

**FOI Release**  
**Information released under the Freedom of Information Act**

**Title:** EU Satellite and Cable Directive

**Date of release:** 14 January 2016

**Information request:**

1. Please confirm the national legislation by which the Sat-Cab Directive (93/83/EC) has been transposed into national law.
2. If possible, can you kindly complete the matrix below indicating (“Yes”/”No”) if relevant legal provisions / developments have been established? Can you also indicate the title of the legislation / case law if relevant?

NB: “simultaneous retransmissions” = simultaneous transmission of broadcasts by a different entity than the broadcaster (internet protocol television, over-the-top content, etc.)

NB: “new practices” = pause TV, catch-up TV, video-on-demand, mobile transmissions, etc.

**Information released:**

Q1.

	Name of piece(s) of legislation
Please confirm the national legislation by which the Sat-Cab Directive (93/83/EC) has been transposed into national law.	The Copyright and Related Rights Regulations 1996 (SI 1996/2967), which amended the Copyright, Designs and Patents Act 1988

Q2.

Possible legal provisions / developments that may be contained in national legislation or clarified by case law	Has the legal provision been included in the national law that transposes Directive 93/83/EC? (Y/N)	Has the legal provision been included in another national law? (Y/N)	Has the legal provision been clarified in national case law? (Y/N)	Please insert the title(s) and links to the national law(s) / case law
Have national legal provisions or case law been established extending Article 9 ( <i>Exercise of the cable retransmission right</i> ) of Directive 93/83/EC to simultaneous retransmissions on platforms other than cable? (e.g. IPTV, internet etc.)	No	No	No, although the issue has been referred to indirectly and to a limited	<i>ITV Broadcasting Ltd v TV Catchup Ltd</i> [2015] E.C.D.R. 16 (see obiter comments at paragraph 53)  This particular case was also

			extent in national case law	referred to the CJEU for a decision as to the interpretation of 'cable'. The Court is yet to rule on this.
Have national legal provisions or case law been established extending Article 10 ( <i>Exercise of the cable retransmission right by broadcasting organizations</i> ) of Directive 93/83/EC to simultaneous retransmissions on platforms other than cable? (e.g. IPTV, internet etc.)	No	No	No, as above	
If your Member State has established a system of Extended Collective Licensing (ECL), do the legal provisions cover simultaneous retransmission of TV and radio programmes on platforms other than cable (e.g. IPTV, internet)?	No. The UK has an ECL framework in place. No ECL scheme for cable retransmission is currently in operation, but authorisation is possible in principle	No	No	
Have national legal provisions or case law been established impacting on the licensing of rights for new practices (such as direct injection, internet etc.) of transmissions of TV and radio programmes?	No	No	No	