



COMMERCIAL BROADCASTERS CALL FOR STRENGTHENED PROTECTION OF CONDITIONAL ACCESS SERVICES AT EU-LEVEL

Brussels, 7 April 2008 – In response to the public consultation on the Conditional Access Directive (98/84/EC), the Association of Commercial Television in Europe (ACT) calls on the European Commission to further strengthen the Directive. The Conditional Access Directive was adopted in 1998 and plays a useful role in providing a high level of harmonisation of legal protection for conditional access based services. European satellite pay-TV services are a multibillion Euro sector contributing to the objectives laid down in the Lisbon agenda of fostering innovation, competitiveness, growth and employment.

The Directive aims at offering minimum standards of legal protection for conditional access services and should encourage the development of cross-border services across the EU.

The majority of ACT member companies either already use, or may shortly introduce, services based on conditional access and/or Digital Rights Management systems for protection from unauthorised use.

Ross Biggam, Director General ACT, comments: “The Directive has proven to be a valuable tool to achieve harmonised conditions in a formerly fragmented market. Protection from piracy benefits European businesses and consumers as well as transfrontier broadcasting services”.

The Conditional Access Directive is an enabler of encrypted TV services in Europe

Today several ACT members offer cross-border, conditional access enabled services, typically in regions characterised by strong linguistic and cultural similarities. The provision of these services tends to be most successful when operators are able to identify an economically viable target group. Against this background the ACT does not share the Commission’s view that the so-called “grey market” is the only part of this sector with a cross-border dimension. In addition, the ACT would like to repeat that the Conditional Access Directive is not concerned with the “grey market”, as the latter is a breach of (civil law) contractual obligations, not a form of piracy.

Nor do commercial broadcasters see any legal obstacles to the purchase of rights for broadcasting on a transfrontier basis. In both pay- and free-to-air broadcasting, the market is responding and providing cross-border services where there is a sufficient demand to allow a reasonable prospect of return on investment.

Reinforcing protection by extending the scope of the Directive

Most ACT members have launched (or envisage launching) new services such as Internet Protocol TV (IPTV) and Mobile TV, which are conditional access and Digital Rights Management enabled. The ACT considers that the Conditional Access Directive covers these services, as the Directive is a technology neutral instrument. In order to foster the development of these new services in the future, the ACT would call on the Commission to confirm that the Directive does cover these services.

In an era where the transition to digital has increased the possibility and levels of piracy, the ACT would also suggest expanding the scope of the Directive to cover services not offered against payment.

Ross Biggam, Director General ACT, stresses: "Protecting broadcasting services against piracy is at the heart of our concerns. Piracy remains a major problem in countries bordering the EU. Commercial broadcasters therefore look forward to seeing the Conditional Access Directive adopted by countries aspiring to join the EU".

About the ACT:

The Association of Commercial Television in Europe (ACT) is a trade association representing the interests of the commercial broadcasting sector in Europe. The ACT has twenty seven member companies active in 34 European countries operating over 380 free-to-air and pay-tv channels and distributing 540 channels and 170 new services. For further information, please see: www.acte.be

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