

~~GENCENSORED~~

NATIONAL CAMPAIGN FOR THE REFORM  
OF THE OBSCENE PUBLICATIONS ACTS

**NCROPA**

**FIGHTING SEXUAL CENSORSHIP**

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28th January 1998

Sir Robin Biggam,  
Chairman,  
Independent Television Commission,  
33 Foley Street,  
London,  
W1P 7LB.



EU Transfrontier Broadcasting  
- UK Proscription of Foreign Satellite Services

The National Campaign for the Reform of the Obscene Publications Acts (NCROPA) is angered by the Independent Television Commission's continued harassment of foreign satellite television services, lawfully originating and operating in other European Union Member States, by persistent recommendations to the Secretary of State for Culture, Media and Sport (formerly National Heritage) that they be proscribed because their programme content is "unacceptable" in the United Kingdom.

You will be aware of the European Court's ruling on such matters of 10th September 1996 in the case brought against the United Kingdom by the European Commission supported by France (Case C-222/94) and wherein the judgment ruled against the UK because it found the UK had been infringing the provisions of the EU Council Directive on Broadcasting Activities (89/552/EEC).

You will also be aware that the Secretary of State's power to proscribe an EU foreign satellite service is expressly limited where

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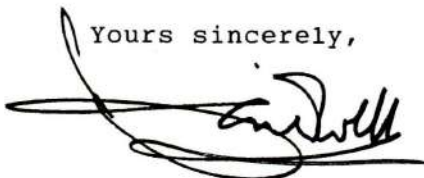
the making of such an order is not "compatible with any international obligations of the United Kingdom" (Broadcasting Act 1990, Section 177 (4)(b) ).

Since the European Court has already unequivocally determined this issue, we strongly protest over your cavalier disregard for European Law (which takes precedence over British Law in this matter) by continuing to make proscription order recommendations to the Government when you must know it has no legal power to impose them - notwithstanding that Chris Smith has astonishingly and quite improperly acted on your advice regarding the Erotica Rendezvous French satellite service.

We have, of course, also made strong protest to Chris Smith, as well as to Monsieur Jacques Santer, President of the European Union, and Madame Catherine Trautmann, the French Minister of Culture, asking them to initiate urgent/against the United Kingdom. We very much hope - indeed, expect! - the Secretary of State will respond to our protest and reverse his announced intention to proscribe the Eurotica Rendezvous service, but on your part, we furthermore demand that the Independent Television Commission in future desists from making such improper and invalid recommendations about legitimate satellite TV transmissions of other EU Member States and thus allows those UK citizens who wish to subscribe to and receive such encrypted foreign television channels, their rightful freedom to do so.

I am sure you are already well aware of the aims and aspirations of the NCROPA (promotional leaflet herewith enclosed) and of our abhorrence of the 'obscene' level of State censorship (especially censorship of material sexual in content) which still, and now almost uniquely, suffocates freedom of expression in this country. Whilst we naturally regret that you and your fellow Commissioners have agreed to become an integral part of this 'obscene' State censorship machinery, we accept that the demise of such censorship will only be brought about by the will of Parliament. However, in this matter of transfrontier broadcasting in the EU, Parliament has long-since willed to subordinate its supremacy to the wider agreed rules and interests of the European Community. That, in turn also means the subordination of the ITC's will and remit in the matter of the reception of encrypted foreign EU satellite services in the UK. The NCROPA must therefore insist that the ITC thus conforms.

Yours sincerely,



David Webb,  
Honorary Director,  
National Campaign for the Reform of the Obscene Publications Acts

Copy to:- Monsieur Roger Kinsbourg, President, Eurotica Rendezvous TV.

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