing the digital TV network is still ongoing, applications for spectrum rights from non-public broadcasters are no longer being considered; Poland will aim to create 8 DVB-T national networks in bands III, IV and V; 95% coverage and 90% reception must be achieved before analogue transmission is ended in a region. A plan for spectrum management for digital terrestrial TV has been prepared for the transition period by URTiP. A public consultation by the KRRiT showed that a majority including broadcasters supports the introduction of DVB-T.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Poland					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	The President of the UKE in agreement with the Chairman of the KRRiT.	No. Broadcasting licence is issued by the KRRiT, and	Broadcaster	Beauty contest. Because of the ongoing process of planning of digital terrestrial TV, in	<ul style="list-style-type: none"> The President of the UKE determines frequency management plans for the spreading and distribution of radio and TV programmes in agreement with the Chairperson

Poland					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
		the UKE issues frequency assignment decision		accordance with the timetable contained in Strategia przejścia z techniki analogowej na cyfrową (Transition strategy), presented to the Council of Ministers on May 4, 2005), the consideration of applications for spectrum rights for non-public TV broadcasters was in principle stopped.	<p>of KRRiT on her motion or out of its own initiative.</p> <ul style="list-style-type: none"> • The President of the UKE, in agreement with the KRRiT, takes decisions regarding spectrum rights necessary for implementation of statutory duties by public radio and TV companies and regarding the conditions of using these frequencies • If there are no sufficient spectrum resources the President of the UKE conducts public consultations and organises a tender, the terms of references of which are decided in agreement with the KRRiT. In matters regarding competition principles, the President of the UKE asks for an opinion from the President of the UOKiK. • The President of the UKE awards, changes and withdraws spectrum rights regarding distribution of radio or TV programme services in agreement with the KRRiT. • The President of the UKE changes, in agreement with the KRRiT the conditions of using or withdrawing spectrum rights reserved for distribution of radio or TV programme services.
Digital terrestrial (DVB-T)	UKE in a co-decision procedure with KRRiT	No Broadcasting licence is issued by the KRRiT, and the UKE issues frequency assignment decision.	To be determined, but expected to be the multiplex operator	Beauty contest The National Broadcasting Council specifies the competition conditions, taking additionally into consideration undertaking obligations and tasks in the scope of program content, having considered the extra-economic national interest concerning culture, language, and media pluralism (Article 118 (6) of the Broadcasting Act).	Not decided yet

Poland					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Mobile over terrestrial networks (DVB-H /DMB)	UKE, but no plans for DVB-H/DMB so far	Not applicable	Not applicable	Not applicable	Not applicable
Satellite	In principle the UKE, but currently, there are no satellite operators operating from Poland.	No. Broadcasting licence is granted by the KRRiT.	No operator licensed in Poland and no frequencies assigned.	Beauty contest.	Not applicable

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
PL	<p>Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) art. 115:</p> <ul style="list-style-type: none"> • the frequency band subject to the right; • the types of radio-communications service or telecommunications service, for which frequencies may be utilized; • the date of frequency utilization commencement; • the conditions for the issuing of radio permission taking into account the conditions resulting from international agreements; • the period for frequency utilization; • the obligations of the 	<p>Non-content conditions are:</p> <ul style="list-style-type: none"> • the possibility and conditions for the transferring of entitlement to the frequency; • the area in which the frequencies may be utilized. 	<p>Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) art. 115</p> <p>Conditions for frequencies allocated for digitally diffusing or distributing programmes through broadcasting and satellite broadcasting:</p> <ul style="list-style-type: none"> • a determination of the television or radio programmes which compromise multiplex signal; • the ordering of programmes in the multiplex signal; • a determination of the area in which the multiplex signal may be spread and distributed; • a determination of emission system capacity utilization. 	<p>Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) art. 115</p> <ul style="list-style-type: none"> • a determination of the proposal for the audiovisual components of the multiplex signal participation in this signal; • obligations and tasks in the scope of programme content, including the conditions for obligatory transmission and programme content, having considered the extra-economic national interest for culture, language and media pluralism. <p>Ustawa o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act) art. 37:</p> <ul style="list-style-type: none"> • nature of programme services (channel) and time of its broadcasting; • date on which broadcasting

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
	<p>entity assumed within the confines of the tender procedure or the competition;</p> <ul style="list-style-type: none"> the requirements for the prevention of harmful electromagnetic disturbances; the protective duties for electromagnetic radiation. 		<p>Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) art. 146</p> <p>Conditions for broadcasting services using ground radio equipment:</p> <ul style="list-style-type: none"> the frequency or limit frequencies of frequency channels or bands; the location of the equipment; the radiated power; the polarization, altitude of installation and transmitting antenna radiation characteristics; the signal type and technical parameters of its emission. <p>Conditions for broadcasting services using a transceiver located on an artificial satellite above the Earth</p>	<p>of the programme services will commence;</p> <ul style="list-style-type: none"> share of programmes produced by national producers.

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
PL	Stamp duty paid for issuing every radio permission (per transmitter) – 19,000 PLN.	Annual fees for using spectrum and the mode of paying them are determined by Rozporządzenie Rady Ministrów z dnia 8 lutego 2005 r. w sprawie rocznych opłat za prawo do dysponowania częstotliwością Dz. U. Z 2005 r. Nr 24, poz. 196 (Regulation concerning annual fees for the spectrum rights). Annual fees for broadcasting depend on several factors: frequencies used, type of station, standard of broadcasting, power of the transmitter, height of the antenna, population coverage.	No.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
		<p>Maximum fee cannot exceed limits set in Article 185 Ustawy z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. Z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act).</p> <p>Fee to cover administrative costs cannot exceed 0.05% of yearly income obtained from the activity performed in the financial year two years before the year in which the fee is due, on the condition that they were higher than 4mln PLN.</p>	

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
PL	No formal policy	No formal review carried out.	<p>No formal consultation process.</p> <p>Positions of the parties are presented in their statements: Zarządu TVP S.A. , PIKE, platform cyfrowych and KRRiT.</p> <p>Conclusions on legislative changes are presented in the following documents:</p> <ul style="list-style-type: none"> • Activities of KRRiT for the introduction of digital terrestrial TV in Poland) • Information about radio and TV problems in 2005 	None from any review. The sequence of introducing programmes onto networks has changed over time (see Table 15)

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Poland							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	No must-carry or other types of carriage obligations.	N/A	N/A	N/A	N/A	N/A	N/A
Cable network (analogue and or digital)	Article 43 of the Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act). In force from March 1, 1993. This provision does not introduce must-carry as it is understood in the Universal Service Directive. It talks about “the sequence in which programme services are to be introduced” (see Art 43.1 below), and not about the obligation to make the programmes that constitute universal service available to viewers.	Cable network operator (if the number of individual subscribers is more than 250).	The obligation is part of the Act and applies to all cable network operators.	No general interest objectives specified	No channels are specified, but the sequence of introducing them is determined in terms of their types – see note below.	<ul style="list-style-type: none"> • Public programme service (channel) • Nationwide universal channel • Public regional programme service (channel) • Interregional universal programme service (channel) • Interregional socio-religious programme service (channel) • Local programme service (channel) 	Must-carry – Statement (Stanowisko) of the KRRiT regarding the interpretation of the provisions of Article 43 (1) of the Broadcasting Act, December 5, 2002.

Poland							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	Art. 43:1. A cable TV network operator introduces individual programmes (channels) in the following order: 1) nationwide public radio and TV programmes; 2) regional public radio and TV programmes; 2a) national programmes of social broadcasters available in the given region; 4) programmes of other national and foreign broadcasters. Social broadcasters are defined as broadcasters who propagate learning and educational activities, promote charitable deeds, respect the Christian system of values, being guided by the universal principles of ethics, and strive to preserve national identity in the programme service; does not transmit advertising or teleshopping, sponsored programmes or other sponsored broadcasts, does not charge any fees for transmission, retransmission or reception of the programme, etc.						
Digital terrestrial	Not yet determined	N/A	N/A	N/A	Not yet determined, but expected to include TVP1, TVP2, TVP3, POLSAT, TVN, TV4, PULS will be included – in the first two multiplexes (once their operators are decided and they become operational).	Terrestrial channels of Polish broadcasters	Strategy for the transition from analogue to digital terrestrial broadcasting, May 4, 2005.
Satellite	No must-carry or other types of carriage obligations	N/A	N/A	N/A	N/A	N/A	N/A
Fixed network operator	Same as for cable-distribution operators due to an interpretation of Article 43 of the Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 by the KRRiT in its Stanowisko regulacyjne (Regulatory statement)	Fixed network operator	The obligation is part of the act.	No general interest objectives specified	Same as for cable-distribution operators. Channels are not specified, but the sequence of introducing them is determined in terms of their types.	Same as for cable-distribution operators	Stanowisko regulacyjne KRRiT z 31 maja 2006 roku (Regulatory statement by the Broadcasting Council).
Mobile network operator	None	N/A	N/A	N/A	N/A	N/A	N/A

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
PL	The provisions of Article 43 of the Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act) do not regulate the payments: they do not impose an obligation for either the broadcaster or the operator to make any payments, nor do they abolish such payments.	Not applicable	In accordance with Article 19 (5) of the Ustawa z dnia 30 czerwca 2005 r. o kinematografii Dz.U. z 2005 r. Nr 132 poz. 1111 (The Cinematography Act) a cable TV network operator has to pay the Instytut Sztuki Filmowej 1.5 per cent of its revenues from payments for retransmission of TV programme services (channels) and from providing retransmission services. In accordance with Article 21 of the Ustawa z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych Dz.U. z 1994 r. Nr 24 poz. 83 (The Act on Copyright and Related Rights) cable TV network operators are allowed to retransmit programmes only on the basis of their agreements with the organisation managing intellectual property rights which collect fees for that. Article 97 stipulates that radio and TV organisations have exclusive right to manage their programme services as far as their retransmission is concerned.

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
PL	No must-offer obligations	Not applicable	Not applicable	Not applicable	Statement (Stanowisko) of the KRRiT of July 5, 2005 on cooperation between TVP and operators of cable TV networks and satellite platforms

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
PL	Provision of the service of broadcasting radio or TV programmes in order to deliver radio or TV content to end-users (national market).	Yes	N/A

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
PL	Provision of the service of broadcasting radio or TV programmes in order to deliver radio or TV content to end-users (national market)	TP Emitel	Yes	Yes

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as '*any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation*'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
PL	Article 2, Point 39 of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) Responsible authority: Urząd Komunikacji Elektronicznej (UKE)	See note below	Telecommunications undertakings providing conditional access systems	Fair, reasonable and non-discriminatory rates	See note below

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
		<p>Scope of Access</p> <p>Provide technical services allowing the reception of digital radio and TV transmissions using decoders installed in the networks or at subscriber locations.</p> <p>The Minister responsible for communications may specify, by means of a regulation:</p> <p>1) the technical and exploitation requirements for CAS, having considered the ensuring of executing full control over digital radio and TV transmissions using the CAS by telecommunications undertakings, and being motivated by the pursuit of creating conditions for the effective provision of services using these systems;</p> <p>2) the detailed range of technical services offered to broadcasters by telecommunications undertakings which provide CAS in order to allow the receipt of digital radio and TV transmissions using decoders installed in the networks or at subscriber locations.</p>			
		<p>Market Analysis...</p> <p>In accordance with Article 23 (1) of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act) the Chairperson of the KRRiT issued on 25 January 2005 a decision ("postanowienie" as distinguished from an administrative decision <i>sensu stricto</i>) for the commencement of a procedure aimed at assessing whether the markets for provision of conditional access systems, EPG and multiplexing of digital signals are effectively competitive. The work was interrupted after the Ustawa z dnia 29 grudnia 2005 r. o przekształceniach i zmianach w podziale zadań i kompetencji organów państwowych w sprawach łączności, radiofonii i telewizji Dz. U. z 2005 r. Nr 267, poz. 2258 (The Act on changes in the division of responsibilities of state organs in matter relating to communications, radio and TV, which amended the Broadcasting Act) entered into force because now it is the UKE that is responsible for all market analyses.</p>			

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
PL	<p>Article 2 Point 11 of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act)</p> <p>Responsible authority: Urząd Komunikacji Elektronicznej (UKE)</p>	<p>Ustawa prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act), Article. 132 obliges all the market participants to use an open API, without predetermining its standard. In accordance with the draft regulation on technical specification regarding consumer equipment to receive digital television broadcasting, an interactive set should correctly receive and perform programme in accordance with DVB-MHP, ETSI/ES 201 812.</p> <p>According to the strategy for the transition from analogue to digital terrestrial broadcasting (May 4, 2005) consultations</p>	<p>No</p> <p>Ustawa prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (Article 136) stipulates that the UKE may impose obligations on operators to provide access to APIs on fair and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services.</p>

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
		are being conducted with chambers of commerce and broadcasters in order to agree a common API standard.	

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
PL	Article 2, Point 7 of the Ustawa z dnia 16 lipca 2004 r. Prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act). Responsible authority: Urząd Komunikacji Elektronicznej (UKE)	No Ustawa prawo telekomunikacyjne Dz. U. z 2004 r. Nr 171, poz. 1800 (The Telecommunications Act, Article 136) stipulates that the UKE may impose obligations on operators to provide access to EPGs on fair and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
PL	Urząd Komunikacji Elektronicznej (The Office for Electronic Communications) – UKE Conducts consultation and consolidation procedures, relevant market analysis, decides whether these markets are effectively competitive, designates undertakings having SMP and imposes regulatory obligations. Urząd Ochrony Konkurencji i Konsumentów (The Office for Protection of Competition and Consumers) – UOKiK Enforces ustawę z 15 grudnia 2000 r. o ochronie konkurencji i konsumentów (The Protection of Competition and Consumers Act). Co-decides with the President of the UKE whether relevant markets are effectively competitive as well as in the process of designating undertakings having SMP and imposing regulatory obligations on them. Issues opinions on tenders for spectrum rights.	No specific provision in competition legislation per se Specific provisions: <ul style="list-style-type: none"> in the broadcasting legislation (Ustawa o radiofonii i telewizji Dz.U. z 2004 r. Nr 253, poz. 2531 (The Broadcasting Act), Ustawa o opłatach abonamentowych Dz. U. z 2005 r. Nr 85, poz. 728 (The Licence Fee Act)) public broadcasters receive funds from the licence fee to be used for public interest and general interest objectives; in the telecommunications law Dz. U. z 2004 r. Nr 171, poz. 1800 there is an obligation to take non-economic factors such as national interests on culture, language, and media pluralism into account in contests. 	See below

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
	<p>The Minister of Transport (the minister responsible for communications) determines the markets to be analysed by the UKE.</p>		<p>Recent competition actions:</p> <p>Komunikat Prezesa UKE z dnia 10.02.2006 r. (UKE's Press Release) On the broadening of the procedure started in order to assess whether the national market for the provision of service of broadcasting radio or TV programmes in order to deliver radio or TV content to end-users is effectively competitive.</p> <p>Decyzja Prezesa UOKiK z dnia 28.10.2005 r. (nr DOK-134/05) o zgodzie na dokonanie koncentracji, polegającej na utworzeniu przez TVN S.A. w Warszawie i Telewizję Polsat S.A. w Warszawie wspólnego przedsiębiorcy Polski Operator Telewizyjny Sp. z o.o. w Warszawie (creation of the Polish Television Operator Sp. z o.o., joint venture owned by TVN and Polsat).</p> <p>Decyzja Prezesa UOKiK z dnia 31.10.2003 r. (nr DPI-71/03) o uznaniu praktyki za ograniczającą konkurencję w sprawie z urzędu przeciwko Ogólnopolskiej Izbie Gospodarczej Komunikacji Kablowej w Z. Wyrok z dnia 12.10.2005 r. w sprawie z odwołania Polskiej Izby Komunikacji Elektronicznej w Warszawie przeciwko Prezesowi Urzędu Ochrony Konkurencji i Konsumentów (Sygn. akt XVII Ama 53/2004) (monopolistic practice by the Nationwide Economic Chamber of Cable Communications).</p> <p>Decyzja Prezesa UOKiK z dnia 28.04.2003 r. w sprawie uznania praktyki stosowanej przez Canal+ Cyfrowy Sp. z o.o. w Warszawie za ograniczającą konkurencję (a practice limiting competition).</p> <p>Decyzja Prezesa UOKiK z dnia 16.12.2002 r. w sprawie uznania praktyki stosowanej przez Telewizję Polską S.A. w Warszawie za ograniczającą konkurencję - description (a practice limiting competition).</p> <p>Decyzja Prezesa UOKiK z dnia 12.08.2002 r. w sprawie nie stwierdzenia stosowania praktyki ograniczającej konkurencję przez UPC TK Sp. z o.o. w Warszawie (Nr RLU-11/2002) (no anticompetitive practice).</p> <p>Decyzja Prezesa UOKiK z dnia 02.08.2002 r. w sprawie nie stwierdzenia stosowania praktyki ograniczającej konkurencję przez Multimedia Polska Sp. z o.o. w Gdyni (Nr RGD-21/2002).</p> <p>Decyzja Prezesa UOKiK z dnia 06.06.2002 r. w sprawie stosowania praktyk ograniczających konkurencję przez Aster City Cable Sp. z o.o. w Warszawie - description.</p> <p>Wyrok z dnia 25.02.2002 r. w sprawie z odwołania Spółdzielni Mieszkaniowej "Jaskółka" w Tarnowie przeciwko Prezesowi Urzędu Ochrony Konkurencji i Konsumentów.</p> <p>Wyrok z dnia 28.01.2002 r.</p> <p>w sprawie z odwołania Polskiej Telewizji Kablowej Lublin S.A. w Lublinie przeciwko Prezesowi Urzędu Ochrony Konkurencji i Konsumentów - description (a judgment regarding an appeal against a decision of the President of the UOKiK).</p> <p>Decyzja Prezesa UOKiK z dnia 11.01.2002 r. w sprawie zamiaru koncentracji przedsiębiorców, polegającej na utworzeniu wspólnego przedsiębiorcy Telewizja Kablowa "Energetyka" Sp. z o.o. w Rzeszowie przez Polskie Sieci Elektroenergetyczne-System Sp. z o.o. w Ustrzykach Dolnych i Adama Łukaszyka - Telewizja Kablowa "Bieszczady" w Ustrzykach Dolnych (planned merger).</p> <p>Decyzja Prezesa UOKiK z dnia 10.11.2001 r. w sprawie zamiaru koncentracji przedsiębiorców, polegającej na przejęciu kontroli przez Polską Telewizję Cyfrową Wizja TV Sp. z o.o. w Warszawie nad Wizja TV Sp. z o.o. w Warszawie, UPC Broadcast Centre Ltd. w Wielkiej Brytanii oraz objęciu przez Polską Telewizję Cyfrową Wizja TV Sp. z o.o. w Warszawie udziałów Telewizyjnej Korporacji Partycypacyjnej S.A. w Warszawie (planned merger).</p> <p>Decyzja Prezesa UOKiK z dnia 20.05.2005 r. (Nr RLU-19/2005) w sprawie uznania praktyki stosowanej przez Spółdzielnię Mieszkaniową im. Waleriana Łukasińskiego w Z. za ograniczającą konkurencję (a practice limiting competition).</p> <p>Decyzja Prezesa UOKiK z dnia 5.10.2004 r. (Nr RPZ-24/2004) w sprawie uznania praktyki stosowanej przez Konińską Spółdzielnię Mieszkaniową w K. za ograniczającą konkurencję (a practice limiting competition).</p> <p>Decyzja Prezesa UOKiK z dnia 31.03.2003 r. w sprawie nie stwierdzenia stosowania praktyki ograniczającej konkurencję przez TOYA Sp. z o.o. w Łodzi i Multimedia Polska Sp. z o.o. w Gdyni (Nr RŁO-2/2003) (no practice limiting competition).</p> <p>Decyzja Prezesa UOKiK z dnia 30.06.2003 r. w sprawie uznania praktyki stosowanej przez przedsiębiorcę Jerzego K. "TELPOL" Przedsiębiorstwo Produkcyjno-Montażowe Urządzeń Elektronicznych w C. za naruszającą zbiorowe interesy konsumentów (monopolistic practice violating collective interests of consumers).</p> <p>Decyzja Prezesa UOKiK z dnia 15 kwietnia 2005 r. (Nr RBG-15/2005) uznająca za ograniczającą konkurencję praktykę polegającą na nadużywaniu przez TVN24 pozycji dominującej na krajowym rynku płatnych programów telewizyjnych o charakterze informacyjno-publicystycznym w języku polskim (abuse of dominant position by the only provider of a 24 hours news channel in Polish).</p>

Portugal

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
PT	Analogue terrestrial television	No information available.
	Cable TV TV Cabo (cable operator) also offers Direct-to-Home (DTH) through satellite in areas which are not covered by its cable network.	Cable: 1.4 million (1Q 2006) DTH: 387,000 (1Q 2006) Source: ANACOM statistics (1 st semester 2006)
	Satellite	No autonomous satellite platform in Portugal
	Digital terrestrial television	No DTT yet
	IP TV	Clix SmarTV (Sonaecom)
	Mobile TV 3G only (TMN, Vodafone Live)	No information available

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
PT	Law on electronic communications (Law 5/2004 of February 10, 2004)
	Television Law (Law 32/2003 of August 22, 2003) The revision of the Television Law is currently ongoing. No public draft available at this stage.
	Decree Law 237/98 of August 5, 1998 on TV licensing and authorisations
	Decree Law 31/2003 of February 17, 2003 amending the concession of the telecommunications public service of PT Comunicações
	Law 31/1996 of August 14, 1996 on radio and TV broadcasting in the autonomous regions
	Financing model for public radio and television broadcasting service (Law No. 30/2003, of 22 August as amended by Decree-Law No. 169-A/2005, of 3 October)
	Law No. 33/2003, of August 22, 2003 on the State entrepreneurial sector in the audiovisual sector
	Law 53/2005 of November 8, 2005 (ERC Statutes)
	Decree Law 102/2006 of June 7, 2006 (ERC financing)

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
PT	Portuguese Constitution (art. 38 § 1 - 4).	The Portuguese constitution specifies the freedom of press and media, independence from political and economic power
	Articles 23 and 24 of the Television Law.	<ul style="list-style-type: none"> Free and pluralist information Freedom of programming in the limits defined by law Respect of human dignity, fundamental rights, free development of personality of children and teenagers.
	Article 10 of the Television Law (objectives of the generalist channels).	<ul style="list-style-type: none"> Contribute for informing, forming and entertaining Promote the right to inform and be informed with accuracy and independence Contribute for political, social and cultural pluralism; Promote Portuguese language and culture as well as values which express the national identity Extend TV programming to regional and local content Preserve and divulge regional and local values

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
PT	<p>According to art 46 of the Television Law (Law 32/2003 of August 22, 2003) public television service 'observes the principles of universality and national cohesion, of excellence and accuracy in programming, objectivity and independence of information, as well as in functioning and structure'.</p> <p>According to art. 38 § 5 and 6 of the Portuguese Constitution, the State ensures the existence and the functioning of a TV and radio broadcasting public service. Its structure and functioning must safeguard independence from the government, administration and other public powers as well as ensure freedom of expression and confrontation of the different public opinions.</p>	<p>According to the Television Law, RTP (Rádio e Televisão de Portugal) is the public service broadcaster.</p> <p>In June 2006, while renewing the broadcasting licences of SIC and TVI (commercial broadcasters), the broadcasting authority (ERC) stated that according to a model of 'public service' or of 'relevant public interest', the mere functioning of the market does not guarantee that TV broadcasters (public or private) respect the obligations which are of a public nature and that distinguish the activity of the media from any other economic activity. It added that even in the case of commercial broadcasters, television must be used as an 'exercise of citizenship' and a forum of public debate and not merely as an entertainment tool.</p>	<ul style="list-style-type: none"> Provision of a least a free-to-air generalist programme covering the national territory, including the autonomous regions of Azores and Madeira; Presence on cable 	<p>In 2003 the Portuguese government entered into a financial restructuring agreement signed between the Portuguese government and RTP. The agreement, which runs until 2019, is aimed at progressively reducing RTP's debt. On July 5, 2006 the European Commission decided that the agreement is in line with the EC Treaty state aid rules.</p> <p>Created recently, the viewers ombudsman, which is independent from the public service broadcaster and responsible for assessing the quality of the programmes.</p>

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
	<p>The PSB must provide:</p> <ul style="list-style-type: none"> • one or more programmes of interest to Portuguese language viewers living abroad as well as specific programmes for countries that speak the Portuguese language; • a specific service particularly tailored for cultural, scientific, independent production and Portuguese cinema programmes; • provision of two programme services specifically addressed to the Azores and Madeira. 			

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
PT	Entidade Reguladora para a Comunicação Social	<p>According to article 24 of Law 53/2005 of November 8, 2005 (ERC Statutes), ERC has the authority to:</p> <ul style="list-style-type: none"> • adopt opinions on the object of beauty contests before the granting of TV and radio broadcasting licences; • grant radio and TV broadcasting licences as well as deciding on requests for renewal; • impose sanctions. 	<p>Yes</p> <p>The creation of a new, administratively independent broadcasting authority was foreseen in article 39 of the Portuguese Constitution.</p> <p>ERC, created by Law 53/2005 replaced the former High Authority for the Media (Alta Autoridade para a Comunicação Social) which was a public body.</p> <p>ERC started its activities in February 2006.</p>

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
	ANACOM	ANACOM's (electronic communications NRA) include: <ul style="list-style-type: none"> market analysis, including market 18; spectrum management, including planning, the assignment of spectrum resources and their supervision; ensure access to networks; promote public consultations about the introduction of new technologies; participation in defining the strategy for development of communications, including in the context of media convergence; coordinate with the competition authority in the application of competition law in the communications sector. 	No
	Institute for the media (ICS) (Instituto da Comunicação Social)	ICS is a public body with autonomy in the management of its affairs reporting to the Minister for Parliamentary Affairs. ICS' responsibilities in the media sector include: <ul style="list-style-type: none"> collaborating in the definition, execution and evaluation of policies for the sector; implementing and co-ordinating granting of State subsidies; collaborating in the definition and execution of Portugal external policy on media. 	Some of its responsibilities (surveillance, registry) were taken over by ERC.
	Minister of Parliamentary Affairs (Ministro dos Assuntos Parlamentares)	Responsible for media Part of its programme is for example, the introduction of DTT and the rollout of the national network for digital radio (T-DAB).	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
PT	UMTS TMN (through TMNi9 portal) in partnership with TV Cabo) offers 21 channels/24 hours a day. Vodafone Live! Mobile TV . Live TV 24 hours/day including the main Portuguese and international channels RTP1, SIC, TVI, MTV, Eurosport, Chilli TV, Euronews, Fashion TV, 24 (Fox), Discovery Channel, UEFA - Champions League, Playboy TV, and Blue.	No regulatory framework specific for mobile TV <ul style="list-style-type: none"> Extension of DTT to DVB-H depending on spectrum availability Timing and terms of DVB-H introduction not yet known

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
	DVB-H Tests only, authorised by ANACOM in small areas and frequencies not used for analogue broadcasting in those specific areas.	

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
PT	Clix SmarTV (Sonaecom) (Digital TV+ Home Video + Internet + Telephone). Equipment needed: modem router ADSL2 + TV Box decoder. Other operators announced the launch of IP TV in the near future.	Nothing specific to IPTV

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Portugal				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	The current analogue terrestrial operators - PT Comunicações and RETI – do not operate under the regime of the general authorisation. PTC operates under the concession of the telecommunications public service and RETI under the licence granted by ANACOM in June 2000 (see Table 9)			
Digital terrestrial	No DTT available yet Art. 19 § 2, Chapter II (art. 21 and following, in particular art. 27) of the Law on electronic communications (Law 5/2004 of 10 of February, 2004).	Yes	No	The procedure is: <ul style="list-style-type: none"> • notification (by post or e-mail) to ANACOM containing a short description of the intended network or service as well as expected start date of the activities;

Portugal				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
	On procedure, also ANACOM decision of May 3, 2004 on the procedures for starting the provision of electronic communications networks and services.			<ul style="list-style-type: none"> after notification to ANACOM network/service providers can immediately start their activity; within five working days after receiving the notification ANACOM issues a statement acknowledging that it has received it and listing in detail the access and interconnection obligations; providers of electronic communications networks and services are inserted in a registry run by ANACOM.
Cable	Same as above	Same as above.	Same as above	Same as above
Satellite	Same as above	Same as above	Same as above	Same as above
Fixed telecommunications network	Same as above	Same as above	Same as above	Same as above
Mobile telecommunications network (UMTS)	Same as above	Same as above	Same as above	Same as above
Mobile TV (DVB-H)	No DVB-H available yet Same as above	Same as above	Same as above	Same as above

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Portugal		
	Network operator	Broadcaster
Analogue terrestrial	General authorisation, except for PT Comunicações (see note A) Radio frequency licence (see note A)	Broadcasting licence granted by ERC (see note A), with the exception of the public service broadcaster Registration with the ERC (see note A) Rights of use for frequencies

Portugal			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Cable	General authorisation (see note B)	Broadcasting authorisation granted by ERC (see note B) Registration with the ERC (see note B)	Broadcasting authorisation granted by ERC (see note B) with the exception of the public service broadcaster Registration with the ERC (see note B)
IP TV	General authorisation	Broadcasting authorisation granted by ERC (see note B) Registration with the ERC (see note B)	Broadcasting authorisation granted by ERC (B) with the exception of the public service broadcaster Registration with the ERC (see note B)
Mobile networks (UMTS)	3G network licence	Broadcasting authorisation granted by ERC (see note B) Registration with the ERC (see note B)	Broadcasting authorisation granted by ERC (see note B) with the exception of the public service broadcaster Registration with the ERC (see note B)

Portugal			
	Terrestrial network operator	Multiplex operator	Broadcaster
Digital terrestrial (DVB-T)	No DTT in Portugal yet (see note C)		

Portugal			
	Satellite platform	Distributor of bouquets of Broadcasters	Broadcaster
Satellite	No autonomous satellite platform in Portugal (see note D). Nevertheless, TV Cabo provides a DTH offer, complementing its cable service, in areas where the latter is not available		

Portugal				
	Terrestrial network operator	Multiplex operator	Mobile operator	Broadcaster
Mobile over terrestrial networks (DVB-H /DMB)	No DVB-H in Portugal. Timing for introduction not yet known. No specific rules			

Portugal
<p>Comment: According to article 15 of the Television Law (Law 32/2003 of August 22, 2003) and Chapter II of Decree Law 237/98 of August 5, 1998 on TV licensing and authorisations, access to TV broadcasting using terrestrial frequencies is subject to the need to obtain a broadcasting licence at the end of a beauty contest procedure defined by the government. Access to TV broadcasting that does not use terrestrial frequencies is subject to an authorisation regime.</p> <p>ERC is the responsible authority to grant the licences and authorisations after obtaining an opinion from ANACOM on the technical conditions of the application.</p> <p>The revision of the Television Law is currently ongoing (no publicly available draft yet).</p>

Portugal	
A	<p><u>Broadcasters/channels</u></p> <p>RTP (public service broadcaster), SIC and TVI are the national analogue broadcasters.</p> <p>RTP, as the PSB, operates under an administrative concession contract (Chapter 4 of the Television Law).</p> <p>SIC and TVI licences were granted in February 1992 and renewed in June 2006 for 15 years by ERC, for broadcasting activities. Licences are renewable upon request for equal periods (art. 22 of the Television Law).</p> <p>Registration of the broadcasters with the ERC (art 12 of the Television Law).</p> <p><u>Analogue network operators</u></p> <p>PT Comunicações and RETI (TVI own broadcast transmission network). PT Comunicações sells broadcasting transmission services to RTP, SIC and TVI (in areas that are not covered by TVI's network). The network operators have the radio frequency licences which are necessary for the effective use of the frequencies that are assigned to the broadcasters.</p> <p>PT Comunicações does not operate under the regime of the general authorisation but under the concession of the telecommunications public service as amended by Decree Law 31/2003 of February 17, 2003. According to this decree, the concession covers broadcasting and the distribution of the telecommunications broadcasting signal. PT Comunicações must give to the PSB and to the licensed broadcasters, on equal and non-discriminatory terms broadcasting transmission services in order to allow the broadcasters to comply with their coverage requirements.</p> <p>TVI (broadcasting transmission network) operates under the licence granted by ANACOM in June 2000.</p>
B	<p><u>Network operator</u></p> <p>Cable operators as network operators were licensed by ANACOM under the previous framework but are currently subject to the general authorisation regime.</p> <p>Cable operators and mobile operators in Portugal do not operate any form of programming. Only if they would fulfil the requirements of the Television Law on 'television activities' (which excludes mere retransmission) they would be considered as broadcasters and therefore need to be authorised by the broadcasting authority; The same applies to IP TV.</p> <p><u>Broadcasters/channels</u></p> <p>ERC grants the authorisation for broadcasting channels.</p> <p>According to article 8 of the Television Law, channels can be have national, regional or local coverage. It is foreseen that secondary legislation regulates the specific requirements of the regional and the local channels. As this never happened, authorisations are being granted to national channels only. As cable operators cannot ensure national coverage, new authorisations are always granted simultaneously for cable and satellite (satellite ensuring the national coverage).</p> <p>The broadcasters must present evidence of the access agreements with cable or satellite networks in order to achieve coverage obligations unless the applicants make use of their own transport and signal distribution network. In this case, they must make an explicit declaration that they are using their own network and indicate their coverage plans according to the coverage obligations defined by law.</p> <p>For a list of authorised cable and satellite TV channels see the ICS website.</p> <p>Term of the authorisations: 15 years, renewable for equal periods, upon request of the broadcaster.</p>
C	<p>No DTT available in Portugal yet;</p> <p>NB In October 2001 ANACOM granted a licence to a DTT platform - PTDP (Plataforma de Televisão Digital Portuguesa, S.A) which was revoked in 2003 upon ANACOM's recommendation.</p> <p>The licence was granted at the end of a beauty contest procedure held by the government. It foresaw that PTDP would launch commercial services by the end of August 2002 (this deadline was later extended). The platform included network provision and the operation of the multiplexers. It would be obliged to reserve capacity for codifying, multiplexing, transporting, and broadcasting the channels of the public service broadcaster (RTP 1 and RTP 2), the channels of the licensed broadcasters and three new channels. However, due to several delays and lack of mass-market availability of set-top boxes complying with the MHP standard, the Minister of Economy revoked the licence.</p> <p>ANACOM is expected to launch two public consultations in September 2006: one on DTT frequency assignment and another one on the tender procedures. The beauty contest for the assignment of DTT frequencies is foreseen for the beginning of 2007 for:</p> <ul style="list-style-type: none"> • free-to-air television; and • pay-TV. <p>In principle, DTT frequencies could be assigned to network operators, television operators or consortiums of both. Separately to this, there could be a beauty contest for new television channels.</p> <p>NB – Article 18 § 3 of the Television Law (Law 32/2003 of August 22, 2003) foresees that when granting DTT licences, capacity must be reserved for television programmes of the licensed broadcasters and of the PSB.</p>
D	<p>There is no autonomous satellite platform in Portugal (point-to-multipoint). There is a point-to-point fixed telecommunications service that allows TV Cabo clients to receive the channels distributed by HISPASAT (Direct-to-Home), namely in areas where the cable service is not available.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
PT	Not yet defined Awaiting DTT beauty contest.	Yes ANACOM's draft switch over implementation plan considers two switch off dates: <ul style="list-style-type: none"> • 2010 in part of the territory; and • 2011 in the rest of the country and Azores and Madeira 	Not yet decided	Not yet decided	See second column.	None

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Portugal					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	ANACOM	No. Broadcasting licence: ERC Frequency licence: ANACOM	Broadcasters	After a beauty contest procedure (except for the public service broadcaster)	SIC and TVI licences were granted in February 1992 and renewed in June 2006 for 15 years by ERC. In July 2006 ANACOM renewed the right to use the frequencies for another 15 years (to be given back upon digital switch off).
Digital terrestrial (DVB-T)	No DTT yet but plans for a beauty contest are expected for beginning 2007.	Broadcasting licence: ERC Frequency licence: ANACOM	Dependent on the applicants: broadcasters, network operators, content	Beauty contest.	Not yet defined. The beauty contests for frequency assignment and, if so, for licensing new digital channels might occur in parallel. If no new digital channel is

Portugal					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
	ANACOM assigns the frequencies.		providers, consortiums.		licensed, the DTT channels would be existing licensed/authorised channels.
Mobile over terrestrial networks (DVB-H /DMB)	No DVB-H yet. ANACOM	No Broadcasting licence: ERC Frequency licence: ANACOM	Not yet decided	Beauty contest, in accordance with legal framework	Not yet defined
Satellite	No autonomous satellite platform in Portugal	-	-	-	-

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
PT	No information available			

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
PT	There are no one off fees.	Analogue Terrestrial Network operators pay fees every six months for the use of radio transmitters (not the use of frequency channels) per TV station according to the output power (P) in kWatts: P≤1 – €39 1>P≤10 – €49 10>P≤100 – €61 100>P≤500 – €67 500>-€73	Administrative Order 386/2006 of April 19, 2006 reduced the fees 2G/3G operators pay by 10% to adjust the fees progressively to the effective use of spectrum (valid from January 1, 2006). The reduction of the fees is not intended to address discrepancies between broadcasting and telecommunications but at aligning the fees with the EU average.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
		Administrative order 126-A/2005 of January 31, 2005 (section 2.9)	

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
PT	Same drafting as the Directive. No review cycle policy.	No review	None	Not applicable

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Portugal							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Cable network (analogue and digital)	Art 43 of Law on electronic communications (Law 5/2004 of 10 of February, 2004) foresees that it is up to ANACOM to impose the must-carry obligations to be defined by ERC. In line with the EU Directive, Must-carry can be imposed on electronic communications networks which are used by a significant number of end-users as their principal means to receive radio and television broadcasts.	Currently there are no formal carriage obligations as the Electronic Communications Law revoked Law 241/97 of September 18, 1997 which explicitly imposed (art. 12) must-carry on cable operators. The channels that are currently carried by cable are a legacy from previous legislation.	N/A	N/A	Not specified yet. Under former legislation, must-carry covered the service public channels: RTP 1, RTP2 (now 2:), RTP Acores and RTP Madeira. Some doubts exist as to RTP Memória, RTP África and RTP Notícias.	N/A	N/A
Digital terrestrial	Same as above. In addition, art. 18 § 3 of the Television Law (Law 32/2003 of August 22, 2003) foresees that when granting DTT licences, capacity must be	Same as above	N/A	N/A	The last tender conditions granted must-carry for RTP1 and 2, SIC and TVI for free, until switchover.	N/A	N/A

Portugal							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	reserved for television programmes of licensed broadcasters and concession holders.						
Satellite	Same as cable						
Cable networks	Same as cable						
Fixed network operator	Same as cable						
Mobile network operator	Same as cable						

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
PT	Under the current arrangements, cable operators pay the public service channels for the retransmission.	No remuneration system imposed by the Electronic Communications Law. Free negotiation between broadcasters and networks. ANACOM may determine 'appropriate remuneration' applied in a 'proportionate and transparent manner'. Article 43§ 3 of Law on electronic communications (Law 5/2004 of 10 of February, 2004).	Payments for copyright and related rights are also made to the Portuguese collecting society (Sociedade Portuguesa de Autores), Gabinete dos Direitos de Autor (of Ministry for Culture) and to the Association for the Management of Rights of Authors, Producers and Publishers (GEDIPE).

Table 17 - Must-offer

This table describes whether a Member State has imposed "must-offer" obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
PT	No obligations yet Art. 24 § 3 s) of ERC Statutes (Law 53/2005 of November 8, 2005), obliges ERC (the broadcasting regulator) to define the radio and television broadcasting services that would be subject to a must-offer regulation. ERC has not yet implemented this provision.	Not yet defined	Incumbent on ERC, without prejudice to the responsibilities of the Competition Authority and of ANACOM. Criteria underlying must-offer is not specified in the law.	Not specified in the law	TvTel (a regional cable operator) has filed complaints to the Competition Authority against PT Conteúdos for inclusion of Lusomundo Happy and SIC Mulher in its programming (dispute pending). In the past, TvTel also complained about PT Conteúdos: <ul style="list-style-type: none"> • for inclusion of Lusomundo

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
					<p>Action (the channel was later offered by PT Conteúdos); and</p> <ul style="list-style-type: none"> • Sport TV2 (at the time of the complaint, this non-conditional access channel was only offered by TV Cabo. Currently, the channel is a conditional access channel and not only can it be offered by TV Cabo but also by other operators). This solved the problem of TvTel's complaint.

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
PT	Not yet analysed	N/A	N/A

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
PT	Not yet analysed	Not yet analysed	Not yet analysed	Not yet analysed

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
PT	Law on electronic communications (Law 5/2004 of 10 of February, 2004) articles 3gg), 78 to 81 Television Law (Law 32/2003 of August 22, 2003) – article 9 § 5 Regulatory authority: ANACOM	Access must be offered to all broadcasters of digitally-transmitted services.	All operators of conditional access services, irrespective of the means of transmission, who provide access services to digital television and radio services and whose access service broadcasters depend on to reach any group of potential viewers or listeners.	Fair, reasonable and non-discriminatory basis compatible with Community competition law	No market analysis so far

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
PT	Law on electronic communications (Law 5/2004 of 10 of February, 2004) articles 3l), 77 and 103 Regulatory authority: ANACOM	No DTT yet. API systems on cable are proprietary. No problems of interoperability. Cable operators do not offer real interactive services.	ANACOM can impose access obligations on any undertaking, to the extent that is necessary, regardless of whether it holds significant market power or not to provide access to APIs on fair, reasonable and non-discriminatory terms, in order to ensure accessibility for end-users to digital radio and television broadcasting services specified by the responsible authorities under the law. No decisions taken.

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
PT	<p>Law on electronic communications (Law 5/2004 of 10 of February, 2004) article 77.</p> <p>Regulatory authorities ANACOM and ERC (art. 24 § 3 r) of ERC Statutes (Law 53/2005 of November 8, 2005).</p>	<p>ANACOM can impose access obligations on any undertaking, to the extent that is necessary, regardless of whether it holds significant market power or not to provide access to EPGs on fair, reasonable and non-discriminatory terms, in order to ensure accessibility for end-users to digital radio and television broadcasting services specified by the responsible authorities under the law.</p> <p>No decisions taken.</p>

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
PT	<p>Portuguese competition authority (AdC)</p> <p>ERC (it participates with the AdC in defining the economic relevant markets in the media sector and expresses its views on media concentration operations) - art. 24 § 3 o) and p) of ERC Statutes (Law 53/2005 of November 8, 2005).</p> <p>ANACOM (must coordinate with AdC application of the law on competition in the communications sector (ANACOM statutes, art. 6) and when conducting market analysis (art. 61 of the Electronic Communications Law).</p>	<p>No</p> <p>General competition law regime applies (art. 4 of Television Law (Law 32/2003 of August 22, 2003)).</p>	<p>In 2003, the Portuguese government entered into a financial restructuring agreement signed between the Portuguese government and RTP. The agreement, which runs until 2019, is aimed at progressively reducing RTP's debt. On July 5, 2006 the European Commission decided that the agreement is in line with the EC Treaty state aid rules.</p> <p>The Competition Authority is expected to decide after summer 2006 on a take over bid by Sonaecom over PT.</p> <p>On August 11, 2006 the Competition Authority fined SIC (commercial broadcaster) €540,000 and PT Multimedia (TV Cabo) €2.5000,000 for the following anti-competitive practices:</p> <ul style="list-style-type: none"> • right of preference given to SIC by TV Cabo in the supply of thematic Portuguese channels for TV Cabo's 'basic package'. This was found to restrict the competition from potential SIC's competitors. • exclusive right given to PT Multimedia to access and commercial exploit SIC thematic channels. This was found to create difficulties to other cable operators interested in including SIC thematic channels in their programming packages.

Slovakia

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
SK	Analogue terrestrial television <ul style="list-style-type: none"> • Only one provider: Radiokomunikacie – a subsidiary of Slovak Telekom 	All households can receive the signal. About 65% of households use analogue terrestrial TV.
	Digital terrestrial television <ul style="list-style-type: none"> • Since October 2004 only being tested in three localities in Slovakia – one in western and one in central Slovakia (testing by Slovak Telekom/Radiokomunikacie) and one in eastern Slovakia (testing by telecommunications Corp) 	-
	Cable TV <ul style="list-style-type: none"> • 1 major operator (UPC) • 140 small operators 	35% of households are connected to cable TV.
	IP TV	-
	Mobile TV <ul style="list-style-type: none"> • 3G (Orange, T-Mobile) 	No information available
	Satellite TV 3 providers (UPC, Digi Slovakia, Slovak Telekom/Radiokomunikacie)	No information available

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
SK	Act No. 308/2000 Coll. on Broadcasting and Retransmission
	Act No. 16/2004 Coll. on Slovak Television
	Act No. 619/2003 Coll. on Slovak Radio
	Act No. 212/1995 Coll. on licence fees
	Act No. 610/2003 Coll. on Electronic Communications
	TUSR Measure No. O-6/2004 laying down particulars on terms of conditional access to digital television and digital radio

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
SK	Act No. 308/2000 Coll. on Broadcasting and Retransmission	<ul style="list-style-type: none"> • Contribution to the development of a democratic society • Universality of information • Plurality of opinion • Protection of human dignity • Protection of minors • Right of reply • Promotion of the Slovak culture • Support the development of artistic creation, culture and education • Public access to major events

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
SK	<p>Act No.308/2000 Coll. on Broadcasting and Retransmission Art. 18</p> <p>A national, independent, informative, cultural, and educational institution that produces and broadcasts programmes for a broad audience, complying with the principles of editorial independence.</p>	<p><u>TV broadcast</u> Slovenska Televizia (Slovak Television – two TV programmes: STV1 and STV 2)</p> <p><u>Radio broadcast</u> Slovensky rozhlas (Slovak Radio – five radio programmes)</p>	<p>Terrestrial analogue transmission of public service broadcasting is available more or less throughout the territory (transmission is technically ensured by Slovak Telekom Radiokomunikacie):</p> <ul style="list-style-type: none"> • STV1: 97.3% of the territory and 95.8% of the population • STV2: 89.4% of the territory and 88.7% of the population • radio programmes of Slovak Radio: 96% of territory (FM quality) 	None

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
SK	Telecommunication Office of the Slovak Republic	Regulator for electronic communications, radio spectrum management	No
	Council for broadcasting and retransmission	Regulator for broadcasting content, must-carry	No
	Ministry for Post and Telecommunication	General policy on radio spectrum and electronic communications	No
	Ministry of culture	General policy on media	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
SK	3G <ul style="list-style-type: none"> • Orange – TV offer • T-Mobile – TV 	No regulatory framework specific for mobile TV. A new law is being prepared (the Act of digital broadcasting for program services). This will include <i>inter alia</i> the possibility of using mobile TV in one or more layers allotted to the Slovak Republic.

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
SK	Not yet launched T-com announced IP TV services for second half of 2006.	Nothing specific to IP TV

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Slovakia				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial Digital terrestrial Cable Satellite Fixed telecommunications network Mobile telecommunications network (UMTS) Mobile TV (DVB-H)	Act No. 610/2003 Coll. on Electronic Communications Art. 13	Yes	No	Notification to TUSR

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Slovakia		
	Network operator	Broadcaster
Analogue terrestrial TV	Licence (see note B) Licence (see note C) Notification (see note D)	Licence (see note A) or Licence under specific act (see note B)
MMDS	-	-
Deflector	-	-

Slovakia			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Cable	Licence (see note B) Notification (see note D)	Licence (see note A) Licence (see note B) Notification (see note D)	Licence (see note A)
TV over Fixed telecommunications networks (DSL)	Licence (see note B) Notification (see note D)	Licence (see note A) Licence (see note B) Notification (see note D)	Licence (see note A)
Mobile networks (UMTS)	Licence (see note B) Licence (see note C) Notification (see note D)	Licence (see note A) Licence (see note B) Licence (see note C) Notification (see note D)	Licence (see note A)

Slovakia			
	Terrestrial network operator	Multiplex operator	Broadcaster
Digital terrestrial (DVB-T)	Regulatory framework needs amendments.	Regulatory framework needs amendments.	Regulatory framework needs amendments.

Slovakia			
	Satellite platform	Distributor of bouquets of Broadcasters	Broadcaster
Satellite	Licence (see note C) Notification (see note D)	Licence (see note B)	Licence (see note A)

Slovakia				
	Terrestrial network operator	Multiplex operator	Mobile operator	Broadcaster
Mobile over terrestrial networks (DVB-H /DMB)	Regulatory framework needs amendments.	Regulatory framework needs amendments.	Regulatory framework needs amendments.	Regulatory framework needs amendments.

Slovakia	
CONTENT Licences	
A	Broadcasting licence (commercial broadcasting) (Act No.308/2000 Coll. on Broadcasting and Retransmission , art. 45). Granted by the Council for Broadcast and Retransmission. Term: maximum 12 years for TV broadcasting or 8 years for radio broadcasting.
B	Re-transmission licence (Act No.308/2000 Coll. on Broadcasting and Retransmission , art. 56). Granted by the Council for Broadcast and Retransmission. Term: no limitation
D	General authorisation to provide electronic communication networks. Notification to TUSR. (Electronic Communication Act, art. 13).

Slovakia	
SPECTRUM licences	
C	Frequency licence: license required to use radio frequencies. Granted by the TUSR. (Electronic Communication Act , art. 32/20).

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
SK	2012	Yes Ministry for Post and Telecommunications is preparing a new policy for digital media.	Not formally decided yet but it seems that only broadcasting applications will benefit from the digital dividend.	Not yet decided	Not yet decided	None

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Slovakia					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	Allocation and management of the frequency plan by TUSR (Rada-TV is consulted about broadcasting frequencies). Assignment of frequencies by TUSR (on behalf of the Ministry).	No for TV Yes for radio	Broadcaster	Direct assignment	Frequencies assigned after the broadcaster has been authorised by the Council for Broadcasting and Retransmission.
MMDS		No	Broadcaster	Direct assignment	

Slovakia					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Deflector		No	Broadcaster	Direct assignment	
Digital terrestrial (DVB-T) Mobile over terrestrial networks (DVB-H /DMB)	Digital broadcasting is not included in the scope of the regulatory framework. The current law only applies to analogue transmission. Ministries in charge of broadcasting are preparing the necessary amendments. New law should be adopted in 2007.				
Satellite		No	Platform operator		

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
SK	Which frequency to be used and under which technical conditions.	None	The frequency licence only specifies technical conditions that are linked to the licence.	None

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
SK	Terrestrial analogue broadcasting: depending on the transmitter power, from Sk 20,000 to Sk 10m (€ 534 to € 267,000).	Terrestrial analogue broadcasting: none NB The new electronic communications Act allows TUSR to define a yearly fee to be paid for radio and TV analogue broadcasting. As the Ministry for Post and Telecommunications	No

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
		has decided not to grant any more analogue TV licences (waiting for DVB-T licensing), the new regime will only apply to analogue radio broadcasting. This new regime will enter into force once TUSR has defined a price list.	
	Terrestrial digital broadcasting: not yet defined.	Terrestrial digital broadcasting: not yet defined	

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
SK	None	None	None	None

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Slovakia							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	None	N/A	N/A	N/A	N/A	N/A	N/A
Cable network (analogue and or digital)	Broadcasting and retransmission Act, art. 17 All retransmission operators must transmit in their basic offer all the programmes that can be received with ordinary receiving equipment (i. e. analogue terrestrial transmission).	Cable operator	Apply to all retransmission platforms.	None	All the channels that can be received in the operating area with ordinary receiving equipment (i. e. analogue terrestrial transmission).	<ul style="list-style-type: none"> • Public broadcaster • Regional TV programmes • 2 commercial TV programmes (available on 85% of the territory) 	
Digital terrestrial (DVB-T)	Current regulation does not cover digital terrestrial broadcasting.	N/A	N/A	N/A	N/A	N/A	N/A

Slovakia							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Satellite	If the satellite platform operator is licensed in Slovakia, same status as cable.	Platform operator	Apply to all retransmission platforms.	None	All the channels that can be received in the operating area with ordinary receiving equipment (i. e. analogue terrestrial transmission).	<ul style="list-style-type: none"> • Public broadcaster; • Regional TV programmes; • 2 commercial TV programmes (available on 85% of the territory). 	No information available.
Fixed network operator	Same as cable	Network operator	Apply to all retransmission platforms.	None	All the channels that can be received in the operating area with ordinary receiving equipment (i. e. analogue terrestrial transmission).	<ul style="list-style-type: none"> • Public broadcaster; • Regional TV programmes; • 2 commercial TV programmes (available on 85% of the territory). 	Information not available.
Mobile network operator	Same as cable	Network operator	Apply to all retransmission platforms.	None	All the channels that can be received in the operating area with ordinary receiving equipment (i. e. analogue terrestrial transmission).	<ul style="list-style-type: none"> • Public broadcaster; • Regional TV programmes; • 2 commercial TV programmes (available on 85% of the territory). 	Information not available.
DVB-H	Current regulation does not cover digital terrestrial broadcasting.	N/A	N/A	N/A	N/A	N/A	N/A

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
SK	No payments for retransmission obligations	Not applicable	Not applicable

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
SK	No must-offer obligations	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
SK	Not yet analysed	N/A	N/A

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
SK	Not yet analysed	See column 1	See column 1	See column 1

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
SK	Act No.610/2003 Coll. on Electronic Communications , art. 25 TUSR Measure No.O-6/2004 laying down particulars on terms of conditional access to digital television and digital radio Responsible authority: TUSR	Offer to all broadcasters fair, appropriate, and non-discriminatory technical services that enable broadcasters of digitally transmitted services to be received by authorised viewers or listeners through decoders administered by the CAS company.	All providers of conditional access systems	No mention of remuneration in the regulation.	

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
SK	No information available.		

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
SK	No information available	

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
SK	Anti-monopoly Office (AMO)	No	On March 10, 2006 the AMO fined UPC Sk 15m (€ 37,000)

Slovenia

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
SI	Analogue terrestrial television <ul style="list-style-type: none"> • 31 broadcasters with licences to broadcast 37 TV channels. Of these, 15 broadcasters have licences to broadcast 16 channels, but do not use radio frequencies (i.e. they rely on transmission services from other network operators), and 16 have licences to broadcast 21 channels for which they use frequencies (i.e. they use their own transmission infrastructure). 	Population coverage by analogue terrestrial TV: 97.5%. Source: APEK 2005 Annual Report , p. 37 34.5% of households only use terrestrial. Source: AGB Nielsen Media Research 2005
	Digital terrestrial television RTVS DTT trial service has been running since September 2001 and currently covers 34% of the population. RTVS is planning to launch commercial DTT services in September 2006.	-
	Satellite 2 broadcasters with national coverage: <ul style="list-style-type: none"> • RTVS, 2 TV and 6 radio channels, over Eutelsat Hot Bird; • TV Pika, one TV programme over Hellas Sat 2. 	10.7% of households use satellite. Source: AGB Nielsen Media Research 2005
	Cable TV <ul style="list-style-type: none"> • 54 cable broadcasters registered with APEK • 31 cable broadcasters offer services. Some of the cable operators use MMDS for the 'last mile'.	54.8% of households use cable Source: AGB Nielsen Media Research 2005 70% of cable subscribers have access to DVB-C.
	IP TV <ul style="list-style-type: none"> • 5 IP TV providers registered with APEK • 2 IP TV providers offer services. 	The number of subscribers is currently insignificant.
	Mobile TV	-

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
SI	Constitutional law Constitution of the Republic of Slovenia , Official Gazette, No. 33/1991
	Primary legislation Zakon o medijih (ZMed)-Mass Media Act , Official Gazette No. 35/2001 (last amended May 26, 2006)
	Zakon o elektronskih komunikacijah (ZEKom)-Electronic Communications Act , Official Gazette No. 80/2004
	Zakon o Radioteleviziji Slovenija (ZRTVS-1)- RTVS Act , Official Gazette No. 96/2005 (last amended October 28, 2005)
	Secondary legislation http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO1608.html
	Rules on licences for radio and television broadcasting, Official Gazette No. 67/2002
	Procedure on programmes of special significance, Official Gazette No. 85/2002
	Procedure on content of request and decision on broadcasting frequency, Official Gazette No. 60/2001
	Statute of RTV Slovenia, Official Gazette No. 66/1995
	Statute of the Agency for Telecommunications, Broadcasting and General Post Office, Official Gazette No. 77/2002

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
SI	Constitution of the Republic of Slovenia , Art. 39 on freedom of expression (with special reference to the media)	<ul style="list-style-type: none"> Freedom of expression Freedom to collect, receive and disseminate information
	Zakon o medijih (ZMed)- Mass Media Act , Art. 4(1)	<p>The Republic of Slovenia shall support the mass media in the dissemination of programming important to:</p> <ul style="list-style-type: none"> the exercise of the right of citizens of the Republic of Slovenia, Slovenes around the world, members of the Slovene minorities in Austria, Hungary and Italy, the Hungarian and Italian ethnic communities in Slovenia, and the Romani community living in Slovenia to public information and to be informed in general; the protection of the Slovenian national and cultural identity; the promotion of cultural creativity in the area of the mass media; a culture of public dialogue; the consolidation of the social state based on the rule of law; the development of education and science; special programming for the disabled.
	Zakon o Radioteleviziji Slovenija – Law on RTV Slovenia , Art. 4	<ul style="list-style-type: none"> Be independent and autonomous Respect human integrity and dignity in its programmes Observe the principle of impartiality Ensure the verity of information Pluralism of opinions and religious beliefs

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
SI	Zakon o Radioteleviziji Slovenija (ZRTVS-1)-RTVS Act	Radiotelevision Slovenia (RTVS)	Coverage obligations are set out in Article 8 of RTVS Act. There are: <ul style="list-style-type: none"> • three radio programmes with nationwide terrestrial coverage (90% of the population); • two television programmes with nationwide terrestrial coverage (90% of the population); • one radio and one TV programme in Hungarian and one radio and one TV programme for the Italian minority. There are radio and TV programmes for the Roma community. Coverage of 90% of the areas where members of the minorities live. 	New law on RTVS adopted on October 28, 2005 Changes to management, supervisory and other bodies, and the appointment of editors, but it also increases the role of the Government and Parliament in the appointment of key personnel and the supervision of the public service broadcaster. The law also contains provisions on access to frequencies for RTVS without a public tender procedure, subject to a decision by APEK on a recommendation from the Broadcasting Council.

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
SI	Ministry of Culture (Directorate for Media and Media Inspector)	<p>Directorate for Media</p> <ul style="list-style-type: none"> • Prepares laws regulating public service broadcasting and commercial media, including all broadcasters • Supervises the implementation of the Mass Media Act <p>Media Inspector</p> <ul style="list-style-type: none"> • Deals with breaches of the Law on Mass Media on his own initiative or after complaints from the public 	Directorate for Media was established in autumn 2004.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
	<p>Agencija za posto in elektronske komunikacije (APEK) (Agency for post and electronic communications)</p>	<p>Responsibilities include:</p> <ul style="list-style-type: none"> • supervising the implementation of programming obligations and restrictions, as well as ownership restrictions, for TV and radio; • issuing written warnings to broadcasters in the event of irregularities and determining the deadline to correct them (usually within one to six months); • issuing broadcast licences on the basis of a well substantiated proposal by the SRDF; • providing technical, expert, financial and administrative support to the SRDF; • market definition and market analysis for the broadcasting transmission markets. 	<p>APEK was assigned responsibility for market definition and market analysis of the broadcasting transmission markets.</p>
	<p>Svet za radiodifuzijo (SRDF) (Broadcasting council)</p>	<p>Responsibilities include:</p> <ul style="list-style-type: none"> • instructing APEK to supervise the implementation of broadcasters' programming obligations; • giving an opinion on issuing, transference and retraction of broadcast licences to APEK; • giving an opinion on granting or retracting the status of local, regional, or student television or radio channels; • providing a preliminary opinion to the Ministry of Culture on granting or retracting the status of non-profit television or radio channels and channels of special importance; • providing a preliminary opinion to APEK on decisions about the prevention of ownership concentration; • evaluating the state of the television and radio markets in an annual report to Parliament; • suggesting to the Ministry of Culture how to implement criteria on local and regional content, in-house production and conditions to acquire the status of a broadcaster of special significance; and • proposing a development strategy for television and radio to the Ministry of Culture. 	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
SI	No commercial DVB-H or DMB service yet. DVB-H trials planned by Mobitel, based on UMTS.	No regulatory framework specific for mobile TV. A new law is being prepared to address the relation between operators and audiovisual media services. A public consultation is planned.

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
SI	Siol , ISP owned by Telekom Slovenije <ul style="list-style-type: none"> • Telekom Slovenije infrastructure, using xDSL • Access through a set-top box • 115 programmes 	Nothing specific to IP TV, considered as broadcasting.
	T-2 <ul style="list-style-type: none"> • LLU and shared access from Telekom Slovenije, using xDSL • Access through a set-top box • 136 programmes 	Nothing specific to IP TV, considered as broadcasting.

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Slovenia				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial Digital terrestrial Cable Satellite Fixed telecommunications network Mobile telecommunications network (UMTS)	Zakon o elektronskih komunikacijah (ZEKom)-Electronic Communications Act , Official Gazette no. 80/2004 Article 5	Yes	No	Notification to APEK, containing basic business information, before commencement of the provision of public communications networks or services. No formal approval is needed to start operations. Within 7 days of receipt of notification, APEK shall send a confirmation of the receipt of the notification and recording in the official registry.
Comment	Terms (Article 3, ZEKom) <i>Electronic communications service</i> means a service normally provided for remuneration, which consists wholly or mainly in the transmission of signals on electronic communications networks, including telecommunications services and transmission services in networks used for broadcasting, but excluding services providing or exercising editorial control over content transmitted using electronic communications networks and services, and does not include Information Society services. <i>Electronic communications network</i> means transmission systems and, where appropriate, switching or routing equipment and other resources which permit the transmission of signals by wire, by radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit and packet switched, including Internet) and mobile terrestrial networks, electricity cable systems, if they are used for the transmission of signals, networks used for radio and television broadcasting, and cable TV networks, irrespective of the type of information transmitted. <i>Public communications service</i> means electronic communications service available to the general public. <i>Public communications network</i> means an electronic communications network used wholly or mainly for the provision of publicly available electronic communications services.			

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Slovenia		
	Network operator	Broadcaster
Analogue terrestrial	General authorisation (see note A) Frequency licence (see note B1)	Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)

Slovenia			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	Broadcaster
Cable TV	General authorisation (see note A)	General authorisation (see note A) Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)	Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)
Fixed telecommunications network (DSL)	General authorisation (see note A)	General authorisation (see note A) Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)	Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)
Mobile network (UMTS)	General authorisation (see note A) Frequency licence (see note B2)	General authorisation (see note A) Frequency licence (see note B2) Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)	Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)

Slovenia			
	Terrestrial network operator	Multiplex operator	Broadcaster
Digital terrestrial (DVB-T)	General authorisation (see note A) Frequency licence (see note B1)	Multiplex licence foreseen	Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)

No commercial DTT services in Slovenia yet. RTVS DTT trial service has been running since September 2001 and currently covers 34% of the population. RTVS is planning to launch commercial DTT services in September 2006.

In November 2005, the government passed a new law on public service broadcasting (RTVS) allocating a full multiplex for the services provided by RTVS. Commercial broadcasters will be allowed capacity on other multiplexes following a tender procedure organised by APEK in consultation with the Broadcasting Council (ZMed, Article 104a, as [amended](#) May 26, 2006).

Slovenia			
	Satellite platform	Distributor of bouquets of Broadcasters	Broadcaster
Satellite TV	General authorisation (see note A) Frequency licence (see note B1)	Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)	Registration with the Media Registry of the Ministry of Culture (see note C) Broadcasting licence (see note D)

Slovenia				
	Terrestrial network operator	Multiplex operator	Mobile operator	Broadcaster
Mobile over terrestrial networks (DVB-H/DMB)	No commercial DVB-H services in Slovenia yet. The timing for its introduction is not yet known. No specific rules			

Slovenia	
A	Under Article 5 of Zakon o elektronskih komunikacijah (ZEKom)-Electronic Communications Act , a general authorisation to provide public electronic communications networks or services is defined as a written notification submitted to APEK before the start of activities.
B1	Broadcasting frequency licence, e.g. for analogue and digital terrestrial network operators, is issued by APEK to licensed commercial broadcasters, see note D below, following a public tender procedure organised in coordination with the Broadcasting Council. Broadcasting spectrum licences are issued for operating individual transmission stations (Article 36, 40(2-3), 44-48 of ZEKom , Article 104-106 of ZMed). RTVS, the public service broadcaster, is exempted from the public tender procedure for frequency licences. Following an application submitted to APEK, it is granted frequency licences on recommendation from the Broadcasting Council (ZMed, Article 104a, as amended May 26, 2006).
B2	A frequency licence that is not specifically foreseen for broadcasting is issued by APEK following a general administrative procedure ('first come first served') or a public tender procedure (Article 36 of ZEKom).
C	Registration with the Media Registry of the Ministry of Culture in the form of a notification covering the scope of business activities, ownership information and coverage, is required for all media outlets (radio or television channels, printed media, etc.).
D	A broadcasting licence for radio and TV broadcasters is issued by APEK in coordination with the Broadcasting Council (rules on licences for radio and television broadcasting, Official Gazette no. 67/2002). There are two types of licences: with or without the use of frequencies. Broadcasting licences have a validity period of at least five years and no longer than 10 years.

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
SI	2012	Yes By mid-2007, the government intends to adopt the necessary regulatory framework for digital switchover.	Most likely DVB-T, mobile DVB-H and interactive services.	Not yet decided	In line with the scheduled digital switchover, implementation will start on a regional basis in 2008 and will be completed by summer 2012.	In February 2006, the government adopted a Strategy for switchover from analogue to digital TV broadcasting.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Slovenia					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	APEK in coordination with the Broadcasting Council	Yes	Broadcasters	Public tender procedure (beauty contest). Direct assignment to public service broadcaster RTVS.	<ol style="list-style-type: none"> 1. Registration in the Media Register of the Ministry of Culture. 2. Broadcasting licence for radio and TV activities with the use of frequencies issued by APEK on recommendation of the Broadcasting Council (with validity period no longer than 10 years). 3. Frequency licences issued by APEK following a beauty contest procedure, on a station-by-station basis. Direct assignment of frequencies to public service broadcaster, RTVS.
Digital terrestrial (DVB-T)	APEK in coordination with the Broadcasting Council	Yes	Not yet decided	Public tender procedure (beauty contest). Spectrum to operate the first multiplex was directly assigned to RTVS.	Same as above
Mobile over terrestrial networks (DVB-H /DMB)	APEK in coordination with the Broadcasting Council	Yes	Not yet decided	Public tender procedure (beauty contest). Direct assignment to public service broadcaster RTVS.	Same as above
Satellite	APEK	Yes	Operators of transmitting and receiving equipment in a satellite earth station.	First come first served basis	Direct assignment upon submitting an application to APEK.

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
SI	<p>Article 49 of ZEKom. The conditions relate to:</p> <ul style="list-style-type: none"> • Frequency band and technical parameters • Specific service or technology • Coverage requirements • Effective and efficient use • Prevention of interference • License duration • Transfer of rights to use spectrum • Usage fees • Other commitments • International coordination 	See first column	See first column	No content conditions in the frequency licence

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
SI	No Article 40(4) of ZEKom.	Set annually based on “ Rules for calculating the notification charges, spectrum and numbering fees ”. Calculated based on a formula that takes into account the spectrum range, geographic coverage, and transmitter power.	No plans for harmonization

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
SI	No formal policy	Zakon o medijih (ZMed)-Mass Media Act , Official Gazette no. 35/2001 containing provisions on must-carry obligations was adopted in 2001. The most recent amendment of May 26, 2006 contained no review of must-carry obligations.	None	Not applicable

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Slovenia							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial Cable network (analogue and digital) Digital terrestrial Satellite Fixed network operator Mobile network operator Other	Yes Article 111-112, Zakon o medijih (ZMed)-Mass Media Act	Transmission network operator	Must-carry obligation applies to all networks using any platform suitable for broadcasting transmission and is set out directly in the law.	Same objectives as stated in Table 3	<ul style="list-style-type: none"> All four channels of the public service broadcaster RTVS: SLO1, SLO2 (the two national channels), Television Maribor (a regional channel), Television Koper/ Capodistria (a channel for the Italian-speaking minority). Channels with a status of a channel of ‘special importance’ (some 30 radio and TV channels): <ul style="list-style-type: none"> “Local television channels of special importance”: these must cover 10% of the population of Slovenia and broadcast at least 30% of local in-house content production daily. Five television channels have this status. “Regional television channels of special importance”: these must cover between 10 and 50% of the population of Slovenia and broadcast at least 30% of regional in-house content production daily. Three television channels have this status. “Non-profit television channels”: these must broadcast at least 30% of in-house production (news and current affairs, arts, educational, cultural and entertaining content) daily. Three television channels have this status. “Student television channels”: The criteria for student stations are that their “programming is created and disseminated by students and is primarily aimed at a student audience” and their “surplus of revenues over expenditure is used only for executing the activities for which it was founded”. 		Decision of APEK (or Ministry of Culture, in case of non-profit channels) on the status of a channel of ‘special importance’.

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
SI	Programmes of RTVS, the public service broadcaster, must be carried free of charge. Where there are technical possibilities for quality reception of the signal at the operator's main receiving station, programmes of channels with a status of special importance (other must-carry channels) should be also transmitted free of charge.	The compensation terms for transmission services, however, have to be non-discriminatory (ZMed, article 112(1))	8% of operators income from end-users has to be forwarded to state budget for financing of the audiovisual media fund (ZMed, article 112(6, 7)). Channels with a status of special importance may apply for financing from the audiovisual media fund for development of their programmes. Channels with a status of special importance are entitled to up to 20% lower copyright charges paid to the collecting society (ZMed, article 82(4)).

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
SI	No must-offer obligations	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
SI	Not yet completed Data collection completed, analysis ongoing	N/A	N/A

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
SI	Not yet completed Data collection completed, analysis ongoing			

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as ‘any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation’. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
SI	Regulated by ZEKom, article 114 APEK is the responsible authority.	See note below	CAS operators	Fair, reasonable and non-discriminatory terms	Market analysis not completed
<p>Scope of Access</p> <p>CAS must have the necessary technical capability allowing the possibility for full control, by public communications network operators at local or regional levels, of the services using such CAS.</p> <p>CAS providers must offer access on fair, reasonable and non-discriminatory terms to TV broadcasters.</p> <p>Accounting separation for CAS providers.</p> <p>Holders of patents must offer licences to producers of set-top boxes on fair, reasonable and non-discriminatory terms; licences must not hinder APIs.</p>					

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
SI	Definition of API in ZEKom , article 3 (44) Access to API: ZEKom article 113 (3) APEK is responsible for obligations related to API access.	MHP is used on a voluntary basis.	No

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
SI	ZEKom , Article 113 (3). APEK is the responsible regulatory authority.	APEK can impose obligations on operators to ensure access to electronic programme guides under fair, reasonable, and non-discriminatory conditions. No decisions taken.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
SI	Competition powers are part of the responsibilities of the Competition Protection Office (Urad za varstvo konkurence): Legal basis: Prevention of Restriction of Competition Act	No General competition law regime applies. See the Decree on block exemptions of July 25, 2002, Official Gazette 69/2002	Merger assessments: <ul style="list-style-type: none"> POP TV/Kanal A (Case no. 3071-20/00-19, August 28, 2000) UGC Europe/Telemach (Case no. 3071-64/2004-7, February 3, 2005) Telemach/CATV (June 9, 2005) Alleged abuse of the dominant position investigation: <ul style="list-style-type: none"> PRO Plus/RTV Slovenija (Case no. 3073-2/99-52, February 20, 2001) Telekom Slovenije/Medinet (Case no. 3072-14/02-62, November 19, 2004)

Spain

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
ES	Analogue terrestrial TV and radio	No information available
	Digital terrestrial TV	No information available
	Digital terrestrial radio	No information available
	Cable TV and radio	Cable TV: 1 million subscribers (3Q 2005) Source: CMT quarterly report
	IP TV	Information available for Imagenio only (Telefónica): 206K end 2005 Source: CMT annual (2005) report (page 32)
	Mobile TV	89, 614 subscribers (3Q 2005) Source: CMT quarterly report
	Satellite TV	1.8 million subscribers (3Q 2005) Source: CMT quarterly report

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
ES	Law 4/1980 of January 10, 1980 on radio and TV
	Law 10/1988 of May 3, 1988 on private TV
	Law 46/1983 of December 26, 1983 on the third analogue channel
	Law 41/1995 on local DTT as amended by Law 53/2002 of December 31, 2002 and by Law 62/2003 of December 30 on fiscal, administrative and social measures
	Law 25/1994, of July 12, 1994 (as amended in 1999, 2001 and 2002) transposing the Television Without Frontiers Directive
	Law 42/1995 of December 22, 1995 on cable as modified by Law 32/2003 of November 3, 2003
	Royal Decree 2066/1996 of September 13, 1996 on cable technical regulation and the provision of telecommunications services by cable
	Royal Decree 136/1997 , of January 31, 1997 – technical regulation on satellite TV
	Ministerial Order of March 9, 2000 on radio spectrum
	Royal Decree 1066/2001, of 28 September on radio spectrum, restrictions on exposure to electronic magnetic fields
	Spanish Council of Ministers approval subject to conditions of Sogecable/Via Digital merger of November 29, 2002
	Law 32/2003 of November 3, 2003 (General Telecommunications Law)
	Royal Decree 439/2004 of March 12, on the technical plan for digital terrestrial local TV as modified by Royal Decree 2268/2004 of December 3, 2004
	Royal Decree 2296/2004 of December 10, 2004 on electronic markets, access to networks and numbering
Royal Decree 424/2005, of April 15, 2005 on the conditions for the provision of electronic communication services, universal service and protection of end-users (as modified by Royal Decree 776/2006, of June 23, 2006)	

Member state	Types of regulations affecting broadcasting industry
	Royal Decree 744/2004 of April 23, 2004 on the creation of a special committee on the reform of the public service broadcasting
	Law 10/2005 of June 14, 2005 on urgent measures to boost digital terrestrial TV (DTT), liberalise cable and promote pluralism
	Royal Decree 944/2005 of July 29, 2005 - DTT national technical plan
	Royal Decree 945/2005 of July 29, 2005 on DTT provision
	Ministerial Order 2476/2005, of July 29 , approving technical regulation and the provision of digital terrestrial television.
	Royal Decree 946/2005 of July 29, 2005 on a new commercial analogue channel)
	Ministerial Resolution of July 29, 2005 , modifying the concession contract between Sogecable and the Spanish administration for the indirect provision of terrestrial TV public service
	Ministerial Resolution of November 30, 2005 on the assignment of a new concession to La Sexta for the indirect provision of free-to-air terrestrial TV public services
	Ministerial resolution of November 29, 2005 assigning additional digital channels to the companies entitled for the indirect provision of terrestrial TV public service, and allocation of digital channels inside the single national frequency multiplexes
	Law 2/2000 of May 4, 2000 on the Cataluña audiovisual council
	Law 1/2004 of December 17, 2005 creating the audiovisual council of Andalusia
	Law 18/2001 of July 5, 2001 creating the audiovisual council of Navarra
	Law 22/2005 of Dec 29, 2005 (Audiovisual Law of Cataluña)
	CMT's final decision concluding its market analysis on the wholesale broadcasting transmission market (market 18).
	Royal Decree 1287/1999 of July 23 approving national technical plan for digital terrestrial radio (as modified by Royal Decree 776/2006, of June 23, 2006)
	Ministerial Order of July 23, 1999 approving the technical regulation and the provision of digital terrestrial radio
	Royal Decree 765/1993 of May 21, 1993 approving the Plan Técnico Nacional de Radiodifusión Sonora en Ondas Medias (hectométricas)
	Royal Decree 920/2006, of July 28, 2006 on the conditions for the provision of television services by cable

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
ES	Spanish Constitution (article 20)	<ul style="list-style-type: none"> The organisation and parliamentary control of public audiovisual communications means is regulated by law Access to public means of communication by significant social and political groups must be ensured thus respecting society and linguistic pluralism.
	Law 4/1980 of January 10, 1980 on radio and TV (Article 4) and Law 46/1983, December 26, 1983 on the third analogue channel (article 5)	<ul style="list-style-type: none"> Objectivity, veracity, impartiality of information Separation of information and opinions, by identifying those who give them Freedom of expression in the limits of art. 20 §4 of the Constitution Respect for political, religious, social, cultural and linguistic pluralism Respect for privacy and other constitutional rights Protection of youth and children

Member state	Regulation	General interest objective
		<ul style="list-style-type: none"> Equality in rights and non-discrimination on the grounds of birth, race sex, religion opinion or other personal or social circumstance (art. 14 of the Spanish Constitution)
	Law 10/1988 of May 3, 1988 on private TV (article 3)	Private broadcasters should be influenced by the principles listed in article 4 of Law 4/1980 of January 10, 1980 (see row above)
	Law 10/2005 of June 14, 2005 on urgent measures to boost digital terrestrial TV (DTT), liberalise cable and promote pluralism	It is incumbent on the government to promote the use of the different official languages of the state through the DTT channels in the Spanish autonomous communities.
	Several laws and decrees of the Spanish autonomous regions	Such laws include the general objectives mentioned above and add their own (specific) objectives such as linguistic objectives.

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
ES	See note below.	<ul style="list-style-type: none"> RTVE (national public channel) Regional and local public channels. 	<u>Coverage</u> Target the broadest audience possible, ensuring <u>maximum</u> continuity and <u>geographic</u> , social, and cultural coverage.	See note below.
<p>Definition of Public Service Broadcasting</p> <p>Terrestrial (analogue and digital) TV broadcasting is a public service, even if it is private (private terrestrial broadcasting is considered as a 'servicio publico improprio').</p> <p>NB Cable and satellite TV are not considered as public services.</p> <p>However, among the terrestrial broadcasters, only the public service broadcasters are subject to public service obligations. Commercial channels do not have public service obligations even if they are considered to provide a public service.</p> <p>Article 5 of Law 4/1980 of January 10, 1980 on radio and TV as amended by Law 24/2001 of December 27, 2001 (additional provision 16):</p> <ul style="list-style-type: none"> Facilitate the knowledge of constitutional values Actively promote pluralism, while ensuring respect of minorities, through democratic debate, objective and plural information, and freedom of expression Promote the respect of human dignity and in particular rights of minors, gender equality, non-discrimination based on race, ideology, religion or any other circumstance Promote cultural and linguistic diversity Offer quality, diversity, innovation, and ethical requirements Offer access to different types of programming as well as to institutional, social, cultural, and sport events, targeting all audience segments, age and social groups, including disabled people Favour education, intellectual and artistic diffusion, as well as civil, economic and social, scientific and technical knowledge Ensure consumer protection Promote Spanish and European audiovisual production 				

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
	<p>Recent changes to public service broadcaster obligations</p> <p>In February 2005 the special committee on the reform of the public service broadcasting (created under Royal Decree 744/2004 of April 23, 2004) adopted a report whose conclusions will serve as a basis for future legislative measures (currently pending):</p> <ul style="list-style-type: none"> • a law on public service broadcasting (definition, scope of obligations); and • an audiovisual law, including on the creation of an national independent audiovisual council. The future law is likely establish that private terrestrial TV will no longer be considered as a public service. 			

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
ES	Ministry of Industry, Tourism and Trade	<p>The Ministry has separate responsibilities in telecommunications matters and on audiovisual matters. In particular:</p> <ul style="list-style-type: none"> • frequency allocation, allotment and assignment; • supervision and sanctioning powers, in particular on content matters at national level. • defines the general audiovisual media policy; • grants national broadcasting licences; • defines proposals for the regulatory framework for radio and TV broadcasting, including content and protection of industrial property in the audiovisual field. 	<p>Not yet.</p> <p>The government plans to create at national level a single audiovisual authority in Spain ('Consejo Estatal de Medios Audiovisuales').</p>
	The 'authorities' of the regional administrations	<p>All regional administrations have the same responsibilities on audiovisual matters. They may be carried out by the regional governments directly or by independent regional audiovisual councils such as in Cataluña, Navarra and Andalucía.</p> <p>Responsibilities include:</p> <ul style="list-style-type: none"> • granting of regional/local broadcasting licences; and • controlling content being broadcast. 	

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
	CMT	<p>CMT is the electronic communications NRA. It has responsibilities in telecommunications matters and some competences on audiovisual matters.</p> <p>CMT:</p> <ul style="list-style-type: none"> grants broadcasting authorisations for satellite TV safeguards competition in the audiovisual markets; intervenes as a dispute resolution body; prepares an annual report to the government on the telecommunications market, including audiovisual services. 	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
ES	<p>3G</p> <p>Vodafone live, Orange, Telefónica Móviles (UMTS)</p> <p>DVB-H (trials only)</p> <ul style="list-style-type: none"> Telefónica Móviles, Abertis Telecom, Nokia. Content providers: TVE, Sogecable, Antena 3, Tele 5, TVE3 and Telemadrid. Pilot networks covering Barcelona and Madrid Vodafone, Abertis Telecom, Nokia. Content providers: Antena 3 TV, Net TV, Sogecable, Telecinco, RTVA (Canal Sur), RTVE, RTVV (Canal Nou) y Veo TV. Pilot networks covering Sevilla and Valencia Amena, Abertis Telecom and Nokia .Pilot networks Zaragoza and Gijón Telecom Castilla-La Mancha, Telefónica Móviles Axión, SIDSA. Pilot networks covering Sevilla 	<p>No regulatory framework specific for mobile TV.</p> <p>The DTT national technical plan (Royal Decree 944/2005 of July 29, 2005) foresees that a multiplex will be reserved for DVB-H depending on spectrum availability.</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
<p>ES</p>	<p>Telefónica 'Imagenio'</p> <ul style="list-style-type: none"> • Telefónica's own infrastructure • Access via a TV set-top-box <p>'Imagenio' provides Internet access, content on demand (video and audio) and interactive services as well as TV and digital audio.</p> <p>Jazztelia TV</p> <ul style="list-style-type: none"> • Own fibre + LLU <p>Orange TV</p>	<p>When the Ministry of Science and Technology (now Industry, Tourism and Trade) approved Imagenio at the end of Dec. 2003, it analysed the different components of the service, in particular:</p> <ul style="list-style-type: none"> • Content on demand services/interactive services, which were considered as electronic communication services falling under the scope of Law 32/2003 of November 3, 2003 (General Telecommunications Law). However, in the Ministry's view, these were also emerging markets and therefore no specific obligations were defined. • TV and digital audio: the provision of this service should be subject to broadcasting regulation, in particular to the need to have the corresponding distribution licence (held by Telefónica Cable). <p>NB Telefónica Cable is the provider of this component to whom Telefónica provides a wholesale transport and transmission service through its network to deliver TV and audio signals to end-users. Telefónica's LLU reference offer was amended to allow other alternative operators to offer retail services, which can compete with those provided under Imagenio.</p> <p>IP TV was not discussed in the context of the market analyses carried out by CMT. Under existing broadcasting legislation (Law 25/1994), the public television service is provided by a television operator who is responsible for the channel editing. Therefore, retransmission activities of third party TV channels when no programming/edition is carried out and provision of these services to the end user through the local loop (i.e. Jazztelia, Orange TV) are considered as electronic communication services falling under the scope of Law 32/2003 of November 3, 2003, and thus not subject to broadcasting regulation.</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Spain				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	Royal Decree 424/2005, of April 2005 on the conditions for the provision of electronic communication services, universal service and protection of end-users (arts. 17 and 18).	Yes Broadcasting licence granted by the state administration (central or regional government).	Compliance, in accordance with the law, with decisions adopted by authorities on the grounds of public interest, public security and national defence. Compliance with remaining requirements and conditions established in Law 32/20003 of November 3, 2003 and in secondary legislation. Coverage and extension obligations for transmission of analogue TV while pending digital switch over.	See note below.
<p>Procedure for the general authorisation</p> <p>Art. 5 of Royal Decree 424/2005, of April 2005.</p> <p>Notification to be sent to CMT with the following information:</p> <ul style="list-style-type: none"> description of the network or service (incl., brief engineering description and network design, type of technology(ies) used, description of security measures, functional service description, services to be offered and commercial description); expected date of beginning of activities; submission to Spanish courts, or to CMT arbitration, of any disputes resulting from the provision of the service; statement of responsibility for the fulfilment of the requirements. <p>The following information is also needed:</p> <p>For individuals:</p> <ul style="list-style-type: none"> name, family name or legal representative; identity card number or for non-Spanish, nationality and passport number; domicile for notification purposes; documents attesting capacity or capacity of the representative. <p>For legal entities:</p> <ul style="list-style-type: none"> name of the applicant; tax number and trade data; name and family name of the responsible contact person; documents attesting to the legal status of the entity or legal authority of the representative. <p>If the notification does not fulfil the necessary requirements, within 15 days CMT adopts a resolution explaining why the service has considered not to have been notified.</p> <p>Operators must notify CMT, every three years of their intention to continue to provide the services.</p>				

Spain				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Digital terrestrial	Royal Decree 424/2005, of April 2005 (arts. 17 and 18)	Yes Broadcasting licence granted by the state administration (central or regional government)	Compliance, in accordance with the law, with decisions adopted by authorities on the grounds of public interest, public security and national defence. Compliance with remaining requirements and conditions established in Law 32/20003 of November 3, 2003 and in secondary legislation. Coverage and extension obligations for transmission of digital TV.	Same as above
Cable	Royal Decree 424/2005, of April 2005 (arts. 17 and 18)	Yes Broadcasting licence ('administrative authorisation') granted by the state administration (central or regional government)	Compliance, in accordance with the law, with decisions adopted by authorities on the grounds of public interest, public security and national defence. Compliance with remaining requirements and conditions established in Law 32/20003 of November 3, 2003 and in secondary legislation.	Same as above
Satellite	Royal Decree 424/2005, of April 2005 (arts. 17 and 18)	Yes, although the administrative authorisation for satellite broadcasting is also granted by CMT. Royal Decree 136/1997 , of January 31, 1997 – technical regulation on satellite TV	Compliance, in accordance with the law, with decisions adopted by authorities on the grounds of public interest, public security and national defence. Compliance with remaining requirements and conditions established in Law 32/20003 of November 3, 2003 and in secondary legislation.	Same as above

Spain				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Fixed telecommunications network	Royal Decree 424/2005, of April 2005 (arts. 17 and 18)	Yes Broadcasting licence granted by the state administration	Compliance, in accordance with the law, with decisions adopted by authorities on the grounds of public interest, public security, and national defence. Compliance with remaining requirements and conditions established in Law 32/20003 of November 3, 2003 and in secondary legislation.	Same as analogue
Mobile telecommunications network (UMTS)	Royal Decree 424/2005, of April 2005 (arts. 17 and 18)	Yes Broadcasting licence granted by the Ministry of Industry, Tourism and Trade	Compliance, in accordance with the law, with decisions adopted by authorities on the grounds of public interest, public security, and national defence. Compliance with remaining requirements and conditions established in Law 32/20003 of November 3, 2003 and in secondary legislation.	Same as above

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Spain		
	Network operator	TV channel
Analogue terrestrial	General authorisation granted by CMT	Broadcasting licence (administrative concession) (see note A)

Spain			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	General authorisation granted by CMT	Administrative authorisation for the distribution of TV services over cable networks irrespective of whom has the editorial responsibility for the TV services (the cable operator or a third party) (see note B). The television service provider (who may be a different entity from the network operator) requires an 'administrative authorisation', and is responsible for all the TV channels provided, which may be self-edited or acquired from third parties.	No licence or other authorisation/notification requirements to the Ministry of Industry or to the CMT However, every TV channel established under Spanish legislation is subject to Law 25/1994, of July 12, 1994 transposing the Television Without Frontiers Directive
Fixed telecommunications (DSL)	General authorisation granted by CMT	Broadcasting licence ('administrative authorisation granted by the central government)	Same as above
Mobile networks (UMTS)	3G frequency licence (see note F)	No specific regulation for mobile TV	Same as above

Spain				
	Terrestrial network operator	Multiplex operator	Distributor	TV channel
Digital terrestrial (DVB-T)	General authorisation granted by CMT	General authorisation granted by CMT (see note D)	Broadcasting licence (administrative concession) (see note A)	No licence or other authorisation/notification requirements to the Ministry of Industry or to the CMT However, every TV channel established under Spanish legislation is subject to Law 25/1994, of July 12, 1994 transposing the Television Without Frontiers Directive

Spain			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	Administrative authorisation (see note C)	Administrative authorisation (see note C)	No licence or other authorisation/notification requirements to the Ministry of Industry or to the CMT However, every TV channel established under Spanish legislation is subject to Law 25/1994, of July 12, 1994 transposing the Television Without Frontiers Directive

Spain				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H/DMB)	Only trials at this stage. Licensing regime not yet defined.			

Spain	
Comments	A future audiovisual law would establish that private broadcasts of radio and TV services that do not use terrestrial frequencies would only be subject to a prior notification obligation. In case terrestrial frequencies are used, a system of individual licences would apply. Audiovisual Law of Cataluña of December 2005 already provides for this distinction.
A	Broadcasting licence (administrative concession) On August 25, 1989 the government granted three broadcasting licences to Antena 3, Canal + (now Cuatro), and Telecinco. Term of licence: 10 years, with a possibility of renewal by successive periods of 10 years, upon request of the broadcasters (Law 10/1988 of May 3, 1998 on private TV (art. 8 - 17).) These licences were renewed by the government on March 10, 2000. The renewal included the obligation to broadcast using digital technology within a maximum of two years after the renewal. Current national licences: TVE, Antena 3, Telecinco, Veo TV, Net TV, Canal + (now Cuatro), and La Sexta. The responsible authority for granting the licence is the government for national analogue/DTT channels. For channels to be broadcast at the autonomous or local levels the responsible authority is the autonomous community. Please see the complete list of analogue licence holders (national/regional) on the Ministry of Industry, Tourism and Trade's website.
B	Administrative authorisation for services distributed over cable networks General Telecommunications Law 32/2003 (additional provision nº10 and provisional provision nº 10), as amended by Law 10/2005, of June 14, 2005 automatically transformed the administrative concessions (licences) needed under Law 42/1995 of December 22, 1995 on cable into individual administrative authorisations. State administrative authorisations will be given for the provision of services in more than one autonomous region. Where the service is to be provided in one region only, the responsible authority to give the authorisation is the regional governmental administration.
C	Administrative authorisation for satellite TV (with or without conditional access) Art. 5 § 3 of Royal Decree 136/1997 of January 31, 1997 requires an administrative authorisation for the provision of satellite TV. If the broadcaster is also the transmission operator, it will have to request to the Ministry of Industry, Tourism and Trade the frequencies to be granted. If this is not the case, the broadcaster must notify CMT of its agreement with the transmission operator as well as the frequency capacity that will be made available for the transmission service. This notification can also be done by the satellite operator itself. Term of licence: 5 years, with possibility of renewal by successive periods of 5 years, upon request. For the administrative authorisation holders, see CMT's list .
D	In the DTT regulation, there are several references to the multiplex operator but no express rules are defined. The legal framework for multiplex operators is under preparation by the Ministry of Industry, Tourism and Trade. The national and local DTT technical plans foresee that broadcasters having channels on the same multiplex agree on the best way to manage the multiplex, without prejudice to the exclusive right to exploit the digital channels.
E	The provision of IP TV is subject to the need to have the corresponding distribution licence. In the current IP TV commercial offer, the licence is held by Telefónica Cable (to whom Telefónica provides the wholesale transport and transmission service through its copper network). Telefónica Cable's 'administrative concession' has been transformed into an administrative authorisation (see B. above).
F	3G frequency licence
G	General authorisation

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;

- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
ES	April 3, 2010	The national technical plan for DTT has been adopted in July 2005 (Royal Decree 944/2005 of July 29, 2005).	The national technical plan for DTT reserves several multiplexes for digital TV, including for mobile TV, new interactive and associated services and high-definition TV.	According to the ministry of Industry, Tourism and Trade there will not be much spectrum dividend expected after switch-over:	April 3, 2010 (in line with the scheduled digital switchover implementation).	Telecommunications community has doubts as to whether the market can support so many digital channels.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Spain					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	Ministry of Industry, Tourism and Trade	Yes, for national broadcasting licences. No, for regional and local broadcasting licences.	Broadcasters	Direct assignment to licensed broadcasters.	See note below
Digital terrestrial (DVB-T)	Ministry of Industry, Tourism and Trade	Yes, for national broadcasting licences. No, for regional and local broadcasting licences.	Broadcasters	Direct assignment to licensed broadcasters.	See note below.

Spain					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
	<p>Sequence of license assignment</p> <p>A broadcasting content licence (granted by the central government or the autonomous regions) is needed before the ministry assigns broadcasters the rights to use frequencies.</p> <p>Autonomous regions foresee beauty contests for granting broadcasting licences after the central government allots frequencies for the different regions. The regions inform the government about the licences they would like to grant and the places to cover, but the ultimate decision to reserve the frequencies is incumbent on the Ministry.</p> <p>The government is entitled to change its decisions on allocation, allotment, and assignment at any time (even after the rights to use have been assigned).</p> <p>In November 2005, the government assigned digital channels for DTT in multiplexes as foreseen by Royal Decree 944/2005 of July 29, 2005. Each commercial broadcaster was automatically granted one digital channel. Additional digital channels were also assigned upon request of the broadcasters and fulfilment of certain conditions.</p> <p>NB In March 2000, broadcasters that had a licence for analogue terrestrial TV (Antena 3, Telecinco and Canal +, now Sogecable) had their licences renewed. The renewal included the obligation to use the digital frequencies (within a maximum of two years after the renewal).</p> <p>In 2001, Net TV and Veo TV won a DTT broadcasting licence each. In accordance with the tender procedures, the bidders applied for the licence and the frequencies in the same procedure.</p> <p>In November 2005 La Sexta was assigned a broadcasting content licence by a beauty contest. La Sexta is allowed to broadcast one analogue channel and two digital channels in DTT. After analog switch-off, La Sexta will own a whole multiplex as foreseen by Royal Decree 944/2005.</p>				
Mobile over terrestrial networks (DVB-H /DMB)	Ministry of Industry, Tourism and Trade.	To be determined, but expected to be the same as for DTT			
Satellite	Ministry of Industry, Tourism and Trade	No, the broadcasting licence ('administrative authorisation') is granted by CMT	Satellite carriers		The granting of the frequencies and the granting of the broadcasting licences ('administrative authorisations') are two independent processes.

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
ES	Art. 17 § 1 of Ministerial Order of March 9, 2000 as amended by Royal Decree 424/2005 of April 2005 . Frequency licence holders must comply with the frequency licence conditions and the conditions listed in the general authorization.	Obligation to pay the spectrum fees Reference to the obligation to hold the broadcasting licence	Technical compatibility with other services	No content conditions in the frequency licence

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
ES	No	Yes Except: satellite downlinks (for radio and TV) Annual fees depend on several factors (e.g. degree of use of the frequency bands, type of service, technology employed, the economic value arising from the use of the spectrum). The factors and multipliers according to the different services are established in the annual budget law. See calculation method in the 2005 annual budget law.	The Ministry of Industry, Tourism and Trade is considering changing the current model for spectrum fees. The Ministry expects to launch a public consultation in January 2007.

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
ES	No review cycle established	None	None	None

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Spain							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide which platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Cable network (analogue and or digital)	<p>Law 42/1995 of December 22, 1995 on cable (art. 11)</p> <p>Royal Decree 2066/1996 of Sept. 13, 1996 (arts. 26, e), f) and g)</p> <p>Law 32/2003 of November 3, 2003 (General Telecommunications Law), additional provision 7 and transitional provision 6, § 3</p> <p>Royal Decree 920/2006, of July 28, 2006 on the conditions for the provision of television services by cable</p>	Cable operators which have been granted an ‘administrative authorisation’ for distribution of TV services	Main justification for must-carry seems to be some sort of heritage from other countries’ legislation and expectations that cable would be a dominant platform.	<p>Current must-carry obligations arose automatically from the obligations attached to the ‘administrative concession’ (now an administrative authorisation) granted to cable operators. There are no general interest objectives specified in the 1995 law.</p> <p>According to the General Telecommunications Law (2003), the government can impose as public service obligations must-carry obligations where this is necessary to meet clearly defined general interest objectives. No regulation adopted so far.</p>	<p>Until switch-off, the TV channels subject to must-carry obligations are the nationwide broadcasting services provided over terrestrial platforms:</p> <ul style="list-style-type: none"> • TVE 1 (TVE, S. A.) • La Segunda (TVE, S. A.) • Antena 3 TV (Antena 3 TV, S. A.) • Telecinco (Gestevisión-Telecinco, S. A.) • Cuatro (Sogecable, S. A.) • La Sexta (Gestora de Inversiones Audiovisuales La Sexta, S. A.) • Broadcasting services provided by the public service broadcasters in the autonomous communities in the ‘demarcación territorial’ 	<p>TVE1: generalist channel</p> <p>La 2: generalist channel with more focus on cultural and sport events</p> <p>Antena 3 TV, Telecinco, Cuatro, La Sexta: Generalistic channels</p>	
Digital terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Satellite							
Fixed network operator							
Mobile network operator							

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
ES	<p>Law 42/1995 of Dec. 22, 1995 on cable does not say who pays (and what) to whom. It merely indicates that both parties agree on the financial compensation.</p> <p>According to Royal Decree 424/2005, of April 2005 when the basic legislation on media communication does not set the type of funding, the retribution due to the electronic communication operators as a result of must-carry, shall be freely negotiated by the parties. In case of disagreement, CMT will solve the dispute through a binding decision.</p>	In practice, no payments are made.	Yes Indirectly to collecting societies and directly to content producers (studios).

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
ES	<p>No must-offer obligations via ex ante regulation</p> <p>On November 29, 2002 the Spanish Council of Ministers authorised the merger between Sogecable/Vía Digital (satellite pay-TV platform) by imposing a number of conditions (34) for five years (i.e. until the end of 2007).</p> <p>They include the following:</p> <ul style="list-style-type: none"> • The obligation to offer to third parties at least one premium channel (equivalent to ‘Gran Vía’, channel offered by Vía Digital) – Condition number 9. • The obligation to offer to third parties the thematic channels directly produced by Sogecable or commissioned by Sogecable to third parties – Condition number 10. • If Sogecable acquires exclusive retransmission rights for the Spanish Football League and S M. el Rey Cup and its summaries, it must sublicense those rights to free to air and pay per view TV. 				During 2004, CMT intervened as an arbitrator in several disputes on access to content brought by cable operators about content controlled and produced (thematic channels) by Sogecable.

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
ES	Terrestrial analogue and digital television broadcasting transmission services delivering broadcast content to end users in Spain.	Yes	N/A
	TV transmission services on cable networks	No	Cable transmission services for TV is only available in self-provision. In most cases, cable operators pay content providers to create their own retail offerings. Must-carry obligations.
	TV and radio satellite transmission services	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> • there are three operators providing nationwide satellite transmission capacity in Spain; • there is spare transmission capacity available; • market tends towards competition.
	Terrestrial transmission services for radio broadcasting	No	Substitutability analysis.
	Source: CMT final decision on market 18 (February 2006)		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
ES	Terrestrial analogue and digital television broadcasting transmission services delivering broadcast content to end users in Spain	Abertis	Yes Includes <i>inter alia</i> : <ul style="list-style-type: none"> • physical access (collocation) to Abertis' technical infrastructure or other modalities of infrastructure sharing, including conduits, buildings or masts, in every Abertis' transmission and retransmission sites; and subsidiary; • interconnection to Abertis' infrastructure at every transmission and re-transmission site. 	Yes Cost-orientation (not further defined). CMT will define Abertis' cost accounting system at a later stage.
			NB Abertis has been subject to an access obligation in Catalonia since 2003 as a result of the conditions imposed by the Spanish Council of Ministers on the merger between Abertis/Retevisión.	
Source: CMT final decision on market 18 (February 2006)				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
ES	Royal Decree 2296/2004 of December 10, 2004 on electronic markets, access to networks and numbering (art. 24 and 25) Responsible authority: CMT	Similar provisions to Annex 1 of the Access Directive	Operators of conditional access systems in the provision of digital radio and television broadcasting services irrespective of the means of transmission	Fair, reasonable and non-discriminatory conditions	No.

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
ES	Regulatory authorities: Ministry of Industry, Tourism and Trade and CMT . Law 32/2003 of November 3, 2003 (General Telecommunications Law), Annex III § 15 defines APIs as 'the software interface made available by broadcaster operators or service providers and the digital television advanced resources equipment for digital radio and television'. Royal Decree 2296/2004 of December 10, 2004 on electronic markets, access to networks and numbering.	In February 2002, the government, manufacturers, and operators agreed to use MHP for digital TV in Spain (this is not an obligation). Consumers are increasingly resorting to buy 'zappers', a cheaper alternative to set-top-boxes based on MHP, but that do not allow for interactivity. According to a special commission on DTT (' <i>Comision Seguimiento TDT</i> ') created in the Ministry of Industry, Tourism and Trade, this is threatening the development of digital interactive TV in Spain. During 2005, the 'Foro Técnico de la televisión digital' produced a set of implementation guidelines for the DTT set-top-boxes encouraging manufacturers to introduce MHP-based boxes in	No In accordance with the Access Directive, Law 32/2003 of November 3, 2003 (General Telecommunications Law , additional provision 7) and Royal Decree 2296/2004 (art. 23 e)) specifies that CMT may impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the government. According to the <i>Comision Seguimiento TDT</i> measures should be taken to boost interactive services based on MHP and extend the use of this standard to cable and satellite.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
		Spain. These guidelines seek to favour interoperability among receivers, transmissions, and applications, and must be understood as recommendations for the industry, not obligations.	

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
ES	Regulatory authorities: Ministry of Industry, Tourism and Trade and CMT . No definition of EPG. Law 32/2003 of November 3, 2003 (General Telecommunications Law) Royal Decree 2296/2004 of December 10, 2004 on electronic markets, access to networks and numbering.	In accordance with the Access Directive, the law specifies that CMT may impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the government. No decisions taken.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
ES	Spanish Competition Authority (the competition service and the competition court) CMT According to the General Telecommunications Law (transitional provision 8), CMT is responsible for promoting the existence of effective competition in the audiovisual service markets. It informs the competition authority of the practices that may involve an infringement of the competition law (art. 48 § 3 e).	Limitations on cross-holdings for terrestrial (analogue and digital) TV Art. 19 of Law 10/1988 of May 3, 1998 on private TV as amended by Art. 110 of Law 53/2002 of December 30, 2002 on fiscal, administrative, and social measures and by Law 10/1995 of June 14, 2005 on urgent measures to boost DTT, liberalise cable and promote pluralism (art 2).	See note below

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
	<p>Recent Competition Actions</p> <p>Merger control</p> <p>In November 2002 the Spanish Council of Ministers authorised the merger between Sogecable/Via Digital (participated by Telefónica) under (34) conditions. Sogecable must comply with such conditions for five years.</p> <p>As Sogecable is the main holder of premium content in Spain, some of the conditions imposed aim at facilitating access to this content by other operators. <i>Inter alia</i>, Sogecable cannot discriminate against other operators (in particular cable operators) when selling audiovisual content in order to favour Imagenio or any company in Telefónica's group. Other conditions relate to the acquisition and exploitation of sport (football) rights.</p> <p>CMT monitors compliance of these conditions and is the arbitrator in disputes related to access to the platform by content providers and must-offer rules.</p> <p>According to CMT, the arbitration mechanism has limited practical impact.</p> <p>Antitrust</p> <p>During 2004 CMT intervened as an arbitrator in several disputes on access to content brought by cable operators about content controlled and produced (thematic channels) by Sogecable. It has also intervened in a complaint brought by European Home Shopping (teleshopping) on alleged denial of access by Sogecable to its platform.</p>		

Sweden

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

NB For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
SE	<p>Analogue terrestrial TV</p> <p>Currently there are three licensed analogue terrestrial channels: two public services broadcasters – SVT and UR – and a commercial broadcaster TV4.</p>	<p>Analogue terrestrial: 0.7 million households (17.5%).</p> <p>Source: mediavision 2005</p>
	<p>Digital terrestrial TV</p> <p>Currently there are around 30 licensed digital terrestrial channels. Teracom is the only authorised operator of the national digital terrestrial TV network. Multiplexing and other technical services are provided by Teracom's subsidiary, Boxer. There are 5 multiplexes with up to 6 channels per multiplex.</p>	<p>Digital terrestrial: 0.5 million households (12.5%)</p> <p>Source: mediavision 2005</p>
	<p>Analogue and digital cable TV</p> <p>There are 116 Cable TV companies registered with the Radio and TV authority, RTVV.</p>	<p>Analogue Cable TV: 1.5 million households (37%)</p> <p>Source: mediavision 2005</p>
	<p>Satellite TV</p> <p>Two operators offering TV via satellite: Viasat and Canal Digital. Viasat is broadcasting via Sirius system, and Canal Digital via Thor. In addition, broadcasts from other satellites are available, including Astra and Eutelsat.</p>	<p>Satellite: 1 million households (25%)</p> <p>Source: mediavision 2005</p>
	<p>IP TV</p> <ul style="list-style-type: none"> • Bredbandsbolaget • Telia Sonera • FastTVnet • CanalDigital. 	<p>IP TV: 30,000 households (<1%)</p> <p>Source: mediavision 2005</p>
	<p>Mobile TV</p> <ul style="list-style-type: none"> • 3G – Vodafone Mobil TV (now Telenor) 	<p>No information available</p>

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
SE	Fundamental Law (1991:1496) on freedom of expression
	Law (1996:844) on radio and TV <i>Legislative changes ongoing</i> Following the government decision of June 8, 2000 (Dir. 2000:43), the Committee of Inquiry into Legislation governing Radio and TV was formed to analyse and consider the need for amendments to the Law on radio and TV (1996:844), the Law (1989:41) on television licence fees and other related legislation that would address licensing issues, protection of children, TV-receivers subject to licence fees, must-carry obligations, advertising and sponsorship, assessment of compliance with the Television Without Frontiers Directive etc. A number of legislative changes have been adopted on recommendation of the Committee, and several topics are still being considered.
	Law (1992:72) on concession fees for radio and TV
	Law (1989:41) on television licence fees
	Law (2003:389) on electronic communications
	Law (2003:390) on introduction of Law (2003:389) on electronic communications
	Law (1998:31) on standards for transmission of radio and TV
	Decree (1998:32) on standards for transmission of radio and TV
	RTVV regulation (RTVFS 2005:1) on transmission standards and equipment for receiving of radio and TV services
	Decree (1997:894) on digital terrestrial TV
	Decree (1994:729) with instruction for the Radio and TV Authority
	Decree (1994:728) with instruction for the Broadcasting Commission
	PTS decisions of June 22, 2005 on relevant market definitions and SMP designations in markets covering wholesale broadcasting transmission services (market 18) for: <ul style="list-style-type: none"> analogue terrestrial television (04-13521) digital terrestrial television (04-6953) national analogue terrestrial radio (04-6954)
	PTS decisions of December 15, 2005 on regulatory obligations for Teracom in markets covering wholesale broadcasting transmission services (market 18) for: <ul style="list-style-type: none"> analogue terrestrial television (05-8674) digital terrestrial television (05-8677) national analogue terrestrial radio (05-8675)

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
SE	Fundamental Law (1991:1496) on freedom of expression	<ul style="list-style-type: none"> The widest possible freedom of expression Free exchange of opinion, free and comprehensive information, and freedom of artistic creation Freedom of information Media diversity and independence Restrictions on harmful content in the media

Member state	Regulation	General interest objective
	Law (1996:844) on radio and TV	Chapter 3 contains conditions on public interest objectives that may be included in the broadcasting transmission licence issued by the government, covering: <ul style="list-style-type: none"> accessibility; broadcasting programmes for disabled people; respect for privacy of an individual; offering diversity of broadcast programmes; broadcasting official announcements free of charge and make provision for television and radio broadcasting in exceptional circumstances.
	Sveriges Radio (SR) broadcasting transmission licence Sveriges Television (SVT) broadcasting transmission licence Sveriges Utbildningsradio broadcasting transmission licence (UR)	Provision of public service radio channels and public service TV-channels independently of the state as well as other economic, political and other interests of society, in particular: <ul style="list-style-type: none"> impartial broadcasting taking into consideration the objectives of freedom of expression and freedom of information; respecting privacy of the individual; take diversity and accessibility into consideration and contribute to building diverse and independent opinions, support multiculturalism and tolerance of religious, cultural and scientific aspects; ensuring availability of high quality and variety of programmes in the Swedish language; support democracy by providing a wide variety of information, opinions that reflect the diversity of perspectives due to social, geographic and other factors; take into consideration the programming for children, young people, disabled people, minority ethnic groups; broadcast official announcements of general importance and make provision for television and radio broadcasting in exceptional circumstances.

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
SE	Key elements of public service broadcasting: <ul style="list-style-type: none"> Programming activities independent of any influences – political, commercial or special interest. Provision of nationwide public television/radio with a wide range of programmes,	Sveriges Radio (SR) Sveriges Television (SVT) Sveriges Utbildningsradio (UR) – Educational Broadcasting Company Specific public service obligations are defined in SR, SVT, and UR's broadcasting transmission licences, issued under Chapter 3, Radio and TV Law (1996:844) and the conditions for obtaining	SR Coverage: Requirement to broadcast nationwide (i.e. to 99.8% of population) SVT Coverage: Requirement to broadcast simultaneously two channels nationwide (i.e. to 99.8% of population) UR Coverage: nationwide All coverage obligations	See note below.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
	<ul style="list-style-type: none"> • reaching out to the entire population bringing viewers knowledge and insight, encouraging participation in the democratic process and instilling a sense of inclusion and responsibility. • Preservation of Sweden's language and cultural heritage, while promoting diverse multiethnic and multicultural values. • Acknowledging special audiences whose needs are not met by commercial channels. • Strictly non-commercial programming, expressly forbidden advertising, apart from sponsorship of some sporting events. <p>Financing through a TV licence fee paid by all households owning a television.</p>	<p>funding ("Anslagsvillkor") annually defined by the government.</p> <p>See Anslagsvillkor 2006 for SVT, UR, SR</p>	<p>are set out in the broadcasting licences.</p>	
<p>Recent changes to public service broadcaster obligations</p> <p>SR, SVT and UR broadcasting transmission licences were valid January 1, 2002 – December 31, 2005, and extended in December 2005 to be valid until December 31, 2006.</p> <p>Extended SVT analogue broadcasting transmission licence contains a requirement to terminate analogue broadcasting over the analogue terrestrial network in specific regions, in line with a region-by-region digital switchover, to be completed by February 1, 2008.</p> <p>Following a reasoned opinion from the European Commission of March 21, 2005 requesting Sweden to remove the obligation for broadcasters with analogue terrestrial broadcasting licences to acquire broadcasting and transmission services exclusively from the state-owned company Teracom, giving it a de facto monopoly for these services, on December 15, 2005 the analogue broadcasting transmission licences of SR, SVT, UR and TV4 were amended by removing the requirement to use Teracom's network.</p> <p>Another infringement proceeding is currently open against Sweden concerning the obligation for broadcasters with digital terrestrial broadcasting licences to conclude a technical cooperation agreement with Teracom according to which Teracom's subsidiary, Boxer, provides the multiplexing services – leading to a similar monopoly situation.</p> <p>From January 1, 2007 new digital broadcasting transmission licences will be issued for SR, SVT and UR, these are expected to be valid until December 31, 2012, i.e. for 6 years instead of the current 5.</p> <p>Several changes to the organisation and the monitoring of the public service broadcasting activities and financing aspects are addressed in two government reports: Radio and TV in public service-new licence period (SOU 2005:1) and Radio and TV in public service – Financing and taxes (SOU 2005:2).</p>				

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
SE	The Swedish Radio and TV Authority	<ul style="list-style-type: none"> • Issuing licences for local radio and local television broadcasters • Registering satellite, cable, web radio, and web TV broadcasters; • Submitting proposals to the Government on how digital terrestrial television licences should be distributed • Issuing regulations on television standards and supervising compliance • Monitoring developments in the media field 	No
	Ministry of Education, Research and Culture	<ul style="list-style-type: none"> • National media policies • Licensing of national analogue and digital radio broadcasters and digital terrestrial television broadcasters (government responsibility) 	
	National Post and Telecom Agency (PTS)	<ul style="list-style-type: none"> • Overall responsibility for spectrum allocation • Issuing spectrum licences to radio and TV broadcasters • Analysis of the wholesale market for broadcasting transmission services (market 18) 	
	Swedish Broadcasting Commission	<ul style="list-style-type: none"> • Examines the content of Swedish radio and television programmes on an ex post facto basis; • Supervises the compliance of programmes and advertising with the provisions of the laws and licences which regulate broadcasting services 	

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
SE	<p>3G</p> <p>All UMTS-operators Telenor, Hi3G and SULAB (Tele2/TeliaSonera) offer multimedia services via existing 3G/UMTS-networks</p> <p>DVB-H</p> <p>Trials of mobile TV based on DVB-H by Teracom, TeliaSonera and Viasat</p>	No regulatory framework specific for mobile TV. This topic is now under consideration (see note below).
<p>On May 23, 2006 the Ministry of Education and Culture published a report (SOU 2006:51) that addressed a number of topics relevant to mobile TV. The report proposes that the regulation of mobile TV should be in the scope of the Radio and TV Act (1996:844), except for programmes downloaded by the receiver and started at a point in time determined by the receiver.</p> <p>Under the present wording of the Radio and TV Act (RTVL), licences are required to transmit TV programmes at frequencies of less than 3 GHz. Both television transmissions relayed via the mobile telephone networks (UMTS) and mobile television using broadcast technology (DVB-H) are relayed in the frequency area that requires a licence. Unlike mobile TV, which is transmitted with broadcast technology, a television broadcast transmitted via a mobile telephone network does not use any frequency which could otherwise be used for traditional broadcasting. The report therefore proposes that mobile TV broadcasts via such radio transmitters that are to be used for mobile services will not be subject to a licence obligation (e.g. mobile TV over UMTS networks).</p> <p>On the licensing framework for relaying mobile TV using broadcast technology that has been specially adapted to mobile reception (e.g. DVB-H), the report proposes that the government should be allowed to reserve special frequency space for such mobile TV broadcasting subject to a licence obligation. Contrary to the traditional digital terrestrial TV, the report considers that the frequency space reserved by the government for mobile TV should be distributed directly among broadcasters holding transmission licences for mobile TV, rather than being assigned to one single network and multiplex operating company. The report further proposes that the licence to transmit mobile TV could be linked with conditions in the same way as a licence to transmit traditional television in the terrestrial network.</p> <p>To avoid certain programme services being exclusively restricted to some operators, thereby forcing consumers to sign agreements with several operators to gain access to all the programme services they desire, the report proposes that a broadcasting licence for mobile TV could be linked with an obligation, on a non-discriminatory basis, to offer transmissions to each operator wishing to provide a programme service to its clients. A licence to transmit mobile television could also be linked with conditions on the licence holder being required to offer transmissions as free television.</p> <p>Currently, there is no specific spectrum reserved for DVB-H. However, it is currently considered by PTS as one of the possible applications that will be using spectrum dividend released as a result of the digital switchover by February 1, 2008.</p>		

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
SE	<p>Bredbandsbolaget (Telenor) with Viasat</p> <ul style="list-style-type: none"> • Own fibre and LAN infrastructure and xDSL based on LLU from Telia Sonera • Accessed via a TV set-top box <p>TeliaSonera</p> <ul style="list-style-type: none"> • Own fibre and xDSL infrastructure • Accessed via a TV set-top box <p>FastTVnet (SkyCom)</p> <ul style="list-style-type: none"> • Fibre infrastructure from over 20 municipal networks • Accessed via a TV set-top box <p>Canal Digital (Telenor)</p> <ul style="list-style-type: none"> • Fibre infrastructure • Accessed via a set top-box 	<p>There is no framework that specifically addresses IP TV. The subject is currently being considered. On July 18, 2005 the Ministry of Culture and Education published a report on the necessary amendments to the Radio and Television Act as a result of the transition to digital technology (SOU 2005:62).</p> <p>The report concludes that IP TV should be considered as a broadcasting service to general public and therefore should be subject to the provisions of the Radio and Television Act (1996:844) – see Chapter 11, p. 206-208.</p> <p>No broadcasting transmission licence or registration with RTVV is required, as long as there is no original programming produced.</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

Sweden				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	The Parliament has decided that all terrestrial television is to switch over to digital technology. Analogue terrestrial broadcasts will be switched off completely by February 1, 2008 after a phased close down. No new authorisations or licences are issued for analogue terrestrial TV.			
Digital terrestrial	Notification to PTS of a public electronic communications network Chapter 2 of Law (2003:389) on electronic communications	Yes Individual broadcasting licence for digital terrestrial TV broadcasting is required from the government.	All applicable conditions are found in the primary law or secondary legislation. There are no specific general authorisations describing the conditions that apply to specific services such as broadcasting distribution platforms.	Notification procedure, where required, involves submitting a standard notification form to PTS. PTS then within one week confirms the registration of the received notification. No explicit decision of the regulator is required to start the activity. Notification forms and the details of the notification procedure are available on PTS website .
Cable	Notification to RTVV is required for broadcasting of original programmes. Chapter 2 of Law (1996:844) on radio and TV No notification to PTS required for TV and radio broadcast transmission over wired networks – exemption under Chapter 2, §2 of Law (2003:389) on electronic communications .	No individual broadcasting licence is required.	All applicable conditions are found in the primary law or secondary legislation. There are no specific general authorisations describing the conditions that apply to specific services such as broadcasting distribution platforms.	Notification procedure involves submitting a standard notification form to RTVV. RTVV then confirms the registration of the received notification. No explicit decision of the regulator is required to start the activity. Notification forms and the details of the notification procedure are available on RTVV website .

Sweden				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Satellite	Notification to RTVV is required where the broadcaster compiles and is responsible for the entire programming service or at least a part of it. Chapter 2 of Law (1996:844) on radio and TV	No individual broadcasting licence is required.	All applicable conditions are found in the primary law or secondary legislation. There are no specific general authorisations describing the conditions that apply to specific services such as broadcasting distribution platforms.	Notification procedure, where required, involves submitting a standard notification form to RTVV. RTVV then confirms the registration of the received notification. No explicit decision of the regulator is required to start the activity. Notification forms and the details of the notification procedure are available on RTVV website .
Fixed telecommunications network	Notification to PTS. Chapter 2 of Law (2003:389) on electronic communications	No individual broadcasting licence is required.	All applicable conditions are found in the primary law or secondary legislation. There are no specific general authorisations describing the conditions that apply to specific services such as broadcasting distribution platforms.	Notification procedure, where required, involves submitting a standard notification form to PTS. PTS then within one week confirms the registration of the received notification. No explicit decision of the regulator is required to start the activity. Notification forms and the details of the notification procedure are available on PTS website .
Mobile telecommunications network (UMTS)	Notification to PTS Chapter 2 of Law (2003:389) on electronic communications .	Yes Licensing regime for mobile TV broadcasting still to be defined.	All applicable conditions are found in the primary law or secondary legislation. There are no specific general authorisations describing the conditions that apply to specific services such as broadcasting distribution platforms.	Notification procedure, where required, involves submitting a standard notification form to PTS. PTS then within one week confirms the registration of the received notification. No explicit decision of the regulator is required to start the activity. Notification forms and the details of the notification procedure are available on PTS website .
Other				

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

Sweden		
	Network operator	TV channel
Analogue terrestrial TV	Analogue frequency licence from PTS (see note A)	Analogue broadcasting licence from the government (see note B)

Sweden			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial	Digital frequency licence from PTS (see note C)		Digital broadcasting licence from the government (see note D)

Sweden			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	Frequency licence from PTS (see note E)	Notification to RTVV (general authorisation) (see note F)	Notification to RTVV (general authorisation) (see note F)

Sweden			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable TV	Notification to RTVV (general authorisation) is required for transmission of original broadcasts (see note F) General authorisation (RTTV) (without notification) – for retransmission	Notification to RTVV (general authorisation) (see note F)	Notification to RTVV (general authorisation) (see note F)
Fixed telecom	Notification to PTS (general authorisation) (see note G)	Notification to RTVV (general authorisation) (see note F)	Notification to RTVV (general authorisation) (see note F)
Mobile networks (2G/3G)	Notification to PTS (general authorisation) (see note G) Frequency licence to operate mobile network from PTS (see note H)	Notification to RTVV (general authorisation) (see note F)	Notification to RTVV (general authorisation) (see note F)

Sweden				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H)	Digital frequency licence from PTS (see note C)		Notification to PTS (general authorisation) (see note G) Frequency licence to operate mobile network from PTS (see note H)	No decision yet, draft proposal published on May 23, 2006 by the Ministry of Education and Culture (SOU 2006:51) suggests that a digital broadcasting licence from the government (see note D) should be required.

Sweden	
A	<p>Analogue frequency licence. Under Chapter 3 of the Law (2003:389) on electronic communications a frequency licence is required to operate a broadcasting transmission network. The frequency licence is issued by PTS. Currently the entire analogue terrestrial TV broadcasting spectrum is controlled by Teracom, the only licensed state-owned broadcasting transmission network operator, that offers its broadcasting transmission services to all licensed analogue terrestrial TV broadcasters.</p>
B	<p>Analogue broadcasting licence. Under Chapter 2 of Law (1996:844) on radio and TV, analogue broadcasting licences were issued by the government. Currently there are three licensed analogue terrestrial channels: two public services broadcasters – SVT and UR – and a commercial broadcaster TV4. All three are buying transmission services from Teracom, the single operator of the national analogue terrestrial TV network.</p> <p>No new authorisations or licences are issued for analogue terrestrial TV. The Parliament has decided that all terrestrial television is to switch over to digital technology. Analogue terrestrial broadcasts will be switched off completely by February 1, 2008 after a phased close-down.</p>
C	<p>Digital frequency licence. Under Chapter 3 of the Law (2003:389) on electronic communications a frequency licence is required to operate a broadcasting transmission network. The frequency licence is issued by PTS. Currently the entire digital terrestrial TV broadcasting spectrum is controlled by Teracom, the only licensed state-owned broadcasting transmission network operator, that offers its broadcasting transmission services and multiplexing to all licensed digital terrestrial TV broadcasters.</p> <p>Multiplexing and other technical services are provided by Teracom's subsidiary, Boxer. Currently there are 5 multiplexes with up to 6 channels per multiplex.</p> <p>Under Section 10 of Chapter 3 of the Law (2003:389) on electronic communications, a spectrum licence to operate a digital terrestrial network may be combined with the right to use of up to 20% of the spectrum for other use than broadcasting.</p>
D	<p>Digital broadcasting licence. Under Chapter 2 of Law (1996:844) on radio and TV a licence for digital terrestrial TV broadcasting is required from the government. Applications for licences to broadcast digital terrestrial television are processed by RTVV. The government decides on the distribution of the licences. Currently there are around 30 channels that have been issued digital terrestrial broadcasting licences. All are buying transmission and multiplexing services from Teracom, the single operator of the national digital terrestrial TV network.</p> <p>Draft legislative proposal published on May 23, 2006 by the Ministry of Education and Culture (SOU 2006:51) suggests that a digital broadcasting licence from the government (D) should be required also for mobile TV broadcasters over terrestrial networks (DVB-H).</p>
E	<p>Frequency licence for satellite transmission network. Under Chapter 3 of the Law (2003:389) on electronic communications, a frequency licence from PTS is required to operate transmitting and receiving equipment in a satellite earth station. Television transmissions via satellite are digital and are offered by two competing companies: Canal Digital and Viasat.</p>
F	<p>Notification to RTVV. Transmission of original broadcasts via cable networks, satellite transmission where the broadcaster compiles and is responsible for all or part of a programme service, as well as individual TV channels broadcast over cable, satellite networks (or any other networks that do not require a broadcasting TV licence) must register with the Radio and Television Authority (RTVV). No notification is required for retransmission of programmes over cable networks. According to RTVV, the following definitions apply to original transmission and to re-transmission of broadcasts over a cable network:</p> <ul style="list-style-type: none"> • re-transmission of broadcasts is simultaneous and unchanged transmission of a programme, for example, from a satellite; • original transmission of broadcasts is done directly over a cable network, for example, from a studio.
G	<p>Notification to PTS. Operation of public electronic communications network is subject to general authorisation with notification to PTS under Chapter 2 of the Law (2003:389) on electronic communications.</p>
H	<p>Frequency licence for a public mobile communications network. Under Chapter 3 of the Law (2003:389) on electronic communications, a frequency licence is required to operate a public mobile communications network.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
SE	February 1, 2008 In individual regions the switch-off is scheduled earlier, starting September 19, 2005.	Yes PTS was requested by the government to prepare an analysis of spectrum implications of the digital switchover. The assessment has to be completed by September 1, 2006. Preliminary assessment was prepared for PTS by XLENT Strategy in November 2005.	XLENT study lists the following applications: <ul style="list-style-type: none"> • Broadcasting: increase in the number of TV channels, HDTV; • Mobile TV; • Mobile broadband, BWA. 	Preliminary estimate: between 48 and 168 MHz	In line with the scheduled digital switchover implementation	XLENT study concluded that increasing the number of TV-channels as a result of digital dividend would not be the optimal use in terms of economic value to the public.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

Sweden					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	PTS manages the national frequency plan and issues spectrum licences to operate radio and TV	No, the government (Ministry of Culture), following a recommendation from RTVV, grants individual	Teracom is the only operator assigned frequencies to operate the analogue terrestrial TV network.	Teracom is the only operator assigned frequencies to operate the analogue terrestrial TV network.	No new analogue TV broadcasting licences are issued, following the decision on the analogue-to-digital switchover. Teracom currently offers its broadcasting

Sweden					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
	<p>broadcasting networks.</p> <p>PTS can only grant frequency licences to organisations that have the TV broadcasting licence from the government</p> <p>Operation of terrestrial TV network requires a spectrum licence from PTS.</p>	<p>licences for TV broadcasting over terrestrial networks.</p> <p>PTS keeps RTVV informed about available frequencies.</p>			<p>transmission services to all licensed analogue terrestrial TV broadcasters.</p>
Digital terrestrial (DVB-T)	<p>PTS manages the national frequency plan and issues spectrum licences to operate radio and TV broadcasting networks.</p> <p>PTS can only grant frequency licences to organisations that have a TV broadcasting licence from the government.</p> <p>Operation of terrestrial TV network requires a spectrum licence from PTS.</p>	<p>No, the government (Ministry of Culture) following a recommendation from RTVV grants individual licences for TV broadcasting over terrestrial networks.</p> <p>PTS keeps RTVV informed about available frequencies.</p>	<p>Teracom is the only operator assigned frequencies to operate the digital terrestrial TV network.</p> <p>Teracom offers its broadcasting transmission services and multiplexing to all digital terrestrial TV broadcasters with a broadcasting licence. The regular procedure has been that broadcasters would present a preliminary agreement with Teracom when submitting an application for a broadcasting licence to RTVV. Following a beauty contest procedure the government, following a recommendation from RTVV, decides on the assignment of the broadcasting licences.</p> <p>Teracom currently operates five multiplexes with up to 6 channels per multiplex. One of Teracom's five multiplexes was subsequently filled with programming from the public service broadcaster, SVT. For the remaining multiplexes, a broadcaster must negotiate commercially with Teracom for placement.</p>		
Mobile over terrestrial networks (DVB-H /DMB)	PTS	<p>No, the government (Ministry of Culture), following a recommendation from RTVV, grants individual licences for TV broadcasting over terrestrial networks.</p>	<p>Operators of digital terrestrial TV network (DVB-H)</p> <p>Mobile operators</p>	Direct assignment to licensed broadcasters	<p>Frequencies for DVB-H would be assigned after the government grants the broadcasting licences.</p>

Sweden					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
	Currently, there is no regulatory framework specific for mobile TV. This subject is now being considered. On May 23, 2006 the Ministry of Education and Culture published a report (SOU 2006:51) that addressed a number of subjects relevant to mobile TV. In particular, the licensing and frequency assignment aspects, as outlined above.				
Satellite	PTS	No broadcasting content licence is required, but a notification to RTVV	Operators of transmitting and receiving equipment in a satellite earth station.	First come first served basis	Direct assignment upon submitting an application to PTS

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licences (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
SE	<ul style="list-style-type: none"> • Specific frequencies covered by the licence • Specific service or technology <p>NB Under Section 10 of Chapter 3 of the Electronic Communications Act, the spectrum licence to operate a digital terrestrial network may be combined with the right to use of up to 20% of the spectrum for other use than broadcasting.</p> <ul style="list-style-type: none"> • Effective and efficient use • Avoid interference • Conditions for shared use of spectrum • International agreements • Location of transmitters and antennas • License duration 	Coverage requirements	See first column	No content conditions in the frequency licence

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency licence, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
SE	No	<p>Annual spectrum usage fees set by PTS (p. 9, 12), annually:</p> <ul style="list-style-type: none"> Radio (AM/FM/T-DAB) per year/transmitter from SKr 6,000 (€ 600) to SKr 10,000 (€ 1,000) depending on transmitter strength; TV per year/transmitter from SKr 7,000 (€ 700) to SKr 30,000 (€ 3,000); Monitoring fees per year/transmitter SKr 450-1600 (€ 50-160). <p>In addition, there are broadcasting concession fees paid by analogue terrestrial TV broadcasters and local commercial radio, set in Law (1992:72) on concession fees for radio and TV.</p> <p>Analogue TV (paid by TV4 until 2008): SKr 4,167,000 (€ 440,000) per month plus a revenue-based fee.</p> <p>Local commercial radio: SKr 40,000 (€ 4,000) per year</p>	No

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
SE	<p>No review cycle established</p> <p>Reviews are carried out on ad hoc basis</p>	<p>Amendments of 2005 to Chapter 8 of Law (1996:844) on radio and TV in the context of the analogue-to-digital switchover.</p>	<p>Ministry of Culture consultation on the proposed statutory changes was carried out in 2003 (SOU 2003:109).</p>	<p>Distribution forms. In addition to cable networks, the must-carry obligation was extended on a technology-neutral basis to apply to other wired electronic communications networks (e.g. fibre-based broadband networks).</p> <p>Scope. Until the digital switchover in February 2008, must-carry continues to cover four public service channels financed by TV-licence fees (SVT1, SVT2, SVT24 and UR) and one commercial FTA channel (TV4). After February 2008, the TV4 analogue channel will no longer have a must-carry status. Instead, must-carry will continue to apply to the four public service channels. In addition, any commercial broadcaster not funded by TV licence fees should be able to apply for a broadcasting licence with such conditions as are required to be subject to the must-carry obligation: impartiality, objectivity, and a condition on a diverse programme range, including news.</p> <p>Compensation topics. Rights holders have previously refrained from requesting compensation for the material subject to copyright that is included in the programme</p>

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
				<p>services covered by the must-carry obligation. From July 1, 2005 rights holders are entitled to request compensation from network operators under the Copyright Act (1960:729) for these programme services. Network operators then have a right to reasonable compensation from a broadcasting undertaking for compensation costs under the Copyright Act, if the must-carry obligation would otherwise be unreasonably burdensome. If the parties cannot agree on the matter, RTVV shall, upon special request, be able to decide on the allocation of the copyright costs.</p>

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

Sweden							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Cable network (analogue and or digital)	<p>Chapter 8 of Law (1996:844) on radio and TV.</p> <p>Until the digital switchover in February 2008, must-carry continues to cover four public service channels financed by TV-licence fees (SVT1, SVT2, SVT24 and UR) and one commercial FTA analogue channel (TV4). After February 2008, TV4 will no longer have a must-carry status. Instead, must-carry will continue to apply to the four public service channels. In addition, any commercial broadcaster not funded by TV licence fees should be able to apply for a broadcasting licence with such conditions as are required to be subject to the must-carry obligation: impartiality, objectivity, and a condition on a diverse programme range, including news.</p> <p>Under must-carry rules, RTVV may appoint a legal entity as a local cable television company. This gives cost-free access to a specified amount of capacity on each cable network with more than 100 connected households in a municipality. The local cable television company must allow different interests and opinions to express themselves in its activity.</p> <p>On May 23, 2006 the Ministry of Education and Culture published a report (SOU 2006:51) that proposes extending the scope of must-carry rules on network access for local cable television companies to cover, in addition to traditional cable networks, any wired electronic communications</p>	<p>Cable networks and other wired electronic communications networks – for example, fibre-based broadband networks – used for transmission of TV broadcasts to the public and a significant number of households connected to the network use it as their principal means to receive TV broadcasts. Public communications networks based on paired metal loops, where only a limited number of channels can be broadcasted, e.g. using ADSL technology, are however exempt from must-carry.</p>	<p>Must-carry obligation is justified on the basis of a strong public interest in ensuring that all households living in a property connected to cable have access to the same basic range of programmes as they would have if the property had not been connected to a cable network. This is to alleviate the effects of the actual monopoly on cable broadcasting capacity in a particular area.</p> <p>RTVV can grant exemptions from the must-carry obligation, to deal with the transitional problems that may arise if, after analogue terrestrial broadcasts in an area have completely ceased, there are still cable networks that</p>	<p>Must-carry is linked to the general interest objectives of promoting freedom of expression and freedom of information, objectivity and impartiality, cultural diversity, the needs of disabled and other social interests.</p>	<p><u>Until Feb 2008</u> (digital switchover): four public service channels financed by TV-licence fees (SVT1, SVT2, SVT24 and UR) and one commercial FTA channel (TV4)</p> <p><u>After February 2008</u>, TV4 analogue channel will no longer have a must-carry status. Instead, must-carry will continue to apply to the four public service channels. In addition, any commercial broadcaster not funded by TV licence fees</p>	<p>STV1, STV2, STV24, UR: public service channels</p> <p>TV4: commercial</p>	<p>Primary law</p> <p>Individual broadcasting licence conditions</p>

Sweden							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	network (e.g. broadband networks), subject to the condition that at least 100 households connected to this network use it as the primary means to receive TV transmissions.		are not able to distribute television broadcasts with digital technology.		should be able to apply for a broadcasting licence with such conditions as are required to be subject to the must-carry obligation: impartiality, objectivity, and a condition on a diverse programme range, including news.		
Digital terrestrial	None	N/A	N/A	N/A	None	N/A	N/A
Satellite	None	N/A	N/A	N/A	None	N/A	N/A
Fixed network operator	See entry on cable networks	See entry on cable networks	See entry on cable networks	See entry on cable networks	See entry on cable networks	See entry on cable networks	See entry on cable networks
Mobile network operator	None	N/A	N/A	N/A	None	N/A	N/A
Other	None	N/A	N/A	N/A	None	N/A	N/A

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
SE	Cable TV Rights holders have previously refrained from requesting compensation for the material subject to copyright that is included in the programme services covered by the must-carry obligation. From July 1, 2005 rights holders are entitled to request compensation from network operators under the Copyright Act (1960:729) for these programme services as well. Network operators then have a right to reasonable cost compensation from a broadcasting undertaking under the Copyright Act, if the must-carry obligation would otherwise be unreasonably burdensome. If the parties cannot agree on the matter, RTVV, upon special request, can decide on the allocation of the copyright costs.	Agreement between cable operator and broadcasters.	No information available

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
SE	No must-offer obligations	N/A	N/A	N/A	N/A

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
SE	Transmission for analogue terrestrial television	Yes	N/A
	Transmission for digital terrestrial television	Yes	N/A
	Transmission for national analogue terrestrial radio	Yes	N/A
	Transmission for national digital terrestrial radio	No	The market is considered to be of an experimental nature with very few users and without any real growth potential.
	Transmission for analogue terrestrial commercial local radio and community radio	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> • no high barriers to entry.
	Transmission for analogue and digital cable television and radio	No	3 criteria test for ex ante regulation not passed: <ul style="list-style-type: none"> • no high barriers to entry.
	Transmission for analogue and digital satellite television and radio	No	Market transnational
	Source: PTS final decision on market 18: market definition and SMP – analogue terrestrial TV , digital terrestrial TV , analogue terrestrial radio (June 22, 2005).		

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
SE	Transmission for digital terrestrial television	Teracom	Yes Includes <i>inter alia</i> : <ul style="list-style-type: none"> • <i>physical access</i> to the technical infrastructure, where the accessing party performs the actual broadcasting itself using its own equipment co-located at Teracom’s transmission site (rather than mast sharing, this obligation includes site sharing and the right for the accessing party to connect its transmission equipment to Teracom’s combiner chain); or 	Yes Cost orientation according to the fully distributed cost (FDC) method and based on actual historic costs.

	Relevant market	SMP	Access obligation?	Price regulation?
			<ul style="list-style-type: none"> a <i>wholesale product</i>, where the accessing party is connected to Teracom's infrastructure at one or several access points, and Teracom provides the digital broadcasting service using its own equipment 	
	Transmission for analogue terrestrial television	Teracom	Yes, involving a wholesale product (same as above) and not physical access.	Yes Same as above
	Transmission for national analogue terrestrial radio	Teracom	Yes, involving a wholesale product (as above) and not physical access.	Yes Same as above
Source: PTS final decision on market 18: regulatory obligations – analogue terrestrial TV , digital terrestrial TV , analogue terrestrial radio (December 15, 2005)				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
SE	Responsible authority: Radio and TV Authority (RTVV) Law (1998:31) on standards for transmission of radio and TV RTVV regulation (RTVFS 2005:1) on transmission standards and equipment for receiving of radio and TV services	Same as set out in Annex I, part I of the Access Directive	Operators of conditional access systems in the provision of digital radio and television broadcasting services irrespective of the means of transmission	Fair, reasonable and non-discriminatory conditions	No CAS not addressed in the analysis of market 18.

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
SE	Radio and TV Authority (RTVV) Government decision of Sept. 4, 2003 Ku2003/1888/Me	See note below	No specific access obligations The subject of APIs and EPGs was discussed in the context of the government legislative proposal for the Electronic Communications Act (prop. 2002/03:110). The government then concluded that the promoting of common standards for APIs in the digital terrestrial TV network can be ensured in the current licensing framework for TV broadcasting according to the Radio and Television Act. The government also concluded that RTVV should closely monitor the market developments and encourage free industry initiatives for developing a common standard for APIs.
<p>Market Information</p> <p>In spring 2004, SVT launched text-TV services based on the MHP-platform. Several regional projects intended to provide public information for citizens using MHP-services in the digital terrestrial network were launched at the same time.</p> <p>According to two reports on APIs and EPGs published by RTVV in June 2004 and June 2005, the development of interactive services in Sweden is slow, largely due to a lack of interest from consumers and operators. The market is fragmented and operators are using different API-techniques. RTVV proposed a number of initiatives to facilitate deployment of a common MHP-based standard:</p> <ul style="list-style-type: none"> • establishing a national MHP implementation group; • including a requirement in broadcasting licence conditions to use an open API standard; and giving a priority to MHP-based services when processing licence applications; • support of regional MHP initiatives; • Teracom and Boxer should promote distribution of MHP-based set-top-boxes. 			

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
SE	Radio and TV Authority (RTVV) Government decision of Sept. 4, 2003 Ku2003/1888/Me	EPGs were discussed in the context of the government legislative proposal for the Electronic Communications Act (prop. 2002/03:110). At that time, the government concluded that there was no need to introduce any specific regulation of access obligations to EPGs. The government also concluded that RTVV should closely monitor relevant market developments. According to two reports on APIs and EPGs, published by RTVV in June 2004 and June 2005 , access to EPGs is provided by network operators to programme providers on non-discriminatory conditions and therefore there is no need for any specific regulation. However, RTVV stated its intention to monitor relevant market developments closely, in particular the IP TV field. No specific access obligations have been imposed.

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
SE	Konkurrensverket	No	See note below
<p>Recent Competition Actions</p> <p>State aid</p> <p>In July 2004 the European Commission started a procedure against Sweden following an allegation by two satellite operators that the financing of DTTV roll-out by Teracom has involved state aid in contravention of EC law. An investigation is ongoing to assess whether the transmission fees paid to Teracom by the public service broadcaster SVT have been set by the government too high. The investigation also covers the credit guarantees issued to Teracom by the government and a direct capital injection.</p> <p>Merger Control</p> <p><i>UPC Sweden/Comhem</i> (notified to the Commission in May 2006). Two international private equity companies, Carlyle Group and Providence Equity Partners, are buying the Swedish operations of the international broadband and cable-TV company UPC. In 2005, the same two companies bought another Swedish broadband and cable-TV company, Comhem.</p> <p>Antitrust</p> <p>On September 27, 2005 Konkurrensverket (KKV), the Swedish Competition Authority, decided to close its investigation into alleged abuse of dominant position by Teracom in the provision of television transmission services over its terrestrial network. The investigation was initiated in November 2003 following a complaint by 2T Broadcasting (2T) stating that Teracom had refused to enter into a network access agreement with 2T that would allow 2T to place its television transmission equipment in Teracom's masts in order to offer digital television transmission services in competition with Teracom. Although KKV's preliminary conclusion was that Teracom could have abused its dominant position, it decided to close the case after Teracom reported on Sept. 16, 2005 that it had started network access negotiations with 2T. At a later stage, 2T however decided not to pursue further network access negotiations with Teracom.</p> <p>NB In 2005, following a complaint from 2T, the Administrative Court of Appeals (Kammarrätten) ruled that the public service broadcaster SVT, had violated the law on public procurement procedure (lagen om offentlig upphandling) by not selecting the provider of digital TV transmission services following a public tender procedure.</p> <p>Infringement proceedings – failure to implement Competition Directive 2002/77/EC</p> <p>Following a reasoned opinion from the European Commission of March 21, 2005 requesting Sweden to remove the obligation for broadcasters with analogue terrestrial broadcasting licences to acquire broadcasting and transmission services exclusively from state-owned company Teracom, giving it a de facto monopoly for these services. On Dec. 15, 2005 the analogue broadcasting transmission licences of SR, SVT, UR and TV4 were amended by removing the requirement to use Teracom's network.</p> <p>Another infringement proceeding is currently open against Sweden on the obligation for broadcasters with digital terrestrial broadcasting licences to conclude a technical cooperation agreement with Teracom according to which Teracom's subsidiary Boxer provides the multiplexing services – leading to a similar monopoly situation.</p>			

United Kingdom

Table 1 - Broadcasting transmission platforms in a Member State

This table describes

- the platforms providing television broadcasting transmission in a Member State, and
- information on market shares, if available.

For more information on mobile and IP TV in the Member States, see Tables 6 and 7.

Member state	Broadcasting transmission platforms	Number of subscribers by television platform
UK	Analogue terrestrial TV and radio	No information available
	Digital terrestrial TV and radio	Digital TV on all platforms watched by 66% of UK households (16.5 million) 5.8 million households Source: Ofcom Communications Market Report (February 2006 for Q3 2005)
	Digital satellite TV and radio	Satellite (analogue and digital): 7.5 million households Source: Ofcom Communications Market Report (February 2006 for Q3 2005)
	Cable TV	Cable (analogue and digital): 3.3 million households Source: Ofcom Communications Market Report (February 2006 for Q3 2005)
	IP TV	40,000 subscribers Source: Ofcom Communications Market Report (February 2006 for Q3 2005)
	Mobile TV	No information available
	<ul style="list-style-type: none"> • 3G (Vodafone/Sky, H3G, Orange) 	

Table 2 - National regulations for broadcasting

This table lists the main laws and regulations in a Member State that affect the radio and television broadcasting industry.

Member state	Types of regulations affecting broadcasting industry
UK	Communications Act 2003 Wireless Telegraphy Act 1998 Broadcasting Acts (1990 and 1996)
	BBC Royal Charter (1996-2006) NB The UK government's Review of BBC Charter was in progress in April 2006. Ofcom's review of public service broadcasting was completed in 2005.
	Ofcom's final decision on its analysis of the wholesale broadcasting transmission market (market 18) (April 2005)
	Ofcom Broadcasting codes (services for disabled viewers, advertising and other content regulation, EPG code of practice, etc.)
	Ofcom technical codes (specifications for digital TV transmission, teletext systems, and performance codes for TV channels and multiplexes)

Table 3 - General interest objectives linked to broadcasting

Member States have certain goals, or “general interest objectives”, for the broadcasting and media sector. Such general interest objectives may include universal access to certain content, media plurality, cultural diversity, freedom of opinion, and freedom to receive and disseminate information. These goals are achieved through regulation of the broadcasting and media sector, including the establishment and regulation of public service broadcasters.

This table lists the Member States’ laws and regulations expressing general interest objectives for broadcasting.

NB Refer to [Table 15](#) for the laws and regulations expressing general interest objectives specifically for must-carry.

Member state	Regulation	General interest objective
UK	Arts. 3(2), 3(4) – 3(5) of the Communications Act 2003	See note below. General interest objectives 3(2) lists the following objectives for the industry regulator Ofcom to ensure: <ul style="list-style-type: none"> • the optimal use for wireless telegraphy of the electro-magnetic spectrum; • the availability throughout the United Kingdom of a wide range of electronic communications services; • the availability throughout the United Kingdom of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests; • the maintenance of a sufficient plurality of providers of different television and radio services; • the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material in such services; • the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public and all other people from: <ul style="list-style-type: none"> • unfair treatment in programmes included in such services; and • unwarranted infringements of privacy resulting from activities carried on for the purposes of such services. 3(4) adds that at Ofcom’s discretion as to relevance in particular circumstances, Ofcom must also consider the following objectives: <ul style="list-style-type: none"> • promoting the fulfilment of the purposes of public service television broadcasting in the United Kingdom; • promoting competition in relevant markets; • promoting and facilitating the development and use of effective forms of self-regulation; • encouraging investment and innovation in relevant markets; • the different needs and interests, so far as the use of the electro-magnetic spectrum for wireless telegraphy is concerned, of all people who may wish to make use of it; • the need to secure that the application in the case of television and radio services of standards is in the manner that best guarantees an appropriate level of freedom of expression. Lastly, 3(5) further defines consumer interest as being ‘choice, price, quality of service and value for money.’ The Communications Act sets out a procedure for Ofcom to decide between competing objectives in individual cases, including a requirement for annual reporting of such cases (see Art. 3(6) – 3(13)).

Table 4 - Public service broadcasting

This table provides an overview of the national regulations of public service broadcasting, including:

- the definition of public service broadcasting;
- identification of the commercial and public broadcasters that have public service broadcasting obligations;
- obligations related presence on specific broadcasting distribution platforms and coverage, e.g. in terms of population, geography, etc.
- any recent or planned reviews of public service broadcasting regulations.

Member State	Definition of public service broadcasting	Who has public service broadcasting obligations?	Presence on all networks? Coverage obligation?	Recent changes to public service broadcaster obligations?
<p>UK</p>	<p>Art. 264 Communications Act 2003.</p> <p>The purpose of public service broadcasting is defined as <i>'the provision of relevant television services which:</i></p> <p><i>secure that programmes dealing with a wide range of subject-matters are made available for viewing;</i></p> <p><i>...having regard to the days on which they are shown and the times of day at which they are shown is likely to meet the needs and satisfy the interests of as many different audiences as practicable;</i></p> <p><i>...are properly balanced, so far as their nature and subject-matters are concerned, for meeting the needs and satisfying the interests of the available audiences; and</i></p> <p><i>...maintain high general standards with respect to the programmes included in them, and, in particular with respect to the contents of the programmes; the quality of the programme making; and the professional skill and editorial integrity applied in the making of the programmes'</i></p>	<p>All terrestrial broadcasters:</p> <ul style="list-style-type: none"> • The BBC • ITV (Channel 3) • Channel 4 • Channel 5 • Welsh Authority • Public teletext provider <p>There are different public service obligations for different broadcasters, with the BBC having the most extensive obligations.</p>	<p>Art. 272 Communications Act 2003 requires Ofcom to put in the license for each broadcaster with public service obligations (including the public teletext service, and any additional service added to the list of must-carry services following Art. 64) must-offer provisions to ensure they are carried on all networks offering public electronic communications to a significant number of end-users as their primary means of receiving TV programming (see Table 17 on must-offer).</p> <p>Public service broadcasters other than the BBC have coverage requirements as part of their public service remits for digital terrestrial transmission in their digital replacement licences, for example for Channel 4. In the DRLs coverage of Channels 3 and 5 are to be equivalent to coverage achieved in analogue terrestrial transmission prior to switchover, while Channel 3's coverage obligations were extended to Wales. Ofcom planned to consult further on the precise coverage obligations, but this had not happened by May 2006.</p> <p>The UK government is responsible for ensuring BBC coverage after switchover. According to the White Paper by the Dept. of Culture, Media and Sport (March 2006), the BBC will be required to have equivalent coverage on digital terrestrial, as with the other public service broadcasters. It will also be required to make its programmes available via BSkyB (satellite) and cable.</p>	<p>Since December 2003, the BBC has been undergoing a review of its Royal Charter, which defines its functions and tasks (a review of the Charter is carried out every 10 years). The review is expected to be completed in summer 2006. On March 14, 2006 the Secretary of State published a paper proposing to involve Ofcom in assessments of the BBC's activities.</p> <p>Ofcom carried out a review of public service broadcasting in 2004-5. Its main action from the review was to alter requirements for regional programming for the BBC and ITV. Ofcom also made plans to study a number of topics further, such as competition in broadcasting, the market for TV production and new ways to organise public service broadcasting.</p> <p>Ofcom issued digital replacement licences (DRL) to Channels 3, 4 and 5 and the public teletext service in December 2004, in order to prepare them for the transition from analogue to digital terrestrial television broadcasting (for example, to establish coverage obligations for digital terrestrial). While many of the conditions in the DRL are supposed to ensure an equivalent service, other conditions impose different obligation on public service broadcasters (for example, requiring statements of programme policy rather than programme genre quotas).</p>

Table 5 - National regulatory authorities for broadcasting

This table lists:

- the authorities involved in regulating broadcasting in a Member State, including the URL to the authorities' website(s) and their contact information;
- their jurisdictional responsibilities;
- whether there have been changes to the organisation of broadcasting authorities as a result of the EU 2003 regulatory framework.

NB Competition authorities, to the extent they are involved in regulating the broadcasting sector, are described in Table 23.

Member state	Broadcasting regulatory authorities	Responsibilities	Recent changes to regulatory authorities for broadcasting?
UK	Office of Communications (Ofcom)	<p>Converged sector regulator for all aspects of UK communications (television, radio, telecommunications and wireless communications services).</p> <p>It shares competition policy authority for the sector with the OFT.</p>	Ofcom was created from the old sector-specific regulatory authorities in 2003.
	Department for Media, Culture and Sport	<p>The DCMS is the part of the UK government responsible for making policy affecting broadcasting including: the arts, sport, broadcasting, creative industries including film and the music industry, press freedom and regulation, licensing, etc.</p> <p>Specifically, the DCMS:</p> <ul style="list-style-type: none"> • sets the framework for public service broadcasting, including determining the BBC licence fee and leading the current review of the BBC charter (April 2006); • ensures '<i>the regulatory framework for broadcasting fosters fair and effective competition; promotes high quality broadcasting from a diverse range of sources; provides a high level of consumer protection; and safeguards freedom of expression</i>'; • responsible for switchover from analogue to digital TV. 	No

Table 6 - Mobile TV

Mobile radio and television consists of the use of digital transmission technologies to offer broadcasting content to mobile devices, such as a personal digital assistant (PDA) or mobile phone. Operators in the UK, Finland, and Spain have begun trials of mobile television broadcasting, and some Member States have begun licensing mobile broadcast providers. The two most discussed mobile broadcasting transmission technologies are UMTS (3G) and a variation of the European digital video broadcasting (DVB) standard, known as DVB-H (H for handhelds).

This table identifies the status of mobile TV broadcasting in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are specific licences and conditions for mobile TV.

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
UK	<p>3G</p> <p>On October 31, 2005 Sky and Vodafone launched their mobile TV service, Sky Mobile TV, in the UK. The service will be offered free of charge until January 31, 2006. From February 2006, customers will be charged £5.00 per month for either of the two Sky Mobile TV packs available. The service uses Vodafone's 3G network (UMTS) and includes 19 channels including Sky News, Sky Sports News, MTV, National Geographic</p>	<p>No regulatory framework specific for mobile TV. Ofcom is not currently pursuing mobile TV-specific policy initiatives.</p> <p>In order to offer mobile TV via DVB-H, a provider would have to obtain a spectrum (Wireless Telegraphy Act) licence for suitable frequencies, such as spectrum currently used for analogue TV broadcasting, which may be partially freed by the analogue-to-digital switchover. Its content</p>

Member state	Mobile TV commercial launch	Regulatory framework for mobile TV
	<p>Channel, and the Cartoon Network. Some channels will be broadcast live and others will be specialized, mobile-only channels. Vodafone 3G customers in the UK will also be able to watch additional channels that are not part of Sky Mobile TV.</p> <p>Since May 2005, Orange has offered live streaming of TV broadcasting over its 3G (UMTS) networks (Orange TV). 16 channels, including ITN, CNN, Bloomberg, Fashion TV, and the Cartoon Network. The service costs £10 per month for up to 20 hours' viewing, and 50p per minute for additional viewing.</p> <p>3 offers streaming of pre-recorded TV channels including Sky Sports News bulletins, MTV, and other music video channels. Prices start at £5 per month per 'genre' of programmes (sport, general). 3 also offers, by special subscription, the same package of channels Orange offers (by third party mobile TV content provider MobiTv).</p> <p>DVB-H/MediaFlo</p> <p>Trials only:</p> <ul style="list-style-type: none"> • Mobile operator O2 conducted a trial of mobile TV broadcasting in collaboration with UK TV transmission provider Arquiva in Oxford, UK in 2005. • Satellite broadcaster Sky conducted a trial of mobile TV using Qualcomm's MediaFlo standard in summer 2006 <p>DAB</p> <p>On February 14, 2006 BT announced it will offer nationwide digital television broadcasting services on a wholesale basis to mobile operators (BT Movio, formerly BT Livetime). The service will be provided using digital audio broadcasting (DAB) frequencies in the UK. BT's service, which is a wholesale service, is a joint venture with Digital One, the holder of a national digital radio multiplex (digital sound programme service, or DSPS) licence in the UK. Virgin Mobile, the UK mobile virtual network operator, is the first mobile operator to purchase BT's service. Virgin plans to offer digital television and radio content to its customers. Users will need a DAB- and IP-enabled 'smartphone' developed specifically for the service.</p> <p>Other</p> <p>In March 2006, mobile content provider and manufacturer ROK began to offer a box (ROK Player) that streams broadcast TV content from a television set-top box to a mobile phone in the UK (either 2.5G or 3G handsets may be used) via GPRS and WiFi. Separately, ROK offers a TV-via-mobile service (ROK TV) by subscription. Charges are 99p channel/month or £9.99/month for all channels. Premium and pay-per-view channels are also available. The user must download the software and pay ROK for the service in addition to mobile service costs for the GPRS, 3G, or WiFi connection.</p>	<p>providers and partners (Sky, CNN, etc.) would be able to use their existing broadcast TV licences.</p> <p>Ofcom's planned auction to award spectrum at 1452-1492 MHz (the L-band), currently planned for the second half of 2007, could provide frequencies suitable for mobile TV. The licences are planned to be technology and service neutral.</p> <p>Mobile operators offering TV programmes via 3G networks are allowed to do so with their existing 3G licences, while content provider partners (Sky, CNN etc.) would be able to use their existing broadcast TV licences.</p>

Table 7 - IP TV

IP TV consists of digital television programming offered over a transmission network employing the Internet protocol (IP) via a broadband connection to the end user. The service requires either a PC or a set-top box. The two most discussed IP TV transmission technologies are TV over DSL and TV over fibre-to-the-home (FTTH).

This table identifies the status of television programming via an IP-based platform (such as DSL or FTTH) in a Member State, as follows:

- whether a commercial launch has taken place, and if so, the details of each offer, including URLs;
- the regulatory framework, including whether there are IP TV-specific licences and conditions.

Member state	IP TV commercial launch	Regulatory framework for IP TV
UK	<p>Homechoice (owned by Video Networks Ltd) provides IP TV since 2004 (a re-launch of a service originally offered in 2000):</p> <ul style="list-style-type: none"> • Uses fully unbundled loops from BT • Users access broadcasting content via a TV set-top box • Available in London only • 80 broadcast channels plus video on demand (over 1,000 movies), available in basic and extended packages • Bundled with telephony and broadband Internet service (from 2 – 8 Mbps) • Subscriber estimates between 4,000 and 10,000 in 2006 (according to press reports) 	<p>UK broadcasting regulations do not specifically address IP TV. Ofcom is not currently pursuing IP TV-specific policy initiatives.</p> <p>Homechoice currently holds a cable and satellite broadcasting content license ('<i>television licensable content services</i>' or TLCS license), which is required according to the Communications Act as it offers programming via an electronic communications network (see Ofcom, Television Licensable Content Services: Guidance Notes, April 2006).</p>

Table 8 - Authorisations for TV broadcasting under the electronic communications framework

This table shows for each type of network that can be used for TV broadcast transmission:

- the legal basis, i.e. the regulation(s) under the electronic communications framework defining the authorisation(s) for broadcast transmission, including URL. Frequency authorisations are covered in [Tables 11-15](#);
- whether the general authorisation has been separated from the individual content broadcasting licences and from licences for the use of frequencies;
- what are the conditions attached to the general authorisation; and
- the procedure to follow to get the general authorisation and in particular if it entails a notification or declaration, the type of information to be submitted and whether an explicit decision of the regulator is required to start the activity.

UK				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Analogue terrestrial	Legacy analogue terrestrial regulations not covered as the UK has begun digital switchover.			

UK				
Platform	Definition of general authorisation (reference to regulation with URL)	Is the general authorisation separated from individual broadcasting licences?	Conditions attached to the general authorisation (if different from Annex A of EC Authorisation Directive)	Procedure for the general authorisation (regulator involved, notification, type of information to submit, approval?)
Digital terrestrial Cable Satellite Fixed telecommunications network Mobile telecommunications network (UMTS) Other	<p>The UK regime for electronic communications is a general authorisation scheme for all electronic communications networks and services, following the Authorisation Directive.</p>	Yes	<p>The UK General Conditions of Entitlement (see also Ofcom, General Conditions of Entitlement) are set out in Art. 45-104 of the Communications Act 2003. They do not apply to providers offering 'associated access systems, EPGs and APIs under the Access Directive).</p> <p>The General Conditions follow the Authorisation Directive except for the application of conditions on providers designated with significant market power (SMP) in the market for communications 'apparatus,' which is not defined but appears to refer to connecting telephones to telephone networks (see Art. 93 of the Act). They allow Ofcom to impose obligations such as cost accounting, accounting separation and price control. These conditions are outside the scope of the Directive because the supply of apparatus is not part of the provision of an electronic communications network or service.</p>	<p>Art. 33 of the Communications Act requires notification to Ofcom before providing or changing service. The notification consists of the information necessary to allow Ofcom to identify the person giving the notification, such as contact information, a declaration of the proposal to provide or change the network or service, and the start date. Ofcom's approval is not needed, but it can determine that more or different information is needed.</p>

Table 9 - Authorisations, licensing and other requirements in a Member State

The following tables show, for each of the broadcasting platforms and for each of the parties involved in the value chain, the licences and other requirements that are needed according to the broadcasting and electronic communications legislation.

If different requirements are imposed for a category of operator according to the type of function performed (e.g. different requirements imposed on cable operators depending on whether they merely retransmit TV channels or also do some form of programming), these are also indicated in the table.

For cable TV, TV over DSL and TV over UMTS, it is specified at what point the network operator performing transmission and programming is considered as fully falling under the broadcasting legislation and treated as a full-fledged TV channel.

UK		
	Network operator	TV channel
Analogue terrestrial	Transmission authorisation from Ofcom (see note E)	The UK changed its licensing procedure in 2003. Prior to receiving their digital replacement licences (see below), broadcasters with public service obligations had individual content licences and commercial broadcasters received different classes of analogue content licences.

UK			
	Network operator (performing transmission only)	Network operator (performing transmission and programming)	TV channel
Cable	Notification to Ofcom (general authorisation) (see note J)	A network operator would have to obtain a TLCS licence (see note A)	Television licensable content service (TLCS) licence (see note A)
Fixed telecommunications (DSL)	Notification to Ofcom (general authorisation) (see note J)		Television licensable content service (TLCS) licence (see note A)
Mobile networks (UMTS)	Notification to Ofcom (general authorisation) (see note J) Mobile operators may use existing 3G licences for broadcasting.		

UK			
	Terrestrial network operator	Multiplex operator	TV channel
Digital terrestrial (DVB-T)	Notification to Ofcom (general authorisation) (see note J)	Digital multiplex licence (see note D)	Digital programme television service (DPTS) licence from Ofcom (see note B) Digital replacement licences (DRLs) for broadcasters with public service obligations from Ofcom (see note C) Digital replacement licence for the UK public teletext service from Ofcom (see note F) Digital television additional services (DTAS) licence from Ofcom (see note G)

UK			
	Satellite platform	Distributor of bouquets of TV channels	TV channel
Satellite	Notification to Ofcom (general authorisation) (see note J). Wireless Telegraphy Act frequency licence (see note I)	See note I.	Television licensable content service (TLCS) licence (see note A)

UK				
	Terrestrial network operator	Multiplex operator	Mobile operator	TV channel
Mobile over terrestrial networks (DVB-H /DMB)	Notification to Ofcom (general authorisation) (see note J)	No specific mobile terrestrial multiplex license at this time	In order to offer service, mobile operators would have to obtain a spectrum licence for suitable frequencies following the Wireless Telegraphy Act of 1998 and an accompanying broadcast content licence (presumably a TLCS license, as a mobile network is an ECN). Since May 2006, no such frequencies are currently available in the UK.	No specific mobile terrestrial content license at this time

UK	
A	<p>Content license</p> <p>Art. 232-240 of the Communications Act 2003 and Sec. of the Broadcasting Act 1996 defines a television licensable content service (TLCS) license, required for broadcasters on satellite and other electronic communications networks such as cable networks (see Ofcom Guidance Notes for TLCS, April 2006). A TLCS is a service provided in analogue or digital format and consists of either editorial ('normal' television programming) and EPGs, teleshopping or self-promotional services. The license is valid until surrendered or revoked. Licenses may be transferred with Ofcom's permission. Pay TV channels on Sky's satellite platform and Homechoice, an IP TV provider are examples of a TLCS holder; the list of current license holders is available from Ofcom.</p>
B	<p>Content license</p> <p>Art. 1-27 of the Broadcasting Act 1996 (see also Art. 241-243 Communications Act 2003) defines a digital programme television service (DPTS) license as that which is required for broadcasters on digital terrestrial TV multiplexes (see Ofcom Guidance Notes for DPTS and DTAS, April 2006) where the broadcaster does not have public service obligations (see C). Generally, DPTS is for normal television programming and DTAS (see F) is for teletext services. Each application for a DPTS or DTAS licence must have proof from the multiplex licensee confirming that they will carry the service. Licences are granted to the DPTS or DTAS provider rather than an individual DPTS or DTAS service; for example, a broadcaster which provides three different television channels on the digital terrestrial platform on different multiplexes would require one DPTS license. The license is valid until surrendered or revoked. Licenses may be transferred with Ofcom's permission. The list of current DPTS holders is available from Ofcom.</p>
C	<p>Content license</p> <p>Arts. 215 and 231 of the Communications Act 2003 and Part 1 of the Broadcasting Acts 1990 and 1996 establish a special licensing scheme for UK broadcasters with public service obligations -- Channels 3 (ITV), 4 and 5 (the UK terrestrial broadcasters). Currently they are operating with digital replacement licences (DRLs) issued to facilitate digital switchover (see the consultation documents on DRLs). They are granted for 10 years (2004 – 2014). The Channel 4 licence is not transferable but the Channel 3 and 5 licences are transferable with Ofcom's permission.</p>
D	<p>Content and transmission license</p> <p>Art. 6-17 of the Broadcasting Act 1996 defines a digital multiplex license, required for multiplex operators on the digital terrestrial TV platform. There are six multiplexes. The UK Government has granted the Multiplex 1 license to the BBC, which is not subject to the UK licensing regime but operates under a Royal Charter (see Table 4), while Ofcom grants the other multiplex licenses. The multiplex licences are granted for 12 years with one renewal period of another 12 years beginning at the end of the original 12-year period. Licences are transferable; change of ownership has occurred among the licensees (for example when ITV bought SDN in 2005). The list of current multiplex licence holders is available from Ofcom.</p>
E	<p>Transmission licence</p> <p>Ofcom assigned Wireless Telegraphy Act individual authorisations for television broadcasting to transmission network operators Arqiva (formerly ntl) and National Grid Wireless (NGW, formerly Crown Castle), who together provide television and radio transmission services for analogue and digital radio and TV broadcasting in the UK. In practice, there is close co-ordination between the transmission operators, who hold the frequencies, and the multiplex licence holders and broadcasters with public service obligations, who enter into long-term contracts with transmission operators at specific sites and for specific channels. Licences are not publicly available. Network operators Arqiva and NGW received Wireless Telegraphy Act permissions to operate equipment (rather than frequency licences per se) in the 1950s. No other licences were issued.</p>

UK	
F	<p>Content licence</p> <p>Art. 221 of the Communications Act 2003 specifies that the UK public teletext service, which has public service obligations, has its own individual digital replacement license to facilitate switchover, as with the other terrestrial broadcasters with public service obligations. The current holder is Teletext Ltd.</p>
G	<p>Content licence</p> <p>A digital television additional services (DTAS) license is required for broadcasters offering text-based services on digital terrestrial television multiplexes (see B above on DPTS licences). Current holders are Teletext Ltd., Data Broadcasting International (DBI) and Simple Active Ltd.</p>
H	<p>Content licence</p> <p>Local-only analogue broadcasting licenses (restricted television service licenses) are in the process of being examined by Ofcom for how to address them after switchover.</p>
I	<p>Transmission licence</p> <p>Satellite services providers need a Wireless Telegraphy Act frequency license for earth stations and for uplinks and/or downlinks, depending on how the service is provided. According to BskyB, it does not require a frequency licence as it is not a network. For broadcasting content via satellite, a content licence is needed (see A).</p>
J	<p>General authorisation</p> <p>The UK regime for electronic communications is a general authorisation scheme for all electronic communications networks and services, following the Authorisation Directive.</p> <p>The UK General Conditions of Entitlement (see also Ofcom, General Conditions of Entitlement) are set out in Art. 45-104 of the Communications Act 2003. They do not apply to providers offering 'associated facilities' (conditional access systems, EPGs and APIs under the Access Directive).</p> <p>Art. 33 of the Communications Act requires notification to Ofcom before providing or changing service. The notification consists of the information necessary to allow Ofcom to identify the person giving the notification, such as contact information, a declaration of the proposal to provide or change the network or service, and the start date. Ofcom's approval is not needed, but it can determine that more or different information is needed. However, Ofcom decided in 2003 not to implement this provision of the Act, and there is no advance notification requirement currently in place.</p>

Table 10 - Digital switchover

After terrestrial television transitions from analogue to digital transmission (digital switchover or analogue switch-off), it is expected that analogue terrestrial frequencies will be freed and potentially made available for use for broadcasting as well as other services (the 'digital dividend'). The table below shows:

- the planned date for the analogue switch off;
- whether a review/consultation on the digital dividend (DD) has been launched;
- what are (if any at this stage) the applications officially designated to be allocated DD frequencies;
- an official estimate of the size of the DD, if available;
- what is the date envisaged for DD to be released; and
- comments on the national debate and on related issues, such as spectrum refarming costs/complexity.

NB All CEPT countries (Region 1) have reserved their final decisions on the switchover according to the completion of the Regional Radiocommunications Conference (RRC-06), held in Geneva from May 15 – June 16, 2006. The main purpose of this conference is to coordinate national frequency plans and digital TV channel allocations in compliance with minimal/non-interference constraints at national borders.

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
UK	Switchover planned to take place by December 31, 2012. Regional switch-off 2008-2012	Ofcom launched a Digital Dividend Review (DDR) in November 2005 to examine policy options for spectrum released by switchover. Analysys currently running a preliminary DD consultation.	Ofcom listed the following potential services, while noting it was a non-exclusive list and not in order of preference: <ul style="list-style-type: none"> • new mobile services, including high quality video and 	Ofcom estimates up to 112 MHz in the UHF band.	Not yet decided.	As part of the Digital Dividend Review Ofcom will also examine the possibility of more spectrum availability from reallocating 'interleaved' spectrum (a frequency used by a transmitter in one part of the country is

	Date for analogue switch-off	Review ongoing?	Applications to benefit from DD	How much spectrum is DD	Likely date of DD release	Comments
		Ofcom briefing on DDR (February 2006).	interactive media. <ul style="list-style-type: none"> wireless broadband services. wider coverage for advanced services in remote and rural areas (particularly for low cost, wider-area coverage). advanced business and broadcasting services, for example to support major sporting events; additional television channels including high definition (HD) channels on the Freeview DTT platform. 			effectively unoccupied outside the range of that transmitter in another part of the country). Ofcom estimates that around 208 MHz of interleaved spectrum may become available.

Table 11 - Frequency assignment procedure

The table below shows the procedure for assigning frequencies for television broadcasting in a Member State and in particular:

- which regulatory authority grants a frequency licence, and whether the same regulatory authority grants a frequency licence and a content licence;
- to whom the frequencies are assigned;
- the method of assignment (beauty contest, auction, etc); and
- the sequence for obtaining the frequency licence (before, after or at the same time as the broadcasting content licence).

UK					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Analogue terrestrial	Ofcom. According to the transmission operators they were awarded frequencies in the 1950s. Ofcom plans review in the near future.				

UK					
	Who assigns the frequencies?	Is it the same authority as the one granting the broadcasting content licence?	Who is assigned the frequencies?	Frequency assignment method	Sequence of license assignment
Digital terrestrial (DVB-T)	Ofcom	Yes	Network operators, although broadcasters with public service obligations have the right to use the frequencies and co-operate closely with network and multiplex operators	Beauty contest	See note below.
	<p>Sequence of license assignment</p> <p>Frequency licences under the Wireless Telegraphy Act 1949 awarded to transmission operators.</p> <p>For other licences for digital terrestrial broadcasting:</p> <ul style="list-style-type: none"> • The previous regulator (Independent Television Commission) awarded digital multiplex licences under the Broadcasting Act 1996 before enactment of the Communications Act 2003. No new multiplexes are available although some are transferable. • Public service broadcasters were awarded licences in 2004, requiring them to seek terms for digital transmission. Ofcom and the UK government are managing the switchover process together with broadcasters, multiplex and transmission operators (see Ofcom Spectrum Management Update). • Other broadcasters on the digital terrestrial platform must first negotiate commercial agreements with multiplex operators and then apply for content licenses. 				
Mobile over terrestrial networks (DVB-H /DMB)	Ofcom	Yes	None assigned yet	No established procedure yet	If mobile operators use other frequencies than 3G networks they will need to apply for the relevant Wireless Telegraphy Act licence when it becomes available.
Satellite	Ofcom	Yes	Satellite earth station or point-to-point link operator (as with BskyB).	Ofcom is currently reviewing the satellite earth station licensing regime (see Ofcom for the most recent guidance notices) and some of the spectrum used for point-to-point links has been liberalised (open to trading and flexible use); see Ofcom's Spectrum Strategy Review for its most recent policy. Previously, satellite downlinks were not subject to the Wireless Telegraphy Act frequency licensing; however, provisions in the Communications Act 2003 for ' recognised spectrum access ' are intended to be implemented in the future for satellite downlinking.	

Table 12 - Conditions attached to frequency licences

According to the Authorisation Directive, Member States may attach conditions for operating a licence granting individual rights of use for broadcasting frequencies. According to Article 6 of the Directive, these conditions should be drawn from Annex B (individual rights of use) of the Authorisation Directive. However, all conditions attached to the licence should be listed even if they do not correspond to the Directive.

- Note if conditions are attached to individual licenses for broadcasting content or services in addition to, or instead of, frequency licenses (see [Table 9](#) for the matrix of individual licenses in each Member State).
- Describe any content related conditions **other than must-carry obligations** attached to individual licences to provide television broadcasting services. Must-carry obligations are addressed in [Table 15](#).

Member State	Frequency licence conditions	Non-content conditions	Technology related conditions	Content conditions
UK	<p>For analogue television broadcasting, according to the terrestrial transmission operators, Arqiva and NGW received permits to operate equipment at certain broadcast frequencies during the 1950s under the Wireless Telegraphy Act. There is no publicly available information on these licences or their conditions.</p> <p>For digital television broadcasting (multiplex licences), each multiplex licence varies, and the applicable conditions for each multiplex must be interpreted in conjunction with the Broadcasting Acts and the digital replacement licences given to broadcasters with public service obligations.</p>			

Table 13 - Individual licences – frequency fees

According to Article 13 of the Authorisation Directive, Member States may allow regulatory authorities to impose fees on the right to use frequencies. Today many broadcasting organisations traditionally do not pay for frequencies, while telecommunications organisations do. With increasing levels of convergence, the difference is likely to create significant distortions over time.

This table addresses frequency fees for broadcasting, and whether there are any plans to address the difference between charges for broadcasting and telecommunications services in a converged environment.

NB Note that in some Member States fees which in effect pay for the spectrum may be attached not to the individual frequency license, but to an individual broadcasting licence.

Member State	One-off fee	Annual fee	Plan to address fee discrepancies between broadcasting and telecommunications
UK	No	<ul style="list-style-type: none"> • The BBC and Channel 4 do not pay for spectrum use. Ofcom plans to conduct a financial review of Channel 4. • Channel 3, 5 and the public teletext pay an annual fixed sum and a percentage of revenue payment (called “additional payments”). For Channel 3 this varies by location. This fee structure will be carried forward in the digital replacement licences. See Ofcom, Reviews of financial terms for Channels 3, 5 and public teletext: Background Note, 2005 	No

Table 14 - Reviews of must-carry obligations

This table indicates whether the Member State provides for regular review of must-carry obligations, as required by the Universal Service Directive.

Member State	Review cycle policy	Date of last review	Types of consultations	Changes resulting from must-carry review
UK	Art. 64(7) of the Communications Act 2003. Although the Act provides for must-carry including a review by the Secretary of State, according to Ofcom, must-carry has not been enforced as a platform and content providers have reached agreements to carry the public broadcast channels through commercial negotiation.	None	None	None

Table 15 - Carriage obligations for broadcasting platforms

This table describes all regulations requiring carriage of services, channels, or other content on a broadcasting platform(s), whether or not they are specified as “must-carry” rules under the Universal Service Directive.

UK							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
Analogue terrestrial Cable network (analogue and or digital) Satellite Fixed network operator Mobile network operator	None, but see “Other” below						
Digital terrestrial	Arts. 242-243 of the Communications Act provides an amendment to the Broadcasting Act 1996.	Multiplex licensees (potentially).	Safety net only.	Access to public service.	Arts. 242-243 of the Communications Act amends the Broadcasting Act 1996 to require at least 90% of digital capacity on a multiplex be reserved for broadcasting. Ofcom can impose on multiplex licensees that all BBC programme services must be carried on a particular multiplex. Ofcom may also decide that a multiplex licence holder must provide a specific service offered by one of the broadcasters with public service obligations.	Affects only the broadcasters with public service obligations in the UK (BBC, Channels 3, 4 and 5, and the public teletext provider) – see below for profiles	N/A

UK							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
					In Oct. 2005, Ofcom launched a consultation on whether certain multiplexes could offer pay television channels (removing a requirement on those multiplexes that capacity only be used for free-to-air programming). This was done in part to increase the available capacity on the multiplexes.		
Other	<p>Art. 64 of the Communications Act 2003.</p> <p>Although the Act provides for must-carry, they have not been implemented as platform and content providers have reached agreements to carry the public broadcast channels through commercial negotiation.</p> <p>In February 2005, Ofcom launched a consultation to consider imposing must-carry on digital terrestrial TV networks in the</p>	<i>'networks by means of which public electronic communications services are provided that are used by a significant number of end-users as their principal means of receiving television programmes'</i>	Defined in the Act as a generic obligation imposed on all electronic communications networks, e.g. potentially all broadcast platform providers (cable, satellite, etc.).	Unclear. Must-carry is in a separate section of the Act apart from access or universal service topics, and is listed as one of the general conditions that may be placed on electronic communications networks.	<p>Art. 64 of the Communications Act 2003 specifies must-carry rules. However, although the Act provides for must-carry, according to Ofcom, it has not been implemented as platform and content providers have reached agreements to carry public broadcasting channels through commercial negotiation (see Table 14).</p>	<p>The BBC is the government-funded public broadcaster offering news, sport and its own dramatic programming.</p> <p>ITV (Channel 3) is a commercial broadcaster funded from commercial revenues, for example advertising. It consists of 15 regional franchises. It has public service obligations to provide a range of high quality programming, in particular for regional programming.</p> <p>Channel 4 is a non-profit public corporation funded from commercial revenues, for example advertising. It has public service obligations. It is supposed to provide programming that appeals to segments of the audience not served by the other broadcasters (that exhibit 'distinctive character' and appeals to a 'culturally diverse society'.)</p> <p>Channel 5 is a commercial broadcaster funded from commercial revenues, for example advertising. It has public service obligations to provide a range of high quality programming.</p>	<p>Must-carry services are listed in Communications Act 2003.</p> <p>As the must-carry provisions of the Act have not been implemented, there have been no reviews or studies justifying the inclusion of broadcasters specifically vis-à-vis must-carry rules.</p>

UK							
Platform	Must-carry regulation	Who has must-carry obligation	How does the Member State decide that this platform is subject to must-carry obligations	Link to general interest objectives	Which TV channels are subject to must-carry and other carriage obligation	Profile of these channels	Evidence for inclusion
	context of its review of market 18, but it was dropped as part of the market 18 notification was withdrawn.					Teletext Ltd. is the public teletext service in the UK. It is commercially funded and has public service obligations (see 2006 Statement of Programme Policy).	

Table 16 - Remuneration system for must-carry obligations

According to the Universal Service Directive (Art. 31.2), a Member State may require that an entity with a must-carry obligation, usually the network operator, may receive compensation. This table describes the remuneration system for must-carry obligations:

- who pays what to whom (net);
- the method of determining the appropriate payment; and
- any other payments that are made as a result of must-carry obligations (e.g. to collecting societies).

Member State	Who pays what to whom?	Method of determining appropriate compensation	Other payments (to collecting societies, other broadcasting organisations, etc)
UK	<p>Art. 64 of the Communications Act 2003</p> <p>Although the Act provides for must-carry, including the possibility of the Secretary of State ordering payment to network operators, according to Ofcom, must-carry has not been enforced as platform and content providers have reached agreements to carry the public broadcast channels through commercial negotiation (see Table 14).</p> <p>Art. 272-276 Communications Act 2003 requires Ofcom to put conditions in the license for each broadcaster with public service obligations to ensure that they are carried on networks (including satellite) (must-offer; see Table 17). The Act specifically forbids broadcasters from charging the platforms for their content.</p>	By commercial negotiation	None

Table 17 - Must-offer

This table describes whether a Member State has imposed “must-offer” obligations on broadcasters. Must-offer obligations refer to the requirement that a broadcaster or content provider offer their services or content to be carried by platform or network operators. The table describes:

- the regulation and URL;
- who must-offer their content to whom (e.g. which broadcasters to which platforms);
- how the Member State decides who has the must-offer requirement;
- the remuneration system for must-offer, e.g. who pays what to whom;
- whether there have been any disputes over access to content by platform operators.

Member state	Must-offer regulation	Who has the must-offer obligation to whom?	How does the Member State decide who has to have the must-offer obligation?	What is the remuneration system for must-offer?	Disputes over access to content
UK	<p>Art. 272-276 Communications Act 2003 requires Ofcom to put in the license for each broadcaster with public service obligations rules to ensure:</p> <ul style="list-style-type: none"> they are carried on all networks offering public electronic communications to a significant number of end-users as their primary means of receiving TV programming; their content is made available to as many members of the intended audience as possible; broadcasters may not charge for their content. <p>Coverage obligations on public service broadcasters implement 'must-offer' regulation; see Table 4 on public service broadcasting.</p>	Broadcasters with must-carry status have the obligation to offer their channels or services to 'appropriate networks'.	According to the Communications Act, the Secretary of State can alter the list of broadcasters to which must-offer applies, currently the public service broadcasters	Broadcasters are specifically prevented from charging for their content under must-offer under Art. 272 of the Communications Act.	No information available

Table 18 - Market analysis (Market 18) – Market definition

The table below shows:

- the relevant product markets that have been considered by the regulator;
- if product markets have been included or excluded from the market analysis; and
- the reason for exclusion from market analysis (for example, based on the three criteria test, or because the market is transnational and therefore the Commission should define the relevant market for ex-ante regulation).

NB The criteria for ex ante regulation set out in the Commission recommendation on relevant markets are: (1) high and non-transitory barriers to entry; (2) the market displays characteristics such that it will not tend towards effective competition over time; and (3) competition law itself is not sufficient.

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
UK	Terrestrial transmission infrastructure of Crown Castle (now National Grid Wireless) (national, regional, and metropolitan) for analogue and digital television and radio broadcasting (Note: in UK terminology 'access to mast and site network and shared or shareable antenna systems acquired, constructed or installed by Crown Castle for the purpose of providing analogue and/or digital terrestrial broadcasting transmission services within the UK, to deliver broadcast content to end users on a national, regional or metropolitan basis').	Yes	N/A
	Terrestrial transmission infrastructure of ntl (now Arquiva) (national, regional, and metropolitan) for analogue and digital television and radio broadcasting	Yes	N/A

	Relevant market	Included in market analysis	Reason for exclusion from market analysis
	Terrestrial transmission infrastructure of other infrastructure (national, regional, and metropolitan) for analogue and digital television and radio broadcasting (Note: tend to be used for local radio)	Yes	N/A
	Managed terrestrial transmission services for analogue and digital television and radio broadcasting on the national level (the UK)	Yes	Market analysis notification to the Commission withdrawn by Ofcom on January 24, 2005.
	Managed terrestrial transmission services for analogue and digital television and radio broadcasting on local, metropolitan and regional levels	Yes	Market analysis notification to the Commission withdrawn by Ofcom on January 24, 2005.
	Cable broadcasting transmission in the UK	No	Ofcom considered in its draft notification for market 18 that <i>'although cable and satellite may be substitutes for terrestrial television at the retail level...they do not provide a constraint on terrestrial transmission. This is because PSBs and digital multiplex licensees, who are the main purchasers of terrestrial transmission, are required under their obligations to provide terrestrial transmission to end-users.'</i> On the subject of cable, <i>'At present the cable companies voluntarily carry all PSB programming free of charge to their subscribers and to the PSBs. Ofcom notes that the Communications Act includes provisions (the "must-carry" requirements) permitting carriage obligations in relation to PSB programming to be imposed on the cable companies for public policy reasons.'</i> In addition, cable operators were not dominant at the retail level.
	Satellite broadcasting transmission in the UK	No	See above In addition, on the topic of satellite, Ofcom found it did not have jurisdiction: <i>'Most satellite broadcasts which reach the UK come from the Astra satellite which is not within the UK's jurisdiction. What is controlled in the UK is the technology used to receive and encrypt satellite broadcasts: conditional access.'</i>
Source: Ofcom final decision on market 18, April 18, 2005			

Table 19 - Market analysis (Market 18) – Access and price control obligations

The table below shows whether the NRAs have imposed, or have proposed to impose (depending on whether they have taken final decisions), access and price control obligations on operators with SMP in market 18, and how such obligations are defined.

	Relevant market	SMP	Access obligation?	Price regulation?
UK	Terrestrial transmission infrastructure of Crown Castle (now National Grid Wireless) (national, regional, and metropolitan) for analogue and digital television and radio broadcasting (Note: in UK terminology 'access to mast and site network and shared or shareable antenna systems acquired, constructed or installed by Crown Castle for the purpose of providing analogue and/or digital terrestrial broadcasting transmission services within the UK, to deliver broadcast content to end users on a national, regional or metropolitan basis').	Crown Castle/National Grid Wireless	Yes Access on reasonable request as necessary, including: <ul style="list-style-type: none"> access to allow for the installation and maintenance of broadcast transmission equipment and related equipment (or provision of access to permit installation by third parties); access to allow for the connection of such equipment to power and other essential services; access to sites for the use or establishment of common or exclusive building accommodation; access to and use of shared or shareable broadcast equipment comprising combiners, feeders, data lines, antennae, transmitters and self-contained equipment housing; 	Yes Cost orientation (not further defined. In its final decision on market 18 in April 2005 Ofcom said it was commencing discussion with stakeholders on how to apply cost orientation to broadcasting transmission. According to Ofcom, this was done but not reported in the public text of the decision).
	Terrestrial transmission infrastructure of ntl (now Arquiva) (national, regional, and metropolitan) for analogue and digital television and radio broadcasting	ntl/Arquiva	Yes Access on reasonable request as necessary, including: <ul style="list-style-type: none"> access to allow for the installation and maintenance of broadcast transmission equipment and related equipment (or provision of access to permit installation by third parties); access to allow for the connection of such equipment to power and other essential services; access to sites for the use or establishment of common or exclusive building accommodation; access to and use of shared or shareable broadcast equipment comprising combiners, feeders, data lines, antennae, transmitters and self-contained equipment housing; 	Yes Cost orientation (not further defined. In its final decision on market 18 in April 2005 Ofcom said it was commencing discussion with stakeholders on how to apply cost orientation to broadcasting transmission).
	Terrestrial transmission infrastructure of other infrastructure (national, regional, and metropolitan) for analogue and digital television and radio broadcasting (Note: tend to be used for local radio)	None – market is effectively competitive	N/A	N/A
Source: Ofcom final decision on market 18, April 18, 2005				

Table 20 - Conditional access systems

Conditional access systems (CAS) are defined in the Framework Directive as 'any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation'. According to the Access Directive, CAS operators must:

- offer to all broadcasters on a fair, reasonable and non-discriminatory basis, technical services to allow programmes to be received by viewers; and
- keep separate financial accounts for their activity as conditional access providers.

National regulatory authorities may amend or withdraw obligations on conditional access operators that do not have SMP following market analysis, if there is no impact on competition.

Member State	What is the applicable regulation and which authority is responsible	Scope of access	Which entity has an obligation to provide access?	Remuneration	Market analysis and removal of obligations if no SMP?
UK	<p>Art. 74 of the Communications Act 2003</p> <p>Conditional Access Conditions Notification, July 24, 2003</p> <p>Responsible authority: Ofcom</p> <p>Definition of CAS: 'any system, facility, arrangements or technical measure under or by means of which access to programme services requires (a) a subscription to the service or to a service that includes that service; or (b) an authorisation to view it, or to listen to it, on a particular occasion.'</p> <p>Ofcom now defines and regulates CAS, APIs and EPGs together as 'technical platform services' (TPS).</p> <p>Ofcom launched a consultation on April 21, 2006 on revisions to the CAS access obligation placed on Sky, the satellite operator in the UK. It previously consulted on Sky's CAS obligations in November 2005.</p>	<p>According to the Act, Ofcom in setting access conditions on CAS must:</p> <ul style="list-style-type: none"> • take account of international standards • be applied to every person operating a CAS for a 'protected programme service' (an encrypted service) • follow the Access Directive <p>Ofcom imposed the following obligations on Sky:</p> <ul style="list-style-type: none"> • offer access • geographic masking • EPG listings and regionalisation • access control (access to Sky's APIs and other software or hardware). 	<p>At present, Sky is the only TV platform operator with access obligations, imposed since July 2003 under the Communications Act.</p> <p>In its CA Conditions Notification of 2003, Oftel found that for cable companies, broadcasters provided their channels to the cable companies who then packaged them to cable customers. Broadcasters were therefore not dependent on access to CA on cable networks, and would not have a corresponding access obligation. The same reasoning applied to Kingston's IP TV product (discontinued in 2006).</p>	<p>Fair and reasonable terms, conditions, and charges. Sky must also publish charges or the method for determining charges.</p> <p>The April 22, 2006 consultation discusses a new cost methodology for access to CAS, in particular requiring cost causation (Sky should charge broadcasters seeking access only those incremental costs caused by the broadcasters) plus a reasonable approach to common costs and a risk-adjusted rate of return.</p>	<p>No</p> <p>In the April 22, 2006 consultation Ofcom states it intends to conduct an assessment of competition between platforms for TPS regulation during 2006-7.</p>

Table 21 - Application programme interfaces (APIs)

Article 18(1) of the Framework Directive asks Member States to encourage providers of digital interactive television services and providers of digital television equipment to use open application programme interfaces (APIs). It does not mandate a particular standard but the Commission must assess whether interoperability and freedom of choice of consumers have been achieved. If not, the Commission could take action and mandate an open standard.

Article 5(1) and annex 1 Part II of the Access Directive provides that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to APIs on fair, reasonable and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

This table describes access regulation(s) relating to the possible use of a standard and mandating access to APIs in a Member State.

NB MHP stands for Multimedia Home Platform and is the open middleware system designed by the DVB Project.

Member State	Regulation and regulatory authority	Market information	Has the NRA imposed access obligations?
UK	<p>Art. 74 of the Communications Act 2003</p> <p>Conditional Access Conditions Notification, July 24, 2003</p> <p>On April 21, 2006 Ofcom launched a consultation on revisions to the CAS access obligation, including access to APIs, placed on Sky, the satellite operator in the UK. It previously consulted on Sky's CAS obligations in November 2005.</p> <p>Responsible authority: Ofcom</p>	<p>For digital satellite TV, the API used by Sky is proprietary (OpenTV) with a proprietary conditional access system by NDS (majority owned by News Corp, Sky's parent company).</p> <p>For cable TV, the API used by ntl/Telewest is proprietary (Liberate, now owned by SeaChange) with proprietary conditional access system from NAGRA.</p> <p>For free digital terrestrial TV (Freeview), the API is an open standard (MHEG-5 or ISO/IEC 13522-5, a standard for digital teletext services). For digital terrestrial pay TV (Top-Up TV), set-top boxes with MHEG-5 or receivers with common interface modules (CAMs) may be used.</p>	<p>Yes – access on fair and reasonable terms, no undue discrimination, publish its charges for access, and keep separate financial accounts.</p> <p>In the UK, access to APIs is considered together with conditional access systems and EPGs ('technical platform services,' or TPS). Ofcom imposes access obligations only on Sky's TPS (see Table 20).</p>

Table 22 - Electronic programme guides (EPGs)

Article 5(1) and annex 1 Part II of the Access Directive state that in the absence of SMP, NRAs are able to impose obligations on operators to provide access to EPGs on fair, reasonable, and non-discriminatory terms to ensure accessibility for end-users to digital radio and television broadcasting services specified by the Member State.

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
UK	<p>Art. 74 of the Communications Act 2003</p> <p>Conditional Access Conditions Notification, July 24, 2003</p> <p>Ofcom launched a consultation on April 21, 2006 on revisions to the CAS access obligation, including access to EPGs, placed on Sky, the satellite operator in the UK. It previously consulted on Sky's CAS</p>	<p>Access to EPG is defined in the CA Conditions notification as</p> <p><i>'(a) the listing or promotion, or both the listing and promotion, of some or all of the programmes included in any more or more programme services the providers of which are or include people other than the provider of the guide; and</i></p> <p><i>(b) a facility for obtaining access, in whole or part, to the programme service or services listed or promoted in the guide.'</i></p> <p>Ofcom has imposed on Sky: access on fair and reasonable terms, no undue discrimination, publish its charges for access and keep separate financial accounts.</p>

Member State	Regulation and regulatory authority	Are there any access obligations specified in the law and have there been any decisions?
	<p>obligations in November 2005</p> <p>In the UK, access to APIs is considered together with conditional access systems and EPGs ('technical platform services,' or TPS). Ofcom imposes access obligations only on Sky's TPS (see Table 20)</p> <p>Responsible authority: Ofcom</p>	

Table 23 - The relationship between competition law and broadcasting regulation

This table describes the ways in which competition law in a Member State intersects with broadcasting regulation.

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
UK	<p>Ofcom</p> <p>Office of Fair Trading</p> <p>Competition Appeals Tribunal</p> <p>UK Competition Commission</p>	<p>Yes</p> <p>Arts. 375-389 of the Communications Act 2003 set out Ofcom's public interest considerations in media mergers, including broadcasting. Briefly, Ofcom must ensure that sufficient plurality will remain post-merger.</p>	<p>See note below</p>
<p>Which authorities have competition law authority</p> <p>Part 5 of the Communications Act 2003 describes Ofcom's competition powers and coordination with UK competition authorities. The UK's national competition authority is the Office of Fair Trading (OFT). The OFT shares competition jurisdiction with Ofcom for sectors Ofcom regulates, including broadcasting. Ofcom may also apply EU competition law (Articles 81 and 82 about abuse of a dominant position) from 2004. Ofcom can make market investigation (sector inquiry) references to the UK Competition Commission (CC), the other UK body for competition, in coordination with the OFT.</p> <p>Separately, Ofcom has its own competition powers for broadcasting licensees under the Communications Act 2003, Arts. 316-318, but it must proceed under competition law if that is more appropriate.</p> <p>The UK's Department of Trade and Industry (DTI) on May 31, 2006 released a report on competition powers and sectoral regulation, including for broadcasting and electronic communications.</p>			
<p>Recent Competition Actions:</p> <p>Antitrust</p> <p>In 2002, the OFT investigated BskyB's position on the wholesale pay TV market. It found that BskyB had not abused its dominant position (see also a follow-up 2003 investigation on the same subject). Oftel (precursor to Ofcom) participated in the investigation. BskyB's position in wholesale pay TV was first investigated by the OFT in 1996.</p> <p>Merger control</p> <p>ntl/Cable & Wireless – In 2000, the CC investigated the merger of ntl and Cable & Wireless, then the number 2 and 3 cable providers in the UK. Oftel provided information to the CC. The merger was approved without conditions.</p> <p>Carlton/Granada – In 2004, the OFT reviewed the merger of Carlton Communications and Granada (both owning many of the regional licences of ITV, or Channel 3, requiring an addition to the Communications Act). It referred the transaction to the CC for an extended review. Ofcom provided its opinion on a number of subjects to the CC including public interest aspects. The merger was approved with conditions.</p> <p>ITV/GMTV – In 2004, as part of the OFT merger review Ofcom reviewed an acquisition of interest by ITV of broadcaster GMTV for its effects on quality and range of programming, but did not conduct a full public interest test. It also advised the OFT on the effects on competition in TV advertising. The merger was approved without conditions.</p>			

Member state	Which authorities have competition law authority?	Does competition legislation grant broadcasting or media sector special treatment?	Recent competition actions taken in broadcasting and/or media sectors
	<p>ITV/SDN – In 2005, the OFT reviewed the acquisition by ITV of another DTT multiplex, Ofcom did not object to the merger on competition grounds but required ITV to add to its licence that it will allocate capacity on a fair, reasonable and non-discriminatory basis (as with the licences for the other multiplexes). The merger was approved without conditions.</p> <p>ntl/Telewest – In 2005, the OFT approved the merger of cable companies ntl and Telewest without conditions, as they did not overlap.</p>		