


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) <a href="#">1993/0476(COD)</a> Directive	Procedure completed
Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)	
Subject 3.30.02 Television, cable, digital, mobile	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	PSE <a href="#">CAUDRON Gérard</a>	27/07/1994
Council of the European Union	Council configuration	Meeting	Date
	Budget	<a href="#">1866</a>	24/07/1995
	Telecommunications	<a href="#">1854</a>	13/06/1995
	Health	<a href="#">1823</a>	22/12/1994

Key events			
15/11/1993	Legislative proposal published	<a href="#">COM(1993)0556</a>	Summary
01/12/1993	Committee referral announced in Parliament, 1st reading		
17/02/1994	Vote in committee, 1st reading		Summary
17/02/1994	Committee report tabled for plenary, 1st reading	<a href="#">A3-0086/1994</a>	
18/04/1994	Debate in Parliament		Summary
19/04/1994	Decision by Parliament, 1st reading	<a href="#">T3-0213/1994</a>	Summary
25/10/1994	Modified legislative proposal published	<a href="#">COM(1994)0455</a>	Summary
22/12/1994	Council position published	<a href="#">11536/1/1994</a>	Summary
15/03/1995	Committee referral announced in Parliament, 2nd reading		
31/05/1995	Vote in committee, 2nd reading		Summary
31/05/1995	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0130/1995</a>	

12/06/1995	Debate in Parliament		Summary
13/06/1995	Debate in Council	<a href="#">1854</a>	Summary
13/06/1995	Decision by Parliament, 2nd reading	T4-0281/1995	Summary
24/07/1995	Act approved by Council, 2nd reading		Summary
24/10/1995	Final act signed		
24/10/1995	End of procedure in Parliament		
23/11/1995	Final act published in Official Journal		

### Technical information

Procedure reference	1993/0476(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC before Amsterdam E 057-p2; EC before Amsterdam E 100; EC before Amsterdam E 066
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/06357

### Documentation gateway

Legislative proposal	<a href="#">COM(1993)0556</a> <a href="#">OJ C 341 18.12.1993, p. 0018</a>	15/11/1993	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A3-0086/1994</a> <a href="#">OJ C 077 14.03.1994, p. 0002</a>	17/02/1994	EP	
Economic and Social Committee: opinion, report	<a href="#">CES0378/1994</a> <a href="#">OJ C 148 30.05.1994, p. 0001</a>	23/03/1994	ESC	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T3-0213/1994</a> <a href="#">OJ C 128 09.05.1994, p. 0035-0054</a>	19/04/1994	EP	Summary
Modified legislative proposal	<a href="#">COM(1994)0455</a> <a href="#">OJ C 321 18.11.1994, p. 0004</a>	25/10/1994	EC	Summary
Council position	<a href="#">11536/1/1994</a> <a href="#">OJ C 384 31.12.1994, p. 0036</a>	22/12/1994	CSL	Summary
Commission communication on Council's position	SEC(1994)2063	13/02/1995	EC	
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0130/1995</a> <a href="#">OJ C 166 03.07.1995, p. 0004</a>	31/05/1995	EP	
Text adopted by Parliament, 2nd reading	<a href="#">T4-0281/1995</a> <a href="#">OJ C 166 03.07.1995, p. 0019-0030</a>	13/06/1995	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1995)0319	06/07/1995	EC	
Non-legislative basic document	COM(1999)0540	10/11/1999	EC	Summary

### Additional information

## Final act

[Directive 1995/47](#)[OJ L 281 23.11.1995, p. 0051](#) Summary

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

Council Directive 92/38/EEC aimed to facilitate Europe's transition from normal definition television (provided by the current PAL and SECAM systems) to high definition television (HDTV). The approach was based on compatibility developed for satellite and cable distribution, relying on the D2-MAC and HD-MAC transmission systems. In view of the development of the market and the current state of technological progress, it was appropriate to repeal Council Directive 92/38/EEC and to adopt a new directive to guarantee the establishment of a single market covering the production and transmission of and receiver equipment and transmission services for wide-screen 16:9 format television programmes throughout the Community by harmonising the transmission format. The new directive provided for all wide-screen television services to be in the 16:9 format irrespective of the transmission method used (cable, satellite or terrestrial network). Service providers would be able to choose the European standard for the television system which suited them best. For services in normal definition (625 lines), they would be able to choose between the current D2-MAC, any new analogue system that was fully compatible with PAL or SECAM, or any new fully digital system. High definition services offered the choice between HD-MAC and a fully digital system which had been standardised by a recognised European standardisation body. Producers of products intended for the general public had to meet a minimum requirement guaranteeing that the whole range of decoders likely to be marketed could be connected to the television receiver. The incorporation of a standard open interface socket in television receivers with screens beyond a certain size should provide this guarantee. Finally, the proposal required all cable network operators who decided to redistribute television services to retransmit in the wide-screen 16:9 format television services which they received in wide-screen format. The directive would be evaluated every two years. ?

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

The draft report by Mr CAUDRON (PSE, F) was adopted. The Committee on Economic and Monetary Affairs adopted all the amendments tabled by the rapporteur. These amendments aimed to add a greater degree of rigour to the text. ?

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

\$summary.text

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

\$summary.text

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

The report by Mr CAUDRON on the use of standards for the transmission of television signals was adopted by the European Parliament. The main objective of this new text was to repeal the 1992 directive aimed at standardising the move to HDTV through the D2-MAC and HD-MAC transmission systems. This new directive marked a change in course for the audiovisual policy, since the requirement to use the abandoned D2-MAC standard to the benefit of a more flexible system no longer required compatibility with PAL or SECAM and, for HD that was not fully digital, the requirement to use the HD-MAC system. The European Parliament adopted all the amendments tabled by the Committee on Economic and Monetary Affairs. They aimed to introduce a little more "regulation" to the text. ?

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

The Commission's amended proposal incorporated two amendments proposed by the European Parliament underlining the relevance of a reference to the "Television without Frontiers" directive and that it was up to the Union to prevent a detrimental dispersion of efforts in the field concerned. Moreover, the Commission accepted the content of the other four amendments through changes to Parliament's text. Thus, the Commission agreed that it was essential to establish common standards for the digital transmission of television signals whether by cable, by satellite or by terrestrial means and that this was best achieved by mandating a recognised European standardisation body, taking account of the outcome of the consensus processes under way among market parties. With regard to the problem of conditional access, the Commission considered that this issue was an important matter for the consumers and providers of pay television services and for the rights holders of programmes. As a result, it proposed that the directive should stipulate, on the basis of agreements concluded between the relevant actors, that all consumer equipment used to descramble digital television services should include the common scrambling algorithm in order to ensure that all providers of conditional access television services provided all consumers of these services in the European Union with their programmes. It also proposed that the directive should make provision for transcontrol of conditional access at cable television network

head-ends and the granting of licences for techniques exclusive to conditional access. Finally, it was proposed that the development of the market for conditional access to digital television services be reviewed periodically. It was also important to note that the Commission rejected Parliament's amendments concerning the removal of the reference to the development of technology and the market as justification for the directive and the development of a system of wide-format analogical transmission services that was compatible with both PAL and SECAM. ?

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

The common position incorporated four amendments which had been accepted by the Commission in its amended proposal. These primarily related to the following measures: - the introduction of a reference to the Directive on "television without frontiers"; - the inclusion of the term "advanced" to qualify the "television services"; - the need to adopt common standards for the digital transmission of TV signals and to mandate a recognized European standardization body to carry this out; - conditional access. In addition the Council introduced amendments which sought: - to clarify the minimum requirements in respect of wide-screen services; - to underline the importance of broadcasting networks for advanced television services; - to specify that cable TV systems do not come under the scope of the Directive; - to stress that standards would be required in good time before the introduction to the market of digital television services; - to specify that advanced television services also included those using digital transmission systems; - to specify the scope of the standardization requirement by indicating the elements which comprise a transmission system; - to make reference to the "administered" rather than the "standardized" scrambling algorithm and to withdraw the reference to "inclusion in the television receivers" as far as conditional access was concerned; - to require that broadcasting systems should at least use the 16:9 aspect ratio for those services which were picked up in this format, without necessarily excluding their re-transmission in other formats; - to set a time limit of 9 months for the implementation of the provisions contained in the Directive. ?

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

The amendments to the common position tabled by the Committee on Economic and Monetary Affairs aimed to achieve an economic, commercial and political balance and represented the desire to find an acceptable solution that would permit the launch of digital television services within a flexible and progressive regulatory framework. The amendments related to the following aspects in particular: - the need to introduce efficient anti-piracy legislation at European level; - the inclusion of a reference to the conclusions of the G7 Conference on the Information Society, which highlighted the need for a regulatory framework ensuring open access networks and respect for competition rules; - clarifications of the definitions of a wide-screen television format and the 16:9 format so as to avoid a division of the markets; - the inclusion, among the elements forming programme signals, of a reference to teletext data or subtitling for the hearing-impaired; - clarifications with regard to the definition of fully digital transmission networks. Moreover, the Committee on Economic and Monetary Affairs tabled significant amendments with regard to conditional access, which aimed to: - ensure that conditional access was not limited to Pay-TV services; - introduce the requirement to display signals that had been transmitted in clear; - ensure that operators of conditional access services offered their services to broadcasters on a non-discriminatory basis. On the other hand, operators of conditional access services should be entitled to earn a return on their investments and for the provision of services to broadcasters; - clarify the requirements relating to licences; - ensure that the Member States established an appeals procedure; - establish the conditions under which the Commission should examine the development of the market for digital television services. ?

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

Mr CAUDRON pointed out that following the first reading the Council had adopted a number of the EP's amendments. However, the text of the common position had quickly shown itself to be inadequate, particularly with regard to the conclusions concerning DVB (Digital Video Broadcasting). Thus, the holders of conditional access services could offer closed services subject to authorisation of other operators to use their systems. However, DVB sought to use a unique decoder that would be used with different access cards. Faced with two irreconcilable positions - pay channels and channels with a common interface - the rapporteur's amendments represent a compromise for conditional access. In other words, they guarantee operators a return on their investment and they allow equal access for all broadcasters. The rapporteur was also in favour of efficient anti-piracy legislation. Commissioner Bangemann noted that consideration should also be given to the protection of intellectual rights and that a proposal on data protection was being discussed. He could take over Amendments Nos 1, 2 and 6 as well as Amendments Nos 3 and 4 provided that Amendment No 3 was seen as encouraging the Member States rather than obligating them and Amendment No 4 was correctly interpreted. Amendment No 5, which was the most important amendment as it established the principle of conditional access for all broadcasters, was also taken over by the Commissioner.

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

The Council took note of the amendments to its common position adopted by the European Parliament at its plenary sitting on the same day, and of the favourable opinion on those amendments as expressed by Mr BANGEMANN. It called upon the Permanent Representatives Committee to prepare a Decision as soon as possible in order to obviate the formal conciliation procedure, which would hold up adoption of the Directive for several months.

---

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

In adopting the Caudron report, the European Parliament amended the Council's common position. It stressed that operators of conditional access services should be entitled to earn a return on their investments and for the provision of services to broadcasters. It also provided for the possibility of appeal to an arbitration body or the national regulatory authority in the case of a dispute and highlighted the need for efficient anti-piracy legislation. It stressed that the 16:9 format should be the reference format for wide-format television services. Parliament also called for the following measures: - conditional access should not be limited to Pay-TV services; - Member States should take all the necessary

measures to ensure that the operators of conditional access services and cable TV providers, who produced and marketed access services to digital television services, offered access to all broadcasters, on a fair, reasonable and non-discriminatory basis, and keep separate financial accounts regarding their activity as conditional access providers; - all consumer equipment, for sale or rent or otherwise made available in the Community, should possess the capability to display signals that had been transmitted in clear; - the Commission should examine the implementation of this directive and the development of the market for digital television services throughout the European Union and submit a report to the European Parliament and to the Council. ?

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

The Council unanimously adopted the Directive after accepting all the amendments made by the European Parliament to its common position of 22 December 1994. The purpose of the Directive is to repeal Directive 92/38/EEC in the light of market developments and recent technical advances: Directive 92/38/EEC provided for the switch from the current PAL and SECAM television systems to High-Definition Television using the D2-MAC and HD-MAC transmission systems applicable to satellite and cable broadcasting. The new Directive provides for Member States to take measures to promote the accelerated development of advanced television services including widescreen (16:9) television services, high-definition television services and television services using fully digital transmission systems. To that end the Directive lays down certain technical requirements that all television services transmitted to viewers, whether by cable, satellite or terrestrial means, will have to meet. The Directive also defines a series of rules for 'conditional access' to digital Pay-TV, i.e. the procedure whereby authorised subscribers have access to coded TV signals. Member States will have nine months to transpose the Directive. The repeal of Directive 92/38/EEC will also take effect in nine months time. When it adopted its common position, the Council decided to disclose the following statements: i) Statement on the recital introduced by Parliament referring to the general principle of open access to networks: 'The Council and the Commission note that, according to the conclusions of the G7 Ministerial Conference on the Information Society, open access should be regulated by a framework preventing the abuse of dominant positions and constituting part of a future comprehensive regulatory framework for information services in a liberalised market structure, comprising competition in the field of services and infrastructures, the supply of universal services, the interconnectability of networks and a fair and effective system for issuing licences?'. ii) Statement on the introduction by Parliament of a provision whereby Member States shall facilitate the transfer of widescreen television services already in operation to digital transmission networks open to the public: 'The Council takes note of the statement made by the Commission during the debate on the adoption of this amendment in the European Parliament, to the effect that it interprets this text as not imposing binding obligations on Member States regarding the transfer of widescreen television services already in operation to digital transmission networks open to the public and it endorses that interpretation. The Council takes note that during the same debate the European Parliament signified its agreement to the Commission's interpretation of this text?'. iii) Statement regarding the first indent of Article 4, point (c) of the Directive dealing with conditional access to digital television and reading as follows: Member States shall take all the necessary measures to ensure that the operators of conditional access services, irrespective of the means of transmission, who produce and market access services to digital television services: - offer to all broadcasters, on a fair, reasonable and non-discriminatory basis, technical services enabling the broadcasters' digitally-transmitted services to be received by viewers authorised by means of decoders administered by the service operators, and comply with Community competition law, in particular if a dominant position appears?. The Council and the Commission state that the first indent of Article 4, point (c): - applies to any provider of conditional access services operating on a cable, terrestrial or satellite broadcasting network in relation to broadcasters who have access to that network under the national procedures in force and wish to benefit from that conditional access service; - does not seek to impose an obligation to offer to any broadcaster access for television services to packages or tiers of television services configured and/or administered by the provider, or services involving transparent distribution to subscribers; - only requires Member States to ensure that broadcasters may have access to conditional access services and that the obligation in Article 4, point (c) does not extend to the underlying network. The Council and the Commission note with satisfaction that this interpretation is confirmed by the debates in the European Parliament. Accordingly, the Commission confirms that the Member States are not obliged, when transposing this Directive, to take measures that go beyond the limited and proportionate objectives referred to in Article 4, point (c) as stated above?.

## Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

---

**OBJECTIVE:** - to create a regulatory environment of standards for the transmission of advanced television signals; - to facilitate the harmonisation throughout the Union of the connection of peripherals to television sets; - to create in the Union a common framework for conditional access to digital pay-television services; - to promote the transmission of television services in wide-screen format via broadcasting networks. **COMMUNITY MEASURE:** European Parliament and Council Directive 95/47/EC on the use of standards for the transmission of television signals. **SUBSTANCE:** \* Member States shall promote the accelerated development of advanced television services, including wide-screen television services, high-definition television services and television services using fully digital transmission systems. \* Member States shall see to it that the transfer of wide-screen television services already in operation to digital transmission networks open to the public is made easier. \* All transmission services, regardless of the means of transmission used (cable, satellite or terrestrial), shall: - if they are in wide-screen format and 625 lines, and are not fully digital, use the 16:9 D2-MAC transmission system, or a 16:9 transmission system which is fully compatible with PAL or SECAM; - if they are in high definition, and are not fully digital, use the HD-MAC transmission system; - if they are fully digital, use a transmission system that has been standardised by a recognised European standardisation body. \* Manufacturers of products intended for the general public shall meet a minimum requirement guaranteeing that the entire range of decoders to be marketed may be linked to television sets. The fitting of a standardised open interface socket to television sets with screens over a certain size (integral viewing screen of visible diagonal greater than 42 cm) will guarantee this. \* The conditions applying to conditional access for viewers to digital television are as follows: - all equipment must be able to descramble digital signals and display signals that have been transmitted in clear; - the operators of conditional access services shall offer services to all broadcasters on a fair, reasonable and non-discriminatory basis; - separate accounts shall be kept for conditional access providers; - suppliers of digital television services shall publish a list of tariffs; - licences to manufacturers of consumer equipment shall be granted on fair, reasonable and non-discriminatory terms; - Member States shall ensure access to appropriate dispute resolution procedures. \* The directive stipulates that when operators of cable networks decide to redistribute television services, they shall redistribute wide-screen television services in the wide-screen 16:9 format. \* Before 1 July 1997, and every two years thereafter, the Commission shall examine the implementation of the directive. - Date of entry into force: 23 November 1995. - Deadline for transposal into national legislation: 23 August 1996. ?