

# ***ANEXOS***

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**ANEXO 1:**  
*Tablas de la distribución  
geográfica de la facturación de  
las 15 primeras empresas  
audiovisuales del mundo*

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Tabla 1: Distribución geográfica de la facturación de las 15 primeras empresas audiovisuales del mundo en 1994

Empresa	País de origen	US	UE	Asia	Porcentaje de la Facturación fuera de la región de origen
Sony	JP	29	23	48	52
Time Warner Ent.	US	79	10,5	10,5	21
Matsushita/MCA	JP	25	25	50	50
NHK	JP	2,5	2,5	95	5
ARD	DE	2,5	95	2,5	5
Capital Cities/ABC	US	95	2,5	2,5	5
Fujisankei	JP	2,5	2,5	95	5
Walt Disney	US	81	13	16	39
Polygram	NL	25	50	25	50
Kirch Gruppe	DE	2,5	95	2,5	5
Nintendo	JP	nd	nd	nd	nd
Time Warner	US	67	20	13	33
News Corp.	AU	69	17	14	86
CBS	US	95	2,5	2,5	5
Bertelsmann	DE	24	69	8	32
Media					28

Fuente: EAO, 1996

Tabla 2: Distribución geográfica de la facturación de las 15 primeras empresas audiovisuales del mundo en 1996

Empresa	País	US	UE	Asia	Porcentaje de la Facturación fuera de la región de origen
Viacom	US	83	0	17	17
Sony	JP	79	0	21	21
ARD	DE	2,5	95	2,5	5
Time Warner Ent.	US	79	0	21	21
NHK	JP	2,5	2,5	95	5
Walt Disney	US	81	13	6	19
Capital Cities/ABC	US	95	2,5	2,5	5
Polygram	NL	11	60	29	40
Kirch	DE	2,5	95	2,5	5
Bertelsmann	JP	24	68	8	32
Thorn Emi	GB	56	29	15	44
MCA	US	75	12,5	12,5	25
News Corp.	US	70	17	13	30
Time Warner	US	68	19	13	32
NBC	US	95	2,5	2,5	5
Media		54,9	27,7	17,4	20

Fuente: EAO, 1997

Tabla 3: Distribución geográfica de la facturación de las 15 primeras empresas audiovisuales del mundo en 1996

Empresa	País	US	UE	Asia	Porcentaje de la Facturación fuera de la región de origen
Walt Disney	US	77	11	12	23
Viacom	US	78	0	21	21
Sony	JP	28	23	48	51
Time Warner	US	74	17	9	26
ARD	DE	2,5	95	2,5	5
News Corp.	AU	70	18	11	88
Polygram	NL	23	51	24	47
NHK	JP	2,5	2,5	95	5
Segram Universal	US	59	29	11	40
NBC	US	69	19	11	30
Time Warner	US	75	15	10	25
Bertelsmann	DE	24	67	8	32
CBS	US	89	6	5	11
Thorn Emi	UK	22	51	26	48
BBC	UK	4	94	2	6
Media		46,5	33,2	19,7	30

Fuente: EAO, 1998

Tabla 4: Distribución geográfica de la facturación de las 15 primeras empresas audiovisuales del mundo en 1997

Empresa	País	US	UE	Asia	Porcentaje de la Facturación fuera de la región de origen
Walt Disney	US	83	9	7	16
Viacom	US	81	9	9	18
Sony	JP	31	23	45	76
Time Warner	US	78	8	14	22
News Corp.	AU	74	16	10	90
Time Warner Entert.	US	82	8	10	18
ARD	DE	2,5	95	2,5	5
Polygram	NL	25	51	24	49
Segram Universal	CA	76	24	0	24
NBC	US	73	20	7	27
NHK	JP	2,5	2,5	95	5
Bertelsmann	DE	26	65	9	35
Thorn Emi	UK	25	52	23	48
CBS	US	89	6	5	11
Fuji	JP	2,5	2,5	95	5
Media					29

Fuente: EAO, 1999

Tabla 5: Distribución geográfica de la facturación de las 15 primeras empresas audiovisuales del mundo en 1998

Empresa	País	US	UE	Asia	Porcentaje de la Facturación fuera de la región de origen
Walt Disney	US	83	10	7	17
Sony	JP	31	24	44	75
Viacom	US	76	0	24	24
Time Warner	US	79	8	13	21
Time Warner Entert.	US	84	7	9	16
News Corp.	AU	74	16	9	90
CBS	US	85	7,5	7,5	15
Seagram Universal	CA	50	44	6	50
ARD	DE	2,5	95	2,5	5
NBC	US	71	22	7	29
NHK	JP	2,5	2,5	95	5
Bertelsmann	DE	24	65	11	35
Thorn Emi	UK	34	43	23	57
Polygram	NL	23	51	24	47
Fuji	JP	2,5	2,5	95	5
Media					32

Fuente: EAO, 2000a

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***ANEXO 2:***  
***Documentos***

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**Documento 1: Carta del principal grupo de televisión privado alemán a los eurodiputados en las votaciones sobre la revisión de la Directiva Televisión sin fronteras**



Señor  
José Manuel García-margallo y Marfil  
Parlamento Europeo  
Palais de l'Europe  
F - 67000 Strasbourg

*Revisión de la directiva de TV*

Munich/Mainz, a 7 de noviembre de 1996

Estimado Señor,

el día 13 de noviembre Vd. decidirá sobre el futuro de la televisión en Europa. Sobre valores como la variedad de opinión, la identidad cultural y también sobre las condiciones económicas.

Nunca hasta ahora hubo en Europa una oferta de televisión tan amplia. A lo largo de los últimos diez años se desarrolló, al amparo de la televisión, una fuerte industria dedicada al sector audiovisual. El número de puestos de trabajo en este sector se multiplicó por tres.

Este desarrollo está actualmente en peligro, su base financiera se está tambaleando. Son especialmente tres los aspectos del debate acerca de la reforma los que a nosotros, los representantes de tres cadenas de TV que representan casi el 30 por cien del mercado de telespectadores, nos preocupan:

- la cuota obligatoria de programas (arts. 4 y 5), que no apoya el desarrollo de una industria audiovisual, capaz de competir en el mercado internacional
- la reducción de las posibilidades de emitir publicidad, al equiparar el clásico anuncio de TV con otras formas de publicidad, como p.e. los programas publicitarios (art. 18)
- el calcular el número de bloques de publicidad permitido en películas, basándose en el principio neto en vez de en el principio bruto, que fue confirmado por la Comisión y el Consejo de Ministros (art. 11.3)

Como Vd. podrá comprobar en el prospecto adjunto, nosotros sí respetamos, que una televisión sin fronteras no significa una televisión sin límites. Pero sin disponer de una base para la refinanciación, nos parece imposible seguir ofreciendo al espectador la misma amplia oferta en programas.

Le rogamos no olvide estos aspectos a la hora de votar el 13 de noviembre.

Le saludan atentamente

Jürgen Doetz  
Director General

SAT.1

Dr. Georg Kofler  
Presidente del Consejo  
de Administración

ProSieben Media AG

Dr. Ludwig Bauer  
Director General

KABEL 1

Michael Wölfle  
Director General

MGM MediaGruppe München

anexo: prospecto „Televisión sin fronteras“

*Documento 2: Declaración de posición de IVF EUROPA/EFCA/FIAPF sobre  
la Directiva Televisión sin fronteras*

## **Directiva de Televisión sin Fronteras - Artículo 7**

### ***Declaración de Posición IVF EUROPA / EFCA / FIAPF***

**La industria europea de cine y de video aplaude el reconocimiento por parte de los Comités de Cultura de la necesidad de crear un mejor entorno para la producción de películas de cine en Europa, al adoptar la nueva enmienda 3 (Artículo 7) el martes 29 de octubre, que declara:**

*“Los estados miembros asegurarán que los teledifusores bajo su jurisdicción no transmitirán fuera de los períodos acordados con los titulares de los derechos”*

**La industria europea de cine y de video busca el apoyo de todos los miembros del parlamento europeo para adoptar esta enmienda en la sesión plenaria.**

#### **LA IMPORTANCIA ESENCIAL DE ESTA ENMIENDA**

- 1 La enmienda de los Comités de Cultura toma en cuenta las realidades del mercado.
- 2 Además, la compresión digital y la multiplicación de canales de distribución de obras audiovisuales significa que los productores europeos se beneficiarán en realidad de la mayor flexibilidad en la explotación de sus obras.
- 3 Bajo el texto revisado propuesto por el Consejo, las ventanas de protección para la difusión en TV se calcularía teniendo en cuenta el primer estreno en cualquier lugar de la UE. De esta manera, una película estrenada en el Reino Unido podría aparecer en la televisión española o italiana antes de haber completado su exhibición en las salas de cine. Esta es una propuesta que, evidentemente, no refleja la realidad comercial de la industria audiovisual.
- 4 En efecto, las ventanas de protección propuestas por el Consejo están en total contradicción con la manera en la que las películas de cine se estrenan en Europa. Debido a diferencias culturales, a diversos hábitos del público aficionado al cine, a las vacaciones, al clima y a la competencia por pantallas cinematográficas, etc. las películas se estrenan en diferentes fechas en los diversos países de la UE. Los productores europeos utilizan los recursos financieros que obtienen en un país para comercializar y estrenar en otros países. Además las películas se mantienen en cartelera durante períodos de tiempo diversos, en función del éxito que tengan.

*Declaración de Posición IVF/Europe/EFCA/FIAPF*

*Documento 3: Nota de prensa de las organizaciones de artistas y creadores  
británicos sobre su posición en la Directiva Televisión sin  
fronteras*

BRITISH ACTORS' EQUITY    DIRECTORS GUILD    MUSICIANS UNION  
NATIONAL UNION OF JOURNALISTS    WRITERS GUILD OF GREAT BRITAIN  
BROADCASTING ENTERTAINMENT CINEMATOGRAPHIC & THEATRE UNION

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EUROPEAN PARLIAMENT  
TELEVISION WITHOUT FRONTIERS DIRECTIVE

**PRESS RELEASE**

You are invited to attend a Reception and Press Conference  
on Wednesday November 6th

12.30 pm - 2.00 pm  
Foyer, Van Maerlant Bar [ First Floor Van Maerlant Building ]  
97 - 113 Rue Belliard, Brussels

**BRITISH ACTORS, SCREENWRITERS, PRODUCERS, DIRECTORS, FILM &  
TELEVISION TECHNICIANS ARE IN BRUSSELS TO SUPPORT THE  
EUROPEAN PARLIAMENT AS IT PREPARES TO VOTE ON THE  
TELEVISION WITHOUT FRONTIERS DIRECTIVE**

Film and television are the most powerful mediums for the communication of ideas, personal identity and values. The future economic self-sufficiency and cultural diversity of this vital communications industry is at stake.

Together with a large number of audiovisual organisations, throughout the European Union, we support the Parliament's commitment to the principle that:

*"Member States shall by appropriate and legally effective means, within the framework of the organisation of their broadcasting system, ensure that broadcasters reserve for European works, within the meaning of Article 6, a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext and teleshopping services".*

We endorse this audiovisual policy of a 51% quota for European Works which pools European resources together to create employment, and strengthen an integrated EU audiovisual industry. We believe this is the most critical industrial and cultural legislation before the Parliament at this time. It is a policy that will create employment and inward investment throughout the European Union in this vital creative industry.

Without a renewed political commitment by the Members of the European Parliament to quota regulation, and investment by thematic channels in European works, there can be no solid economic basis on which Europe's audiovisual sector can compete successfully in tomorrow's markets, and participate fully in the explosive growth of new broadcasting technologies.

On November 13th when the Parliament votes in Strasbourg, we strongly urge the Members of the European Parliament to:

- Vote to support this critical legislation.
- Vote to create investment in Europe.
- Vote to ensure the future of our audiovisual industry.

*Documento 4: Nota de un miembro del Gabinete de Sir Lean Brittan a n  
miembro del Gabinete Monti para negociar la propuesta de  
Directiva "Control de Medios y Pluralismo"*



COMMISSION OF THE EUROPEAN COMMUNITIES  
Office of Sir Leon BRITTAN

Member of Cabinet

Brussels, 18 July 1996

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**Note for the attention of Mrs Arianna Vannini, Prof. Monti Cabinet**

Dear Arianna,

**Subject: media control and pluralism**

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Following on from our discussion after the special chefs meeting yesterday morning, I would like to provide some additional comments as well as make a personal suggestion for an alternative approach.

We spoke about the primary objective of the directive, and I understood clearly from DG XV's explanations that the problems which you want to address are **obstacles to the internal market** created by regulations limiting control, ownership, number of operators allowed, and similar ones: in other words, market access problems. This is the correct starting point from an internal market point of view, and should be stressed in the directive.

However, Article 2.2 is in my view not sufficiently clear in this regard: in effect, it bans the imposition of any requirements or other restrictions for establishment (directly or via acquisition of control), but this is limited to "reasons which fall within the field coordinated by this directive". If we go to Article 1.(o), the "field coordinated by this directive" is defined as "requirements and other provisions governing access to media ownership which are intended specifically to protect pluralism". Therefore, the examples provided by DG XV in the meeting of cases which should be tackled - numerical restrictions, denial of access to the cable TV network, other refusals to license on cultural or other grounds whatever they are - do not seem to be addressed by the directive.

Therefore, to address the problems of market access, Article 2 should be more forthcoming, and state that Member States may not impose any numerical restrictions to the authorization for the broadcasting of TV or radio services, except as justified on grounds of absence of broadcasting frequencies (reasons which are increasingly invalid because of digitalization), and that Member States can impose no restrictions on media ownership which discriminate against nationals or companies from other Member States.

We do not see in any way how the Commission may claim a competence on the issue of media pluralism as such, unless it has to be addressed because of the fact that absence of

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harmonisation is an obstacle to the functioning of the internal market, and the importance of the obstacles is proportionate to the regulation of an issue which so far has been left to Member States to regulate. In other words, **it should be proved that:**

- 1) the obstacles we want to eliminate are significant and not theoretical (how many broadcasters in a Member State have a 30 % audience in another Member State?)
- 2) the obstacles are created primarily by diverging regulations on media ownership for pluralism reasons and not to other factors
- 3) there are no other means less stringent to eliminate the obstacles (for instance, why host country control is not sufficient, where are the areas where circumvention problems may be posed and why they cannot be dealt with by means other than harmonization of audience ceilings).

At present, the proposal fails to prove that this is the case on all the three accounts.

Finally, the question of **third country operators** has no satisfactory solution. On the one hand, it is clear that we cannot impose on third countries to apply our legislation on media ownership or to police respect of audience ceilings within the EU - except if it is done on the basis of a bilateral agreement or arrangement, which would require proper identification of the existence of a problem. Therefore, since we cannot cover third country operators, there are two possible scenarios:

- either we can expect to avoid circumvention problems through measures applied by the host country, in which case this would prove that no home country control of respect of audience limits would be necessary at EC level; or
- we cannot avoid circumvention and it becomes a real problem, so the EC would disadvantage its own broadcasters compared to third country ones, and would encourage them to invest and establish abroad to circumvent the limits.

In case we can prove that the respect of pluralism regulations of Member States is a real problem, either because they are circumvented easily or because they constitute a restriction to market access, one could think of an **alternative approach** which I would like to outline to you on a personal basis, and which could be based on the following elements:

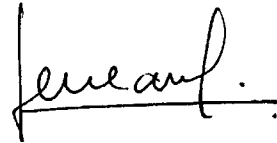
- a. general market access provision: elimination of all numerical restrictions on licenses and on access to distribution networks, except as justified because of absence of frequencies, and of all restrictions to ownership or control which are discriminatory against other Member States
- b. no ceilings for media ownership should be established: these would be set at national level, if they think that they need any, according to their own balance of interests
- c. limit media ownership provisions to a combination of transparency and exchange of information among regulators in Member States, and the establishment of a mechanism against the circumvention of national regulations to protect media pluralism. Such a mechanism could work as follows:
  - acceptance of the principle that the country of origin, which licenses operators, has some responsibility for the operations of its broadcasters or media owners in other Member States
  - in case a host country (A) considers that its own limits on media concentration are

being, or risk being, circumvented by eg broadcasting from another Member State (B), the former (A) may request another MS concerned (B) to prevent any further acquisition which would lead to an operator licensed in the country of origin (B) to exceed the limits in the host country (A).

This would be some form of safeguard clause, generally not applicable but only on a case by case basis. In this respect, MS would have to accept acting as controllers for activities outside their jurisdiction at the request of host countries, but in exchange they would keep full guarantee of market access anywhere else.

I think that such an alternative proposal would be more respectful of the principles of proportionality and subsidiarity, deal with the (potential) problems of market access and media pluralism effectively but only with the minimum necessary regulation, and meet better the concerns of both Member States in the Council (who will oppose intromission in their internal organisation of media pluralism) and in the EP (since media pluralism is safeguarded).

*Requies,*



Fernando Perreau de Pinninck

cc: SLB, Cabinet, Mrs Reicherts (Santer Cabinet)



*Documento 5: Intervención del Comisario Mario Monti en la sesión semanal del Colegio de Comisarios del 30 de julio de 1996 sobre la orientación del debate sobre la propuesta de directiva sobre la protección del pluralismo en el control de medios*

**MARIO MONTI**  
MEMBER OF THE EUROPEAN COMMISSION

RUE DE LA LOI 200  
B-1049 BRUSSELS  
TEL. 296.41.01/2

2 September 1996  
918

SECRETARIAT  
Sir Leon BRITTAN

02-09-1996 N° 5164

**Subject :** Draft proposal for a directive on the protection of pluralism in media control.

*Dear Leon,*

You will recall that at the last meeting of the Commission on 30 July I made a short introduction to the orientation debate we shall be having at our next meeting on 4 September.

I thought it might be helpful for the preparation of the meeting if I provide you with a copy of that introductory intervention. Please find it enclosed.

I am confident that my remarks can provide reassurance to a number of Colleagues and that our orientation debate will be productive.

With best personal regards,

Sincerely yours,

*Mario Monti*

Sir Leon BRITTAN  
Vice President  
European Commission

**Intervention concerning point 19 of the Commission's agenda for the 30.7.1996**

I very much appreciate this opportunity of discussing this sensitive issue particularly so near to the start of our holidays. I do not want to take much time and I will keep to the essentials, as this is only a first orientation debate. The reason, however, that I wished to have it today is twofold. First of all I wanted to eliminate some misunderstandings and concerns that have surfaced in the last few weeks. Secondly, remarks that colleagues may have today will help me a lot in the further work to be done, including in August.

I wish to begin by dispelling three misconceptions or misunderstandings:

1. This is not a fresh initiative, out of the blue. The first round of consultations were launched in the 1992 Green Paper. They confirmed the need for an initiative to tackle the profound divergences in the national policies that dealt with access to media ownership. In May 1994, the Bangemann Report called for rules at the European level in this field. In October 1994, the College, fully aware of the risk of raising expectations, launched a second round of consultations on the content of a possible initiative. Last September, M. Oreja, M. Van Miert and myself jointly had an exchange of views with the Parliament on the issue of pluralism and media concentration. At that time I announced that I would submit to the Commission a directive in the early months of 1996. The directive is expressly indicated in the Commission's work programme for 1996 (in the section "Completing and strengthening the single market", the programme says: "Rules will be proposed concerning the protection of pluralism in the media"). In January 1996, the "High Level Group of Experts on the Social and Societal Aspects of the Information Society" called for "harmonisation of national restrictions on media concentration". Thus the present text is a result of over four years' work: it is the next coherent step and one that is fully expected by the media and of course by the Parliament. It was my duty to bring the work forward. The fact that the Commission comes forth with a directive will surprise no one. There would be surprise if we did not. I was surprised that many colleagues - perhaps not being aware of all these precedents - have in the last few days shown surprise as the directive finally comes to our table. If anything, the proposal comes a few months late. The reason is that I have insisted on several relevant changes to the draft, so that it could account fully for the expected future growth of this sector as a result of new technologies, this proposal takes a forward looking approach which reflects the latest thinking on how to regulate the modern media environment.
2. The second misconception is that it is an initiative to tackle pluralism/media concentration issues at a European level. That it has

implications for pluralism is undeniable. But its whole raison d'être is to safeguard the single market in media services. The protection of pluralism stops at a country's borders. Increasingly the media do not. Many of our Member States have (rightly in my view) reflected public concern by introducing specific measures against over concentration of power or control in a few hands. The problem is that one Member State's action could block the possibilities of others to move into its market. To take just one real life example. Some countries limit share holdings in their media companies to 25 % or 49% - others have no such limitations. This means that outsiders wanting to establish a subsidiary in another Member State may need to take (often untransparent) action to avoid national rules: for example, to ally with an existing operator. The alternative would be to decide against setting up a subsidiary. This is bad from a cultural point of view and, of course, totally against our single market principles.

3. This brings me to the third misconception which is that the proposal will do nothing for the European media industry except weaken it. Again this is untrue. Indeed the opposite would be the case. The patchwork of different legislative limitations throughout Europe already deters investment by our media industry and prevents them from meeting the exciting challenge of digital television. How can we be competitive if investment has to be justified at national level or amongst the few big European players. This goes to the heart of the problem - a problem that has nothing to do with cultural aspects or content or language. It reduces potential and actual obstacles in Europe so that investment can flow freely across national borders. Many operators agree with this analysis and have responded positively to the consultation on the need.

I wish to give you one concrete example, among the many that are occurring, although for reasons of commercial confidentiality I cannot disclose the identity of the affected parties. Recently, one operator complained to my services about the protectionist effect of German media ownership rules. Under current German law it is not possible to operate more than two channels, which prevents the launching of a cluster of digital thematic channels. The complainant (from a neighbouring country) nevertheless wanted to launch such a cluster. It tried to negotiate an exemption to establish a company for this purpose in Germany. This was refused by the German media authorities. The complainant then considered launching this cluster from a neighbouring country in order to broadcast into Germany. However, it was told by the German authorities that the retransmission of these channels on German cable networks would be restricted. However, when its layers were still busily involved in examining

the legal situation, another operator, was pleasantly surprised to obtain a license for a cluster of 28 channels on the legal ground that it was a "pilot project" which could therefore benefit from an exemption of the media ownership rules.

Some have argued that the time is not right for making this proposal. Or even that the need for a proposal is unproven. I hope I have already shown that as Member States take action to prevent any threat to pluralism there are clear Single Market concerns. I hope I have also demonstrated the absolute necessity to build a strong European industry. But there are other reasons too that I outline in my information note. Key amongst these is the position of the Parliament. It is expecting action. Its views have evolved since this debate began - after, all it is already nearly five years old - and I think that most parliamentarians now see no contradiction between pluralism and single market concerns. Indeed our proposed directive is very close to the Parliament's view (cf. its last resolutions on media concentration in June 1995 -quote:

“the divergences between national laws with regard to media concentration may harm the operator of the internal market, particularly the free movement of services and freedom of establishment....”

Parliament wished to

“.....ensure a comparable level of protection for pluralism while enabling operators to exploit the opportunities created by the Internal Market.”

What other options are there? If we do nothing the entirely proper concerns about media pluralism will bring more and more legislative proposals at the level of the Member State. The resulting fragmentation of the Single Market will undermine the strength of our European industry. And the Parliament will - rightly in my view - sharply attack us for our lack of political vision.

This proposal is the right approach. It recognises the sensitivity of the issue by not dealing with pluralism as such (which is left to each Member State) but by ensuring the way in which they deal with it will not raise obstacles to the freedom to provide services and the freedom of establishment. Thus, the proposal strikes a sensible balance by not trying to cover all aspects of pluralism. And above all it reflects closely the reactions of the extensive consultations we have undertaken and thereby succeeds in providing for an effective protection of pluralism at Member State level.

I hope I have been able to demonstrate the usefulness of this proposal at the present time. I must say that, for my part I too have benefited from the discussion of the past month.

My purpose in this orientation debate is to seek your views, particularly on the appropriateness of a directive and on the approach envisaged in the proposal. Besides that, the information note that has been circulated has identified the key elements (media covered, evaluation criteria, threshold and derogations) on which further examinations will be appropriate.

In particular, I can already ensure that I recognise the undoubted anxiety many have expressed about the position of the media in our smaller countries and for minority languages. I will be open and flexible. It is, of course, unthinkable that we develop proposals which would undermine established media which have, in relative terms, a small audience. In such cases I believe that it may be appropriate to modify my present proposal so that it exempts such media from the full effect of the directive. My services will develop proposals in time for our final debate on the directive which I should like to see in September.

I would like to conclude where I started, by quoting the Bangemann Report of May 1994: " In addition to ownership controls to prevent monopoly abuse, most countries have rules on media and cross media ownership to preserve pluralism and freedom of expression. In practice, these rules are a patch-work of inconsistency which tend to distort and fragment the market. They impede companies from taking advantage of the opportunities offered by the internal market, especially in multimedia, and could put them in jeopardy vis-à-vis non - European competitors. In current circumstances, there is a risk of each member State adopting purely national legislation in response to the new problems and challenges posed by the information society. Urgent attention has to be given to the question of how we can avoid such an undermining of the internal market and ensure effective rules which protect pluralism and competition. Rules at the European level are going to be crucial, given the universality of the information society and its inherently transborder nature. The Union will have to lead the way in heading off deeper regulatory disparity. In so doing it will reinforce the legal security that is vital for the global competitiveness of Europe's media industry".