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RECEIVED 13 FEB 1996

22 January 1996

Dear Mr Webb,

Thank you for your letters of 18 September, 24 October and 6 December to Virginia Bottomley concerning the decision to proscribe the Swedish satellite service *TV Erotica*. I have been asked to reply. I must apologise for the delay in replying to your earlier letters. I hope you will appreciate that due to the large volume of mail we receive letters can sometimes go astray.

Clearly, there are different views on what is acceptable on television and one of the perennial challenges in a free society is to ensure that the concerns and sensitivities of reasonable citizens are respected but without unduly interfering in the rights of free speech and expression. This is particularly true in relation to matters of taste and decency. The Government seeks to strike a balance between individual freedoms but recognises that it would be unacceptable to allow a complete free for all in broadcast material.

Responsibility for what is broadcast on television and radio therefore rests with the broadcasters and the broadcasting regulatory authorities - including the Governors of the BBC, the Independent Television Commission (ITC), and the Radio Authority. These bodies are constitutionally independent of Government but are subject to clear responsibilities about programme standards. Some of these responsibilities are established in statute law and supplemented by formal codes of practice.

You say that in proscribing the Swedish satellite service *TV Erotica*, the Secretary of State was in technical breach of the Directive 89/552/EEC of 3 October 1989 - Television Without Frontiers and therefore acted unlawfully.

I attach a copy of Article 2 of the Directive and would draw your attention to 2. (a), and Article 22 which show that the action taken by the Secretary of State against *TV Erotica* was lawful and within the terms of the Directive. Whilst recognising that there are those who take a different view, the Secretary of State, in considering *TV Erotica*, felt that the potential risk to minors outweighed any considerations of the broadcaster's freedom of expression. The UK Government was supported in this view, and in its subsequent action, by the European Commission.

Yours sincerely,



**A T Creighton**  
**Media Division**