



# Mapping of national rules for the promotion of European works – Focus on VOD services

28 Shades of AVMSD – A changing and challenging digital market

*Transatlantic Dialogues, Lille, 27 March 2019*

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# Overview

- 1. Genesis and purpose of the mapping**
- 2. Methodology and background**
- 3. Results – Focus on VOD services**

# 1. Genesis and purpose of the mapping

- Project launched upon request from the



- In order to provide an inventory of the different obligations to support and promote European works...
- ... within the context of the revision of the AVMS Directive

## 2. Methodology and background

- 1.**  **National experts**  
An expert for each of the EU-28, Iceland, Norway and Switzerland
- 2.**  **A questionnaire**  
filled in by national experts
- 3.**  **National factsheets**  
cross-checked by EFADs
- 4.**  **Comparative analysis**  
done by an expert selected by the EAO

## **3. Results**

- 1. Definitions of “independent” and “European works”**
- 2. Financial obligations imposed on AVMS providers**
- 3. Levies and taxes imposed on industry stakeholders**
- 4. Quotas imposed on AVMS providers**
- 5. Prominence obligations imposed on VOD service providers**

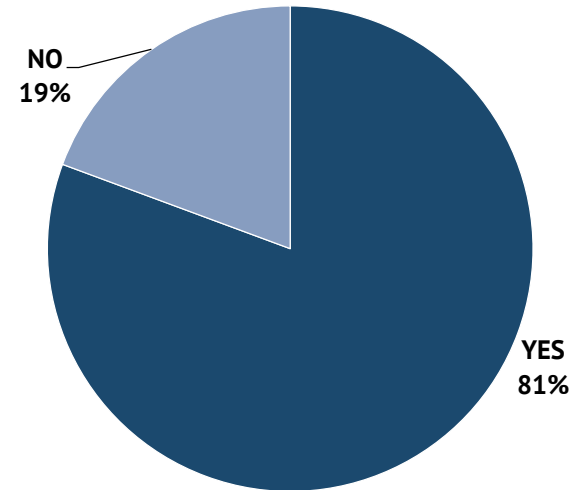
## 3. Results

### 3.1. Definition of “European works”

Rather harmonized definition based on Art. 1(n) AVMSD, as follows:

- i. **works originating in Member States;**
- ii. **works originating in European third States party to the European Convention on Transfrontier Television of the CoE;**
- iii. **works co-produced** within the framework of agreements related to the audiovisual sector between the Union and third countries.

#### Definition of “European works”



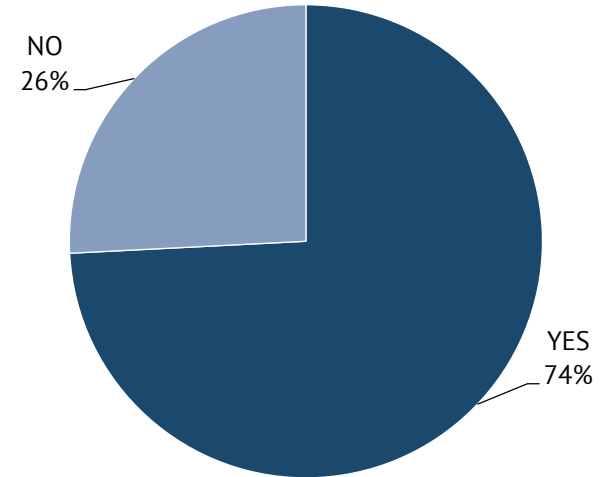
## 3. Results

### 3.1. Definition of “independent producer”

In line with Recital 71 AVMSD, the criteria used to define an independent producer are usually:

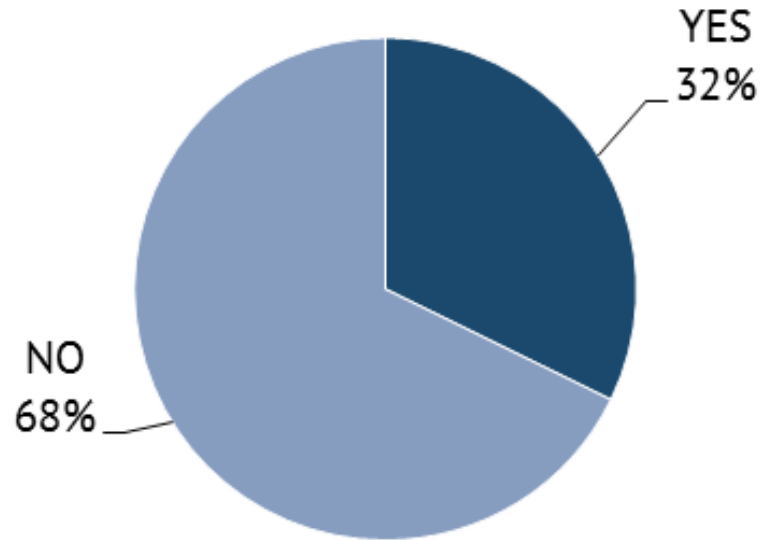
- the **level of shares** that an AVMS provider holds in a production company (or vice versa);
- the **level of turnover** that a production company makes due to contracts with a single AVMS provider.

#### Definition of “independent producer”



### 3. Results

#### 3.2. Financial obligations to VOD services





### 3. Results

#### 3.2. Financial obligations

## Financial investment by VOD services

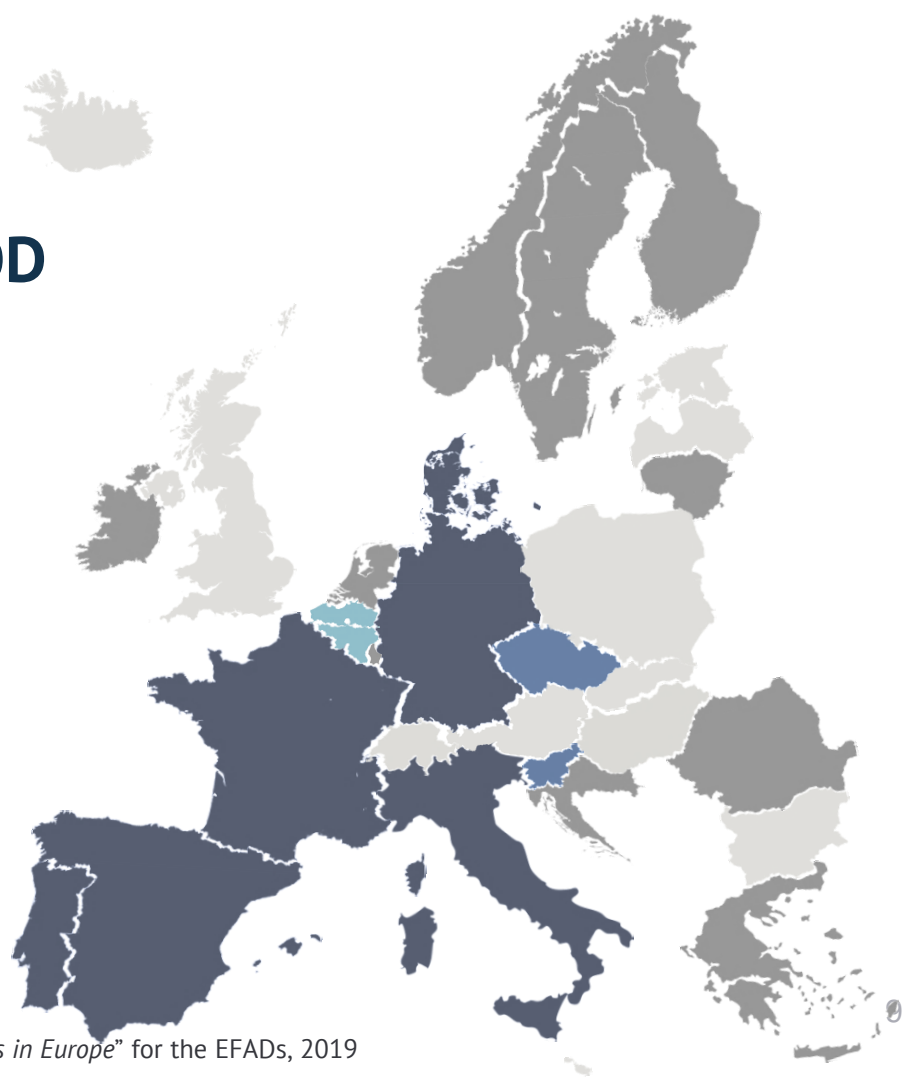
 **Mandatory Investment**

 **Optional (quota)**

 **Optional (levy)**

 **General obligation**

 **No obligation**



## 3. Results

### 3.2. Financial obligations

## Investment by VOD services in European works

Usually calculated as:

- a share of yearly turnover, or
- A share of revenues generated by film services

### 3. Results

#### 3.2. Financial obligations

## Level of investment in European works by VOD services

Country	Amount of investment
PT	1% of revenue raised from cinematographic works
ES	5% yearly revenue (6% public VOD service)
GR	1,5% yearly turnover (public) / ad revenues (commercial )
FR	15% of yearly turnover (TVOD) / 26% (SVOD)
IT	20% of revenues raised in Italy (as of July 2019)
SI	1% revenue (or 10% share)
CZ	1% of revenues (or 10% quota)

### 3. Results

#### 3.2. Financial obligations

##### Level of investment in private VOD services

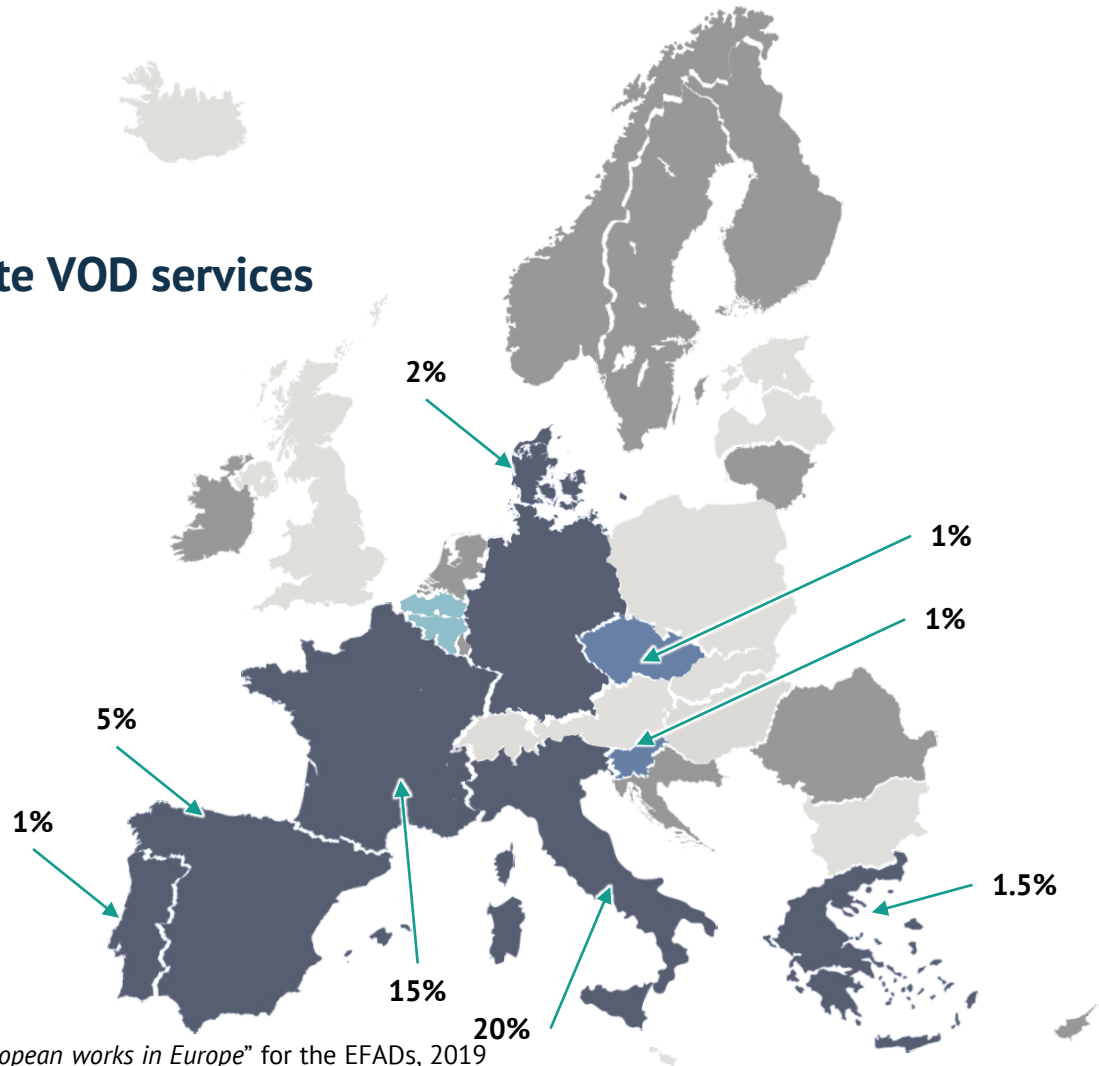
 **Mandatory Investment**

 **Optional (or quota)**

 **Optional (or levy)**

 **General obligation**

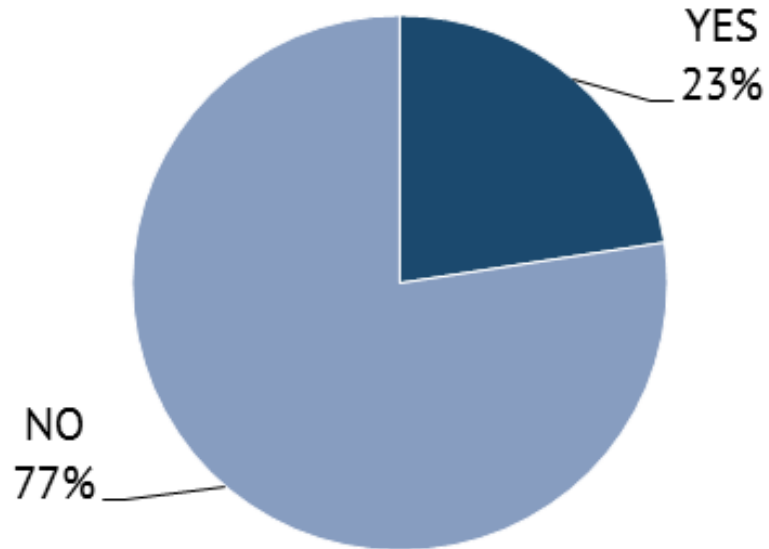
 **No obligation**



### 3. Results

#### 3.3. Levies and taxes

## Levies on VOD services



## 3. Results

### 3.3. Levies and taxes

#### **Levies on VOD services**

**Usually calculated as:**

- **a share of yearly turnover, or**
- **a share of the subscription/sales revenues**

## 3. Results

### 3.3. Levies and taxes

#### Level of the levy

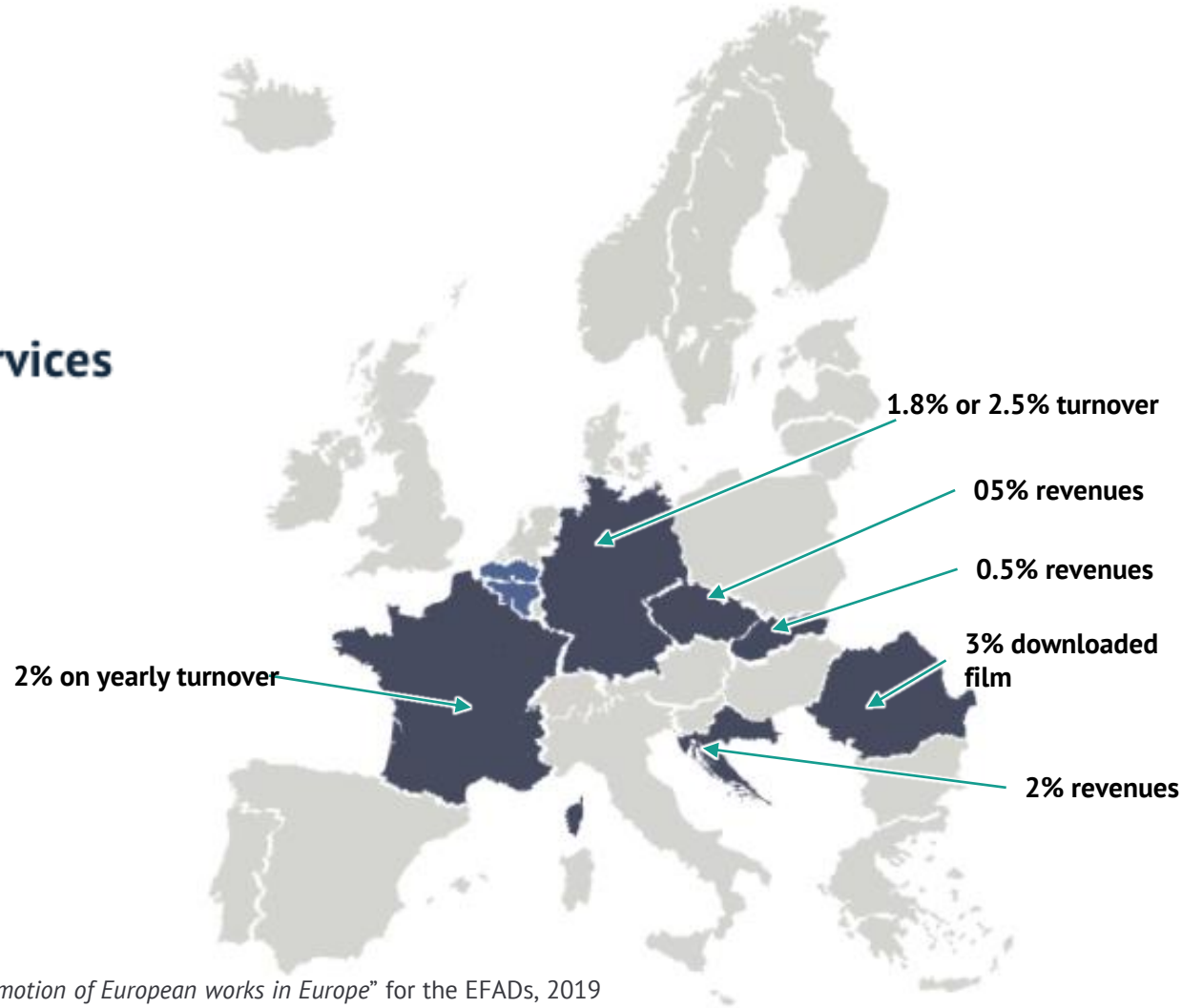
Country	Amount of the levy
CZ	0,5% of revenues
DE	1,8% if of yearly turnover exceeds 500.000€ 2,5% if yearly turnover exceeds 20M€
FR	2% tax on yearly turnover (10% for porn or violent works) independently from place of location
HR	2% of revenues
RO	Monthly collection 3% of the price of dowloaded films
SK	0,5% of revenues

### 3. Results

#### 3.3. Levies and taxes

##### Levies on VOD services

-  Mandatory
-  Optional
-  No obligation

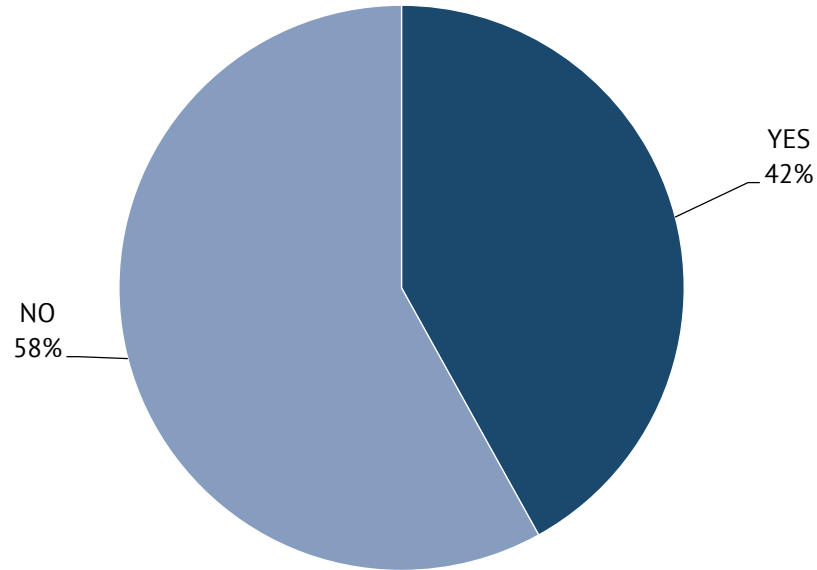




### 3. Results

#### 3.4. Quotas

## Quotas on VOD services - EU works



### 3. Results

#### 3.4. Quotas

## Quota obligation on VOD services

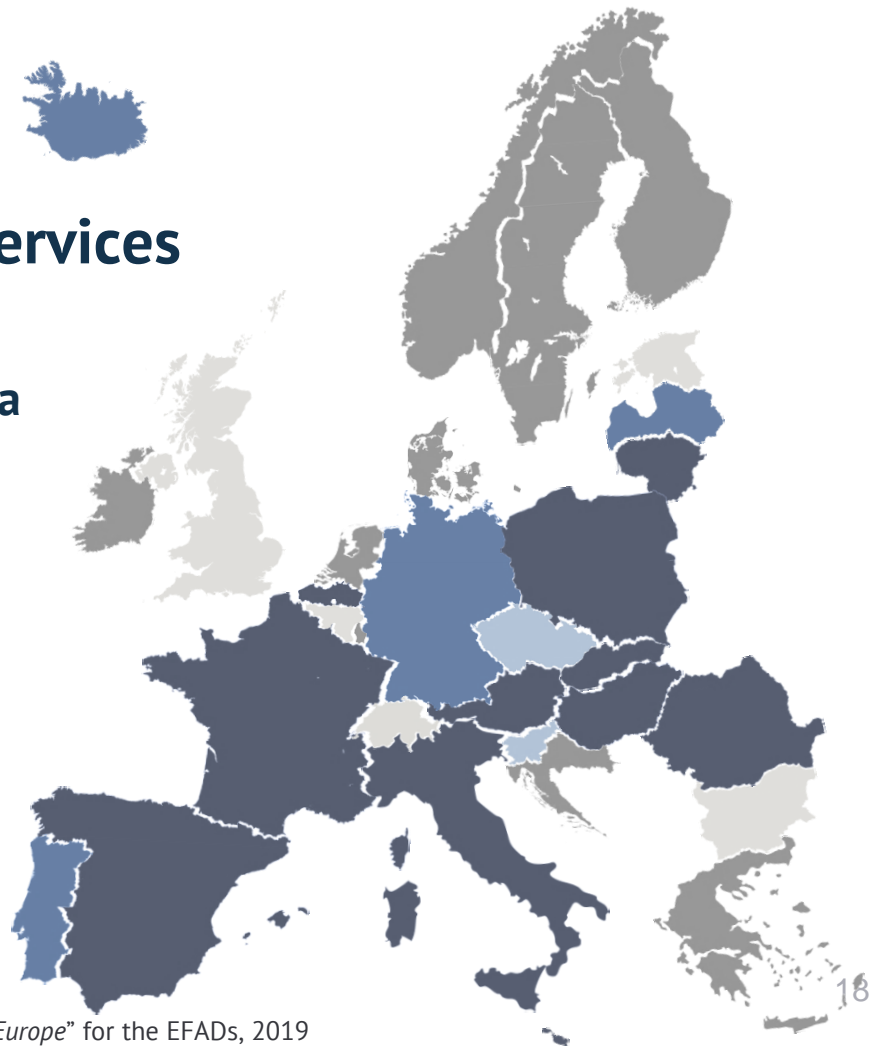
 Mandatory with a specified quota

 Mand. without a specified quota

 Optional (or investment)

 General obligation

 No obligation



### 3. Results

#### 3.4. Quotas

## Level of the quota on VOD services

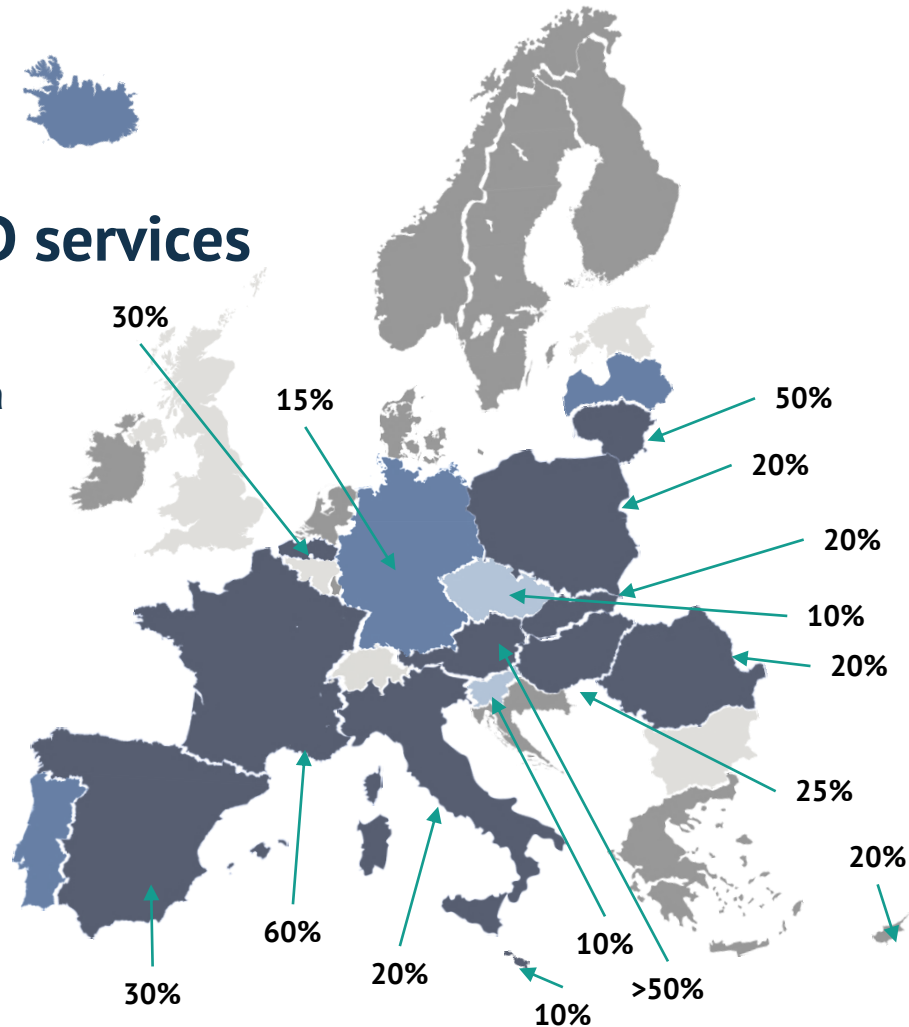
Country	Quota of European works in catalogues
AT	50%
BE (VL)	30%
ES	30%
FR	60% European Works and 40% works in French
HU	25% European Works and 10% works in Hungarian
IT	Optional 20%. From July 2019, 30% European works and 15% works in Italian.
LT	50%
LU	15% European works
MT	10% rising to 15% after 3 years
PL, RO, SK	20%

### 3. Results

#### 3.4. Quotas

## Quota obligation on VOD services

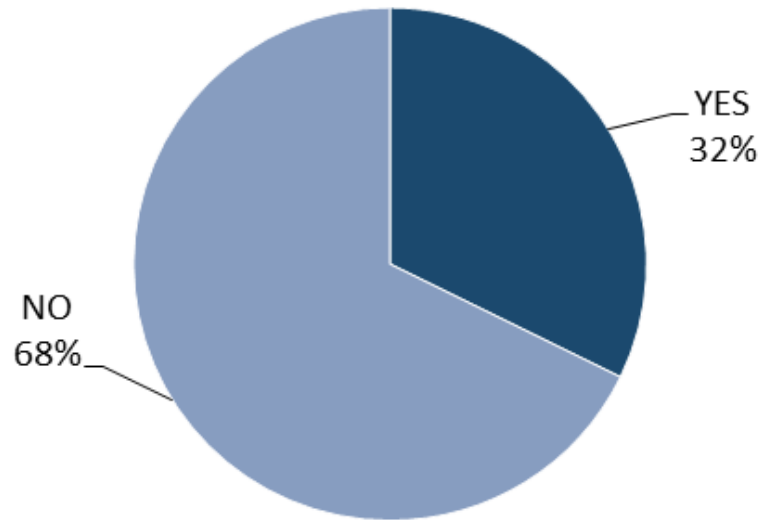
- Mandatory with a specified quota
- Mand. without a specified quota
- Optional (or investment)
- General obligation
- No obligation



### 3. Results

#### 3.5. Prominence

## Prominence obligations for VOD services - EU works



### 3. Results

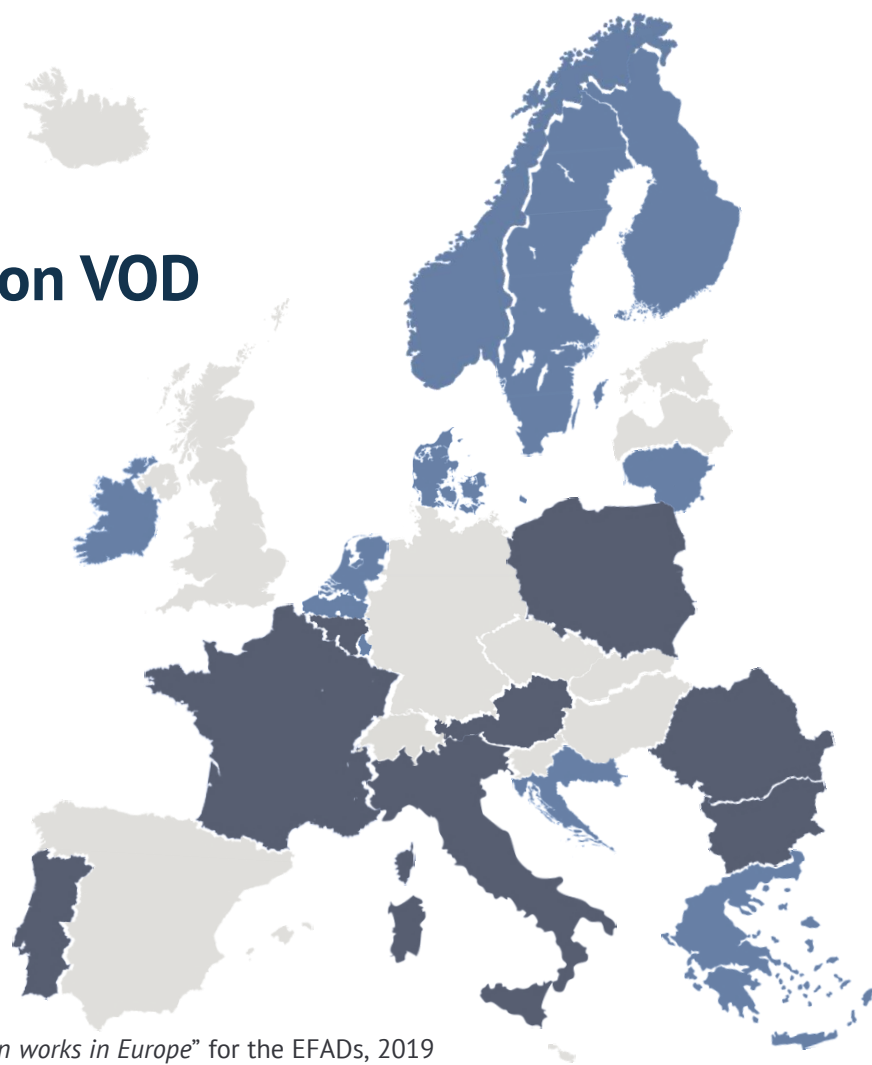
#### 3.5. Prominence

## Prominence obligation on VOD services

■ Specific obligation

■ General obligation

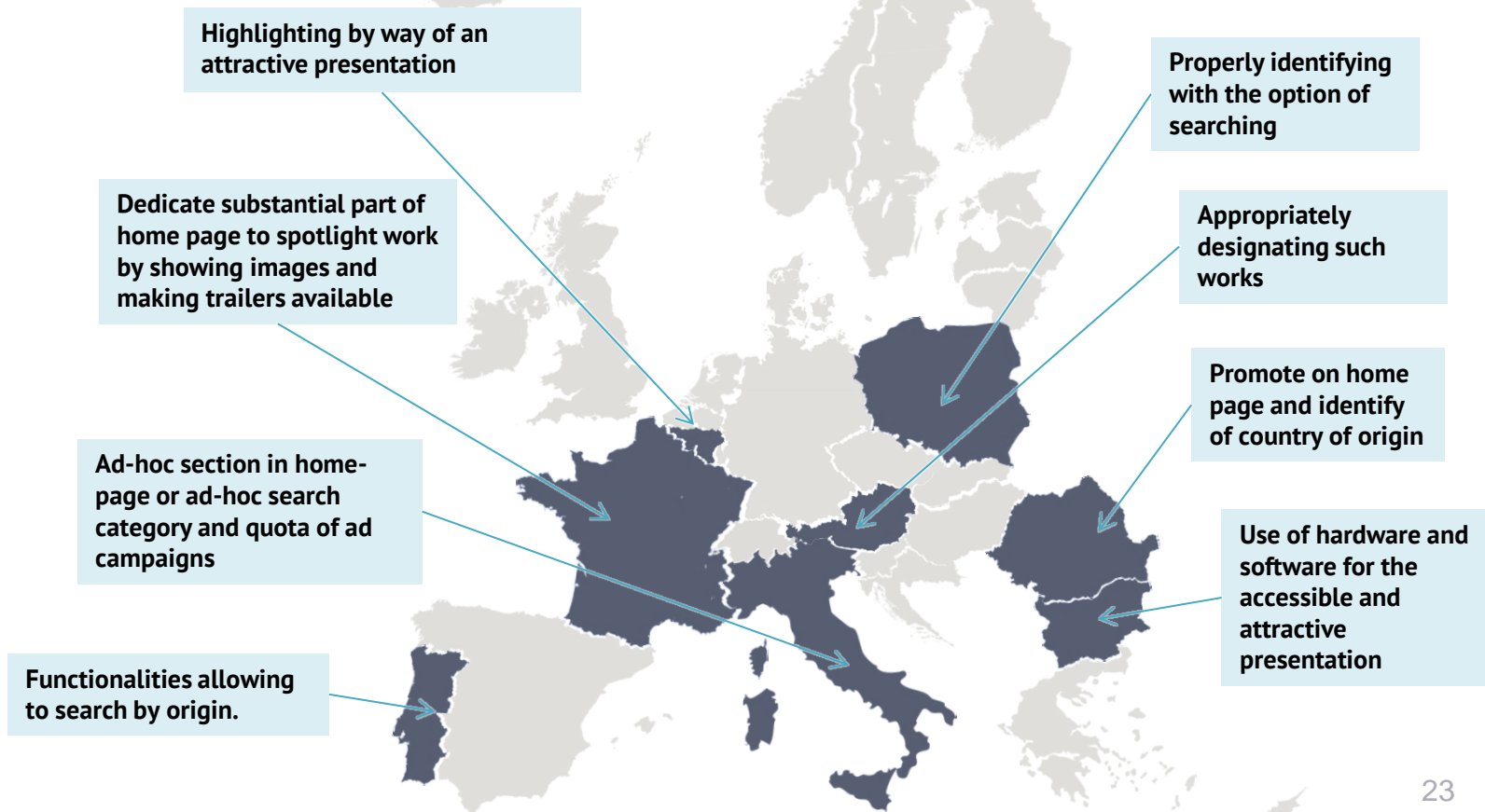
■ No obligation



### 3. Results

#### 3.5. Prominence

## Prominence measures for VOD services



# THANK YOU!



Full report available at  
<https://bit.ly/2T3B4MC>

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