

# **The logic behind the EU regulation on EU works for linear and non-linear services (art 16 and art 13 of the AVMSD)**

**Comp 1, Activity 1.1, Session 1**

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# The promotion of European works in the AVMSD

## 1. Promotion on linear services

1. Quotas in transmission time for European works
2. Quotas in transmission time or programming budget in independent and recent European works

## 2. Promotion on non linear services

1. Shares in catalogues for European works
2. Investment obligations for European works
3. Prominence obligations for European works



# The definition of European WORKS



# Brexit

## Article 1 (n) AVMSD

**‘European works’** means the following:

(i) works originating in Member States;

(ii) works originating in **European third States party to the European Convention on Transfrontier Television of the Council of Europe**

and fulfilling the conditions of paragraph 3;

(iii) works co-produced within the framework of agreements related to the audiovisual sector concluded between the Union and third countries and fulfilling the conditions defined in each of those agreements.

2. The application of the provisions of points (n)(i) and (ii) of paragraph 1 shall be conditional on works originating in Member States not being the subject of discriminatory measures in the third country concerned.

3. The works referred to in points (n)(i) and (ii) of paragraph 1 are works mainly made with authors and workers residing in one or more of the States referred to in those provisions provided that they comply with one of the following three conditions:

(i) they are made by one or more producers established in one or more of those States;

(ii) the production of the works is supervised and actually controlled by one or more producers established in one or more of those States;

(iii) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.

4. Works that are not European works within the meaning of point (n) of paragraph 1 but that are produced within the framework of bilateral co-production agreements concluded between Member States and third countries shall be deemed to be European works provided that the co-producers from the Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the Member States.



## Promotion of European works – Linear services

Obligations on broadcasters to promote European works are laid down in articles 16-17 AVMSD 2018/18



of transmission time  
to European works



of transmission  
time/programming budget to  
independent European works



adequate proportion to recent  
European works (<5 years)



# General quotas for European works (art. 16 AVMSD)

“ Article 16 (1): Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a **majority proportion of their transmission time**, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. [...] ”

>50%



Majority of transmission time  
dedicated to European works

Have you heard of  
the requirements  
imposed on  
broadcasters?



Detailed national  
sub-quotas

Cinematographic and/or  
original language works



UNDER  
ARTICLE 4(1)



# State of the implementation of art. 16 AVMSD

## Article 16 AVMSD Majority of transmission time



>50%

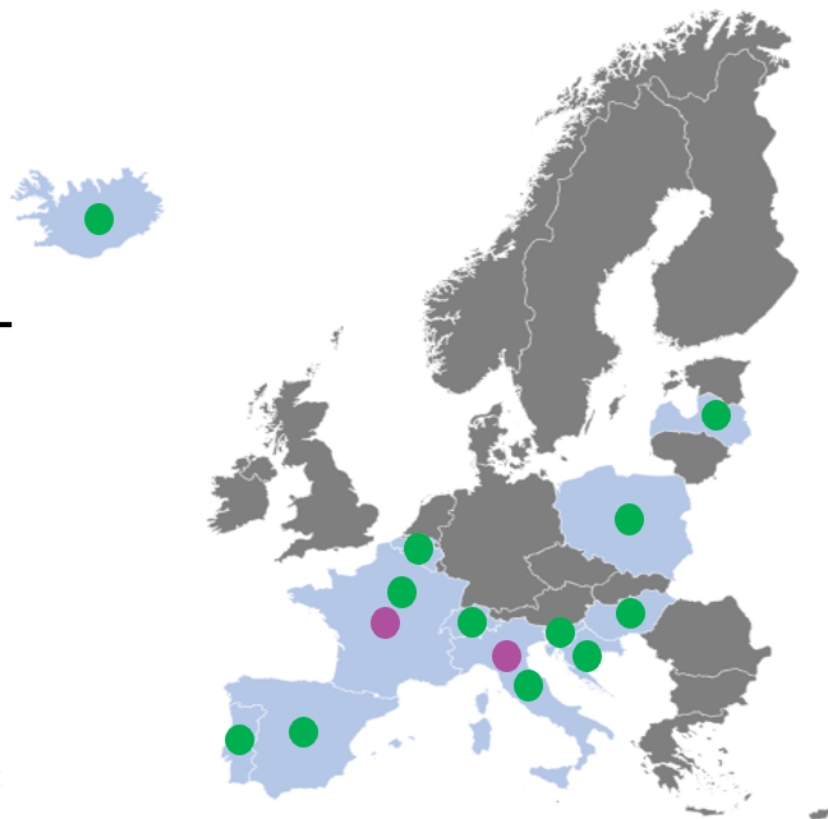


UNDER ARTICLE 4(1)

## Detailed national sub-quotas

Some countries imposed specific sub-quotas

- No sub-quota
- Sub-quota for cinematographic works
- Sub-quota for original expression



## Promotion of European works – Non linear services

Obligations on VOD services to promote European works are laid down in article 13 AVMSD 2018/18

### OBLIGATION



Minimum  
share in  
catalogues  
+  
Prominence



Including targeting services

### VOLUNTARY

Financial contribution:

- Production
- Direct investments
- National funds



# Shares in catalogues for non linear services (art. 13.1 AVMSD)

“ Article 13 (1): Member States shall ensure that media service providers of on-demand audiovisual media services under their jurisdiction **secure at least a 30% share of European works** in their catalogues and ensure prominence of those works. ”

Article 13 (1)



30%

Minimum share  
in catalogues

Are you familiar  
with quotas?  
This might make it  
easier, take a look!



Under  
Article 4(1)



**Detailed national sub-quotas**

- Cinematographic works
- Original language works
- Content created by independent producers



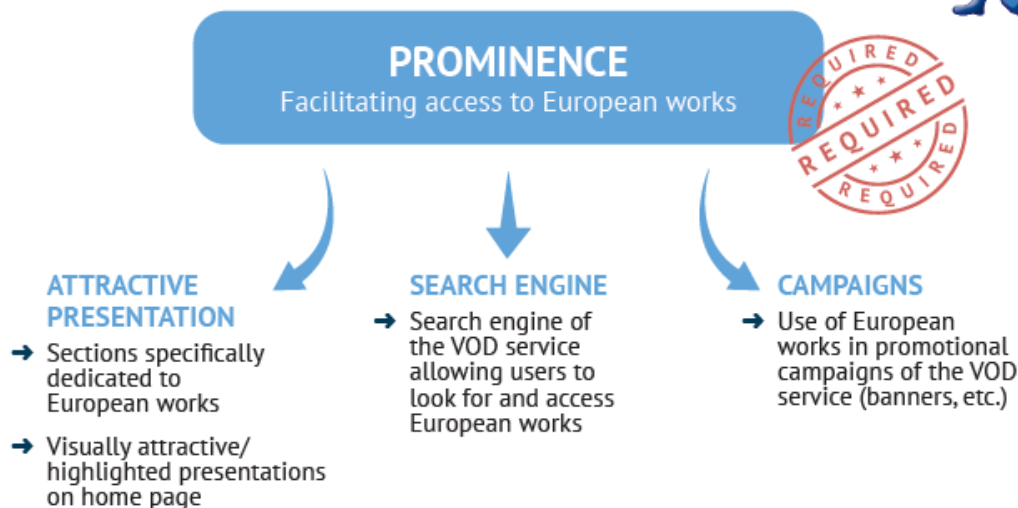


# Prominence obligations for non linear services (art. 13.1 AVMSD)

“ Article 13(1): Member States shall ensure that media service providers of on-demand audiovisual media services under their jurisdiction secure at least a 30% share of European works in their catalogues and **ensure prominence of those works.** ”

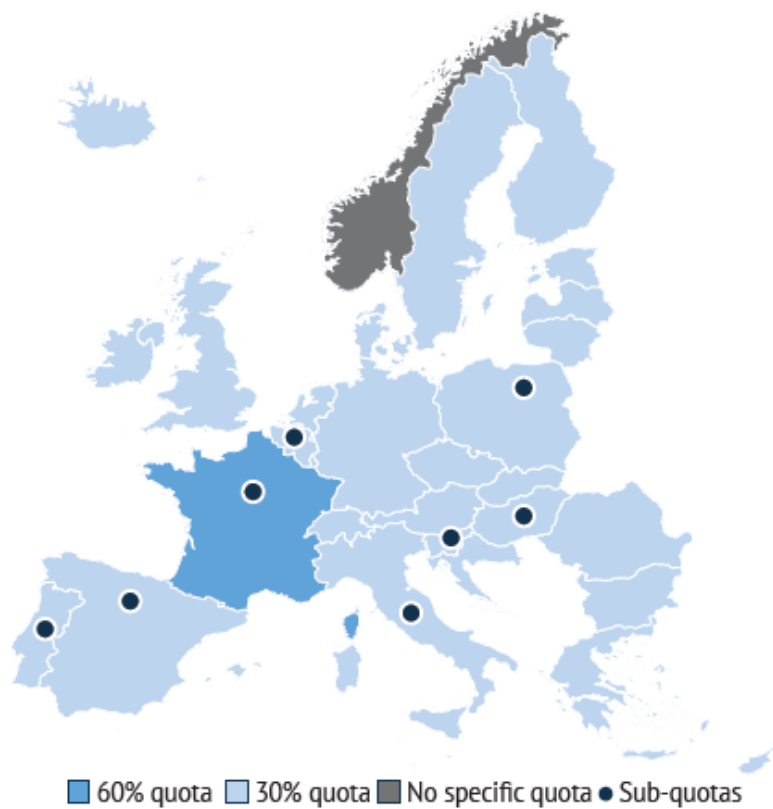
Prominence of European works in VOD catalogues involves promoting European works through facilitating access to such works.

Take a look at how  
prominence of  
European works  
can be ensured!



# State of the implementation of art. 13(1) AVMSD

## Implementation of the 30% quota



### 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.



# State of the implementation of art. 13(1) AVMSD

## Article 13(1) AVMSD Minimum share in catalogues








**30%**

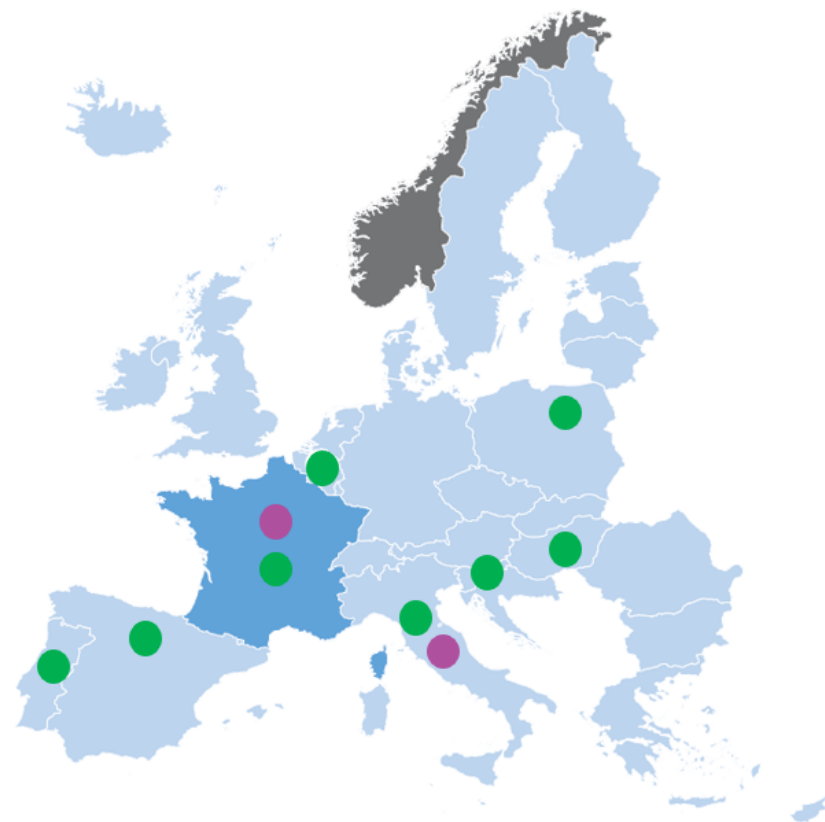


### Detailed national sub-quotas

Some countries imposed specific sub-quotas

UNDER ARTICLE 4(1)

-  60% quota
-  30% quota
-  No specific quota
-  Sub-quota for cinematographic works
-  Sub-quota for original expression

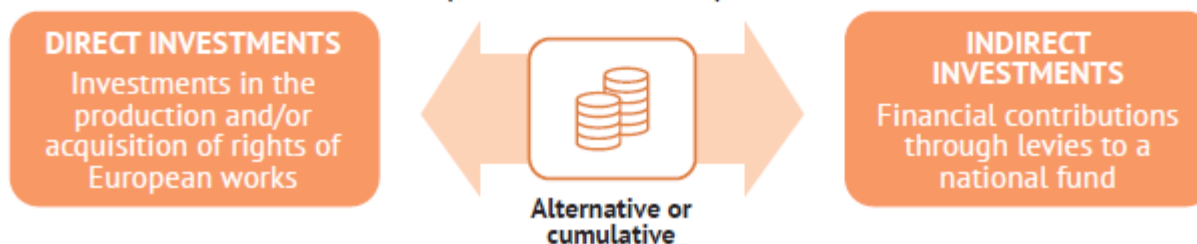


# Investment obligations on non linear services (art. 13.2 AVMSD)




“ *Article 13(2): Where Member States require media service providers under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contribution to national funds, they may also require media service providers targeting audiences in their territories, but established in other Member States to make such financial contributions, which shall be proportionate and non-discriminatory.* ”



May be required to **contribute financially**  
to the production of European works

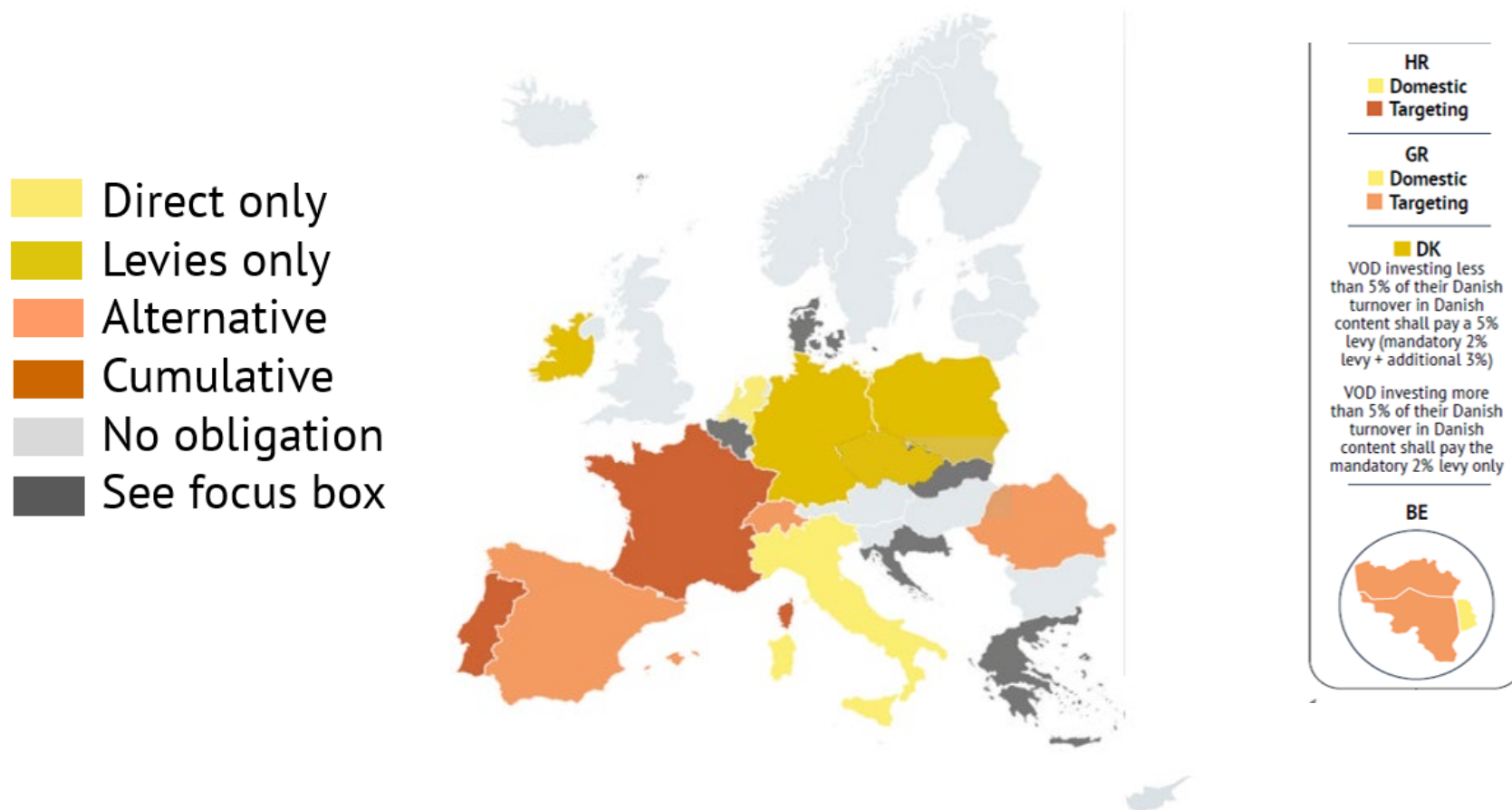


## State of the implementation of art. 13(2) AVMSD

-  Obligations on both  
targeting and domestic  
services
-  Obligations on domestic  
services only
-  No investment obligations



# State of the implementation of art. 13(2) AVMSD



# Thank you

