



Promotion of European works in VOD services: the European regulatory approach

International Seminar on Audiovisual Markets and Regulation –
SIMRA Mexico, 25 June 2024

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Why?

For a better balance of rules



Context

Before



Average TV viewing time is decreasing.

Young people's TV viewing time has **dropped by 7.5%** and is **half** that of the average viewer

Now



Videos on the Internet



Internet video share in consumer internet traffic is **expected to increase** from **64%** in 2014 to **80%** by 2019

TV channels target more and more **foreign markets**



In 2013, **±20%** of broadcasters revenues was invested in **original programming** vs **1%** for **on-demand services**.

Industry faces **fragmented rules** on the share of European content across the EU

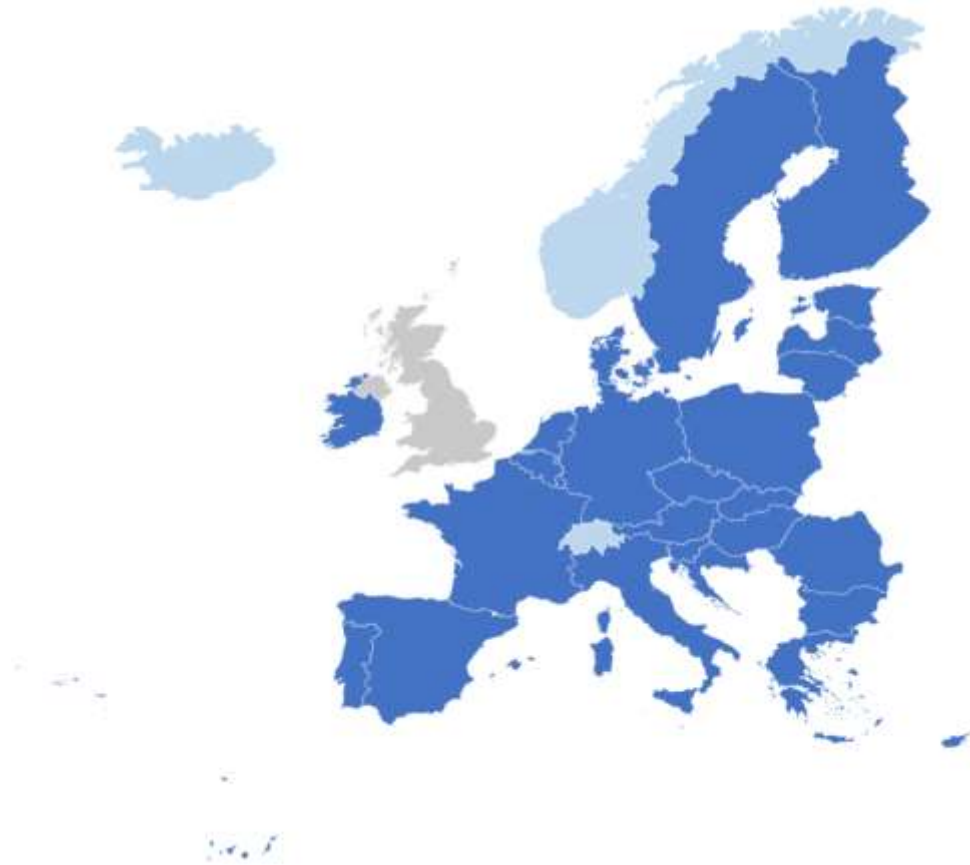


On average **31%** of VoD services available in one EU Member State are **established in another Member State**

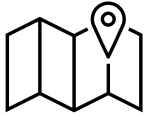


Need for more **independence of regulators** from government & industry

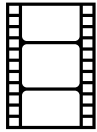
Establishment and jurisdiction over AVMS



Key features of the directive



- Update on establishment and jurisdiction



- Promotion of European works for VOD services



- Role and responsibilities of video-sharing platforms



- Media literacy measures

Country of Origin principle and establishment of AVMS

An AVMS is under the jurisdiction of the Member State where it is:

- effectively **established** on its territory, **Art. 2(2)**, or
- deemed to be established, following the criteria outlined under **Art. 2(3)**:



Head office



Editorial decisions

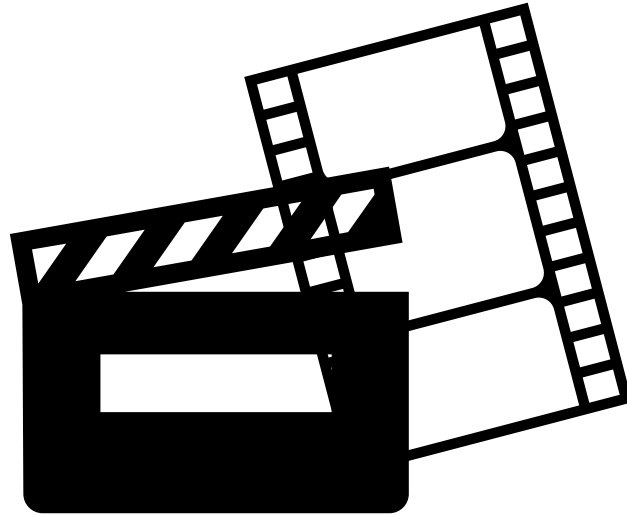


workforce involved in
programme-related
activity

Right to lay down stricter or more detailed rules

For AVMS, measures can be taken against the provider of the targeting AVMS established in another MS in order to circumvent the stricter or more detailed rules, if **Art. 4(4)**:

The promotion of European works



Promotion of European works – Linear services (Art. 16-17)

Obligations of broadcasters remain unchanged from the old Directive.



**of transmission time
to European works**



**of transmission
time/programming budget to
independent European works**

Promotion of European works – VoD (Art. 13)

OBLIGATION



Minimum
share in
catalogues

+

Prominence

VOLUNTARY



Financial contribution:

- Production
- Direct investments
- National funds

Including targeting services

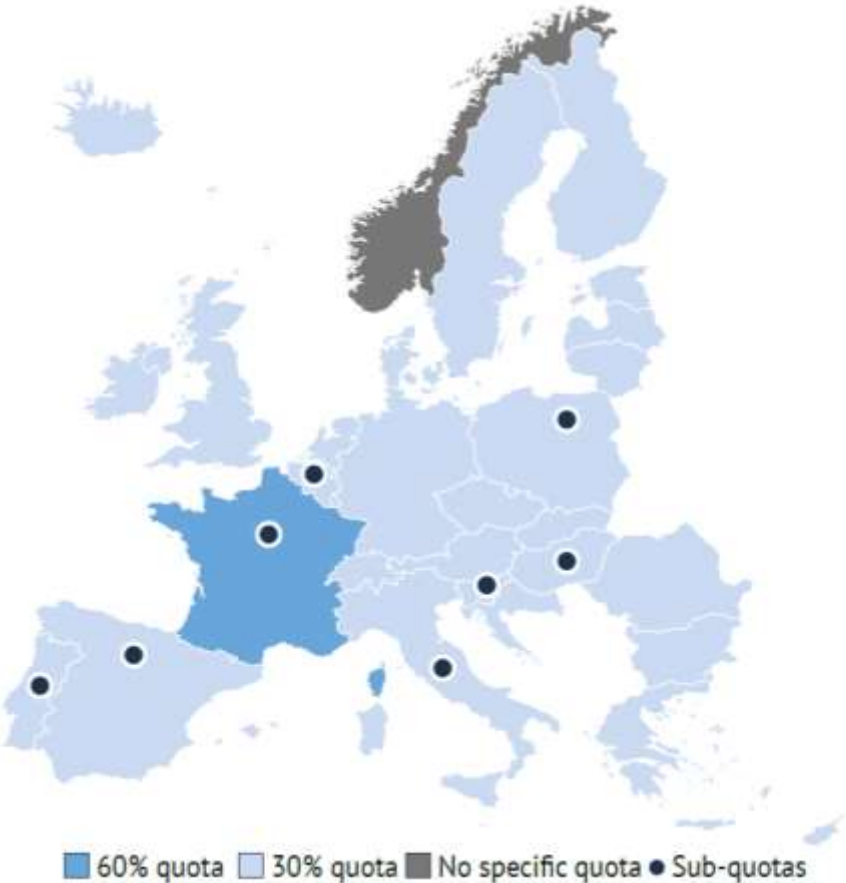
Under the previous Directive of 2010

- Financial contribution to production/rights acquisition in European works
- Share of European works in VOD catalogues
- Prominence obligation

State of implementation of the AVMSD 2018/1808

Article 13(1)

VOD

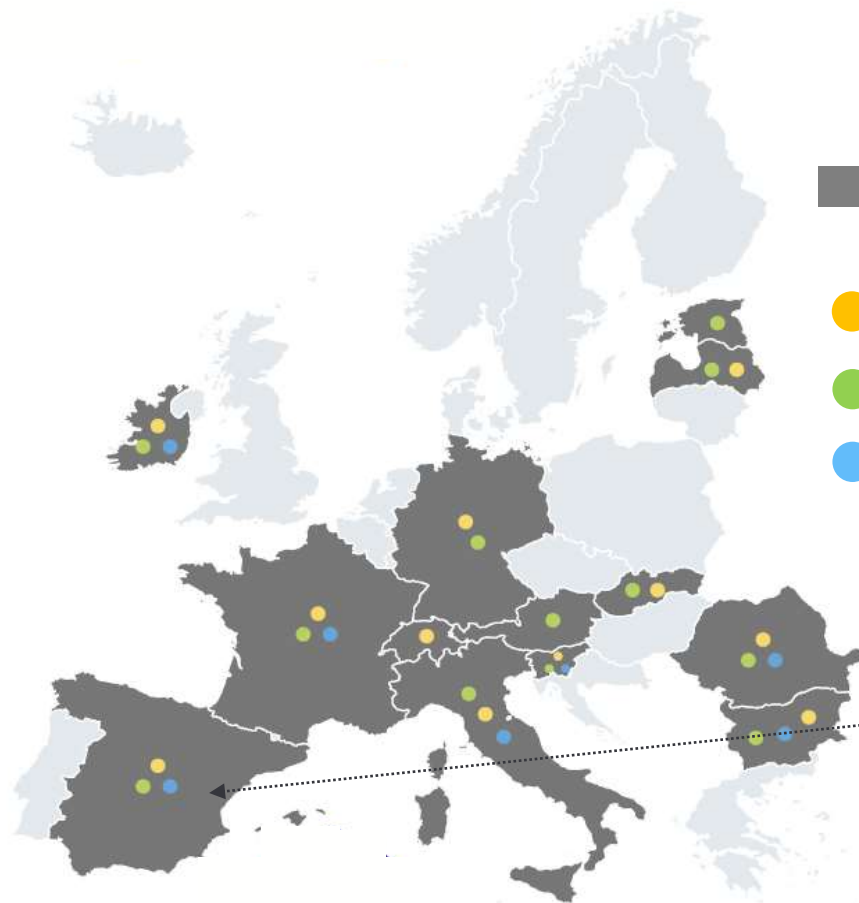


FOCUS

FR Of the total number of feature films on the one hand and audiovisual works on the other made available to the public, a share of at least 60% shall be reserved for European works.

BE(FR) The proportion must increase gradually and each year from the entry into force of the decree (2021) to reach 40% at the end of a transitional period of five years.





- Countries implementing specific prominence tools
- Search tool
- Attractive presentation
- Campaigns



ES

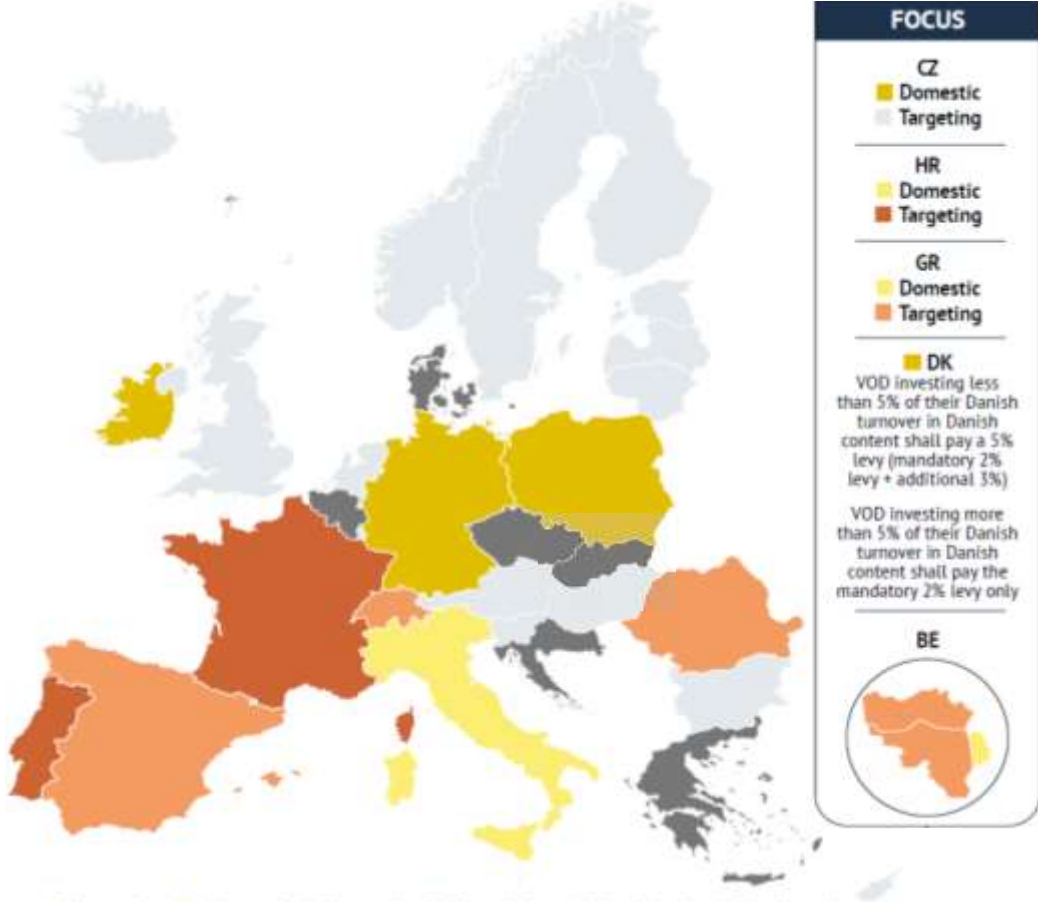
Audiovisual content produced, dubbed or subtitled in the official languages of the Autonomous Communities must be promoted.

State of implementation of the AVMSD 2018/1808

Article 13(2)

VOD

VOLUNTARY



- Direct only
- Levies only
- Alternative
- Cumulative
- No obligation
- See focus box

Source: European Audiovisual Observatory

Investing in European works: the obligations on VOD providers



A publication
of the European Audiovisual Observatory



AVMSD

PROMOTION OF EUROPEAN WORKS
Transposition into national law of Articles 17 (2) and (3), 18 and 17 AVMSD

The overview table
The purpose of the overview table (dashboards) is to give an overview of the rules implementing Article 17(2) and 17(3)(a) and (c) of the Audiovisual Media Services Directive (AVMSD) in the EU Member States, EFTA countries and the UK.

Complete articles, references and links are available in the national tables created for each co-ordinating country (national tables are available in the following excel sheets).
Links shall refer users from the tables contained in this dashboard to the relevant national sites, and more specifically to the articles of the corresponding legislation or secondary legislation.

Users shall also users to point the controller of their choice under the type of data they wish to consult.

Disclaimer:
Data contained in the dashboards and national sheets, prepared on data received from the lead feedback of EPAC (European Film Agency Directors Association) and EPFA (European Platform of Regulatory Authorities) members.

Data contained in the dashboards is compiled to the fullest to provide an accessible and interactive tool (links, links with responsive graphics). The "Comments" section included in the dashboard may give additional details. For more exhaustive information, please refer to the national sheets.

When the transposition of the revised AVMSD is still ongoing (S) the data collected are those contained in the latest draft proposals. Updates will be uploaded once the legislation is adopted.

List of countries covered:
Member States as well as the United Kingdom

AT...Austria	CZ...Czechia	ES...Spain	LT...Lithuania	PL...Poland
BE...Belgium	GG...Guernsey	GR...Greece	LU...Luxembourg	PT...Portugal
BG...Bulgaria	HK...Hong Kong	HR...Croatia	IS...Iceland	RO...Romania
DE...Germany	IM...Manx	FR...France	KR...Korea	SK...Slovakia
DK...Denmark	IE...Ireland	EL...Greece	MC...Monaco	SI...Slovenia
EE...Estonia	IT...Italy	ES...Spain	NL...The Netherlands	SE...Sweden
EU...European Union	PT...Portugal	CY...Cyprus	NO...Norway	UK...United Kingdom

Introduction | Definitions | Art. 17(2) | Art. 17(3) | Art. 16 & 17 | AT | BE (DE) | BE (WA) | Bruxelles | BG | CH | CY | CZ

Thank you!

Questions?

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