

MASS MEDIAS POLICY

by Danielle BAHU-LEYSER,

Unlike areas such as agriculture, energy or transportation, mass-media has only been extensively considered for the past 30 years. One reason for this is that governments, including Western European governments, have always considered legislation and regulations governing media to be dependent on them. Additionally, media operates and is relevant only in the specific context of the countries concerned; which prevents it from being easily suited for export.

However, with the emergence of multinational mass media groups such as the Compagnie Luxembourgeoise de Télédiffusion (CLT), the Berlusconi and Hachette groups, private radio and television channels appeared that ended state monopolies in countries such as France. This, coupled with the introduction of cable and satellite television, produced changes in the early 1980s. This explains why member-states reconsidered their policies and community institutions reviewed the organisation of media within Europe. This action was followed by resolutions of the European Parliament and directives issued by the Commission of European Communities.

In parallel with establishing this legislative framework, the national governments and professionals of EEC member-states took tangible action. In the majority of cases, measures were supported by the Brussels Commission. It could be argued that interest shown by European institutions in specifying and implementing a common media policy within the twelve member-states was the result of outside pressure. It may have been a reaction to American and Japanese domination, in contrast to positive action in the audio-visual sector.

Currently, a common European audio-visual organisation is still embryonic and may be subject to great changes. Therefore, it is still premature to measure the spin-off from audio-visual action on the French media environment. It may be necessary to review stages leading towards an authentic European television area. The purpose of the resolution of the European Parliament in Strasbourg, in October 1985, was to set up such an area. It now seems appropriate to consider the foreseeable effects of joint action on the audio-visual sector in France.

As in many cases of European co-operation, France and Germany were responsible for providing the impetus for a European Audio-visual Organisation. As early as 1973, state representatives signed an agreement for constructing four identical satellites for direct beaming of television programmes. This complied with the standard D2-Mac/Paquet (transmitting and receiving TV pictures). This recently

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developed standard was the result of co-operation between the French company Thomson and Philips of Holland. The programme concerned TDF 1/TDF 2 for France. and TV-Sat 1/TV-Sat 2 for Germany.

Technical and political problems resulted in a delay in the implementation of the agreement. Finally, it was decided that TV-Sat 1 would only be operational in 1987, TDF 1 in October 1988, TV-Sat 2 in August 1989 and TDF 2 in August 1990¹. One reason for this delay was an external event namely the decision taken by the International Union of Telecommunications (IUT) at the Geneva Conference in June 1977. The number of direct television channels was then limited to five per country, i.e. for powerful frequency channels.

In the same year, Post and Telecommunications Authorities of twenty six European countries decided to join forces for constructing and operating telecommunications and data transmission satellites. The European Organisation of Satellites (Eutelsat) was thus born. Eutelsat entrusted a consortium, led by the French company Matra and British Aerospace, with the task of implementing a first programme comprising four ECS satellites (Eutelsat 1). These were scheduled to be launched between 1983 and 1988. In 1986, Eutelsat decided to initiate the second generation of ECS (Eutelsat 2) satellites. These were constructed by a consortium led by two French groups (Aérospatiale and Alcatel Espace). The first satellite in the Eutelsat 2 series was successfully put into orbit on August 30, 1990 by the Ariane launcher.

In parallel, France Télécom, the largest shareholder with 11% shares in the European Organisation of Satellites, constructed and launched its own telecommunications satellite (Télécom 1) in April 1984. Telecom 1 was backed by Telecom 2 in 1991. It is planned to launch Telecom 3 soon. Meanwhile, the German developed their Kopernicus project which resulted in putting a first satellite into orbit in 1987.

In practical terms, these satellites, originally designed and manufactured for transmitting audible, written and digital data, were very soon used for radio and television transmissions. The main reasons for this decision were based on availability. In fact, this type of satellite can be used earlier than those used to direct television programmes. However, their low levels of transmission require large parabolic aerials measuring between one and four metres in diameter. These are relayed at ground level by cable networks.

To end the confusion following failure of negotiations with France in assigning one TDF channel to the Compagnie Luxembourgeoise de Télédiffusion, Luxembourg decided to equip itself with its own satellite system. This was christened Astra and

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¹ Its solar panels were not deployed and TV-Sat I was never able to operate. As for TDF1 and TDF2, their usefulness was limited by failures of electronic tubes.

was constructed by the American industrial group General Electric. These medium-power satellites could be picked up by individual parabolic aerials. However, they do not comply with the rules established by the Geneva conference of 1977. The first satellite, launched in 1988, contained sixteen channels as did the second, launched at the beginning of March 1991.

This was a blow for the forecast profitability of direct television satellites and led the French and German governments to consider subsequent action for the TDF/TV-Sat programme. This was especially the case in Germany where audio-visual policy decisions are taken directly at Lander level. Some Lander did not hide their preference for a strictly national solution to the problem.

The crisis between Paris and Bonn deepened to the point of endangering action taken by "the Twelve" and the Commission of European Communities. Top of the list was the Eureka 95 programme, implemented to counter the danger of a Japanese monopoly of High Definition Television.

EUREKA 95 : EUROPEAN HIGH-DEFINITION TELEVISION

During the spring 1986 plenary session of the conference organised by International Broadcasting Consultative Committee (IBCC - an organisation attached to the United Nations) held in Dubrovnik, ex-Yugoslavia, the twelve EEC member-states, supported by other Western European countries, decided to counter the Japanese attempt to gain international recognition for its high-definition television standard MUSE². The nineteen states comprising the European High Technology Research Organisation (Eureka) held a meeting in London at the end of June at which it was agreed to form an audio-visual section.

This project is 95th on the list of Eureka programmes (hence Eureka 95) and comprises two phases. The purpose of the first phase was to specify a joint standard for High Definition Television. The second phase concerned establishing a common programme for related recording and display equipment accessible to the general public. Six EEC countries took part in this programme. These were Germany, Belgium, France, Italy, the Netherlands and the United Kingdom. This team was joined by Finland, Sweden and Switzerland. The initial budget for the Eureka 95 programme was set at 200 million ECU (approximately 1.5 billion French francs). An additional budget was provided by the dynamic Franco-Dutch tandem, Thomson-Philips. This was the driving force and the main source of finance for the project.

However, the high stakes fully justified this investment and Roger Fauroux, the French Minister for Industry at that time, estimated that there was a market of

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² MUSE is the acronym for Multiple Subnyquist Sampling Encoding.

60 billion French francs up to the year 2000 and approximately 250 billion francs for 2005³.

The D2-Mac/Paquet standard - transition to HDTV

Current Hertzian television broadcasting, transmittal and diffusion systems irrespective of whether they comply with American NTSC, German PAL or French SECAM standards, are capable of processing three components in television simultaneously. These are the picture, colour and sound. There is always a danger of interference between components in all these systems and poor reception can result, e.g. interference between picture and sound.

Such defects are corrected to obtain quality worthy of cinema standards by processing the three components simultaneously. Technically, this involves high quality picture and sound coupled with greater available space on the sound band. Programmes in several languages can thus be broadcast simultaneously. However, current audio-visual facilities and equipment cannot operate to "High Definition" standards and must be entirely replaced. In contrast to the Japanese, Europeans have opted for a step-by-step approach. They consider it preferable to ensure a certain degree of compatibility with equipment currently available on the market.

This is why the standard D2-Mac/Paquet⁴ was established. It is a transition between the PAL, SECAM and HDTV standards. Thus, traditional equipment, fitted with a simple decoder, can now receive programmes transmitted by D2-Mac/Paquet. This situation is similar to that of black and white sets in the mid-1960s. These were able to receive the first programmes transmitted in colour. Subsequently, a television complying with the D2-Mac/Paquet standard will be able to receive HDTV broadcasts.

The French and German direct television satellite programme provides for an initial application of this intermediate standard. It is monitored by the European Space Agency (ESA). This organisation has also selected this standard for the Olympus satellite project. Belgium, Denmark, Spain, Italy, the Netherlands, the United Kingdom, Austria and Canada are also participating in this project. It is probable that this favourable environment will incite other EEC members to opt firmly for the D2-Mac/Paquet system. In November, 1986, the Brussels Commission published a directive in which the standard was granted Community standard status. Official recognition of the recommendation issued several months previously by the European Broadcasting Union (EBU) was thus obtained.

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³ Figures given in a declaration made at the Summer University at Carcans-Maubisson (France) in August 1990 on "New World Screens".

⁴ D2 identifies the type of process selected for transmitting sound and pictures. Mac is the abbreviation for "multiplex analogiques par composant". Paquet indicates the transmission mode of signals (definitions provided by France-Télécom in *Fréquences*, n° 24 dated June 1989).

A complete set of television equipment complying with the D2Mac/Paquet standard was successfully demonstrated at the international audio-visual equipment fair in Brighton during September, 1988. This was part of the Eureka 95 programme and illustrated the progress Europeans had made in mastering innovative audio-visual technology in the course of two years.

However, there were delays in the TDF/TV-Sat programme caused mainly by incidents with the Ariane launcher. The Paris Government was also reticent about pursuing the TDF programme. This seemed to dampen the enthusiasm of France's German partners and voices were raised in favour of a national standard PAL+. This would have been an improved version of the PAL standard. The Franco-German summit of September 1989 had to be awaited before misunderstandings were resolved. Both sides reaffirmed their undertakings on the D2-Mac/Paquet standard. Could the twelve EEC member-states still respond to the Japanese threat by presenting a united front at the meeting of the International Broadcasting Consultative Committee held in May 1990? The twelve member-states and partners decided to implement the second phase of the Eureka 95 programme and a credit of 500 million ECU (3.5 billion French francs) was assigned for this purpose.

Vision 1250, industrial launching of HDTV

Vision 1250 is tangible evidence that the twelve EEC member-states are determined to respond to the Japanese challenge in the high definition TV field. However, Eureka 95 was still basically a research and development programme on a Western European scale.

Therefore, to provide greater impetus to the industrial stage, EEC member countries signed a document creating a European Group of Economic Interest (EGEI). It was decided to name this group Vision 1250⁵ and it officially came into existence on 11 July 1990. It comprised industrial organisations, broadcasters, producers and creators. French organisations involved were the Thomson industrial group, French television and radio organisations such as the Office Français de Radio et de Télévision (OFRT), the Société Française de Production (SFP) and France Télécom, the unique EGEI operator.

Legally, Vision 1250 took over from the French Group of Economic Interest (GEI), International HD, that was set up in 1988 by French public authorities, SFP and Philips France. From its beginning, International HD took a European stance and in recognition received a credit of 15 million ECU (slightly less than FRF 100 million) from the EC. Like its predecessor, the purpose of Vision 1250 was to promote production of high definition television programmes within the European Economic Community. This took concrete form with the loaning of essential equipment such as

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⁵ 1250 relates to the number of lines in a high definition television picture which contains twice the number of current PAL or SECAM pictures.

cameras and video recorders, to producers and broadcasters. Related consultancy, technical assistance and demonstrations organised on a national scale were included in its scope.

However, the French finally surrendered to their partners wishes, especially the British and Germans who were reluctant to accept French supremacy within the EGIE. In consequence, the head office of Vision 1250 was based in Brussels and not Paris as France Télécom would have preferred for continuity and efficiency reasons.

MEDIA 92: MEASURES TAKEN TO ENCOURAGE A COMMON EUROPEAN BROADCASTING POLICY

Although the importance of technology within the audio-visual sector cannot be denied, it should never be forgotten that it is merely a medium for producing and broadcasting artistic work in the cinema and on television. Therefore, it is pointless to counter the Japanese in the fields of high definition television equipment related to chips and 16/9 flat screens, if only American series and Japanese cartoons are broadcast.

In 1988, the United States supplied Europe with 700 million dollars (approximately 4 billion francs) worth of television programmes. In addition, Japanese cartoons accounted for 60% of the 11,000 hours broadcast throughout the EC. This should be compared with the mere 350 hours of Community-based cartoons !

On account of this, in 1986 the Brussels Commission took a number of concrete measures to encourage the development of the audio-visual production industry. This was known as "Media" and in 1988 it became the Community programme Media 92. Concurrently, the Ministers of Culture of the twelve EEC states decided in November 1986 to designate 1988 as "European Cinema and Television Year". Its purpose was to make every member country aware of what was produced within the Community.

Originally, a modest budget of 13.5 million ECU (approximately FRF 95 million) was assigned to this programme. From 1991 to 1995, a budget of 250 million ECU (FRF 1.75 billion) comprising loans or advances in anticipation of takings, was allocated. Currently, the project includes about a dozen mechanisms. These concern the fields of audio-visual creation and cover production, broadcasting and financing.

From 1986 to 1989, European Institutions such as the European Council, the Council of Ministers and the Brussels Commission can be proud of accomplishments in organising a European Audio-visual Area. These institutions have specified and obtained recognition within the twelve EEC countries for a joint standard concerning design and manufacture of high definition television equipment, i.e. the standard

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D2-Mac/Paquet. They have set up a programme to encourage creation, production, broadcasting and financing of national works or co-production of EC states.

The legal and regulatory system will now have to replace this audio-visual system with an authentic common audio-visual policy. The Commission is moving in this direction. In 1989, it succeeded in making the twelve member-states accept the directive entitled "Television without Borders".

"TELEVISION WITHOUT BORDERS" DIRECTIVE

On the basis of the "Green Paper" published by the Brussels Commission in June 1984, under the title "Television Without Borders", the European Parliament adopted, in October of the following year, a resolution in which support for encouraging European productions was demanded (Media 92 plan). The paper specified the contents of a Community directive on broadcast advertisements and set down the main lines of a second directive concerning author rights.

Armed with such support, the Commission submitted a first project for a directive to the EC Council of Ministers. The scope of the text was as follows :

- the country of origin of programmes ; this included minimum quotas for the various works issued within the Community ;
- advertisements ; a maximum daily number of advertisements calculated with respect to the entire length of broadcasts on radio or televised television ;
- protection of children and young people ;
- author rights.

Differences of interest between the various EEC partners and other countries (the United States have a protectionist policy in this field and do not subscribe to European Institutions limiting broadcasts of American series *via* the internal quotas of the twelve states), did not facilitate discussions on the project for a directive. A modified version was, therefore, submitted to the Council of Ministers in March, 1989. It now contained no further references to author rights. These will be covered by a separate directive.

Two different schools of thought are in competition for establishing a second version of the Community directive. The first, to which France resolutely belongs, is arguing for voluntary measures to increase and defend internal production. The group defends the principle of broadcasting quotas. The second group defends liberal ideas; it is spearheaded by Germany and Britain and wishes to maintain free enterprise.

Following extremely tough bargaining, worthy of the earliest "agricultural

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marathons", the twelve member-states finally reached an agreement on a text on April 13, 1989. This involved removing the requirement for a 60% quota for works originating from Europe. This would be replaced by a qualitative formula and be less stringent for broadcasters. This agreement was submitted to the European Parliament for approval but this organisation required that the 60% quota should be re-established. The document had to wait six months before finally being adopted on October 3, 1989. This event was greeted with enthusiasm by European audio-visual authorities and the Eureka audio-visual programme⁶ was initiated.

However, quotas for 60% of European works have yet to be re-established. In fact, the contents of the second project for the Community directive "Television without Borders" was subsequently contained in the Convention "Trans-Frontier Television" issued by the Council of Europe. As previously, the initial project for broadcasting quotas of European programmes was further eroded. This convention was signed on May 5, 1989 by ten countries, four of which were EEC member-states, i.e. Luxembourg, the Netherlands, Spain and the United Kingdom⁷. Therefore, it was now difficult for states which like France defend the quota system, to take a firm stand and endanger the first attempt by the Community to provide regulations in the audio-visual field.

Finally, the only concession granted by the liberal camp was the clause known as "No retreat". This stipulates that under no circumstances the proportion of European works broadcast within every member-state should be less than the average number of such programmes during 1988.

EFFECTS OF COMMON AUDIO-VISUAL POLICY ON FRANCE

Given the slight retreat that has taken place today, the effects of the common audio-visual policy on France from industrial, cultural and strategic viewpoints should now be considered.

Industrial effects

The industrial stakes of high definition television consist of replacing a total of approximately 750 to 800 million televisions throughout the world with small cinema-type units with high picture and sound quality. Existing video recorders will either be replaced or available for a first purchase ; all picture, sound production and broadcasting equipment such as cameras, studios, transmitters and parabolic aerials will be renewed.

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⁶ Launched in October 1989 and initiated by France, Eureka audio-visual is the television programme section of Eureka 95. Based on the same logistical and financial principles as that of the Community programme Media 92, Eureka audio-visual is open to all European countries including the Confederation of Independent States (CIS, ex-USSR) and ex-Eastern Bloc countries.

⁷ France only signed this Convention in February, 1991.

This explains the total of FRF 250 billion suggested by Mr Roger Fauroux in estimating the world market for audio-visual equipment up to 2005. Furthermore, European television manufacturers are currently supplying 80% of equipment within the Community and 30% of such equipment throughout the world. It is natural that they wish to preserve these market parts and improve them where possible.

In response to this challenge, France is one of the Community's trump cards in its struggle with the Japanese. With the Thomson group, French industry is in the forefront of the European arena. Thomson in co-operation with the Dutch group Philips, launched the European standard D2-Mac/Paquet and this tandem is now spearheading "General Public" European electronics. For example, whilst current televisions contain approximately 30% of electronic components, D2-Mac/Paquet televisions will contain 70% and HDTV 90%.

On the other front of European and Japanese rivalry, namely that of flat screens, France has three out of the four European champions in the race. These are the Thomson group, the organisation Planécran, created by the Sagem company and the Centre National d'Etudes en Télécommunications (CNET), the Laboratoire d'Electronique, Technologique et d'Instrumentation (LETI, belonging to the CEA group). Here again, the stakes are high as apart from high definition television, the flat screen market also embraces the computer equipment sector.

Cultural effects

As European producers only produce a small number of fiction programmes for television, expectations are also promising with a market of approximately 250 billion francs up to the year 2000. French audio-visual professionals will be able, provided they use the means offered by Media 92 correctly, to find openings in the Great European Market of 1992. This is especially true since French production in this field is backed by the two direct television satellites TDF1 and TDF2, an international French-language system "TV 5 Europe" set up in co-operation with Belgium, Canada and Switzerland, plus a televised channel structure with a markedly European stance known as "The Sept". In October 1990, reunified Germany became associated with this channel and Arte was subsequently founded in Spring 1992.

However, will French authors, producers and broadcasters be able to seize the opportunity presented to them ? Will the French language claim its right to exist in an audio-visual sector that is increasingly submerged by the English language ?

It is legitimate to review this situation and fear for the worst. It is common knowledge that TF1 has been broadcasting a daily series known as *Riviera* since the first half of 1991. This soap opera, similar to *Santa Barbara* is managed by a subsidiary of the American group Interpublic. Although the first 260 episodes of this series were produced by the SFP with a majority of French actors, in compliance with

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the provisions of the Conseil Supérieur de l'Audiovisuel (CSA), and obtained the status of a French Language production, English was the working language ! To justify this choice, management of the French Channel 1 explained that it was a Pan-European production in which English, Spanish and Italian actors took part. To back their arguments, it was demonstrated that this policy enabled all episodes to be subsequently sold to German, British, Spanish and Italian channels. This was a doubtful argument as apart from Britain, the episodes will be dubbed in all respective languages including French⁸.

Strategic effects

The strategic effects on France of the common audio-visual policy and, in particular, that of the high definition television option will be dependent on industrial and cultural considerations.

In industry, a strong "General Public" electronics sector will provide support for the industrial electronics sector and others such as the Aeronautics, Arms, Space, Computers and Nuclear Industries. In parallel, technology and know-how used for flat screens in high definition television should logically have some spin-off on everything concerned with industrial display systems, such as radar, simulators and test screens, etc. Investments made by France in defence of European HDTV are counter-balanced by French efforts for maintaining economic and military independence.

The French language is currently third in the league-table of languages spoken in the world, behind English and Spanish. This contributes considerably to French influence abroad and France's vocation as a "great power". Such a policy could also be attractive to non-aligned countries. Television seems to be an effective means of maintaining or re-reinforcing the presence of the French language within Europe and elsewhere, provided audio-visual professionals agree to comply with certain criteria.

CONCLUSION : WHY IS FRANCE INVESTING IN THE EUROPEAN AUDIO-VISUAL FIELD ?

Since the beginning of the 1980s, several events led the twelve EEC member-states to become conscious of the fact that their destinies with respect to the audio-visual field were linked.

The on-rush of deregulation that took place in all Western European countries resulted in the emergence of private television channels. Use of satellites signifies that national broadcasts overlap into other countries. Finally, the Japanese are now ready to take world control of innovative audio-visual technology.

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⁸ "American-style soap opera", see *Le Monde*, January 10, 1991.

Conceived as a defence against the Japanese in 1986, the European audio-visual policy is now a reality that revolves around the three central themes of technology, culture and legislation.

France was initially as reticent as its partners in letting the EC intrude into the audio-visual field. This was especially true since such action was not governed by the Treaty of Rome. However, France subsequently played a positive role in specifying action the Brussels Commission was competent to take or drawing up the Common European audio-visual policy.

Examples of such action abound and illustrate the authentic undertakings made by France in consolidating European policy. Therefore, from their design stage, the TDF1 and TDF2 satellites comply with the European standard D2-Mac/Paquet. Similarly, to gain German support for this standard, the French government accepted that the governmental channel *Antenne 2* broadcast German programmes via the TDF1 and TDF2 satellites. Furthermore, the state-owned Thomson group is in the forefront of European HDTV industry with respect to both the electronic component and flat screen technologies. In 1989, the French government also became less firm in its policy in favour of minimum quotas for broadcasting European programmes. This policy was softened to permit adoption and ratification of the Community directive "Television without Borders". Finally, International HD was purely and simply terminated in 1990 and replaced by its European equivalent Vision 1250.

In return, it is true that the French are relying on counter measures from their European partners. Industrial and cultural spin-off should be equivalent to concessions made by the French. Nine million francs were assigned by the French government to Thomson for providing it with the means of meeting the goals set for the second phase of the Eureka 95 programme.

European governments are now ready to embark upon an initial review of action taken, especially the measures taken by Germany. The Germans have, in fact, finally adhered to the D2-Mac/Paquet standard and are the first state to have joined Arte, the initial European culture-oriented channel.

Overall, the French government has great expectations for openings created by Thomson know-how in the field of audio-visual equipment. Such spin-off should have favourable effects on other "high-tech" sectors such as the computer industry. Thus, France is hoping that HDTV will be an efficient medium for French cultural influence throughout the world. This could be possible, provided producers and management responsible for French broadcasts do not merely accept the easy "English-Language" solution for simple budgetary considerations.

The most spectacular action taken by France in favour of Audio-visual Europe was the decision by Mr Paul Quilès, at that time the French Minister of Post,

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Communications and Space, to drop the French national satellite programme for direct television satellites in favour of the Europesat European Programme. This programme is led by the organisation Eutelsat.

Certainly, this decision was not taken for purely altruistic reasons. Successive breakdowns that occurred in the TDF1 and TDF2 satellites plus aggravating disputes between the two French satellite channels Euromusic and the 'Sept' clearly demonstrated the limits of a simply national programme. There is a risk that the European satellite programme for television broadcasts will require less public expenditure. Nevertheless, the resolutely European stance of France clearly demonstrates that it will never drop its wish to create a common audio-visual policy.

In such conditions, it is easy to understand the disappointment of the French authorities when the European Commission decided, on February 19, 1993, to stop all development on D2-Mac/Paquet standard and to join with the American standard. This decision results from British obstruction, German hesitations and pressure of broadcasting companies, among which the French TV chain *Canal Plus* has taken a leading position.

A part of the European twenty year-long audio-visual adventure finishes then. It is too early to evaluate the consequences of the EC decision on the French audio-visual field, but we can already consider that, by withdrawing its audio-visual technology, the European Community has just missed an opportunity in the quest for its cultural identity.

Danielle BAHU-LEYSER

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