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## I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

## REGULATIONS

**COMMISSION REGULATION (EC) No 803/2007****of 9 July 2007****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables<sup>(1)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 10 July 2007.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 July 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 756/2007 (OJ L 172, 30.6.2007, p. 41).

## ANNEX

**to Commission Regulation of 9 July 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	36,7
	MK	48,1
	TR	90,9
	XS	23,6
	ZZ	49,8
0707 00 05	JO	151,2
	TR	113,1
	ZZ	132,2
0709 90 70	IL	42,1
	TR	93,7
	ZZ	67,9
0805 50 10	AR	65,9
	UY	62,2
	ZA	58,7
	ZZ	62,3
0808 10 80	AR	87,8
	BR	83,3
	CL	98,1
	CN	98,6
	NZ	102,3
	US	116,7
	UY	98,6
	ZA	90,0
	ZZ	96,9
0808 20 50	AR	76,9
	CL	86,0
	CN	59,8
	NZ	99,0
	ZA	104,2
	ZZ	85,2
0809 10 00	TR	200,2
	ZZ	200,2
0809 20 95	TR	273,6
	US	430,7
	ZZ	352,2
0809 30 10, 0809 30 90	US	120,3
	ZZ	120,3
0809 40 05	IL	150,7
	ZZ	150,7

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

## COMMISSION REGULATION (EC) No 804/2007

of 9 July 2007

## establishing a prohibition of fishing for cod in the Baltic Sea (Subdivisions 25-32, EC Waters) by vessels flying the flag of Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(1)</sup>, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy <sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas:

(1) Council Regulation (EC) No 1941/2006 of 11 December 2006 fixing the fishing opportunities and associated fishing conditions for certain fish stocks and groups of fish stocks, applicable in the Baltic Sea for 2007 <sup>(3)</sup>, fixes an amount of 10 794 tonnes of cod which may be fished in 2007 in the Baltic Sea (Subdivisions 25-32, EC-waters) by vessels flying the flag of Poland.

(2) The information obtained by the Commission through inspections carried out by its inspectors and related to the catches of that stock is not consistent with that sent to the Commission by Poland.

(3) The information in its possession shows that catches of that stock by Polish vessels in 2007 are three times the amounts declared by Poland. Therefore, the fishing opportunities for the said stock allocated to Poland for 2007 are deemed to be exhausted.

(4) According to Article 21(2) of Regulation (EEC) No 2847/93 Poland has the obligation to provisionally prohibit, as from the date on which its catch quota in question is deemed to be exhausted, the fishing for that stock, the retention on board, the transshipment and the landing of fish taken after that date.

(5) In the absence of appropriate action taken by Poland, it is necessary that the Commission fixes, at its own initiative, the moment on which the catches by vessels flying the flag of Poland of cod in the Baltic Sea (Subdivisions 25-32, EC-waters) are deemed to have exhausted the quota for Poland, and to immediately prohibit fishing for that stock as from that date. It is also necessary to prohibit retention on board, transshipment and landing of that stock caught by vessels flying the flag of Poland after that date,

HAS ADOPTED THIS REGULATION:

## Article 1

**Quota exhaustion**

Catches of cod in the Baltic Sea (Subdivisions 25-32, EC-waters) by vessels flying the flag of Poland are deemed to have exhausted the part of the quota allocated to Poland for 2007 as from the date of entry into force of this Regulation.

## Article 2

**Prohibitions**

Fishing for cod in the Baltic Sea (Subdivisions 25-32, EC-waters) by vessels flying the flag of Poland shall be prohibited as from the date of entry into force of this Regulation to 31 December 2007. It shall also be prohibited to retain on board, tranship or land such stock caught by those vessels during that period.

## Article 3

**Entry into force**

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(2)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11; as corrected by OJ L 36, 8.2.2007, p. 6).

<sup>(3)</sup> OJ L 367, 22.12.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 609/2007 (OJ L 141, 2.6.2007, p. 33).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 July 2007.

*For the Commission*  
Joe BORG  
*Member of the Commission*

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## II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

## DECISIONS

## COMMISSION

## COMMISSION DECISION

of 25 June 2007

**on the compatibility with Community law of measures taken by Italy pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

(2007/475/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities <sup>(1)</sup>, and in particular Article 3a(2) thereof,

Having regard to the opinion of the Committee established pursuant to Article 23a of Directive 89/552/EEC,

Whereas:

(1) By letter of 10 May 1999, Italy notified to the Commission measures taken on 9 March 1999 pursuant to Article 3a(1) of Directive 89/552/EEC.

(2) The Commission verified, within three months from this notification, whether such measures are compatible with Community law, in particular as regards the proportionality of the measures and the transparency of the national consultation procedure.

(3) In its examination, the Commission took into consideration the available data on the Italian media landscape.

(4) The list of events of major importance for society included in the Italian measures was drawn up in a clear and transparent manner.

(5) The Commission was satisfied that the events listed in the Italian measures met at least two of the following criteria considered to be reliable indicators of the importance of events for society: (i) a special general resonance within the Member State, and not simply a significance to those who ordinarily follow the sport or activity concerned; (ii) a generally recognised, distinct cultural importance for the population in the Member State, in particular as a catalyst of cultural identity; (iii) involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free television and has commanded large television audiences.

(6) A significant number of the events listed in the Italian measures, including the summer and winter Olympic games, the World Cup and the European Championship football matches involving the Italian national team, as well as the finals of these tournaments, fall within the category of events traditionally considered to be of major importance for society, as referred to explicitly in recital 18 of Directive 97/36/EC. These events have a special general resonance in Italy, as they are particularly popular with the general public, not just with those who usually follow sport events. Moreover, they have a generally recognised, distinct cultural importance for the Italian population, given their important contribution to understanding between peoples and the importance of sport for the Italian society as a whole and for the national pride, as they provide the occasion for top Italian sportsmen to succeed in these most important international competitions.

<sup>(1)</sup> OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

- (7) The other listed football events have a special general resonance in Italy and have a generally recognised, distinct cultural importance for the Italian population, given the importance of football for the Italian society as a whole and for the national pride, as they provide the occasion for Italian teams to succeed in top-level football matches attracting international attention.
- (8) The Giro d'Italia has a special general resonance in Italy and a generally recognised, distinct cultural importance as a catalyst of national cultural identity, not only because of its importance as a highlevel sports event but also as an occasion to promote the country of Italy.
- (9) The special general resonance in Italy and the generally recognised, distinct cultural importance of the Formula One Italian Grand Prix for the Italian population results from the great success of Italian cars in Formula One races.
- (10) The San Remo Italian music festival has a special general resonance in Italy and has a generally recognised, distinct cultural importance for Italian cultural identity as a 'popular culture' event forming part of the Italian cultural tradition.
- (11) The Italian measures appear proportionate so as to justify a the derogation from the fundamental EC Treaty freedom to provide services on the basis of an overriding reason of public interest, which is to ensure wide public access to broadcasts of events of major importance for society.
- (12) The Italian measures are compatible with EC competition rules in that the definition of qualified broadcasters for the broadcasting of listed events is based on objective criteria which allow actual and potential competition for the acquisition of the rights to broadcast these events. In addition, the number of listed events is not disproportionate so as to distort competition on the downstream free television and pay-television markets.
- (13) After communication by the Commission to the other Member States of the Italian measures and consultation of the Committee established pursuant to Article 23a of Directive 89/552/EEC, the Director-General for Education and Culture informed Italy, by letter of 5 July 1999, that the European Commission did not intend to object to the measures notified.
- (14) On 7 September 1999, an amendment to the Italian measures was notified to the Commission. This amendment did not introduce any changes to the events listed.
- (15) The Italian measures were published in the C Series of the *Official Journal of the European Communities* <sup>(1)</sup> in accordance with Article 3a(2) of Directive 89/552/EEC. The corrigendum to that publication was subsequently published in the C Series of the *Official Journal of the European Communities* <sup>(2)</sup>.
- (16) It follows from the judgment of the Court of First Instance in Case T-33/01, *Infront WM v Commission*, that the declaration that measures taken pursuant to Article 3a(1) of Directive 89/552/EEC are compatible with Community law constitutes a decision within the meaning of Article 249 of the EC Treaty, which must therefore be adopted by the Commission. Accordingly, it is necessary to declare by this Decision that the measures notified by Italy are compatible with Community law. The measures, as set out in the Annex to this Decision, should be published in the Official Journal in accordance with Article 3a(2) of Directive 89/552/EEC,

HAS DECIDED AS FOLLOWS:

*Article 1*

The measures pursuant to Article 3a(1) of Directive 89/552/EEC notified by Italy to the Commission on 10 May 1999, as published in the *Official Journal of the European Communities* C 277 of 30 September 1999 (corrigendum in the *Official Journal of the European Communities* C 208 of 26 July 2001), are compatible with Community law.

*Article 2*

The measures, as set out in the Annex to this Decision, shall be published in the Official Journal in accordance with Article 3a(2) of Directive 89/552/EEC.

Done at Brussels, 25 June 2007.

*For the Commission*

Viviane REDING

*Member of the Commission*

<sup>(1)</sup> OJ C 277, 30.9.1999, p. 3.  
<sup>(2)</sup> OJ C 208, 26.7.2001, p. 27.



## ANNEX

**Publication in accordance with Article 3a(2) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

The measures taken by Italy to be published pursuant to Article 3a(2) of Directive 89/552/EEC are set out in the following extracts from Decision No 8/1999 of the Communications Authority of 9 March 1999, as amended by its Decision No 172/1999 of 28 July 1999:

**Article 1**

1. This Decision concerns television broadcasting of events considered of major importance to society.
2. An "event of major importance to society" means an event of a sporting or non-sporting nature which satisfies at least two of the following four criteria:
  - (a) the event and its outcome are of special and widespread interest in Italy, interesting persons other than those who usually watch this type of event on television;
  - (b) the event enjoys widespread recognition by the general public, has particular cultural significance and strengthens Italian cultural identity;
  - (c) the event involves a national team in a specific sporting discipline in a major international tournament;
  - (d) the event has traditionally been broadcast on free television and has enjoyed high viewing figures in Italy.

**Article 2**

1. The Authority has drawn up the following list of events considered to be of major importance for society which may not be transmitted by television broadcasters under Italian jurisdiction on an exclusive basis and in encrypted form, in order to make it possible for a substantial proportion (more than 90 %) of the Italian public to follow them on free television without incurring additional costs for the acquisition of technical equipment:
    - (a) the summer and winter Olympic Games;
    - (b) the football World Cup final and all matches involving the Italian national team;
    - (c) the European football Championship final and all matches involving the Italian national team;
    - (d) all matches involving the Italian national football team, at home and away, in official competitions;
    - (e) the final and the semi-finals of the Champions League and the UEFA Cup where an Italian team is involved;
    - (f) the Tour of Italy (Giro d'Italia) cycling competition;
    - (g) the Formula One Italian Grand Prix;
    - (h) the San Remo Italian music festival.
  2. The events referred to in paragraph 1(b) and (c) above are to be given full live coverage. For the other events, the television broadcasters are free to decide on the arrangements for unencrypted transmission.'
-

## COMMISSION DECISION

of 25 June 2007

**on the compatibility with Community law of measures taken by Germany pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

(2007/476/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities <sup>(1)</sup> and in particular Article 3a(2) thereof,

Having regard to the opinion of the Committee established pursuant to Article 23a of Directive 89/552/EEC,

Whereas:

(1) By letter of 28 April 1999, Germany notified to the Commission measures to be taken pursuant to Article 3a(1) of Directive 89/552/EEC.

(2) The Commission verified, within three months from this notification, that such measures are compatible with Community law, in particular as regards the proportionality of the measures and the transparency of the national consultation procedure.

(3) In its examination, the Commission took into consideration the available data on the German media landscape.

(4) The list of events of major importance for society included in the German measures was drawn up in a clear and transparent manner.

(5) The Commission was satisfied that the events listed in the German measures met at least two of the following criteria considered to be reliable indicators of the importance of events for society: (i) a special general resonance within the Member State, and not simply a significance to those who ordinarily follow the sport or activity concerned; (ii) a generally recognised, distinct cultural importance for the population in the Member State, in particular as a catalyst of cultural identity; (iii) involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free television and has commanded large television audiences.

(6) A significant number of the events listed in the German measures, including the summer and winter Olympic games, all European Championship and World Cup football matches involving the German national team, as well as the opening match, the semi-finals and the finals of these tournaments, fall within the category of events traditionally considered to be of major importance for society, as referred to explicitly in recital 18 of Directive 97/36/EC. These events have a special general resonance in Germany, as they are particularly popular with the general public, not just with those who usually follow sport events.

(7) The particular attention given, even in the non-specialised press, to the remaining events listed, including the semi-finals and final of the German FA Cup, the German national football team's home and away matches, and the final of any European football club competition (Champions League, UEFA Cup) involving a German club, testifies to their special general resonance in Germany.

(8) The events listed have a generally recognised, distinct cultural importance for the German population, given their important contribution to understanding between peoples, as well as the importance of sport for the German society as a whole and for the national pride, as they provide the occasion for top German sportsmen to succeed in these most important international competitions.

<sup>(1)</sup> OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

- (9) The German measures appear proportionate so as to justify a derogation from the fundamental EC Treaty freedom to provide services on the basis of an overriding reason of public interest, which is to ensure wide public access to broadcasts of events of major importance for society.
- (10) The German measures are compatible with EC competition rules in that the definition of qualified broadcasters for the broadcasting of listed events is based on objective criteria that allow actual and potential competition for the acquisition of the rights to broadcast these events. In addition, the number of listed events is not disproportionate so as to distort competition on the downstream free television and pay television markets.
- (11) After communication by the Commission to the other Member States of the German measures and consultation of the Committee established pursuant to Article 23a of Directive 89/552/EEC, the Director-General for Education and Culture informed Germany, by letter of 2 July 1999, that the European Commission did not intend to object to the measures notified.
- (12) The German measures entered into force on 1 April 2000. These final measures differed from the measures notified in 1999 insofar as one event no longer appeared among the listed events, namely the 'Cup Winner's Cup', which was because the tournament had been discontinued after being held for the last time in 1998/1999.
- (13) Those measures were published in the C Series of the *Official Journal of the European Communities*<sup>(1)</sup> in accordance with Article 3a(2) of Directive 89/552/EEC.
- (14) It follows from the judgment of the Court of First Instance in Case T-33/01, *Infront WM v Commission*, that the declaration that measures taken pursuant to Article 3a(1) of Directive 89/552/EEC are compatible with Community law constitutes a decision within the meaning of Article 249 of the EC Treaty, which must therefore be adopted by the Commission. Accordingly, it is necessary to declare by this Decision that the measures notified by Germany are compatible with Community law. The measures, as finally taken by Germany and set out in the Annex to this Decision, should be published in the *Official Journal of the European Union* in accordance with Article 3a(2) of Directive 89/552/EEC,

HAS DECIDED AS FOLLOWS:

*Article 1*

The measures pursuant to Article 3a(1) of Directive 89/552/EEC notified by Germany to the Commission on 28 April 1999, as published in the *Official Journal of the European Communities* C 277 of 29 September 2000, are compatible with Community law.

*Article 2*

The measures, as finally taken by Germany and set out in the Annex to this Decision, shall be published in the *Official Journal of the European Union* in accordance with Article 3a(2) of Directive 89/552/EEC.

Done at Brussels, 25 June 2007.

*For the Commission*

Viviane REDING

*Member of the Commission*

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<sup>(1)</sup> OJ C 277, 29.9.2000, p. 4.

## ANNEX

**Publication in accordance with Article 3a(2) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

The measures taken by Germany to be published pursuant to Article 3a(2) of Directive 89/552/EEC are set out in the following extracts from Article 5a of the Interstate Treaty on Broadcasting, as amended by the Fourth Amending Interstate Treaty on Broadcasting:

*'Article 5a*

**Broadcasting major events**

1. In the Federal Republic of Germany, events of major importance for society (major events) may be broadcast in encrypted form on pay-TV only where the broadcaster or a third party makes it possible, under appropriate conditions, for the event to be broadcast on a free and generally accessible television channel at the same time or, where individual events running in parallel make this impossible, slightly deferred. Should the parties fail to reach agreement on appropriate conditions, they shall agree to accept arbitration under Section 1025 *et seq.* of the Code of Civil Procedure in due time before the event takes place. Should they be unable to agree on an arbitration procedure for reasons which must be justified by the television broadcaster or the third party, the broadcast under paragraph 1 shall be viewed as not made possible under appropriate conditions. Only channels which can be received by more than two thirds of all households shall be deemed to be generally accessible.
2. For the purposes of these provisions, major events are:
  1. The summer and winter Olympic Games;
  2. All European Championship and World Cup matches involving the German national football team, as well as the opening match, the semi-finals and finals, irrespective of whether the German team is involved;
  3. The semi-finals and final of the German FA Cup;
  4. The German national football team's home and away matches;
  5. The final of any European football club competition (Champions League, UEFA Cup) involving a German club.

Where major events consist of more than one individual event, each event shall be considered to be a major event. The inclusion or exclusion of events in these provisions is possible only on the basis of an agreement concluded by all *Länder*.'

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## COMMISSION DECISION

of 25 June 2007

**on the compatibility with Community law of measures taken by Austria pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

(2007/477/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, <sup>(1)</sup> and in particular Article 3a(2) thereof,

Having regard to the opinion of the Committee established pursuant to Article 23a of Directive 89/552/EEC,

Whereas:

- (1) By letter of 12 March 2001, Austria notified to the Commission measures to be taken pursuant to Article 3a(1) of Directive 89/552/EEC.
- (2) The Commission verified, within three months from this notification, that such measures are compatible with Community law, in particular as regards the proportionality of the measures and the transparency of the national consultation procedure.
- (3) In its examination, the Commission took into consideration the available data on the Austrian media landscape.
- (4) The list of events of major importance for society included in the Austrian measures was drawn up in a clear and transparent manner and a far-reaching consultation had been launched in Austria.
- (5) The Commission was satisfied that the events listed in the Austrian measures met at least two of the following criteria considered to be reliable indicators of the importance of events for society: (i) a special general

resonance within the Member State, and not simply a significance to those who ordinarily follow the sport or activity concerned; (ii) a generally recognised, distinct cultural importance for the population in the Member State, in particular as a catalyst of cultural identity; (iii) involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free television and has commanded large television audiences.

- (6) A number of the events listed in the Austrian measures, including the summer and winter Olympic games, the World Cup and the European Championship football matches involving the Austrian national team as well as the opening matches, the semi-finals and the finals of these tournaments (men), fall within the category of events traditionally considered to be of major importance for society, as referred to explicitly in recital 18 of Directive 97/36/EC. These events have a special general resonance in Austria, as they are particularly popular with the general public, not just with those who usually follow sport events.
- (7) The final of the Austrian Football Cup has a special general resonance in Austria, as football is the most popular sport in that Member State.
- (8) The FIS Alpine World Ski Championships and the FIS Nordic World Ski Championships have a special general resonance in Austria given that skiing is a very popular sport forming part of general school sports education in that Member State. Moreover, the distinct cultural importance of these events as catalysts of Austrian cultural identity is due to the success of the Austrian participants in those competitions and to the importance of skiing tourism in Austria.
- (9) The Vienna Philharmonic Orchestra's New Year's concert has a distinct cultural importance as a keystone of Austrian cultural identity in view of the extremely high quality of this cultural event and the fact that it commands a very considerable world-wide audience.

<sup>(1)</sup> OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

- (10) The Vienna Opera Ball has a special general resonance in Austria as a 'popular culture' event and as a symbol for the ball season with a specific importance in the Austrian cultural tradition. The important contribution of this event to the world-wide reputation of the Vienna State Opera House, as it usually involves world-famous opera singers, confirms its distinct cultural importance for Austria.
- (11) The listed events have traditionally been broadcast on free television and have commanded large television audiences.
- (12) The Austrian measures appear proportionate so as to justify a derogation from the fundamental EC Treaty freedom to provide services on the basis of an overriding reason of public interest, which is to ensure wide public access to broadcasts of events of major importance for society.
- (13) The Austrian measures are compatible with EC competition rules in that the definition of qualified broadcasters for the broadcasting of listed events is based on objective criteria that allow actual and potential competition for the acquisition of the rights to broadcast these events. In addition, the number of listed events is not disproportionate so as to distort competition on the downstream free television and pay television markets.
- (14) After communication by the Commission to the other Member States of the Austrian measures and consultation of the Committee established pursuant to Article 23a of Directive 89/552/EEC, the Director-General for Education and Culture informed Austria, by letter of 31 May 2001, that the European Commission did not intend to object to the measures notified.
- (15) The Austrian measures entered into force on 1 October 2001.
- (16) Those measures were published in the C Series of the *Official Journal of the European Communities* <sup>(1)</sup> in accordance with Article 3a(2) of Directive 89/552/EEC.
- (17) It follows from the judgment of the Court of First Instance in Case T-33/01, *Infront WM v Commission*, that the declaration that measures taken pursuant to Article 3a(1) of Directive 89/552/EEC are compatible with Community law constitutes a decision within the meaning of Article 249 of the EC Treaty, which must therefore be adopted by the Commission. Accordingly, it is necessary to declare by this Decision that the measures notified by Austria are compatible with Community law. The measures, as finally taken by Austria and set out in the Annex to this Decision, should be published in the *Official Journal* in accordance with Article 3a(2) of Directive 89/552/EEC,

HAS DECIDED AS FOLLOWS:

*Article 1*

The measures pursuant to Article 3a(1) of Directive 89/552/EEC notified by Austria to the Commission on 12 March 2001, as published in the *Official Journal of the European Communities* C 16 of 19 January 2002, are compatible with Community law.

*Article 2*

The measures, as finally taken by Austria and set out in the Annex to this Decision, shall be published in the *Official Journal* in accordance with Article 3a(2) of Directive 89/552/EEC.

Done at Brussels, 25 June 2007.

*For the Commission*

Viviane REDING

*Member of the Commission*

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<sup>(1)</sup> OJ C 16, 19.1.2002, p. 8.

## ANNEX

**Publication in accordance with Article 3a(2) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

The measures taken by Austria to be published pursuant to Article 3a(2) of Directive 89/552/EEC are set out in the following extracts from the Bundesgesetzblatt (Federal Law Gazette — I No 85/2001 and II No 305/2001):

**85. Federal Act on the exercise of exclusive television broadcasting rights (Exclusive Television Rights Act (Fernseh-Exklusivrechtgesetz — FERG))**

The Nationalrat has decreed the following:

**Article I***Scope*

§ 1. (1) This Act shall, with the exception of § 5, apply only to television broadcasters covered by the Austrian Broadcasting Act (Österreichischer Rundfunkgesetz — ORF-Gesetz), published in the Federal Law Gazette (BGBl.) No 379/1984, or the Private Television Act (Privatfernsehgesetz), BGBl. I No 84/2001.

(2) § 3 shall not apply to television broadcasting rights acquired prior to the entry into force of this Act, unless the underlying agreements were extended after this Act took effect.

*Events of substantial social interest*

§ 2. An “event of substantial social interest” shall for the purposes of this Act mean only those events referred to in an Ordinance issued under § 4 hereof.

*Obligations of television broadcasters*

§ 3. (1) Where a television broadcaster has acquired exclusive broadcasting rights for an event referred to in an Ordinance issued under § 4 hereof, it shall allow the event to be seen on a television channel freely accessible in Austria by at least 70 % of licence-payers and viewers exempted from the licence fee, whereby the arrangements set out in the Ordinance (whole or partial live or deferred coverage) shall be complied with. For the purposes of this subparagraph, coverage shall be deemed “deferred” where no more than 24 hours elapse between the beginning of the event and the beginning of the broadcast.

(2) For the purposes of this Act, “free-access television channels” shall mean channels which viewers are able to receive without any additional or regular payments for the use of technical equipment for decoding. “Additional payments” within the meaning of this subparagraph shall not include the licence fee (§ 2 of the Licence Fees Act (Rundfunkgebührengesetz — RGG)), the programme charge (§ 20 RFG), a cable network connection fee and the standing charge payable to a cable operator.

(3) The obligation referred to in subparagraph (1) shall be deemed to have been met if evidence is provided that the television broadcaster did all that could be reasonably expected under normal market conditions in an attempt to enable the event as referred to in subparagraph (1) to be viewed on free-access television channels. A television broadcaster may, in order to reach an amicable agreement about what constitutes such conditions, refer the matter to the Federal Communication Senate (Bundeskommunikationssenat). The latter shall involve all parties in efforts to reach a settlement and shall draw up a written record of the negotiations and their outcome.

(4) Where no agreement is reached, the Federal Communication Senate shall, at the request of one of the television broadcasters involved, decide whether the broadcaster concerned has adequately fulfilled its obligations under subparagraphs (1) and (3). In the event that the broadcaster has not adequately fulfilled these obligations, the Federal Communication Senate shall take the place of the broadcaster in determining what is meant by ‘normal market conditions’ as referred to in subparagraph (3). In particular, the Federal Communication Senate shall lay down an appropriate market price for the granting of broadcasting rights.

(5) A television broadcaster which has not adequately fulfilled its obligations under subparagraph (1) may be sued for damages in a civil action. The claim to damages shall also include compensation for loss of earnings.

- (6) Action for damages shall only be permissible once a decision has been given as referred to in subparagraph (4). Without prejudice to subparagraph (7), the court and the parties to the proceedings referred to in subparagraph (4) shall be bound by a non-appealable ruling.
- (7) Where, in proceedings referred to in subparagraph (6), the court considers that the decision is unlawful, it shall discontinue the proceedings and file a complaint with the Higher Administrative Court (Verwaltungsgerichtshof - VwGH) under Article 131 subparagraph (2) of the Federal Constitution (B-VG) requesting a declaratory ruling confirming the unlawfulness of the decision. When a ruling has been issued by the VwGH, the court shall continue its proceedings and rule on the dispute in keeping with the legal view of the VwGH.

*Ordinance on events of substantial social interest*

- § 4. (1) The Federal Government shall determine, by means of an Ordinance, what events referred to in § 2 are of substantial social interest in Austria. The Ordinance shall include only events which meet at least two of the following criteria:
1. the event already commands widespread attention in Austria, particularly as a result of reports in the media;
  2. the event is an expression of Austria's cultural, artistic or social identity;
  3. the event is — particularly because of the involvement of top-level Austrian sportsmen/women — a sporting event of special national significance or commands widespread attention among viewers in Austria owing to its international importance;
  4. the event has previously been broadcast on free-access television.
- (2) The Ordinance shall stipulate whether an event shown on free-access television is to have live or deferred coverage, and whether the whole event or only parts of it are to be broadcast. An event shall be covered live and in full unless there are objective reasons (e.g. different time zones, various events/parts of the same event being organised simultaneously) why it is necessary and appropriate not to provide such coverage.
- (3) Before the Ordinance is issued or amended, a cross-section of television broadcasters, holders of rights, the business sector, consumers, employees and persons from the fields of culture and sport shall be consulted. The draft Ordinance shall be published in the official gazette supplement (Amtsblatt) to the Wiener Zeitung, and provision shall be made for any person to comment on it within a period of eight weeks. The draft shall then be submitted to the European Commission. The Ordinance may only be issued if, within a period of three months following submission to the European Commission, the latter has not raised any objections to its being issued.

[...]

*Federal Communication Senate*

- § 6. Responsibility for the supervision of the provisions of this Act on points of law shall lie with the Federal Communication Senate in so far as such provisions relate to television broadcasters (§ 11 of the KommAustria Act (KOG), BGBl. I No 32/2001).

*Penalties and procedures*

- § 7. (1) Any person who infringes obligations under:

1. § 3 subparagraph (1); or

[...]

shall be deemed to have committed an administrative offence and be subject to a fine of EUR 36 000 to EUR 58 000 from the Federal Communication Senate.



- (2) In the procedure provided for in subparagraph (1), the Federal Communication Senate shall conduct a public oral hearing.
- (3) The Federal Communication Senate shall apply the 1991 General Administrative Procedures Act (Allgemeine Verwaltungsverfahrensgesetz 1991) (BGBl. No 51) and, in cases provided for in subparagraph (1), the 1991 Administrative Penalties Act (Verwaltungsstrafgesetz 1991) (BGBl. No 52).
- (4) In the event of repeated and serious infringements of this Act by a television broadcaster (§ 2 subparagraph (1) of the Private Television Act, BGBl. I No 84/2001), the Federal Communication Senate shall initiate the procedure for withdrawing licences or prohibiting cable broadcasts as provided for in § 63 of the Private Television Act.

[...]

#### *Enforcement*

- § 9. (1) Enforcement of this Act shall be entrusted to the Federal Government with respect to § 4 subparagraphs (1), (2) and (3), final sentence, to the Minister for Justice with respect to § 3 subparagraphs (5)-(7), and to the Federal Chancellor with respect to all other provisions.
- (2) The requirements of the first and second sentences of § 4 subparagraph (3) may be disregarded when an Ordinance is issued for the first time after this Federal Act comes into force, if, as part of the preparation of the notification procedure pursuant to Article 3(a)(1) and (2) of Directive 89/552/EEC as amended by Directive 97/36/EC, the parties concerned have already been consulted and the content of the Ordinance to be issued has been made known in an appropriate manner as part of this consultation.

#### *Note on transposition*

- § 10. The provisions of §§ 1-4, §§ 6-9 and § 11 of this Act transpose Article 3(a)(1) of Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 298, 17.10.1989, p. 23), as amended by Directive 97/36/EC (OJ L 202, 30.7.1997, p. 60).

[...]

#### *Entry into force*

- § 11. This Act shall enter into force on 1 August 2001.

KLESTIL  
SCHÜSSEL'

#### **'305. Ordinance on events of substantial social interest**

The following Order is made pursuant to § 4 subparagraph (1) of the Federal Act on the exercise of exclusive television broadcasting rights (Exclusive Television Rights Act (Fernseh-Exklusivrechtgesetz - FERG)), BGBl. I No 85/2001:

§ 1. Events of substantial social interest are:

1. The Summer or Winter Olympic Games;
2. FIFA World Cup football matches (for men) if the Austrian national team is involved, as well as the opening match, the semi-finals and the final of the football World Cup (for men);
3. European Championship football matches (for men) if the Austrian national team is involved, as well as the opening match, the semi-finals and the final of the football European Championship (for men);

4. The final of the Austrian Football Cup;
5. FIS World Alpine skiing championships;
6. World Nordic skiing championships;
7. The Vienna Philharmonic Orchestra's New Year Concert;
8. The Vienna Opera Ball.

§ 2.

- (1) Television broadcasters who have obtained exclusive broadcasting rights for the events mentioned in § 1 must ensure that these events can be viewed live and in their entirety on free-access television.
- (2) A recorded or partial version of the events in § 1 subparagraphs (1), (5), (6) and (8) may be broadcast if:
  1. parts of one of the events under § 1 or more than one of the events mentioned in § 1 take place at the same time; or
  2. the event has, in the past, not been broadcast in its entirety because of its length.

§ 3. This Ordinance shall enter into force on 1 October 2001.

SCHÜSSEL — RIESS-PASSER — FERRERO-WALDNER — GEHRER — GRASSER — STRASSER —  
BÖHMDORFER — MOLTERER — HAUPT — FORSTINGER — BARTENSTEIN.

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## COMMISSION DECISION

of 25 June 2007

**on the compatibility with Community law of measures taken by Ireland pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

(2007/478/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities <sup>(1)</sup>, and in particular Article 3a(2) thereof,

Having regard to the opinion of the Committee established pursuant to Article 23a of Directive 89/552/EEC,

Whereas:

- (1) By letter of 7 November 2002, Ireland notified to the Commission measures to be taken pursuant to Article 3a(1) of Directive 89/552/EEC.
- (2) The Commission verified, within three months from this notification, that such measures are compatible with Community law, in particular as regards the proportionality of the measures and the transparency of the national consultation procedure.
- (3) In its examination, the Commission took into consideration the available data on the Irish media landscape.
- (4) The list of events of major importance for society included in the Irish measures was drawn up in a clear and transparent manner and a far-reaching consultation had been launched in Ireland.
- (5) The Commission was satisfied that the events listed in the Irish measures met at least two of the following criteria considered to be reliable indicators of the importance of events for society: (i) a special general resonance within the Member State, and not simply a significance to those who ordinarily follow the sport or

activity concerned; (ii) a generally recognised, distinct cultural importance for the population in the Member State, in particular as a catalyst of cultural identity; (iii) involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free television and has commanded large television audiences.

- (6) A number of the events listed in the Irish measures, including the summer Olympics, the World Cup and European Championship football matches involving the Irish national team, as well as the opening games, the semi-finals and the finals of these tournaments, fall within the category of events traditionally considered to be of major importance for society, as referred to explicitly in recital 18 of Directive 97/36/EC. These events have a special general resonance in Ireland, as they are particularly popular with the general public, not just with those who usually follow sport events. Moreover, Ireland's games in the World Cup and in the European Championship have a generally recognised, distinct cultural importance as a catalyst of Irish cultural identity. Those games act as a focal point for society at large, helping to create a sense of national identity and pride in being Irish.
- (7) Ireland's home and away qualifying games in the European Football Championship and the FIFA World Cup have a special general resonance in Ireland, extending well beyond those who ordinarily follow the sport.
- (8) Gaelic football and hurling are distinctively Irish sports. Therefore, the All Ireland Senior Inter-County Football and Hurling Finals have a generally recognised, distinct cultural importance for the Irish population as a catalyst of national cultural identity.
- (9) In Ireland, rugby is played on an organised basis throughout the entire country. Therefore, Ireland's games in the Six Nations Championship and in the Rugby World Cup finals tournament have a special general resonance for the people of Ireland. Ireland's games in the Rugby World Cup finals tournament involve the Irish national team in a major international tournament, thus having an impact on Irish national identity.

<sup>(1)</sup> OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

- (10) The special general resonance of the listed horse racing and equestrian sports events in Ireland results from the major impact that the Irish horse industry has on rural communities throughout the country. The Irish Grand National and the Irish Derby are the most important horse races in Ireland. Given the importance of horse racing for tourism and the international reputation of Ireland, those events have a generally recognised, distinct cultural importance for the Irish population as a catalyst of national cultural identity. The Nations Cup at the Dublin Horse Show also has a distinct cultural importance as it promotes the discipline of Irish show jumping and attracts the strongest teams in the show jumping world.
- (11) The listed events have traditionally been broadcast on free television and have commanded large television audiences in Ireland.
- (12) The Irish measures appear proportionate so as to justify a derogation from the fundamental EC Treaty freedom to provide services on the basis of an overriding reason of public interest, which is to ensure wide public access to broadcasts of events of major importance for society.
- (13) The Irish measures are compatible with EC competition rules in that the definition of qualified broadcasters for the broadcasting of listed events is based on objective criteria that allow actual and potential competition for the acquisition of the rights to broadcast these events. In addition, the number of listed events is not disproportionate so as to distort competition on the downstream free television and pay-television markets.
- (14) After communication by the Commission to the other Member States of the Irish measures and consultation of the Committee established pursuant to Article 23a of Directive 89/552/EEC, the Director-General for Education and Culture informed Ireland, by letter of 10 February 2003, that the European Commission did not intend to object to the measures notified.
- (15) The Irish measures were adopted on 13 March 2003.
- (16) Those measures were published in the C Series of the *Official Journal of the European Union* <sup>(1)</sup> in accordance with Article 3a(2) of Directive 89/552/EEC, as amended by Directive 97/36/EC.
- (17) It follows from the judgment of the Court of First Instance in Case T-33/01, *Infront WM v Commission*, that the declaration that measures taken pursuant to Article 3a(1) of Directive 89/552/EEC are compatible with Community law constitutes a decision within the meaning of Article 249 of the EC Treaty, which must therefore be adopted by the Commission. Accordingly, it is necessary to declare by this Decision that the measures notified by Ireland are compatible with Community law. The measures, as finally taken by Ireland and set out in the Annex to this Decision, should be published in the Official Journal in accordance with Article 3a(2) of Directive 89/552/EEC,

HAS DECIDED AS FOLLOWS:

*Article 1*

The measures pursuant to Article 3a(1) of Directive 89/552/EEC notified by Ireland to the Commission on 7 November 2002, as published in the *Official Journal of the European Union* C 100 of 26 April 2003, are compatible with Community law.

*Article 2*

The measures, as finally taken by Ireland and set out in the Annex to this Decision, shall be published in the Official Journal in accordance with Article 3a(2) of Directive 89/552/EEC.

Done at Brussels, 25 June 2007.

*For the Commission*

Viviane REDING

*Member of the Commission*

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<sup>(1)</sup> OJ C 100, 26.4.2003, p. 12.

## ANNEX

**Publication in accordance with Article 3a(2) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

The measures taken by Ireland to be published pursuant to Article 3a(2) of Directive 89/552/EEC are as follows:

**‘NUMBER 28 OF 1999****Broadcasting (major events television coverage) act, 1999*****Arrangement of sections****Section*

1. Interpretation
2. Designation of major events
3. Consultation
4. Broadcasters' duties with respect to designated events
5. Broadcasters' duties with respect to Member States events
6. Civil remedies
7. Reasonable market rates
8. Short title

*Acts Referred to*

European Communities Act, 1972, No 27

European Communities (Amendment) Act, 1993, No 25

*Broadcasting (major events television coverage) act, 1999*

An act to provide for television coverage of events of major importance to society, to give effect to Article 3a of Council Directive 89/552/EEC of 3 October 1989, as amended by Council Directive 97/36/EC of 30 June 1997, and to provide for other related matters. [13 November 1999] be it enacted by the Oireachtas as follows:

**1.**

(1) In this Act:

‘broadcaster’ has the meaning assigned in the Council Directive;

‘Council Directive’ means Council Directive 89/552/EEC of 3 October 1989 (1) as amended by Council Directive 97/36/EC of 30 June 1997 (2);

‘EEA Agreement’ has the meaning assigned in the European Communities (Amendment) Act, 1993;

‘event’ means an event of interest to the general public in the European Union, a Member State or in the State or in a significant part of the State that is organised by an event organiser who is legally entitled to sell the broadcasting rights to the event;

‘free television service’ means television broadcasting service for the reception of which no charge is made by the person providing the service;

‘Member State’ means a member state of the European Communities (within the meaning of the European Communities Act, 1972) and includes a state that is a contracting state to the EEA Agreement;

‘the Minister’ means the Minister for Arts, Heritage, Gaeltacht and the Islands;

'near universal coverage' means:

- (a) free television service, reception of which is available to at least 95 % of the population of the State; or
- (b) if at any time fewer than three broadcasters are able to provide the coverage required under paragraph (a), free television service, reception of which is available to at least 90 % of the population of the State;

'qualifying broadcaster' means a broadcaster who is deemed under subsection (2) to be a qualifying broadcaster;

'television broadcasting' has the meaning assigned in the Council Directive.

(2) The following broadcasters are deemed to be qualifying broadcasters:

- (a) until the 31st day of December, 2001, a broadcaster who provides free television service coverage of a designated event to which at least 85 % of the population of the State have access;
  - (b) on and after the 1st day of January, 2002, a broadcaster who provides near universal coverage of a designated event.
- (3) For the purpose of subsection (2), two or more broadcasters who enter into a contract or arrangement to jointly provide near universal coverage of a designated event shall be deemed to be a single broadcaster with respect to that event.
- (4) A broadcaster may request the Minister to resolve any dispute as to the extent of free television service being provided by a broadcaster in the State for the purpose of subsection (2) and the definition of 'near universal coverage' in subsection (1).
- (5) The Minister may consult with any technical experts or other persons or bodies he/she considers appropriate before resolving a dispute under subsection (4).
- (6) In this Act:
- (a) a reference to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any subsequent enactment including this Act;
  - (b) a reference to a section is a reference to a section of this Act unless it is indicated that reference to some other enactment is intended; and
  - (c) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

## 2.

(1) The Minister may by order:

- (a) designate events as events of major importance to society for which the right of a qualifying broadcaster to provide coverage on free television services should be provided in the public interest; and
- (b) determine whether coverage on free television services of an event designated under paragraph (a) should be available:
  - (i) on a live, deferred or both live and deferred basis; and
  - (ii) in whole, in part or both in whole and in part.

(2) The Minister shall have regard to all the circumstances and in particular each of the following criteria in making a designation under subsection (1)(a):

- (a) the extent to which the event has a special general resonance for the people of Ireland;

- (b) the extent to which the event has a generally recognised distinct cultural importance for the people of Ireland.
- (3) In order to determine the extent to which the criteria in subsection (2) have been met, the following factors may be taken into account by the Minister:
  - (a) whether the event involves participation by a national or non-national team or by Irish persons;
  - (b) past practice or experience with regard to television coverage of the event or similar events.
- (4) The Minister shall consider the following in making the determination under subsection (1)(b):
  - (a) the nature of the event;
  - (b) the time within the State at which the event takes place;
  - (c) practical broadcasting considerations.
- (5) The Minister may by order revoke or amend an order under this section.
- (6) The Minister shall consult with the Minister for Tourism, Sport and Recreation before making, revoking or amending an order under this section.
- (7) Where it is proposed to make, revoke or amend an order under this section, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each House.

### 3.

- (1) Before making an order under section 2, the Minister shall:
  - (a) make reasonable efforts to consult with the organisers of the event and with broadcasters who are under the jurisdiction of the State for the purpose of the Council Directive;
  - (b) publish a notice of the event which the Minister intends to designate under that section in at least one newspaper circulating in the State; and
  - (c) invite comments on the intended designation from members of the public.
- (2) The inability to establish who is the organiser of an event or the failure of the organiser or a broadcaster under the jurisdiction of the State to respond to the Minister's efforts to consult shall not preclude the making of an order under section 2.

### 4.

- (1) Where a broadcaster under the jurisdiction of the State who is not a qualifying broadcaster acquires exclusive rights to broadcast a designated event, that broadcaster shall not broadcast the event unless the event has been made available to a qualifying broadcaster, in accordance with the order under section 2, on request and the payment of reasonable market rates by the qualifying broadcaster.
- (2) Where a qualifying broadcaster acquires the right to broadcast a designated event (under this section or directly), the qualifying broadcaster shall broadcast the event on a free television service providing near universal coverage in accordance with the order under section 2.
- (3) In this section, 'designated event' means an event that is designated in an order under section 2.

**5.**

Where another Member State has designated an event as being of major importance to society in that Member State and the European Commission has communicated the measures taken by that Member State in accordance with Article 3a(2) of the Council Directive, no broadcaster under the jurisdiction of the State who acquires exclusive rights to the designated event shall exercise the exclusive rights in such a way that a substantial portion of the public in that Member State is deprived of the possibility of following the events in accordance with the measures taken.

**6.**

(1) Where it is alleged by a broadcaster (the 'aggrieved broadcaster') that any activity or conduct prohibited by section 4 or 5 is being, has been or is about to be carried on by one or more other broadcasters (the 'other broadcaster'), the aggrieved broadcaster shall be entitled to apply to the High Court for the following remedies against the other broadcaster:

- (a) an order restraining the other broadcaster from carrying on or attempting to carry on the activity or conduct prohibited by section 4 or 5;
- (b) a declaration that the contract under which the other broadcaster received exclusive rights to the designated event is void;
- (c) damages from the other broadcaster;
- (d) a direction that the right to provide television coverage of the event shall be offered to the aggrieved broadcaster at reasonable market rates.

(2) An application to the High Court for an order referred to in subsection (1) shall be by motion and the court, when considering the matter, may make such interim or interlocutory order as it considers appropriate.

**7.**

(1) For the purpose of section 4(1), if broadcasters are unable to agree on what constitutes reasonable market rates with respect to television coverage of an event, either of the broadcasters may apply to the High Court in a summary manner for an order determining reasonable market rates for an event.

(2) An order under subsection (1) may contain such consequential or supplementary provisions as the High Court considers appropriate.

**8.**

This Act may be cited as the Broadcasting (Major Events Television Coverage) Act, 1999.

**Statutory Instruments**

S.I. No 99 of 2003

Broadcasting (Major Events Television Coverage) Act 1999 (Designation of Major Events) Order

2003

I, Dermot Ahern, Minister for Communications, Marine and Natural Resources, in exercise of the powers conferred on me by subsection (1) of section 2 of the Broadcasting (Major Events Television Coverage) Act 1999 (No 28 of 1999) and the Broadcasting (Transfer of Departmental Administration and Ministerial Functions) Order 2002 (S.I. No 302 of 2002) (as adapted by the Marine and Natural Resources) (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No 307 of 2002) after consultation with the Minister for Arts, Sport and Tourism as provided for by subsection (6) (as adapted by the Tourism, Sport and Recreation (Alteration of Name of Department, Title of Minister) Order 2002 (S.I. No 307 of 2002)) of that section, hereby make the following order with respect to which, pursuant to subsection (7) of that section, a draft has been laid before each House of the Oireachtas and a resolution approving the draft has been passed by each such House:

1. This Order may be cited as the Broadcasting (Major Events Television Coverage) Act 1999 (Designation of Major Events) Order 2003.



2. The events specified in the Schedule to this Order are designated as events of major importance to society for which the right of a qualifying broadcaster to provide coverage on a live basis on free television services should be provided in the public interest.
3. Each of Ireland's games in the Six Nations Rugby Football Championship is designated as an event of major importance to society for which the right of a qualifying broadcaster to provide coverage on a deferred basis on free television services should be provided in the public interest.

#### SCHEDULE

##### *Regulation 2*

The Summer Olympics

The All-Ireland Senior Inter-County Football and Hurling Finals

Ireland's home and away qualifying games in the European Football Championship and the FIFA World Cup Tournaments

Ireland's games in the European Football Championship Finals Tournament and the FIFA World Cup Finals Tournament

The opening games, the semi-finals and final of the European Football Championship Finals and the FIFA World Cup Finals Tournament

Ireland's games in the Rugby World Cup Finals Tournament

The Irish Grand National and the Irish Derby

The Nations Cup at the Dublin Horse Show

GIVEN under my Official Seal,

13 March 2003.

DERMOT AHERN

*Minister for Communications, Marine and Natural Resources.*

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## COMMISSION DECISION

of 25 June 2007

**on the compatibility with Community law of measures taken by Belgium pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

(2007/479/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities <sup>(1)</sup>, and in particular Article 3a(2) thereof,

Having regard to the opinion of the Committee established pursuant to Article 23a of Directive 89/552/EEC,

Whereas:

- (1) By letter of 10 December 2003, Belgium notified to the Commission measures to be taken pursuant to Article 3a(1) of Directive 89/552/EEC.
- (2) The Commission verified, within three months from this notification, that such measures are compatible with Community law, in particular as regards the proportionality of the measures and the transparency of the national consultation procedure.
- (3) In its examination, the Commission took into consideration the available data on the Belgian media landscape.
- (4) The list of events of major importance for society included in the Belgian measures was drawn up in a clear and transparent manner and a far-reaching consultation process had been launched in Belgium.
- (5) The Commission was satisfied that the events listed in the Belgian measures met at least two of the following criteria considered to be reliable indicators of the importance of events for society: (i) a special general resonance within the Member State, and not simply a significance to those who ordinarily follow the sport or activity concerned; (ii) a generally recognised, distinct cultural importance for the population in the Member State, in particular as a catalyst of cultural identity; (iii)

involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free television and has commanded large television audiences.

- (6) A number of the events listed in the Belgian measures, including the summer and winter Olympic Games as well as the World Cup Finals and the European Football Championship Finals tournaments (men), fall within the category of events traditionally considered to be of major importance for society, as referred to explicitly in recital 18 of Directive 97/36/EC. These events have a special general resonance in Belgium, as they are particularly popular with the general public, not just with those who usually follow sport events.
- (7) Given that the Belgian Football Cup Final (men) is intended to bring together the two best Belgian clubs and ends in the award of a trophy (the Cup), it is popular far beyond the ranks of those normally following sport events, and has thus special general resonance in Belgium.
- (8) The listed football events involving national teams have a special general resonance in Belgium as they give Belgian teams the opportunity to promote Belgian football at international level.
- (9) The finals and semi-finals of the Champions League and the UEFA Cup have a special general resonance in Belgium given the popularity of football in Belgium and the prestige of those matches, which are followed by the general public, and not only by those who usually follow sport events.
- (10) Road cycling is a popular sport in Belgium. Part of the Tour de France (men), the most important cycling event in the world, takes place in Belgium. The Belgian Road Cycling Championship (men) has a special general resonance in Belgium as it closes the professional cycling season, followed by the general public and the Belgian media. The other listed cycling events have a special general resonance in Belgium given the usual success of Belgian participants at international level. The listed international cycling events taking place in Belgium also provide an opportunity to promote Belgium as a country.

<sup>(1)</sup> OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

- (11) The Ivo Van Damme Memorial, part of the Golden League, has a special general resonance in Belgium given that it is an international highlevel athletics event held in Belgium to commemorate a great Belgian athlete and combining sport and music, so it is very popular with the general public.
- (12) The listed parts of the World Athletics Championships involving Belgian players have a special general resonance in Belgium as they represent an opportunity for Belgian athletes to compete at international level.
- (13) The Belgian Formula 1 Grand Prix has a special general resonance as it promotes an especially beautiful Belgian circuit, which is an object of particular national pride.
- (14) The listed tennis matches involving national players or teams have a special general resonance in Belgium in view of the success of Belgian tennis players at international level.
- (15) The final of the Queen Elisabeth Music Competition has a distinct cultural importance as a catalyst of Belgian cultural identity, due to the important contribution of Queen Elisabeth and her husband King Albert to Belgian history and to the extremely high quality and the worldwide significance of that cultural event.
- (16) The listed events, including those to be considered as a whole, and not as a series of individual events, have traditionally been broadcast on free television and have commanded large television audiences. Where, exceptionally, no specific viewing data is available (European Football Championship Finals tournament), the inclusion of the event is further justified by its generally recognised, distinct cultural importance for the Belgian population, given its important contribution to understanding between peoples, as well as the importance of football for the Belgian society as a whole and for the national pride, as it provides the occasion for top Belgian sportsmen to succeed in this important international competition.
- (17) The Belgian measures appear proportionate so as to justify a derogation from the fundamental EC Treaty freedom to provide services on the basis of an overriding reason of public interest, which is to ensure wide public access to broadcasts of events of major importance for society.
- (18) The Belgian measures are compatible with EC competition rules in that the definition of qualified broadcasters for the broadcasting of listed events is based on objective criteria that allow actual and potential competition for the acquisition of the rights to broadcast these events. In addition, the number of listed events is not disproportionate so as to distort competition on the downstream free television and pay-television markets.
- (19) After communication by the Commission to the other Member States of the Belgian measures and consultation of the Committee established pursuant to Article 23a of Directive 89/552/EEC, the Director-General for Education and Culture informed Belgium, by letter of 7 April 2004, that the European Commission did not intend to object to the measures notified.
- (20) The Belgian measures were adopted in the Flemish Community on 28 May 2004 and in the French Community on 8 June 2004.
- (21) Those measures were published in the C Series of the *Official Journal of the European Union* <sup>(1)</sup> in accordance with Article 3a(2) of Directive 89/552/EEC.
- (22) It follows from the judgment of the Court of First Instance in Case T-33/01, *Infront WM v Commission*, that the declaration that measures taken pursuant to Article 3a(1) of Directive 89/552/EEC are compatible with Community law constitutes a decision within the meaning of Article 249 of the EC Treaty, which must therefore be adopted by the Commission. Accordingly, it is necessary to declare by this Decision that the measures notified by Belgium are compatible with Community law. The measures, as finally taken by Belgium and set out in the Annex to this Decision, should be published in the *Official Journal* in accordance with Article 3a(2) of Directive 89/552/EEC.

HAS DECIDED AS FOLLOWS:

*Article 1*

The measures pursuant to Article 3a(1) of Directive 89/552/EEC notified by Belgium to the Commission on 10 December 2003, as published in the *Official Journal of the European Union* C 158 of 29 June 2005, are compatible with Community law.

*Article 2*

The measures, as finally taken by Belgium and set out in the Annex to this Decision, shall be published in the *Official Journal* in accordance with Article 3a(2) of Directive 89/552/EEC.

Done at Brussels, 25 June 2007.

*For the Commission*

Viviane REDING

*Member of the Commission*

<sup>(1)</sup> OJ C 158, 29.6.2005, p. 13.

## ANNEX

**Publication in accordance with Article 3a(2) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

The measures taken by Belgium to be published pursuant to Article 3a(2) of Directive 89/552/EEC are set out in the following extracts from instruments adopted respectively by the Flemish and French Communities and published in the *Moniteur Belge*:

- for the French Community, in the Decree of 27 February 2003 on broadcasting (MB No 137, 17.4.2003) and the Order of 8 June 2004 (MB No 318, 6.9.2004);
- for the Flemish Community, in the Decree of 25 January 1995 (DCFL No 1995-01-25/38) and the Order of 28 May 2004 (MB No 295, 19.8.2004).

A consolidated list of events of major importance for Belgium is contained in the agreement concluded between the French Community and the Flemish Community on 28 November 2003.

**FRENCH COMMUNITY****1. Broadcasting Decree**

[...]

**Art. 4 § 1**

After consulting the CSA, the Government may adopt a list of events which it considers to be of major importance for the public of the French Community. Such events may not be subject to the exercise of exclusive rights by a television broadcaster or by the RTBF, such as to deprive a large part of the public in that Community of access to these events via a free-access television service.

The Government shall determine whether the events are to be transmitted live, deferred, in full or in excerpts.

**Art. 4 § 2**

An event is considered to be of major importance for the public of the French Community if it meets at least two of the following criteria:

1. the event is particularly popular with the public of the French Community in general, not just those who follow such events as a matter of course;
2. the event has a cultural importance generally recognised by the public of the French Community and is part of that Community's cultural identity;
3. a Belgian personality or team is participating in the event concerned in the context of a competition or event of international importance;
4. the event is traditionally broadcast in a programme of a free-access television service in the French Community and attracts a wide public.

After consulting the CSA, the Government may adopt the procedures by which the abovementioned events have to be made accessible.

**Art. 4 § 3**

A television broadcasting service is considered to be "free-access" if it broadcasts in the French language and can be received by 90 % of households with television reception equipment located in the French-speaking region or the bilingual Brussels-Capital region. Apart from the technical costs, reception of this service cannot be subject to payment other than the subscription price for the basic cable package.

**Art. 4 § 4**

Television broadcasters and the RTBF shall refrain from exercising any exclusive rights they might have acquired after 30 July 1997, such as would deprive a large part of the public of a Member State of the European Union of access via a free-access television service to events of major importance, a list of which has been published in the *Official Journal of the European Communities*.

They shall comply with the special conditions set at the time of publication of the abovementioned lists, concerning live or deferred access, in full or in excerpts.

**2. Order designating events of major importance and determining the procedures for making them accessible****Article 1**

Within the limits laid down in this order, access by the public of the French Community to these events shall be live, deferred, in full or in excerpts, in accordance with the Annex to this order.

**Article 2**

A television broadcaster service in the French Community intending to exercise the exclusive broadcasting rights it holds to an event of major importance must broadcast it on a free-access television service in accordance with the Annex to this Order.

**Article 3**

A television broadcaster which has acquired the live-and-in-full transmission rights to an event may nevertheless postpone the broadcasting of this event on a free-access television broadcasting service in the following cases:

- if the event takes place between midnight and 8 a.m., Belgian time;
- if the event coincides with a news or current affairs programme normally broadcast by the service at that time;
- if the event comprises several elements taking place simultaneously.

**Article 4**

This Order does not create any broadcasting obligation for the head of RTBF or the television broadcasting services of the French Community.

**Article 5**

The Minister for Audiovisual is responsible for the implementation of this Order.

Brussels, 8 June 2004.

*For the Government of the French Community*

*The Minister for Audiovisual*

O. CHASTEL

**3. Annex to the Order**

List of events and categories of events of major importance and arrangements for free public access to them:

Summer and Winter Olympic Games, live and with excerpts;

Belgian Football Cup Final (men), live and in full;  
All matches involving the Belgian men's football team, live and in full;  
Football World Cup Finals Tournament (men), live and in full;  
European Football Championship, final round (men), live and in full;  
Champions League, matches involving Belgian clubs, live and in full;  
UEFA Cup, matches involving Belgian clubs, live and in full;  
Tour de France, men, professional, live and with excerpts;  
Liège-Bastogne-Liège, live and with excerpts;  
Amstel Gold Race, live and with excerpts;  
Tour of Flanders, live and with excerpts;  
Paris-Roubaix, live and with excerpts;  
Milan-San Remo, live and with excerpts;  
Belgian Road Cycling Championships, professional (men), live and with excerpts;  
World Road Cycling Championships, professional (men), live and with excerpts;  
Ivo Van Damme Memorial, live and in full;  
Belgian Formula 1 Grand Prix, live and in full;  
The following Grand Slam tennis tournaments: Roland Garros and Wimbledon, quarter finals, semi-finals and finals involving a Belgian player, live and in full;  
The Davis Cup and the Fed Cup, quarter-finals, semi-finals and finals involving the Belgian team, live and in full;  
Queen Elisabeth Music Competition, the final, live and in full;  
La Flèche wallonne, live and with excerpts;  
World Athletics Championships, where Belgian athletes are taking part, live and in full;

To be annexed to the order of 8 June 2004.

*The Minister for Audiovisual*

O. CHASTEL'

#### FLEMISH COMMUNITY

##### **'I. Decree of 25 January 1995**

##### **Art. 76 § 1**

The Flemish Government shall draw up a list of events considered to be of major importance for the public and which, for this reason, may not be broadcast on an exclusive basis so that a large part of the public of the Flemish Community cannot watch them live or deferred on free-access television.

The Flemish Government shall decide whether these events shall be broadcast via whole or partial live coverage or, where necessary or appropriate for objective reasons of general interest, via whole or partial deferred coverage.

**Art. 76 § 2**

Television broadcasting undertakings of or recognised by the Flemish Community may not exercise the exclusive rights thus gained such that a large part of the public of another Member State of the European Community cannot without payment watch the events designated by that Member State wholly or partially live or, where necessary or appropriate for objective reasons of general interest, wholly or partially deferred, as determined by that Member State.

**2. Order of the Flemish Government establishing the list of events of major importance to society [...]**

Whereas an event can be considered as an event of major importance to society if two of the following conditions are met:

1. the event has great topical value and attracts considerable public interest;
2. the event is taking place in the context of an important international competition or is a competition in which the national team, a Belgian club team or one or more Belgian athlete(s) is/are taking part;
3. the event belongs to an important sporting discipline and represents an important cultural asset to the Flemish Community;
4. the event is broadcast traditionally by free-access television and has a high viewer rating for its category.

[...]

**Article 1 § 1**

The following events are considered as events of major importance to society:

1. Summer Olympic Games;
2. Football (men): all matches involving the national team and all final-round World Cup and European Championship matches;
3. Champions League and UEFA Cup:
  - matches in which a Belgian club team is playing;
  - semi-finals and finals;
4. Belgian Football Cup Final (men);
5. Cycling:
  - The Tour de France for elite cyclists (men): all stages;
  - the following World Cup races: Milan-San Remo, Tour of Flanders, Paris-Roubaix, Liège-Bastogne-Liège, Amstel Gold Race, Paris-Tours and Tour of Lombardy;
  - the Belgian Championship and the World Championship for elite cyclists (men).
6. Cyclo-cross: the Belgian Championships and World Championships for elite cyclists (men).
7. Tennis:
  - Grand Slam tournaments: all matches with Belgian players from the quarter-finals onward and all finals (singles);
  - Davis Cup and Fed Cup: quarter-finals, semi-finals and finals involving Belgian teams.
8. Belgian Formula 1 Grand Prix.
9. Athletics: the Van Damme Memorial.
10. Queen Elisabeth Competition.

**Article 1 § 2**

The events referred to under 2, 3, 4, 6, 7, 8, 9 and 10 are made available via whole live coverage.

The events referred to under 1 and 5 are made available via partial live coverage.

**Art. 2**

The exclusive rights over the events mentioned in Article 1 § 1 may not be exercised in such a way as to prevent a large part of the population from following these events on free-access television.

A large part of the population of the Flemish Community is considered to be able to follow an event of major importance to society on free-access television when the event is broadcast by a television station transmitting in the Dutch language and can be received by at least 90 % of the population without any payment in excess of the television distribution subscription price.

**Art. 3 § 1**

Television stations which do not satisfy the requirements of Article 2 and which acquire exclusive transmission rights in the Dutch-speaking region and the bilingual Brussels-Capital region for the events mentioned in Article 1 § 1 may not exercise these rights unless they can guarantee, on the basis of contracts concluded, that a large part of the population will not be prevented from following these events on free-access television as provided for in Articles 1 § 2 and 2.

**Art. 3 § 2**

Television stations which hold exclusive transmission rights may grant sub-licences, at reasonable market prices and within time limits to be agreed with the television stations, to television stations which satisfy the requirements of Article 2.

**Art. 3 § 3**

If no television station declares itself willing to take sub-licences under these conditions, the television station concerned may, by way of derogation from Article 2 and Article 3 § 1, make use of the transmission rights acquired.

**Art. 4**

The Flemish Minister with responsibility for media policy shall be responsible for the implementation of this Order.

Brussels, 28 May 2004.

*The Minister-President of the Flemish Government*

B. SOMERS

*The Flemish Minister for Housing, Media and Sport*

M. KEULEN

***Consolidated list of events of major importance for Belgium***

1. Summer Olympic Games
  - Flemish Community: live and with excerpts
  - French Community: live and with excerpts
2. Belgian Football Cup Final (men)
  - Flemish Community: live and in full
  - French Community: live and in full
3. All matches involving the Belgian men's football team
  - Flemish Community: live and in full
  - French Community: live and in full
4. Football World Cup Finals Tournament (men)
  - Flemish Community: live and in full
  - French Community: live and in full



5. European Football Championship, final round (men)  
Flemish Community: live and in full  
French Community: live and in full
6. Champion's League, matches involving Belgian clubs  
Flemish Community: live and in full  
French Community: live and in full
7. UEFA Cup, matches involving Belgian clubs  
Flemish Community: live and in full  
French Community: live and in full
8. Tour de France, men, professional  
Flemish Community: live and with excerpts  
French Community: live and with excerpts
9. Liège-Bastogne-Liège  
Flemish Community: live and with excerpts  
French Community: live and with excerpts
10. Amstel Gold Race  
Flemish Community: live and with excerpts  
French Community: live and with excerpts
11. Tour of Flanders  
Flemish Community: live and with excerpts  
French Community: live and with excerpts
12. Paris-Roubaix  
Flemish Community: live and with excerpts  
French Community: live and with excerpts
13. Milan-San Remo  
Flemish Community: live and with excerpts  
French Community: live and with excerpts
14. Belgian Road Cycling Championships, professional (men)  
Flemish Community: live and with excerpts  
French Community: live and with excerpts
15. World Road Cycling Championships, professional (men)  
Flemish Community: live and with excerpts  
French Community: live and with excerpts
16. Ivo Van Damme Memorial  
Flemish Community: live and in full  
French Community: live and in full
17. Belgian Formula 1 Grand Prix  
Flemish Community: live and in full  
French Community: live and in full

18. The following Grand Slam tennis tournaments: Roland Garros and Wimbledon, quarter-finals, semi-finals and finals involving a Belgian player  
Flemish Community: live and in full  
French Community: live and in full
19. The Davis Cup and the Fed Cup, quarter-finals, semi-finals and finals involving the Belgian team  
Flemish Community: live and in full  
French Community: live and in full
20. Queen Elisabeth Music Competition, the final  
Flemish Community: live and in full  
French Community: live and in full

*Events specific to the French list*

1. La Flèche wallonne (live and with excerpts).
2. Winter Olympic Games (live and with excerpts).
3. World Athletics Championships, where Belgian athletes are taking part, live and in full.

*Events specific to the Flemish list*

1. Champions League: finals and semi-finals, live and in full.
  2. UEFA Cup: finals and semi-finals, live and in full.
  3. Cycling, Paris-Tours and Tour of Lombardy: live and with excerpts.
  4. The Belgian and World Cyclo-cross Championships, men, professional: live and in full.
  5. The following Grand Slam tennis tournaments: Australian Open and US Open, quarter-finals, semi-finals and finals involving a Belgian player, live and in full.
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## COMMISSION DECISION

of 25 June 2007

**on the compatibility with Community law of measures taken by France pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

(2007/480/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities<sup>(1)</sup>, and in particular Article 3a(2) thereof,

Having regard to the opinion of the Committee established pursuant to Article 23a of Directive 89/552/EEC,

Whereas:

- (1) By letter of 30 December 2003, France notified to the Commission measures to be taken pursuant to Article 3a(1) of Directive 89/552/EEC.
- (2) The Commission verified, within three months from this notification, whether such measures are compatible with Community law, in particular as regards the proportionality of the measures and the transparency of the national consultation procedure.
- (3) In its examination, the Commission took into consideration the available data on the French media landscape.
- (4) The list of events of major importance for society included in the French measures was drawn up in a clear and transparent manner and a far-reaching consultation process had been launched in France.
- (5) The Commission was satisfied that the events listed in the French measures met at least two of the following

criteria considered to be reliable indicators of the importance of events for society: (i) a special general resonance within the Member State, and not simply a significance to those who ordinarily follow the sport or activity concerned; (ii) a generally recognised, distinct cultural importance for the population in the Member State, in particular as a catalyst of cultural identity; (iii) involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free television and has commanded large television audiences.

- (6) A number of the events listed in the French measures, including the summer and winter Olympic Games, the opening match, semi-finals and final of the football World Cup as well as the semi-finals and final of the European Football Championship, fall within the category of events traditionally considered to be of major importance for society, as referred to explicitly in recital 18 of Directive 97/36/EC. These events have a special general resonance in France, as they are particularly popular with the general public, not just with those who usually follow sport events.
- (7) The other listed football events, including the official matches of the French national football team in the FIFA calendar, the final of the UEFA Cup, where a French club involved in one of the French championships is playing, the French football Cup final and the final of the football Champions' League, have a special general resonance in France, as football is the most popular sport in that country.
- (8) Rugby is an important sport and attracts a considerable audience, particularly in the south-west of France and thus a large part of the country. The French Rugby Championship final, the European Rugby Cup final where a French club involved in one of the French championships is playing, the Six Nations rugby tournament, and the semi-finals and final of the Rugby World Cup therefore have a special general resonance in France.
- (9) The listed tennis events have a special general resonance in France as tennis is the most important individual sport in that Member State.

<sup>(1)</sup> OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

- (10) The French Formula 1 Grand Prix has a special general resonance in France in view of the importance of this event for the French racing car industry.
- (11) The Tour de France (men) has a special general resonance in France and has a generally recognised, distinct cultural importance for the population in France as a catalyst of cultural identity, due to the fact that it is the most important cycling event in the world. It reflects the popularity of cycling in France and has an important impact on tourism as an occasion to promote the country.
- (12) The Paris-Roubaix cycling race has a special general resonance in France as it forms part of the French heritage.
- (13) The listed basketball events have a generally recognised, distinct cultural importance for the population in France, in particular as a catalyst of cultural identity, given that basketball is an important factor for social cohesion in France.
- (14) The listed handball events involve the French national team in a major international tournament and therefore have considerable cultural importance for the French population.
- (15) The World Athletics Championship has a generally recognised, distinct cultural importance for the French population, in particular as a catalyst of cultural identity, especially in view of the usual success of French participants.
- (16) The listed events have traditionally been broadcast on free television and have commanded large television audiences.
- (17) The French measures appear proportionate so as to justify a derogation from the fundamental EC Treaty freedom to provide services on the basis of an overriding reason of public interest, which is to ensure wide public access to broadcasts of events of major importance for society.
- (18) The French measures are compatible with EC competition rules in that the definition of qualified broadcasters for the broadcasting of listed events is based on objective criteria that allow actual and potential competition for the acquisition of the rights to broadcast these events. In addition, the number of listed events is not disproportionate so as to distort competition on the downstream free television and pay television markets.
- (19) After communication by the Commission to the other Member States of the French measures and consultation of the Committee established pursuant to Article 23a of Directive 89/552/EEC, the Director-General for Education and Culture informed France, by letter of 7 April 2004, that the European Commission did not intend to object to the measures notified.
- (20) The measures were adopted by France on 22 December 2004.
- (21) It follows from the judgment of the Court of First Instance in Case T-33/01, *Infront WM v Commission*, that the declaration that measures taken pursuant to Article 3a(1) of Directive 89/552/EEC are compatible with Community law constitutes a decision within the meaning of Article 249 of the EC Treaty, which must therefore be adopted by the Commission. Accordingly, it is necessary to declare by this Decision that the measures notified by France are compatible with Community law. The measures, as finally taken by France and set out in the Annex to this Decision, should be published in the *Official Journal of the European Union* in accordance with Article 3a(2) of Directive 89/552/EEC,
- HAS DECIDED AS FOLLOWS:
- Article 1*
- The measures pursuant to Article 3a(1) of Directive 89/552/EEC notified by France to the Commission on 30 December 2003 are compatible with Community law.
- Article 2*
- The measures, as finally taken by France and set out in the Annex to this Decision, shall be published in the *Official Journal of the European Union* in accordance with Article 3a(2) of Directive 89/552/EEC.
- Done at Brussels, 25 June 2007.
- For the Commission*  
Viviane REDING  
*Member of the Commission*

## ANNEX

**Publication in accordance with Article 3a(2) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

The measures taken by France to be published pursuant to Article 3a(2) of Directive 89/552/EEC are as follows:

**'Decree No 2004-1392 of 22 December 2004 applying Article 20-2 of Law No 86-1067 of 30 September 1986 on the freedom of communication**

The Prime Minister,

Having consulted the report of the Minister for Culture and Communication,

Having regard to Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997, and in particular Article 3a thereof;

Having regard to the European Convention on Cross-Border Television, opened for signature on 5 May 1989, as amended by the Protocol adopted by the Committee of Ministers of the Council of Europe on 9 September 1998, opened for acceptance by Parties to the Convention on 1 October 1998, and in particular Article 9(a) thereof, together with Law No 94-542 of 28 June 1994 and Law No 2001-1210 of 20 December 2001, which authorise the approval thereof, and Decrees No 95-438 of 14 April 1995 and No 2002-739 of 30 April 2002, which published it;

Having regard to the Agreement on the European Economic Area signed at Porto on 2 May 1992 and the Protocol adjusting the Agreement on the European Economic Area signed at Brussels on 17 March 1993, and in particular Annex X thereto, together with Law No 93-1274 of 2 December 1993, which authorises the ratification thereof, and Decree No 94-43 of 1 February 1994, which published it;

Having regard to Law No 86-1067 of 30 September 1986, as amended, on the freedom of communication, and in particular Article 20-2 thereof;

Having regard to the letter of 7 April 2004 from the European Commission on the draft measures communicated by France for the implementation of Article 3a of Directive 89/552/EEC, as amended by Directive 97/36/EC;

Having consulted the Council of State (Home Affairs section),

HEREBY DECREES AS FOLLOWS:

**Article 1** — This Decree lays down the conditions under which television services are to handle the exclusive broadcasting of events of major importance such that a substantial proportion of the public is not denied the opportunity of watching them on freeaccess television.

**Title I**

*Provisions applicable to the broadcasting of events of major importance on French territory*

**Article 2** — For the application of this Title, the following definitions apply:

- (a) "freeaccess television service": any television service that does not seek payment from its users and that can be received by at least 85 % of households in metropolitan France;
- (b) "conditionalaccess television service": any television service that does not fulfil the two conditions set out in the previous subparagraph.

**Article 3** — The list of events specified in Article 20-2 of Law 86-1067 of 30 September 1986 is as follows:

1. The winter and summer Olympics;
2. Official matches of the French national football team in the Fédération Internationale de Football Association (FIFA) calendar;
3. The opening match, semi-finals and final of the Football World Cup;
4. The semi-finals and final of the European Football Championship;
5. The final of the UEFA Cup, where a French club involved in one of the French championships is playing;
6. The final of the Football Champions League;
7. The French Football Cup Final;
8. The Six Nations rugby tournament;
9. The semi-finals and final of the Rugby World Cup;
10. The French Rugby Championship final;
11. The European Rugby Cup final, where a French club involved in one of the French championships is playing;
12. The finals of the men's and women's singles events of the Roland Garros tennis tournament;
13. The semi-finals and finals of the Davis Cup and the Fed Cup, where the French tennis team is playing;
14. The French Formula 1 Grand Prix;
15. The Tour de France (cycling, men);
16. The Paris-Roubaix cycling race;
17. The men's and women's finals of the European Basketball Championship, where the French national team is playing;
18. The men's and women's finals of the World Basketball Championship, where the French national team is playing;
19. The men's and women's finals of the European Handball Championship, where the French national team is playing;
20. The men's and women's finals of the World Handball Championship, where the French national team is playing;
21. The World Athletics Championships.

**Article 4** — The exercise by a television service in France of exclusive rights acquired after 23 August 1997 to broadcast an event of major importance listed in Article 3 may not prevent a freeaccess television service from broadcasting this event, which should be shown live and in full, except in the following cases:

1. Broadcasting of the event indicated in point 15 of Article 3 may be limited to highlights, in accordance with the broadcasting tradition for this event;

2. Broadcasting of the events indicated in points 1 and 21 of Article 3 may be limited to representative moments reflecting the diversity of sporting disciplines and participating countries and may include recorded material when events take place at the same time;
3. Events of major importance may also be broadcast in pre-recorded form where they take place between midnight and 6 am, French time, on condition that the broadcast in France starts before 10 am;

The fact that a conditional access television service that seeks payment from its users and whose programmes can be received under the conditions specified in Article 2(a) of this Decree broadcasts an event of major importance live and in full, subject to the above provisions, without subjecting it to specific conditions for access, is not deemed to constitute an obstacle to the broadcast of that event by a free access television service.

**Article 5** — In order to allow a free access television service to broadcast an event of major importance under the conditions specified in Article 4, a television service with exclusive broadcasting rights to all or part of an event of major importance and which does not meet the conditions must, reasonably in advance of the event, inform the free access television services that it proposes to cede the rights to broadcast this event under the conditions specified in Article 4. This offer must be made under fair, reasonable and non-discriminatory market conditions and terms.

If, in response to this offer, no proposal is made by a television service or if the proposal is not made according to fair, reasonable and non-discriminatory market conditions and terms, the television service that holds the exclusive broadcasting rights may exercise those rights without meeting the conditions of Article 4.

## **Title II**

*Provisions applicable to the broadcasting of events of major importance in other European countries*

**Article 6** — The provisions of this Title shall apply to television services coming under French jurisdiction and broadcasting to another Member State of the European Union, a member country of the European Economic Area or a State which is party to the European Convention on Cross-Border Television an event designated by that State as being of major importance to its society within the meaning of Directive 89/552/EEC of 3 October 1989 and to which they acquired the broadcasting rights after 23 August 1997.

**Article 7** — Television services coming under French jurisdiction shall exercise, in the States specified in Article 6, their broadcasting rights to events of major importance, as defined by those States, in such a way as not to deny a significant proportion of the public the option of viewing such events, either live or pre-recorded, via a free access television service as set out in Article 3a of the aforementioned Directive of 3 October 1989.

**Article 8** — Where a television service coming under French jurisdiction broadcasts an event of major importance in one of the States specified in Article 6, it must comply with the conditions laid down by that State on broadcasting by the television service.

## **Title III**

*Final provisions*

**Article 9** — Where referred to by a television service, or on its own initiative, the Audiovisual Council may deliver an opinion on the conditions of application of the provisions of this Decree.

**Article 10** — A subsequent Council of State decree shall establish the list of events of major importance and the conditions of televised broadcasting for the overseas departments Saint Pierre-et-Miquelon, Mayotte, New Caledonia, French Polynesia and the islands of Wallis and Futuna, taking into account the individual needs of each community and the technical issues of broadcasting overseas.

**Article 11** — The Minister for Culture and Communication and the Minister for Overseas Territories are responsible for the execution of this Decree, which shall be published in the *Official Journal of the French Republic*.

Done at Paris, 22 December 2004.

By the Prime Minister:  
Jean-Pierre RAFFARIN

Minister for Culture and communication,  
Renaud DONNEDIEU DE VABRES

Minister for the Overseas Territories:  
Brigitte GIRARDIN.

## COMMISSION DECISION

of 25 June 2007

**on the compatibility with Community law of measures taken by Finland pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

(2007/481/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities <sup>(1)</sup>, and in particular Article 3a(2) thereof,

Having regard to the opinion of the Committee established pursuant to Article 23a of Directive 89/552/EEC,

Whereas:

- (1) By letter of 22 September 2006, received by the Commission on 2 October 2006, Finland notified to the Commission measures to be taken pursuant to Article 3a(1) of Directive 89/552/EEC.
- (2) The Commission verified, within a period of three months from this notification, that such measures are compatible with Community law, in particular as regards the proportionality of the measures and the transparency of the national consultation procedure.
- (3) In its examination, the Commission took into consideration the available data on the Finnish media landscape.
- (4) The list of events of major importance for society included in the Finnish measures was drawn up in a clear and transparent manner and a far-reaching consultation had been launched in Finland.
- (5) The Commission was satisfied that the events listed in the Finnish measures met at least two of the following criteria considered to be reliable indicators of the importance of events for society: (i) a special general resonance within the Member State and not simply a significance to those who ordinarily follow the sport or

activity concerned; (ii) a generally recognised, distinct cultural importance for the population in the Member State, in particular as a catalyst of cultural identity; (iii) involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free television and has commanded large television audiences.

- (6) A number of the events listed in the Finnish measures, including the summer and winter Olympic Games, the opening match, quarter-finals, semi-finals and final of the World Cup as well as the matches of the Finnish team in that tournament, fall within the category of events traditionally considered of major importance for society, as referred to explicitly in recital 18 of Directive 97/36/EC. These events have a special general resonance in Finland, as they are particularly popular with the general public, not just with those who usually follow sport events.
- (7) The men's Ice Hockey World Championships, organised by the International Ice Hockey Federation (IIHF), have a special general resonance, as ice hockey is played actively by the Finnish people, and a generally recognised, distinct cultural importance for the Finnish population in view of the great success of the Finnish team in this international tournament. Because of their specific organisation, the Ice Hockey World Championships should be treated as a single event in which matches between other countries also affect the position of teams against which Finland must or may play and the overall result.
- (8) The Nordic World Ski Championships (cross-country skiing, ski jumping and Nordic combined), organised by the International Ski Federation (FIS), have a special general resonance and a generally recognised, distinct cultural importance for the Finnish population as a catalyst of cultural identity, as Nordic skiing enjoys the status of a national sport in Finland.
- (9) The listed athletics events, namely the World Championships in Athletics, organised by the International Association of Athletics Federations (IAAF), and the European Athletics Championships, organised by the European Athletics Association (EAA), have a generally recognised, distinct cultural importance for the Finnish population as a catalyst of cultural identity, as the top Finnish athletes representing Finland internationally in a wide range of individual disciplines are among the world elite in their specialities.

<sup>(1)</sup> OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).



- (10) The listed events have traditionally been broadcast on free television and have commanded large television audiences.
- (11) The Finnish measures appear proportionate so as to justify a derogation from the fundamental EC Treaty freedom to provide services on the basis of an overriding reason of public interest, which is to ensure wide public access to broadcasts of events of major importance for society.
- (12) The Finnish measures are compatible with EC competition rules in that the definition of qualified broadcasters for the broadcasting of listed events relies on objective criteria that allow actual and potential competition for the acquisition of the rights to broadcast these events. In addition, the number of listed events is not disproportionate so as to distort competition on the downstream free television and pay-television markets.
- (13) The proportionality of the Finnish measures is reinforced by the fact that they have no retroactive effect and thus have no impact on the exercise of the broadcasting rights to listed events acquired before the date of their entry into force.
- (14) The Commission communicated the measures notified by Finland to the other Member States and presented the results of this verification at the meeting of the Committee established pursuant to Article 23a of

Directive 89/552/EEC of 15 November 2006. The Committee adopted a favourable opinion at this meeting.

- (15) The Finnish measures were adopted on 22 February 2007 and entered into force on 1 March 2007,

HAS DECIDED AS FOLLOWS:

*Article 1*

The measures pursuant to Article 3a(1) of Directive 89/552/EEC notified by Finland to the Commission on 22 September 2006 are compatible with Community law.

*Article 2*

The measures, as finally taken by Finland and set out in the Annex to this Decision, shall be published in the *Official Journal of the European Union* in accordance with Article 3a(2) of Directive 89/552/EEC.

Done at Brussels, 25 June 2007.

*For the Commission*  
Viviane REDING  
*Member of the Commission*

## ANNEX

**Publication pursuant to Article 3a(2) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

The measures taken by Finland to be published pursuant to Article 3a(2) of Directive 89/552/EEC are as follows:

**'GOVERNMENT DECREE ON****Television broadcasting of events of importance for society**

Adopted in Helsinki on 22 February 2007

In accordance with the Government decision made on the submission of the Ministry of Transport and Communications, the following is enacted by virtue of section 20(3) of the Act on Television and Radio Operations (744/1998) given on 9 October 2003, as amended by Act No 394/2003:

**Section 1***Events of importance for society*

The following events are of importance for society in Finland, as referred to in Section 20(3) of the Act on Television and Radio Operations (744/1998):

1. The Summer and Winter Olympic Games, organised by the International Olympic Committee;
2. The opening match, quarter-finals, semi-finals and final of the Football World Cup, organised by FIFA (the Fédération Internationale de Football Association), and the matches of the Finnish team;
3. The opening match, quarter-finals, semi-finals and final of the European Football Championships, organised by UEFA (Union of European Football Associations), and the matches of the Finnish team;
4. The men's Ice Hockey World Championships, organised by the International Ice Hockey Federation (IIHF);
5. The Nordic World Ski Championships, organised by the International Ski Federation (FIS);
6. The World Championships in Athletics, organised by the International Association of Athletics Federations (IAAF);
7. The European Athletics Championships, organised by the European Athletics Association (EAA).

The opening match, semi-finals and final of the Football World Cup, and the matches of the Finnish team, the opening match, semi-finals and final of the European Football Championships, and the matches of the Finnish team, the semi-finals and final of the men's Ice Hockey World Championships, and the matches of the Finnish team, as referred to in subsection 1 above, must be broadcast wholly live.

Other events referred to in subsection 1 may be broadcast wholly or partially live or deferred.

**Section 2**

This Decree enters into force on 1 March 2007.

This Decree shall not apply to exclusive rights purchased before the entry into force of this Decree.

Helsinki, 22 February 2007.

Susanna HUOVINEN  
*Minister of Transport and Communications*

Ismo KOSONEN  
*Director of Unit'*

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## COMMISSION DECISION

of 9 July 2007

**on the application of Council Directive 72/166/EEC with regard to checks on insurance against civil liability in respect of the use of motor vehicles**

(notified under document number C(2007) 3291)

(Text with EEA relevance)

(2007/482/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and to the enforcement of the obligation to insure against such liability<sup>(1)</sup>, and in particular Article 2(2) thereof,

Whereas:

- (1) On 30 May 2002 a multilateral agreement, hereinafter 'the Agreement', was concluded between the national insurers' bureaux of the Member States of the European Economic Area and other associate States. The Agreement is attached to Commission Decision 2003/564/EC of 28 July 2003 on the application of Council Directive 72/166/EEC relating to checks on insurance against civil liability in respect of the use of motor vehicles<sup>(2)</sup> by which the Commission fixed the date from which Member States would refrain from making checks on insurance against civil liability in respect of vehicles which are normally based in the territory of one of the States having signed the Agreement and which are subject to Agreement. The Agreement has subsequently been extended to further countries by the adoption of Addendums No 1 and 2.
- (2) On 8 March 2007 the national insurers' bureaux of the Member States and those of Andorra, Croatia, Iceland, Norway and Switzerland, signed Addendum No 3 to the Agreement by which the Agreement was extended to include the national insurers' bureau of Bulgaria and Romania. The Addendum provides for the practical arrangements to abolish insurance checks in respect of

vehicles normally based in the territory of Bulgaria and Romania and which are subject to the Addendum.

- (3) Therefore all the conditions for the removal of checks on motor insurance against civil liability in accordance with Directive 72/166/EEC in respect of vehicles normally based in the territory of Bulgaria and Romania are fulfilled,

HAS ADOPTED THIS DECISION:

*Article 1*

As from 1 August 2007, Member States shall refrain from making checks on insurance against civil liability in respect of vehicles which are normally based in the territory of Bulgaria and Romania and which are subject to Addendum No 3 of 8 March 2007 to the Multilateral Agreement between the national insurers' bureaux of the Member States of the European Economic Area and other associate States.

*Article 2*

Member States shall forthwith inform the Commission of measures taken to apply this Decision.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2007.

*For the Commission*

Charlie McCREEVY

*Member of the Commission*

<sup>(1)</sup> OJ L 103, 2.5.1972, p. 1. Directive as last amended by Directive 2005/14/EC of the European Parliament and of the Council (OJ L 149, 11.6.2005, p. 14).

<sup>(2)</sup> OJ L 192, 31.7.2003, p. 23.

## COMMISSION DECISION

of 9 July 2007

**amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in Germany**

(notified under document number C(2007) 3413)

(Text with EEA relevance)

(2007/483/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 9(3) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(2)</sup>, and in particular Article 10(3) thereof,

Whereas:

- (1) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC <sup>(3)</sup> lays down certain protection measures to be applied in order to prevent the spread of that disease, including the establishment of areas A and B following a suspected or confirmed outbreak of the disease.
- (2) Germany has notified the Commission of an outbreak of H5N1 in a backyard poultry holding on its territory and has taken the appropriate measures as provided for in Decision 2006/415/EC, including the establishment of areas A and B as provided for in Article 4 of that Decision.

- (3) The Commission has examined those measures in collaboration with Germany, and is satisfied that the borders of Areas A and B established by the competent authority in that Member State are at a sufficient distance to the actual location of the outbreak. Areas A and B in Germany can therefore be confirmed and the duration of that regionalisation fixed.
- (4) Decision 2006/415/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision should be reviewed at the next meeting of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2006/415/EC is amended in accordance with the text in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2007.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

<sup>(1)</sup> OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33); corrected version (OJ L 195, 2.6.2004, p. 12).

<sup>(2)</sup> OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

<sup>(3)</sup> OJ L 164, 16.6.2006, p. 51. Decision as last amended by Decision 2007/454/EC (OJ L 172, 30.6.2007, p. 87).

## ANNEX

The Annex to Decision 2006/415/EC is amended as follows:

1. The following text is added to Part A:

ISO Country Code	Member State	Area A		Date until applicable Article 4(4) (b)(iii)
		Code (if available)	Name	
DE	GERMANY			6.8.2007
			ALLENDORF ARNSGEREUTH BAD BLANKENBURG BECHSTEDT CURSDORF DEESBACH DÖSCHNITZ GRÄFENTHAL LICHTE LICHTENHAIN MARKTGÖLITZ MELLENBACH-GLASBACH MEURA OBERHAIN OBERWEISSBACH PIESAU PROBSTZELLA REICHMANNSDORF ROHRBACH SAALFELD SAALFELDER HÖHE SCHMIEDEFELD SCHWARZBURG SITZENDORF UNTERWEISSBACH WITTGENDORF	

2. The following text is added to Part B:

ISO Country Code	Member State	Area B		Date until applicable Article 4(4) (b)(iii)
		Code (if available)	Name	
DE	GERMANY		DRÖBISCHAU KAULSDORF KÖNIGSEE LEUTENBERG MEUSELBACH- SCHWARZMÜHLE ROTTENBACH RUDOLSTADT	6.8.2007

## NOTICE TO READERS

In view of the situation which has arisen following enlargement, some editions of the Official Journal of 27, 29 and 30 December 2006 have been published, in a simplified manner, in the official languages of that date.

It has been decided to republish, as corrigenda and in the Official Journal's traditional presentation, Acts which appear in those Official Journals.

It is for this reason that Official Journals which contain only those corrigenda have been published in the pre-enlargement language versions. The translations of Acts in the languages of the new Member States will be published in a special edition of the *Official Journal of the European Union* comprising texts of the institutions and the European Central Bank adopted prior to 1 January 2007.

Given below is a list of the Official Journals published on 27, 29 and 30 December 2006 and their corresponding corrigenda.

OJ of 27 December 2006	Corrected OJ (2007)
L 370	L 30
L 371	L 45
L 373	L 121
L 375	L 70

OJ of 29 December 2006	Corrected OJ (2007)
L 387	L 34

OJ of 30 December 2006	Corrected OJ (2007)
L 396	L 136
L 400	L 54
L 405	L 29
L 407	L 44
L 408	L 47
L 409	L 36
L 410	L 40
L 411	L 27
L 413	L 50