



The promotion of independent audiovisual production in Europe

TV and film production in Europe – The state of independence?
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Maja Cappello

Head of Department for legal information
European Audiovisual Observatory



Definition of independence



Finding sources
of financing



Calculating and
controlling the
budget plan



Dealing with
copyrights



Selecting scripts
and key talents



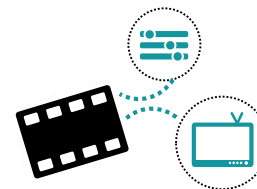
Looking for
co-producers



Finding sources
of financing



Supervising the
shooting



Involvement in
editing and
broadcasting

1. Defining independence

Promotion of independent European works under the AVMS Directive

Recital 71 AVMSD (2010)

Criteria for defining producers who are independent of broadcasters:

- The ownership of the production company,
- The amount of programmes supplied to the same broadcaster, and
- The ownership of secondary rights.

1. Defining independence

Definition of independent producer in national legislation



■ Definition ■ No definition

Criteria for defining producers who are independent of broadcasters:

- ✓ The amount of shares an AVMS provider holds in a production company (or vice versa);
- ✓ The level of turnover a producer generates from contracts with a single AVMS provider (e.g. the quantity of programmes supplied).

Definition of independence as pre-condition for funding and quota benefits

Why is the definition of independent production important?

Because it determines who is the subject of certain rights and support measures.



**AVMS
Directive**

1. Defining independence

Promotion of independent European works under the AVMS Directive



Article 17 AVMSD

Quota obligation for either the **transmission time** or the **programming budget** for the promotion of European works created by **producers who are independent of broadcasters**.

Financial investment obligation on broadcasters

- Works by independent producers
- Other specific criteria

Works by independent producers only
BE (VL), ES, NL, SE, SI

Both European works and independent works
FR, IT

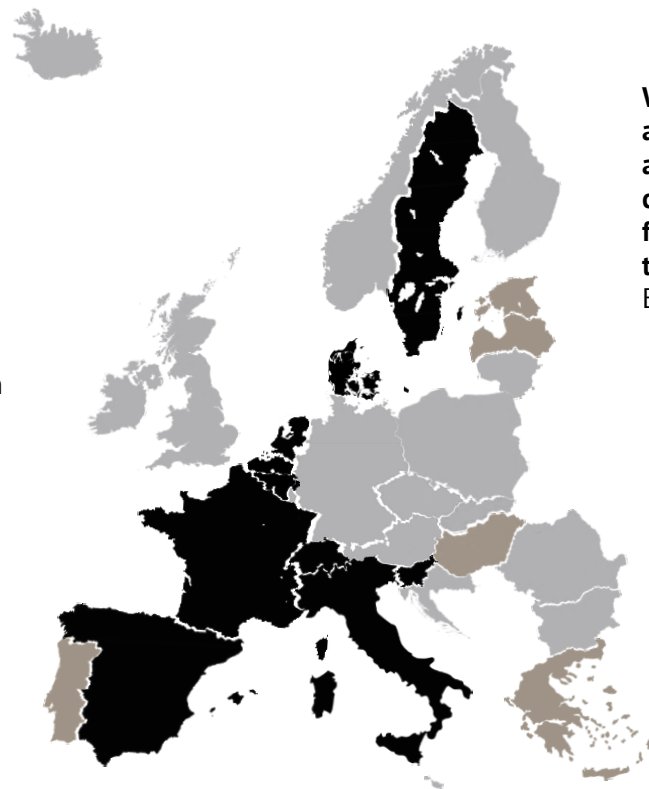
Independent production and works of national original expression
DK

National and European “creative” works
PT

National works and independent production
CH

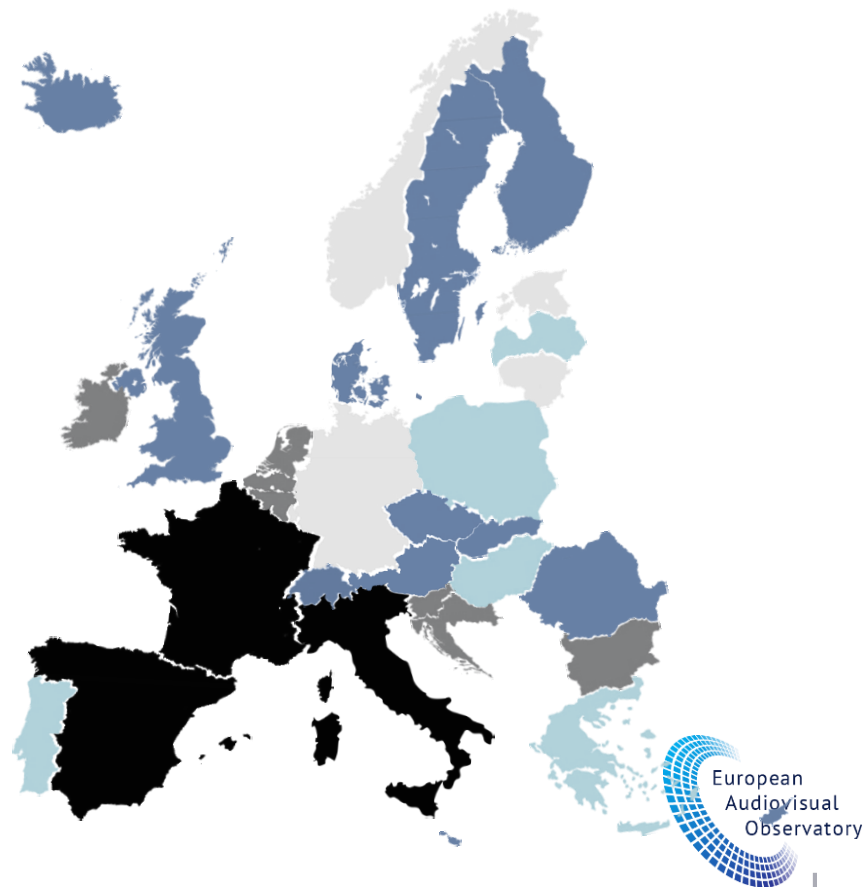
Works by national authors and audiovisual works completed with the financial support of the State
EE

National cinematographic works
GR, HU, LV



Financial investment obligation on broadcasters – Art. 17 AVMSD

- Mandatory (both PSB and commercial)
- Mandatory (only PSB)
- Optional (or quota or levy)
- National/linguistic works
- No obligation



Financial obligations on VOD services – Art. 13 AVMSD

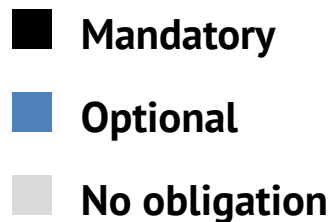
- Investment in independent productions
- General mandatory investment
- Optional (or quota or levy)
- General obligation
- No obligation



2. National measures for the promotion of independent European works

Quota obligation on broadcasters to promote works by independent producers – Art. 17 AVMSD

A 10% minimum share imposed by AVMS Directive



2. National measures for the promotion of independent European works

Direct and indirect public funding for independent production

Selective and/or automatic support for independent producers at national and regional levels:

- As a precondition (e.g. Denmark and Portugal)
- Usually for certain schemes

2. National measures for the promotion of independent European works

Interprofessional agreements

Obligations concerning the support of independent production may be attached to broadcasters' licences.

Promotion of independent producers by PSBs

- Public mission to promote diversity and unbiased information
- Market importance
- Being publicly financed



**For more information,
download the report
from EAO website:**

<https://bit.ly/2UfYOMC>

Thank you!

For any queries:
maja.cappello@coe.int

