



Quotas, prominence and financial contributions: state of the art in AVMSD and national legislation

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European Audiovisual Observatory
Europäische Audiovisuelle Informationsstelle

Promotion and distribution of European works

Obligations for TV broadcasters (Articles 16-17)

Obligations for on-demand services (Article 13)

Promotion and distribution of European works

Obligations for TV broadcasters (Articles 16-17)



majority proportion of
broadcasting time

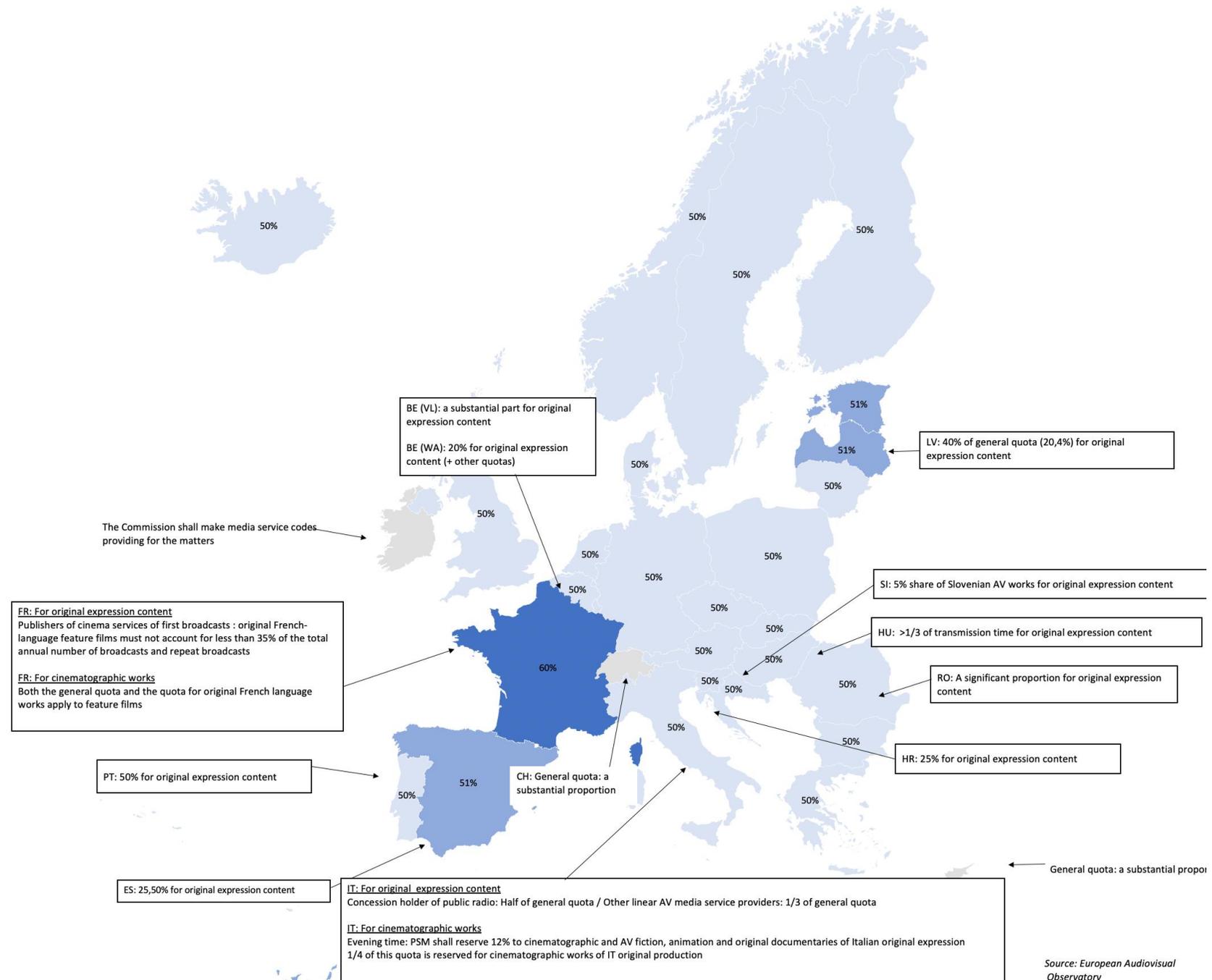


of broadcasting
time/programming budget for
European works created by
producers who are independent
of broadcasters



majority proportion of broadcasting time

General quota 50% 60%



Promotion and distribution of European works

Obligations for TV broadcasters (Articles 16-17)



majority proportion of
broadcasting time



of broadcasting
time/programming budget for
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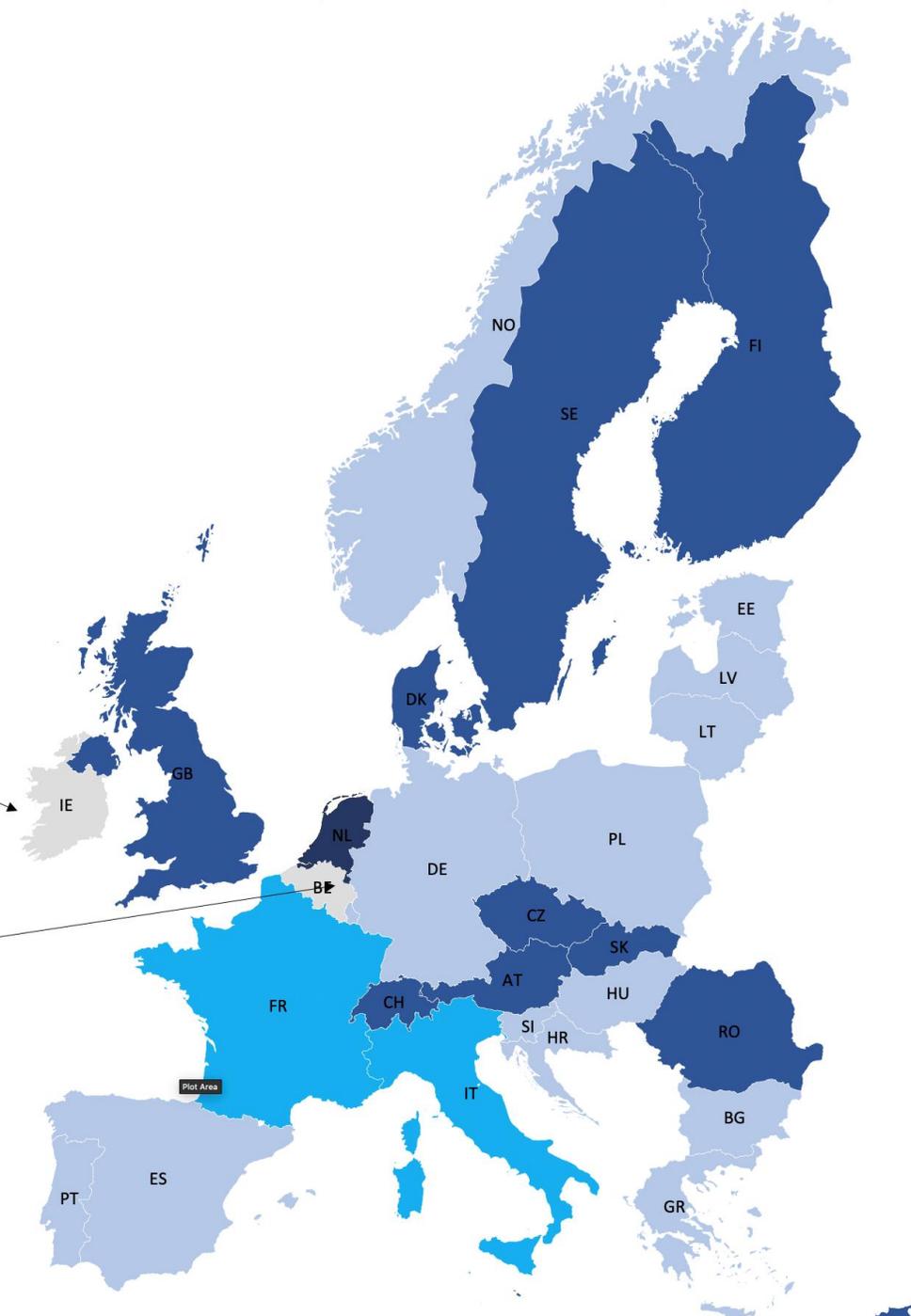


**of broadcasting
time/programming budget for
European works created by
producers who are independent
of broadcasters**

- Transmission time only
- Programming budget only
- Alternative
- Cumulative
- See focus box

IE: The Commission shall make media service codes providing for the matter.

BE (DE): alternative
BE (VL): transmission time only
BE (WA): transmission time only



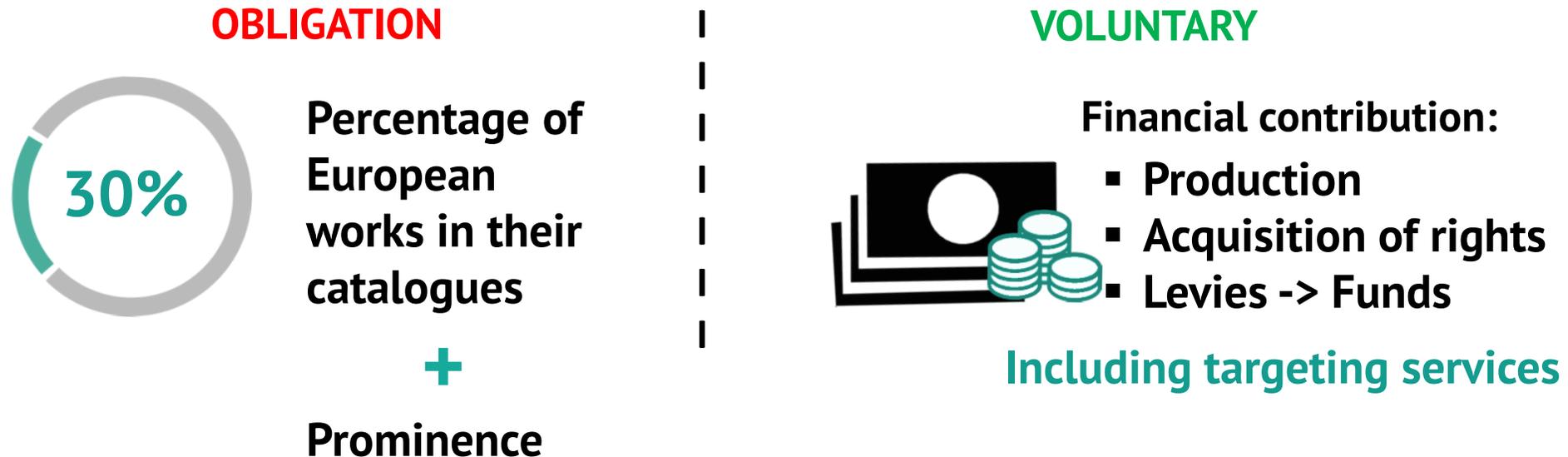
Promotion and distribution of European works

Obligations for TV broadcasters (Articles 16-17)

Obligations for on-demand services (Article 13)

Promotion and distribution of European works

Obligations for on-demand services (Article 13)



Promotion and distribution of European works

Obligations for on-demand services (Article 13)

OBLIGATION



Percentage of European works in their catalogues



Prominence

VOLUNTARY

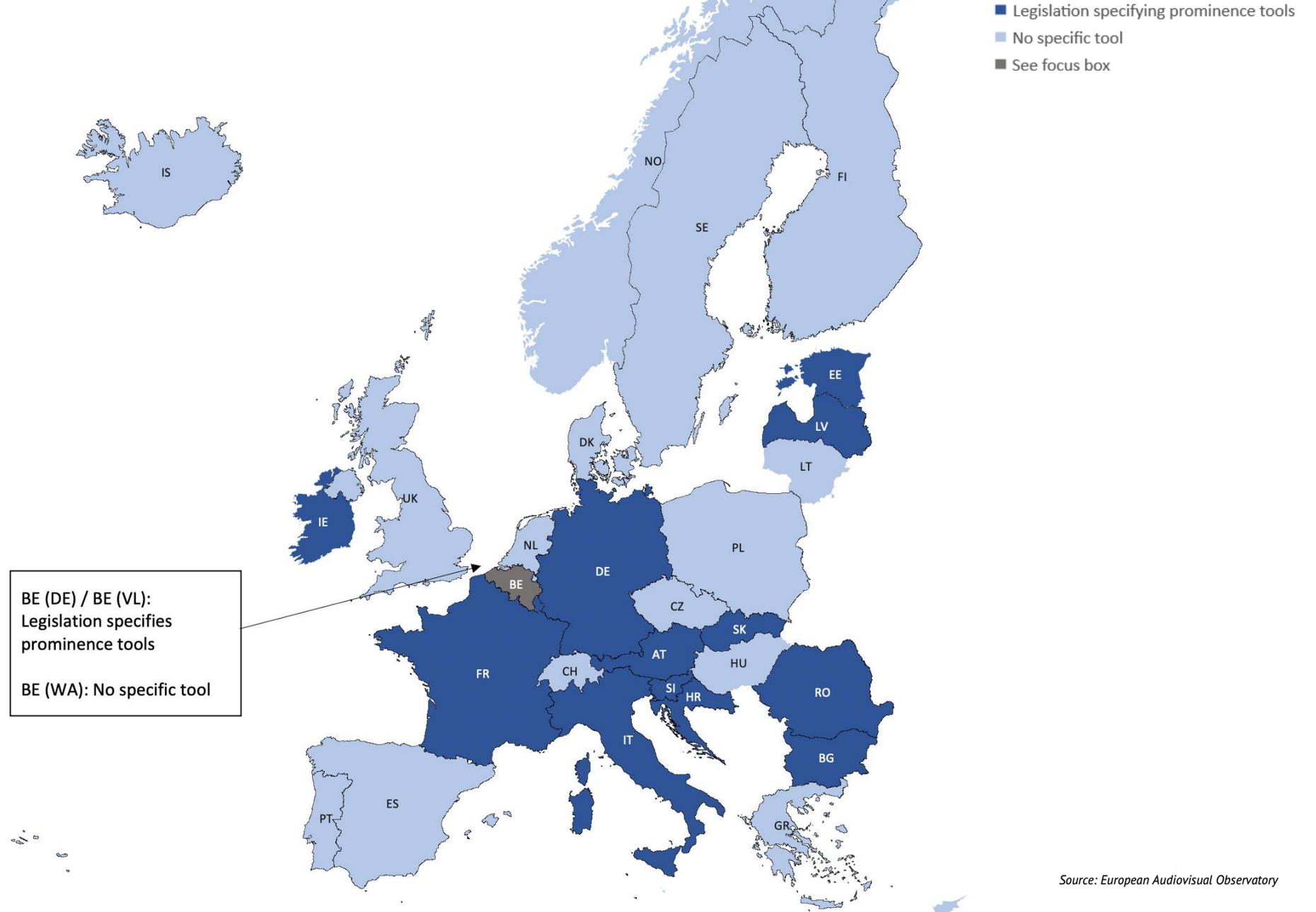


Financial contribution:

- Production
- Acquisition of rights
- Levies -> Funds

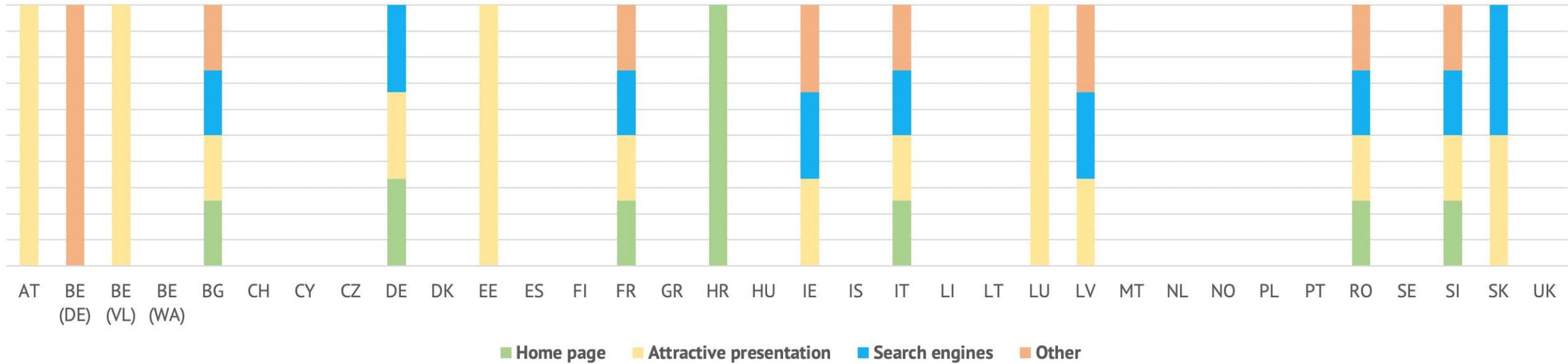
Including targeting services

Prominence



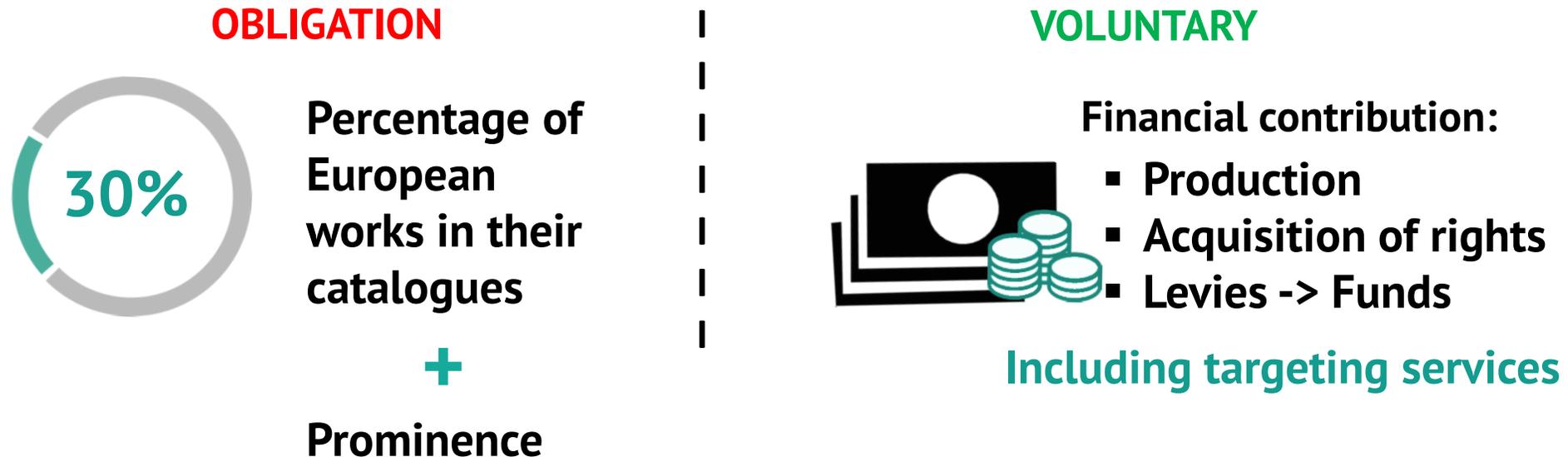
Prominence

VOD services: Tools for promoting European works



Promotion and distribution of European works

Obligations for on-demand services (Article 13)



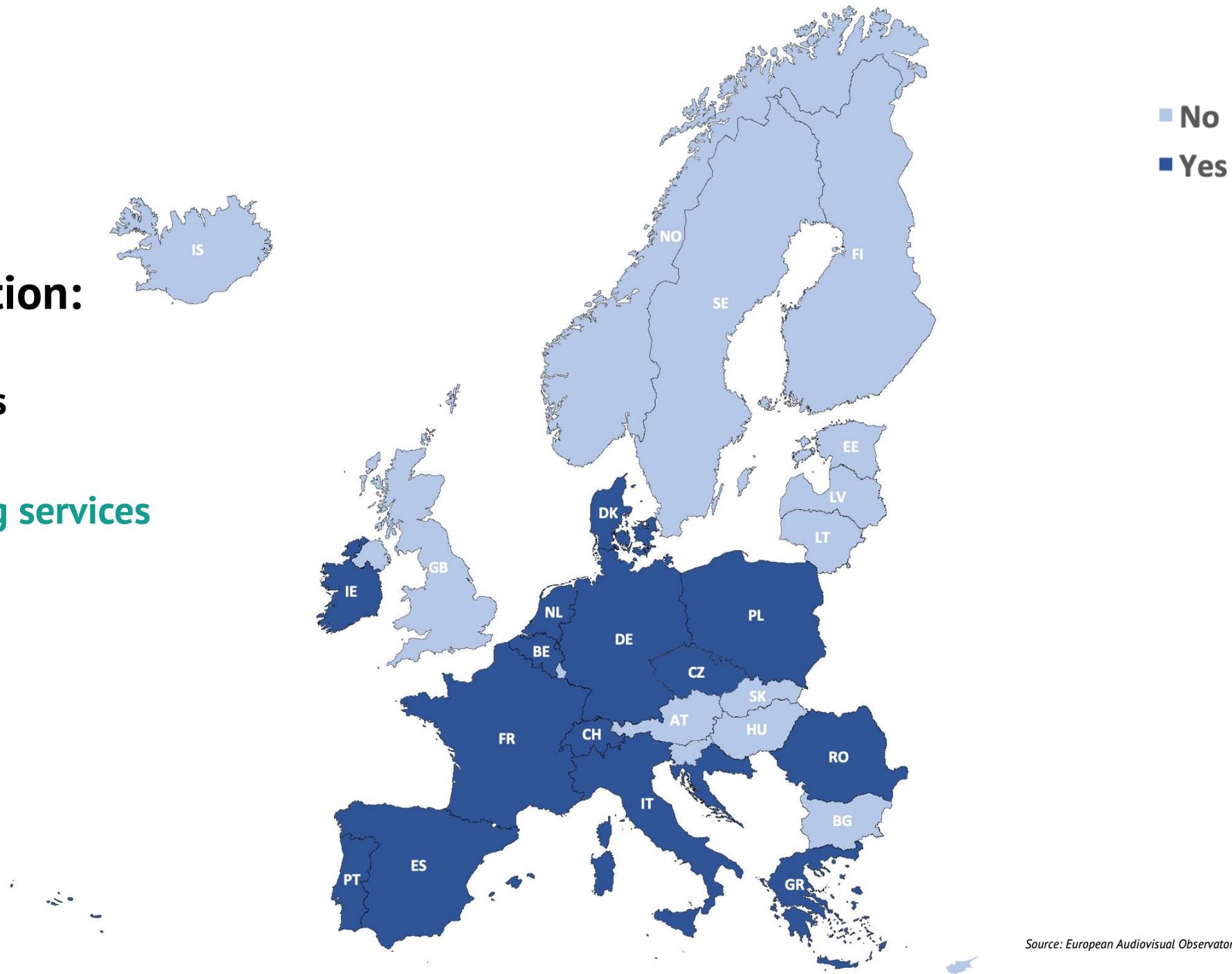


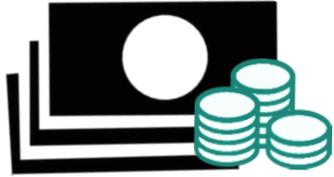
Financial contribution:

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Including targeting services

VOLUNTARY





Financial contribution:

- Production
- Acquisition of rights
- Levies -> Funds

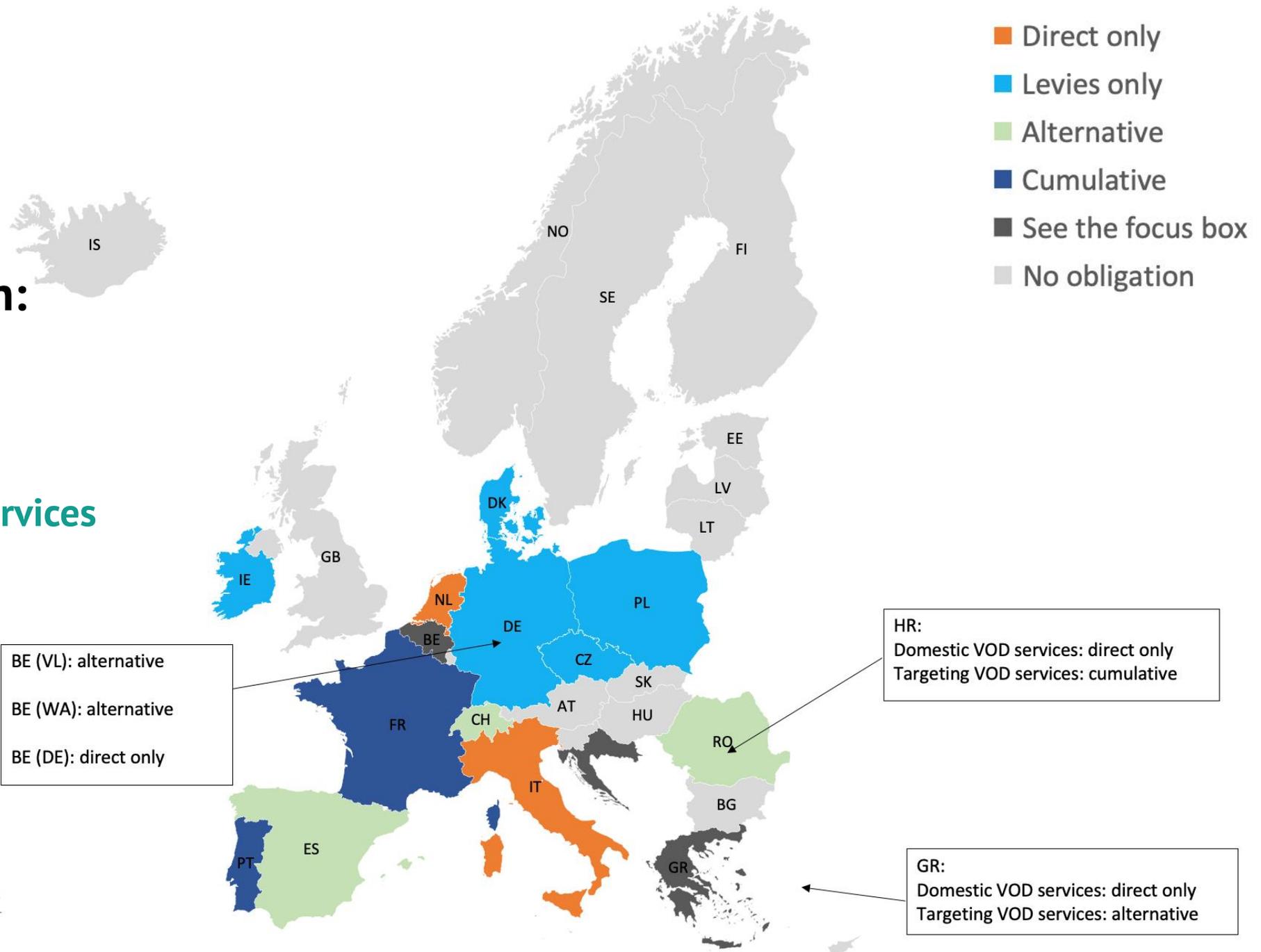
Including targeting services

VOLUNTARY

BE (VL): alternative
BE (WA): alternative
BE (DE): direct only

HR:
Domestic VOD services: direct only
Targeting VOD services: cumulative

GR:
Domestic VOD services: direct only
Targeting VOD services: alternative



THE “UNCLASSIFIABLE”

Belgium, Greece, Croatia

BELGIUM

German Community



Direct investment

| Rate | Base |
|---|---|
| The government shall specify further rules. | The revenue generated in the German-speaking Community. |

BELGIUM

Flemish Community



Direct investment / levies

| Rate | Base |
|------|--|
| 2,0% | Turnover achieved in the Dutch-speaking region in the second year preceding the year of the compulsory contribution. |

BELGIUM

French Community



Direct investment / levies

| Rate | Base |
|------|--------------------------------|
| | Turnover |
| 2,2% | above EUR 20 million; |
| 2% | btw EUR 15-20 million; |
| 1,8% | btw EUR 10-15 million; |
| 1,6% | btw EUR 5-10 million; |
| 1,4% | btw EUR 300 000 and 5 million; |
| 0% | btw EUR 0 and 300,000. |

GREECE



Direct investment

| Rate | Base |
|--------------------------|---|
| National services | |
| 1,5% | Turnover associated with AVMS operations in Greece. |

GREECE



Direct investment / levies

| Rate | Base |
|---------------------------|--|
| Targeting services | |
| 1,5% | Turnover relating to their activity in Greece, either: <ul style="list-style-type: none">• to the production of Greek audiovisual works, or• to the purchase of rights to Greek audiovisual works (unreleased), or• to the National Centre for Audiovisual Media and Communication |

CROATIA



Direct investment

| Rate | Base |
|--------------------------|--|
| National services | |
| 2,0% | Total annual gross revenue. The investment may be cumulated over a period of two years. |

CROATIA



Direct investment + levies

| Rate | Base |
|------|------|
|------|------|

Targeting services

2,0%

Total annual gross revenue.

The investment may be cumulated over a period of two years.

Financial contribution to the implementation of the National Program for Promoting Audiovisual Creativity Works in accordance with the law governing audiovisual activity

CUMULATIVE OBLIGATIONS

France, Portugal

FRANCE



Direct investment

| Rate | Base |
|---|--|
| <p>SVOD services:</p> <p>25% if they offer at least one feature film per year within a period of less than 12 months after its theatrical release in France</p> <p>20% in other cases (other quotas shall apply to pay-per-view services and free-of-charge.</p> | <p>Net annual turnover for the previous financial year generated in France</p> |

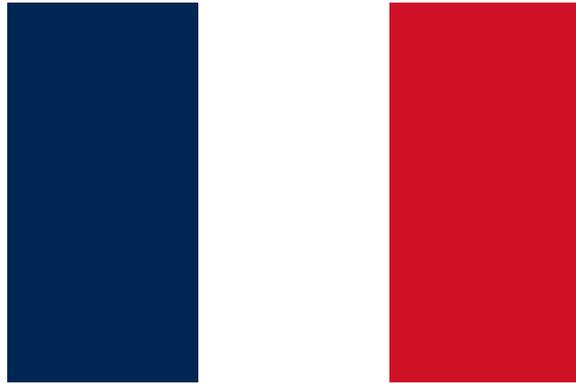
FRANCE



Direct investment

| Rate | Base |
|--|---|
| Other VOD services: 15% of the annual turnover which arises from exploitation of cinematographic works | Net annual turnover for the previous financial year generated in France |
| 15% of the annual turnover which arises from exploitation of audiovisual works. | |
| Catch-up TV (cinema contribution): applicable proportions to their TV service | |

FRANCE



Indirect investment (levies)

| Rate | Base |
|-------|--|
| 5,15% | The net annual turnover for the previous financial year. |

PORTUGAL



Direct investment

| Rate | Base |
|---|---|
| | Relevant income |
| 0,5 % or EUR 0.50 per subscriber or EUR 10 000. | Between EUR 200 000 and EUR 1 999 999 |
| 1 % or EUR 1 per subscriber or EUR 100 000. | Between EUR 2 000 000 and EUR 9 999 999 |
| 2 % or EUR 2 per subscriber or EUR 500 000 | Between EUR 10 000 000 and EUR 24 999 999 |
| 3 % or EUR 3 per subscriber or EUR 1 500 000 | Between EUR 25 000 000 and EUR 49 999 999 |
| 4 % or EUR 4 per subscriber or EUR 4 000 000 | EUR 50 000 000 or more |

PORTUGAL



Indirect investment (levies)

| Rate | Base |
|----------------------------|---|
| Advertisers 4,0% | Audiovisual commercial communications included in on-demand audiovisual services are subject to a fee of the price paid by the advertiser |
| SVoDs 1,0% | Relevant income |

ALTERNATIVE OBLIGATIONS

Spain, Switzerland, Romania

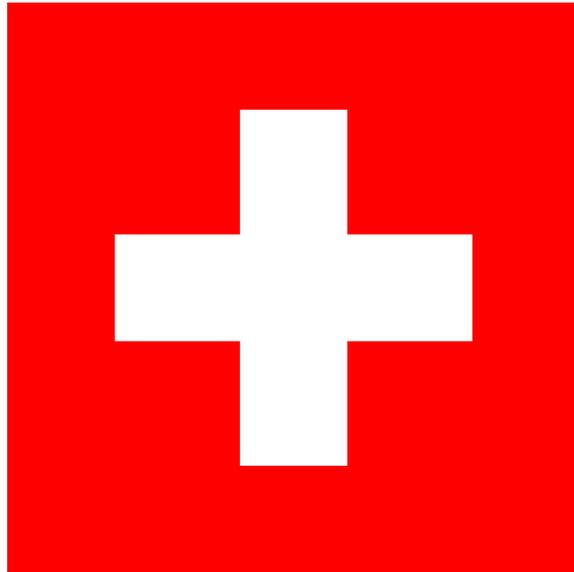
SPAIN



Direct investment / levies

| Rate | Base |
|------|---|
| 5,0% | Eligible revenue equal to or greater than EU 50 million |
| 5,0% | Revenue is less than EUR 50 million and greater than or equal to EUR 10 million |

SWITZERLAND



Direct investment / levies

| Rate | Base |
|---|---------------------------------------|
| 4,0% | Gross revenues earned in Switzerland. |
| A substitute levy shall be due if the investment obligation is not achieved on average over a period of four years. | |

ROMANIA



Direct investment / levies

| Rate | Base |
|--------------------------------|---|
| Levies | |
| <u>Purchase</u> 3,0% | Price of films downloaded for remuneration |
| <u>Rental or SVoD</u> 4,0% | Revenue from single transactions or subscriptions |
| Direct investment | |
| <u>Rental or SVoD</u> 40,0% | of the amount due to the Film Fund. |

DIRECT INVESTMENT

Italy, Netherlands

ITALY



Direct investment

| Rate | Base |
|----------------------------|-------------------------------|
| 17% until 31 December 2022 | Annual net revenues in Italy. |
| 18% from 1 January 2023 | |
| 20% from 1 January 2024 | |

NETHERLANDS



Direct investment

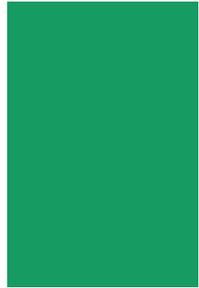
| Rate | Base |
|------|--|
| 4,5% | Annual turnover of more than €30 million |

Draft!!!

LEVIES

Ireland, Denmark, Czech Republic, Germany, Poland

IRELAND

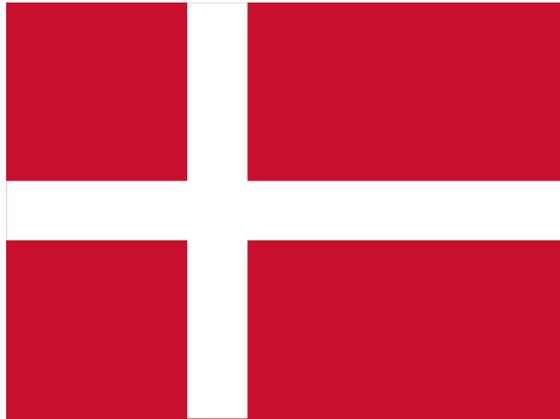


Indirect investment (levies)

| Rate | Base |
|---------------|---|
| To be defined | The method of calculation of a levy shall be based on the revenue earned by the provider in the State from any audiovisual media service which it provides there. |

Draft!!!

DENMARK

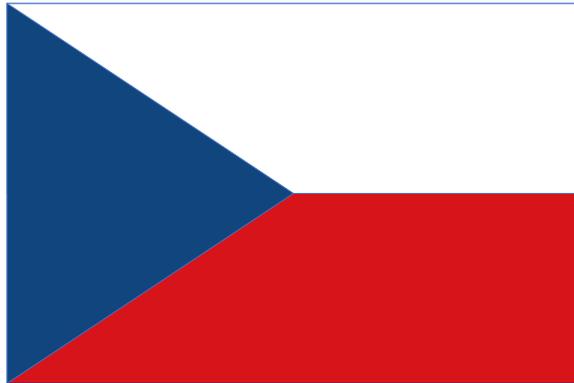


Indirect investment (levies)

| Rate | Base |
|------|--|
| 6,0% | Annual turnover in Denmark if exceeds DKK 15 million |

Draft!!!

CZECH REPUBLIC



Indirect investment (levies)

| Rate | Base |
|------|---|
| 0,5% | The price paid by the end-user for the provision of a single service. |

GERMANY



Indirect investment (levies)

| Rate | Base |
|------|--|
| 2,5% | Annual turnover over EUR 20 000 000; |
| 1,8% | Annual turnover of up to EUR 20 000 000. |

POLAND



Indirect investment (levies)

| Rate | Base |
|------|--|
| 1,5% | Revenue generated by the fees for access to on-demand audiovisual media services made available to the public or revenue generated by the broadcast of commercial communications, if that revenue is higher in the relevant accounting period. |



Investing in European works: the obligations on VOD providers

A publication
of the European Audiovisual Observatory



The overview table

The purpose of the three overview tables (dashboards) is to give an overview of the rules implementing Article 13 (1) and (6) / 13 (2) / 16 and 17 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 country/community (national tables are available in the following excel sheets).

Links shall redirect users from the data contained in the dashboard to the relevant national sheet, and more specifically to the article(s) of the corresponding legislation or secondary legislation.

Filters shall allow users to select the country(ies) of their choice and/or the type of data they wish to consult.

Disclaimer:

Data contained in the dashboards and national sheets are based on desk research and incorporate the kind feedback of EFAD (European Film Agency Directors Association) and EPRA (European Platform of Regulatory Authorities) members.

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

Where the transposition of the revised AVMSD is still ongoing, the data collected are those contained in the latest draft proposals. Information will be updated once the legislation is adopted.

List of countries covered:

Click on a country to be directed to the dedicated sheet

| | | | | |
|-----------------------------------|-------------------------------------|------------------------------|--------------------------------------|-------------------------------------|
| AT - Austria | CY - Cyprus | FR - France | LI - Liechtenstein | PL - Poland |
| BE (DE) | CZ - Czech Republic | GR - Greece | LT - Lithuania | PT - Portugal |
| BE (VL) - Belgium | DE - Germany | HR - Croatia | LU - Luxembourg | RO - Romania |
| BE (WA) - Belgium | DK - Denmark | HU - Hungary | LV - Latvia | SE - Sweden |
| BE - Bruxelles | EE - Estonia | IE - Ireland | MT - Malta | SI - Slovenia |
| BG - Bulgaria | ES - Spain | IS - Iceland | NL - The Netherlands | SK - Slovakia |
| CH - Switzerland | FI - Finland | IT - Italy | NO - Norway | UK - United Kingdom |

Thank you for your attention!

Questions?

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30
Years Ans Jahre



Observatoire européen de l'audiovisuel
European Audiovisual Observatory
Europäische Audiovisuelle Informationsstelle

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE