

Mark Buijnsters

Van: [REDACTED]@icloud.com>
Verzonden: donderdag 31 januari 2019 11:45
Aan: [REDACTED]
CC: [REDACTED]
Onderwerp: Application batch 3
Bijlagen: SKMBT_C28019011816370.pdf; Information for licenses and exemptions batch3.xlsx; uittreksel_handelsregister_33295591.pdf; Appendix European Works batch 3.pdf; Updated Statutes Discovery Communications Benelux B.V._1402798_1.PDF; 009801_Deed_of_Incorporation.pdf

Dear [REDACTED]

It was great talking to you Monday.

Please find attached the following documents:

- Application letter batch 3;
- Excel sheet Information for licenses and exemptions batch 3;
- Appendix European Works batch 3;
- Certificate of registration in the register of companies of the Dutch Chamber of Commerce for Discovery Communications Benelux B.V.;
- Statutes of establishment of Discovery Communications Benelux B.V.;
- Updated statutes of Discovery Communications Benelux B.V. 2015.

Please note we are sending this email and all attachments to you strictly on a private and confidential basis as they contain sensitive business information.

Best, [REDACTED]



Sensitive and confidential business information

Dear Sir/Madam,

Permission

On behalf of Discovery Communications Benelux B.V., a commercial audiovisual media service provider established in the Netherlands, we would like to apply for permission from the Commissariaat voor de Media (CvDM), pursuant to article 3.1, paragraph 1, of the Media Act 2008, to provide per 30th of March 2019 commercial television broadcasting services under the names and its different language versions as specified in the attached document.

Exemptions

We would also like to apply for several exemptions from the required minimum percentage of original Dutch or Frysian works, as laid down in article 3.24, paragraph 1, of the Media Act 2008, and for several exemptions from the required minimum percentage of original European works, as laid down in article 3.20, paragraph 1, of the Media Act.

Unless no exemption is required, the grounds for exemptions have been specified per channel in the attached document. Grounds are equal to those mentioned in the Policy Rules of the CvDM on Program Quota, as applied by the CvDM in its decisions.

Discovery Communications Benelux B.V.

Discovery Communications Benelux is a Private Limited Liability Company, located at Kraanspoor 32, 1033 SE, in Amsterdam. It is registered at the Netherlands Chamber of Commerce under registration number 33295591.

From 30th of March 2019 Discovery Communications Benelux B.V. will be the broadcaster exercising editorial responsibility for the media services as described in the attached document. From the 30th onwards all editorial decisions for these media services will be taken at the head office's address.

For further corporate information please find attached the following documents:

- Certificate of registration in the register of companies of the Dutch Chamber of Commerce for Discovery Communications Benelux B.V.;
- Statutes of establishment of Discovery Communications Benelux B.V.;
- Updated statutes of Discovery Communications Benelux B.V. 2015.

Sensitive and confidential business information



Discovery Networks Benelux
Kraanspoor 32
1033 SE Amsterdam

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This paper is fully recycled and biodegradable.
It is made from 100% post consumer
reclaimed material and is FSC accredited.



Sensitive and confidential business information

Ofcom

Either Discovery Corporate Services Limited (DCS) or Scripps Networks International (UK) Limited (SNI) are currently the Ofcom licensees for the services where licence numbers are indicated in the attached document. In the document we have specified which one is the current licensee.

We will ensure that those licenses are surrendered in time. We are currently aiming for the 29th March 2019 end of day, one day before the Dutch licenses should come into effect. We will inform Ofcom in time, to avoid cases of double licensing and jurisdiction.

Compliance

We are fully committed to comply with the complete Dutch regulatory framework regarding audio-visual media-services. As a consequence, we are in close contact with the CVDM, the Netherlands Institute for the Classification of Audiovisual Media (NICAM) and the Stichting Reclame Code (SRC). Also, Discovery has a clear set of compliance processes led by the Compliance team, and all relevant business groups are trained in the regulations. Discovery also has a team of trained coders that have completed the Kijkwijzer training.

We are willing to answer all questions regarding this application.

Yours sincerely,

██████████ on behalf of:
Discovery Communications Benelux B.V

Amsterdam, 17th January 2019

Sensitive and confidential business information



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1033 SE Amsterdam

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Appendix European Works

Regarding all channels

The Audiovisual Media Services Directive (AVMSD) allows considerable flexibility in the implementation of Articles 13, 16 and 17, since Member States must ensure the promotion of European and independent works “where practicable”, “by appropriate means”, and “on the basis of suitable criteria”.

Discovery’s channels have thus far been subject to the UK regulatory framework, and Ofcom’s supervision and oversight practices. Ofcom has no process to request an exemption with regard to European works during the licence application process. Rather, Discovery has to report after each year per channel about its performance regarding European works. During this annual reporting process, Ofcom has shown a flexible approach, and has found ground in the “where practicable” exemption to accept the lower percentages achieved by Discovery’s channels.

In the Netherlands, on the other hand, there is a system in which partial and temporary exemptions can be granted by the CVDM *a priori*, during the licensing process. The CVDM has Policy Rules on European quota, which contain specific grounds for exemptions. In this system, the CVDM appears to have less room retroactively to apply the flexible “where practicable” exemption as applied in the UK.

Discovery’s channels will now be subject to the new, stricter regulatory framework in the Netherlands. Discovery is fully committed to comply within this framework. However, this will be a gradual process for all its channels.

Par 1 ID: Investigation Discovery – Danish

ID: Investigation Discovery – Danish is a so-called special interest channel that includes American fiction and American non-fiction documentary and docudrama programming relating to American crime, forensic and paranormal investigations and the science behind them. This channel currently features a vast amount of typical American style series.

A typical example for the programming on this channel is “People Magazine Investigates”, in which America’s most popular weekly magazine, People, seeks to uncover the truth behind some of the country’s most infamous characters and iconic stories of crime that transcended news and became part of popular culture. Another example is “American Murder Mystery”, featuring stories of high profile murders and murderers that shocked America and captured the imagination of the public. With expert testimony, interviews with those close to the case, and details from the trial. Also featuring on this channel is “Murder Chose Me”, in which homicide detective Rod Demery has a personal connection to crime, as his mother was murdered, and his brother is a murderer. For this reason, he became the best detective that Louisiana has ever seen with a remarkable success rate at solving cases. “Evil Lives Here” is a programme that tells the gripping stories of ordinary people connected to a killer. Did they see signs that something was amiss? Did they turn a blind eye? Or did they choose to dig deeper, and realise the horrible truth that the person they trusted was a monster? Another example is “Your Worst Nightmare”, a 60-minute narrated true American crime

show blending reenactments of key events with commentary from law enforcement, criminal justice professionals, and friends and family of the victims. These are the real-life stories of people who have been the victims of violent crimes. With interviews with investigators and those close to the case.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

With reference to recital 40 in the new AVMSD, given the nature and theme of this channel being exclusively focused on American style crime series as set out before, imposing the obligations related to European works is both impracticable and unjustified. The nature and theme of the channel would be undermined if the requirements have to be met.

Par II ID: Investigation Discovery – Swedish

ID: Investigation Discovery is a so-called special interest channel that includes fiction and non-fiction documentary and docudrama programming relating to crime, forensic and paranormal investigations and the science behind them. This channel currently features a vast amount of typical American style series.

A typical example for the programming on this channel is "People Magazine Investigates", in which America's most popular weekly magazine, People, seeks to uncover the truth behind some of the country's most infamous characters and iconic stories of crime that transcended news and became part of popular culture. Another example is "American Murder Mystery", featuring stories of high profile murders and murderers that shocked America and captured the imagination of the public. With expert testimony, interviews with those close to the case, and details from the trial. Also featuring on this channel is "Murder Chose Me", in which homicide detective Rod Demery has a personal connection to crime, as his mother was murdered, and his brother is a murderer. For this reason, he became the best detective that Louisiana has ever seen with a remarkable success rate at solving cases. "Evil Lives Here" is a programme that tells the gripping stories of ordinary people connected to a killer. Did they see signs that something was amiss? Did they turn a blind eye? Or did they choose to dig deeper, and realise the horrible truth that the person they trusted was a monster? Another example is "Your Worst Nightmare", a 60-minute narrated true American crime show blending reenactments of key events with commentary from law enforcement, criminal justice professionals, and friends and family of the victims. These are the real-life stories of people who have been the victims of violent crimes. With interviews with investigators and those close to the case.

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With reference to recital 40 in the new AVMSD, given the nature and theme of this channel being exclusively focused on American style crime series as set out before, imposing the obligations related to European works is both impracticable and unjustified. The nature and theme of the channel would be undermined if the requirements have to be met.

Par III Animal Planet - Republic of Ireland

This channel currently features a vast amount of typical American style series: these series are all situated in America in its typical landscapes and are about the lives of typical American families or people and their jobs, and about American products or topics.

One example is, "The Vet Life" where we follow three charismatic veterinarians who moved to Houston, Texas to open a full-service veterinarian hospital and animal shelter together while managing their busy home lives. Another example is "North Woods Law" - from the Appalachian mountains to the rocky shores of the Atlantic Ocean, the conservation officers of New Hampshire's fish and game agency work protect the region's natural resources. "Extinct or Alive" is a programme asking what if extinct animals weren't really extinct? Forrest Galante, a wildlife biologist (the American equivalent of Freek Vonk) scours the globe using cutting edge technology on his mission to find species that the world believes no longer exist. "Pitbulls & Paroles" is a programme that sees Pit bull trainer Tia Maria Torres. An American animal rescue specialist, on a mission to rehabilitate and retrain pit bulls to be rehomed. Tia pairs those misunderstood animals with ex-convicts on parole to provide both of them a chance at redemption.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

Par IV DMAX - Republic of Ireland

This channel currently features a vast amount of typical American style series: these series are all situated in America in its typical landscapes and are about the lives of typical American families or people and their jobs, and about American products or topics.

One example is, "Fast 'n' Loud", which sees motoring experts Richard Rawlings and Aaron Kaufman tour America, looking for old and abandoned cars that they can restore to glory in their garage in Dallas. Also featuring on the channel is "American Chopper", with Paul Tuetul and his son Paul Jr, a volatile father and son team who push the envelope of custom motorcycle design and fabrication. "Alaska, the Last Frontier" is another example, where viewers meet the Kilcher family and their isolated community outside Homer, Alaska. The Kilchers, led by patriarch Atz Kilcher, have cultivated and lived on their homestead for four generations. Another example is, "Man v's Food", where food enthusiast Adam Richman, American actor and television personality, travels across America looking for the best local restaurants and diners, trying all their mouth-watering specialities and tackling the nation's greatest eating challenges. "Tanked" is another example, which features best friends and rivals, Wayne King and Brett Raymer running America's largest novelty aquarium manufacturing company, *Acrylic Tank Manufacturing*.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its

obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

Par V Discovery Channel - Republic of Ireland

This channel currently features a vast amount of typical American style series: these series are all situated in America in its typical landscapes and are about the lives of typical American families or people and their jobs, and about American products or topics.

One example is, "Fast 'n' Loud", which sees motoring experts Richard Rawlings and Aaron Kaufman tour America, looking for old and abandoned cars that they can restore to glory in their garage in Dallas. Another example is "Alaskan Bush People", about a family who lives deep in the Alaskan wilderness and who were born wild. Billy Brown, his wife Ami and their seven grown children are so far removed from civilization that they refer to themselves as a wolf pack. "Deadliest Catch" is another example, which showcases the world of the Alaskan crab fishermen, who brave the waves of the Bering sea. "Alaska, the Last Frontier" is another example, where viewers meet the Kilcher family and their isolated community outside Homer, Alaska. The Kilchers, led by patriarch Atz Kilcher, have cultivated and lived on their homestead for four generations, who spend the short summer and fall gardening, hunting and fishing for food, gathering supplies from the land and preparing their animals for the harsh Alaskan winter. Also featuring on the channel is "American Chopper", with Paul Tuetul and his son Paul Jr, a volatile father and son team who push the envelope of custom motorcycle design and fabrication.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

Par VI Discovery Home & Health - Republic of Ireland

This channel currently features a vast amount of typical American style series: these series are situated in American places and/or presented by well know American television personalities.

"Treehouse Masters" is one example and is presented by Pete Nelson, an American master treehouse builder, author and since 2013 host of this program. Pete and his team design private escapes for those with a passion to reconnect with nature and awaken their inner child.

"My 600lb Life" focuses on the stories of individuals who aim to go from weighing over 600 lbs to being at their ideal weight. Their journey begins with gastric bypass surgery, which allows them to start losing weight. "Toddlers and Tiaras" is an American reality program which gives a behind the scenes look at the world of child beauty pageants. Viewers follow the contestants and their families as they compete to win the coveted crown.

"Monsters Inside Me" is about the shocking real-life accounts of people living with parasites that cause severe damage to their host. It includes first-person interviews with people and medical professionals telling their personal stories about contracting rare diseases. Interviews with

contributors are shot on location across North America. Recreations are mostly filmed in hospitals and homes in New York City.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

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Par VII Discovery Science - Republic of Ireland

This channel currently features "classic" Discovery series like "How it's Made" and "Mythbusters", both of which are synonymous with the Discovery brand for over a decade. In "How it's Made" viewers can find out how everyday objects are manufactured with a behind the scenes look at the factories and production facilities. "Mythbusters" is a programme where, using modern day science, a team of expert's separate fact from fiction as they put popular myths and urban legends to the test, with often explosive results.

This channel currently also features series hosted by globally recognized American stars from the small screen, like Johnny Galecki (The Big Bang Theory's) hosting the science themed prank show "Sci-Jinks". Another example, but now from the big screen, is the well-known American actor Morgan Freeman hosting "Through The Wormhole". This is uniquely befitting, as the man commonly called 'the voice of God' explores the mysteries of the universe attempts to answer questions on various topics such as what existed before our universe formed and the possibility of life on other planets.

Another example is "Mythbusters Jr.", in which Adam Savage (an American special effects designer) gives six talented kids a chance to show off their amazing skills. They will tackle myths ranging from driving, explosions, chemistry, physics, pop culture and more. Another program on this channel featuring Adam Savage is "Being Savage, in which he takes on the most absurd, original challenges he can dream up. From pop culture to legend, folklore to little-known science fact, he obsessively engineers inventive builds to discover new information.

These classical Discovery series or the ones hosted by typical American stars are by nature hardly available as European original works. As a consequence of the current prominence of these series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

Par VIII ID: Investigation Discovery - Republic of Ireland

ID: Investigation Discovery is a so-called special interest channel that includes American fiction and American non-fiction documentary and docudrama programming relating to American crime, forensic and paranormal investigations and the science behind them. This channel currently features a vast amount of typical American style series.

A typical example for the programming on this channel is "People Magazine Investigates", in which America's most popular weekly magazine, People, seeks to uncover the truth behind some of the country's most infamous characters and iconic stories of crime that transcended news and became part of popular culture. Also featuring on this channel is "Murder Chose Me", in which homicide detective Rod Demery has a personal connection to crime, as his mother was murdered, and his brother is a murderer. For this reason, he became the best detective that Louisiana has ever seen with a remarkable success rate at solving cases. "Evil Lives Here" is a programme that tells the gripping stories of ordinary people connected to a killer. Did they see signs that something was amiss? Did they turn a blind eye? Or did they choose to dig deeper, and realise the horrible truth that the person they trusted was a monster? Another example is "Your Worst Nightmare", a 60-minute narrated true American crime show blending reenactments of key events with commentary from law enforcement, criminal justice professionals, and friends and family of the victims. These are the real-life stories of people who have been the victims of violent crimes. With interviews with investigators and those close to the case.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

With reference to recital 40 in the new AVMSD, given the nature and theme of this channel being exclusively focused on American style crime series as set out before, imposing the obligations related to European works is both impracticable and unjustified. The nature and theme of the channel would be undermined if the requirements have to be met.

Par IX Quest Red- Republic of Ireland

This channel currently features a vast amount of typical American style series: these series are situated in American places and/or presented by well know American television personalities and/or having specific American themes.

One example is "My 600lb Life", which focuses on the stories of individuals who aim to go from weighing over 600 lbs to being at their ideal weight. Their journey begins with gastric bypass surgery, which allows them to start losing weight.

Another example is "Say Yes to the Dress", which follows a team of specialists at Kleinfeld Bridal at Manhattan guide brides and their friends and family through the process of selecting, fitting, altering and delivering a flawless wedding dress in time for their perfect day.

A further example is "My Cat From Hell": armed with more than 15 years of experience, a proven training program and his signature guitar case filled with cat toys, the famous American cat behaviour specialist, Jackson Galaxy, is on a mission to help cat owners find the source of conflict with their furry friends.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American -style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

Par X TLC- Republic of Ireland

This channel currently features a vast amount of typical American style series: these series are all situated in America in its typical landscapes and are about the lives of typical American families or people and their jobs, and about American products or topics. Series are situated in American places and/or presented by well known American television personalities and/or having specific American themes.

With just 90 days to wed on a fiancé visa, an example is "90 Day Fiancé", a programme following international couples attempting to overcome cultural barriers and family dramas while in search for true love. It follows couples who have applied for or received a K-1 visa (available uniquely to foreign fiancés of American citizens) and therefore have 90 days to decide to marry before the visas of the foreign half of the couple expire and they must leave the United States.

"Say Yes to the Dress" is another example, which follows a team of specialists at Kleinfeld Bridal at Manhattan guide brides and their friends and family through the process of selecting, fitting, altering and delivering a flawless wedding dress in time for their perfect day.

"Sister Wives" is another example - at first glance, the Browns are a typical big American family - except father and husband Kody is a polygamist with four wives - Meri, Janelle, Christine and Robyn - and a rapidly growing number of children.

Another example is "Dr. Pimple Popper", where viewers can see the work of Dr Sandra Lee, one of America's leading dermatologists. With over 15 years of experience, she specialises in diagnosing and removing mysterious unsightly lumps and cysts from patients' skin - helping them return to normal life.

Another example is "Outdaughtered", which follows the busy lives of Danielle and Adam Busby and their four-year-old daughter, Blake, as they adjust to their new life of being parents to America's first all-female set of quintuplets.

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Par XI Food network - Republic of Ireland

Food network is a channel with series about food and cooking. Series are hosted by well-known American television personalities and/or situated in America.

One example is, "Man v's Food", where food enthusiast Adam Richman, American actor and television personality, travels across America looking for the best local restaurants and diners, trying all their mouth-watering specialities and tackling the nation's greatest eating challenges.

Another example is "The Pioneer Woman", in which American food blogger and cookbook author Ree Drummond, known to her fans as "The Pioneer Woman," is a sassy former city slicker who has moved to a ranch in Oklahoma to live with her rancher husband and their children. Drummond shares her home cooking, from suppers that are thrown together in a hurry to preparing elaborate celebrations.

Another example is "Diners Drive Ins and Dives", in which Guy Fieri (an American restaurateur, author, game show host and famous television personality) eats his way across America in search of some of the best "greasy spoon" eateries, from a roadside shack in Texas to a Las Vegas sports bar.

In "Barefoot Contessa", cookbook author Ina Garten (a former White House nuclear policy analyst) shares recipes for picnics, parties and dinners as well as other touches to make a meal or event, a success.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

Par XII Travel Channel - Republic of Ireland

This channel currently features a vast amount of typical American style series: these series are situated in American places and/or presented by well know American television personalities and/or having specific American themes.

"Deadliest Catch" is an example, which showcases the world of the Alaskan crab fishermen, who brave the waves of the Bering sea. "Bizarre Foods" is a programme that follows renowned chef and food writer Andrew Zimmern, an American culinary expert, and television personality, as he embarks on a mission to explore and share local delicacies from around the world, hoping to gain an understanding of the local cultures through their cooking. "Expedition Unknown: Josh Gates investigates unsolved iconic stories across the globe. He interviews key eyewitnesses and uncovers recent developments before setting out to explore.

Another example is 'Hillbilly Handfishin', in which a pair of hillbilly fishermen welcome city slickers to rural Oklahoma for some country fun - the chance to catch catfish with their bare hands and feet.

Another example is "Caribbean Pirate Treasure", in which husband and wife duo and American born Philippe and Ashlan Cousteau explore the Caribbean by boat, investigating legends of lost treasure and pirates' plunder.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

Mark Buijnsters

Van: [REDACTED]@icloud.com>
Verzonden: vrijdag 15 maart 2019 11:39
Aan: [REDACTED]
CC: [REDACTED]
Onderwerp: Complementing current application
Bijlagen: Information for licenses and exemptions batch 3 - 2 added HD versions.xlsx

Opvolgingsvlag: Opvolgen
Vlagstatus: Met vlag

Dear [REDACTED]

As discussed yesterday by phone, Discovery would like to complement the current application with two HD UK/Irish ad-insertion feeds. The Irish ad-insertion feeds Discovery already applied for (batch 3) are editorially identical, only the advertisement in the HD UK/Irish ad-insertion feeds is different. I have attached batch 3 again, in which I have highlighted in yellow the added UK/Irish ad-insertion HD feeds, and in blue the Irish SD feeds.

Furthermore you can remove the German language version from "Travel Channel - pan regional" (batch 2).

We also discussed the launch of the Romanian ad-insertion on "Travel Channel - pan regional" on 1st of May. This is basically an amended version of the non-ad insertion version which is part of the current application (also in batch 2). I will notify the CVDM again in April, but it would be great if this amendment is already somehow part of the application.

I will get back to you on your question about relocation in light of jurisdiction as soon as possible.

Best, [REDACTED]