



**Minutes of Information Meeting on 24/04/2003 concerning Call for Tender No. DG
EAC/27/03 of 9 April 2003 regarding:**

Study on the impact of measures concerning the promotion of the distribution and production of TV programmes (Community and national) provided for under Article 25 (a) of the directive on television without frontiers

Final date for receipt of tenders at the post office or at the designated service: 15/05/2003

Meeting chaired by the Head of Unit "Audiovisual Policy"

Opening of the meeting at 10:10 hrs.

With the agreement of all the participants, the meeting is opened and conducted in French.

Introduction

The Head of Unit presents the legal framework of the call for tender DG EAC 27/03 as outlined at point 1 of the "specifications annexed to the invitation to tender"

He also recalls the legal references of the publication:

- Call for tender 2003/S 70-060812 of 9 April 2003
- Rectification of call for tender 2003/S 77-067653 of 18 April 2003 (error in title)

He points out that of the minutes of this meeting will be published on the website (http://europa.eu.int/comm/avpolicy/stat/studi_en.htm).

First part – description of the contract by unit C1

The Head of Unit presents a number of clarifications regarding point 2.1 of the "specifications" (description of the contract) to the participants:

Point a): Analysis and description of the audiovisual market in each Member State, including content production, with particular reference to the broadcasting channels listed in the national reports contained in the fifth communication from the Commission to the Council and the European Parliament concerning the implementation of Articles 4 and 5 of the Directive for the period 1999 and 2000.

For each of the countries covered by the study, the tenderer should indicate at least the following elements:

- Description in terms of production volumes, broadcasting time and turnover of the structure of the audio-visual sector in 2002 (or 2001, if 2002 data are not available) with particular reference to the following variables: independent and in-house content producers, broadcasters, fiction works in general and cinema movies in particular, other stock programmes, flow programmes.
- Identity of the channels and related broadcasters to be covered by the study. The chosen channels shall represent globally a substantial share of total audience (e.g. 75%) in 2002, (or 2001, if 2002 data are not available) and all channels having a significant individual audience (e.g. 2%) in 2002, (or 2001, if 2002 data are not available) shall be covered.
- Identity of the independent producers to be covered by the study. The chosen producers shall constitute a representative sample of audio-visual works production in 2002, (or 2001, if 2002 data are not available)
- Overall programme transmission time for each channel covered by the study as well as overall transmission time of programmes covered/not covered by art 4 and 5 of the Directive (news, sports, games, advertising, teletext and teleshopping), in 2002 (or 2001, if 2002 data are not available),
- Syntheses of the patterns (fiction works in general and cinema movies in particular, other stock programmes, flow programmes) of the programme transmission time for certain groups of channels (e.g. free commercial, public service and Pay-TV) in 2002 (or 2001, if 2002 data are not available);
- Overall transmission time of fiction works in general and cinema movies in particular, other stock programmes, flow programmes of European and non European origin, for each channel covered by the study, in 2002 (or 2001, if 2002 data are not available);
- Overall time of programmes covered by art 4 and 5 of the Directive, with specific reference to fiction works in general and cinema movies in particular, other stock programmes, flow programmes produced by the EU+EEA independent producers covered by the study and from in-house productions of the broadcasters covered by the study, in 2002 (or 2001, if 2002 data are not available);

Point b): Description and analysis of measures taken by the Member States pursuant to Articles 4 and 5 of the Directive.

For each of the countries covered by the study the tenderer should indicate at least the following elements:

- Measures adopted to implement Art. 4 over the period 1992 to 2002;
- Measures adopted to implement Art. 5 (including aspects related to the proportion of recent works) over the period 1992 to 2002;
- Measures adopted to monitor effectively Art. 4 and 5 (type of control and measures adopted) over the period 1992 to 2002;
- Measures providing for more detailed or stricter rules adopted over the period 1992 to 2002;

Point c): Determination of performance indicators for the measures referred to in b) in order to measure their consequences on television programmes and their economic effects on broadcasters and on the European content industry.

For each of the countries covered by the study, the tenderer should indicate at least the following elements:

- The reference period of the trend analysis shall be 1992/2002 (or 2001, if 2002 data are not available).
- Indicators to be utilised by the tenderer for his trend analysis concerning the market data referred to in a),
- Indicators to be utilised by the tenderer for his trend analysis concerning other economic effects, notably on prices of broadcasting rights for European fiction works in general, and cinema movies in particular, other stock programmes, flow programmes as well as the economic results of the TV channels and the related broadcasters, the independent producers and the in-house producers covered by the study,

Point d): Evaluation of the consequences, in terms of economics and of the programming of European works, of the measures referred to in b) for broadcasting channels, and for the resulting demand for the European content industry analysing the effectiveness of broadcasting quotas compared with other types of support measures such as investment quotas, tax incentives, etc. A comparative analysis of the results of the different types of support measures introduced by the Member States in this area should be carried out. Consideration should be given to the quantifiable impact of such measures in the field of linguistic and cultural diversity, as well as the protection of the public interest with regard to the role of television as a vehicle for the dissemination of information, education, and culture.

For each of the countries covered by the study and at EU+EEA level, the tenderer should indicate at least the following elements:

- Methodology that will be followed by the tenderer for an optimal utilisation of the chosen indicators in order to evaluate the consequences since 1992 of the measures referred to in b) in terms of transmission and production time of fiction works in general and cinema movies in particular, other stock programmes, flow programmes of European and non European origin, as well as the price of relevant broadcasting rights, and the economic results of TV channels and the related broadcasters, independent producers and in-house producers covered by the study,
- Description of the "other support measures" implemented by the countries covered by the study over the reference period of the trend analysis,
- Indicators to be utilised by the tenderer for his trend analysis concerning the "other support measures" with reference to (1) the market data referred to in a) and (2) the other economic effects, notably on prices of broadcasting rights for European fiction works in general, and cinema movies in particular, other stock programmes, flow programmes as well as the economic results of the TV channels and the related broadcasters, independent producers and the in-house producers covered by the study,
- Methodology that will be followed by the tenderer to compare the effectiveness of the "other support measures" vs. the measures referred to in b) with reference to (1) the market data referred to in a) and (2) the other economic effects, notably on prices of broadcasting rights for European fiction works in general, and cinema movies in particular, other stock programmes, flow programmes as well as the economic results of the TV channels and the related broadcasters, the independent producers and the in-house producers covered by the study
- Indicators to be utilised by the tenderer for his trend analysis concerning the impact of measures referred to in b) and the "other support measures" on the European linguistic and cultural diversity and the protection of the public interests in the dissemination of information, education and culture,
- Methodology that will be followed by the tenderer for an optimal utilisation of the chosen indicators in order to evaluate the consequences of the measures referred to in b)

and the "other support measures" on the European linguistic and cultural diversity and the protection of the public interests in the dissemination of information, education and culture

Point e): Qualitative analysis of the main factors having a positive or negative influence on decisions taken by broadcasting channels mentioned in point a), with regard to the programming of European works. In particular, analysis of elements likely to encourage the broadcasting of non-national European works.

For each of the countries covered by the study and at EU+EEA level, the tenderer should indicate at least the following elements:

- Indicators and methodology to be followed by the tenderer,

Point f): Analysis of the financial situation of independent content production (Article 5 of the Directive) in Europe and prospects for development in the new technological context, particularly in relation to the development prospects for integrated groups.

For each of the countries covered by the study and at EU+EEA level, the tenderer should indicate at least the following elements:

- Indicators and methodology to be followed by the tenderer to analyse the financial situation of the independent content producers covered by the study in 2002 (or 2001, if 2002 data are not available), in view of assessing their capacity of further develop their activity in the new technological and competitive context;

Second part –Reading of questions received before the meeting and answers:

No written question was received before the meeting.

Third part – questions and answers during the meeting

Question – What is to be understood by the term ‘technological context’ at point f under point 2 "description of the contract" of the "specifications"?

Answer – All new technologies and applications currently being developed have to be covered and in particular the new modes of content distribution such as Internet, UMTS, P.V.R, etc.

Question – Which geographic areas should be covered by the study?

Answer – the study shall cover the fifteen member states of the EU and the three additional countries, which are part of the EEA.

Question – Should all the countries be covered in the same way?

Answer – In principle, yes. Additional measures, which certain Member States might have taken regarding the issues covered by articles 4 & 5 of the ‘Television without Frontiers’ directive, have to be taken into account, as well as the different surveillance methods regarding the application of those articles.

Closing of meeting