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Your Ref:

Our Ref:

11 May 1999



Dear Mr Budgen

#### EUROTICA RENDEZ-VOUS TELEVISION

Thank you for the faxed copies of your letters of 1 January and 1 April about the proscription of the Eurotica Rendez-Vous television service. I have searched our files for your original letters, but so far have not been able to find them.

You may find it helpful if I set out the position on pornographic broadcasts in full. In the UK, responsibility for what is broadcast on television rests with the broadcasters and the broadcasting regulatory bodies: the Governors of the BBC; the Independent Television Commission (ITC); and the Welsh Fourth Channel Authority (S4C). They are independent of the Government and are accountable for safeguarding the public interest in broadcasting. In carrying out their responsibilities, these authorities have a duty under our domestic broadcasting legislation to ensure that programmes contain nothing which offends against good taste or decency or is likely to be offensive to public feeling. The Broadcasting Act 1990 provides that if the Secretary of State has been notified by the ITC of an unacceptable foreign satellite service, he may proscribe that service if he is satisfied that to do so is in the public interest and compatible with the UK's international obligations.

The Government believes that there is no place for hard-core pornography in a society that cares about the protection of children and regards such pornography as unacceptable in any medium. Other European countries share our desire to protect children and that is why they agreed to international legislation prohibiting the broadcasting of pornographic programmes. The 'Television Without Frontiers' Directive (89/552/EEC as amended by 97/36/EC) coupled with powers in domestic legislation enables a Member State to take action to restrict reception of foreign broadcasters from other Member States who transmit programmes which 'might seriously impair the physical, mental or moral development of minors, in particular

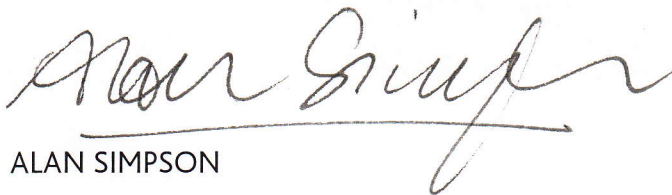
those that involve pornography or gratuitous violence'. Where a Member State believes a breach of this provision to have taken place, it may take measures which must be compatible with Community law.

It is the view of the Secretary of State that programmes broadcast by Eurotica Rendez-Vous TV might seriously impair the physical, mental or moral development of minors. Assessment of the harmfulness of such programmes is the responsibility of each Member State which may define such terms in accordance with its national legislation and moral and cultural values. In giving its advisory opinion in case E-8/97 [TV 1000 Sverige AB v the Norwegian Government] on 12 June 1998 (which concerned materially the same provisions), the EFTA Court indicated that it was for the national authorities of the receiving State to determine, in accordance with that State's values and national legislation, which programmes might seriously impair the physical, mental or moral development of minors. It therefore follows that no Europe-wide standard is appropriate or required and that different Member States may come to different conclusions regarding the same programmes. Article 22(1) of the 'Television without Frontiers' Directive allows such discretion.

A proscription order does not in itself stop a broadcaster from broadcasting, but makes it an offence in the UK to supply dedicated equipment (eg. smartcards) and programme material, advertise for or on that channel, or to provide any other service in support of the channel. The principal effects, therefore, are that a proscribed service cannot be marketed lawfully in the UK and that its commercial revenue is restricted.

The Secretary of State is satisfied that the action taken to date in respect of Eurotica Rendez-Vous TV and other satellite television channels accords with all the relevant legislation, both domestic and European. The European Commission has confirmed that the proscription order is compatible with Community law. I understand your opposition to the decision itself, but I hope this clarifies the reasons for the action taken.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Alan Simpson', with a horizontal line drawn underneath the signature.

ALAN SIMPSON