

Appendix C

National Subscription Television Regulations			
	MUST CARRY RULES	LOCAL CONTENT REQUIREMENTS	
<i>Country</i>	<i>Detail of Regulation</i>	<i>Cable Television</i>	<i>Direct Broadcast Satellite</i>
Australia	None	At least 10% of annual programme expenditure on pay TV drama services must be on new eligible (Australian) drama programmes	Same requirements as cable television services for subscription services
Austria	Cable television operators must carry programmes of the public broadcaster. Additionally, they may be forced by the regulatory authority on request of a programme supplier to carry a specific programme under special conditions.	None	
Belgium	Cable television operators must carry programmes of the public broadcaster; private television stations; Pay TV stations; local and community television stations; international broadcasters designated by the government and those in which the public broadcaster is a participant.	Pay TV must broadcast at least 5% of own programmes	
Canada	Cable television operators and wireless system operators must carry programmes of the public broadcaster, local and regional stations and educational programmes. Satellite operators must carry programmes of the public broadcaster and of at least one affiliate of each national television networks licensed on a national basis. Additionally all operators are required to carry all Canadian speciality and Pay TV services appropriate for their markets.	Cable television and satellite operators must ensure that the majority of the broadcasting services are devoted to the distribution of Canadian programming services. Broadcasting distribution undertaking with more than 2000 subscribers must contribute at least 5% of their gross annual broadcasting revenues to the creation and presentation of Canadian programming. With respect to broadcasting distribution undertakings (e.g. cable companies, direct-to-home satellite services (DTH) and multipoint distribution systems (MDS)), the CRTC requires that these undertakings make financial contributions for the creation of Canadian programs: <ul style="list-style-type: none"> • With the exception of small cable companies, all broadcasting distribution undertakings must contribute a minimum of 5% of their gross annual revenues 	

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Canada cont'd		derived from broadcasting activities to contribute to the creation and presentation of Canadian programming. <ul style="list-style-type: none"> DTH distributors must allocate the entire 5% programming contribution to an independently-administered production fund. The CRTC also provides incentives to cable companies so that a portion of the 5% contribution can be devoted to the production of 'local' expression for the communities they serve. Non-Canadian services may not be offered on a stand-alone basis. With respect to pay and specialty television services, the CRTC sets minimum Canadian content and spending levels on an individual service basis, relative to the supply, cost and nature of programming, revenue potential, and the competitive environment. Canadian content transmission requirements for some services (such as CTV Newsnet) are as high as 100%, with movie services (such as The Movie Network and Movie Central) subject to transmission requirements for local content in the range of 25-30%. Expenditure requirements, which set minimum spending targets for Canadian content as individual conditions of licence, can be as high as 71% of gross annual revenues. Source: <i>ABA Discussion Paper</i>	
Czech Republic	Cable television operators must carry programmes of the public broadcasters and other broadcaster whose services are receivable by standard equipment in the cable operator's service area.	None	
Denmark	Cable television operators must carry programmes of the public broadcaster. Additionally, if a cable system has more than eight channels, the operator must provide one channel for local television.	Minimum of one hour per day on programmes based on the local community. Significant element of other programmes are in Danish language or produced for the Danish public.	
Finland	Cable television operators must carry programmes of the public broadcaster and other national broadcasters intended to be received in the territory of the cable operator	-	n.a.

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France	The law of 1966 permits the regulatory authority to require cable television operators to simulcast terrestrial broadcasting which are normally received in the area.	The same broadcasting requirements are imposed on cable television operators except for the first three years of service. These are: For films and audiovisual programmes at least 60% must be European programmes and at least 40% must be original French-language programmes. This is defined as "French as the principal language of production". No obligations are imposed on cable stations regarding investment.	
Germany	In analogue cable transmission, must carry regulations are set by regional media authorities.	As specified in the Directive of the European Commission ¹	
Greece	n.a.	European works should account or at least 50% of transmission time.	
Hungary	Cable Television operators must carry programmes of the public broadcaster.	n.a.	n.a.
Ireland	Cable television operators must carry programmes of the national broadcaster and TV3, the private broadcaster with national coverage.	-	-
Italy	Cable television and satellite operators must provide certain capacity by way of licence.	None	None
Japan	Cable television operators must carry programmes of all terrestrial television broadcasters of the area intact and simultaneously, subject to the regulatory authority's designation.	None	None

¹The Television without Frontiers directive of the EU stipulates that, where practicable, television stations should reserve a majority proportion of their broadcasting time for European works. Further, 10% of transmission time or programme budget should be reserved for independent productions. France set a higher level for European work (60%) and a number of countries have a domestic quota within the European quotas (France, Netherlands, Poland and Portugal)”

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Korea	Cable system operators, relay cable operators and satellite broadcasters must simultaneously carry programmes of terrestrial broadcasters which the Presidential Decree designates. Cable system operators and satellite broadcasters must also provide three or more channels for public and missionary work.	At least 50% of monthly broadcasting time must be Korean programmes. Individual quotas apply for film, animation and popular song genres.	
Mexico	None	80% of daily programming must be in Spanish language (originally produced, sub-titled or dubbed). In addition, for those companies that include advertising in their programmes, 7-8% of their daily programming must be produced in Mexico.	
Netherlands	Cable television operators must carry programmes of national, regional and local broadcasters in the region where the cable network is located; and Dutch programmes of the Belgium public broadcasters.	At least 50% of the broadcasting time must be individual programmes which qualify as European works. At least 40% of the broadcasting time must be individual programmes in Dutch or Frisian.	
New Zealand	None	None	
Norway	Cable television operators must carry programmes of the public broadcaster, other national broadcasters and local public television stations.	None	
Poland	Cable operators are required to give priority to national and regional public channels and to private local channels	-	-
Portugal	Cable Television operators must carry programmes of the public broadcaster. Additionally they must reserve three channels of their network for the distribution of terrestrial regional or local television channels and video or radio signals from non-profit entities for research, educational and cultural purposes.	-	-

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South Africa	n.a.		<p>Regulation 5.1 stipulates that: A private subscription television service provider must ensure that a weekly average of 5% of its programming, or some greater proportion as may be determined by the Authority, during the South African television performance period consist of local television content within such categories as the Authority may determine.</p> <p>Regulation 5.2 stipulates that: Where a portion of the broadcasting service of a private television subscription provider is unencoded, then for duration of that unencoded portion, it must ensure that a weekly average of 20% of its programming consisting of a local television content within such categories as may be determined by the Authority. <i>As at December 2000 http://iba.org.za/local_content.pdf</i></p>	
Spain	Cable Television operators must carry programmes of the national broadcasters both public and private, autonomous community television stations; and local television stations. Additionally, cable television and satellite operators are required to reserve 40% of their network for independent productions.		As specified in the Directive of the European Commission ²	
Sweden	Cable Television operators must carry programmes of the national broadcasters both public and private, and one local television service designated by the regulatory authority. Digital cable networks must carry three digital PSB channels.		At least 50% of the annual broadcasting time must be European programmes. At least 10 % of the broadcasting time or at least 10% of the programming budget must be devoted to European programmes produced by independent producers.	

² As above

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Switzerland	Broadcasters unable to negotiate transmission of a programme with a cable network may appeal to OFCOM, which may compel the cable operator to broadcast the programme subject to certain conditions (including the requirement for the broadcaster to refund the necessary expenses to the cable operator).	Specific obligations may be negotiated on a case-by-case basis in the licenses granted to broadcasters, taking into consideration of national, regional and cultural identity.	
Turkey	None	n.a.	n.a.
United Kingdom	Cable Television operators who hold licences before the Broadcasting act of 1990 must carry programmes of all national broadcasting services. Subject to the Broadcasting Act 1996, digital cable television operators are required to carry programmes of all national and terrestrial television services.	<p>At least 10% of the programming in specific categories must be independent programmes. (Clause 298 of the draft UK Communications Bill 2002 requires that the Office of Communications (OFCOM))</p> <p>Clause 298 effectively preserves the terms of clause 4(4) of the Independent Television Commission's (ITC) current broadcasting licence (the 'Digital Programme Service Licence'). The key purpose of the licence condition focuses on promoting content diversity and supporting the local production industry. As noted in the UK Department of Trade and Industry's Communications White Paper, independent production obligations are recognised to have promoted diversity in British television, to have supported the development of creative and technical skills, and to have "created a thriving and innovative production industry, which is an important part of our successful creative industries".</p> <p><i>Source: ABA Discussion Paper</i></p>	
United States	<p>Cable system must carry:</p> <ul style="list-style-type: none"> • Each local commercial television station in the same geographic market which elects to adopt a must carry status (cable systems must set aside one third of channel capacity to meet their must carry obligations) • at least one local non-commercial educational station. 	-	-

Sources: *OECD Communications Outlook 2001*; *South African Independent Broadcasting Authority*; *ABA Discussion Paper*

