



Study on the practical implementation of the provisions of the audiovisual media services directive concerning the promotion of European works in audiovisual media services

Final Report

Internal identification

Contract number: LC-01553362
SMART 2019/0037

EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology
Directorate I — Media Policy
Unit I.1 — Audiovisual & Media Services Policy

Contact: CNECT-I1@ec.europa.eu

*European Commission
B-1049 Brussels*

**Study on the practical
implementation of the provisions
of the audiovisual media services
directive concerning the promotion
of European works in audiovisual
media services**

Final Report

**EUROPE DIRECT is a service to help you find answers
to your questions about the European Union**

Freephone number (*):
00 800 6 7 8 9 10 11

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you)

Written by:

Kantar Public: Marius MOSOREANU, Vlad PODOBEA, Daniela ULICNA, Madalina NUNU

Spark Legal Network: María DOMINGUEZ, Alexandros GIANNOULAS

KANTAR PUBLIC



LEGAL NOTICE

This document has been prepared for the European Commission however it reflects the views only of the authors, and the European Commission is not liable for any consequence stemming from the reuse of this publication. The Commission does not guarantee the accuracy of the data included in this study. More information on the European Union is available on the Internet (<http://www.europa.eu>).

PDF	ISBN:	doi:	Catalogue number
	978-92-76-56792-9	10.2759/211481	KK-04-22-014-EN-N

Manuscript completed on 30 November 2021

1st edition

The European Commission is not liable for any consequence stemming from the reuse of this publication.

Luxembourg: Publications Office of the European Union, 2023

© European Union, 2023



The reuse policy of European Commission documents is implemented by the Commission Decision 2011/833/EU of 12 December 2011 on the reuse of Commission documents (OJ L 330, 14.12.2011, p. 39). Except otherwise noted, the reuse of this document is authorised under a Creative Commons Attribution 4.0 International (CC-BY 4.0) licence (<https://creativecommons.org/licenses/by/4.0/>). This means that reuse is allowed provided appropriate credit is given and any changes are indicated.

For any use or reproduction of elements that are not owned by the European Union, permission may need to be sought directly from the respective rightholders.

Contents

Contents	5
Executive summary	7
Résumé	19
1. Introduction	32
1.1 European works provisions in the AVMS Directive as covered by this study	33
1.2 Rationale for the AVMS Directive and for clauses regarding European works	34
1.3 Objectives of this study	35
2. Study methodology	37
2.1 Task 1 – Legal research	37
2.2 Task 1 – Member States’ reporting	38
2.3 Task 2 – Desk research and interviews	39
2.4 Task 3 – Analysis of electronic programming guides (linear services)	40
2.5 Task 3 – Analysis of video-on-demand catalogues	40
Volume 1	41
3. Legislative changes affecting linear and non-linear services	42
3.1 Introduction	42
3.2 Legislative changes in relation to television broadcasting (linear services)	43
3.3 Legislative changes in relation to on-demand audiovisual media services (non-linear services)	50
4. Data reporting under Articles 13, 16 and 17 of the AVMSD	59
4.1 Linear service providers (Articles 16 & 17)	60
4.2 Non-linear service providers (Article 13 of AVMSD)	75
4.3 Stakeholders’ views on Articles 13, 16 and 17	85
5. Conclusions Task 1	87
Volume 2	89
6. Changes in the audiovisual market in the 2015 – 2019 period	90
6.1 The size of European audiovisual sector and its evolution	90
6.2 Businesses operating in the audiovisual sector and employment trends	100
6.3 Employment in the audiovisual sector	109
6.4 Market trends and value chains	114

6.5	Value chain analysis	133
6.6	Main trends in the audiovisual sector as highlighted by interviewees	141
6.7	Conclusions task 2	145
Volume 3		147
7.	Linear services content analysis	148
7.1	Summary of the methodology	148
7.2	Qualifying works covered by the study	156
7.3	All European works	162
7.4	Independent European works	170
7.5	Recent European works	177
7.6	Share of prime time dedicated to European works	180
7.7	Prominence of European works	186
7.8	Domestic and non-domestic European works	189
8.	Non-linear service content analysis	193
8.1	Summary of the methodology	193
8.2	European works in VoD catalogues	200
8.3	Countries of production and co-production in European works	208
8.4	Recent European works	214
8.5	Independent productions	215
8.6	European works by genre	217
8.7	Qualitative analysis of prominence	221
8.8	Observations regarding the comparison with data provided by Member States	221
9.	Conclusions Task 3	223
Appendix 1 – Full list of video on demand services included in analysis in section 5		226



Executive summary

This report analyses the implementation of Articles 13, 16 and 17 of the Audiovisual Media Services Directive (AVMSD). These articles concern the promotion of European works by broadcasters and video on demand service providers. The study is part of the regular monitoring which is also requested by the Directive. The report covers the period of 2015-2019 and therefore the version of the legal provisions that were valid during that time. This means that the amendments of Articles 13, 16 and 17 introduced in the 2018 revision of the AVMSD, which entered into force in 2020, are not reflected in this research.

The study had these three objectives:

- Map existing legislation and practices in Member States;
- Provide insights on the developments in the audiovisual market; and
- Analyse the content offer on both linear broadcasting and on-demand services.

The study is based on the following main sources of information:

- legal analysis of the audiovisual legal framework and its evolution in the 27 EU Member States, UK, Norway and Iceland. This analysis was undertaken with the support of independent legal experts from all the covered countries;
- reporting about the share of European works in linear services and in VoD services based on the data provided by EU Member States. EU Member States' data was accompanied by short reports providing additional information, explaining the national monitoring measures as well as explaining any measures taken to tackle cases of non-compliance by service providers;
- data from Eurostat and Orbis dataset about the audiovisual sector and its sub-sectors;
- programming data of 467 linear service channels in 11 EU Member States. For these channels the Electronic Programming Guides data was scraped for a period of 3 consecutive months and subsequently analysed to assess the content offer;
- catalogues of 751 video on demand (VoD) services in 21 EU Member States + Norway;
- qualitative key informant interviews in 11 countries and at EU level.

Table below gives an overview of the sources of data in relation to the subsections of this executive summary.

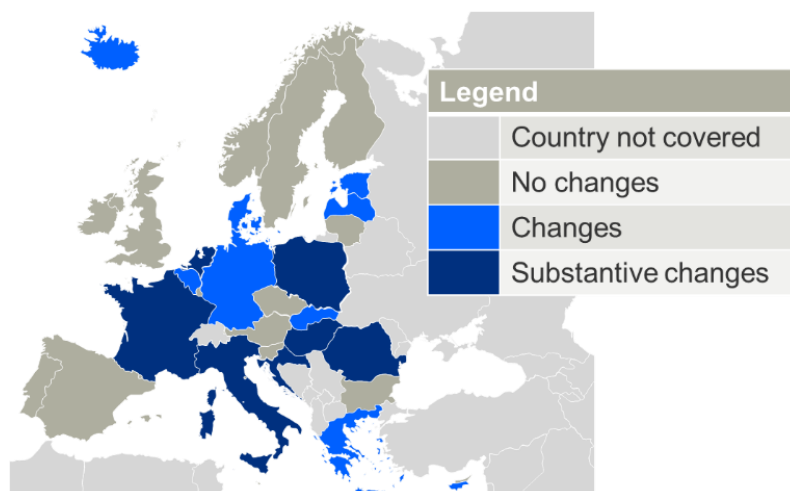
Table 1 – Overview of sources of data per sub-section

Sub-section	Source	Country coverage
Legislative changes in relation to linear services	Independent legal analysis	EU27 + UK, NO and IS
Legislative changes in relation to on-demand services	Independent legal analysis	EU27 + UK, NO and IS
Monitoring data on application of Articles 16 and 17	Member States' reports	EU27
Monitoring data on application of Article 13	Member States' reports	EU27
Economic analysis of audio-visual market	Desk research (Eurostat, Orbis) and interviews	EU27 + UK
Independent analysis of the share of European works in linear services	Analysis of electronic programming guides for 467 channels	11 selected Member States
Independent analysis of video of demand services	Analysis of 751 VoD services catalogues	21 selected Member States + NO

Legislative changes in relation to linear services in EU27, UK, Norway and Iceland

Over the period of 2015-2019, 17 countries (out of the 30 countries covered EU27, UK, Norway and Iceland) made new changes in relation to Articles 16 and 17 of the AVMSD regarding their legal framework, requirements on European works, definitions or the monitoring system. These countries are CY, BE (nl), DE, DK, EE, EL, FI, FR, HU, HR, LV, IS, IT, NL, PL, RO and SK. Substantive reforms have taken place in seven of those countries (FR, HR, HU, IT, NL, PL and RO). Three countries (PL, IT, IS) have revised provisions related to the share of European works. In Iceland this reform concerns specific quotas for works from Nordic countries; in Italy it sets quotas for European works that go beyond the AVMSD requirements and also introduces a specific quota for Italian works. Poland has allowed exceptions to the minimum share of European works in certain cases. Only Italy and Iceland have revised provisions related to independent works and recent works. Four countries (BE (nl), NL, FR and IT) have revised the provisions related to direct and/or indirect contributions. In France and Netherlands this concerns new or increased requirements for financing productions in the language of these countries. In Belgium (nl) the changes concern investments in external productions.

Figure 1 - Countries that have introduced changes in relation to Articles 16 and 17 of the AVMSD



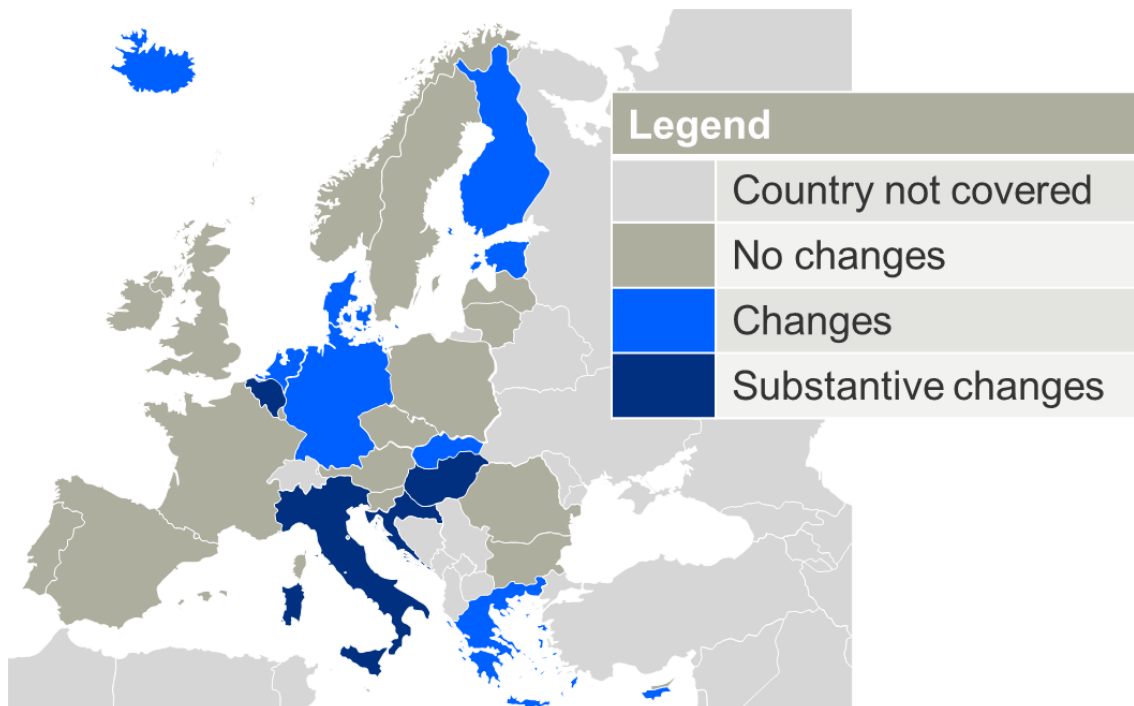
Nine countries (CY, DE, EE, FI, HR, HU, IT, NL and RO) have introduced legislative changes with regard to the monitoring system. In six countries (DE, FI, HU, IT, RO and NL) new or more detailed monitoring requirements have been introduced. In the area of sanctions, modifications over the period covered were minimal. Only Italy has introduced provisions for fines in the event of infringement of the programming and investment requirements for European works and works of independent producers.

Legislative changes in relation to on-demand audiovisual media services (non-linear services) in EU27, UK, Norway and Iceland

Legislative changes implementing Article 13 of the 2010 AVMSD have been identified in thirteen countries (BE (nl), CY, DE, DK, EE, EL, FI, HR, HU, IS, IT, NL and SK) between 2015 and 2019. In four of these countries (BE (nl), HR, HU and IT) the changes have been substantive. Belgium (nl) now has a quota system in place and has imposed on VoD providers an obligation to either invest in own productions or co-productions, or, alternatively, to pay a levy to the Flemish audiovisual fund. In Hungary, the required percentage of European works has been amended in order to meet the requirements of the 2010 AVMSD. Significant changes in the monitoring system have taken place in two countries (SK and NL), requiring providers to report on the share of European works.

New or revised requirements for financial contributions to the production of European works have been found in three countries (BE (nl), DE, and IT). Four countries (BE (nl), HR, HU and IT) have introduced amendments for quotas of European works. In Belgium (nl) and Italy, the share of European works in VoD catalogues has been increased to 30% and in Italy there is also a 20% requirement for independent producers. In Croatia the quota for European works is 20%. Four countries (BE (nl), HR, HU and IT) have introduced amendments with regard to the requirements for the prominence of European works. These changes introduce the requirements for prominence in BE (nl), HU and IT. In Croatia requirements for prominence apply to those providers who do not meet the 20% quota. Only Italy and Belgium (nl) have new requirements for the promotion of independent productions.

Figure 2 - Countries that have introduced changes in relation to Article 13 of the AVMSD



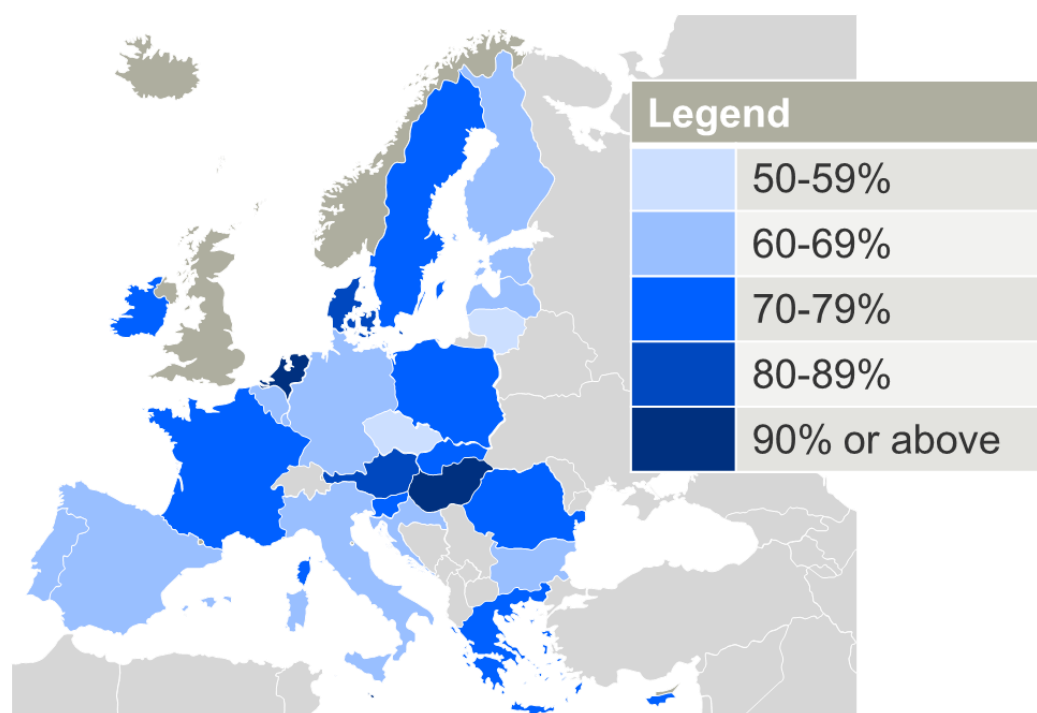
Summary of EU27 Member States' monitoring data on application of Articles 16 and 17 AVMSD

Member States' National Regulatory Authorities provided monitoring reports, including data, on compliance with Articles 16 and 17 for linear services within their jurisdiction. The reporting data were broken down by year. The number of channels covered in Member States' reports increased from 2 362 in 2015 to 2 377 in 2019. Spain, Hungary and Germany reported on the highest numbers of channels.

According to the data reported by Member States, at national level, the share of European works, independent productions and recent works is always above the AVMSD quota. Across all the channels reported, the share of European works in total qualifying time in 2019 was 72.6%. This was a slight increase from 70.3% in 2015.

There were notable differences between the data reported by Member States. Hungary, the Netherlands and Malta reported that above 90% of total qualifying time was dedicated to European works across all channels within their respective Member States' jurisdictions. However, there were also a significant minority of channels covered by the reporting that did not meet the 50% quota which linear services need to fulfil in accordance to Article 16 AVMSD. In total 9% of channels for which data was reported dedicated less than 50% of their total qualifying time to European works. These channels are particularly concentrated in Czechia, Lithuania, Finland, Portugal, Bulgaria and Italy.

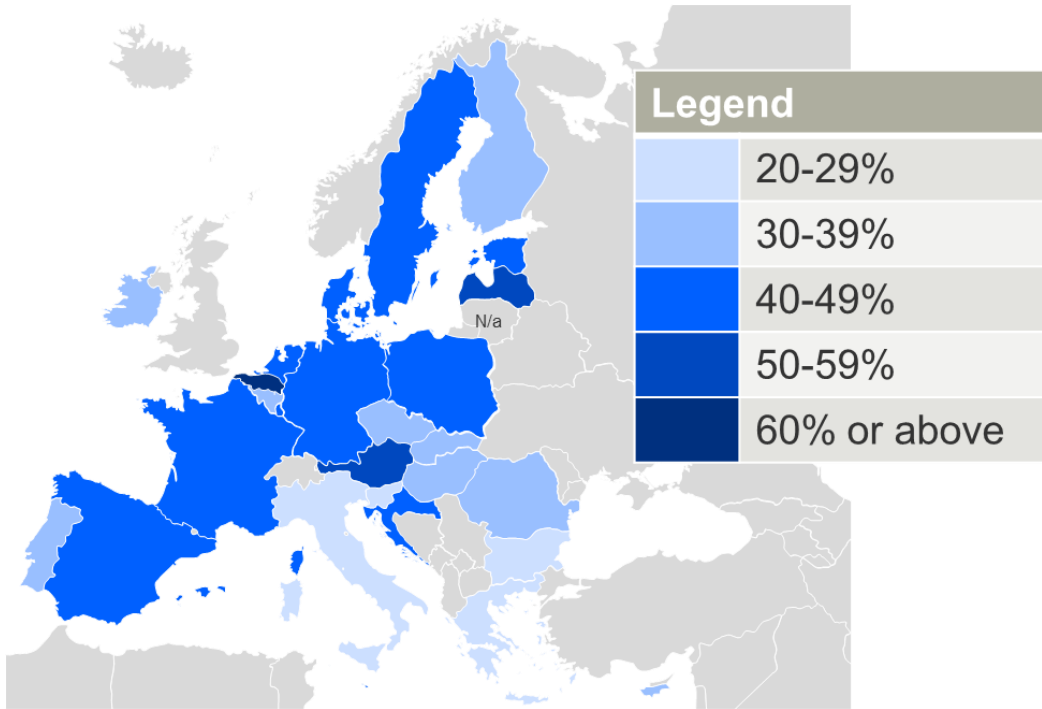
Figure 3 - Share of European works in total qualifying time in 2019 per country



According to the data reported by Member States, the 10% quota for independent productions included in Article 17 of AVMSD was also largely exceeded. At EU level, the average share of independent productions in total qualifying time in 2019 was 40.8%. This represents a slight decline from 42.2% in 2015.

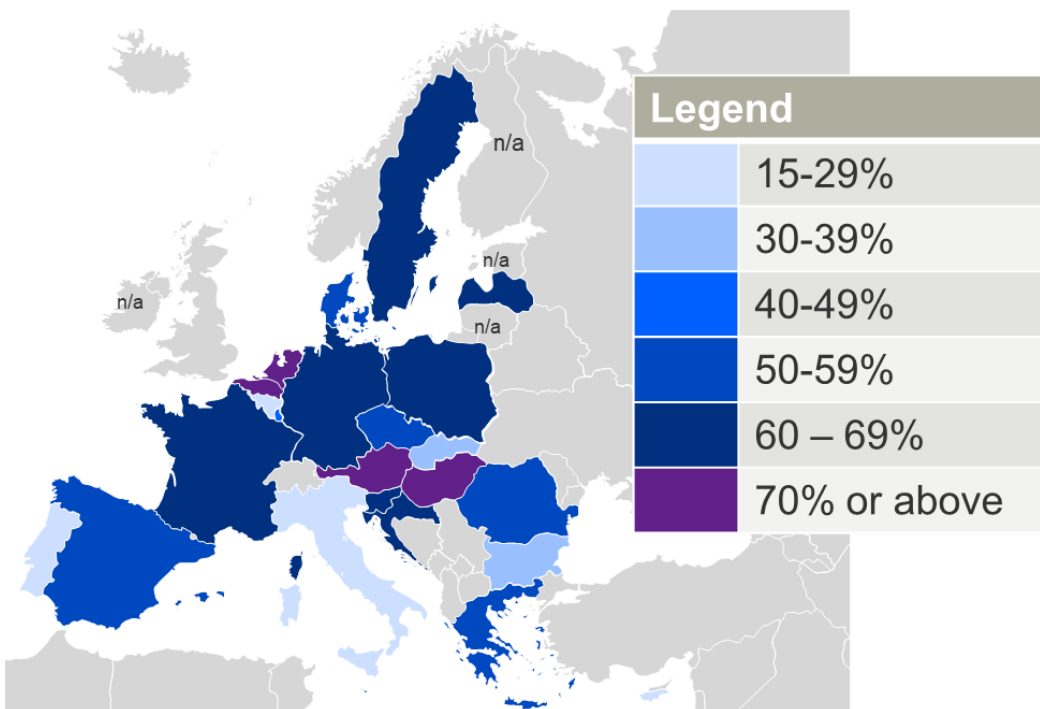
For this indicator again, there are notable differences between Member States. While some Member States report around 20% of independent productions in total qualifying time (e.g. Italy and Greece) others report more than 60% (Latvia and Belgium nl). In total 100 channels (4%) reported a share of independent productions below the 10% threshold. These channels are concentrated in Bulgaria, Portugal, Denmark and Czechia.

Figure 4 - Share of independent productions in total qualifying time in 2019 per country



According to Member States' reports, more than 50% of total qualifying time dedicated to European works was allocated to recent independent productions in the period covered (54.6% in 2019). In 11 Member States (AT, BE (nl), HR, FR, DE, HU, LV, NL, PL, SI, SE) more than 60% of independent productions were recent.

Figure 5 - Share of recent independent productions as part of European works in 2019 per country (qualifying time)



The main reasons cited by Member States as to why some channels do not comply with the Article 16 and 17 AVMSD requirements are:

- Small size of some channels in terms of audience;
- Insufficient supply of European works in certain specialised areas in case of thematic channels such as sports, culture or children’s content;
- Difficulty of competing with the high volume of US productions; and
- Access to cheaper content from outside Europe.

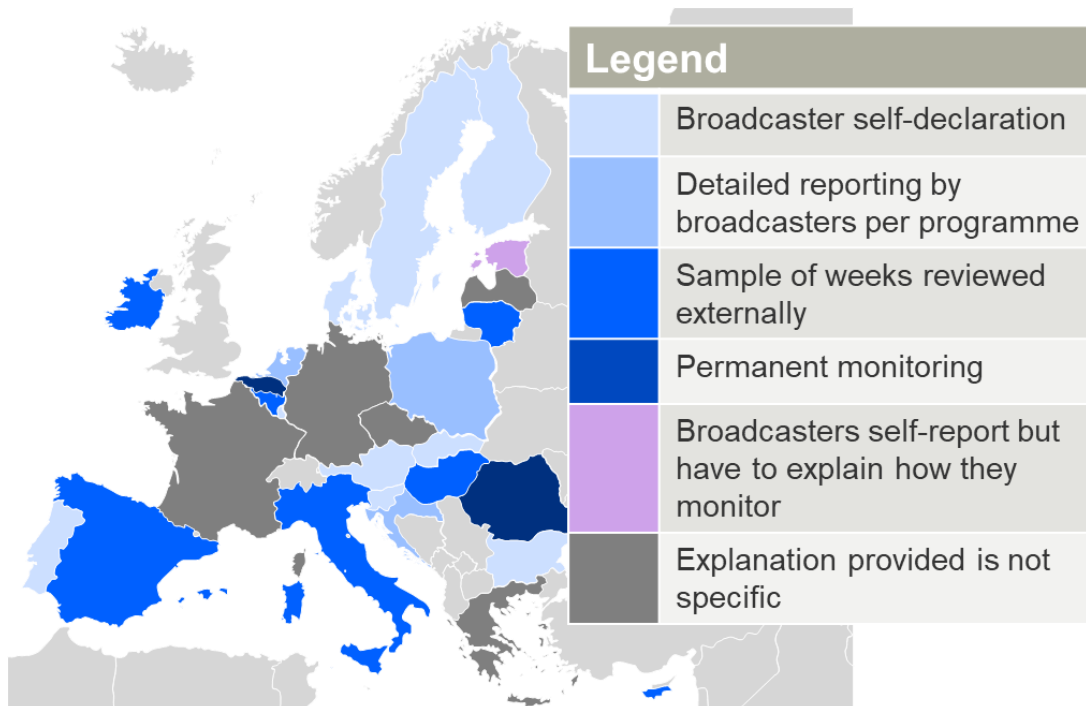
Many Member States did not report about how non-compliance was addressed. Those that did cover this aspect refer to reminders and investigation procedures.

Member States use different means as basis for the required monitoring and reporting:

- Self-declarations by broadcasters (in one case this has to be accompanied with an explanation of the exact technology used for monitoring);
- Detailed reporting at programme level by broadcasters, processed by the National Regulatory Authority;
- External monitoring of a sample of weeks carried out by a contractor or the National Regulatory Authority;
- Permanent ongoing monitoring.

A number of Member States only gave a generic explanation of the monitoring approach used, so cannot be assigned to any of the above categories.

Figure 6 - Monitoring measures used for Articles 16 and 17



Summary of EU27 Member States’ reports data on Article 13 of the AVMSD

Member States reported data on an increasing number of VoD services between 2015 and 2019. While in 2015 their reporting covered 713 providers, this had risen to 1 030 in 2019. However, for an important number of VoD services Member States did not include any data in their reports, indicating that the data was missing. Actual data was reported for 560 VoD services in 2019. The vast majority of the services covered by the reporting were located in six countries: Austria, Poland, Spain, Netherlands, Czechia and France.

The share of European works in VoD catalogues varied from year to year in the period covered. The highest

share was reported in 2016 (63.4%) and lowest in 2017 (41.8%). In 2019, 54.2% of productions in VoD catalogues were European works, according to the data provided by Member States. For more than half (332) of the services covered in the reporting, Member States report a share of European works that is above 90% in some cases even 100%.

In 2019, according to the data reported, 60 VoD services used home page display as means to enhance the prominence of European works, 43 services used trailers or banners and 28 had European works in the search function. Note however that data on methods used to ensure prominence were only provided for a minority of services.

Only nine Member States reported the share of financial contributions to production of European works made by VoD providers. However, even in the case of those Member States which did provide this information, questions can be about the basis for the data, as for. For a number of services, the values reported are 100%. However, the indicator that Member States should be reporting about concerns share of revenues that are reinvested into European works.

Economic analysis of audiovisual market in EU27

The turnover of companies operating in the production and dissemination of audiovisual works saw a steady growth over the period covered by this study. This upward trend was slightly steeper than the turnover expansion in the total business economy. As a consequence, the weight of the audiovisual sector in the business economy in EU27 increased from 0.68% to 0.72%. Most of this relative increase occurred from 2015 to 2016, with the share of this sector remaining stable thereafter. The audiovisual sector also grew in the UK which was still an EU Member State during the reporting period. Audiovisual sector represents a much bigger share of the economy in the UK than in other EU27 countries (1.71% in 2018) and during the period covered share of this sector in the economy first grew (2015-2017) but afterwards declined (2017-2018).

Over the period covered by this study, the revenues of the audiovisual market EU27 have grown by a yearly average of 3.4% in the EU27. This is a stronger growth rate than in the previous period (2010-2014) when the CAGR was 0.9% (that data also included the UK). This growing trend is present in all EU27 Member States. Growth was strongest in Slovakia, Portugal and Bulgaria. In the UK however the revenues declined unlike in the rest of the countries analysed.

The observed growth in revenues is mostly due to on-demand services. The revenues from these services in the EU27 more than tripled between 2015 and 2019. Pay TV revenues and TV advertising also continued to grow. Pay TV and TV advertising remain by far the largest source of revenues in the sector. The trends in public revenues differ by Member State. While some Member States saw an increase (PL, LT and EE) others experienced a stagnation of public funding (DE and FR). The UK saw a clear decline in public funding and TV advertisement revenues.

After Brexit, the three largest countries in terms of audiovisual market (DE, FR and IT) account together for more than half of the overall audiovisual revenues in the EU27 (53.1%).

While in terms of revenues the audiovisual sector represented a greater share of business revenues in 2019 than in 2015, this is not the case for the gross value added. The gross value added produced by the audiovisual sector did increase by 2.5% over the period covered. But this increase was smaller than that of other economic sectors. Consequently, audiovisual represents a smaller share of gross value added in 2019 than it did in 2015. The weight of the sector in overall business gross value added varies across EU27 economies. Audiovisual represents 1.15% of value added produced in France while it is less than 0.25% in Lithuania and Latvia.

About 56% of the total gross value added comes from TV programming and broadcasting, 33% comes from production, and the rest from post-production and distribution.

Profitability varies by sub-sectors. The gross operating surplus of production showed an annual compound

growth rate of 1.1% and post-production recorded 4.4% over the same period. Television programming and broadcasting had a negative annual growth rate of -0.4% and the rate for distribution appears to be negative too.

The number of production companies grew substantially over the period covered by this study, while the evolution in post-production was also positive but smaller, in distribution, programming and broadcasting, the number of companies declined slightly.

Micro and small companies represent a significant share of companies in production, post-production and distribution. They also account for a significant share of revenues and gross value added. Member States with a high annual “birth rate” for companies in production, post-production and distribution sector are Lithuania, Latvia, Poland, Hungary, Denmark, Portugal and Romania. In these Member States a high number of companies in this sector are established on annual basis. However, in Lithuania more companies are in fact dissolved than created.

The broadcasting sector has a higher share of larger companies than production, post-production and distribution. The broadcasting and programming sector is relatively stable with a rather low rate of company creation.

In 2018, nearly 900,000 persons were employed in the audiovisual sector in EU27+UK. This covers all sub-sectors. This is a notable increase since 2015. France, Germany, Italy and Spain have the highest numbers of persons working in this sector. Employment in the sector remains skewed towards men, particularly in production.

The study estimated that the overall investment in linear services by public and private broadcasters in the period 2014-2019 in EU27 has increased from 15.7 billion euro to 18.4 billion euro. This figure, however, does not include VoD players. When VoD services are included, investment is estimated at 27.2 billion. Production budgets for films decreased in the period 2014-2015 but have climbed steadily since. Independent productions accounted for most titles and hours produced.

In terms of the combined market share of the top three companies, the data generally show a high degree of market fragmentation in the production sub-sector except in a small number of countries (Malta, Spain, Slovenia and Romania). Market concentration is higher in the distribution sub-sector and in programming and broadcasting. The level of concentration decreased in the period analysed for all sub-sectors.

In addition to the above key statistical market indicators, the following main trends shaping the market have been discussed by interviewees:

- Changes in consumption of VoD and the fact that many households would acquire multiple VoD subscriptions over the period covered (compared to a maximum of one in the early 2010s);
- Increased consumption of series, notably for VoD services. This is also blurring the traditional distinctions between types of producers, who used to specialise in cinema or TV content. Nowadays they all diversify into series production;
- Due to the fast growth in demand, production also boomed but possibly at the expense of quality, according to several interviewees;
- The fact that global intellectual property rights are held by large VoD services rather than production companies. This changes the dynamics and financing in the sector, to the detriment of production companies;
- Growth in co-productions due to a number of trends: lack of financing in some countries and the need to combine budgets from multiple sources in multiple countries, and a quest for original perspectives and new talents to stand out in a crowded market;
- Changing consumption trends, combined with increased competition and tight public funding create a complex financial equation for public service media. However commercial broadcasters are also hit by the changing market because of significant shifts in advertisement spending, which is increasingly digital.

Independent analysis of the share of European works and independent productions in linear services in selected 11 Member States¹

To complement the data reported by Member States on the share of European works and independent productions, Kantar Public has carried out an independent analysis of data from Electronic Programming Guides (EPG). Kantar Public scraped EPG data for 586 linear services in 11 countries, of which 467 were eventually analysed. The remainder were discarded because of their thematic focus (e.g. sports or advertising) or their too-small audience. Three months of electronic programming data were scraped and analysed (December 2020 – February 2021). Over 1.3 million entries were analysed, whereby one entry is equivalent to a production. For this analysis the per-country-level data concerns target markets (i.e. the channel targets the audience in a given country), rather than countries of jurisdiction.

Firstly, the study analysed the share of programming time that is defined as qualifying time. The AVMSD defines qualifying time as time dedicated to all programmes excluding sport events, news, games, advertising, teletext services and teleshopping. To identify whether the entries were eligible as qualifying time the research team matched the titles with existing IMDb and TMDb datasets. On average over 50% of programming time in the dataset used was dedicated to qualifying works in line with the AVMSD definition. However, this varies greatly across channels. There are major channels in our dataset, in terms of audience, for which the share of qualifying time identified is below 50%. The qualifying time identified per channel was used as basis to calculate the other indicators discussed below.

Across the 11 Member States, the share of European works in qualifying time was 39%. This is substantially below the share of European works that is reported on average by EU Member States in their own reports. That however covers all EU27 versus only a selection of 11 countries. Furthermore, there are certain definitions differences between the two strands of analysis. The 39% is also below the average reported in the previous two monitoring studies² though both of these covered substantially smaller numbers of channels³.

The share of European works in qualifying time was above 50% only for channels targeting the German audience. For Poland, Spain and France it was between 40 and 50%. In the case of Italy, Austria and Czechia the share of European works was between 30% and 40% and for the remaining four countries it was between 20% and 30% (HU, SE, NL and RO). There are 252 channels in total across the 11 Member States analysed with a market share above 0.5%. Of these 252 channels, only 77 broadcast 50% or more European works during total qualifying time. These 77 channels represent 30% of the channels that have more than 0.5% of audience share. On the other hand, 61 channels (representing 24% of the channels with 0.5% or higher market share) broadcast 20% or less European works during the qualifying time, according to the dataset. Just under half of these channels have a market share between 0.5-1%, meaning they are rather small.

The presence of European works in prime time was analysed using two indicators:

- European works as share of all works in prime time; and
- Qualifying time dedicated to European works in prime time as share of all qualifying time.

Czechia and Sweden had over 20% of prime-time works which were European. In the Netherlands, Romania, Poland and Hungary between 18% and 20% of works in prime time were European. These percentages are

¹ Note that there are several differences in definitions between the data reported by the Member States and the data analysed in this section. This concerns notably scope of country-level data (country of jurisdiction versus target market country) and operationalisation of the definition regarding independent works.

² VVA et al (2018) *Study on the Promotion of European Works in Audiovisual Media Services* and Attentional et al (2011) *Study on the implementation of the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services*

³ 55 channels were covered in the monitoring study covering the period 2011- 2015 and 54 in the study covering earlier period

even lower for the share of time allocated to European works during prime-time qualifying time. Here again there are major differences between countries and channels and the presence of European works in prime time depends heavily on the focus of the channels. The channels with highest share of prime time allocated to European works are: ARD (Austria – 31.4%), SBS 6 (Netherlands – 25.6%), NPO2 (Netherlands - 24.6%), Kanal 5 Danmark (Sweden – 23%), SVT1 (Sweden – 23.4%) and National TV (Romania – 19.4%).

The analysis of the share of independent works also relied on an automated matching procedure with a list of independent European production companies. The study team used different definitions of independent productions: This study on the one hand used a “narrow definition” whereby to be considered as “independent production” all the production companies involved in a given co-production would need to be defined as independent. When using the narrow definition, the share of European productions in the sample is very low (only 2.2%).

The other definition is that of a “quasi-independent production” where at least one of the production companies (in case of co-productions) could be matched to lists of independent European production companies. When this quasi-independent production definition is applied, the share increases to nearly 10%. The vast majority of channels in the sample had a share of independent European works that was below 10% even when using the broader definition. However, significant variations between channels were noted. The large channels, in terms of audience, with the highest share of quasi-independent productions were TV Puls (Poland – 39%), SVT2 (Sweden – 31.6%), Antena 1 (Romania – 37.2%), TV8 (Sweden – 26.6%), TV4 (Sweden – 26.5%), PrimaFamily (Czechia – 21.7%), Mozi+ (Hungary – 23.7%), Veronica (Netherlands – 19.7%), M6 (France – 19%) and ZDF (Austria – 18.8%).

The study also looked at the extent to which the European works broadcast are domestic, meaning at least one of the (co)-production countries was the same as the country where the production was being aired. The study found that in Germany and France a significant share of all broadcast qualifying works are produced or co-produced by at least one company from that country. In Germany 38.9% of qualifying works involve at least one German production company. In France 30.9% have at least one French production company. In other countries, however, the share of domestic productions is much lower.

Independent analysis of VoD services in 21 EU Member States and Norway

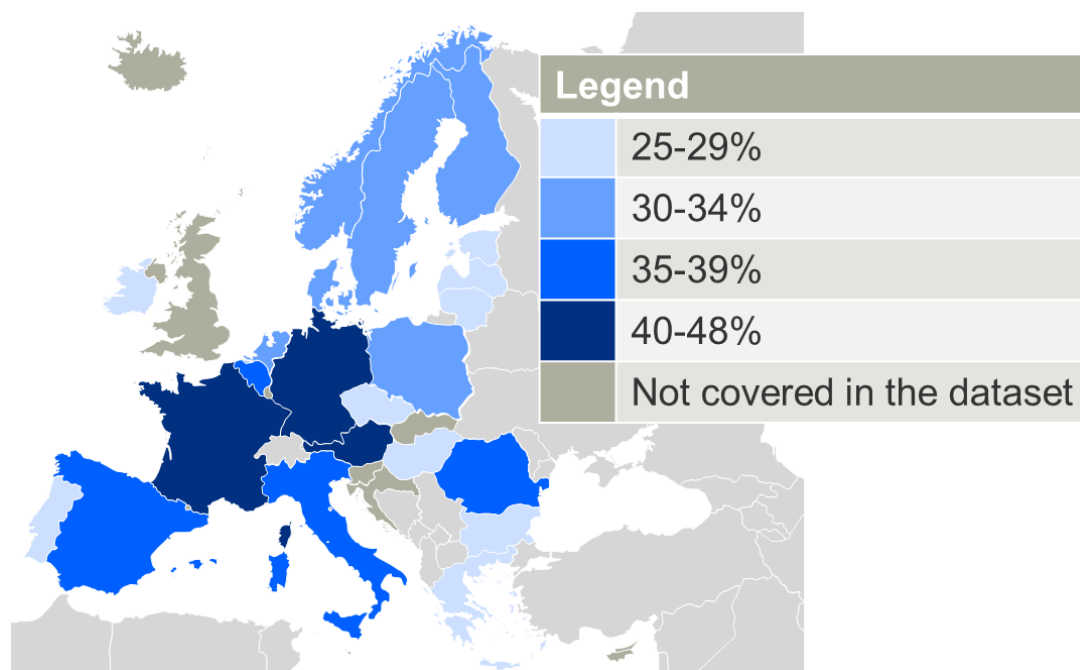
The study team also analysed the catalogues of 751 VoD services across 22 countries. The sample covered all major VoD services in these 22 countries and was provided by JustWatch. The sample included over 1.3 million productions. The period for which the data were analysed was May 2021. The AVMSD definition was applied when counting series, whereby one season was considered as a single production.

VoD catalogues were analysed by target market country and not by country of jurisdiction. The main reasons for this were:

- The same service provider has different catalogues by target market country. The catalogues differ greatly according to the characteristics of the market that is being targeted by the catalogue depending on the preferences of local audiences; and
- The dataset used was organised by target market country.

European works represent 36% of the catalogues analysed across all the 751 services listed, according to this analysis. This ranges from 25% in Greece to 48% in France. There were no major differences between the share of European works in VoD catalogues that are transaction-based (TVoD) or subscription-based (SVoD). The VoD service provider present in multiple countries with the greatest share of European works is Mubi. Disney Plus and Apple TV Plus, on the other hand, have the lowest share of European works in the dataset examined. The same VoD service providers can have rather different shares of European works in their catalogues depending on the targeted market countries. For example, Netflix has 44% of European works in Czechia, but only 25% of European works in its catalogue for Ireland.

Figure 7 - Share of European works in VoD catalogues



An analysis of the country of production or co-production showed that:

- Productions with US involvement are most frequent in all VoD catalogues for the countries covered. Depending on the target country, between 42% and 55% of productions have a US producer or partner;
- UK, France and Germany are the other major countries of (co-)production present in VoD catalogues. However, the presence of (co-)productions from these countries varies greatly by target market country.

The share of domestic works in all European works varies greatly. While these represent only 1% of European works in Bulgaria, they are close to 60% in France. Domestic European works were defined as having at least one (co-)production partner from the European country that the VoD service targets (for example a French co-production in a catalogue targeting the French market).

The analysis also shows that a large share of European works in VoD catalogues are recent productions (released in 2016 or later). For example, for Netflix catalogues, over 40% of European works are recent in Italy, Belgium, Austria and Bulgaria. The exact figure is likely to be even higher as a high share of productions in the sample were missing a date. The share of recent works is even higher in HBO catalogues.

Prominence in VoD services was not analysed quantitatively because it would require a resource-intensive mode of data collection outside the scope of this assignment. Interviewees commented on:

- The difficulty of measuring prominence in VoD services;
- The fact that the extent to which VoD providers take measures to ensure prominence would need to be combined with consumption/ viewing data; and
- The differences in strategies adopted by VoD services, whereby some specialise in local/ European content, making prominence measures can be seen as redundant.

Conclusions

In the period covered by the study, the audiovisual market in the EU27 grew compared to the previous period. The growth was fuelled by an expansion of on-demand services, but other subsectors also grew. Several Member States introduced legislative changes to align with AVMSD provisions for Articles 13, 16 and 17. Member States also reported data on the presence of European works in linear services and on-demand services. According to the data provided by Member States, the majority of broadcasters and channels are

compliant with the analysed AVMSD provisions. The independent analysis of content of linear services and VoD services done by the study, however, found in some cases different trends regarding the compliance data compared to those reported by the Member States. There are several reasons that can explain this. First, the independent analysis of content covered a different time-period compared to the one covered by the Member States reporting. Member States reported for years 2015-2019 while the independent analysis was based on 2021 data. Furthermore, the samples of linear and on demand services covered are somewhat different between the two sources of data. Finally also the comparability of definitions and methods used for measurement is unclear, as there is limited evidence about the methodology used by Member States for the compliance monitoring.



Résumé

Le présent rapport analyse la mise en œuvre des articles 13, 16 et 17 de la directive « Services de médias audiovisuels » (SMA). Ces articles concernent la promotion des œuvres européennes par les organismes de radiodiffusion télévisuelle et les fournisseurs de services de vidéo à la demande. La présente étude s'inscrit dans le cadre du suivi régulier qui est également exigé par la directive. Le rapport porte sur la période 2015-2019 et donc sur la version des dispositions légales qui étaient applicables à ce moment-là. Cela signifie que les révisions des articles 13, 16 et 17 introduites dans la révision de la directive SMA, entrées en vigueur en 2020, ne sont pas prises en compte dans cette analyse.

L'étude visait trois objectifs:

- recenser la législation et les pratiques existantes dans les États membres;
- fournir un éclairage sur l'évolution du marché de l'audiovisuel; et
- analyser l'offre de contenu tant sur la radiodiffusion télévisuelle linéaire que sur les services à la demande.

L'étude repose sur les principales sources d'information suivantes:

- analyse juridique des cadres juridiques de l'audiovisuel et de leur évolution dans 27 États membres de l'UE, au Royaume-Uni ainsi qu'en Norvège et en Islande. Cette analyse a été réalisée par des experts juridiques indépendants de tous les pays visés ;
- statistiques sur la part des œuvres européennes dans les services linéaires et les services de VoD, communiquées par les États membres de l'UE. Les données des États membres de l'UE étaient accompagnées de rapports succincts contenant des informations supplémentaires, expliquant les mesures de suivi ainsi que toute mesure prise pour remédier à la non-conformité ;
- données d'Eurostat et d'Orbis sur le secteur audiovisuel et ses sous-secteurs ;
- données de programmation de 467 chaînes de services linéaires dans 11 États membres de l'UE. Pour ces chaînes, les données des guides électroniques de programmation ont été extraites pour une période de 3 mois consécutifs puis analysées en vue d'évaluer l'offre de contenu ;
- catalogues de 751 services de vidéo à la demande (VoD) dans 21 États membres de l'UE + la Norvège ;
- des entretiens qualitatifs avec des informateurs clés dans 11 pays et au niveau de l'UE.



Le tableau ci-dessous présente une synthèse des sources de données relatives aux sous-sections de ce résumé.

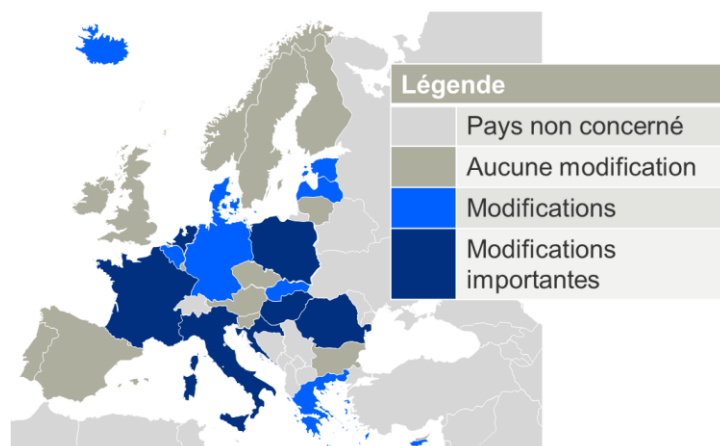
Tableau 2 - Aperçu des sources de données par sous-section

Sous-section	Source	Pays pris en compte
Modifications législatives en matière de services linéaires	Analyse juridique indépendante	UE27 + UK, NO et IS
Modifications législatives en matière de services à la demande	Analyse juridique indépendante	UE27 + UK, NO et IS
Données de suivi sur l'application des articles 16 et 17	Rapports des États membres	UE27
Données de suivi sur l'application de l'article 13	Rapports des États membres	UE27
Analyse économique du marché de l'audiovisuel	Recherche documentaire (Eurostat, Orbis) et entretiens	UE27 + UK
Analyse indépendante de la part des œuvres européennes dans les services linéaires	Analyse des guides de programmation électroniques pour 467 chaînes	11 États membres sélectionnés
Analyse indépendante des services de vidéo à la demande	Analyse de 751 catalogues de services de VoD	21 États membres sélectionnés + NO

Modifications législatives en matière de services linéaires dans l'UE27, au Royaume-Uni, en Norvège et en Islande

Au cours de la période 2015-2019, 17 pays (UE, EEE et Royaume-Uni) ont apporté de nouvelles modifications aux articles 16 et 17 de la directive SMA concernant leur cadre juridique, les exigences en matière d'œuvres européennes, les définitions ou le système de suivi. Ces pays sont : CY, BE (nl), DE, DK, EE, EL, FI, FR, HU, HR, LV, IS, IT, NL, PL, RO et SK. Des modifications majeures ont été apportées dans sept de ces pays (FR, HR, HU, IT, NL, PL et RO). Trois pays (PL, IT, IS) ont révisé les dispositions relatives à la part des œuvres européennes. En Islande, cette révision concerne un quota spécifique pour les œuvres provenant des pays nordiques. En Italie, elle porte sur la détermination d'un quota pour les œuvres européennes qui va au-delà des exigences de la directive SMA, ainsi que sur un quota spécifique pour les œuvres italiennes. La Pologne a autorisé des exceptions à la part minimale d'œuvres européennes dans certains cas spécifiques. Seules l'Italie et l'Islande ont révisé les dispositions relatives aux œuvres indépendantes et aux œuvres récentes. Quatre pays (BE (nl), NL, FR et IT) ont révisé les dispositions relatives aux contributions directes et/ou indirectes. En France et aux Pays-Bas, il s'agit d'exigences nouvelles ou accrues concernant le financement de productions dans la langue de ces pays. En Belgique (nl), les changements concernent les investissements dans les productions externes.

Figure 8 Pays qui ont apporté des modifications aux articles 16 et 17 de la directive SMA



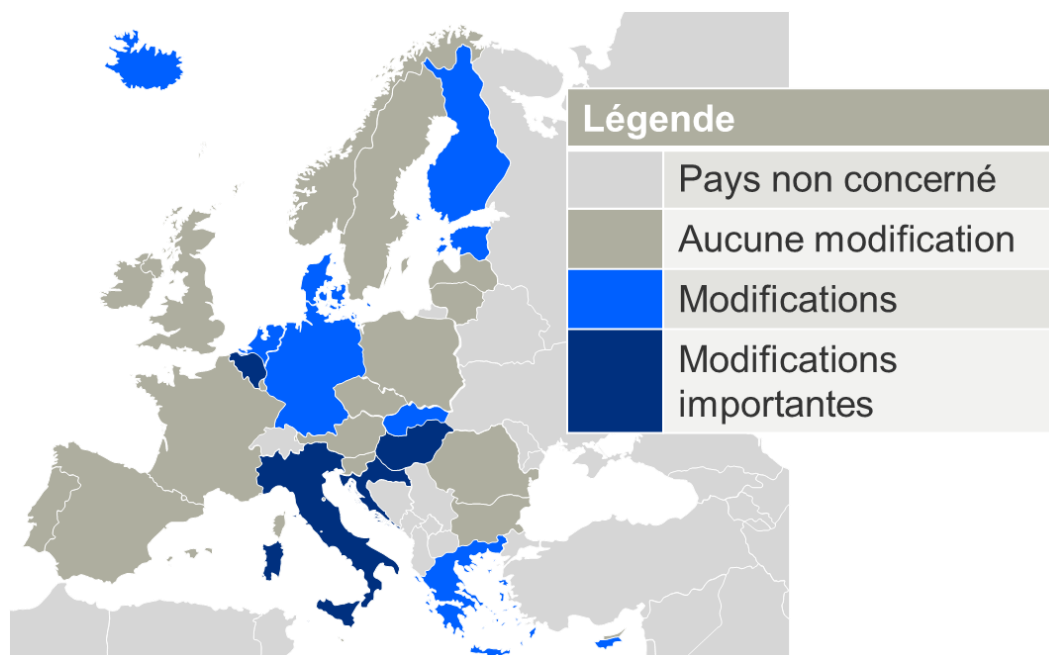
Neuf pays (CY, DE, EE, FI, HR, HU, IT, NL et RO) ont procédé à des modifications législatives en ce qui concerne le système de suivi. Dans six pays (DE, FI, HU, IT, RO et NL), des exigences de suivi nouvelles ou plus détaillées ont été introduites. En matière de sanctions, les modifications apportées au cours de la période couverte ont été minimales. Seule l'Italie a introduit des dispositions prévoyant des amendes en cas de violation des exigences de programmation et d'investissement pour les œuvres européennes et les œuvres de producteurs indépendants.

Modifications législatives en matière de services de médias audiovisuels à la demande (services non linéaires) dans l'UE27, au Royaume-Uni, en Norvège et en Islande

Des modifications législatives portant sur la mise en œuvre de l'article 13 de la directive SMA 2010 ont été identifiées dans treize pays (BE (nl), CY, DE, DK, EE, EL, FI, HR, HU, IS, IT, NL et SK) entre 2015 et 2019. Dans quatre de ces pays (BE (nl), HR, HU et IT), les changements ont été substantiels. La Belgique (nl) a mis en place un système de quotas et a imposé aux fournisseurs de services de vidéo à la demande l'obligation d'investir dans leurs propres productions ou co-productions, ou à défaut, de verser une redevance au fonds audiovisuel flamand. En Hongrie, le pourcentage requis d'œuvres européennes a été modifié afin de répondre aux exigences de la directive SMA 2010. Des changements significatifs ont été introduits quant au système de suivi dans deux pays (SK et NL), exigeant des fournisseurs qu'ils communiquent la part d'œuvres européennes.

Des exigences nouvelles ou révisées concernant les contributions financières à la production d'œuvres européennes ont été constatées dans trois pays (BE (nl), DE, et IT). En ce qui concerne les quotas d'œuvres européennes, quatre pays (BE (nl), HR, HU et IT) ont apporté des modifications. En Belgique (nl) et en Italie, la part des œuvres européennes dans les catalogues de VoD a été portée à 30%. En Italie, les producteurs indépendants sont également tenus de respecter une proportion de 20%. En Croatie, le quota d'œuvres européennes est de 20%. Quatre pays (BE (nl), HR, HU et IT) ont révisé les exigences relatives à la mise en avant des œuvres européennes. Ces changements imposent des exigences quant à l'importance de la place réservée à ces œuvres en BE (nl), HU et IT. En Croatie, ces exigences s'appliquent aux fournisseurs qui ne respectent pas le quota de 20%. Seules l'Italie et la Belgique (nl) ont de nouvelles exigences en matière de promotion des productions indépendantes.

Figure 9 Pays qui ont apporté des modifications à l'article 13 de la directive SMA



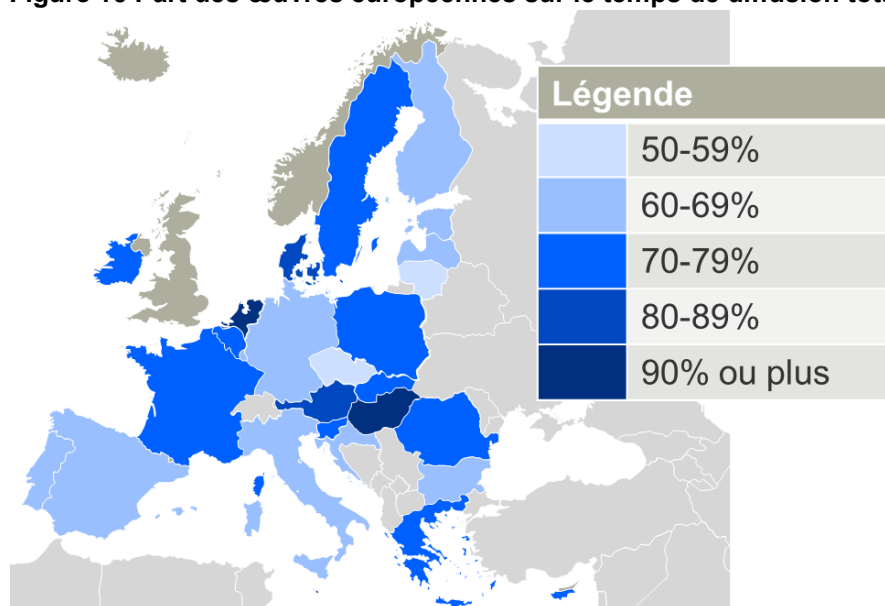
Synthèse des données de suivi des États membres de l'UE27 sur l'application des articles 16 et 17 de la directive SMA

Les autorités de régulation nationales des États membres ont fourni des rapports de suivi, assortis de données, sur le respect des articles 16 et 17 pour les services linéaires relevant de leur compétence. Ces données ont été ventilées par année. Le nombre de chaînes prises en compte dans les rapports des États membres est passé de 2 362 en 2015 à 2 377 en 2019. L'Espagne, la Hongrie et l'Allemagne ont fourni des informations sur le plus grand nombre de chaînes.

Selon les données communiquées par les États membres, au niveau national, la part des œuvres européennes, des productions indépendantes et des œuvres récentes est toujours supérieure au quota prévu par la directive SMA. Sur l'ensemble des chaînes pour lesquelles des chiffres ont été transmis, la part des œuvres européennes représentait 72,6% du temps de diffusion total en 2019. Il s'agit d'une légère augmentation par rapport aux 70,3% enregistrés en 2015.

Des différences notables ont été constatées entre les données communiquées par les États membres. La Hongrie, les Pays-Bas et Malte ont déclaré que plus de 90% du temps de diffusion total était consacré aux œuvres européennes sur toutes les chaînes relevant de la compétence de ces États membres. Par ailleurs, une minorité importante de chaînes incluses dans les statistiques n'a pas atteint le quota de 50% que les services linéaires doivent respecter conformément à l'article 16 de la directive SMA. Au total, 9% des chaînes pour lesquelles des données ont été relevées ont consacré moins de 50% de leur temps de diffusion total à des œuvres européennes. Ces chaînes sont surtout concentrées en Tchéquie, en Lituanie, en Finlande, au Portugal, en Bulgarie et en Italie.

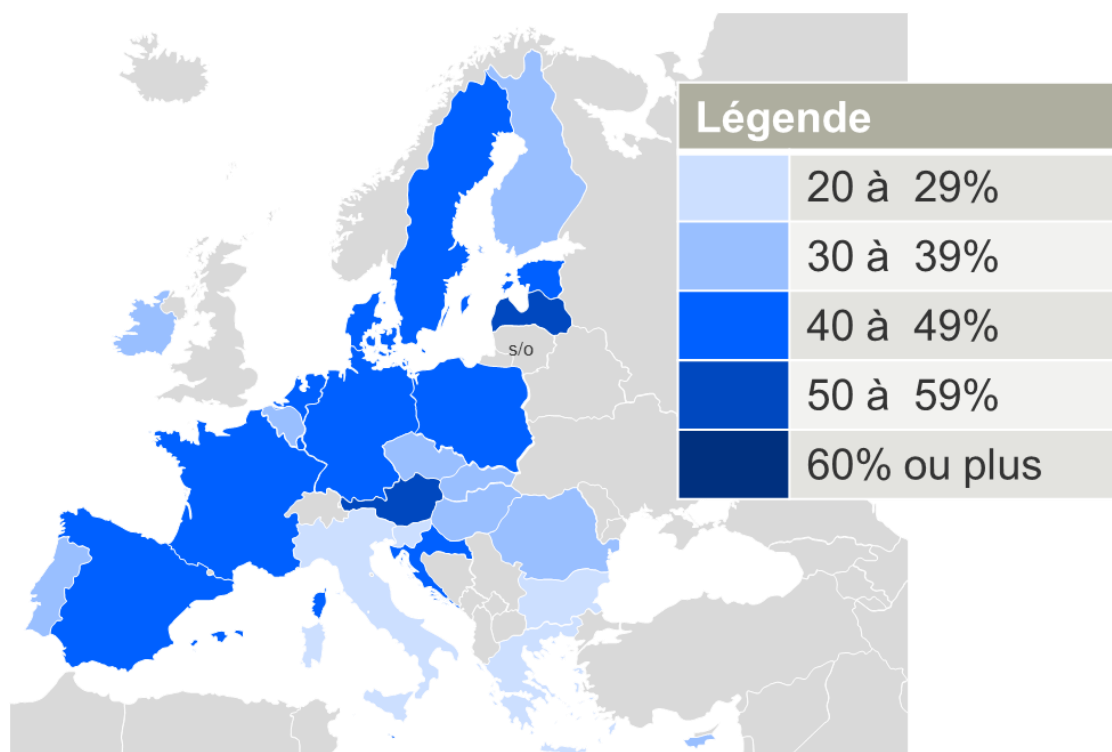
Figure 10 Part des œuvres européennes sur le temps de diffusion total en 2019 par pays



Selon les données communiquées par les États membres, le quota de 10% de productions indépendantes prévu à l'article 17 de la directive SMA a également été largement dépassé. Au niveau de l'UE, la part moyenne des productions indépendantes sur le temps de diffusion total en 2019 était de 40,8%. Cela représente un léger recul par rapport aux 42,2% enregistrés en 2015.

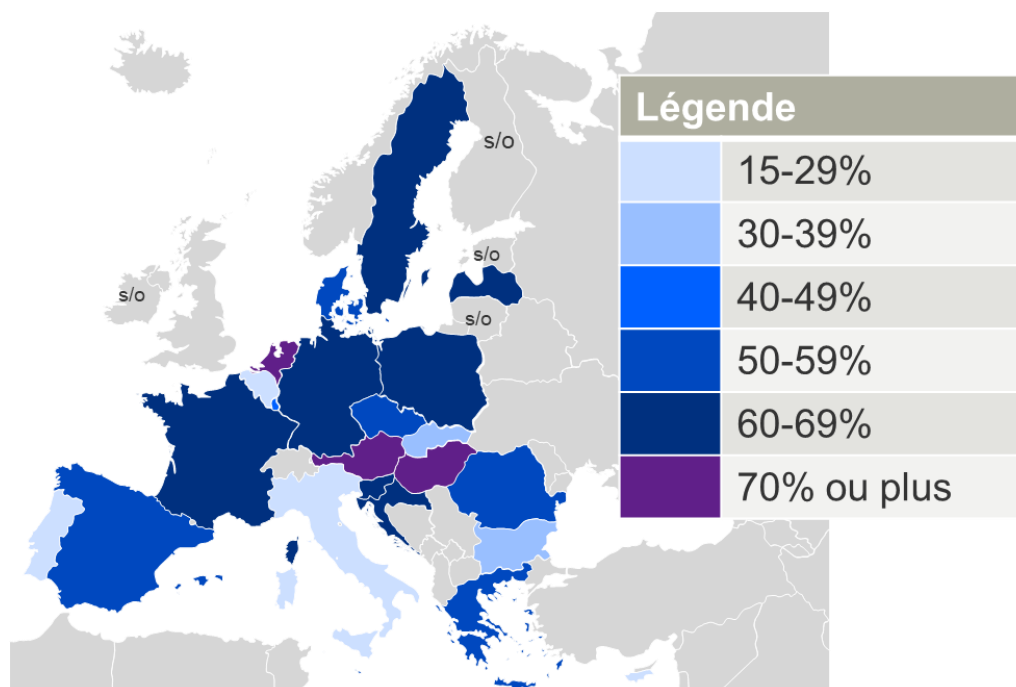
Pour cet indicateur également, on relève des différences considérables entre les États membres. Alors que certains États membres déclarent environ 20% de productions indépendantes sur le temps de diffusion total (par exemple, l'Italie et la Grèce), d'autres en déclarent plus de 60% (Lettonie et Belgique nl). Au total, 100 chaînes (4%) déclarent une part de productions indépendantes inférieure au seuil de 10%. Ces chaînes sont concentrées en Bulgarie, au Portugal, au Danemark et en Tchéquie.

Figure 11 Part des productions indépendantes sur le temps de diffusion total en 2019 par pays



Selon les rapports des États membres, plus de 50% du temps de diffusion total réservé aux œuvres européennes a été consacré aux productions indépendantes récentes au cours de la période de référence (54,6% en 2019). Dans 11 États membres (AT, BE (nl), HR, FR, DE, HU, LV, NL, PL, SI, SE), plus de 60% des productions indépendantes étaient des productions récentes.

Figure 12 Part des productions indépendantes récentes dans les œuvres européennes en 2019 par pays (temps de diffusion)



Les principales raisons citées par les États membres pour justifier la non-conformité de certaines chaînes aux exigences des articles 16 et 17 de la directive SMA sont les suivantes :

- la faible audience de certaines chaînes ;
- l'offre insuffisante d'œuvres européennes dans certains domaines spécialisés dans le cas de chaînes thématiques tels que le sport, la culture ou les contenus pour enfants ;
- la difficulté à concurrencer le volume élevé de productions américaines ; et
- l'accès à des contenus moins chers en dehors de l'Europe.

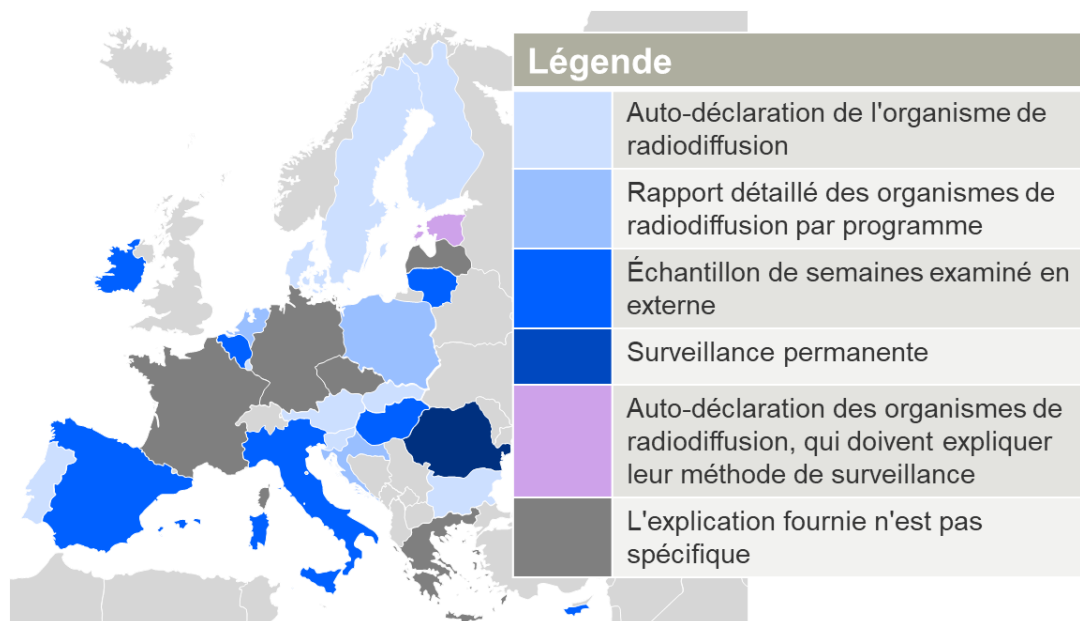
De nombreux États membres n'ont pas précisé comment les cas de non-conformité ont été traités. Ceux qui ont abordé cet aspect indiquent qu'ils ont eu recours à des rappels et à des procédures d'enquête.

Les États membres effectuent le suivi et les rapports requis à l'aide de différents moyens:

- autodéclarations des organismes de radiodiffusion télévisuelle (dans un cas, cela doit être complété par une explication sur la technologie précise utilisée pour le suivi) ;
- rapports détaillés sur les programmes par les organismes de radiodiffusion télévisuelle qui sont traités par l'autorité de régulation nationale ;
- suivi externe sur un échantillon de semaines effectué par un prestataire ou l'autorité de régulation nationale ;
- suivi permanent et continu.

Un certain nombre d'États membres n'ont donné qu'une explication générique de l'approche de suivi utilisée, ce qui ne permet pas de les classer dans l'une des catégories ci-dessus.

Figure 13 Mesures de suivi utilisées pour les articles 16 et 17



Synthèse des données des rapports des États membres de l'UE27 sur l'article 13 de la directive SMA

Les États membres ont communiqué des données sur un nombre croissant de services de VoD entre 2015 et 2019. Alors qu'en 2015 leur déclaration portait sur 713 services, elle en comptait 1 030 en 2019. Toutefois, pour un nombre important de services de VoD, les États membres n'ont inclus aucune donnée dans leurs rapports, indiquant qu'elles étaient manquantes. Des données réelles ont été communiquées pour 560 services de VoD en 2019. La grande majorité des services couverts par le rapport étaient situés dans six pays: Autriche, Pologne, Espagne, Pays-Bas, Tchéquie et France.

La part des œuvres européennes dans les catalogues de VoD a connu des variations d'une année sur l'autre au cours de la période de référence. La part la plus élevée d'œuvres européennes a été signalée en 2016 (63,4%) et la plus faible en 2017 (41,8%). En 2019, 54,2% des productions figurant dans les catalogues de VoD étaient des œuvres européennes, selon les données fournies par les États membres. Pour plus de la moitié (332) des services concernés par les rapports, les États membres déclarent que la part des œuvres européennes est supérieure à 90%, voire 100% dans certains cas.

En 2019, selon les données communiquées, 60 services de VoD ont utilisé l'affichage de la page d'accueil comme moyen de renforcer la mise en avant des œuvres européennes, 43 services ont utilisé des bandes-annonces ou des bannières et 28 avaient des œuvres européennes dans la fonction de recherche. Il convient toutefois de noter que les données relatives aux méthodes permettant d'assurer la mise en avant n'ont été fournies que pour une minorité de services.

Seuls neuf États membres ont communiqué la part des contributions financières à la production d'œuvres européennes apportées par les fournisseurs de VoD. Toutefois, même dans le cas des États membres qui ont communiqué ces informations, on peut s'interroger sur le fondement de ces données. Pour un certain nombre de services, les valeurs rapportées sont de 100%. Cependant, l'indicateur que les États membres devraient communiquer concerne la part des recettes qui sont réinvesties dans les œuvres européennes.

Analyse économique du marché de l'audiovisuel dans l'UE27

Le chiffre d'affaires des sociétés opérant dans la production et la diffusion d'œuvres audiovisuelles a connu une croissance régulière au cours de la période concernée par cette étude. Cette tendance à la hausse a été légèrement plus marquée que la progression du chiffre d'affaires de l'ensemble de l'économie des entreprises. En conséquence, le poids du secteur audiovisuel dans l'économie des entreprises de l'UE27 est passé de 0,68% à 0,72%. La majeure partie de cette augmentation relative s'est produite de 2015 à 2016, la part du secteur restant stable par la suite. Le secteur audiovisuel s'est également développé au Royaume-Uni, qui était encore un État membre de l'UE au cours de la période étudiée. Le secteur audiovisuel représente une part beaucoup plus importante de l'économie au Royaume-Uni que dans les autres pays de l'UE27 (1,71% en 2018) et, au cours de la période de référence, sa part de l'économie a d'abord augmenté (2015-2017), puis diminué (2017-2018).

Au cours de la période examinée, les revenus du marché de l'audiovisuel dans l'UE27 ont progressé en moyenne de 3,4% par an. Il s'agit d'un taux de croissance plus important que celui de la période précédente (2010-2014), où le TCAC était de 0,9% (ces données incluaient également le Royaume-Uni). Cette tendance à la hausse se retrouve dans tous les États membres de l'UE27. La croissance a été la plus forte en Slovaquie, au Portugal et en Bulgarie. Au Royaume-Uni cependant, les recettes ont diminué, contrairement aux autres pays considérés par l'étude.

La croissance constatée au niveau des recettes est principalement due à l'essor des services à la demande. Les recettes de ces services dans l'UE27 ont plus que triplé entre 2015 et 2019. Les recettes générées par la télévision payante (« Pay TV ») et la publicité télévisée ont également continué à progresser. La télévision payante et la publicité télévisée restent de loin la principale source de revenus du secteur. L'évolution des recettes publiques diffère selon les États membres. Si certains États membres ont connu une augmentation (PL, LT et EE), d'autres ont vu le financement public stagner (DE et FR). Le Royaume-Uni a connu un net recul du financement public et des revenus de la publicité télévisée.

Après le Brexit, les trois plus grands pays en termes de marché audiovisuel (DE, FR et IT) représentent ensemble plus de la moitié (53,1%) de l'ensemble des recettes audiovisuelles de l'UE27.

Si en termes de revenus le secteur audiovisuel représentait une part plus importante des revenus des entreprises en 2019 qu'en 2015, ce n'est pas le cas lorsqu'on s'intéresse à la valeur ajoutée brute produite. La valeur ajoutée brute produite par le secteur audiovisuel a augmenté de 2,5% au cours de la période étudiée.

Mais cette augmentation a été plus faible que celle des autres secteurs économiques. Par conséquent, l'audiovisuel représente une part plus faible de la valeur ajoutée brute produite en 2019 qu'en 2015. Le poids du secteur dans la valeur ajoutée brute globale des entreprises varie selon les économies de l'UE27. L'audiovisuel représente 1,15% de la valeur ajoutée produite en France alors qu'il est inférieur à 0,25% en Lituanie et en Lettonie.

Environ 56% de la valeur ajoutée brute totale provient de la programmation et de la diffusion de programmes télévisés, 33% de la production, et le reste de la post-production et de la distribution.

La rentabilité varie selon les sous-secteurs. L'excédent brut d'exploitation de la production a connu un taux de croissance annuel composé de 1,1% et celui de la post-production de 4,4% sur la même période. La programmation et la diffusion télévisuelles ont connu un taux de croissance annuel négatif de -0,4%, une tendance que l'on retrouve également au niveau de la distribution.

Le nombre de sociétés de production a considérablement augmenté au cours de la période examinée. Alors que l'évolution dans le domaine de la post-production a également été positive mais plus modeste, dans le domaine de la distribution, de la programmation et de la radiodiffusion, le nombre d'entreprises a légèrement diminué.

Les micro et petites entreprises représentent une part importante des entreprises de production, de post-production et de distribution. Elles représentent également une part importante des revenus et de la valeur ajoutée brute produite. Les États membres où le taux de naissance des entreprises dans le secteur de la production, de la post-production et de la distribution est élevé sont la Lituanie, la Lettonie, la Pologne, la Hongrie, le Danemark, le Portugal et la Roumanie. Dans ces États membres, un grand nombre d'entreprises de ce secteur voient le jour chaque année. Toutefois, en Lituanie, le taux de cessation d'activité des entreprises est en fait plus élevé que leur taux de création.

Le secteur de la radiodiffusion compte une part plus importante de grandes entreprises que celui de la production, de la post-production et de la distribution. Le secteur de la radiodiffusion et de la programmation est relativement stable, avec un taux de naissance des entreprises plutôt faible.

En 2018, près de 900 000 personnes étaient employées dans le secteur audiovisuel dans l'UE27+UK. Cela concerne tous les sous-secteurs. Il s'agit d'une augmentation notable par rapport à 2015. C'est en France, en Allemagne, en Italie et en Espagne que le secteur emploie le plus grand nombre de personnes. Le travail dans ce secteur reste orienté vers les hommes, en particulier dans la production.

L'étude a estimé que l'investissement global des diffuseurs publics et privés de services linéaires au cours de la période 2014-2019 dans l'UE27 est passé d'un total de 15,7 milliards d'euros à 18,4 milliards d'euros. Ce chiffre ne comprend toutefois pas les acteurs de la VoD. En incluant les services VoD, l'investissement est estimé à 27,2 milliards. Les budgets de production des films ont diminué au cours de la période 2014-2015, mais ont enregistré une croissance constante depuis. Les productions indépendantes ont représenté la majorité des heures et des titres produits.

En termes de part de marché combinée des trois premières entreprises, les données montrent généralement un degré élevé de fragmentation du marché dans le sous-secteur de la production, à l'exception d'un petit nombre de pays (Malte, Espagne, Slovénie et Roumanie). La concentration du marché est plus élevée dans le sous-secteur de la distribution et dans celui de la programmation et de la radiodiffusion télévisuelle. Le niveau ou la concentration a diminué au cours de la période analysée pour tous les sous-secteurs.

Outre les indicateurs statistiques clés du marché mentionnés ci-dessus, les personnes interrogées ont évoqué certaines grandes tendances qui façonnent le marché :

- l'évolution de la consommation de VoD et le fait que de nombreux ménages ont souscrit, au cours de la période examinée, plusieurs abonnements de VoD (contre un seul au début des années 2010);
- l'augmentation de la consommation de séries, notamment sur les services de VoD. Cette évolution estompe également les distinctions entre les catégories de producteurs qui se spécialisaient autrefois traditionnellement dans le contenu cinématographique ou télévisuel. Aujourd'hui, tous se diversifient dans la production de séries;
- la croissance rapide de la demande a également entraîné un essor de la production, mais peut-être au détriment de la qualité, selon plusieurs personnes interrogées;
- les défis sont liés au fait que les droits de propriété intellectuelle mondiaux sont détenus par les grands services de VoD et non plus par les sociétés de production. Cette situation bouleverse la dynamique et le financement du secteur au détriment des sociétés de production;
- l'essor des co-productions s'explique par de multiples tendances : le manque de financement dans certains pays et la nécessité de combiner des budgets provenant de plusieurs sources dans plusieurs pays, mais aussi la recherche de perspectives originales et de nouveaux talents pour se différencier sur un marché hautement concurrentiel;
- l'évolution des tendances de consommation, combinée à une concurrence accrue et à un financement public limité, crée une équation financière complexe pour les médias de service public. Toutefois, les radiodiffuseurs commerciaux sont également touchés par l'évolution du marché, notamment en raison des changements profonds en matière de dépenses publicitaires, qui sont de plus en plus orientées vers le numérique.

Analyse indépendante de la part des œuvres européennes et des productions indépendantes dans les services linéaires dans une sélection de 11 États membres⁴

Pour compléter les données communiquées par les États membres sur la part des œuvres européennes et des productions indépendantes, Kantar Public a réalisé une analyse indépendante des données des guides électroniques de programmation (EPG). Kantar Public a recueilli des données EPG pour 586 services linéaires dans 11 pays, dont 467 ont finalement été analysés. Les autres ont été écartés en raison de leur orientation thématique (par exemple, le sport ou la publicité) ou de leur audience trop faible. Trois mois de données de programmation électronique ont été recueillis et analysés (décembre 2020 - février 2021). Plus de 1,3 million d'entrées ont été analysées, une entrée étant équivalente à une production. Pour cette analyse, les données au niveau des pays concernent les marchés cibles (c'est-à-dire que le public d'un pays donné est visé par la chaîne), plutôt que les pays de la juridiction compétente.

Tout d'abord, l'étude a analysé la part du temps de programmation qui est défini comme temps de diffusion. La directive SMA définit le temps de diffusion comme le temps consacré à tous les programmes, à l'exclusion des manifestations sportives, des informations et des jeux, ainsi que de la publicité, des services de télétexte et du téléachat. Pour déterminer si les entrées étaient éligibles en tant que temps de diffusion, l'équipe de recherche a comparé les titres avec les ensembles de données existants d'IMDb et de TMDB. En moyenne, plus de 50% du temps de programmation dans l'ensemble de données utilisé a été consacré à la diffusion des œuvres conformément à la définition de la directive SMA. Toutefois, la proportion varie fortement d'une chaîne à l'autre. Notre ensemble de données comporte des chaînes importantes, en termes d'audience, sur lesquelles la part du temps de diffusion identifié est inférieure à 50%. Le temps de diffusion identifié par chaîne a été utilisé comme base pour calculer les autres indicateurs examinés ci-dessous.

⁴ Notez qu'il existe plusieurs différences dans les définitions entre les données communiquées par les États membres et les données analysées dans cette section. Il s'agit notamment de la portée des données au niveau national (pays de la juridiction compétente par rapport au pays du marché cible) et de l'opérationnalisation de la définition concernant les œuvres indépendantes.

Dans les 11 États membres, la part des œuvres européennes en temps de diffusion était de 39%. Ce chiffre est nettement inférieur à la part d'œuvres européennes que les États membres de l'UE déclarent en moyenne dans leurs propres rapports. Il s'agit toutefois de l'ensemble de l'UE27 et non d'une sélection de 11 pays. En outre, il existe certaines différences de définition entre les deux approches d'analyse. Ce pourcentage de 39% est également inférieur à la moyenne rapportée dans les deux précédentes études de suivi⁵, qui portaient toutefois toutes deux sur un nombre de chaînes nettement inférieur⁶.

Ce n'est que pour les chaînes ciblant le public allemand que la part des œuvres européennes sur le temps de diffusion était supérieure à 50%. Pour la Pologne, l'Espagne et la France, elle se situait entre 40 et 50%. Dans le cas de l'Italie, de l'Autriche et de la Tchéquie, la part des œuvres européennes se situait entre 30 et 40% et dans le cas des quatre autres pays, elle oscillait entre 20 et 30% (HU, SE, NL et RO). Dans les 11 États membres analysés, 252 chaînes au total détiennent une part de marché supérieure à 0,5 %. Sur ces 252 chaînes, seules 77 ont diffusé 50% ou plus d'œuvres européennes sur le temps de diffusion total. Ces 77 chaînes représentent 30% des chaînes qui comptent plus de 0,5% d'audience. D'autre part, d'après l'ensemble des données, 61 chaînes (représentant 24% du nombre total de chaînes ayant une part de marché égale ou supérieure à 0,5%) ont réservé 20% ou moins de leur temps de diffusion aux œuvres européennes. Un peu moins de la moitié de ces chaînes ont une part de marché comprise entre 0,5 et 1 %, autrement dit, il s'agit de chaînes à faible audience.

La présence d'œuvres européennes aux heures de grande écoute (« prime time ») a été analysée selon deux indicateurs:

- part des œuvres européennes par rapport à toutes les œuvres aux heures de grande écoute ; et
- part du temps de diffusion consacré aux œuvres européennes par rapport à l'ensemble du temps de diffusion aux heures de grande écoute.

La Tchéquie et la Suède ont enregistré plus de 20% d'œuvres européennes aux heures de grande écoute. Aux Pays-Bas, en Roumanie, en Pologne et en Hongrie, entre 18% et 20% des œuvres diffusées aux heures de grande écoute étaient des œuvres européennes. Ces pourcentages sont encore plus faibles si l'on considère la part de temps allouée aux œuvres européennes en temps de diffusion aux heures de grande écoute. Là encore, il existe de grandes différences entre les pays et les chaînes et la présence d'œuvres européennes aux heures de grande écoute dépend fortement de l'orientation des chaînes. Les chaînes dont la part de prime time allouée aux œuvres européennes est la plus élevée sont les suivantes : ARD (Autriche - 31,4%), SBS 6 (Pays-Bas - 25,6%), NPO2 (Pays-Bas - 24,6%), Kanal 5 Danmark (Suède - 23%), SVT1 (Suède - 23,4%) et National TV (Roumanie - 19,4%).

L'analyse de la part des œuvres indépendantes s'est également appuyée sur une procédure de rapprochement automatisée avec une liste de sociétés de production européennes indépendantes. L'équipe chargée de l'étude a utilisé deux définitions différentes pour les productions indépendantes. Nous avons utilisé d'une part une « définition étroite » selon laquelle, pour être considérées comme « production indépendante », toutes les sociétés de production impliquées dans une co-production donnée devraient être définies comme indépendantes. En utilisant la définition étroite, la part des productions européennes dans l'échantillon est très faible (seulement 2,2%).

L'autre définition est celle d'une « production quasi indépendante » dans laquelle au moins une des sociétés de production (dans le cas de co-productions) pourrait être rattachée à des listes de sociétés de production

⁵ VVA et al (2018) *Study on the Promotion of European Works in Audiovisual Media Services* and Attentional et al (2011) *Study on the implementation of the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services*

⁶ 55 chaînes étaient examinées dans l'étude de suivi portant sur la période 2011-2015 et 54 dans celle concernant la période antérieure.

indépendantes européennes. Si l'on utilise cette définition de la production quasi indépendante, la part passe à près de 10%. La grande majorité des chaînes de l'échantillon ont une part d'œuvres européennes indépendantes inférieure à 10%, même en utilisant la définition la plus large. Toutefois, d'importantes variations entre les chaînes ont été constatées. Les grandes chaînes, en termes d'audience, ayant la part la plus élevée de productions quasi indépendantes sont TV Puls (Pologne - 39%), SVT2 (Suède - 31,6%), Antena 1 (Roumanie - 37,2%), TV8 (Suède - 26,6%), TV4 (Suède - 26,5%), PrimaFamily (Tchéquie - 21,7%), Mozi+ (Hongrie - 23,7%), Veronica (Pays-Bas - 19,7%), M6 (France - 19%) et ZDF (Autriche - 18,8%).

L'étude a également examiné dans quelle mesure les œuvres européennes diffusées peuvent être qualifiées de nationales, c'est-à-dire qu'au moins un des pays de (co)-production doit être le même que celui dans lequel la production est diffusée. L'étude a révélé qu'en Allemagne et en France, une part importante de toutes les œuvres éligibles diffusées est produite ou co-produite par au moins une société de ce pays. En Allemagne, 38,9% des œuvres éligibles ont au moins une société de production allemande. En France, elles sont 30,9% à compter au moins une société de production française. Dans d'autres pays, cependant, la part des productions nationales est beaucoup plus faible.

Analyse indépendante des services de VoD dans 21 États membres de l'UE et en Norvège

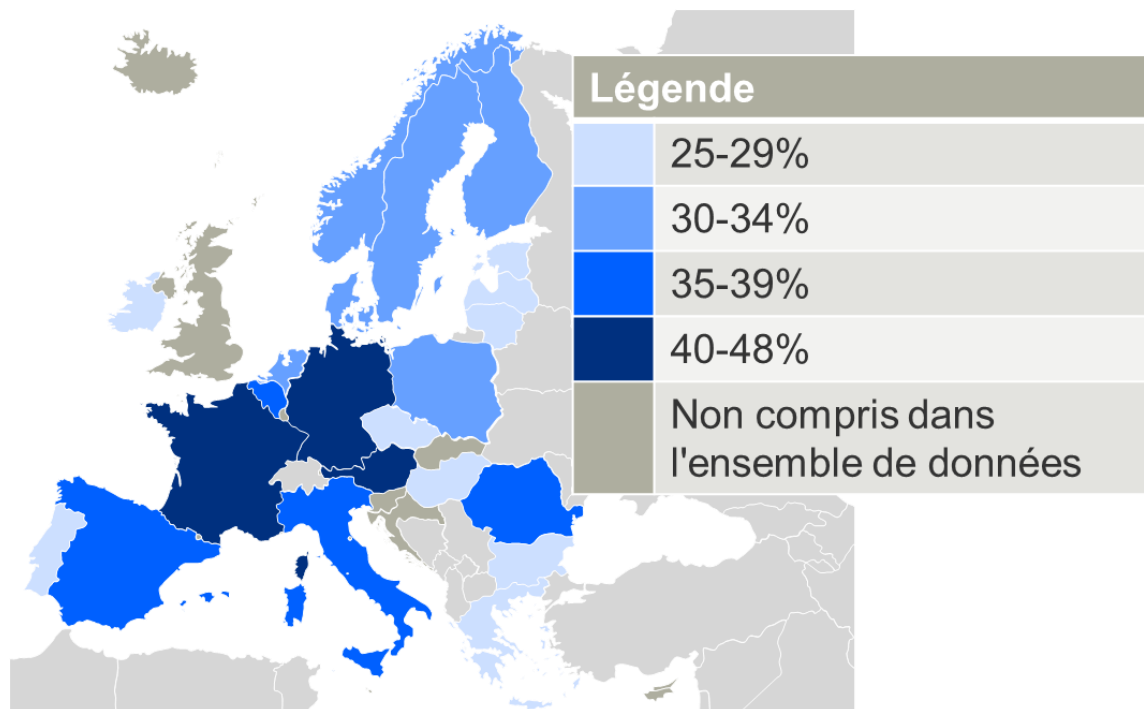
L'équipe de l'étude a également analysé les catalogues de 751 services de VoD dans 22 pays. L'échantillon, fourni par JustWatch, portait sur les principaux services de VoD dans ces 22 pays et comprenait plus de 1,3 million de productions. La période à laquelle les données ont été analysées est le mois de mai 2021. La définition de la directive SMA a été appliquée au comptage des séries, une saison étant considérée comme une seule production.

L'analyse des catalogues de VoD a été réalisée par pays de marché cible et non par pays de la juridiction compétente. Ceci s'explique principalement par les raisons suivantes:

- un même fournisseur de services dispose de catalogues différents selon le pays du marché cible. Les catalogues diffèrent grandement selon les caractéristiques du marché visé par le catalogue, en fonction des préférences des publics locaux ; et
- l'ensemble de données utilisé a été organisé par pays du marché cible.

Les œuvres européennes représentent 36% des catalogues analysés sur l'ensemble des 751 services répertoriés, selon cette analyse. Cette proportion varie de 25% en Grèce à 48% en France. Il n'y a pas de différences majeures entre la part des œuvres européennes dans les catalogues de VoD en paiement à la vidéo (TVoD) ou par abonnement (SVoD). Le fournisseur de services de VoD présent dans plusieurs pays et qui possède la plus grande part d'œuvres européennes est Mubi. Disney Plus et Apple TV Plus, en revanche, ont la plus faible part d'œuvres européennes dans l'ensemble de données examiné. Les mêmes fournisseurs de services de VoD peuvent avoir des parts d'œuvres européennes assez différentes dans leurs catalogues selon les pays du marché ciblé. Par exemple, Netflix compte 44% d'œuvres européennes en Tchéquie alors qu'il n'en a que 25% dans son catalogue pour l'Irlande.

Figure 14 Part des œuvres européennes dans les catalogues de VoD



Si l'on examine le pays de production ou de co-production, on constate ce qui suit :

- les productions avec une participation américaine sont les plus fréquentes dans tous les catalogues de VoD des pays examinés. Selon le pays cible, entre 42% et 55% des productions ont un producteur ou un partenaire américain;
- le Royaume-Uni, la France et l'Allemagne sont les autres grands pays de (co-)production présents dans les catalogues de VoD. Cependant, la présence de (co-)productions issues de ces pays varie fortement selon le pays du marché cible.

La part des œuvres européennes nationales sur l'ensemble des œuvres européennes est extrêmement variable. Alors que celles-ci ne représentent que 1% des œuvres européennes en Bulgarie, elles atteignent près de 60% en France. Les œuvres européennes nationales ont été définies comme ayant au moins un partenaire de (co-)production du pays européen ciblé par le service de VoD (par exemple une co-production française dans un catalogue ciblant le marché français).

L'analyse montre également qu'une part importante des œuvres européennes présentes dans les catalogues de VoD sont des productions européennes récentes (sorties en 2016 ou plus tard). Par exemple, pour les catalogues Netflix, plus de 40% des œuvres européennes sont récentes en Italie, en Belgique, en Autriche et en Bulgarie. Le chiffre exact est probablement encore plus élevé, car une grande partie des productions de l'échantillon ne comportaient pas de date. La part des œuvres récentes est encore plus grande dans les catalogues HBO.

La place importante réservée aux œuvres européennes dans les services de VoD n'a pas fait l'objet d'une analyse quantitative car cela aurait nécessité un mode de collecte de données exigeant en ressources, ce qui ne relevait pas du champ de cette mission. Les personnes interrogées ont formulé des commentaires sur:

- la difficulté de mesurer l'importance de la place réservée aux œuvres européennes dans les services de VoD ;
- les mesures que prennent les fournisseurs de VoD pour assurer la mise en avant devraient être combinées avec les données de consommation/visionnement ; et

- les différences de stratégies entre les services de VoD, certains services de VoD se spécialisant dans le contenu local/européen et dans ce cas, les mesures pour assurer la mise en avant peuvent être considérées comme superflues.

Conclusions


Au cours de la période couverte par l'étude, le marché de l'audiovisuel dans l'UE27 a connu un essor par rapport à la période précédente. Cette croissance a été portée par l'expansion des services à la demande, mais d'autres sous-secteurs ont également progressé. Plusieurs États membres ont introduit des modifications législatives afin de se conformer aux dispositions de la directive SMA pour les articles 13, 16 et 17. Les États membres ont également communiqué des données sur la présence d'œuvres européennes dans les services linéaires et les services à la demande. Selon les données fournies par les États membres, la majorité des organismes de radiodiffusion télévisuelle et des chaînes sont en conformité avec les dispositions de la directive SMA analysées. L'analyse indépendante du contenu des services linéaires et des services de VoD a toutefois révélé des tendances différentes de celles communiquées par les États membres dans certains cas. Différentes raisons peuvent expliquer cette situation. Premièrement, l'analyse indépendante du contenu portait sur une période différente de celle couverte par les rapports des États membres. Les États membres ont présenté des rapports pour les années 2015 à 2019, tandis que l'analyse indépendante s'est basée sur les données de 2021. En outre, les échantillons de services linéaires et à la demande examinés sont quelque peu différents entre les deux sources de données. Enfin, la comparabilité des définitions et des méthodes utilisées pour la mesure n'est pas claire, car on ne dispose que de peu d'éléments sur la méthodologie utilisée par les États membres pour le suivi de la conformité.

1. Introduction


In 1989, the "Television without frontiers" (TVWF) Directive was adopted, triggered by economic, technological, cultural and social transformations in the audiovisual sector. The expansion of satellite broadcasting, the spread of private TV broadcasters and the economic crisis facing the European film industry were some of the factors that contributed to the adoption of this Directive⁷. The Directive was first amended in 1997 and revised in 2007 to include video on demand (VoD) services in its scope. It was further revised in 2010 and consolidated into the Audiovisual Media Services Directive (AVMSD). Its scope and main objectives are summarised below.

Short overview





The AVMSD covers all the 27 EU Member States, as well as other ten countries⁸.



It regulates **all audiovisual media**, not only **linear** (traditional TV broadcasts) but also **non-linear** (on-demand services) with different sources: TV, internet, cable and mobile devices⁹.



Main objectives of the revised Directive include:

-  Ensure cultural diversity
-  Preserve a pluralistic audiovisual media landscape and ensure media freedom
-  Protect minors and citizens from harmful content
-  Promote European audiovisual productions by applying quotas for European works

The directive also includes a clear obligation to monitor the implementation of its provisions in particular when it comes to the articles related to promotion of European works.

The present report is part of the regular monitoring of the implementation of measures for the promotion of European works as part of the AVMSD. The report covers the period 2015-2019 and concerns the AVMSD provisions for European works as applicable prior to the revision of these articles in 2018 (see below).

In 2014, the Directive was subjected to a comprehensive evaluation under the Regulatory Fitness and Performance Programme (REFIT). The evaluation concluded that the objectives of the Directive were still relevant but highlighted a number of areas for improvement¹⁰. One of these areas concerned the lack of a level

⁷ Cairn, 2017: The review of the Audiovisual Media Services Directive

⁸ EU27, Iceland, Liechtenstein, Norway, Albania, North Macedonia, Montenegro, Serbia, Turkey, Switzerland and the UK.

⁹ <https://ec.europa.eu/digital-single-market/en/audiovisual-media-services-directive-avmsd>

¹⁰ European Commission, 2016: SWD

playing field between TV broadcasting services and on-demand services. The rules set for linear services were judged stricter than those for non-linear services. This was particularly true of the provisions for the promotion of European works. The evaluation raised a concern that stricter rules for television editorial policy might make it difficult for TV broadcasters to adapt to audience demands, giving on-demand services a competitive advantage. In light of the 2014 evaluation, changes to the AVMSD were proposed and adopted in 2018. The revisions include in particular stricter measures for the promotion of European works on non-linear services and the inclusion of video-sharing platforms. The deadline set for the transposition of the revised Directive was September 2020. This is why the present monitoring study only covers the provisions which were in force prior to the 2018 revision.

1.1 European works provisions in the AVMS Directive as covered by this study

As noted above, this study covers the period 2015-2019 and therefore looks at the application of AVMSD rules on the promotion of European works as they stood prior to the 2018 review.

The articles covered by this study are presented below.

Article 13 (as valid during the period covered by this study 2015-2019):

1. Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works. Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service.

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. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.

2. Where the proportion laid down in paragraph 1 cannot be attained, it must not be lower than the average for 1988 in the Member State concerned.

However, in respect of Greece and Portugal, the year 1988 shall be replaced by the year 1990.

Article 17:

Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10% of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10% of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.

1.2 Rationale for the AVMS Directive and for clauses regarding European works

The rationale for covering European works in the Directive presents two main arguments:

- A cultural argument; and
- An economic argument.

Firstly, the audiovisual sector is an important vehicle for cultural values, and the diversity of the audiovisual sector contributes to the preservation of cultural diversity. Furthermore, the circulation of audiovisual works from different European cultures is also expected to enhance the exposure of Europeans to other European cultures and thus contribute to the development of a European identity.

Studies in the fields of media psychology, communication theory and sociology throughout the decades have discussed the impact of mass media in culture and society, especially the impact of TV broadcasting. Much research has been done on the effects of television on the adoption of certain behaviours (often negative ones). The *cultivation theory*, developed by George Gerbner in 1967, examines the long-term effects of television. The theory proposes that long exposure to television content is capable of influencing perceptions of social reality. Heavy viewers, argues Gerbner, tend to cultivate attitudes which are more consistent with the world of television programmes than with the real world¹¹. The social learning theory of Albert Bandura explains how people can learn from observation alone and can perform behaviours through media modelling.

There is empirical research that television viewing goes beyond just entertainment and has possibly significant effects on people and their perceptions of the world, as well as influencing the adoption of behaviours. Given this demonstrated influence of television on people - where these individuals make no conscious choices about their watching behaviours based on the influence these will have on them - content regulation is justified by the existence of behavioural biases and information asymmetries. This concerns areas of the AVMS Directive such as protection of minors but also cultural diversity.

The Standard Eurobarometer published in spring 2021¹² shows that eight out of ten Europeans (82%) watch television every day or almost every day. This represents more than 360 million citizens who are impacted by television daily. The audiovisual sector in Europe therefore has a major role to play in both safeguarding cultural diversity in Europe and fostering a European cultural identity.

Cultural diversity is considered by UNESCO as a defining characteristic of humanity. The Convention on the Protection and Promotion of the Diversity of Cultural Expressions¹³, held in 2005, established that one of the rights of parties at the national level is to “adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory”. The Directive therefore aims at safeguarding the cultural diversity that exists in Europe at a time of increasing globalisation in a sector heavily dominated by the US.

From an economic perspective, the Directive aims to protect the European audiovisual sector as an industrial and commercial sector that creates added value in the EU, contributes to job creation and has multiple spin-offs in other sectors.

The audiovisual sector has also a very important role in the European economy. The sector is part of the cultural and creative industry (CCI), which includes all those sectors whose activities are based on cultural values, or other artistic and other individual or collective creative expressions¹⁴. Data on the size of the European audiovisual sector in economic terms is discussed in detail in volume 2 of this report

The VoD market is growing fast, as indicated later in this report, and this is mainly driven by the growth of subscription video on demand (SVoD) services. Data from the Flash Eurobarometer on “Assessing content online and cross-border portability of online content services”, conducted in February/March 2019, show that 56% of Europeans have used the internet to stream or download audiovisual content such as films, series, and all TV content, excluding sports, regularly or occasionally in the last 12 months. In Denmark (55%), United

¹¹ Robinson, G: *Mass Communication and Journalism*

¹² Kantar (2021) Standard Eurobarometer - Media use in the European Union for European Commission

¹³ <https://unesdoc.unesco.org/ark:/48223/pf0000142919>

¹⁴ https://ec.europa.eu/culture/policy/cultural-creative-industries_en

Kingdom (52%) and Sweden (50%) at least half the respondents say they do so regularly¹⁵. The spring 2021 Standard Eurobarometer study found that 33% of Europeans watch television via the internet. This represents a steady increase over the past decade as this proportion was only 16% in 2011.

The 2010 version of the Directive encouraged the contribution of VoD services to the promotion of European works and cultural diversity but set no binding measures. Given the shift in audiences towards VoD services, these were addressed in a more binding manner in the revised text of the Directive in 2018 which is not part of the provisions analysed in this study.

1.3 Objectives of this study

Against this background, the objective of this study is to provide the European Commission with updated information on:

- How the regulatory frameworks at national level evolved over the period 2015-2019, what provisions of the Directive D related to European works have been transposed and how;
- The state of play with regard to cultural diversity on television channels in the EU as well as in the catalogues of video-on-demand services;
- How the European market for audiovisual services has evolved and what this evolution implies for cultural diversity, in particular when these data are combined with information on the share of European works aired and the related legal framework.

The purpose of this study is to provide the European Commission with an independent study on the implementation of measures aimed at the promotion of European works under the AVMSD. Together with the independent review, the study also summarises the reports that Member States submitted as part of their obligations to monitor the implementation of Articles 16 and 17 of the Directive. According to the text of the Directive and the 2011 Guidelines¹⁶ Member States are expected to report every two years on the statistical achievement of the quotas set in the AVMSD Articles 16 and 17 for the programmes falling under a given country's jurisdiction.

Combined, these sources will be the basis for the Commission to prepare an evaluation report to the European Parliament, the Council and the EESC.

The study covers all aspects of the intervention logic of the articles concerning promotion of European works under the Directive – from outputs to impacts – as presented in the chart below.

¹⁵ European Commission, 2019: Flash Eurobarometer 477a

¹⁶ <https://digital-strategy.ec.europa.eu/en/policies/audiovisual-and-media-services>

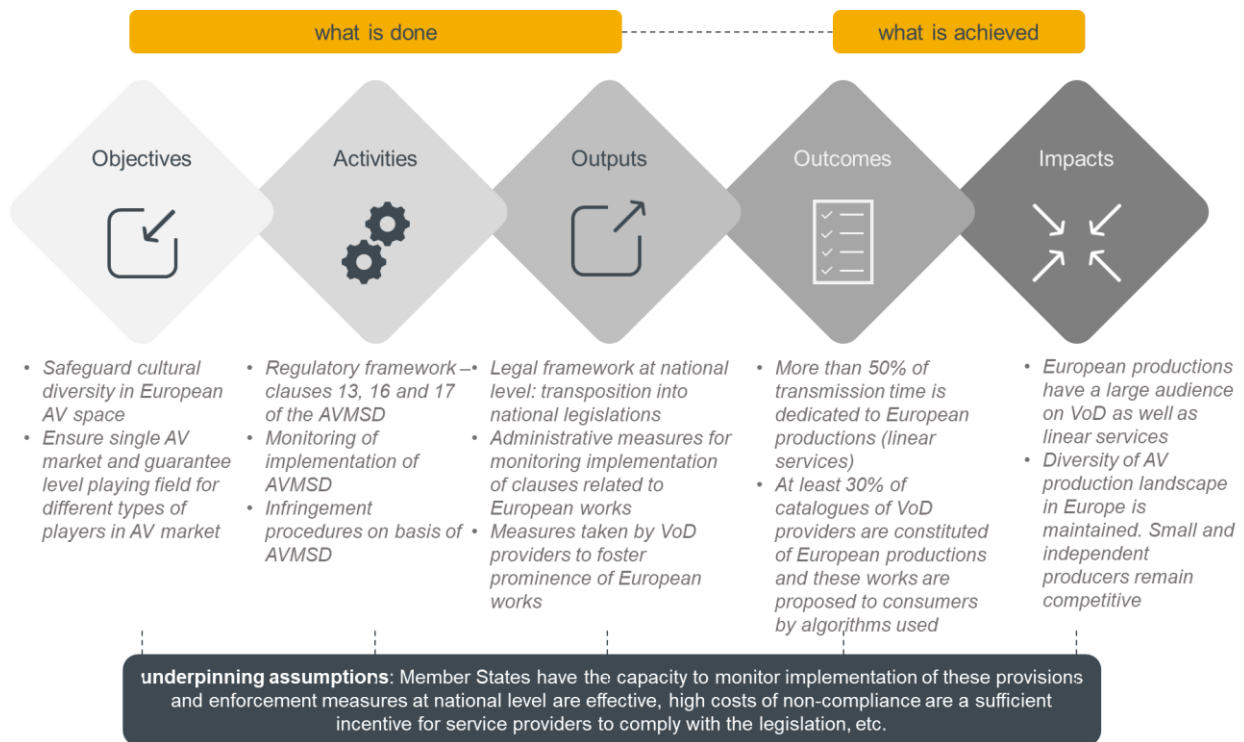


Figure 15: Intervention logic of AVMSD clauses related to European works

Source: authors (developed based on intervention logic presented in European Commission Impact Assessment accompanying the 2016 proposal for revising the AVMSD)

2. Study methodology

To respond to the objectives described in the introduction, this study was divided into three main tasks:

- Task 1 concerns the analysis of the evolution of national legal frameworks and, in parallel, the analysis of Member States' reporting on the implementation of Articles 13, 16 and 17;
- Task 2 concerns a summary of main trends in the audiovisual market; and
- Task 3 concerns an independent assessment of the state of play regarding cultural diversity in linear service programming and non-linear service catalogues.

Each of these tasks followed a separate methodology. Each task is also summarised in a separate chapter or chapters of this final report and these sections also contain more detailed information on the methodologies and sources used:

- Results of the task 1 analysis are presented in chapters 3, 4 and 5;
- Results of the task 2 analysis are presented in chapter 6; and
- Results of the task 3 analysis are presented in chapters 7 and 8.

This section gives a high-level overview of the methodology followed for each task.

2.1 Task 1 – Legal research

The legal research was carried out through these steps:

- Step 1 – Development of a structured and standardised reporting template (see Annex III);
- Step 2 – Pre-completion of the template by a central team based on literature available from EU resources such as the European Audiovisual Observatory;
- Step 3 – Completion of the template by national legal researchers in each of the countries covered by this assignment;

As part of this step national legal researchers reviewed national legislation implementing the AVMSD provisions for European works and related research at national level.

- Step 4 – Validation or feedback from Member States on the country reports;

The draft fiches were sent for validation to Member State authorities together with the template for Member States' reporting (see below).

The table below summarises the feedback received to these draft fiches. As shown in the table, substantial feedback was only received from Hungary. In all other cases no or marginal feedback was received.

- Step 5 – Finalisation of country fiches based on the comments received; and
- Step 6 – Summary focusing on changes made in the period 2015-2019 (see section 3).

Table 3 - Summary of Member States responses to legal research country fiches

Country	Responded to request for feedback	Scale of comments/ corrections	Country	Responded to request for feedback	Scale of comments/ corrections
Austria	Yes	Minor comments	Ireland	Yes	No comments
Belgium fr	Yes	No comments	Italy	Yes	Minor
Belgium nl	Yes	Minor	Latvia	Yes	Minor
Bulgaria	Yes	Minor	Lithuania	Yes	No comments
Croatia	Yes	No comments	Luxembourg	Yes	Minor
Cyprus	Yes	No comments	Malta	Yes	Minor
Czechia	Yes	minor	Netherlands	Yes	Minor
Denmark	Yes	minor	Poland	Yes	Minor
Estonia	Yes	minor	Portugal	Yes	Minor
Finland	Yes	minor	Romania	Yes	Minor
France	No	Not received	Slovakia	Yes	Minor
Germany	Yes	minor	Slovenia	yes	Minor
Greece	Yes	No comments	Spain	yes	Minor
Hungary	Yes	Substantial comments	Sweden	yes	Minor
			UK	No	
			Norway	No	
			Iceland	No	

2.2 Task 1 – Member States’ reporting

In parallel to the legal research carried out by a team of media law specialists, Member States were asked to provide their regular monitoring reports related to the promotion of European works under Articles 13, 16 and 17.

The template for Member States’ reporting comprised:

- A Word document in which Member States were asked to provide complementary information about monitoring methods they use; reasons why some quotas could not be achieved (if applicable) and any measures to address non-compliance (if applicable);
- An Excel table in which Member States were asked to give, for each television channel under their jurisdiction which is not exempt from the directive, data concerning:
 - Share of time dedicated to European works as % of total qualifying time;
 - Share of time dedicated to European works made by independent producers as a percentage of total qualifying time;
 - Share of time dedicated to recent works made by independent producers as a percentage of total qualifying time;

These data were to be provided for every year separately.

- An Excel table in which Member States were asked to give, for each VoD service under their jurisdiction, data on the following:
 - Share of European works as % of all titles, whereby every season of a TV series is considered as one title;
 - Measures to ensure prominence;
 - Financial contribution made by VoD services.

As above, these data were to be provided by year.

Section 4 summarises the information provided by Member States' reports. It also shows the data gaps in them, notably in terms of reporting under Article 13 AVMSD, which was not mandatory for the period covered by this report.

2.3 Task 2 – Desk research and interviews

In order to analyse the evolution of the market as part of task 2 we primarily combined insights from:

- Desk research covering EU and international sources; and
- Interviews with 23 stakeholders in the 11 selected countries.

The desk research for this section mostly reproduced the analysis of market trends presented in previous reports, updating and expanding the data where other datasets were available.

Table 4 - Stakeholders interviewed

Organisation	Stakeholder type	Country
German Films	Public production funds	Germany
Association of Commercial Television in Europe (ACT)	EU organisation	EU
Austrian Federal Chancellery	National Regulatory Authority	Austria
MediaPro	Production company	Spain
EUROCINEMA	EU organisation	EU
Nordisk Film & TV Fond	EU organisation	EU
Institute of Documentary Film	Public production funds	Czechia
Audiovisual Council of Catalonia	National Regulatory Authority	Spain
A Danish University	Expert	Denmark
Commissariaat voor de Media - Media Authority	National Regulatory Authority	Netherlands
Centrul Național al Cinematografiei / Romanian Film Centre	Public production funds	Romania
Consiliul Național al Audiovizualului (CNA) - National Audiovisual Council	National Regulatory Authority	Romania
BIM Produzione	Distributor	Italy
Canal Plus	Linear service provider	France
European Producers Club	EU organisation	EU
EuroVoD	EU organisation	EU
European Film Agency Directors association	EU organisation	EU
European Broadcasting Union	EU organisation	EU
The Swedish Press and Broadcasting Authority	National Regulatory Authority	Sweden
Netflix	VoD service provider	International
ANICA	Producers' organisation	Italy
CANAL+ Polska S.A.	Linear service provider	Poland
German Producers Alliance	Producers' organisation	Germany

2.4 Task 3 – Analysis of electronic programming guides (linear services)

In order to carry out an independent assessment of the share of European works in linear services we have web-scraped electronic programming guides in 11 selected Member States over a three-month period (1 December 2020 to 28 February 2021). In total, data for 586 eligible channels were analysed covering over 1 million entries, where one entry represents an eligible production.

The 11 Member States selected for this analysis were: Austria, Czechia, Germany, Spain, France, Hungary, Italy, Netherlands, Poland, Romania and Sweden. These Member States were selected as representing:

- The largest audiovisual markets in the EU while also covering diversity between medium-sized and large markets;
- Diversity in terms of regions of the EU; and
- Diversity in terms of market fragmentation.

Section 7.1 provides a detailed summary of the methodology and the dataset analysed, as well as the way in which indicators were computed.

2.5 Task 3 – Analysis of video-on-demand catalogues

To carry out the analysis of video-on-demand catalogues, we have worked together with JustWatch.

JustWatch is a video streaming aggregator which compiles data about the catalogues of over 130 VoD services combining Subscription Video on Demand (SVoD), Transactional Video on demand (TVoD) and some Free Video on Demand (FVoD). JustWatch is the aggregator with highest number of catalogues. In total, 751 VoD services across 22 target countries were included in this analysis, since these services were analysed by target country and not country of jurisdiction. Target country means the country the audience of which is targeted by the VoD service. This approach was agreed because ultimately audiences are exposed to European works in the target countries and not in the countries of jurisdiction. The target countries were therefore a relevant unit of analysis in understanding exposure of audiences to European works distributed through VoD.

In the case of data concerning VoD services, we provide a cross-sectional analysis rather than a longitudinal analysis of the state of play of the catalogue references in JustWatch for the month of May 2020. This means that the catalogues were not analysed over a period of time but at one cut-off point, May 2021. VoD catalogues also evolve over time and change from one month to another, but such a longitudinal analysis would not have been feasible in the context of this assignment. Over 1.3 million entries were included in this analysis.

Section 8.1 gives further information on the methodology and the sample of services and content analysed.

Volume 1

This first volume of the study analyses the legislative changes affecting linear and non-linear service providers that have occurred during the reference period (2015-2019). The analysis (Chapter 33) is based on legal desk research carried out by the study team, which was then validated by the National Regulatory Authorities (NRAs) in the relevant countries. In the second part (Chapter 4), we analyse the data reported by countries concerning the implementation of Articles 13, 16 and 17 of AVMSD.

As presented in more detail below, Chapter 3 presents all the legislative changes to national measures transposing the requirements for the promotion of European works by linear and non-linear service providers set out in Articles 13, 16 and 17 of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services¹⁷ (hereafter “2010 AVMSD”) as applied in the period 2015-2019. The revised rules on promotion of European works introduced by Directive 2018/1808/EU (hereafter “2018 AVMSD”),¹⁸ are not covered in the present analysis.

In addition to the majority proportion of European works, share of independent productions and recent works, financial contributions and prominence, the analysis also investigates whether there are any other measures to encourage linear and non-linear providers to promote European work. Furthermore, the analysis looks into definitions and the interpretation of relevant concepts.

In Chapter 44, we provide an analysis on the state of play of the implementation of Articles 13, 16 and 17 of the 2010 AVMSD, based on the data reported by the national regulatory authorities for that same period. The analysis looks into different monitoring methods, their periodicity and types of systems used, as well as assessing exemptions and the most recurrent reasons for these, reasons for non-compliance and measures taken or planned by the countries to address these cases.

These aspects are further detailed in the following sections.

¹⁷ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (codified version) (Text with EEA relevance). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02010L0013-20100505#toclid2>.

¹⁸ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities. Available at: <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>

3. Legislative changes affecting linear and non-linear services

3.1 Introduction

This chapter presents all the legislative changes in national legal frameworks transposing the requirements for promoting European works by linear and non-linear service providers set out in Articles 13, 16 and 17 of the 2010 AVMSD, as applied in the period 2015-2019.

It should be noted that the 2010 AVMSD has been amended by the 2018 AVMSD, which strengthens the promotion of European works. However, the new rules were not applicable in the period under evaluation. In this sense, it is appropriate that the last assessment of the implementation of the rules on promotion of European works under the Directive 2010/13/EU include the year 2019, when the previous provisions continued to be applicable. Therefore, the present analysis covers the legislative changes which took place in the period from 1 January 2015 to 31 December 2019 in 30 countries (27 EU Member States, the United Kingdom, Iceland and Norway).

To this end, information was collected through desk research and consultation with relevant stakeholders. Specifically, the study team designed a template legal mapping sheet providing a comprehensive overview of the national measures implementing Articles 13, 16 and 17 of the 2010 AVMSD. The template was pre-populated based on available literature for each of the countries covered by the study. Furthermore, with the objective of finding out how national regulatory frameworks have evolved in recent years, these legal mapping sheets were further completed by national legal experts. This resulted in 31 legal mapping sheets (i.e. 27 EU Member States, Iceland, Norway and the United Kingdom). In addition, it should be noted that in Belgium, the French and Flemish Communities have adopted different measures transposing Articles 13, 16 and 17 of the 2010 AVMSD. Therefore, two separate legal mapping sheets were drawn up.

The legal mapping sheets were also sent to the NRAs of the EU Member States and the United Kingdom (the NRAs from Iceland and Norway were not included in the consultation). The NRAs were provided with a period of 60 days to provide their input. Of the 29 NRAs contacted¹⁹, 27 provided their input and validated and/or amended the national legal mapping sheets (except for FR and the UK). Therefore, the national desk research and consultation with relevant stakeholders have resulted in 31 legal mapping sheets, which are the basis of the present legal analysis.

This chapter contains three sections. The current Section 3.1 presents the objectives and structure of this chapter. Section 3.2 presents and describes the legislative changes identified regarding Articles 16 and 17 of the 2010 AVMSD, while Section 3.3 presents and describes the legislative changes identified in relation to Article 13 of the 2010 AVMSD.

The following annexes are relevant for the present chapter:

- Annex I which presents 31 legal mapping sheets; and
- Annex II which includes a comparative overview of the relevant national measures implementing Articles 13, 16 and 17 of the 2010 AVMSD and identifies the legislative changes that have taken place during the reference period.

¹⁹ Please note that two national representatives were contacted in Belgium, since different measures are in place in the French and Flemish Communities.

3.2 Legislative changes in relation to television broadcasting (linear services)

Television broadcasting services (linear services) are covered by the AVMSD. Article 16 of the 2010 AVMSD requires that Member States shall ensure “where practicable and by appropriate means” that broadcasters reserve a majority of their transmission time for European works, excluding the time allocated to news, sports events, games, advertising, teletext services and teleshopping (i.e. the majority of the total qualifying time). This proportion, having regard to the broadcaster’s informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. Furthermore, in Member States where it is not possible to reach a majority transmission proportion, the average should not be lower than the average in 1988 in those Member States, or in 1990 in the case of Greece and Portugal. In this context, it should be noted that the content of Article 16 of the 2010 AVMSD was already included in Article 4 of the Television Without Frontiers (TWF) Directive²⁰, which is the first relevant regulatory expression of the European Union’s audiovisual policy and for which the transposition deadline expired on 3 October 1991. Lastly, it is worth noting that the 2010 AVMSD does not impose specific measures that Member States should adopt to comply with Article 16 of the 2010 AVMSD.

Article 17 of the 2010 AVMSD requires that Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10% of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, or alternatively, at the discretion of the Member State, at least 10% of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster’s informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within five years of their production.

Article 17 does not distinguish between public and private media service providers, but some countries do make a distinction in their national legislation. Moreover, Article 17 does not provide a definition of “independent producers”. Nevertheless, when defining “producers who are independent of broadcasters” as referred to in Article 17, Member States should take appropriate account of criteria such as the ownership of the production company, the quantity of programmes supplied to the same broadcaster and the ownership of secondary rights²¹.

In addition, both Articles 16 and 17 affirm that Member States shall ensure the requirements of the 2010 AVMSD “where practicable and by appropriate means”. This expression might be susceptible of different interpretations and may give Member States the freedom to decide whether the transposition of certain requirements of the 2010 AVMSD in their national legislation is mandatory or optional. For example, Luxembourg has adopted the “where practicable” clause for Articles 16 and 17 via national legislation prescribing that certain requirements are applicable “each time it is feasible”, Sweden has adopted the “where practicable” clause as such, whereas Portugal has not adopted the “where practicable” clause for Articles 16 and 17 at all, leading to inflexibility.

In order to allow monitoring of the application of the rules set out in Articles 16 and 17 of the 2010 AVMSD and the pursuit of their objectives, Member States should provide the Commission with a report on the application of the proportions reserved for European works and independent productions (see Chapter 44 for more information about data reporting under Articles 16 and 17). The Commission should inform the other Member States of these reports accompanied, where appropriate, by an opinion taking account of, in particular, the progress achieved in relation to previous years, the share of first broadcasts in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area²².

This section focuses on the analysis of the legislative changes identified from 1 January 2015 to 31 December 2019 in relation to Articles 16 and 17 of the 2010 AVMSD. The overall strategy has been to verify whether any

²⁰ Article 4 of Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31989L0552>.

²¹ Recital 71 of the 2010 AVMSD.

²² Recital 65 of the 2010 AVMSD.

amendments to the relevant legislative national frameworks have been carried out during the period with respect to the requirements for the promotion of European works by linear providers laid down in the 2010 AVMSD, by comparing and contrasting the information collected (see Annex II for further information).

In this context, Table 33 lists all the countries covered by this analysis, specifying whether changes have been made to:

- 1) The legislative framework (i.e., the national legal measures implementing Articles 16 and 17);
- 2) The implementation of requirements established in Articles 16 and 17;
- 3) The definitions and/or interpretation of relevant concepts laid down in Articles 16 and 17;
- 4) The monitoring system for the application of the rules laid down in Articles 16 and 17.

Table 5 - Overview of the legislative changes identified in relation to Articles 16 and 17 of the 2010 AVMSD

Country	Legislative framework	Requirements	Definitions	Monitoring system
AT	No changes	No changes	No changes	No changes
BE (FR)	No changes	No changes	No changes	No changes
BE(NL)	No changes	<u>Changes</u>	No changes	No changes
BG	No changes	No changes	No changes	No changes
CY	<u>Changes</u>	No changes	No changes	<u>Changes</u>
CZ	No changes	No changes	No changes	No changes
DE	<u>Changes</u>	No changes	No changes	<u>Changes</u>
DK	<u>Changes</u>	No changes	<u>Changes</u>	No changes
EE	<u>Changes</u>	No changes	No changes	<u>Changes</u>
EL	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>	No changes
ES	No changes	No changes	No changes	No changes
FI	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>
FR	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>	No changes
HR	<u>Changes</u>	<u>Changes</u>	No changes	<u>Changes</u>
HU	<u>Changes</u>	No changes	No changes	<u>Changes</u>
IE	No changes	No changes	No changes	No changes
IS	<u>Changes</u>	<u>Changes</u>	No changes	No changes
IT	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>
LT	No changes	No changes	No changes	No changes
LU	No changes	No changes	No changes	No changes
LV	<u>Changes</u>	<u>Changes</u>	No changes	No changes
MT	No changes	No changes	No changes	No changes
NL	<u>Changes</u>	<u>Changes</u>	No changes	<u>Changes</u>
NO	No changes	No changes	No changes	No changes
PL	<u>Changes</u>	<u>Changes</u>	No changes	No changes
PT	No changes	No changes	No changes	No changes
RO	<u>Changes</u>	<u>Changes</u>	No changes	<u>Changes</u>
SE	No changes	No changes	No changes	No changes
SI	No changes	No changes	No changes	No changes

Country	Legislative framework	Requirements	Definitions	Monitoring system
SK	Changes	No changes	Changes	No changes
UK	No changes	No changes	No changes	No changes

Source: Authors

Overall, legislative changes in relation to the implementation of Articles 16 and 17 of the 2010 AVMSD took place in 16 countries (CY, DE, DK, EE, EL, FI, FR, HU, HR, LV, IS, IT, NL, PL, RO and SK), between 2015 and 2019.

It should be noted that substantive reforms have taken place in seven of those countries (FR, HR, HU, IT, NL, PL and RO). Firstly, Italy has introduced several legal acts bringing numerous changes in relation to the applicable requirements, the definitions of relevant concepts and the monitoring system applicable with regard to Articles 16 and 17. France introduced a significant reform of the contribution regime for the production of audiovisual works by television services, impacting on the definition of “independent producer”. In Croatia relevant changes have been introduced regarding the increase of shares for audiovisual media service providers and reporting obligations. In Hungary, an important reform of the monitoring system has been identified, introducing different monitoring systems for linear and on-demand media service providers. The Netherlands set new requirements for public broadcasting service providers in relation to productions, and broadened the reporting requirements. In Poland, a new regulation has been introduced bringing changes to the requirements for the majority proportion of European works. Lastly, in Romania, substantive reforms introduced certain changes in the monitoring system, in particular promoting an increase in monitoring. In practice, the National Broadcasting Council (CNA) increased monitoring in 2019, following the European Regulations Bureau report for the period from 1 January 2015 to 31 December 2018. On the basis of this report, the CNA took action against a series of national and regional broadcasters for failing to submit the half-yearly report on European and independent quotas to the CNA further²³.

Furthermore, the findings show that certain countries have also introduced relevant changes in the definitions of certain concepts (for instance in Greece, where a new definition of “independent producer” has been introduced), and the system monitoring the application of the rules set out in Articles 16 and 17 (for example in Finland, where a new monitoring obligation has been introduced). In addition, although not substantive, minor changes have also been identified in the definition of certain concepts in Denmark and Finland, and the monitoring system in Cyprus, Germany and Estonia.

Finally, it should be mentioned that changes regarding financing obligations have taken place in certain countries (DE, ES, PT, RO, SE). Although those changes do not relate to the direct transposition of Articles 16 and 17 of the 2010 AVMSD, further information is provided in the present analysis with the aim of presenting other obligations applicable to television broadcasters.

3.2.1 Requirements

Articles 16 and 17 of the 2010 AVMSD laid down different requirements to be met regarding the promotion of European works:

- 1) Requirements regarding the majority proportion of European works (Article 16((1) AVMSD);
- 2) Requirements regarding the share of transmission time or programming budget for independent production and recent work (Article 17 AVMSD);
- 3) Requirements regarding a direct financial contribution for European works (Article 17 AVMSD).

Furthermore, this section also presents other relevant requirements identified at national level which do not derive from Articles 16 and 17 of the 2010 AVMSD, such as:

- Language requirements/original production language (see also recital 78 of 2010 AVMSD),
- Measures to encourage broadcasters to include an adequate share of co-produced European works or of European works of non-domestic origin (see also recital 70 of 2010 AVMSD),

²³ For instance, Decision of the CNA 664 of 25.06.2019 and Decision of the CNA 657 of 25.06.2019.

- Indirect financial contributions, such as film funds to which broadcasters are required to contribute.

3.2.2 Majority proportion of European works

In relation to the majority proportion of European works, four countries (FI, IS, IT and PL) introduced changes between 2015 and 2019. It should be noted that in Finland the wording of the national measure was amended slightly but no changes were made to the substance of such requirements. In Iceland, Italy and Poland relevant changes have been observed. Iceland has raised the proportion of TV content from the Nordic countries, requiring the public service provider to increase it to 7.5%. In Poland, exceptions to the rule setting the proportion of European works were introduced under certain circumstances. A newly introduced article establishes that, upon the request of broadcasters transmitting exclusively in an information and communication technology system, lower percentages may be determined taking into consideration the number of viewers and the coverage of the service, as well as the broadcaster's ability to implement the obligations imposed. Accordingly, under specific circumstances and for certain broadcasters, percentages can be lower than 50%.

Lastly, in Italy, the requirements for the promotion of European works applicable to broadcasters have been completely reformed. In particular, under the 2017 Franceschini Decree, broadcasters shall reserve a majority proportion of their qualifying hours (the overall amount of broadcasting hours and hour fractions, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping) for European works. The quota should be increased progressively to 53% as of 1 July 2019. As of 1 July 2019, private broadcasters shall reserve a sub-quota of at least one third of the quota for European works for works of original Italian expression. The percentage shall be increased to 50% for the public broadcaster (RAI). During prime time (18.00-23.00), private broadcasters shall reserve a sub-quota of 6% for cinematographic works, fiction, animation, original documentaries or other works of high cultural or scientific content of Italian origin; for the public broadcaster this sub-quota shall amount to 12%, half of which is reserved to cinematographic works only.

3.2.3 Share for independent production and recent works

With regard to the share of transmission time or programming budget allocated to independent production, including requirements for recent works, only two countries (IS and IT) introduced amendments between 2015 and 2019.

In Iceland, new obligations were introduced with regard to independent producers. The public broadcaster shall buy content from or co-produce content with independent producers of TV series, movies and documentaries for an amount corresponding to at least 8% of its total revenue in 2017, 9% in 2018 and 11% in 2019.

In Italy, as previously mentioned, the requirements applicable to broadcasters for the promotion of European works have been completely revised and, therefore, the share of transmission time and the requirements for recent works have also been amended.

The new provisions require private broadcasters to reserve at least 10% of their net annual revenues for the pre-purchase and purchase of independent European works. This percentage shall be increased to 12.5% (5/6 of which is for independent producers) as of 2019. Private broadcasters shall also reserve, within the quota above, a specific sub-quota of 3.2% of their net annual revenues for cinematographic works of original Italian expression. This percentage shall be increased to 3.5% as of 2019. The public broadcaster RAI shall allocate to the pre-purchase, purchase or production of European independent works a quota of not less than 15% of the overall annual revenues. This percentage shall be increased to 18.5% (5/6 of which is for independent producers) as of 2019. The public broadcaster shall also reserve, within the quota for European works, a specific sub-quota of 3.6% for cinematographic works of original Italian expression. This percentage shall be increased to 4% as of 2019.

Moreover, the public broadcaster shall reserve not less than 5% of the quota for European works to independent animation works intended for children's education. Private broadcasters no longer have to comply with a specific quota obligation for European works, being simply required to "reserve the majority of time to European works". In addition, during prime time (18.00-23.00), only public broadcasters are required to reserve a sub-quota of 12% for cinematographic works, fiction, animation, original documentaries or other works of high cultural or scientific content of Italian origin, with at least 1/4 of such quota allocated to cinematographic works.

Private broadcasters shall reserve a 10% quota of their net annual revenues to the pre-purchase, purchase or production of European works, to be allocated only to independent works. Half of this quota shall be reserved to cinematographic works of original Italian expression produced during the last five years. Private broadcasters shall reserve, within the investment quota for European independent works, a specific sub-quota of 3.2% for Italian cinematographic works by independent producers. Moreover, 75% of this quota shall be reserved to works produced in the last five years. The public broadcaster shall reserve a 15% quota of net annual revenues to the pre-purchase, purchase or production of European works, to be allocated only to independent works. Half of this quota shall be reserved to cinematographic works of original Italian expression produced in the last five years. The public broadcaster shall reserve, within the investment quota for European independent works, a specific sub-quota of 3.6% for Italian cinematographic works by independent producers. In addition, 85% of this quota shall be reserved to co-production or pre-purchase of Italian cinematographic works. The public broadcaster shall additionally reserve, within the quota for European independent works, a sub-quota of 7% to independent works specifically for children, 65% of which for animation works.

3.2.4 Direct and/or indirect financial contributions

In the field of direct and/or indirect financial contributions, four countries (BE²⁴, NL, FR, and IT) amended investment obligations during this period.

In Belgium (nl), the 2012–2016 management contract ((in force until the end of 2015) required the public broadcaster to subcontract at least 25% of its television budget to independent producers. Nonetheless, in the 2016-2020 management contract, the previous obligation was replaced by an obligation to invest a minimum of 15% of its total income in external production. In the Netherlands, the new performance agreement for the period 2017-2020 between the government and the Dutch Public Broadcasting Foundation (NPO) states that the NPO shall spend EUR 16,600,000 yearly on high quality Dutch drama, documentaries and talent development. In France, a new requirement was introduced regarding investment in the development of production of French-language audiovisual works. Specifically, since 2015, original French-language audiovisual works have to cover at least 85% of the share of the investment of 1) providers of services partly financed by payment from the users; 2) thematic broadcasters focused on cinema; and 3) providers of services not distributed via DTT. Finally, in Italy the financial requirements applicable to broadcasters were completely revised (see further information about those requirements in Annex II, Table 9).

In addition, though not related to the direct transposition of Articles 16 and 17 of the 2010 AVMSD, other changes regarding the financial obligations applicable to broadcasters have also been identified across the countries. For instance, in Sweden, broadcasters were previously obliged to contribute to a film fund; however, film funding via this agreement was abolished in 2016, and film policy and funding have since been managed directly at governmental level. In Germany, the film levy applicable to broadcasters has been modified. For public television broadcasters, the film levy is calculated based on expenditure on the broadcasting of feature films, amounting to 3% of these costs. Private television broadcasters with free-to-air programmes pay a film levy on their net advertising revenues. The film levy is between 0.15% and 0.95% and depends on the proportion of feature films in the total broadcasting time. Broadcasters/programme providers offering no or only a small proportion of feature films or whose total net sales with these offers is less than EUR 750,000 are exempt from payment of the film levy. In Portugal, the change relates to a new obligation for broadcasters to invest in the promotion and development of cinematographic art and the audiovisual sector, which may include the acquisition of rights for the broadcast, transmission and making available of European creative works.

In Spain a new measure developing the legal regime concerning the annual pre-financing obligation for the production of European audiovisual works was introduced in 2015. However, this measure does not affect any of the requirements under Articles 16 and 17 of the 2010 AVMSD. Finally, in Romania, an emergency government ordinance reforming the funds allocated from the Cinematographic Fund was introduced in 2016 and abolished by the Parliament in 2017. However, the provisions regarding quotas for contributions and categories remained similar even while the emergency ordinance was in force.

²⁴ Flemish Community.

3.2.5 Other requirements

Seven countries (EL, IS, HR, IT, LV, PL and RO) have introduced changes with regard to other requirements:

- Language requirements: Greece and Iceland have introduced new language requirements. In Greece, Greek shall explicitly be the basic language of television programmes and Greek series should be broadcast for at least 10 hours a month; in Iceland the proportion of TV content in the English language shall be reduced to 5%. Slight amendments with no impact on the essence of the national measure for language requirements have also been presented in Romania.
- Requirements for the increased share of European works: in Croatia, new measures have been introduced setting out the criteria and manner for increasing the share of European works by independent producers. In particular, there is a new specification for the required increase in share for audiovisual media service providers who have been granted a concession / permission for satellite, internet, and cable transmission on the basis of a programme in which the share of European works is more than 20% and less than 51%. They must increase their share in the next four years. The new specifications require that the increase is carried out in such a way that, over a four-year period, the provider must achieve a majority share of European works in its programme, thereby successively increasing the share each year by at least 10%. There is also a new specification for the required increase in share for audiovisual media service providers who have been granted a concession / permission for satellite, internet and cable transmission under a programme scheme in which the share of European audiovisual works from independent producers is below 10%. Such providers must achieve this share in the next four years. The new specification states that the audiovisual media service provider shall make this increase in such a way that, by the end of the four-year period, it reaches the prescribed share of European audiovisual works by independent producers in its programme, successively increasing the share by at least 2.5% each year.
- Requirements for the categorisation of television broadcasts: in Latvia, the legislative changes introduce a new possibility for exceptions regarding the categorisation of television broadcasts. Specifically, the national measure now states that a television broadcast in a foreign language, if it is dubbed or has a voice-over in the official language, shall also be deemed to be a broadcast in the official language, unless otherwise provided for in external law.
- Requirements regarding lower share of transmission time: in Poland the legislative changes allow a reduction in the share of transmission time under certain circumstances.

Lastly, as previously mentioned, Italy has completely reformed the requirements applicable to broadcasters in relation to the promotion of EU works (see further information about those requirements in Annex II, Table 9).

3.2.6 Other measures to encourage broadcasters

In terms of other measures to encourage broadcasters to include an adequate share of co-produced European works or of European works of non-domestic origin,²⁵ only one country (IS) introduced legislative changes between 2015 and 2019. Iceland introduced a new requirement which establishes an obligation for the public broadcaster to buy content from or co-produce content with independent producers of TV series, movies and documentaries. More specifically, the public broadcaster RÚV shall buy content from or co-produce content with independent producers of TV series, movies and documentaries for an amount corresponding to at least 8% of its total revenue in 2017, 9% in 2018 and 11% in 2019.

²⁵ For the purposes of this study, the domestic European works are defined as qualifying European works that are produced by the same country as that in which the work is scheduled for broadcasting in the EPG data or, depending on the availability of metadata, that has among its producers, companies originating from the same country as that in which it was scheduled for broadcasting. Conversely, non-domestic European works are those European productions in which the country of production or the countries of origin of the production companies differ from the country in which the production has been scheduled for broadcasting.

3.2.7 Definitions and interpretation of relevant concepts

The following concepts are essential for the interpretation and implementation of the obligations set out in Articles 16 and 17 of the AVMSD:

- Independent producer;
- Where practicable;
- Total qualifying hours.

Independent producer

The findings show that one country (EL) has introduced a new definition. In Greece there was no definition of “independent producer” before 2017. After 2017, an independent producer of audiovisual works in Greece is a producer with the following characteristics: he or she does not have a 25% or higher participation in a television organisation, no television organisation has a 25% or higher participation in their productions, the number of programmes provided by the independent producer in the same television organisation does not exceed 70% of the total annual programmes produced by that television organisation, and the producer retains the ownership of the secondary rights over the programmes provided to the television organisation.

Three countries (FR, IT and SK) have amended the previous definition. Contrary to the situation before 2015, in France a producer can now be considered as independent even if the broadcaster directly or indirectly holds producer shares, and has financed at least 70% of the production estimate of the work annexed to the co-production contract, when a number of conditions are fulfilled.

In Italy and Slovakia, the definition of independent producer was replaced by a new definition. Specifically, independent producers in Italy are now defined as *European communication operators*, carrying out audiovisual production activities, that are neither subsidiaries nor related companies of broadcasters subject to Italian jurisdiction and, alternatively: 1) do not reserve, over a three-year timeframe, more than 90% of their production for the same broadcaster; or 2) hold secondary rights. Holding secondary rights is an addition to the previous definition, which was based only on the criteria of ownership and programme supply. The definition shall also include all the production and co-production activities, including those carried out together with broadcasters, of audiovisual works or parts of audiovisual works, including those activities related to the Italian edition of these audiovisual works. The definition shall also include works produced on behalf of third parties (further details are laid down in Annex II, Table 9).

In Slovakia, the previous definition of independent producer has been simplified. An independent producer is now defined as the producer of audiovisual works, registered in the list of independent producers, who meets the following conditions: a) he/she is not a broadcaster; b) he/she is not personally or materially connected with a broadcaster and c) the run-time of the audiovisual works originally produced by an independent producer for television broadcasting by a single television broadcaster does not represent more than 90% of the total run-time of the audiovisual works, including cinematographic works produced by him/her. An independent producer is also the producer of audiovisual works who is not personally or commercially connected with the broadcaster and is deemed to be an independent producer in one of the EU Member States or in one of the European States which is a contractual party to the European Convention on Transfrontier Television.

Total qualifying hours

The definition of “total qualifying hours” has been modified in three countries (DK, FI and IT). In Denmark, the word “advert” has been added to the definition of total qualifying hours (i.e., more than half of the broadcast time, which does not consist of news, sporting events, competitions, *advert*s and teletext, must be devoted to European programmes). In Finland, minor wording differences were included in the definition, but the slightly different terminology does not appear to have a material impact and does not change the substance of the definition. In addition, Italy slightly reformulated the definition of “total qualifying hours”, adding the “hour fractions”. However, the different wording does not materially affect the definition as such.

Where practicable

Finally, it should be noted that no legislative changes with regard to the concept of “where practicable” were observed from 2015 to 2019 in any of these countries.

3.2.8 Monitoring system and sanctions

Nine countries (CY, DE, EE, FI, HR, HU, IT, NL and RO) introduced legislative changes with regard to the monitoring system. In six countries (DE, FI, HU, IT, RO and NL) new or more detailed monitoring requirements were introduced.

In the case of Germany, slightly more detailed requirements were introduced for the content of the reports submitted by the public service broadcasters. The annual reports produced by the public service broadcasting corporations combined in the ARD, ZDF and Deutschlandradio also need to show the scope of co-productions with companies dependent and independent of them under company law.

Finland introduced a new monitoring obligation to the effect that, if a television broadcaster's programming does not achieve the required quota for the promotion of European works, the television broadcaster shall submit a statement of the reasons to the Ministry of Transport and Communications and, upon request, an action plan for complying with the required quota.

Before 2019, Hungary had an identical monitoring system for both linear and on-demand media service providers. However, since 1 August 2019, a specific system has been applicable to linear media service providers. In particular, this change introduced a different reporting deadline for linear media service providers (i.e., data must be provided to the Media Council on a monthly basis, by the last day of the month following the month in question).

The reporting requirements in the Netherlands have been broadened and now ensure that regional public and commercial media institutions are also captured by the reporting obligations.

In Romania, monitoring increased in practice in 2019, when the CNA's European Regulations Bureau presented a report for the period from 1 January 2015 to 31 December 2018, based on which the CNA took action against a series of national and regional broadcasters for failing to submit the half-yearly report on European and independent quotas to the CNA, in breach of Article 88 of the Decision of the CNA 220/2011. The sanctions consisted mostly in obliging the broadcasters to broadcast a public message about the received warning.

In two countries (EE and IT), the legislative changes relate to the monitoring authority. Estonia has established a new monitoring authority (Consumer Protection and Technical Regulatory Authority) through the merger of two authorities, while in Italy the competences of the relevant authority have been extended. More specifically, in Italy AGCOM shall monitor the respect of the obligations concerning European and independent works and shall establish its modalities with a regulation: when a broadcaster does not respect the quotas established in the code, a maximum of 15% of these quotas can be recovered in the following year, together with the obligations of that year. Every year, the authority notifies each broadcaster of the achievement of the mandatory quotas or the amount of the quotas to be recovered within the following year.

In Croatia certain exceptions within the monitoring system have been introduced for specific providers. In particular, there is an exemption for audiovisual media service providers with a share of 0.3% or less in the previous year, and who request the Electronic Media Council to exempt them from the duty to submit data on European works and European works of independent producers.

Changes identified in Cyprus aim to reflect amendments to other articles in the relevant national measure (i.e., there has been an update of the references to certain national provisions which have been amended).

Finally, legislative changes in the measures establishing sanctions for non-compliance with the requirements of Articles 16 and 17 of the AVMSD were observed in two countries (CY and IT). In Cyprus, the changes are not substantive, since they relate to the updated references to provisions which have been amended. However, a substantive change has occurred in Italy, providing for fines in the event of infringement of the programming and investment requirements for European works and works of independent producers.

3.3 Legislative changes in relation to on-demand audiovisual media services (non-linear services)

Since 1989, when the Television Without Frontiers (TWF) Directive first defined a set of rules for television broadcasting in the EU, several changes have taken place. Audiovisual content is no longer transmitted on a one-to-many basis only, but also on demand as a one-to-one service. The digitisation of information, the increase in transmission bandwidth, and the development of new distribution platforms rendered the old

technology-based approach to identifying media services obsolete. In this context, the scope of the AVMS Directive was extended to on-demand services in 2007. Subsequently the Directive was further revised and consolidated into 2010 AVMSD.

Article 13 of the 2010 AVMSD requires Member States to ensure that on-demand media service providers under their jurisdiction promote “where practicable and by appropriate means”, the production of and access to European works. The 2010 AVMSD offers some suggestions as to how this promotion could be achieved, in particular through financial contribution to the production and rights acquisition of European works, a minimum share of European works in video-on-demand catalogues, or the attractive presentation of European works in electronic programme guides²⁶. However, this is not an exhaustive list of measures, and on-demand service providers are not required to comply with any predetermined quotas. Nor does the 2010 AVMSD specify the content of these works, or the minimum investment required for each production. Nor is any clear definition of “prominence” is provided by the 2010 AVMSD and therefore the term is open to several possible meanings or interpretations.

Moreover, Article 13 states that Member States shall report to the Commission no later than 19 December 2011 and every 4 years thereafter on the implementation of paragraph 1 of Article 13. It is important to regularly re-examine the application of the provisions for the promotion of European works by audiovisual media services. Within the framework of the reports provided for under this Directive, Member States should also take into account, in particular, the financial contribution by such services to the production and rights acquisition of European works, the share of European works in the catalogue of audiovisual media services, and the actual consumption of European works offered by such services²⁷.

This section focuses on an analysis of the legislative changes identified from 1 January 2015 to 31 December 2019 in application of Article 13 of the 2010 AVMSD. The overall strategy has been to verify whether any amendments to the relevant national legislative frameworks were carried out during the period in terms of requirements for the promotion of European works by non-linear service providers laid down in the 2010 AVMSD, by comparing and contrasting the information collected (please see Annex II for further information).

To this end, Table 44 lists all the countries, specifying whether changes have been made to:

- 1) The legislative framework (i.e., the national legal measures implementing Article 13);
- 2) The implementation of the requirements established in Article 13;
- 3) The definitions and/or interpretation of relevant concepts laid down in Article 13;
- 4) The monitoring system for the application of the rules laid down in Article 13.

Table 6 - Overview of the legislative changes identified in relation to Article 13 of the 2010 AVMSD

Country	Legislative framework	Requirements	Definitions	Monitoring system
AT	No changes	No changes	No changes	No changes
BE (FR)	No changes	No changes	No changes	No changes
BE(NL)	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>
BG	No changes	No changes	No changes	No changes
CY	<u>Changes</u>	No changes	No changes	<u>Changes</u>
CZ	No changes	No changes	No changes	No changes
DE	<u>Changes</u>	<u>Changes</u>	No changes	No changes
DK	<u>Changes</u>	<u>Changes</u>	No changes	No changes
EE	<u>Changes</u>	No changes	No changes	<u>Changes</u>

²⁶ Recital 69 of 2010 AVMSD.

²⁷ Recital 69 of 2010 AVMSD.

Country	Legislative framework	Requirements	Definitions	Monitoring system
EL	<u>Changes</u>	No changes	No changes	No changes
ES	No changes	No changes	No changes	No changes
FI	<u>Changes</u>	No changes	No changes	No changes
FR	No changes	No changes	No changes	No changes
HR	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>
HU	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>
IE	No changes	No changes	No changes	No changes
IS	<u>Changes</u>	No changes	No changes	No changes
IT	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>	<u>Changes</u>
LT	No changes	No changes	No changes	No changes
LU	No changes	No changes	No changes	No changes
LV	No changes	No changes	No changes	No changes
MT	No changes	No changes	No changes	No changes
NL	<u>Changes</u>	No changes	No changes	<u>Changes</u>
NO	No changes	No changes	No changes	No changes
PL	No changes	No changes	No changes	No changes
PT	No changes	No changes	No changes	No changes
RO	No changes	No changes	No changes	No changes
SE	No changes	No changes	No changes	No changes
SI	No changes	No changes	No changes	No changes
SK	<u>Changes</u>	No changes	No changes	<u>Changes</u>
UK	No changes	No changes	No changes	No changes

Source: Authors

Legislative changes affecting the implementation of Article 13 of the 2010 AVMSD have been identified in thirteen countries (BE²⁸, CY, DE, DK, EE, EL, FI, HR, HU, IS, IT, NL and SK) between 2015 and 2019.

It should be noted that substantive reforms have taken place in four countries (BE (nl)²⁹, HR, HU and IT). Belgium (nl) has changed the regime applicable to the promotion of European works from the initial obligation to give due prominence to European works to a quota system and has imposed on VoD providers an obligation to either invest in own productions or co-productions, or, alternatively, to pay a levy to the Flemish audiovisual fund. Moreover, due to changes in the implementing measures of Article 13 of the AVMSD, since 2018 the legislation has no longer provided the “where practicable” flexibility. Moreover., the Flemish Media Regulator has been entrusted with competences to monitor compliance and impose sanctions in cases of breaches. In Croatia, a new measure setting out the criteria and manner for increasing the share of European works for VoD providers was introduced in 2015. This new measure has also changed the obligations under “promotion” and “where practicable” and, therefore, the interpretation of those concepts has also changed. In addition, certain exceptions for specific providers have been introduced with regard to the monitoring system. In Hungary, the required percentage of European works has been modified in order to meet the requirements of the 2010 AVMSD. Additionally, new flexibility exceptions were implemented in respect of a special category of on-demand media service providers (i.e. on-demand media service providers with low turnover or reaching a small audience) and the frequency of monitoring has been reduced to annually, after a period of monthly reporting. Lastly, in Italy, several legal acts have been introduced, bringing numerous changes to the applicable

²⁸ Flemish Community.

²⁹ Flemish Community.

requirements, as well as to the definitions of relevant concepts and the monitoring system applicable with regard to Article 13.

The findings also reveal that certain countries have introduced relevant changes regarding the requirements applicable to on-demand audiovisual media services (DK and DE). In Denmark, new rules for video on demand have been introduced by the Ministry of Culture, stating that the promotion of European programmes can be achieved by offering a high or rising percentage of European programmes in the directory of services offered by the provider. This was followed by certain recommendations regarding the promotion of European works. In Germany, public service broadcasters are now allowed to provide licensed feature films and television series on demand in their online catalogues for thirty days, as long as they are European works.

Significant changes in the monitoring system have taken place in two countries (SK and NL). In Slovakia a reporting obligation for VoD providers has been added. Specifically, on-demand audiovisual media service providers shall provide statistics on the share of European works. Similarly, the Netherlands has introduced an obligation for providers of on-demand commercial media services to report periodically to the Dutch Media Authority.

Although not substantive, minor changes have also been identified in four countries (CY, EE, EL and FI). In Cyprus, further details of the reporting obligations were introduced, whilst in Estonia there is a new monitoring authority created from the merger of two authorities. In Greece and Finland there have been slight textual amendments to the relevant measures, but these do not amount to actual changes in the requirements for VoD providers, the relevant definitions, or the monitoring system. Iceland has introduced a new measure/public service contract, which again introduces no significant changes.

Lastly, changes to financing obligations have taken place in certain countries. Although some changes do not relate to the direct transposition of Article 13 of the 2010 AVMSD, further information is provided in the present analysis with the aim of presenting other obligations applicable to VoD providers.

3.3.1 Requirements

Article 13(1) of the 2010 AVMSD set different requirements to be met for the promotion of European works:

- 1) Requirements for a financial contribution to the production of European works;
- 2) Requirements for quotas of European works;
- 3) Requirements for the prominence of European works.

This section also presents other requirements identified at national level (e.g., requirements include the promotion of independent productions, the promotion of recent European works, language requirements/original production language applicable to the share, prominence, financial contributions of VoDs, etc) and national measures to encourage VoDs to include an adequate share of co-produced European works or of European works of non-domestic origin.

3.3.2 Financial contributions to the production of European works

With regard to financial contributions to the production of European works, three countries (BE³⁰, DE, and IT) have introduced changes introducing new requirements or changes to existing requirements. Belgium (nl) introduced a new requirement on VoD providers either to invest in production or co-productions (direct contribution) or to pay a levy (indirect contribution). The level of the mandatory contribution was set by the implementing decision of 1 February 2019, corresponding to 2% of the turnover in the Flemish-speaking part of Belgium achieved during the second year before the year the contribution is due, or, alternatively, a lump sum of EUR 3,000,000 per year.

Italy has also introduced new requirements on VoD providers. The most important of these include an obligation to reserve a sub-quota of not less than 50% of the share and investment quotas to Italian original works, wherever produced, by independent producers, whereas on-demand audiovisual media services providers are bound to reserve a quota of 12.5% of their annual revenues. Moreover, the quota can be increased to a maximum of 20% for investment methods which are inconsistent with a balanced growth of the

³⁰ Flemish Community.

audiovisual system, and on the basis of specific criteria³¹. In addition, as from 1 July 2019, on-demand media service providers shall reserve a quota of 20% of their net annual income for the production, purchase or pre-purchase of rights to European works made by independent producers, within their catalogues, with particular attention to more recent works made in the last five years. A sub-quota of 50% shall be reserved to Italian original works, wherever produced.

Finally, Germany has proceeded with changes regarding the levy rate, the basis for measurements and the turnover threshold for VoD providers. VoD providers who distribute feature films against payment are now subject to a levy of 1.8% of their yearly turnover from the exploitation of feature films if that turnover exceeds EUR 500,000 per year (2.5% if that turnover exceeds EUR 20 million). The levy also applies to foreign VoD providers targeting the German public, as stated in the new German Film Law.

There are also a number of changes which do not relate to the transposition of Article 13 of the 2010 AVMSDAVMSD.

In France, since 1 January 2018, a 2% tax on the yearly turnover (increased to 10% when the transaction concerns pornographic or violent works) has been payable by VoD providers for making available services to the French public which give them access to audiovisual works, upon individual request and by means of an electronic communication process, whether or not the VoD provider is established in France (an abatement of 66% or EUR 100,000 applies to free services).

New requirements regarding the contribution for investment in national cinematographic works have been introduced in Portugal. The national measure specifies the revenues that are excluded from the 1% contribution for investment in national cinematographic works paid by VoD providers. The excluded revenues relate to works or activities with essentially advertising, news or political propaganda content, as well as those relating to pornographic works or attacks on the dignity of the human person or those that convey messages or in any way intentionally promote racism, xenophobia, violence or political and religious intolerance, or other values manifestly contrary to the fundamental rights and freedoms enshrined in the Portuguese Constitution.

Additionally, new requirements for contributions to the audiovisual fund have been introduced in Slovakia, where VoD services are now subject to a levy of 0.5% of the revenues generated by the service in the previous calendar year, to be paid to the audiovisual fund.

Lastly, in 2015 Spain introduced a new measure developing the legal regime concerning the annual pre-financing obligation for the production of European audiovisual works. However, this measure does not amend any of the requirements in respect of Article 13 of the 2010 AVMSD.

3.3.3 European works quotas

In respect of the requirements for quotas of European works, four Member States (BE (nl)³², HR, HU and IT) introduced modifications between 2015 and 2019. Belgium (nl) introduced a new percentage, requiring VoD providers to reserve 30% of the catalogue for European works. VoD services with a low turnover or a small audience and small and micro enterprises are exempt.

In Croatia, the catalogue of programmes of on-demand audiovisual media service providers must contain at least 20% European works. On-demand audiovisual media service providers that do not include at least 20% of European works in the programme catalogue must endeavour to promote the production of and access to European works, unless they use other ways and tools for promotion (e.g., by a financial contribution to production and acquisition of rights over European works or the quotas and/or prominence of European works in the catalogue of programmes offering on-demand audiovisual media services).

In Hungary at least 30% of the total length of the programmes made available in a given calendar year in the programme schedule of on-demand audiovisual media services shall be composed of European works, and at least 10% shall be composed of Hungarian works. The on-demand audiovisual media service provider shall ensure that European works are offered prominently in the programme.

³¹ These criteria are:

- 1) The on-demand service provider does not have a legal branch in Italy and employs less than 20 employees - increase up to 3%;
- 2) The provider does not reserve the required investment quota to independent producers — increase up to 4.5%.

³² Flemish Community.

Lastly, in Italy the 2017 “Franceschini Decree” introduced numerous changes. In particular, on-demand media service providers shall promote the production of and access to European works by respecting: transmission time requirements; a quota of 30% for European works produced in the last five years in their catalogue; investment requirements; and a quota of 20% for European works made by independent producers in the last five years.

3.3.4 Prominence of European works

Four Member States (BE (nl)³³, HR, HU and IT) have introduced amendments to the requirements for the prominence of European works. In particular, all four of these countries have introduced new requirements *per se* regarding the prominence of European works.

In Belgium (nl), VoD services have been required to ensure prominence of European works in their catalogue. In Croatia, on-demand audiovisual media service providers that do not include at least 20% of European works in the programme catalogue must endeavour to promote the production of and access to European works, unless they use other ways and tools of promotion (e.g., by a financial contribution to production and acquisition of rights to European works or the quotas and/or prominence of European works in the catalogue of programmes offering on-demand audiovisual media services). In Hungary, on-demand audiovisual media service providers shall ensure that European works are prominently offered. In Italy, on-demand media service providers are required to give prominence to European works in their catalogue. They are required to establish a dedicated section on the main access page to the catalogue, or a dedicated category, for European works, and they shall reserve a quota for European works in their advertisement campaigns.

3.3.5 Promotion of independent productions

Only two countries have introduced new requirements for the promotion of independent productions (BE³⁴ and IT). In Belgium (nl), the Flemish audiovisual fund must allocate the levy paid by VoD providers to independent, qualitative, Flemish co-produced series, whereas in Italy on-demand media service providers shall reserve a quota of 20% of their net annual income to the production, purchase or pre-purchase of rights to European works made by independent producers, within their catalogues, with particular attention to more recent works produced in the last five years. A sub-quota of 50% shall be reserved to Italian original works, wherever produced.

3.3.6 Promotion of recent European works

Only Italy has introduced new requirements for the promotion of recent European works. In particular, Italy now imposes a 30% share requirement for European works of the last five years, and investment obligations of 20% for European works, “with particular attention to most recent works, meaning works from the last five years”.

3.3.7 Other requirements

Legislative changes regarding other requirements have been identified in three countries (BE (nl)³⁵, DE and IT). In Belgium (nl), the previous requirements relating to Dutch-language European productions were abolished in 2018.

In Germany, new requirements for licensed feature films and television series on demand were introduced. Public service broadcasters are now allowed to provide licensed feature films and television series on demand for 30 days, as long as they are European works. Therefore, almost all of the on-demand films and television series (commissioned works as well as licensed) they provide are European works.

³³ Flemish Community.

³⁴ Flemish Community.

³⁵ Flemish Community.

Lastly, in Italy new language requirements are in place (i.e., a sub-quota of not less than 50% of the share and investment quotas shall be reserved to Italian original works, wherever produced).

3.3.8 Other measures to encourage promotion of European works by VoDs

Legislative changes to measures encouraging VoD providers to include an adequate share of co-produced European works or of European works of non-domestic origin have only been identified in one country (DK). Denmark has introduced new measures allowing the promotion of European programmes by offering a high or rising percentage of European programmes in the service directory offered by the provider. Providers that mainly have movies and TV series in their offer may in this way focus on the proportion of newer or award-winning European works, for example. Promotion through sub-headings for European programmes, search functions based on the country of origin of the programmes, the display of trailers, etc., is also recommended. Another recommendation is that European programmes can also be promoted through providers' financial contributions to European programme production, while the providers' costs in connection with the acquisition of rights to show European programmes can also be a contribution to promoting European programmes.

3.3.9 Definitions and interpretation of relevant concepts

The following concepts are essential for the interpretation and implementation of the obligations set out in Article 13 of the AVMSD:

- On-demand audiovisual media services;
- Where practicable;
- Prominence.

Legislative changes regarding the definition of these concepts have been identified in four countries (BE³⁶, HR, HU and IT). It is also worth noting that no regulatory framework in any country provides a general definition of what should be understood as “prominence”.

On-demand audiovisual media services

No legislative changes with regard to the concept of “on-demand audiovisual media services” have been observed from 2015 to 2019 across the countries.

Where practicable

As far as the “where practicable” definition is concerned, legislation in Belgium (nl) ceased to provide the “where practicable” flexibility in 2018, when the clause in the national legislation requiring non-linear broadcasters to promote European works “where practicable and by appropriate means” was abolished. Furthermore, the obligations under “promotion” and “where practicable” have been modified in Croatia and Hungary. In particular, in Croatia the concepts of “promotion” and “where practicable” are interpreted in terms of prescribed duties under an ordinance on the criteria and manner for increasing the quota of European works. Thus, it can be argued that the new ordinance introduced in 2015 alleviates the previous duty of on-demand service providers under the 2010 ordinance. Specifically, the 2010 Ordinance sets a duty to increase the share from 20% to 40% and no alternatives are specified in terms of promotion, though the main provisions of the Electronic Media Act on promotion obligations also apply. The 2015 Ordinance, sets a minimum 20% share. In Hungary, new flexibility exemptions were implemented in 2019 in respect of a special category of on-demand media service providers, namely those with low turnover or reaching a small public. Finally, in Italy, the “where practicable” clause is no longer in place and the main new feature is that the definition of “non-linear audiovisual media service provider” provides for stricter requirements, since providers now must respect both share and investment obligations.

³⁶ Flemish Community.

Prominence

As previously mentioned, no regulatory framework across the countries provides a definition of what should be understood as “prominence”. Nonetheless, although Italy included no exact definition in the national legislation between 2015 and 2019, new indications of how “prominence” should be achieved have been introduced. In addition, for example, to the requirements for shares and financial contributions, on-demand media service providers are now required to establish a dedicated section in the main access page to the catalogue, or a dedicated category, for European works, and shall reserve a quota of European works in their advertisement campaigns.

3.3.10 Monitoring system and sanctions

Eight countries (BE³⁷, CY, EE, HR, HU, IT, NL and SK) have introduced legislative changes with regard to the monitoring system in place to ensure compliance with the obligations laid down by Article 13 of the AVMSD.

In particular, new requirements and sanctions were introduced in Belgium (nl). VoD providers are now required, before 31 March of each year, to submit a report to the Flemish Media Regulator on how the obligations regarding European works (quota of 30%) were met. Sanctions in the event of breaches include warnings and administrative fines. In Cyprus, further details of the reporting obligation were provided. In particular, the relevant authority shall now send a report to the Commission on audiovisual media service providers under its jurisdiction, including the Cyprus Radio Foundation.

A new monitoring authority has been introduced in Estonia. The previous surveillance authority was the Technical Regulatory Authority. In 2019, it and the Consumer Protection Authority were merged to create the Consumer Protection and Technical Regulatory Authority, which is now responsible for surveillance and monitoring over the proper implementation of the rules on audiovisual media services.

In Croatia, new exemptions for certain providers have been introduced. In particular, an exemption from the duty to submit data on European works to the Electronic Media Council is available to audiovisual media service providers: 1) who had a share of 0.3% or less in the previous year; and 2) who apply for the exemption to the Electronic Media Council.

In Hungary, the frequency of monitoring has been downgraded to annually, after a period of monthly reporting.

In addition, in Italy, the relevant monitoring authority was granted an extension of its competences, and mandatory reporting was also introduced. In particular, when a VoD provider does not respect the quotas established, a maximum of 15% of these quotas can be recovered in the following year, together with the obligations of that year. Every year the authority notifies each VoD provider of the achievement of the mandatory quotas or the amount of quota to be recovered within the following year. Sanctions remain if the quota is not fulfilled within the following year. The authority presents an annual report to the Parliament on the performance of the promotion of European works by VoD providers.

New reporting obligations for VoD providers have also been introduced in the Netherlands, namely an obligation on providers of on-demand commercial media services to report periodically to the Dutch Media Authority on compliance with the 2019 policy rule for programme quotas, which replicates the obligation on on-demand media services under the Media Act.

In Slovakia, on-demand audiovisual media service providers explicitly have to provide documentation to the Council for Broadcasting and Retransmission regarding the share of European works in their provision of on-demand audiovisual media services.

Finally, new guidance documents in relation to monitoring were published in the United Kingdom. While these guidance documents do not constitute a change in the monitoring system, they guide VoD service providers in how to comply with the relevant rules during the period of transition of the regulatory powers from the TVoD to Ofcom as of 1 January 2016. Nevertheless, non substantial changes to the functioning of the monitoring system were made. With regards to sanctions, it is worth noting that in 2016 another document published by Ofcom also clarified the sanctions applicable, which were absent in the previous guidance documents. VoD service providers that contravened any of the relevant requirements may now be forced to cease providing, or restrict access to, a specified programme, or to programmes of a specified description, provide additional

³⁷ Flemish Community.

information to users of the service prior to the selection of a specified programme by the user for viewing, publish a correction in the form and place and at the time specified, and publish a statement of Ofcom's findings in the form and place and at the time specified. Ofcom may consider breaches of the Rules for the imposition of sanctions, including financial penalties.

4. Data reporting under Articles 13, 16 and 17 of the AVMSD

This section summarises the Member States' reports prepared and submitted by the National Regulatory Authorities (NRAs). NRAs were also asked to report on the state of play of the implementation of the AVMS Directive (Articles 13, 16 and 17) during the reference period (2015-2019). More specifically, NRAs were asked to report on the following:

- Articles 16 and 17, providing data on compliance with the two articles as well as information on which channels are exempt from the AVMSD rules (because of their low audience share) and therefore not subject to reporting;
- Monitoring methods used to check compliance with Articles 13, 16 and 17;
- Reasons given by Member States for failing to reach the quotas set in Articles 13, 16 and 17;
- Measures adopted or planned by the Member States to address non-compliance;
- Compliance with Article 13 and methods used to promote European works (share and/or prominence and/or financial contributions) foreseen in the national legislation transposing Article 13(1) of Directive 2010/13/EC for that period.

As regards linear service providers, NRAs were asked to complete a pre-filled list of channels established on the basis of the data available in the MAVISE database of the European Audiovisual Observatory. NRAs were instructed to fill two sheets: a 'TV Channels' sheet and an 'Exempted Channels' sheet (for the latter, justifications for exemptions were also required). For the reference period, NRAs were asked to report on:

- TV Channels
 - Name of the broadcaster/channel and type, with the possibility to choose between: generalist, fiction, cinema, children, documentaries, other;
 - European works (EW) as a percentage of total qualifying time³⁸;
 - European works made by independent producers (IP) as a percentage of total qualifying time³⁹;
 - Recent European works (RW) as a percentage of total European works made by independent producers (IP)⁴⁰.
- Exempted channels
 - Name and type, with the possibility to choose between: news, sports, games, advertising, teleshopping, teletext, other (justification was requested in this case);
 - Explanations and audience share (as % for channels exempted from the reporting obligation) and justification;

NRAs could insert additional rows to complete the list of channels.

For non-linear service providers, NRAs were asked to report on the application of Article 13 and more specifically on:

- VoD providers under the jurisdiction of the NRAs (a pre-filled list of VoD providers was provided to the NRAs on the basis of data available in the MAVISE database of European Audiovisual Observatory);

³⁸ NRAs were instructed to enter NO if the channel was non-operational, NC if no data is available or EX in the case of specific exemption for a given year, in accordance with the provisions of the Directive.

³⁹ NRAs were instructed to enter NO if the channel was non-operational, NC if no data is available or EX in the case of specific exemption for a given year.

⁴⁰ Idem

- Models: FVoD (free on demand), SVoD (subscription on demand), TVoD (transaction on demand), other;
- European works as a percentage of total titles for a given year. This captures the average proportion per 'national catalogue where available'⁴¹;
- Prominence methods used by VoDs;
- Financial contribution made by a given provider as a percentage of revenue or programme budget⁴².

The following chapters provide an overview on how and what data are reported under Articles 13, 16 and 17, based on the information reported by the Member States' NRAs, including exemptions, cases of non-compliance and measures taken to address these.

4.1 Linear service providers (Articles 16 & 17)

4.1.1 Monitoring requirements for linear services

All countries reported the presence of a monitoring system that ensures compliance with Articles 16 and 17. Most countries directly request broadcasters to report on the quota obligations. In Finland, linear service providers are required to report the data by completing a survey every two years (the questionnaire method is also used in Sweden). In Austria, broadcasters are required to report the data in writing on a yearly basis. In Croatia, linear service providers report data by completing the pre-defined Excel template circulated by the regulatory authority. For example, for European works, linear service providers report data on transmission date, programme title, country of origin of transmitted work, share of Croatian or European production in transmitted programme, and net transmission time of the work. A separate table is provided for reporting on Article 17 quota obligations, where service providers are required to report: transmission date, production date, title of the work, name of the independent producer of the transmitted work, country of origin of the transmitted work, and net transmission time of the work.

Other countries rely on service providers' self-declaration. This is the case in Hungary where the European quota is established through this method followed by a check of data veracity by the authority. Similarly, in Estonia, service providers self-declare the data but a deadline for reporting is imposed by the authorities (e.g. 15 February of every year).

Other countries do not rely solely on the data reported by the broadcasters, but run data checks in parallel. For instance, regulatory authorities in Cyprus randomly select two weeks in a year for verification purposes and compare their results with those reported by the providers.

The table below provides a country-level overview of the data reporting process as reported by the Member States.

Table 7 - Summary of the data reporting process in Member States

Data reporting process under Art 16 & 17	
Austria	Television broadcasters shall report in writing to the regulatory authority on the implementation of Sections 50 and 51 before 30 May of every year. The Austrian Communications Authority (KommAustria), acting as the regulatory authority, sends out a request to all the broadcasters concerned to provide the relevant data on a yearly basis.
Belgium - FR	Compliance with different European quota obligations is evaluated by the "Conseil Supérieur de l'Audiovisuel (CSA)" in the French Community of Belgium on the following basis: annual declaration by the publishers; communication of a one-week sample of programmes per quarter subsequently determined by the regulatory body, using a computerised spreadsheet and time-stamped and categorised data; control of the calculation methods; collation of the data with the published programme schedules and with the sample of picture programmes stored on a monitoring tool.

⁴¹ NRAs were instructed to enter NO if the service was non-operational, enter NC if no data was available.

⁴² Where this was the case, NRAs were asked to state whether the level imposed by national requirements was met

Data reporting process under Art 16 & 17

Belgium - NL	The various television service providers use different methods to collect data. The television broadcasting organisation of the Flemish Community (VRT) works on the basis of exact figures that are obtained via permanent measurement. The data registered in this way are checked internally and communicated to the Flemish Regulator for the Media.
Bulgaria	The Council for Electronic Media (CEM) draws up the reports for the share of European works and works by independent producers by annually requesting information from media service providers and summarising the data provided.
Croatia	Data reporting in Croatia is carried out by the Agency for Electronic Media, as follows: linear audiovisual media service broadcasters (television broadcasters) submit data on European works, European works of independent producers, and the cumulative annual transmission time by completing the templates in Excel files, shared by the regulator. The following data are reported by broadcasters on European works: transmission date, programme title, country of origin of transmitted work, share of Croatian or European production in transmitted programme, and net transmission time of the work. The broadcasters are required to enter the following data into the table of European works of independent producers: transmission date, production date, title of the work, name of the independent producer of the transmitted work, country of origin of the transmitted work, and net transmission time of the work.
Cyprus	The regulatory authority had randomly selected two weeks per year. Hence, the sample analysed consists of 14 days per year. The regulator had subsequently verified the data submitted by audiovisual media service providers for each channel in order to ensure the validity of the data.
Czechia	The Council uses the monitoring method outlined in Revised Guidelines for Monitoring the Application of Art 16 and 17 of the Audiovisual Media Services Directive
Denmark	The Agency for Culture and Palaces reaches out to all linear services, asking them to complete the Excel reporting sheet.
Estonia	Each year by the 15 February all audiovisual media service providers must submit a report on the previous calendar year which includes data on conformity with AVMSD's Articles 16 and 17. There is also an obligation to describe the technical solution that is used inside the company to keep track of and calculate all the necessary data. In addition, ECTRA uses regular planned monitoring activities to verify that the submitted data is correct.
Finland	Monitoring is via a survey which is sent to all channels every two years. The regulatory authority asks the broadcasters to provide the following data concerning each of the two years separately: annual transmission time, excluding the time allocated to advertising, teletext services and teleshopping; annual transmission time, excluding the time allocated to news, sports events, games, advertising, teletext services and teleshopping; annual transmission time of European works; annual transmission time of independent works; proportion of programmes produced by independent European producers that are produced within the past five years.
France	The method for calculating the distribution quotas for European works (directive quotas): the basis of calculation includes all broadcasters except news programmes, sporting events, games, advertising screens, teleshopping programmes and teletext services.
Germany	The state chancelleries of the Länder, coordinated by Rhineland-Palatinate, assess the fulfilment of the obligations. For the assessment, the state chancelleries request several reports from the public service broadcasters and from the Media Authorities for commercial broadcasters.
Greece	The Secretariat General for Communication and Media collects data from national, pay TV and regional channels which are then assessed by the Greek independent regulatory authority. Regular interactions with providers are undertaken during the data collection process
Hungary	Monitoring of the European quota is established by self-declaration in Hungary. The authenticity of the documentation is checked randomly. Media service providers submit the documentation of their programmes weekly
Ireland	A sample of 16 weeks of programme output for each reporting year is identified by the BAI for the purposes of reporting (a total of 32 weeks over two years). The weeks are spread across each season and are chosen randomly by the BAI. Using TAM/Nielsen data generated from Arianna, a list of programmes broadcast across these dates is generated. The list is sent to each eligible broadcaster and they are asked to identify whether the programme is European or non-European and whether it is an independent or non-independent programme. In addition, broadcasters are asked to

Data reporting process under Art 16 & 17

	<p>identify the programme genre with a view to identifying programme content (like teleshopping) that must be excluded from the calculation of European and independent works. The BAI then calculates the percentages of European and independent works based on the total sample size and the report from the broadcaster.</p>
Italy	<p>To monitor the actual application of Articles 16 and 17, AGCOM makes use of three monitoring methods: 1) firstly, data directly collected from the AVMS providers, who receive an annual request from AGCOM for information regarding the programming of European audiovisual works and the investments in European audiovisual works produced by independent producers. Broadcasters are requested to fill out a form to be returned every year by 30 September, so as to take account of the last balances. 2) In order to cross-check the fulfilment of programming obligations, AGCOM entrusts a specialised company, selected through a tender procedure, to monitor TV channels and to send it a monthly report. 3) Moreover, AGCOM cross-checks the information regarding the investment obligations received by broadcasters with the information AGCOM gathers internally in a database called the “Economic Information System”: every year all operators in the regulatory field are obliged to provide AGCOM with information regarding their budgets and balance sheets. Apart from this, AGCOM is entitled by law to send requests for information to whomsoever may hold relevant information and to conduct inspections, also with the support of the Finance Police.</p>
Latvia	<p>When issuing a broadcasting license to an electronic mass medium for a specific programme, the regulatory authority stipulates in the principal conditions of the broadcasting license that the quota of European audiovisual works in the programme must be at least 51%</p>
Lithuania	<p>Each year one week was selected for monitoring the proportion of European works. Monitoring was conducted manually by re-watching recordings of the channels for the selected week.</p>
Luxembourg	<p>In order to compile the data and information necessary for reporting, the Luxembourg authorities ask audiovisual media services providers to deliver the requested data and information. In the event of doubt about the information provided, the authorities may request further details or explanations.</p>
Malta	<p>The Broadcasting Authority requests media service providers to provide statistical data in relation to the implementation of Articles 16 & 17 (i.e. the promotion of European works).</p>
Netherlands	<p>In general, the monitoring system applied by the CvdM can be described a self-declaratory system. This means that the CvdM primarily relies on the information and data submitted by the media service providers. When the information is incomplete or incorrect, the CvdM will refer back to the service providers. In addition, the CvdM can perform random checks on all information and data submitted. The CvdM requests all broadcasters, public service providers as well as private providers to submit all relevant annual data on the European, independent and recent programmes broadcast over the previous year. Private channels and public regional channels are requested to report ad random over 1 week per 3 months, so 4 weeks in total.</p>
Poland	<p>At the end of each quarter, television broadcasters shall provide the regulator with reports and extracts from the record of broadcasting times for European works, European works produced by independent producers and the latest European programmes produced by independent producers.</p>
Portugal	<p>AVMS providers submit quarterly reports to the Portuguese Regulatory Authority (ERC). In order to verify the European nature of the works considered, the ERC uses an internal document, the ERC Classification Manual, as well as the EC implementing Guidelines. When some issues are unclear, the ERC asks AVMSD providers for clarification, which can include the ERC requesting the AVMSD provider to make corrections.</p>
Romania	<p>Monitoring the application of Articles 16 and 17 of the AVMSD is conducted by the NAC every 6 months; in-house, an average of 2 staff members conduct the monitoring which uses the same system for public and private broadcasters.</p>
Slovakia	<p>On request from the Council, broadcasters submit the information needed for checking up compliance with the duties related to their share of European works, which is: data on the percentage, number and duration of European works broadcast, their identification and identification of their producers; data on the percentage, number and duration of broadcast European works made by independent producers including identification of these works and their producers or documentation on spending from the programme budget for production or purchase of European works made by independent producers including identification of the producers; a list of broadcast European works made by independent producers, including the date of their creation.</p>

Data reporting process under Art 16 & 17

	Broadcaster shall be obliged to provide the Council with the data within 15 calendar days of the Council's request.
Slovenia	Each year by the end of February broadcasters of TV channels are required to provide the Communications Networks and Services Agency of the Republic of Slovenia (AKOS) with reports on the shares of European audiovisual works (EU works) achieved in the previous year. As a result of certain exceptions, this obligation does not apply to all TV channels. AKOS therefore publishes on its website an annual list of those broadcasters which are obliged to report on the shares achieved for each year.
Spain	The monitoring method consist of an in-house evaluation carried out annually which is compared with the estimations carried out by a third company, specialised in audiovisual market study.
Sweden	Data reporting in Sweden is carried out by the Swedish Press and Broadcasting Authority through the use of questionnaires.

Source: Member States, data reporting under Art 16 & 17

As illustrated in the table below, most countries collect data on a yearly basis while six countries provided no data on the periodicity of their reporting in either this or the previous monitoring exercise. In three countries data are reported every two years (Finland, Ireland and Netherlands) and in four countries data are reported every six or four months (Poland, Portugal, Slovakia and Romania). For verification of the data provided by linear service providers, most NRAs carry out these activities in-house. In Spain and Italy, more effort is given to the verification process as this is done both in-house and by external providers. In the former case, the monitoring method used by the National Commission of Markets and Competition consists of of an in-house evaluation carried out annually which is compared with external data. In particular, the monitoring system requires audiovisual media service providers to present a declaration explaining how they fulfilled their obligations under Articles 16 and 17. These accounts are then reviewed by independent auditors and eventually compared with the estimations carried out by a third company, specialised in audiovisual market studies. The monitoring process adopted by the Italian regulatory authority (AGCOM) consists of three steps:

1. Firstly, following a yearly request from AGCOM, service providers must report data about the programming of European audiovisual works and the investments in European audiovisual works produced by independent producers, following a specific form;
2. In order to cross-check the fulfilment of programming obligations, AGCOM entrusts a specialised company, selected through a tender procedure, to monitor TV channels. For the period covered by this study, Geca Italia S.r.l., an independent media research company, has conducted the analysis;
3. Moreover, AGCOM cross-checks the information on investment obligations received from broadcasters with the information they gather internally in a database called the "Economic Information System": every year all operators in the regulatory field are obliged to provide AGCOM with information regarding their budgets and balance sheets.

In addition, AGCOM is entitled by law to send requests for information to all who may hold relevant information and to conduct inspections, also with the support of the Finance Police department.

Table 8 - Periodicity

	Periodicity
Austria	Yearly
Belgium - FR	Yearly
Belgium - NL	Yearly
Bulgaria	Yearly
Croatia	Yearly
Cyprus	Yearly
Czechia	Yearly
Denmark	Not specified
Estonia	Yearly
Finland	Every two years
France	Yearly
Germany	Not specified
Greece	Not specified
Hungary	Monthly/Yearly
Ireland	Every two years
Italy	Yearly
Latvia	Yearly
Lithuania	Yearly
Luxembourg	Not specified
Malta	Not specified
Netherlands	Every two years
Poland	Every four months
Portugal	Every four months
Romania	Every six months
Slovakia	Every month
Slovenia	Yearly
Spain	Yearly
Sweden	Not specified

Source: Member States, data reporting under Art 16 & 17

Note: Some countries did not report data on periodicity and in these cases, we used the data from the previous reporting exercise, assuming that the situation remained unchanged (this is the case for Latvia and France)

4.1.2 Data reporting under Articles 16 & 17 of AVMSD

During the 2015-2019 reporting period, the total channels covered⁴³ increased from 2,362 in 2015 to 2,377 in 2019 (Figure 9 below covered channels, period 2015-2019). Spain has the highest number of covered channels in the 2015-2019 period (454 channels), followed by Hungary (413 channels period), Germany (275 channels period) and Czechia (153 channels period). The lowest numbers of covered channels were found in

⁴³ Covered channels: total number of channels identified minus the number of non-operational channels and the number of channels exempted from their reporting obligation (due to the nature of their programmes) or excluded channels (due to legal exceptions).

Malta (3 channels over the 2015-2019 period), Ireland (7 channels over the 2015-2019 period), Croatia (11 channels over the 2015-2019 period) and the French Community of Belgium (12 channels over the 2015-2019 period).

In most Member States, the number of TV channels has been stable in the five years under analysis, apart from Austria, where the number of covered channels has increased by 56% (from 27 in 2015 to 42 in 2019).

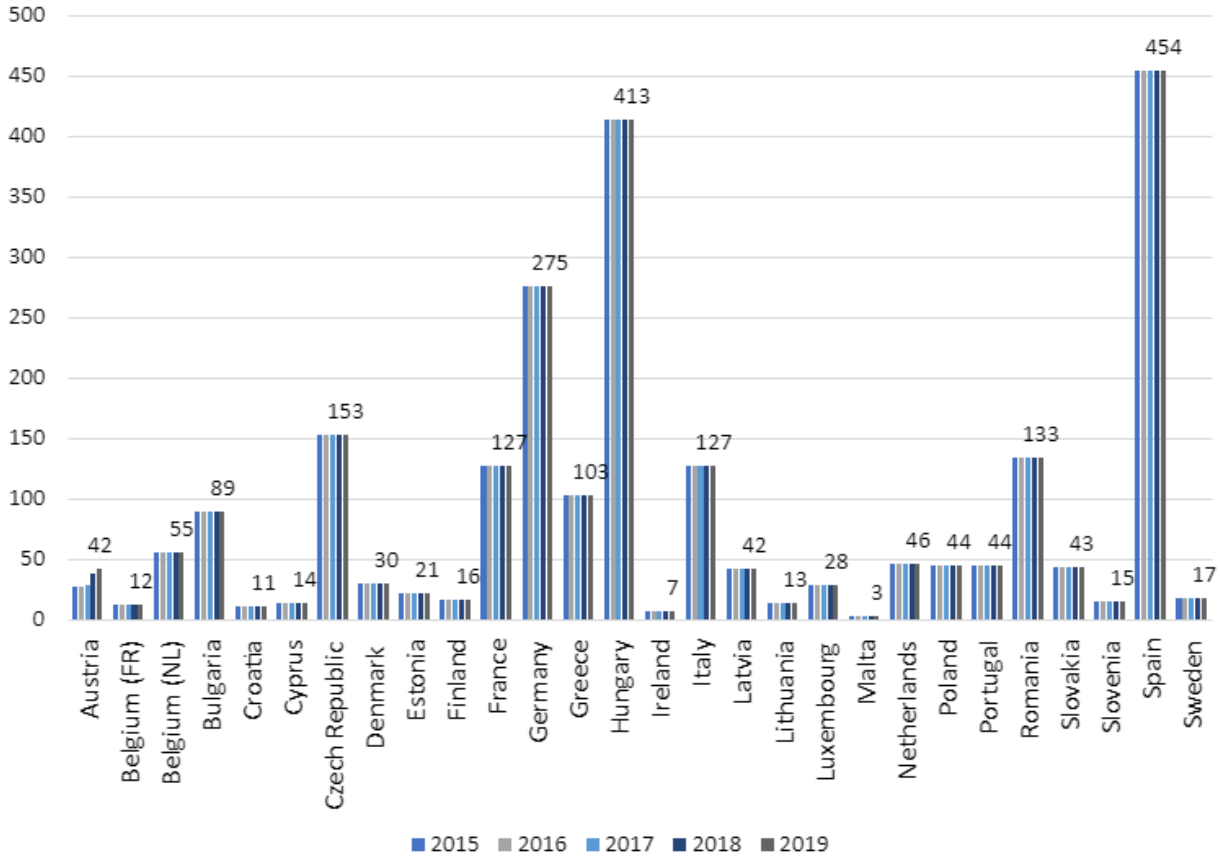


Figure 16 - Covered channels, period 2015-2019

Source: Member States, data reporting under Art 16 & 17

The data reported by the Member States were aggregated at country level.

Table 9 presents the consolidated results (simple average of the data received) for each Member State. It may be observed that:

- According to the Member States' reports, none had a share of European works below the quotas set. All Member States report that at least 50% of European works per channel, 10% of Independent Productions and 10% Recent Works have been reached;
- On average over the 2015-2019 period, Hungary displays the highest percentage of European works as percentages of total qualifying time (94.4%), while Czechia, Lithuania and Finland report the lowest percentages (52.1%, 57.8% and 58.7% respectively, on average over the 2015-2019 period);
- On average over the 2015-2019 period, Belgium (NL) reports the highest percentages of works made by independent producers (79.9%), while Greece and Italy exhibit the lowest (19.8% and 20.9% respectively, on average over the 2015-2019 period);
- On average over the 2015-2019 period, Belgium (NL) reports the highest percentages of recent European works as a percentage of total European works made by independent producers (87.5%), while Cyprus and Portugal report the lowest (17.3% and 19.3% respectively, on average over the 2015-2019 period).

The detailed tables presenting the country data are provided in Annex III.

Table 9 - Summary table – data reporting under Art. 16 & 17 (simple average)

Summary table - data reporting under Art. 16 & 17															
	2015			2016			2017			2018			2019		
Country	EW (%TQT)	IP (%TQT)	RW (%IP)	EW (%TQT)	IP (%TQT)	RW (%IP)	EW (%TQT)	IP (%TQT)	RW (%IP)	EW (%TQT)	IP (%TQT)	RW (%IP)	EW (%TQT)	IP (%TQT)	RW (%IP)
Austria	79.7%	47.0%	50.4%	80.9%	44.1%	50.3%	81.9%	47.2%	64.3%	82.7%	49.4%	74.3%	85.8%	55.0%	74.4%
Belgium (FR)	71.0%	27.7%	29.4%	74.1%	26.6%	27.0%	73.5%	27.5%	25.4%	70.0%	21.7%	25.6%	69.5%	38.0%	23.8%
Belgium (NL)	74.3%	78.3%	90.6%	68.3%	80.7%	85.3%	70.0%	80.4%	89.4%	69.1%	82.2%	86.7%	75.1%	78.0%	85.6%
Bulgaria	57.9%	23.9%	32.6%	65.5%	37.3%	30.4%	65.9%	30.3%	30.5%	61.1%	26.8%	37.3%	61.9%	26.9%	37.4%
Croatia	65.6%	33.6%	64.0%	67.0%	37.3%	59.9%	59.8%	34.0%	60.9%	65.3%	39.3%	57.0%	67.0%	40.9%	64.7%
Cyprus	73.3%	23.1%	17.6%	64.8%	24.9%	15.1%	72.6%	31.9%	22.0%	67.9%	28.6%	21.0%	70.1%	30.5%	20.7%
Czechia	53.8%	32.2%	62.0%	54.0%	32.6%	57.8%	50.0%	29.0%	60.1%	50.9%	31.9%	57.5%	51.6%	31.9%	55.5%
Denmark	84.4%	44.9%	50.2%	85.5%	44.1%	50.3%	86.8%	47.4%	53.9%	87.2%	48.1%	53.2%	87.8%	45.3%	51.7%
Estonia	63.9%	40.8%	NC	69.1%	46.8%	NC	71.1%	40.4%	NC	70.9%	48.0%	NC	68.9%	45.8%	NC
Finland	53.5%	30.7%	NC	57.1%	34.1%	NC	60.1%	38.9%	NC	60.3%	37.7%	NC	62.7%	37.8%	NC
France	71.2%	43.0%	62.9%	70.4%	39.5%	59.3%	69.5%	39.8%	64.4%	70.3%	43.4%	64.0%	70.2%	40.6%	65.4%
Germany	67.3%	42.4%	70.8%	68.2%	44.6%	66.5%	66.9%	44.1%	65.8%	67.6%	44.2%	68.8%	68.2%	44.9%	67.0%
Greece	75.8%	19.3%	46.7%	75.6%	18.6%	46.5%	74.0%	19.9%	49.5%	70.3%	20.4%	50.6%	72.0%	20.8%	51.4%
Hungary	94.8%	46.4%	80.2%	93.8%	25.4%	75.2%	93.4%	29.8%	77.8%	95.2%	31.9%	80.9%	94.7%	36.1%	81.8%
Ireland	72.1%	30.8%	39.3%	72.6%	33.6%	39.6%	76.3%	35.4%	26.5%	76.8%	35.3%	27.0%	NC	NC	NC
Italy	62.5%	17.3%	15.8%	64.2%	21.0%	20.8%	65.1%	21.9%	21.1%	64.0%	23.3%	22.1%	63.3%	21.1%	19.6%
Latvia	NC	NC	NC	61.5%	47.5%	64.5%	61.5%	52.0%	51.8%	64.1%	41.5%	69.0%	69.6%	60.6%	60.8%
Lithuania	55.6%	NC	NC	56.7%	NC	NC	71.0%	NC	NC	51.5%	NC	NC	54.2%	NC	NC
Luxembourg	68%	44%	48%	66%	44%	45%	69%	46%	43%	69%	48%	41%	68%	49%	42%
Malta	88.1%	54.0%	69.1%	87.5%	46.3%	63.7%	89.6%	45.8%	55.5%	90.8%	41.3%	55.3%	90.3%	47.0%	57.5%
Netherlands	64.3%	29.9%	83.6%	64.1%	25.5%	85.3%	62.9%	32.7%	90.4%	66.8%	29.7%	91.0%	96.7%	44.9%	75.0%
Poland	76.5%	42.5%	68.5%	76.5%	41.7%	67.2%	74.5%	39.5%	67.1%	74.9%	39.7%	69.5%	75.9%	40.6%	67.2%
Portugal	65.5%	28.3%	17.9%	65.0%	27.2%	16.1%	67.6%	29.0%	17.5%	70.9%	32.5%	17.8%	68.6%	32.3%	17.3%
Romania	75.8%	26.5%	62.9%	75.6%	38.3%	61.7%	75.5%	40.4%	61.6%	75.4%	44.6%	61.8%	78.5%	37.2%	56.9%
Slovakia	73.0%	35.7%	31.6%	77.1%	37.7%	33.6%	76.1%	38.9%	33.2%	76.0%	37.4%	36.8%	78.3%	38.3%	39.6%
Slovenia	69.9%	22.3%	56.2%	71.5%	26.8%	59.3%	77.6%	33.1%	57.5%	77.1%	27.9%	67.3%	71.5%	28.1%	67.1%
Spain	65.7%	42.5%	71.6%	65.4%	42.7%	63.6%	65.2%	39.8%	83.5%	68.5%	44.1%	58.8%	68.8%	45.2%	59.2%
Sweden	74.2%	50.5%	74.5%	74.9%	49.6%	74.6%	71.8%	43.0%	69.9%	72.0%	43.8%	69.5%	70.5%	45.1%	68.0%

Source: Member States, data reporting under Art 16 & 17

4.1.3 Application of Article 16 of AVMSD

This section provides an analysis of compliance with the obligation to broadcast, where practicable, a majority of European works as set out in Article 16 of the Directive.⁴⁴

According to the data reported by Member States, the EU average transmission time dedicated to European Works by all reported channels in the EU28 was 70.3% in 2015, 70.5% in 2016, 71.4% in 2017, 70.9% in 2018 and 72.6% in 2019. This indicates a generally stable level of reported European works with a slight increase in 2019 compared with 2015. These figures had increased significantly during the years prior to this period. In fact, the average transmission time dedicated to European works was 64.25% in 2013 and 63.72% in 2014. Moreover, all Member States did meet, on average, the required proportion of European works over the 2015-2019 reference period.

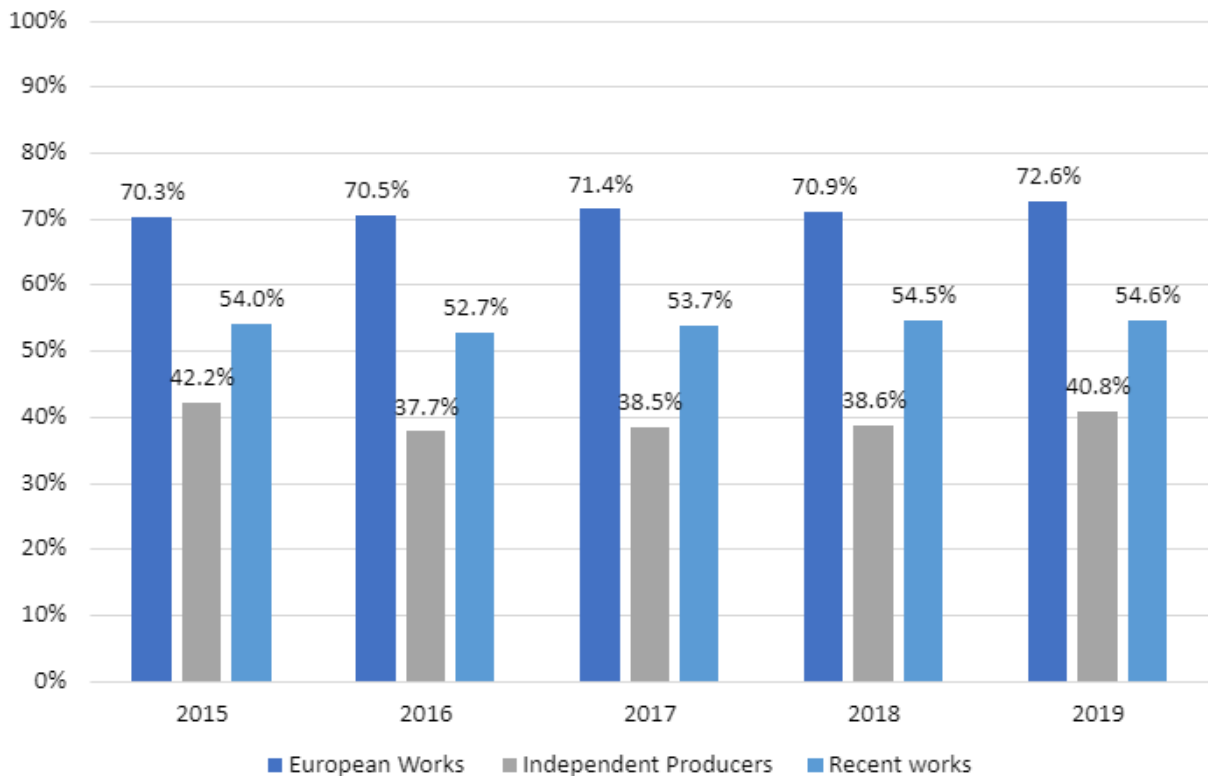


Figure 17 - Trends in the transmission time reserved for European works over the period 2015-2019

EU average compliance rates⁴⁵ for European works were stable overall over the reporting period, with 50% in 2015, 56% in 2016, 58% in 2017, 59% in 2018, and 57% in 2019. Note that these rates do not reflect the channels' achievement of the European works proportions set out in Article 16 because many countries reported channels with no data provided. For example, Spain has percentage data reported for only 10% of the channels reported.

However, while at country level the average qualifying time dedicated to European works is above the Article 16 quota, this does not apply to all channels individually. According to the data reported by Member States there were 219 channels that did not reach the 50% quota in 2015. This number fell to 210 in 2019. That represents 9% of all channels covered in the reporting. While in most countries the number of channels that do not reach the quota is very low (5% or less)), in the following countries a substantial share of channels fail

⁴⁴ According to Article 16, broadcasters shall 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.

⁴⁵ The compliance rate is obtained by determining the number of channels achieving the required proportions under Articles 16 and 17 and comparing these figures with the number of channels covered by Articles 16 and 17. The channels for which no data were communicated are considered non-compliant for the purpose of this indicator.

to reach so: Czechia (40%), Lithuania (38%), Portugal (30%), Bulgaria (29%) and Italy (24%). This information is shown in the figure below.

The number of channels that are not compliant with the 50% quota for European works in Czechia is primarily driven by several channels that are established in Czechia but target other EU countries out of the national context. These channels are AMC channels of different EU countries, Comedy central channels for different countries, HBO channels for different countries, MTV channels and Nickelodeon channels. In Lithuania on the other hand the high share of non-compliant channels is primarily due to channels for domestic audience. In Bulgaria the non-compliance is mainly driven by linear service providers that broadcast movies (e.g. action) or cartoons originating from the US or other non-EU markets (e.g. bTC Comedy, bTVCinema, Fox Life). In Portugal the non-compliance of several TV Cine channels means that the overall share of non-compliant channels is high. Finally, in Italy there is also a rather high number of non-compliant channels. This is due to different types of channels, several Premium channels do not meet the quota, several Sky Cinema channels are also in that situation.

The table below gives an overview of the number of channels that did not meet the quota for European works per country.

Table 10 - Number channels per country that did not meet the quota of 50% European works

European works					
	2015	2016	2017	2018	2019
Austria	4	4	4	4	4
Belgium (FR)	0	0	0	0	0
Belgium (NL)	11	13	11	14	10
Bulgaria	30	18	18	26	26
Croatia	3	2	4	3	2
Cyprus	2	3	2	2	3
Czechia	45	46	51	56	61
Denmark	1	1	1	1	1
Estonia	2	0	0	0	0
Finland	8	6	5	3	5
France	2	3	4	4	5
Germany	12	12	13	12	13
Greece	2	4	5	6	6
Hungary	1	2	4	2	2
Ireland	1	0	0	0	0
Italy	29	30	27	33	30
Latvia	0	1	2	1	0
Lithuania	3	3	0	3	5
Luxembourg	6	5	5	5	5
Malta	0	0	0	0	0
Netherlands	18	16	20	17	0
Poland	4	1	2	1	1
Portugal	12	12	12	11	13
Romania	6	5	6	6	2
Slovakia	2	1	1	2	2
Slovenia	1	2	0	0	0
Spain	12	12	12	11	11
Sweden	2	2	3	3	3
	219	204	212	226	210

Source: Member State reports

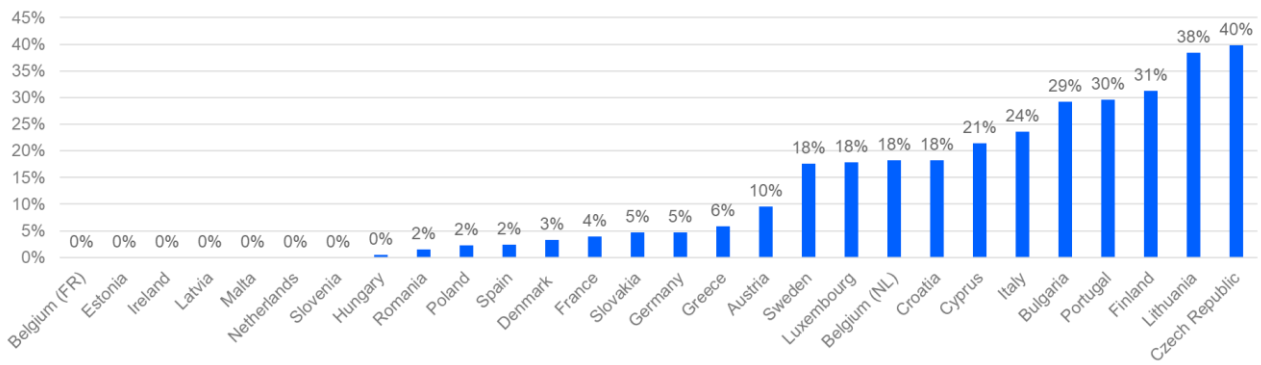


Figure 18 - Channels that do not meet the Article 16 quota as a share of total channels reported

Source: Member State reports

4.1.4 Application of Article 17 of AVMSD

This section presents the results achieved at European level as regards European works made by independent producers (i.e. "independent productions") as set out in Article 17⁴⁶.

The reported EU average transmission time dedicated to independent productions by all reported channels in the EU28 was 42.2% in 2015, 37.7% in 2016, 38.5% in 2017, 38.6% in 2018 and 40.8% in 2019. This indicates that transmission time decreased from 2015 to 2016, but then partially recovered the loss over the 2016-2019 period. Overall, it is still lower in 2019 than it was in 2015, but the upward trend suggests an eventual future increase that would bring the levels back to 2015 levels. In addition, it has increased since the years prior to this period. In fact, the average transmission time dedicated to independent productions was 35.28% in 2013 and 35.11% in 2014. Moreover, all Member States did meet, on average, the required proportion of independent European works over the 2015-2019 reference period.

EU-average compliance rates⁴⁷ for independent productions have increased slightly over the reporting period with 53% in 2015, 56% in 2016, 58% in 2017, 60% in 2018, and 55% in 2019. Note that these rates do not reflect the channels' achievement of the independent productions proportions set out in Article 16 because many countries reported channels with no data provided. For example, Spain has percentage data reported for only 10% of the channels reported.

While in total the share of qualifying time dedicated to independent productions, according to the Member States reports, is well above the 10% quota in each Member State, this is not the case at the level of specific channels. In 2015 there were 100 channels that did not meet the quota and there were 103 such channels in 2019. This represents 4% of the channels on which Member States reported.

The countries with the highest share of channels that do not meet the quota for independent productions are Bulgaria, Portugal, Denmark and Czechia.

⁴⁶ Article 17 establishes the obligation for broadcasters to reserve at least 10% of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters.

⁴⁷ The compliance rate is obtained by determining the number of channels achieving the required proportions under Articles 16 and 17 and comparing these figures with the number of channels covered by Articles 16 and 17. The channels for which no data were communicated are considered non-compliant for the purpose of this indicator.

Table 11 - Number of channels per country that did not meet the quota of 10% independent works

European works					
	2015	2016	2017	2018	2019
Austria	0	0	0	0	0
Belgium (FR)	0	0	0	0	0
Belgium (NL)	2	0	1	1	2
Bulgaria	22	11	14	22	21
Croatia	0	0	1	0	0
Cyprus	0	3	3	1	1
Czechia	11	17	16	20	19
Denmark	3	4	5	4	4
Estonia	0	0	0	0	0
Finland	0	0	1	0	0
France	5	4	7	4	12
Germany	4	4	7	6	4
Greece	10	13	13	13	10
Hungary	13	22	16	17	11
Ireland	0	0	0	0	0
Italy	0	0	0	0	0
Latvia	0	2	3	1	2
Lithuania	0	0	0	0	0
Luxembourg	0	0	0	0	0
Malta	0	0	0	0	0
Netherlands	5	8	2	2	0
Poland	0	0	0	0	0
Portugal	7	6	7	7	7
Romania	13	13	9	9	3
Slovakia	0	1	1	1	1
Slovenia	1	1	0	0	0
Spain	4	5	6	5	6
Sweden	0	0	0	0	0
	100	114	112	113	103

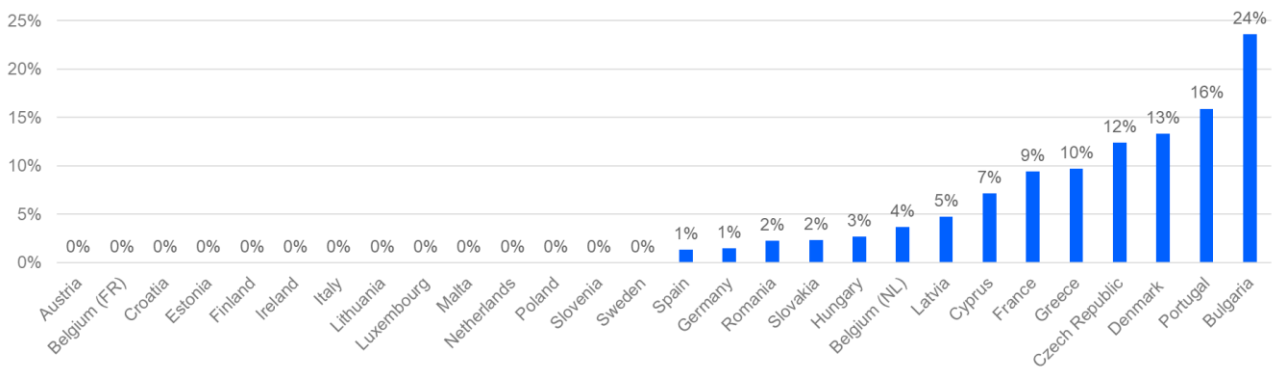


Figure 19 - Channels that do not meet the Article 17 AVMSD quota for independent productions as a share of total channels reported

The EU average transmission time dedicated to Recent Independent Works by all reported channels in the EU-27 was 54.0% in 2015, 52.7% in 2016, 53.7% in 2017, 54.5% in 2018 and 54.6% in 2019. This indicates that it decreased from 2015 to 2016, but then recovered the loss incurred and exceeded the levels of 2015 over the period 2016-2019. In addition, it has slightly increased from the years prior to this period. In fact, the average of transmission time dedicated to recent independent works was 55.22% in 2013 and 53.1% in 2014.

Three Member States have failed to report on the percentages of independent works (Ireland in 2019, Latvia in 2015, and Lithuania in 2015, 2016, 2017, 2018 and 2019). Five Member States did not report on the percentages of recent independent works during the period 2015-2019 (Estonia, Finland and Lithuania) and Ireland in 2019 and Latvia in 2015.

4.1.5 Exemption from the reporting obligation of channels

The Guidelines for Monitoring the Application of Articles 16 and 17 of the AVMSD issued by the Commission allowed exemptions from reporting obligations for channels with a very low audience share (below 0.3%). As was also highlighted in the previous monitoring report 2011-2014, the reason behind these exemptions is the flexible wording of the Articles 16 and 17 (“where practicable”) and the emergence of new and small channels. To note that this exemption applies only to the reporting obligation, and not to the obligation to comply with the mandatory quotas set out in the Directive and it can be granted by the competent national authorities. For this monitoring exercise, Bulgaria was the only country that did not report the exempted channels.

Several national authorities reported that they have granted such exemptions during the reference period. Different justifications were given for these exemptions: local and regional channels (e.g. Austria, Belgium or Sweden), sports or news channels (e.g. Austria, Italy or Latvia), below 0.3% audience channels (e.g. Austria, Germany or Poland), erotic channels (e.g. Estonia), religious content channels (e.g. Estonia), channels where programme decisions are made abroad (e.g. Finland), teleshopping channels (e.g. France, Malta or Spain) and channels with international coverage for countries outside Europe (e.g. Portugal).

Table 12 - Number of exempted channels

Number of exempted channels					
	2015	2016	2017	2018	2019
Austria	46	46	34	43	55
Belgium (FR)	27	27	27	27	27
Belgium (NL)	0	0	0	0	0
Bulgaria	NC	NC	NC	NC	NC
Croatia	118	118	118	118	118
Cyprus	13	13	13	13	13
Czechia	31	30	30	30	30
Denmark	66	66	66	66	66
Estonia	1	1	1	1	1
Finland	46	46	46	46	46
France	279	279	279	279	279
Germany	475	475	475	475	475
Greece	47	47	47	47	47
Hungary	23	23	23	23	23
Ireland	25	25	25	25	25
Italy	358	358	358	358	358
Latvia	0	0	0	0	0
Lithuania	27	27	27	27	27
Luxembourg	80	80	80	80	80
Malta	27	27	27	27	27
Netherlands	188	188	188	188	188
Poland	78	78	78	78	78
Portugal	22	22	22	22	22
Romania	177	177	177	177	177
Slovakia	117	117	117	117	117
Slovenia	77	77	77	77	77
Spain	479	479	479	479	479
Sweden	60	60	60	60	60

Source: Member States, data reporting under Articles 16 & 17

4.1.6 Reasons for non-compliance

Member States have provided reasons for non-compliance with the proportions required under Articles 16 and 17 of the Directive in their national reports.

The majority of Member States have identified cases of non-compliance with the mandatory shares set by the European Directive. In particular, having analysed the individual Member States' reports, it is roughly estimated that two-thirds of Member States have reported non-compliance with Article 16 for at least some channels, while over half of them reported such issues in respect of Article 17 (see below in Table 13)

The following paragraphs summarise the most recurrent reasons for non-compliance raised by the Member States:

- **Small channels**

A very common reason for non-compliance identified across different national reports refers to the small size of some channels (e.g. regional channels), which encountered difficulties in reaching quotas because of marginal ratings and smaller target audiences.

- **Thematic reasons**

Many national operators have reported a clear lack of European programming dedicated to audiences interested in specialised channels targeting culture, sport and children’s content. In this context, the example of France is quite explanatory. Indeed, the channels which do not respect the requirement for a majority proportion of European works do so mainly for format reasons: this is the case of channels which mainly broadcast African or Afro-American music, for example, and which seem to have more difficulties in acquiring works produced or co-produced in Europe that are intended for an African audience or one from Africa.

- **Competition with US products**

Several national broadcasters have encountered difficulties in competing with the huge volume of US programmes on the market, especially in terms of entertainment and music.

- **Cheaper content outside the EU**

Various Member States have reported difficulties in acquiring European produced or co-produced works because of their high prices, especially in comparison with non-European products.

It is also worth mentioning the specific case of **Slovenia**, as it represents a new situation compared with the previous report. The national broadcaster TV 3 Medias failed to reach the majority proportion of EU works in 2015 because the company was in a compulsory settlement. In 2016 the company was still in a compulsory settlement and in a poor financial position with limited autonomy for decision-making regarding costs, which made them unable to acquire EU works.

Another reason invoked for non-compliance refers to the fact that some newly established channels were not aware of the requirements set by the AVMSD. Moreover, some other channels devoted to very niche topics (e.g. religion or Japanese manga cartoons) could not find enough European content to reach the quotas.

Table 13 - Non-compliances identified during the reference period

Country	Art 16	Art 17
Austria	Yes	Yes
Belgium – FR	No	No
Belgium – NL	No	No
Bulgaria	Yes	Yes
Croatia	No	No
Cyprus	Yes	Yes
Czechia	No	Yes
Denmark	Yes	Yes
Estonia	Yes	No
Finland	Yes	Yes
France	Yes	Yes
Germany	Yes	Yes
Greece	Yes	Yes
Hungary	No	No
Ireland	Yes	No
Italy	Not specified	Not specified

Country	Art 16	Art 17
Latvia	No	No
Lithuania	Yes	Not specified
Luxembourg	No	No
Malta	No	No
Netherlands	Yes	Not specified
Poland	Yes	Yes
Portugal	Yes	Yes
Romania	Yes	Yes
Slovakia	Yes	Yes
Slovenia	Yes	Yes
Spain	No	No
Sweden	No	No

Source: Member States, data reporting under Articles 16 & 17

4.1.7 Measures adopted or planned to address cases of non-compliance

The data reported by the Member States shows that there are different approaches to addressing cases of non-compliance.

The majority of Member States have monitoring procedures which differ slightly case by case, including the issue of reminders (for example, Finland and Estonia), investigation procedures which request explanations for non-compliance (as in the case of the Belgian francophone authority and Slovenia) and eventually, if the infraction is perpetrated, the application of economic sanctions.

Portugal presents a different approach, which consists of providing constant guidance to operators, taking into consideration the difficulties in applying the rules.

In contrast two Member States clearly state that they directly implement sanction procedures in the event of non-compliance: Italy and Romania.

It is also worth mentioning the approach adopted by Greece, as it presents itself as an exception from Member States. In particular, Greek regional channels have been reported to have low revenues, which do not allow them to comply with European directives.

4.2 Non-linear service providers (Article 13 of AVMSD)

4.2.1 Monitoring requirements for non-linear services

Four Member States (Cyprus, Italy, Spain and Sweden) carry out in-house monitoring through their national regulatory authorities. The remaining Member States run the monitoring process solely by relying on the reports provided by national operators. These reports shall include statistics and data on conformity with AVMSD's Article 13. In most cases, this exercise is conducted yearly or every two years.

Two Member States (Denmark and Germany) have explicitly stated in their national reports that they do not monitor the fulfilment of obligations under Article 13 of the AVMS Directive by on-demand service providers. National operators under Maltese jurisdiction are exempted from the obligations of promotion of European works as set out in Article 13 of Directive 2010/13 based on their audience share and market relevance. Therefore, such obligations are deemed impracticable.

Another case worth mentioning is the Belgian francophone community, where compliance with the obligations set out in Article 13 is overseen by the regional regulatory authority, the Conseil supérieur de l'audiovisuel (CSA) as follows:

- The financial contribution is set by the CSA through a calculation which applies a percentage – up to 2.2% – on the declared turnover of the controlled year (article 41 of the Media Decree). The result of this calculation is transmitted to the French-speaking Community Film fund, which establishes the bill to be paid or to be invested in co-production schemes by the on-demand media service provider;
- As regards the prominence-related obligation, the CSA checks whether European works are effectively given prominence in the on-demand media service catalogue through combining several promotion techniques (see next section).

The table below provides a country-by-country overview of how the data reporting process was conducted during the reference period. Some countries reported that the same approach was used as for Art 16 & 17 (Croatia, Cyprus, Hungary, Italy, Latvia, Luxembourg, Poland, Slovenia, Spain and Sweden).

Table 14 - Summary of the data reporting process in the Member States

Data reporting process under Art 13	
Austria	The Austrian Communications Authority (KommAustria) is the regulatory authority in charge of monitoring and a request is sent annually to all the media service providers of on-demand audiovisual media services to provide the relevant data.
Belgium - FR	While Article 13 AVMS Directive does not impose any tool to promote EU works, as emphasised in the EC summary “Promotion of European works in Practice” (3 July 2014), compliance with these obligations is controlled by the CSA in terms of financial contribution and prominence-related obligations.
Belgium - NL	Programming in the Flemish Community of Belgium is only linear and the non-linear offer consists of catch-up services which can be used by viewers to watch the programmes at any time. Therefore, the data reporting and monitoring rules presented for Articles 16 & 17 also apply to Article 13 obligations. The Flemish regulator inserted no obligations for the non-linear service providers in the applicable provision in Article 157 of the Flemish Act on radio and television broadcasting (hereinafter the “Media Act”).
Bulgaria	The Council for Electronic Media draws up the reports for the share of European works, by annually requesting information from media service providers and summarising the data provided
Croatia	Same approach as for Art 16 & 17
Cyprus	Same approach as for Art 16 & 17
Czechia	The Council invites VoD service providers every calendar year to submit data on fulfilment of the obligation to promote European productions. The regulatory authority stated that verification of the submitted data is difficult.
Denmark	The Agency of Culture and Palaces does not monitor whether on-demand services fulfil the obligations established by Article 13 of the AVMS Directive.
Estonia	Each year by 15 February all audiovisual media service providers must submit a report on the previous calendar year which includes data on conformity with AVMSD’s Article 13. There is also an obligation to describe the technical solution that is used inside the company to keep track and calculate all the necessary data. ECTRA is also able to check all the files and documents related to the calculation if necessary. In addition, ECTRA uses regular planned monitoring activities to verify that submitted data is correct
Finland	Video-on-demand audiovisual service providers provide information biannually on how they have fulfilled their obligation to promote the production and distribution of European works with the help of financial contributions to productions, programme acquisitions, enhanced visibility of European works or similar means. There is however no share or specific obligation for prominence or limit for the financial contribution - any means of promotion counts.
France	For non-linear services, the figures in the table include those declared annually by these services in respect of compliance with the quotas of the Directive. They are calculated on the broadcasts of programmes from these services.
Germany	The Regulatory Authority did not report whether there is a process or system to monitor whether on-demand services are fulfilling the obligations set out by Article 13 of the AVMS Directive.
Greece	The data provided by the Secretariat General for Communication and Media is collected from pay TV stations and is then assessed by the Greek independent regulatory authority, the National Council for Radio and Television (NCRTV).

Data reporting process under Art 13	
Hungary	Same approach as for Art 16 & 17
Ireland	The Regulatory Authority did not report any process or system to monitor whether on-demand services fulfil the obligations set out by Article 13 of the AVMS Directive.
Italy	Same approach as for Art 16 & 17
Latvia	Same approach as for Art 16 & 17
Lithuania	During annual inspections each year VoD service providers were asked to provide relevant data. All VoD service providers, except Telia Lietuva and AB, have met the requirements.
Luxembourg	Same approach as for Art 16 & 17
Malta	No obligations or data reporting requirements
Netherlands	There is no minimum share of European works or financial contribution laid down by the 2008 Media Act. Every year the media service providers should measure and report to CvdM, which checks the data submitted.
Poland	Same approach as for Art 16 & 17
Portugal	The data related to Article 13 is collected from service providers at the request of the ERC, based on the number of titles of European works present in their catalogues. Based on the indicators of the ERC reports, the data collected is considered sufficient for the present objective, due to the early stage of development of the market in question.
Romania	VoD service providers submit an annual statistical report to the National Audiovisual Council (NAC). The method of calculation of the percentage of European works in catalogues is expressed in hours. The NAC does not foresee a verification mechanism for statistical reports submitted by on-demand service providers, mainly due to the high cost. For this reason, the Council relies solely on data submitted by VoD service providers without further control/systematic cross-checking and/or random controls.
Slovakia	The provider of an on-demand audiovisual media service shall be obliged, on request, to provide the Council with: statistics on European works; a list of information on European works that are included in the on-demand audiovisual media service of the provider, including information on the number and time range of titles that are European works, their identification and the identification of their producers and information on other measures taken to promote European works. The provider of on-demand audiovisual media service shall be obliged to provide the Council with the statistics and above-mentioned information within 15 days of the Council's request.
Slovenia	Same approach as for Art 16 & 17
Spain	Same approach as for Art 16 & 17
Sweden	Same approach as for Art 16 & 17

Source: Member States based on data reporting on Art 13

Most Member States carry out the monitoring exercise on a yearly basis (15 countries). Eight Member States do not mention any periodicity of checks and this could be due to the fact that they either do not have a monitoring system in place, or monitoring is carried out randomly. The table below offers a country-by-country overview of the periodicity of reporting in place. Regarding verification, most countries carry out checks internally, while only Italy and Spain both conduct in-house checks and make use of external providers to conduct parallel verifications.

Table 15 - Periodicity and verification systems

	Periodicity
Austria	Yearly
Belgium - FR	Monthly
Belgium - NL	Yearly
Bulgaria	Yearly
Croatia	Yearly
Cyprus	Yearly
Czechia	Yearly
Denmark	Not specified
Estonia	Yearly
Finland	Every two years
France	Yearly
Germany	Not specified
Greece	Not specified
Hungary	None
Ireland	Yearly
Italy	Yearly
Latvia	None
Lithuania	Yearly
Luxembourg	Not specified
Malta	Not specified
Netherlands	Not specified
Poland	Yearly
Portugal	Not specified
Romania	Yearly
Slovakia	Not specified
Slovenia	Yearly
Spain	Yearly
Sweden	Every two years

Source: Member States, data reporting under Art 13

Note: Some countries did not report data on periodicity and in these cases, we used the data from the previous reporting exercise, assuming that the situation remained unchanged (this is the case for Belgium – FR, Croatia, France, Hungary, Ireland and Latvia).

4.2.2 Data reporting under Article 13

Member States NRAs were asked to conduct the same data reporting exercise for on-demand service providers as they did for Art. 16 and 17 of the AVMSD. According to Art. 13 of the AVMS Directive, Member States shall report to the Commission every four years on its implementation, showcasing whether on-demand audiovisual media services provided by media service providers under their jurisdiction promoted the production of and access to European works (e.g. through financial contributions or share and/or prominence of European works in their catalogues).

Not all data reported by NRAs provided information about the number of on-demand services active in the 2015-2019 period. For instance, Germany and Ireland reported no data in relation to Article 13 obligations.

According to the information available, the number of on-demand services was estimated at 713 in 2015 (data from 25 countries), 847 in 2016 (data from 26 countries), 945 in 2017 (data from 26 countries), 999 in 2018 (data from 26 countries), and 1,030 in 2019 (data from 26 countries). Most countries reported the same number of on-demand services available, except Austria and Poland. Austria reported on average 181 on-demand services over the 2016-2019 period. Poland reported on average 142 on-demand services over the 2015-2019 period⁴⁸.

Austria had the highest number of on-demand services available in the period 2015-2019 (162 services in 2016, 170 in 2017, 213 in 2018, and 258 in 2019), followed by Poland (134 in 2016, 143 in 2017, 154 in 2018, and 138 in 2019), Spain (133 per year), Netherlands (92 per year), Czechia (77 per year), and France (75 per year). 14 Member States (Sweden, Lithuania, Italy, Denmark, Finland, Hungary, Croatia, Bulgaria, Romania, Cyprus, Portugal, Estonia, Latvia, and Slovenia) stated that the number of on-demand services was above 10 in 2019. The lowest numbers of on-demand services were found in Malta (2 services per year), Belgium (3 services in the French Community), Greece (5 services per year), Slovakia (7 services per year), Belgium (7 services in the Dutch Community), and Luxembourg (8 services per year).

However, for a large proportion of these VoD services Member States provided no data. Data on the share of European works were only provided for 560 VoD services out of the 1030 in 2019 (56%). For example, Estonia covered 10 VoD providers in its report but only included current of them data on the share of European works for two providers. For France, out, data was only provided for 31 of the 75 VoD services.. In most countries there is a significant share of VoD providers for which no data are included.

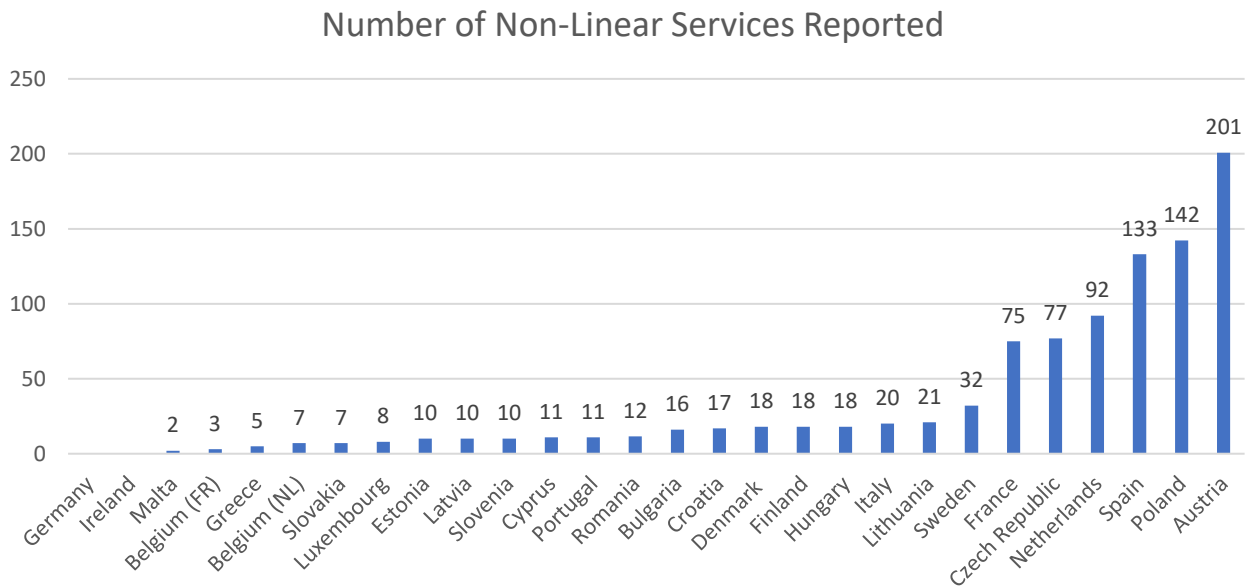


Figure 20 - Number of non-linear service providers by country in the reference period

Source: Member States, data reporting under Art 13

*Note that for Austria and Poland, the number in the graph is the average number of non-linear services reported across 2015-2019.

Since the previous monitoring exercise, there have been changes in the number of non-linear services reported during the 2015-2019 period. The four biggest positive increments were Austria (135 in 2014 to 201 on average across 2015-2019), followed by Poland (35 in 2014 to 142 on average across 2015-2019), Spain (15 in 2014 to 133 in 2019) and the Netherlands (22 in 2014 to 92 in 2019). On the other hand, Czechia reported 167 services in 2014, but only 77 in 2019. France followed the same path, with 114 in 2014 to 75 in 2019.

⁴⁸ Note that Belgium was counted twice since data was reported by the Flemish and the French communities separately.

Overall, 63% of VoD services reported included details about the type of VoD service (i.e. TVoD, SVoD, AVoD). By analysing the data available, it emerges that the most common type of service in the 2015-2019 period was SVoD (47%), followed by AVoD (27%) and TVoD (26%).

Figure 21 shows the trend in the distribution of European works in VoD services over the 2015-2019 period. The table presents an average across all countries and services covered in the reporting. However, considering the low number of non-linear service providers for which data was reported, the sample of countries and the methodology for data collection vary each year and the robustness of the data is limited.

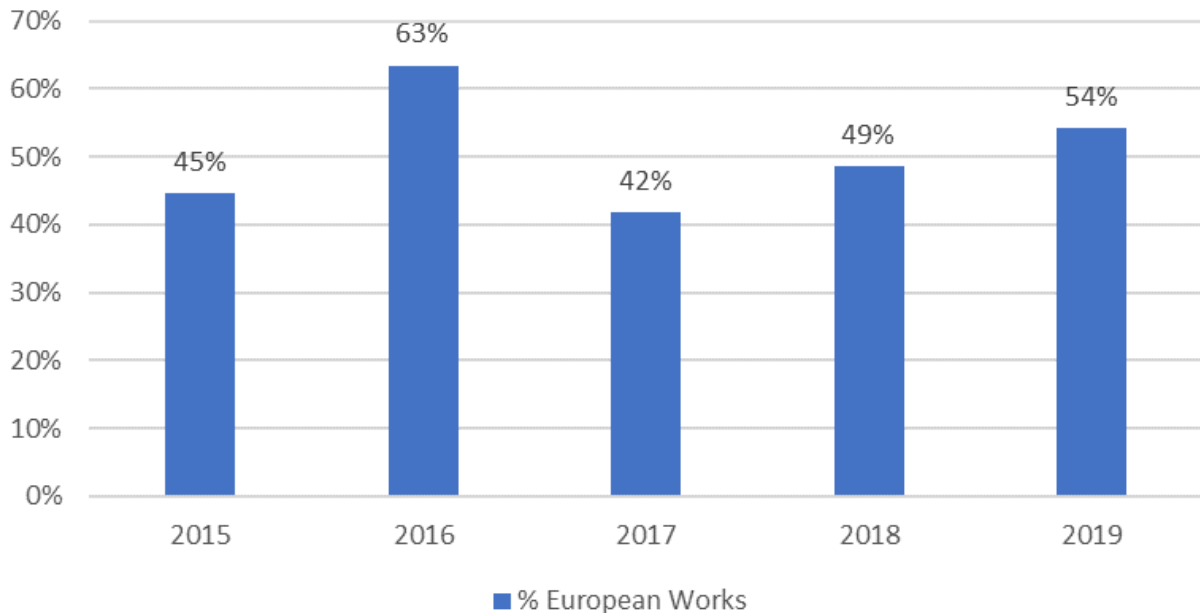


Figure 21 - Average share of European works over the period 2015-2019 in non-linear service providers – based on a sample of Member States that reported such data and assuming that the data collection methodology is homogeneous

Source: Member States, data reporting under Art 13 AVMSD

It is important to note that the averages above are only based on the data (in percentages) collected for the VoD channels reported. Many Member States did not report on quotas of European works on VoD services, as most countries filled the data was “Not Available”. Thus, some countries such as Estonia or France have supplied reports where for a majority of services covered no data for the share of European works is stated.

Furthermore, for a high number of VoD services Member States reported that more than 90% of the catalogues were dedicated to European Works. This is for example the case for all 137 VoD providers in Austria. These data represent a very significant share of all the services reported and therefore strongly skews the EU average. This is also because most Member States did not carry out monitoring activities during the reference period, thus data for many VoD service providers is not available. The figure below shows the distribution of the number of VoD services by percentage brackets for the share of European works in catalogues. It shows that, more than half of the sample of VoD services reported by Member States have a share of European works that is 90% or above. On the other hand, only 31 of the 560 services covered in the reports (5.5%) have a share of European works that is below 20%. This skewed distribution strongly affects the average at EU and national level, which cannot be considered as a representative figure.

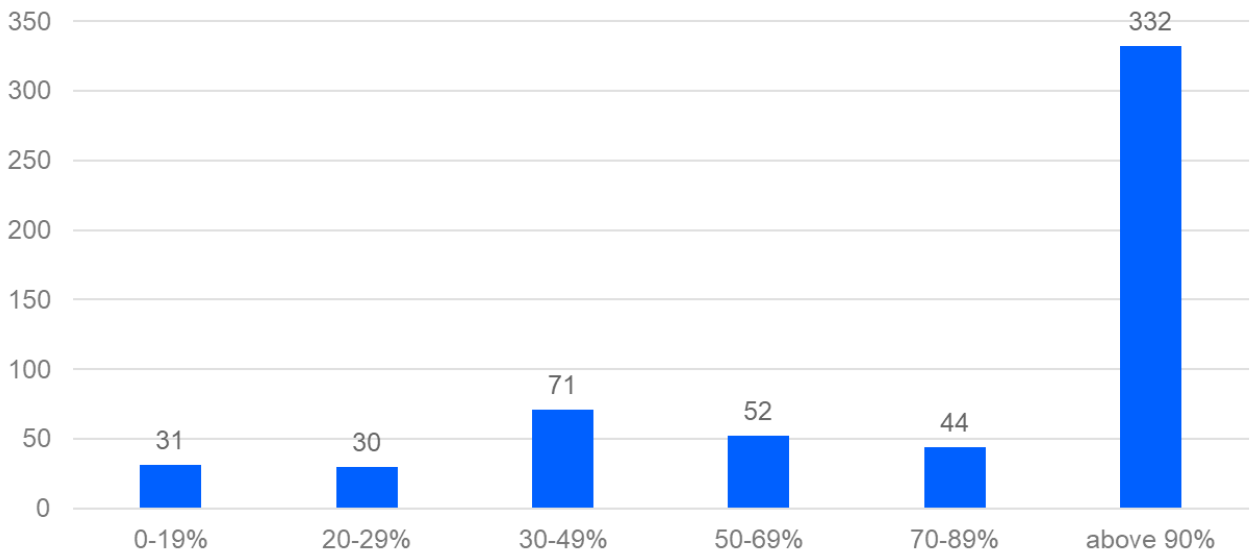


Figure 22 - Distribution of the number of VoD services according to share of European works in catalogues

Table 16 - Distribution of the number of VoD services according to share of European works

	0-20%	20-30%	30-50%	50-70%	70-90%	above 90%	TOTAL
Austria	0	0	0	0	0	137	137
Belgium (FR)	0	0	2	1	0	0	3
Belgium (NL)	0	0	2	3	1	1	7
Bulgaria	0	1	0	3	2	2	8
Croatia	0	0	6	3	1	2	12
Cyprus	1	0	0	0	0	0	1
Czechia	2	3	18	5	8	13	49
Denmark	0	1	6	2	2	2	13
Estonia	0	0	1	0	0	0	1
Finland	0	0	0	0	0	0	0
France *	0	0	1	15	11	3	30
Germany	n/a	n/a	n/a	n/a	n/a	n/a	0
Greece	0	2	3	0	0	0	5
Hungary	0	0	1	1	0	12	14
Ireland	n/a	n/a	n/a	n/a	n/a	n/a	0
Italy	0	1	3	1	2	0	7
Latvia	0	0	1	0	0	0	1
Lithuania	0	0	0	1	0	4	5
Luxembourg	0	2	2	1	0	0	5
Malta	n/a	n/a	n/a	n/a	n/a	n/a	0
Netherlands	25	11	5	3	4	25	73
Poland	0	1	9	7	4	106	127
Portugal	2	1	3	0	0	0	6
Romania	0	1	0	1	2	3	7
Slovakia	0	2	1	1	2	2	8
Slovenia	0	1	2	1	0	0	4
Spain	0	0	4	2	3	1	10

	0-20%	20-30%	30-50%	50-70%	70-90%	above 90%	TOTAL
Sweden	1	3	1	1	2	19	27
TOTAL	31	30	71	52	44	332	560

4.2.3 Prominence of European works

Some Member States reported data on prominence methods used by VoDo services under their jurisdiction: Belgium (FR), Bulgaria, Denmark, Estonia, Greece, Spain, Finland, Italy, Luxembourg, Netherlands, Poland, Romania, Sweden and Slovakia. However, three countries reported data only for some of the VoD services under their jurisdiction, which did not allow for a robust data analysis of the prominence methods used. Of the three prominence methods listed in the data reporting template, the display of European works on homepage was the most widespread method in 2018 and 2019. According to the data reported, on average 74% of works displayed on the homepage were European works in 2019 – however this is based on only a small sample of services. The use of trailers and banners to promote European works was the second most common prominence tool used (45 VoD services used these methods in 2018, and only 43 in 2019). The display of European works in the search function was the least used option of the three displayed (only 28 VoD services used this option in 2019).

Poland reported data about prominence only for 2015. This explains a higher number of VoD services that reported data on prominence in that year. Of the 81 VoD services reported in total by Poland, almost half reported data on prominence method, which is higher than in other countries that reported some data on prominence.

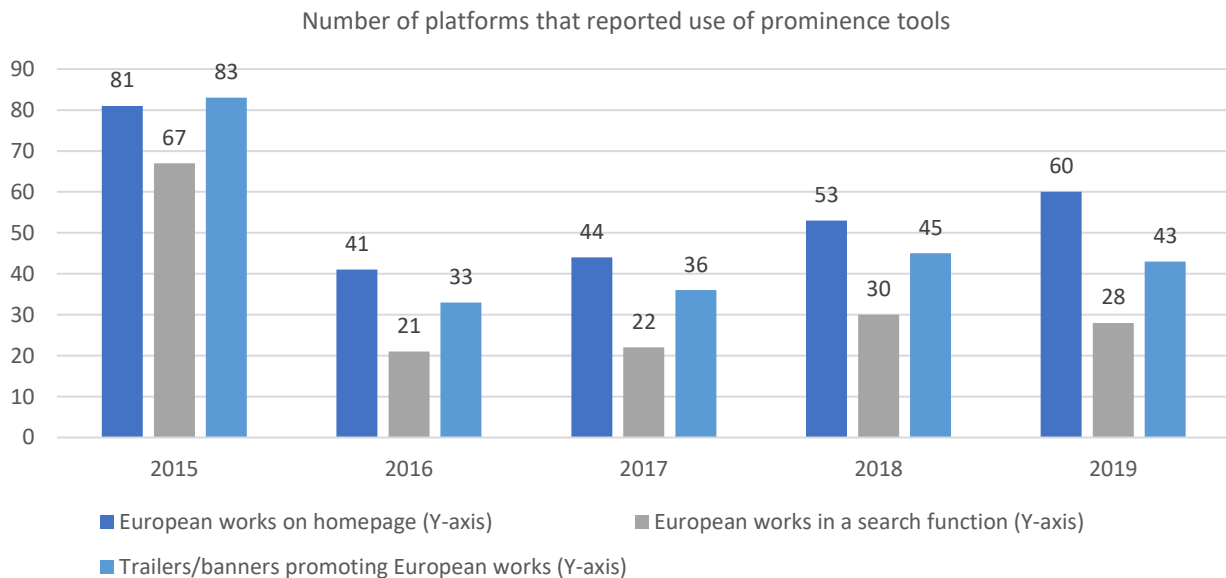


Figure 23 - Number of services using prominence tools in the countries that reported data on prominence

Source: authors, based on data reported by the Member States

Note: Only 14 countries reported some data on prominence, and only for some of the services under their jurisdiction. For some services, countries indicate where the service does not use the listed prominence methods, but for most services no data is reported at all. Poland reported data only for 2015.

There are also other ways to ensure prominence of European works besides those mentioned above. Finland reported other methods, such as highlighting domestic works, or placing these works at the top or displaying the country of origin in the programme guide. In Denmark, one reported VoD service also ensures prominence outside the platform itself. This is done through social media promotion, search engine optimisation (SEO) and search engine marketing (SEM). In Italy, VoD services also make use of social media channels to promote European content. Italy reports that services use a wide variety of methods to ensure prominence and some examples include trailers or visuals promoting European works in the “première” section of the catalogue, specific events promoting exclusively European works through social networks, multi-platform promotional

campaigns, featuring European works them in the recommendations, theme operations featuring both European works and non-European works, highlighting the EU origin of European works, and European works displayed in marketing communications sent to users. The use of social media is, in fact, rather widespread among the countries that reported data on prominence tools. For instance, some services in the Netherlands and Slovakia also use social media, combined with search functions based on European film festivals and film awards or use of buttons for national productions (in the Netherlands) or promotion through text messages and online ads (in Slovakia).

Of the countries that reported data, Belgium (FR) provides the only instance in which the NRA stated that it carries out checks on whether European works are effectively given prominence in the on-demand media service catalogue and whether the service follows the recommendations published by the authority in 2010. These recommendations suggest, for instance, combining several promotion techniques which include the following:

- Advertising inserts on home page of the EPG or website;
- Specific categories dedicated to EU works or other thematic categories such as national works, national festivals or comedies; prominence under different headings and banners (“new”, “last chance”, “favourites” etc.);
- Prominence on barkerb channel⁴⁹ (self-promotion);
- Mentions of EU works in newsletters, folders and magazines.

Some of the VoD services display national content exclusively, making the use of prominence methods or labelling of European works redundant.

4.2.4 Financial contributions for the production of European works

As in the case of prominence, few countries reported on financial contributions made by the VoD service providers. This can be either due to lack of data or because countries do not require such financial contributions from VoD services. Countries that reported data on financial contributions are Belgium (FR), Bulgaria, Denmark, Estonia, Greece, Spain, Luxembourg, the Netherlands and Sweden.

The figure below illustrates the average contribution share made by VoD services for financing productions, covering the countries that reported this data. The share varies across countries. In Belgium (FR), the average share is 0.99% and all providers are reported in the country report to have met the national regulation. In Bulgaria, the average share was 29% in 2019 which is an increase compared with 2018 (18%). Denmark reported an average contribution share of 82%, which was consistent over the reference period. Greece and Spain also report consistent figures, with the average share remaining 2% and 5% respectively. Lastly, Sweden reported an average financial contribution of 77% in 2019, which is slightly lower than in the previous years of the reporting period.

Note, however, that there are important differences between VoD services and Member States and these may raise questions about the quality of the data reported. Member States were asked to report financial contributions made as a share of VoD service revenue. For a number of services, the data on financial contributions indicates 100%;, however, that would mean that the entire revenues are invested in production

⁴⁹ A form of digital signage, operating in the form of a television channel that is entirely composed of sales promotion and advertising, usually marketing various features of the service carrying the channel

which is neither likely nor credible. It is therefore probable that the way in which this indicator is interpreted varies greatly across countries – even in the case of those countries that actually use it.

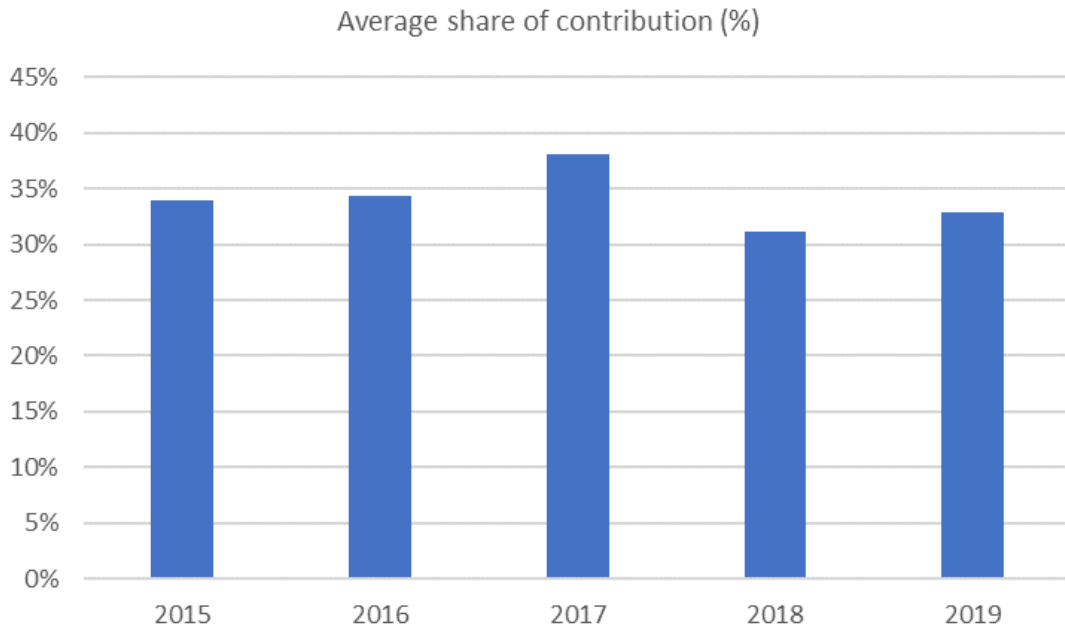


Figure 24 - Average reported share of financial contributions for countries that reported data

Source: authors based on the data reported by the Member States

4.2.5 Reasons for non-compliance

The majority of Member States which provided data regarding the application of Article 13 declared they had identified no non-compliance, but this is mainly due to the fact that most countries imposed no obligations and carried out no monitoring activities. Nevertheless, the Greek National Council for Radio and Television (NCRTV) is currently in the process of setting up a department that will deal further with the issue of monitoring and reporting compliance with obligations related to European works.

In this regard, it is worth mentioning the case of Cyprus, where the customer base and the corresponding market are both relatively small, while the audience is also limited. It is reported that is not financially profitable for any provider to spend significant amount of money to maintain an enriched catalogue of European works.

The only Member State that explicitly reported instances of non-compliance is Romania, which specified that these only concern services which cannot meet the proportions due to their nature or which have identified problems in the acquisition of rights to use European works.

4.2.6 Measures adopted or planned to address cases of non-compliance

In relation to the few cases of non-compliance identified, Member States did not report detailed information about measures adopted to address these breakdowns. This can also be explained by the fact that only a few countries impose obligations on non-linear services.

An analysis of Member States' reports shows that only three countries have reported measures to address cases of non-compliance: Czechia, Luxembourg and Romania.

- In the case of Czechia, the national regulatory authority sets a time limit within which the media service provider can take corrective action. If measures are taken within the given timeframe no actions are taken; otherwise, the regulatory authority may impose a fine up to CZK 1,000,000 (40,000 EUR);

- The Luxembourg national authorities formally ask the media service operators to provide an explanation and reasons for non-compliance, accompanied by a demand to make further efforts in order to comply with the obligations;
- In Romania, failure to comply with the provisions is subject to penalties in accordance with the national Audiovisual Law.

4.3 Stakeholders' views on Articles 13, 16 and 17

This chapter summarises the views of the stakeholders interviewed on the AVMSD quotas for European, financing and independent work.

4.3.1 Article 13

When asked about the impact of the Article 13 obligations, a national stakeholder pointed out that at national level private funding is missing completely, or the contributions are made directly to the state funds who can decide how to use the money. Therefore, financial contributions from streamers would benefit small markets. The lack of strong lobby organisations at national level which fight for the rights of producers (among others) is also problematic as there are no organisations who can defend their interests. An EU organisation expressed its support for quotas as these incentivise production, but the challenge has been to have these fulfilled by the VoD players. According to the stakeholders, better monitoring tools / databases should be put in place to assess the proportion of European works.

Linked to the prominence obligation, one interviewee stated that generally, global VoD providers push their own brand or label productions made by local broadcasters as VoD originals just because the rights were given away. In these cases, the visibility of European brands is not ensured although it remains necessary (more detailed stakeholder views on prominence can be found in Volume 3). On obligations more generally, one European stakeholder considers that global streamers do not have the same objectives as local ones, and in the absence of any regulation the global streamers will only work in their own interest.

The revised AVMSD provides for two new rules: 1) 30% of European works for VoD services with a prominence obligation and 2) the possibility for a country to impose an obligation on services to finance a fund or contribute to the production of the European works in proportion to the turnover made in the territory. According to an EU association representing producers, the 30% of European works obligation could have an impact on diversity only if the VoD service providers have the budget to buy new films (not old catalogues) to fulfil their obligations and if the prominence is real, in which case a clear definition of prominence should be drafted.

4.3.2 Articles 16 and 17

When asked whether the quota set out by Articles 16 and 17 of the AVMSD contributes to the cultural diversity of the content broadcast, a European stakeholder stated that the impact is not high, as some countries deliver more diversity in European works than required in the legislation (e.g. in France where the quota is higher than that set by the AVMSD). Furthermore, the stakeholder stated that most broadcasters were broadcasting a majority of European works even before the Directive came into force and that the Directive is only "putting pressure" on broadcasters because it has been driving up the cost of producing European works. This argument is followed by another European stakeholder, which pointed out that many broadcasters produce European works and over-fulfil the quotas. Similarly, a stakeholder from one country claimed that producing European works is part of their business model and it is what their audience wants to see.

On the other hand, another European stakeholder considers quotas to be a necessary driver of the success of the European audiovisual sector, especially nowadays when the market power of non-European works (in particular from the US) is so high. The quotas are also beneficial, according to a representative of a public production fund, in giving give facilitate that smaller markets / producers and giving visibility for their content.

One interviewee highlighted that quotas have a different impact in big markets and smaller ones. For instance, in one large country it was mentioned that the quota could easily be filled with national content due to wide availability. In smaller countries, cultural diversity is better achieved because the quota incentivises national legislation which allows broadcasting of European public content. In general terms, the quota is beneficial in ensuring that there is sufficient coverage of national productions but not so much in diversifying European content. This is partially confirmed by a national stakeholder who agreed that content from their country has

always been limited and the possibilities of obtaining licences for attractive, premiere content are also limited if these are produced by other linear providers. To tackle this, broadcasters meet the requirements by also producing their own programmes.

For the representatives of an NRA, the added value of the quota would be greater if it were easier to trace the European nationality of works (e.g. through a database at EU level). This becomes even more complicated when the IP rights to the audiovisual works are bought. Another issue brought up by a national stakeholder is linked to transmission time. The stakeholder argued that most European works are not available in prime time, hence linear providers carried out a “box ‘ticking” obligation, instead of it leading to production diversity. To tackle this, the stakeholder recommended combining this obligation with more clarity on the timeslots for European works.

Regarding the enforcement of the AVMSD, one NRA pointed out that one of the main challenges for regulators is understanding what would fall under the same brand / service when assessing prominence (e.g. app vs other channels).

When it comes to the quota for independent works, one EU stakeholder pointed out that this quota should be higher and it should also apply to VoD services and their providers. The interviewee considered that the needs to support independent productions do not differ between broadcasters and VoD service providers. Both should be incentivised to promote independent productions. Another EU organisation stated that dedicated quotas for independent productions are essential to diversity as they guarantee the independent producers’ access to the market, along with obligations for investment in European works. However, the AVMSD does not define independent producers (except for the criteria set out in Recital 71), leaving it to the Member States to provide their own definition. The stakeholder stated that an independent producer should be independent from broadcasters in terms of company ownership and secondary rights. This independence from TV and VoD service providers would be needed to ensure freedom of creation, while the quota could also be higher (e.g. in France this can reach up to 75%).

One expert highlighted that public service broadcasters tend to work extensively with independent producers, because they need to ensure their supply. In some countries, independent producers have been busy producing for VoD services, which left them little time to create content for their national broadcasting markets outside the VoD services. Regarding the quota itself, one national stakeholder considers that this does indeed have an impact on visibility, but that visibility has no value if the content is not being consumed. This idea is shared by a European stakeholder, who stated that such quotas cannot ensure that quality work is being delivered.

Stakeholders were asked if there are any measures in place to support financing for the creation production of European works. The representative of a national stakeholder stated that their country has many film production schemes, including a film law which is to be revised in short future. Co-productions remain one of the main trends in that country in terms of financial tools. In another large EU country, according to an EU organisation representing producers, co-productions are used by independent producers as a means to fund their work, with many bilateral co-production agreements being signed with other countries, allowing producers to qualify a film as European.

Another national stakeholder representing producers also stated that the audiovisual sector is heavily subsidised, although this point is not only linked to the AVMSD.

Regarding private funds, one EU stakeholder stated that during the reference period more investments were made in series and documentaries and that most broadcasters would have an in-house production business doing European work. One national stakeholder stated that their investments in European works have not evolved very much during the reference period. One of the main developments is that more funding was invested in the production of series, but given the high obligations, there is no point investing more than that. The stakeholder pointed out that the level of obligations in the country favour investments in European works in the language of the country primarily.

5. Conclusions Task 1

During the reference period, more legislative changes occurred in relation to Articles 16 and 17 of AVMSD, while changes linked to Article 13 of AVMSD were not as numerous. As illustrated in the graph below, with respect to Articles 16 and 17, 16 countries implemented changes to the legislative framework, 11 countries implemented changes to requirements, six countries made changes to definitions and nine made changes to their monitoring systems. In relation to Article 13, most changes (in 13 countries) were linked to the legislative framework for monitoring systems (in eight countries).

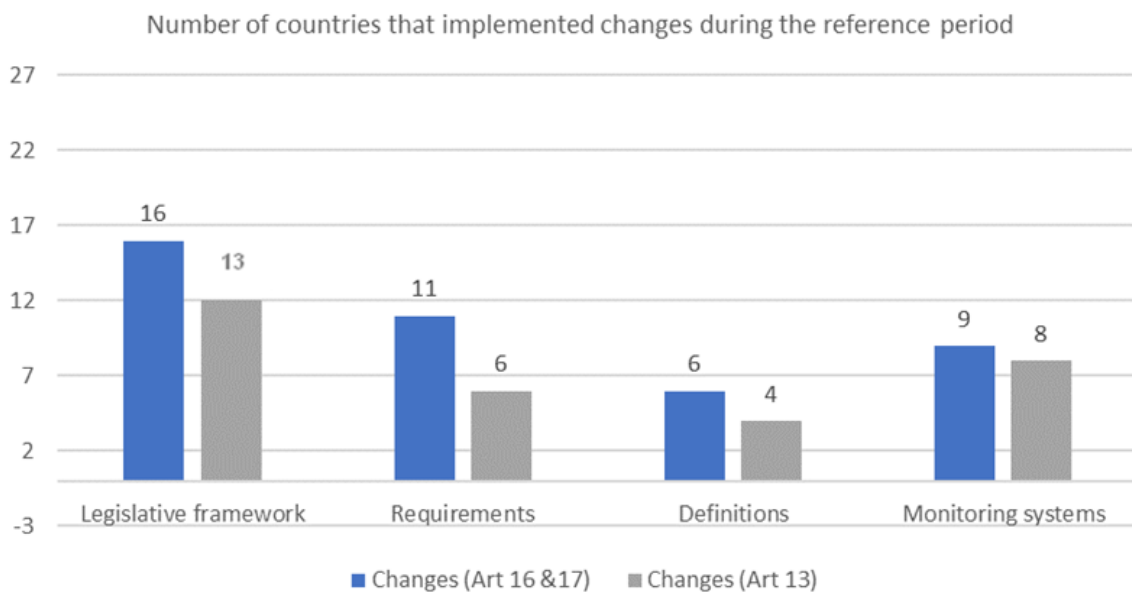


Figure 25 - Number of countries that implemented changes during the reference period

Source: Authors

Overall, legislative changes in relation to the implementation of Articles 16 and 17 of the 2010 AVMSD took place in 17 countries (BE,⁵⁰CY, DE, DK, EE, EL, FI, FR, HU, HR, LV, IS, IT, NL, PL, RO and SK) between 2015 and 2019. Substantive reforms have taken place in seven countries (FR, HR, HU, IT, NL, PL and RO). For example, in Italy several legal acts have been introduced, making numerous changes to the applicable requirements, the definitions of relevant concepts and the monitoring system applicable with regard to Articles 16 and 17. France has seen a significant reform in relation to the contribution regime for the production of audiovisual works by television services, affecting the definition of “independent producer”. Furthermore, findings show that certain countries have also introduced relevant changes to the definitions of certain concepts (DK, EL, FI, FR, IT, SK).

In relation to Article 13 of 2010 AVMSD, changes were identified in 13 countries between 2015 and 2019: BE⁵¹, CY, DE, DK, EE, EL, FI, HR, HU, IS, IT, NL and SK. Substantive reforms have taken place in four countries (BE⁵², HR, HU and IT). For instance, Belgium⁵³ has changed the regime applicable to the promotion of European works from the initial obligation to give due prominence to European work, to a quota system, and has given VoD providers an obligation to either invest in own productions or co-productions, or, alternatively, to pay a levy to the Flemish audiovisual fund. Changes regarding financing obligations were identified in some countries. However, these changes do not relate directly to the transposition of the AVMSD.

⁵⁰ Flemish Community.

⁵¹ Flemish Community.

⁵² Flemish Community.

⁵³ Flemish Community.

Regarding the data reporting exercise, all EU 27 Member States shared results of their monitoring exercises. In the case of Ireland and Germany, no data was reported on the implementation of Article 13. All countries reported the existence of a monitoring system which helps them verify compliance with Articles 16 and 17 (various methods were identified), while obligations under Article 13 are not monitored by all countries (some rely on the reports provided by non-linear providers while others do not monitor at all).

During the reporting period (2015-2019), the total number of channels increased slightly from 2,362 in 2015 to 2,377 in 2019. Spain had the highest number of reported channels in the 2015-2019 period. A sharper increase was identified in the number of non-linear services during the reference period. The number of on-demand services was estimated at 713 in 2015, 847 in 2016, 945 in 2017, 999 in 2018, and 1,030 in 2019. All Member States reported stable number of on-demand services for the period between 2015 and 2019. Only Austria and Poland reported different number of VoD services per year during this reference period. Austria had the highest number of on-demand services available in the period 2015-2019 (162 services in 2016, 170 in 2017, 213 in 2018, and 258 in 2019), followed by Poland (134 in 2016, 143 in 2017, 154 in 2018, and 138 in 2019), Spain (133 every year – no change during period), Netherlands (92 every year – no change during period), Czechia (77 every year), and France (75 every year).

Compared with the previous monitoring exercise, all the countries reported full compliance with the quotas set by Articles 16 and 17 AVMSD (with variations between Member States in terms of average shares of European works, independent producers or recent works). As some countries do not impose obligations under Article 13 AVMSD and others have no monitoring systems in place, it was not possible to provide a robust analysis of the implementation of Article 13. Some data were reported on the prominence methods used by non-linear service providers in Belgium (FR), Bulgaria, Denmark, Estonia, Greece, Spain, Finland, Italy, Luxembourg, Netherlands, Poland, Romania, Sweden and Slovakia. The display of European works on the homepage was the most used method, followed by the use of trailers and banners. Other means to promote prominence include highlighting domestic works or placing these works at the top, displaying the country of origin in the programme guide, promotion through social media, trailers or visuals promoting European works in the “première” section of the catalogue, specific events promoting exclusively European works through social networks, multiplatform promotional campaigns, featuring European works in the recommendations, theme operations featuring both European works and non-European works, highlighting the EU origin of European works, European works displayed in marketing communications sent to users, etc. The use of social media was mentioned by many Member States that reported data on prominence. Only Belgium (FR) reported that it carries out verifications on whether European works are effectively given prominence in the on-demand service media catalogue.

As mentioned above, the completeness of the data reporting exercise under Articles 16 and 17 AVMSD allowed for a more thorough analysis. All countries (except for Bulgaria) reported that they granted exemptions during the reference period and the reasons were various: local and regional channels with small budgets and audience, sports and news channels, channels falling below 0.3% audience share, niche content channels (e.g. religion), teleshopping channels. The implementation of the monitoring mechanisms to verify compliance with Articles 16 and 17 identified cases of non-compliance in some Member States. The most recurrent reasons for non-compliance with the quotas are the small size of some channels which encountered difficulties due to marginal ratings, channel themes (e.g., a focus on Latin American or African content), etc.

Lastly, countries have reported different measures adopted or planned to address these cases of non-compliance. Some countries issue reminders while others launch investigatory procedures which request explanations for non-compliance. In the latter case, the regulatory authorities apply economic sanctions if the non-compliance is not addressed. Other countries, such as Portugal, provide continuous guidance to operators to help them fulfil their obligations (acknowledging at the same time the difficulties they face in applying the rules).

Volume 2

6. Changes in the audiovisual market in the 2015 – 2019 period

This section presents a description and analysis of the European audiovisual market between the years 2015 and 2019. It provides key market figures, their trends over time and country patterns, as well as an overview of the major technological developments occurring in this period. Departing from the scope of the AVMSD, 'audiovisual market' in this analysis covers the production of audiovisual works and their dissemination, via television broadcasting as a linear audiovisual media service, or via on-demand services.

Our data sources are (i) Eurostat, which collects data on enterprise structure, key economic variables such as turnover, gross added value and employment, broken down by economic sector; and (ii) EAO, which publishes a range of standard tables on key metrics of the European audiovisual market as part of its yearbooks, as well as supplementary data on an ad-hoc basis (e.g. an analysis of independent productions). EAO data, in turn, is collected by different organisations⁵⁴. Eurostat data on the sector is available up to 2018, while the latest published EAO figures refer to 2019.

Although the United Kingdom had not left the EU by the end of the reference period, the data tables and charts show, where feasible, EU-level aggregations with both 27 and 28 Member States. Given the large relative size of the UK's audiovisual market and markedly different trends in certain economic indicators, any analysis not accounting for the UK's impact on the figures would have resulted in findings that are not characteristic for the EU in its post-2020 composition.

6.1 The size of European audiovisual sector and its evolution

6.1.1 Revenues in the audiovisual sector

The combined turnover of companies operating in the production and dissemination of audiovisual works, according to Eurostat, amounted to 214,976 million euro in 2018 (141,863 million euro for the EU27), marking steady growth over the four years since 2015. This upward trend was slightly steeper than turnover expansion in the total business economy. As a consequence, the weight of the audiovisual sector in the business economy increased from 0.68% to 0.72%. Most of this relative increase occurred from 2015 to 2016, with the share of the sector remaining stable thereafter.

For comparison, the weight of the sector in the UK – a major audiovisual market – was significantly larger than the weight of the sector in the EU27, reaching 1.71% of the economy in 2018. This, however, marked a slight decline from the preceding two years' values, producing a negative trend between 2016 and 2018.

⁵⁴ Data providers such as: European Broadcasting Union Media Intelligence Service (EBU/MIS), company reports, WARC, Ampere Analysis, LUMIERE

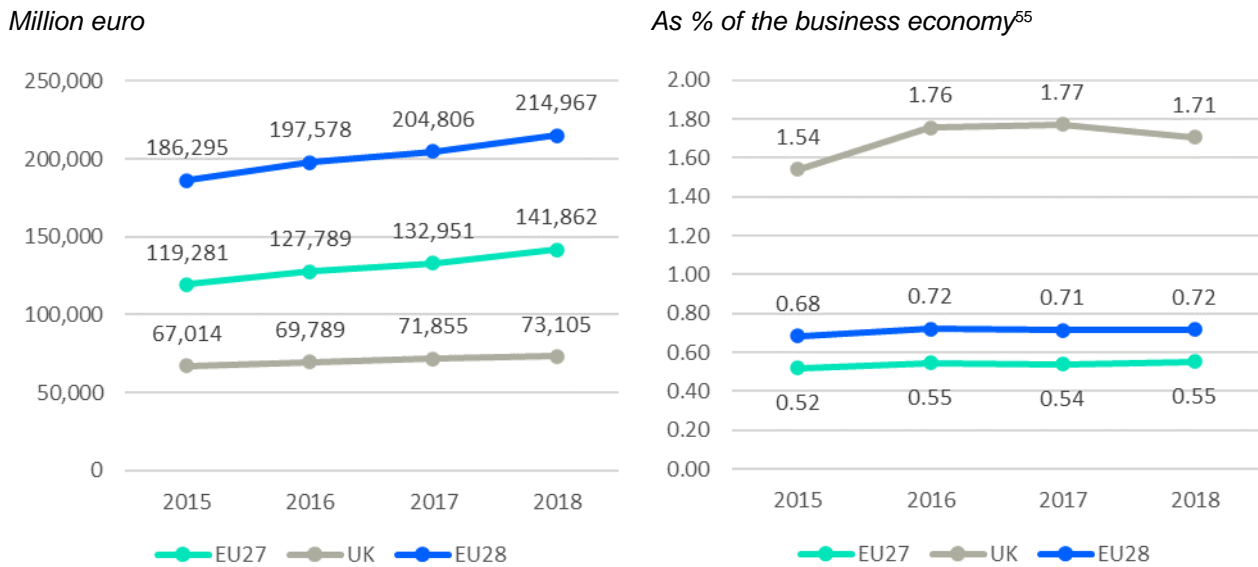


Figure 26 - Total turnover in the audiovisual sector (2015-2018)

Source: Eurostat Structural Business Statistics

The table below provides the source data, together with the average annual change ('compound annual rate of growth', CAGR).

The audiovisual sector's average yearly growth rate was 5.95% in the EU27 in the period covered, and 4.89% in the EU28 (including the UK) – the growth rates were in both cases higher than the average growth in turnover in the business economy as a whole.

Table 17 – Total turnover in the audiovisual sector, EU with and without the UK (2015-2018, € million)

Sector	2015	2016	2017	2018	Average annual change (CAGR)
Audiovisual sector					
EU27	119,281	127,789	132,951	141,862	5.95%
UK	67,014	69,789	71,855	73,105	2.94%
EU28	186,295	197,578	204,806	214,967	4.89%
Total business economy					
EU27	22,921,984	23,370,358	24,640,361	25,644,826	3.81%
UK	4,348,297	3,976,193	4,057,888	4,281,773	-0.51%
EU28	27,270,281	27,346,551	28,698,249	29,926,599	3.15%
Audiovisual sector share (%)					
EU27	0.52	0.55	0.54	0.55	:
UK	1.54	1.76	1.77	1.71	:
EU28	0.68	0.72	0.71	0.72	:

Source: Eurostat Structural Business Statistics

⁵⁵ NACE code B-N_S95_X_K. Includes repair of computers, personal and household goods; excludes financial and insurance activities.

On a methodological note, the Eurostat data presented in this section cover four sub-sectors of Eurostat's NACE classification, as presented in the table below. These, in combination, approximate the scope of the AVMSD by covering the value chain of audiovisual works from production to distribution, and all TV broadcasting activities, including on-demand services. Notably, sound recording and radio broadcasting have not been included. The four NACE sectors also include distribution to film theatres and physical video distribution (these could not be filtered out as no further disaggregation was possible), which is not covered by the Directive – however, these activities only account for a relatively small proportion of indicator values and do not bias the analysis.

Table 18 - NACE sectors included in the figures and their coverage

Code	NACE sector	Coverage
J5911	Motion picture, video and television programme - production activities	Production of motion pictures, videos, television programmes (television series, documentaries etc.), or television advertisements
J5912	- post-production activities	Editing, film/tape transfers, titling, subtitling, credits, closed captioning, computer-produced graphics, animation and special effects, developing and processing motion picture film Activities of motion picture film laboratories and activities of special laboratories for animated films Activities of stock footage film libraries etc.
J5913	- distribution activities	Distributing film, video tapes, DVDs and similar productions to motion picture theatres, television networks and stations, and exhibitors Acquiring film, video tape and DVD distribution rights
J6020	Television programming and broadcasting activities	Creation of a complete television channel programme: purchased programme components (e.g. movies, documentaries etc.), self-produced programme components (e.g. local news, live reports) or a combination thereof Programming of video-on-demand channels Data broadcasting integrated with television broadcasting

Source: Eurostat, NACE Rev. 2, Statistical classification of economic activities in the European Community ⁵⁶

EAO data on total revenues in the audiovisual sector show different values, explained by the different methodologies employed, although the trends over time are similar. According to the standard data tables in the 2020 Yearbook, total revenues in the audiovisual market were 81,975 million euro in the EU27, and 115,129 million euro in the EU28. This aggregation has been specifically prepared for this study and is distinct from the headline figure given in the EAO dataset. While it includes public funding, TV advertising, pay-TV revenues and on-demand pay revenues, like the EAO headline figure, it does not include radio advertising, cinema box office and physical video revenues, as these are not within the scope of AVMSD.

The aggregated figures for the audiovisual market, calculated on the basis of EAO data, are around 40% lower for the EU27 than the Eurostat data on company turnover in the four sectors concerned as presented above (note that those include box office and physical video revenues), and around 70% lower in the case of the UK.

Over the period covered by this study (2015-2019), audiovisual market revenues in the EU have grown by a yearly average of 3.4% in the EU27, and 2.3% in the EU28. This is a stronger growth rate than in the previous period (2010-2014) when the CAGR was 0.9%, and according to the 2020 EAO forecast, this rising trend is

⁵⁶ <https://ec.europa.eu/eurostat/documents/3859598/5902521/KS-RA-07-015-EN.PDF>

expected to continue⁵⁷. It is noteworthy that revenues, in fact, decreased in the UK by an annual average rate of 1.8%.

Table 19 – Total audiovisual revenues, EU with and without the UK (2015-2019, € million)

Sector	2015	2016	2017	2018	2019	Average annual change (CAGR)
EU27	71,737	74,223	76,884	79,652	81,975	3.4%
UK	20,305	19,316	18,783	18,891	18,851	-1.8%
EU28	92,041	93,539	95,667	98,543	100,826	2.3%

Source: EAO 2020 Yearbook

The three largest remaining members of the EU (DE, FR and IT) account together for more than half (53.1%) of the overall audiovisual revenues in the EU27 (43.2% of the EU28, including the UK). They were followed by Spain, Portugal, Poland and the Netherlands.

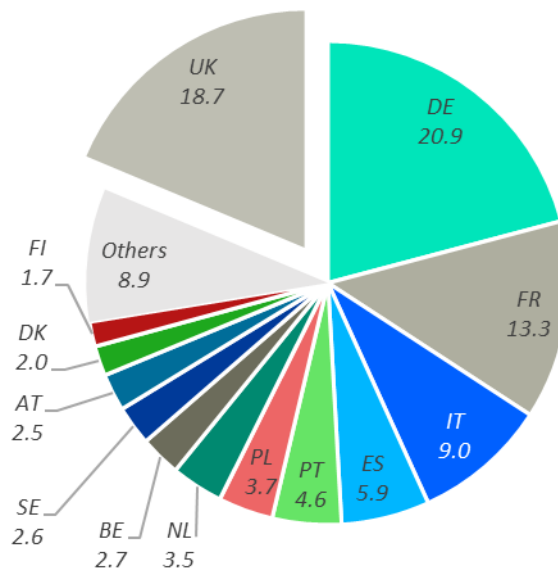


Figure 27 - Share of audiovisual market revenues broken down by Member State (+ UK) (EU28; percentage of total)

Source: own calculations based on EAO 2020 Yearbook

The figure below shows the average annual growth rate (CAGR) in the audiovisual market per Member State and the UK over the reference period (2015-2019). All countries but the UK have had a positive growth rate over the period studied. The sector grew most in Slovakia with an annual average rate of 18.5%, followed by Portugal with 14.1%, and Bulgaria with 12.2%. The lowest growth rates were recorded in the UK with -1.8% (i.e. a decline), Belgium with 0.2%, and France with 0.9%.

⁵⁷ Fontaine, G. and Kanzler M. (2020). Modelling audiovisual sector revenue flows in the EU and test case on impact of COVID-19 on industry revenue. *European Audiovisual Observatory Working Paper*, Strasbourg, July 2020 - Downloadable: <https://rm.coe.int/modelling-audiovisual-sector-revenue-flows-in-the-eu-and-test-case-on-/16809fd5e7>

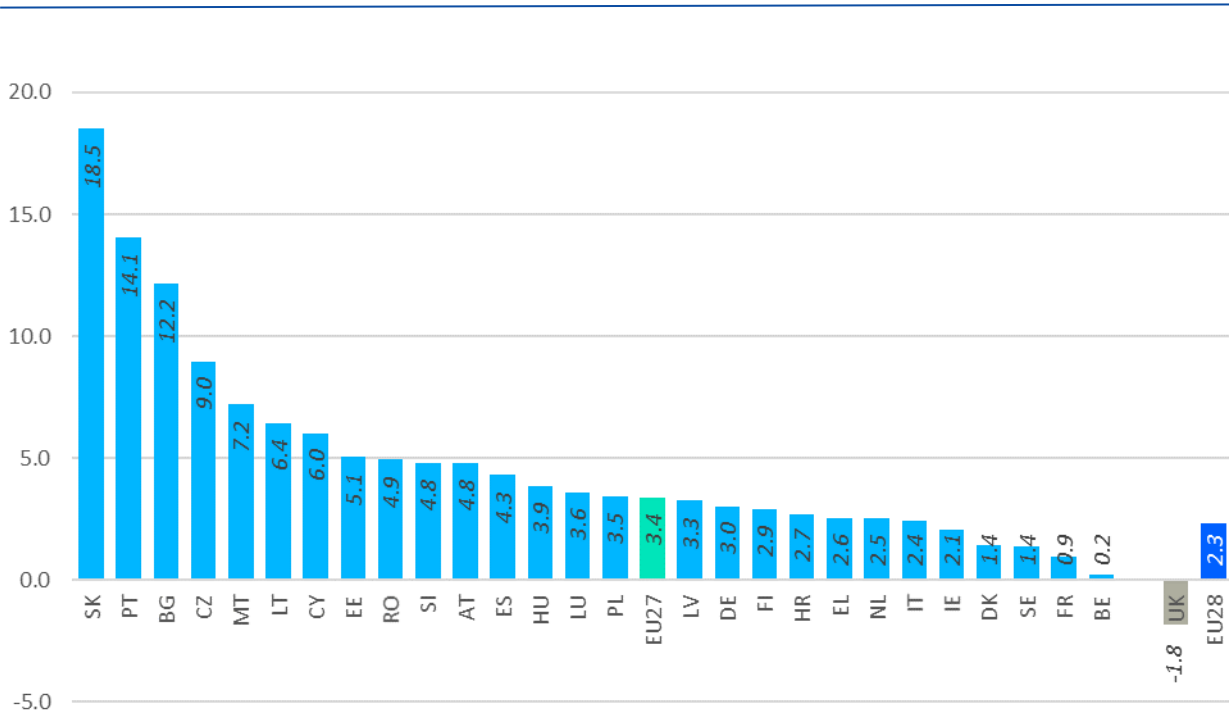


Figure 28 - Member States (+ UK) according to CAGR in the audiovisual market between 2015 and 2019

Source: own calculations based on EAO 2020 Yearbook

Table 20 – Total audiovisual revenues by Member State + UK (2015-2019, € million)

ISO	Country	2015	2016	2017	2018	2019	Average annual change (CAGR)
AT	Austria	2,084	2,200	2,332	2,407	2,515	4.8%
BE	Belgium	2,733	2,676	2,702	2,733	2,758	0.2%
BG	Bulgaria	608	661	736	846	964	12.2%
CY	Cyprus	87	93	98	102	110	6.0%
CZ	Czechia	851	899	984	1,090	1,200	9.0%
DE	Germany	18,689	19,175	19,987	20,508	21,054	3.0%
DK	Denmark	1,907	1,929	1,975	2,001	2,017	1.4%
EE	Estonia	115	122	123	128	140	5.1%
EL	Greece	956	995	1,010	1,032	1,057	2.6%
ES	Spain	5,038	5,435	5,656	5,882	5,963	4.3%
FI	Finland	1,489	1,526	1,564	1,621	1,671	2.9%
FR	France	12,918	12,791	13,005	13,245	13,416	0.9%
HR	Croatia	367	376	385	397	409	2.7%
HU	Hungary	783	809	866	874	911	3.9%
IE	Ireland	987	1,013	1,040	1,060	1,072	2.1%
IT	Italy	8,237	8,905	8,961	9,204	9,065	2.4%
LT	Lithuania	130	142	150	158	166	6.4%
LU	Luxembourg	68	71	75	76	78	3.6%
LV	Latvia	104	106	111	116	118	3.3%
MT	Malta	42	42	49	51	55	7.2%
NL	Netherlands	3,186	3,265	3,240	3,409	3,523	2.5%
PL	Poland	3,240	3,199	3,335	3,535	3,712	3.5%
PT	Portugal	2,752	3,159	3,672	4,085	4,657	14.1%
RO	Romania	884	930	976	1,037	1,072	4.9%
SE	Sweden	2,525	2,594	2,590	2,583	2,671	1.4%
SI	Slovenia	376	408	437	446	454	4.8%
SK	Slovakia	581	700	823	1,025	1,146	18.5%
EU27	EU 27 Member States	71,737	74,223	76,884	79,652	81,975	3.4%
UK	United Kingdom	20,305	19,316	18,783	18,891	18,851	-1.8%
EU28	EU 28 Member States	92,041	93,539	95,667	98,543	100,826	2.3%

Source: EAO 2020 Yearbook

6.1.2 Revenues by source

The observed growth in revenues is mostly due to the growth in on-demand services. The revenue from these services in the EU27 more than tripled between 2015 and 2019 (from 1,750 million to 6,407 million euro), growing at an average pace of 38.3% per year, and contributing about 45% of the total 10 billion euro increase over the four years. This should be compared with the overall weight of this revenue source, which was still below 8% in 2019.

Pay-TV and TV advertising revenues also continued to grow. These still remain by far the largest source of revenues in the sector. Revenues from public funding, on the other hand, continued to decline in the EU27 +

UK, as also noted in the previous period. However, this overall decrease in public funding is explained by a significant fall of public funding in the UK (see more below).

Table 21 – Total audiovisual revenues by source, EU with and without the UK (2015-2019, € million)

Source	2015	2016	2017	2018	2019	Average annual change (CAGR)
Public funding						
EU27	20,635	20,955	21,038	21,167	21,413	0.9%
United Kingdom	5,474	4,898	4,792	4,648	4,405	-5.3%
EU28	26,109	25,853	25,831	25,815	25,819	-0.3%
TV advertising						
EU27	23,683	24,758	25,632	26,496	26,701	3.0%
United Kingdom	7,009	6,204	5,489	5,335	5,062	-7.8%
EU28	30,693	30,962	31,121	31,831	31,763	0.9%
Pay-TV revenues						
EU27	25,669	26,015	26,840	27,325	27,454	1.7%
United Kingdom	6,901	6,965	6,976	7,051	7,087	0.7%
EU28	32,570	32,980	33,815	34,376	34,541	1.5%
On-demand revenues						
EU27	1,750	2,494	3,373	4,664	6,407	38.3%
United Kingdom	920	1,249	1,526	1,857	2,297	25.7%
EU28	2,670	3,744	4,900	6,521	8,703	34.4%
Total revenues						
EU27	71,737	74,223	76,884	79,652	81,975	3.4%
United Kingdom	20,305	19,316	18,783	18,891	18,851	-1.8%
EU28	92,041	93,539	95,667	98,543	100,826	2.3%

Source: EAO 2020 Yearbook

The Slovak audiovisual market doubled in revenue in the period covered (from 645 million EUR to 1,242 million EUR). In absolute terms, the main reason for this growth is increased revenue from TV advertising which rose by 155% over the 5-year period.

In Portugal, growth over the past five years has also been substantial. As in Slovakia, this is mostly due to rising TV advertising revenue, which nearly doubled in the period.

In the UK, on the other hand, TV advertising revenues declined together with public funding.

In terms of sources of revenue, as mentioned above, while public funding experienced an overall decline, this does not apply to all the countries on an individual basis. The EU figure is strongly influenced by public funding cuts in the UK, where, public revenues declined by 4% CAGR. Over the 5-year period, this revenue shrank by 20% overall in the UK. Certain countries in fact saw a significant increase in public funding: Poland (21% CAGR), Lithuania (13% CAGR), and Estonia and Iceland (both 6% CAGR). In Germany and France public revenues stagnated.

Several countries saw a large increase in revenues from TV advertising: Slovakia (21% CAGR), Portugal (14% CAGR), Bulgaria (13% CAGR) and Czechia (11% CAGR), while the UK and Belgium saw a notable decline (6% and 5% CAGR respectively). Revenues from pay TV grew in most countries except Denmark, France and the UK.

When the data on VoD revenues is disaggregated by type of business model, we observe that SVoD services represent the vast majority of VoD revenues. While this was already the case in 2015, at the start of this

monitoring period, the prevalence of SVoD as the business model with greatest revenues further increased over the next five years, while retail and rental of content by transaction declined.

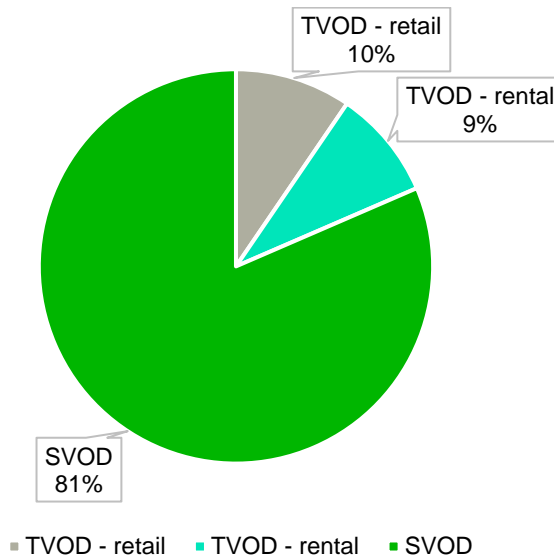


Figure 29 - VoD Share of revenues broken down by type of business model (2019; percentage of total)

The figure shows VoD revenues broken down by type of business model between 2015 and 2019. SVoD had the biggest share across the five years, with at least 60% of revenues. During this period, this share increased from 61% in 2015 to 81% in 2019, extending the gap between SVoD and TVoD year on year. TVoD had a balanced distribution between retail and rental during these five years. The small gap between the two narrowed between 2015 and 2017, after which retail overtook rental in terms of revenue share. As SVoD’s revenue share increased during this period, TVoD’s share consequently decreased evenly between rental and retail.

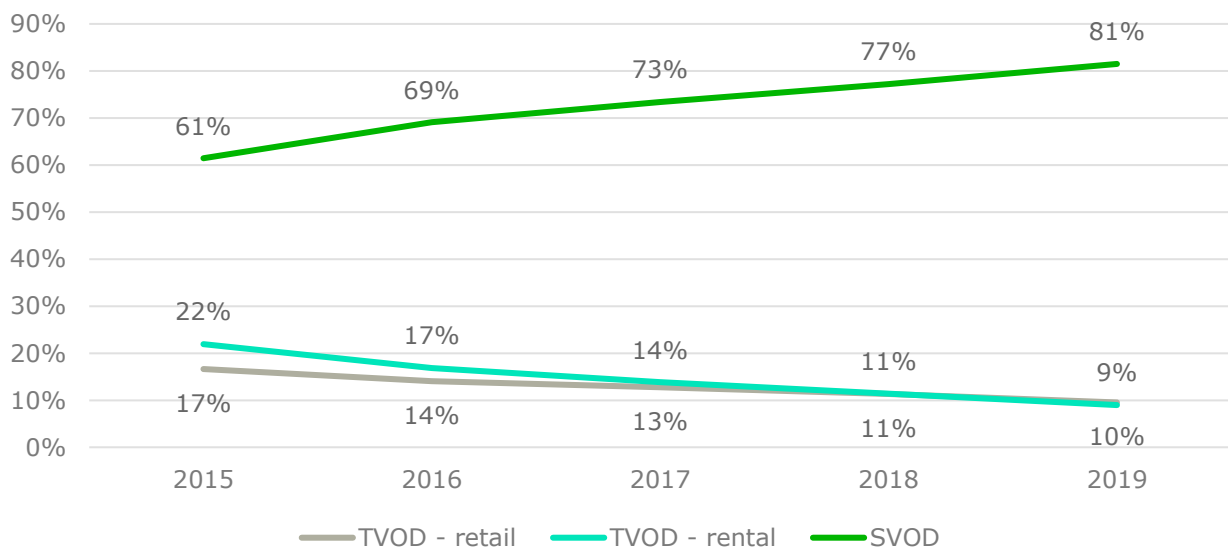


Figure 30 - VoD Share of revenues broken down by type of business model (2015-2019; percentage of total)

Source: EAO 2020 Yearbook

Table below shows the revenues from VoD and provides deeper insights into VoD services by type of business model. Within the EU27, CAGR for the period 2015-2019 was 18.3% for TVoD retail, 9.3% for TVoD rental and 50.7% for SVoD, bringing the total CAGR to 38.3%. All these figures are significantly higher than

corresponding figures for the UK, resulting in somewhat lower average annual growth rates for the EU27 + UK average.

Table 22 - Revenues from VoD services by type of service

EU28	2015	2016	2017	2018	2019	CAGR 2015 - 2019
<u>SVoD</u>						
<u>EU27</u>	<u>1,007.6</u>	<u>1,650.2</u>	<u>2,405.8</u>	<u>3,562.4</u>	<u>5,190.3</u>	<u>50.7%</u>
<u>United Kingdom</u>	<u>633.1</u>	<u>936.2</u>	<u>1,191.3</u>	<u>1,474.4</u>	<u>1,902.9</u>	<u>31.7%</u>
<u>EU28</u>	<u>1,640.7</u>	<u>2,586.4</u>	<u>3,597.1</u>	<u>5,036.8</u>	<u>7,093.2</u>	<u>44.2%</u>
<u>TVoD retail</u>						
<u>EU27</u>	<u>294.4</u>	<u>343.5</u>	<u>425.7</u>	<u>499.3</u>	<u>577.3</u>	<u>18.3%</u>
<u>United Kingdom</u>	<u>149.7</u>	<u>182.8</u>	<u>199.5</u>	<u>241.4</u>	<u>252.3</u>	<u>13.9%</u>
<u>EU28</u>	<u>444.1</u>	<u>526.3</u>	<u>625.3</u>	<u>740.7</u>	<u>829.6</u>	<u>16.9%</u>
<u>TVoD rental</u>						
<u>EU27</u>	<u>447.9</u>	<u>500.8</u>	<u>541.8</u>	<u>602.6</u>	<u>639.1</u>	<u>9.3%</u>
<u>United Kingdom</u>	<u>137.5</u>	<u>130.3</u>	<u>135.6</u>	<u>140.8</u>	<u>141.6</u>	<u>0.7%</u>
<u>EU28</u>	<u>585.4</u>	<u>631.1</u>	<u>677.4</u>	<u>743.4</u>	<u>780.7</u>	<u>7.5%</u>
<u>Video-on-demand total</u>						
<u>EU27</u>	<u>1,749.8</u>	<u>2,494.5</u>	<u>3,373.3</u>	<u>4,664.2</u>	<u>6,406.7</u>	<u>38.3%</u>
<u>United Kingdom</u>	<u>920.3</u>	<u>1,249.4</u>	<u>1,526.4</u>	<u>1,856.6</u>	<u>2,296.8</u>	<u>25.7%</u>
<u>EU28</u>	<u>2,670.1</u>	<u>3,743.8</u>	<u>4,899.8</u>	<u>6,520.9</u>	<u>8,703.5</u>	<u>34.4%</u>

Source: EAO 2020 Yearbook

6.1.3 Gross value added by the audiovisual sector

The economic significance of any given economic sector is arguably better represented by the gross value added (GVA) it can generate. As for the EU27, 37,594 million euro GVA were produced in the audiovisual sector, increasing over the years, but at a far lower pace than turnover (this was especially true when data from the UK was added, where the trend over time was in fact negative).

The relative weight of the audiovisual sector in terms of added value generated actually decreased. It went from 0.62% in 2015 to only 0.57% in 2018.

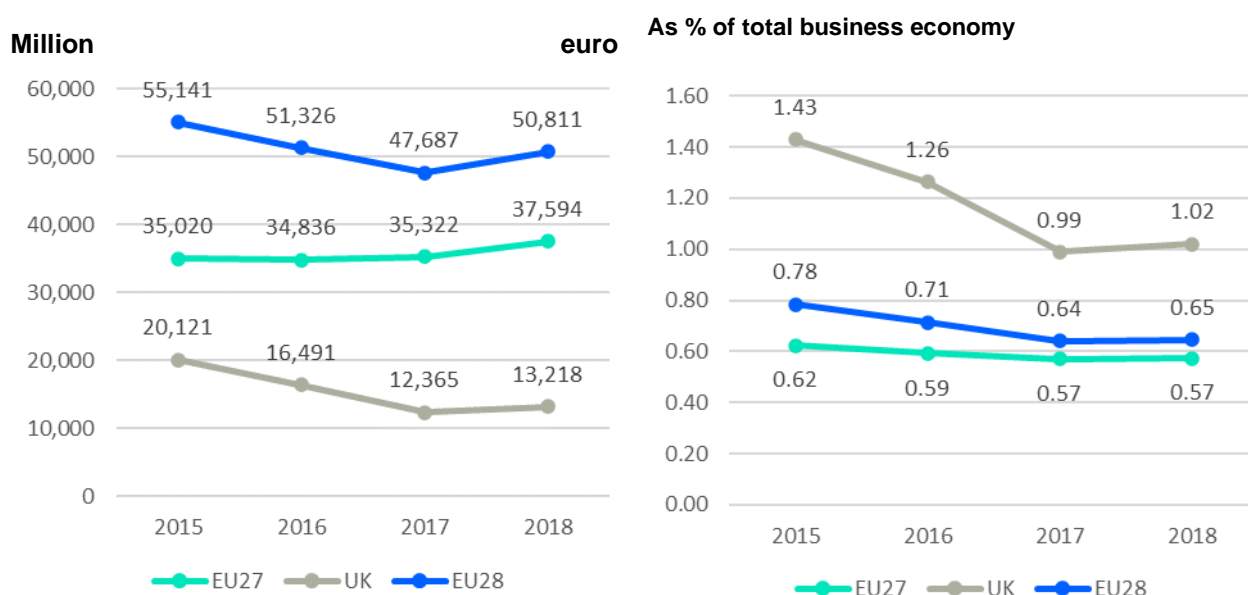


Figure 31 - Value added of the audiovisual sector (2015-2018)

Source: Eurostat Structural Business Statistics

The table below presents the data underlying the graphs above. The average annual growth rate of GVA in the audiovisual sector between 2015 and 2018 was negative in the EU27 + UK. However, this was due to the sharp decline of the sector in the UK. In the EU27, in contrast, the growth rate was positive (2.4%). The GVA growth rate was noticeably lower than that of the total business economy, which amounted to 3.7% in EU27 + UK and 5.3% in EU27. Consequently, the audiovisual sector share in the economy declined.

Table 23 – Value added of the audiovisual sector, EU with and without the UK (2015-2018, € million)

Sector	2015	2016	2017	2018	Average annual change (CAGR)
Audiovisual sector					
EU27	35,020	34,836	35,322	37,594	2.4%
UK	20,121	16,491	12,365	13,218	-13.1%
EU28	55,141	51,326	47,687	50,811	-2.7%
Total business economy					
EU27	5,618,869	5,880,208	6,203,109	6,557,554	5.3%
UK	1,407,750	1,303,775	1,250,652	1,296,350	-2.7%
EU28	7,026,619	7,183,983	7,453,761	7,853,904	3.8%
Audiovisual sector share (%)					
EU27	0.62	0.59	0.57	0.57	
UK	1.43	1.26	0.99	1.02	
EU28	0.78	0.71	0.64	0.65	

As seen for revenues, there are large differences between individual Member States in terms of the relative importance of the production and distribution of audiovisual works. The sector plays a considerably larger role in France (1.15% of GVA generated in the business economy), but also in Croatia, Spain and Greece, than in the EU27 on average. At the other end of the scale, the weight of the sector is relatively small in Finland, Slovenia, Belgium, Latvia and Lithuania.

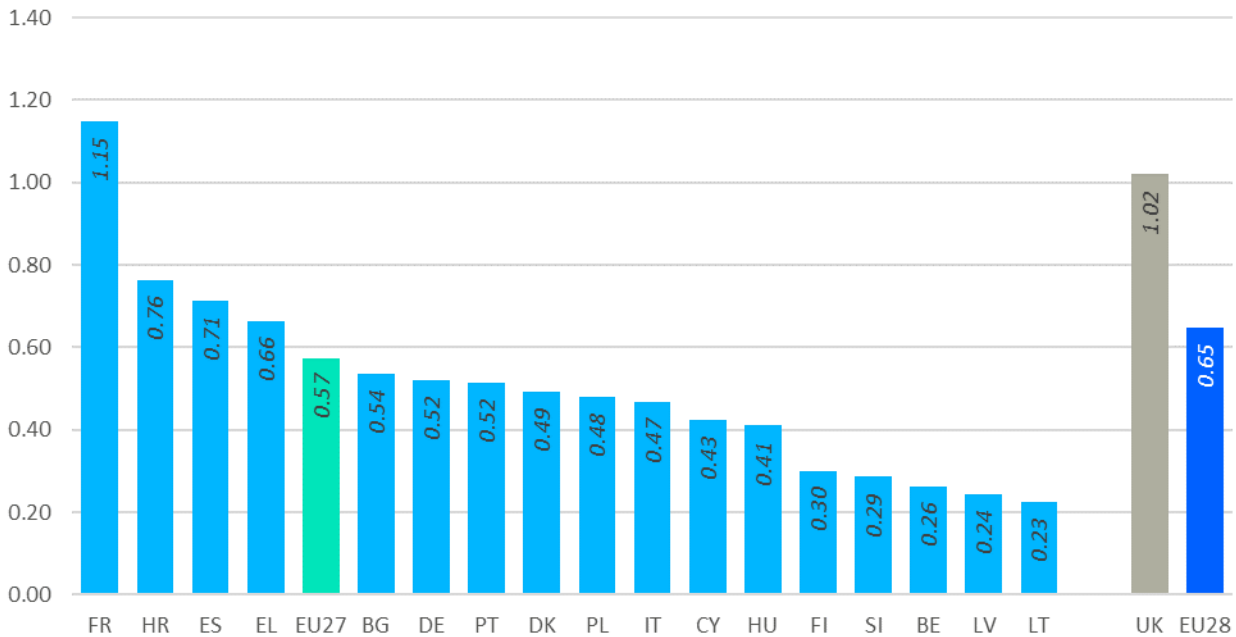


Figure 32 - Audiovisual sector share of all GVA produced in the economy, by Member State + UK (2018)

Note: Only countries with data for all of the four NACE sectors in scope have been included.
Source: Eurostat Structural Business Statistics

6.2 Businesses operating in the audiovisual sector and employment trends

For 2018, Eurostat records a total of 108,111 enterprises operating in the four sub-sectors of audiovisual production and dissemination. The lion's share of these companies (86,865, or 80%) operated in production, and their number shows considerable growth over the four years between 2015 and 2018 with an increase of 14,279 and an average annual growth rate of 6.1%. Consequently, this growth puts production in first position among the four audiovisual sub-sectors in terms of increase in the number of companies. The number of companies in distribution and in TV programming and broadcasting have in fact decreased over the reference period, according to Eurostat data.

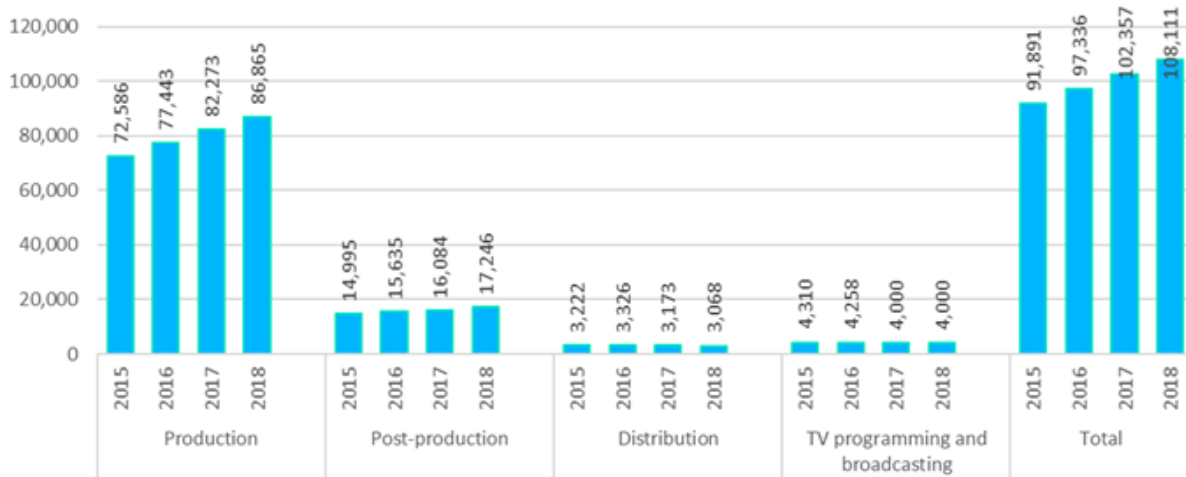


Figure 33 - Number of enterprises in the audiovisual sector in the EU27 (20145-2018)

Source: Eurostat

Figure below breaks down the total number of enterprises in the EU27 + UK audiovisual sector by country. Apart from the UK, which accounted for 17.8% of all companies, the countries hosting the largest numbers of companies are France (14.6%), the Netherlands (11.8%), Germany (6.9%), Poland (6.3%), and Sweden (6.0%). The sector is considerably over-represented in the Netherlands and Sweden – but also in the UK, Denmark and Hungary – in terms of its weight in all registered enterprises.

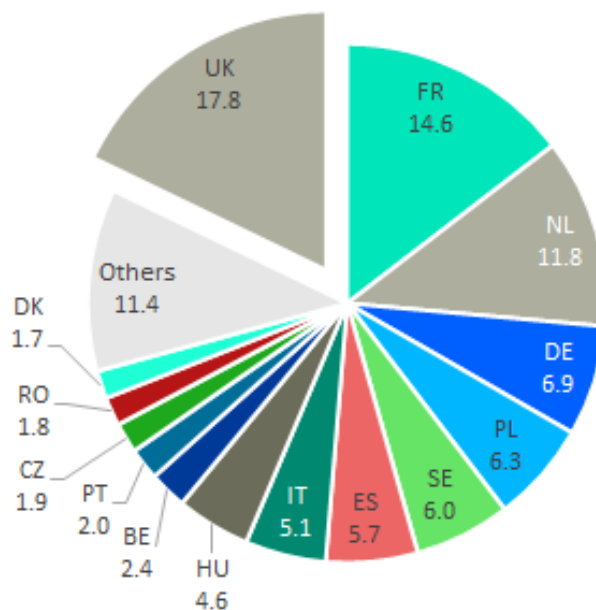


Figure 34 - Share of enterprises in the audiovisual sector by Member State + UK, EU27 + UK (2018, percentage of total)

Source: Eurostat Structural Business Statistics

Note: Includes projection activities (J59.14) for Czechia

The evolution of the number of enterprises active in the sector varied greatly across the countries:

- The number of enterprises in audiovisual production services grew between 2015 and 2018 in all countries except for Greece and Slovakia. The largest percentage growth occurred in Lithuania, Hungary and Cyprus.

- The number of post-production service companies grew in most countries but declined in five (Belgium, Greece, France, Luxembourg, Austria). Lithuania, Hungary, Romania and Slovakia showed the highest growth rates.
- The number of companies in distribution services declined in most larger markets except for the Netherlands, where it grew by 60.2%. Latvia, Lithuania, Slovenia, Romania, Poland and Ireland were also able to increase the number of registered companies in this sub-sector.
- The decrease in the number of companies was very significant in Estonia, France, Slovenia and Finland.
- In television programming and broadcasting, the number of companies decreased in about half the countries from which data was available. The decrease was particularly significant in Estonia, France, Slovenia and Finland. The highest rates of growth, on the other hand, were achieved in Lithuania, Germany, Slovakia and Cyprus.

Table 24 – Change in the number of registered enterprises in the audiovisual sector, by Member State + UK and sub-sector (percentage change 2015/2018)

Change in the period 2015 – 2018					
Country	Production	Post-production	Distribution	TV programming and broadcasting	Audiovisual sector total
Austria	16.0%	-2.2%	-16.9%	-7.0%	13.5%
Belgium	26.2%	-19.5%	-1.5%	1.7%	13.6%
Bulgaria	14.8%	25.4%	-1.6%	2.1%	15.0%
Croatia	15.5%	21.4%	-9.1%	8.9%	13.0%
Cyprus*	54.8%	:	:	33.3%	52.1%
Czechia*	:	:	:	1.0%	12.9%
Denmark	20.8%	3.4%	0.0%	-20.5%	16.7%
Estonia*	32.1%	2.0%	-14.3%	-55.6%	23.5%
Finland	9.1%	13.1%	0.0%	-24.0%	8.4%
France	11.6%	-13.4%	-21.2%	-43.2%	6.5%
Germany	0.6%	18.2%	-7.7%	51.2%	3.3%
Greece	-3.9%	-7.2%	-17.5%	-2.9%	-5.2%
Hungary	58.5%	74.2%	-2.7%	-11.3%	49.8%
Ireland	:	:	3.9%	:	12.0%
Italy	10.9%	22.7%	-8.8%	-12.4%	8.7%
Latvia	49.6%	48.6%	35.3%	3.9%	39.8%
Lithuania	121.6%	83.9%	28.6%	84.6%	109.7%
Luxembourg	4.5%	-6.5%	-15.4%	-13.3%	-0.6%
Malta	:	:	:	:	:
Netherlands	27.2%	19.3%	60.2%	5.0%	25.2%
Poland	31.9%	48.3%	6.8%	3.8%	32.2%
Portugal	33.1%	46.3%	-21.5%	-7.5%	31.3%
Romania	37.4%	69.1%	16.0%	-4.8%	33.2%
Slovakia*	-12.7%	61.7%	:	37.0%	31.8%
Slovenia	17.7%	27.8%	16.7%	-28.1%	10.4%
Spain*	:	:	:	-23.5%	10.5%
Sweden	10.2%	16.2%	-16.5%	14.4%	10.2%
EU27	19.7%	15.0%	-4.8%	-7.2%	16.9%
United Kingdom	13.8%	6.1%	11.9%	5.0%	12.3%
EU28	18.5%	13.6%	-2.1%	-5.1%	16.0%

* Includes motion picture projection activities

Source: Eurostat Structural Business Statistics

6.2.1 Breakdown by company size- production, post-production and distribution (J59)

This sub-section looks at the breakdown of enterprise statistics by size class, where delineation uses employee numbers according to the standard brackets in Eurostat as follows:⁵⁸:

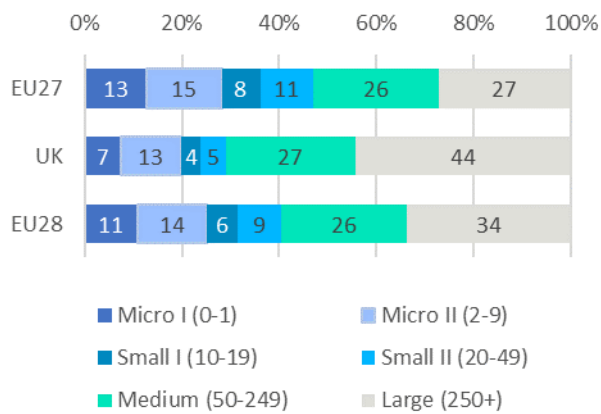
- Micro I: 0-1 employees
- Micro II: 2-9 employees
- Small I: 10-19 employees
- Small II 20-49 employees
- Medium: 50-249 employees
- Large: 250+ employees.

As in the previous report, size class analysis is undertaken at the 2-digit level (J59, J60) as more granular data is not available for the EU, or indeed for most Member States, at Eurostat.

As in all economic sectors, micro-enterprises represent the vast majority of companies in the audiovisual sector. The share of micro-enterprises has in fact grown since the previous reporting period from 96% to 97%. The increase of micro-enterprises occurs at the expense of companies with 10 to 19 employees and those with 20 to 49 employees. While these companies accounted for 3.37% in 2014, they now represent 2.71% of companies.

In terms of the combined turnover and GVA achieved in the “Motion picture, video and television programme production, sound recording and music publishing activities” sector, the economic significance of SMEs is still considerable: in 2018, they accounted for a total of 73% of all turnover and 72% of all GVA generated in the EU27. Medium-sized enterprises are remarkably strong overall, almost reaching the same market share as large companies. However, the weight of large enterprises was much greater in the UK, reducing the weight of SMEs in the EU27 + UK significantly, to only 66% and 65% for combined turnover and GVA, respectively.

Turnover



Gross Value Added

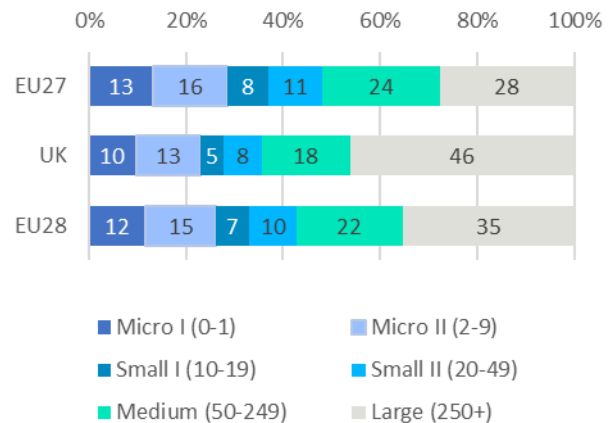


Figure 35 - Breakdown of turnover and GVA by company size in sector J59, EU with and without the UK (2018, percentage of total)

Note: the weight for large enterprises in the EU27 has been imputed based on EU27 and UK figures. Source: Eurostat Structural Business Statistics

⁵⁸ This is understood as the best available proxy in Eurostat datasets for the identification of SMEs, although it does not take into account turnover and balance sheet figures, public ownership, or linked enterprises.

As shown in the graphs below, there were three Member States where no large enterprise was recorded at all by Eurostat in the sector “Motion picture, video and television programme production, sound recording and music publishing activities”. Countries with no large companies in this sector are Czechia, Romania and Croatia. In the remaining seven countries, the weight of SMEs was relatively high in terms of total turnover in Italy, Poland and Greece, at around the EU average in France, and lower than the average in Sweden, Germany and Spain. In terms of GVA generated, SMEs in France and Sweden performed significantly better, while the weight of SMEs in Poland, Greece fell below the EU average.

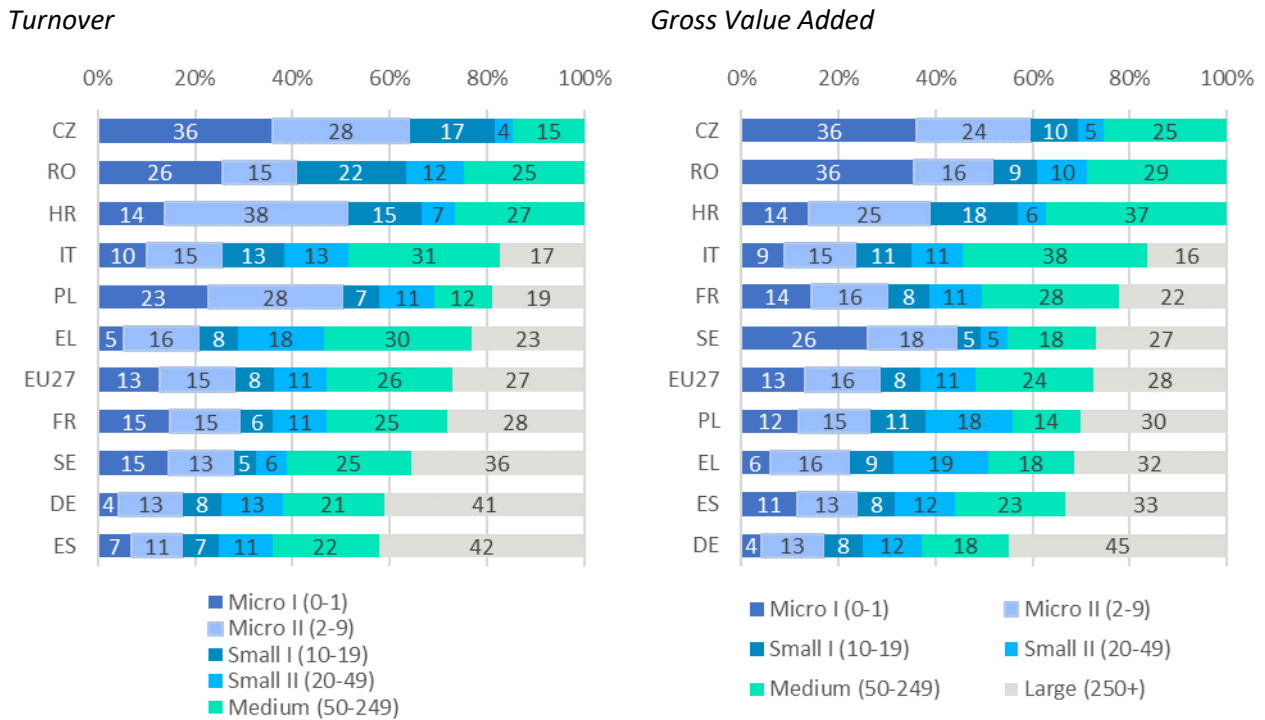


Figure 36 - Breakdown of turnover and GVA by company size in sector J59, by Member State (2018, percentage of total)

Source: Eurostat Structural Business Statistics

The top 10 countries in terms of enterprise birth rates in this sector have changed only slightly by comparison with the top 10 in 2014. Bulgaria and UK are no longer in the top 10 and were replaced by Lithuania and Hungary. The order of countries and the actual birth rates in the top 10 have, however, changed substantially. Slovenia had a birth rate of 18% in 2014 and led on this indicator, but now has a 13% rate and is in 10th place. The leading country in these terms, Lithuania, did not appear in the top 10 in 2014.

However, Lithuania is also the only country which has an enterprise death rate in this sector higher than the birth rate, meaning that more companies were closed than created in 2018. Portugal, on the other hand, which had a death rate higher than the birth rate in the previous reporting exercise (16%), now sees more companies being created than closed.

The country with the highest survival rate of companies after five years in this dataset is Slovakia (68%) followed by Slovenia (60%). Estonia and Romania also have a survival rate after five years that is above 50%.

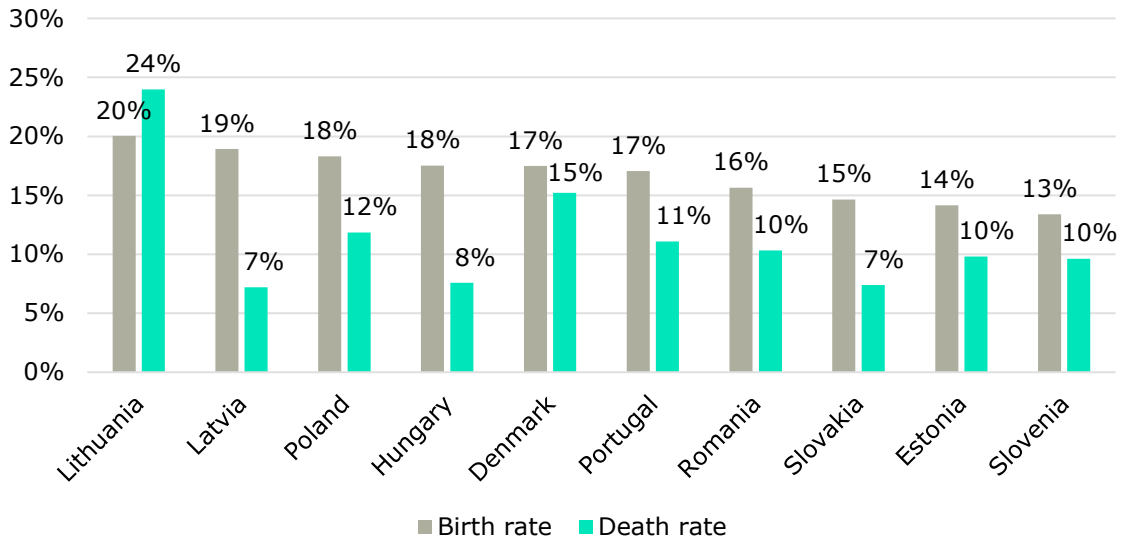


Figure 37 - comparison of launch rate and termination rate in top 10 EU27 + UK - 2018

Source: SBS, Eurostat

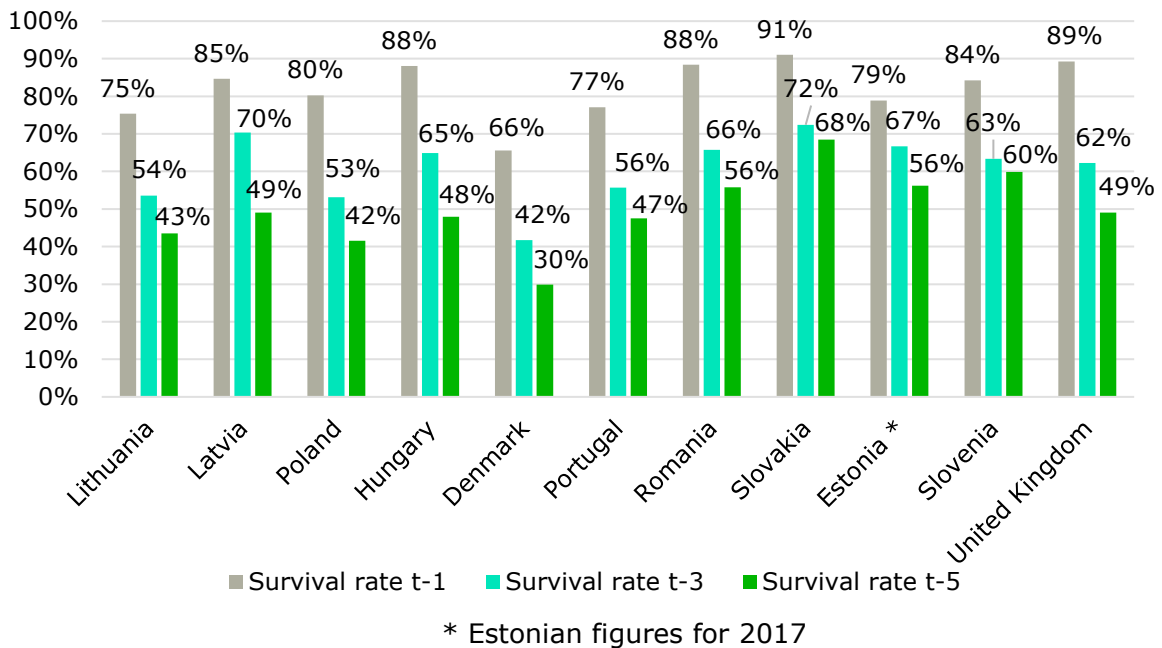


Figure 38 - One-, three- to five-year survival rates top 10 EU27 + UK 2018

Source: SBS, Eurostat

6.2.2 Breakdown by company size – broadcasting and programming (J60)

As in the case of the J59 sector presented above, micro-enterprises dominate in the “Programming and broadcasting activities” sector, although larger companies represent a somewhat higher share in this sector. The share of micro-enterprises has grown slightly since the last reporting (from 85% to 86.5%). The decline is most marked in the share of companies with between 20 and 49 employees (from 4.5% to 3.4%).

However, analysis of combined turnover and GVA by company size shows that the programming and broadcasting sector is overwhelmingly dominated by large enterprises. In 2018 they accounted for 85% of both the total turnover and the GVA in the sector in the EU27 (note again that companies with less than 250 employees may still be large enterprises as per the Commission’s definition, taking into account turnover, balance sheet figures and linked enterprises). While SMEs registered in the UK also show a smaller overall weight in this sector; the pattern is the opposite for GVA generation.

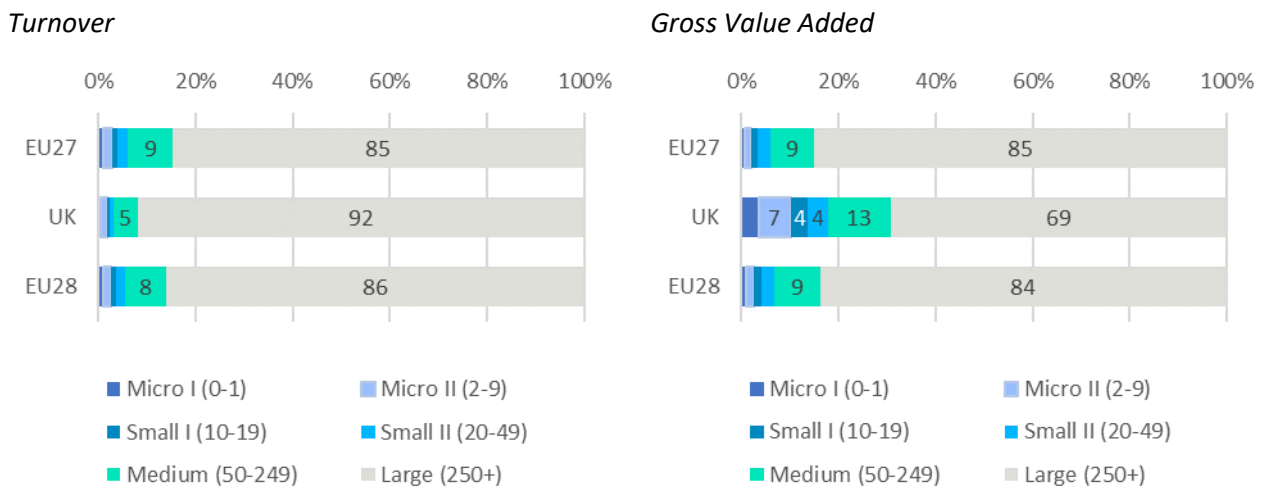
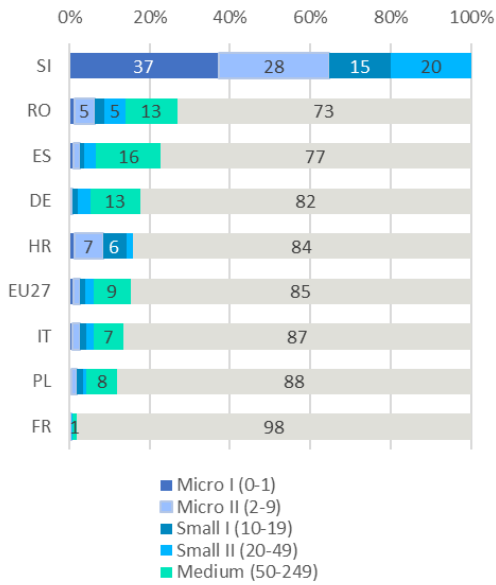


Figure 39 - Breakdown of turnover and GVA by company size in sector J60, EU with and without the UK (2018, percentage of total)

Note: the weight of large enterprises in the EU27 has been imputed based on EU27 and UK figures. Source: Eurostat Structural Business Statistics

The breakdown by country of the data for the nine Member States for which we have sufficiently granular data shows that Slovenia had no large or even medium-sized companies in this sector. SMEs generated a somewhat higher share of total sectoral turnover than the EU average in Romania, Spain, Germany and Croatia, but a lower share in Italy, Poland and France. In terms of GVA, the relative performance of SMEs in Romania and Spain remained above average, joined by Bulgaria and Italy.

Turnover



Gross Value Added

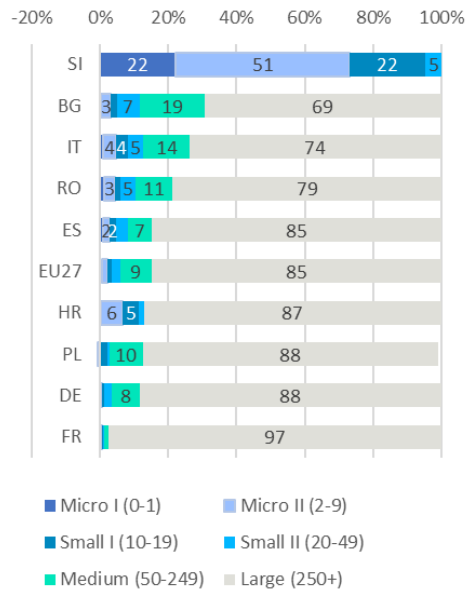


Figure 40 - Breakdown of total and GVA by company size in sector J59, by Member State (2018, percentage of total)

Source: Eurostat Structural Business Statistics

The birth as well as death rates in this sector are lower than in the production sector. The company birth rate for the top 10 countries ranges between 7% and 10% which is a relatively narrow bracket (narrower than in 2014 when it ranged from 6% to 12%).

Three of the countries in the top 10 for birth rate in fact had a higher death rate, meaning negative growth in company numbers (Bulgaria, Sweden and Romania). In Bulgaria, the negative difference between the two indicators is particularly high. In two other countries (Lithuania and Spain), the two indicators were of the same value.

Most of the countries have a strong survival rate in this sector, with more than 50% of companies still in existence five years after launch. This is particularly striking in Austria, where the survival rate after five years is 80%.

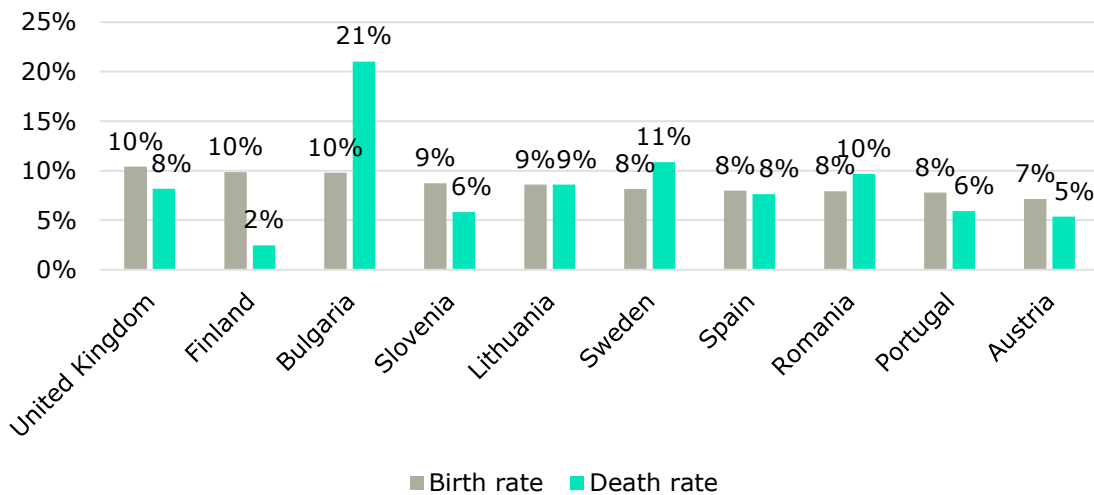


Figure 41 - Comparison birth rate vs death rate in top10 EU27 + UK – 2018

Source: SBS, Eurostat

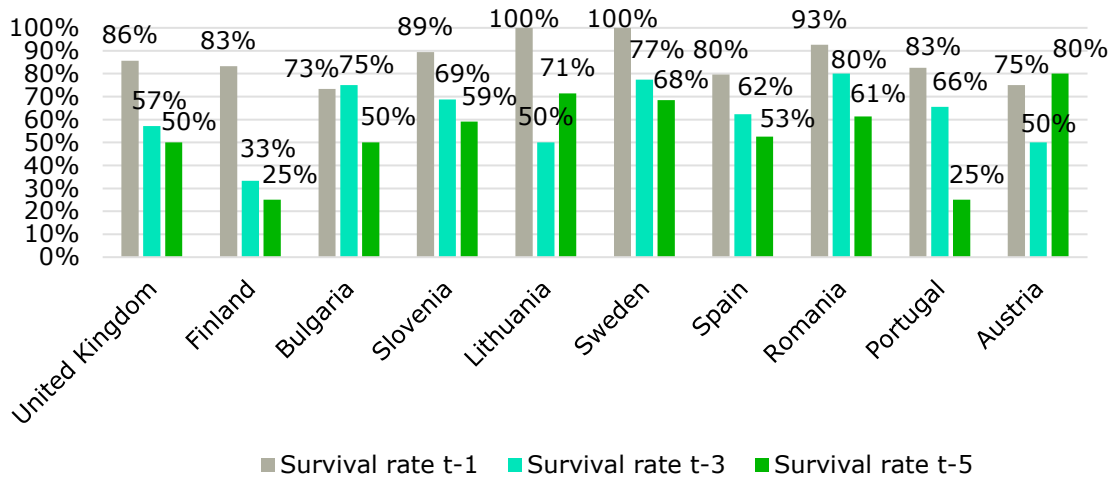


Figure 42 - One-, three- to five-year survival rates top10 EU27 + UK – 2018

Source: SBS, Eurostat

6.3 Employment in the audiovisual sector

In 2018, nearly 900,000 persons were employed in the audiovisual sector overall – covering all sub-sectors. This is a notable increase since 2015.

In particular, the number of persons working in production increased by 80,000, from 460,100 in 2015 to 540,800 in 2018. This increase is in contrast with the evolution in the previous reporting period, when the number of employees stagnated at around 450,000 between 2011 and 2015.

In comparison, distribution has seen a decline in employees from 366,800 in 2015 to 338,700 in 2018. This decline occurred primarily in the period 2015-2017.

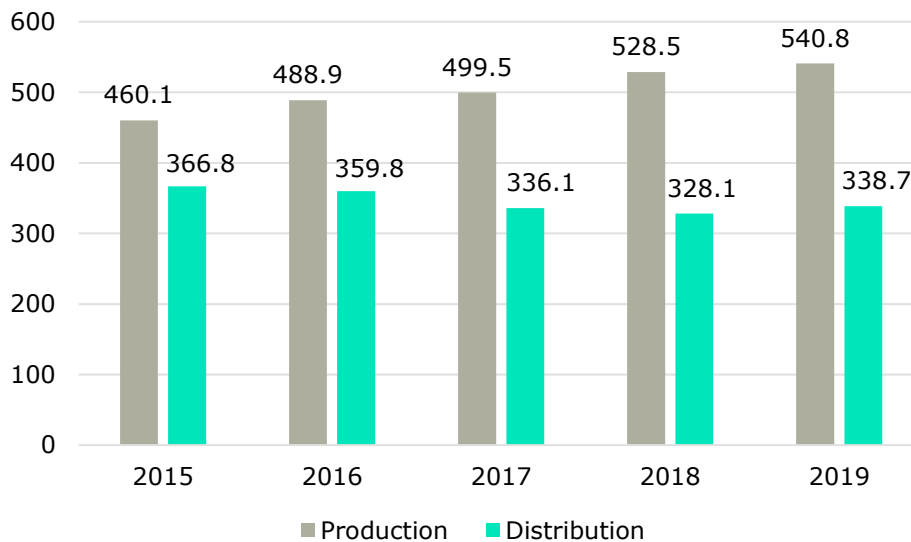


Figure 43 - Number of workers in the AV sector (J59 and J60) in the EU27 + UK (thousands) – 2018

Source: LFS, Eurostat

The countries with the highest share of employees in production are also the countries with the highest share of revenue – UK, France and Germany followed by Italy and Spain.

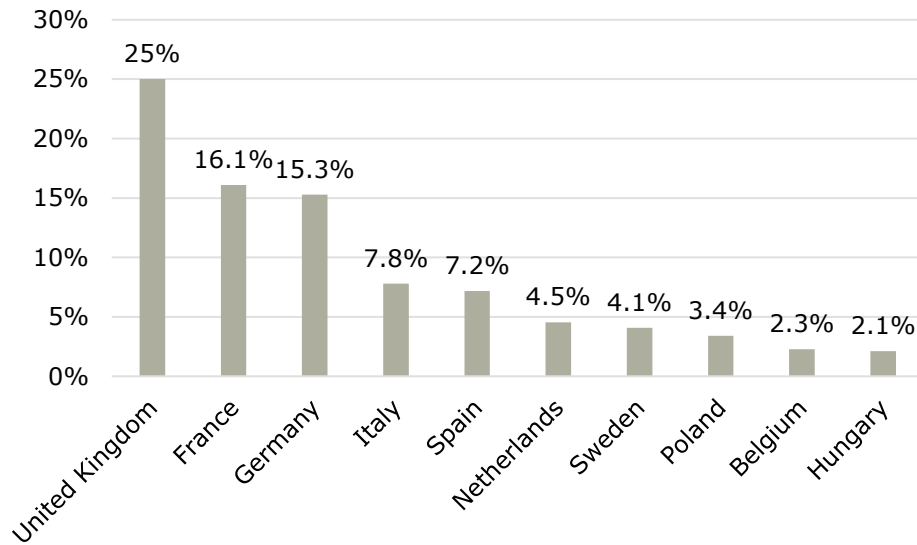


Figure 44 - Percentage of EU27 + UK workers in the audiovisual production top 10 EU27 + UK – 2019

Source: LFS, Eurostat

In the distribution sector, the situation is overall similar: the UK is well ahead of the remaining countries in terms of workforce. However, Spain, with around 8% of revenues, represents 12% of the workforce. Poland also has a relatively high workforce share compared with its share of revenues in this sub-sector.

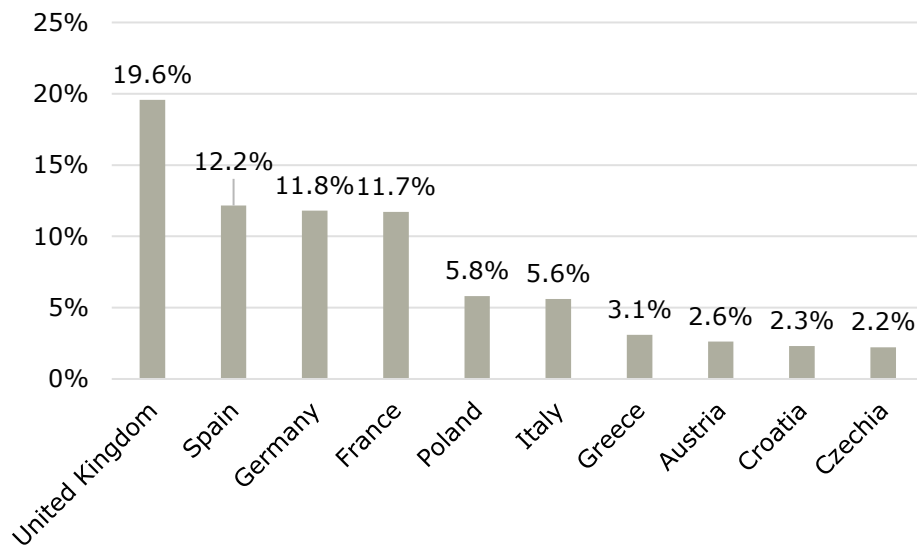


Figure 45 - Percentage of EU27 + UK workers in the AV distribution top 10 EU27 + UK – 2019

Source: LFS, Eurostat

The data on workforce evolution in the production sub-sector at country level shows interesting trends:

- A significant part of the positive evolution in the period 2015-2018 is due to the workforce in the UK, which increased by over 30,000;
- In France the workforce was relatively stable between 2015 and 2018 but increased rapidly in 2019;
- In Germany, on the other hand, there was growth in 2017-2018 but a decline between 2018 and 2019;
- Spain saw a large increase in workforce between 2015 and 2017, which then declined until 2019;

- Poland and Italy saw their workforce in this sector decline;
- Smaller markets like the Netherlands, Sweden, Belgium but also Hungary and Czechia saw relatively high growth in staff numbers..

Table 25 - Number of workers in the audiovisual production (J59) in top 10 EU27 + UK (in thousands)

	2015	2016	2017	2018	2019
United Kingdom	103.30	120.60	118.90	131.20	135.30
France	70.40	72.30	69.40	72.90	87.00
Germany	81.00	77.90	82.30	88.80	82.60
Italy	46.50	43.30	41.90	40.80	42.10
Spain	31.10	38.70	46.90	40.60	38.80
Netherlands	18.10	22.60	25.70	25.40	24.50
Sweden	15.50	15.00	14.50	16.80	22.00
Poland	24.10	20.50	17.40	21.80	18.40
Belgium	10.50	13.00	13.30	17.50	12.30
Hungary	4.50	7.20	5.40	7.60	11.50
Czechia	6.70	9.10	9.40	9.40	9.60

Source: LFS, Eurostat

In the distribution sub-sector, the national trends are quite different:

- Most countries saw a decline in staff numbers in the period 2015-2018 (UK, DE, FR, PL, IT, SE);
- However, a few countries saw an increase from 2018 to 2019 (UK, FR, IT)
- Austria has seen growth in employment throughout this period.

Table 26 - Number of workers in the audiovisual distribution (J60) in top10 EU27 + UK (in thousands)

	2015	2016	2017	2018	2019
United Kingdom	78.00	73.30	65.10	62.70	66.30
Spain	44.30	43.90	41.40	44.20	41.20
Germany	46.30	41.30	41.40	44.80	40.00
France	35.00	33.30	33.40	30.00	39.70
Poland	23.50	20.90	21.70	20.00	19.70
Italy	17.90	17.00	13.60	13.40	19.00
Greece	8.80	9.50	10.50	8.40	10.50
Austria	5.70	7.40	7.40	6.40	8.90
Croatia	7.00	7.30	5.10	7.50	7.80
Czechia	10.00	9.40	9.40	10.10	7.50
Sweden	8.70	8.80	9.20	7.30	7.50

Source: LFS, Eurostat

As in the previous monitoring report, the audiovisual sector is still a relatively youthful sector. The share of young people (below the age of 40) in this sector is substantially higher than their share in the total economy (53% compared with 41% in 2019). This is particularly the case in production (where 58% of employees are aged below 40) and less so in distribution (with 44% staff below 40). The share of young people in this sector has been relatively stable.

As shown below, the vast majority of staff in this sector are aged from 25 to 49. The share of young staff (below the age of 25) has increased slightly in the past five years, and so has the share of employees aged over 50.

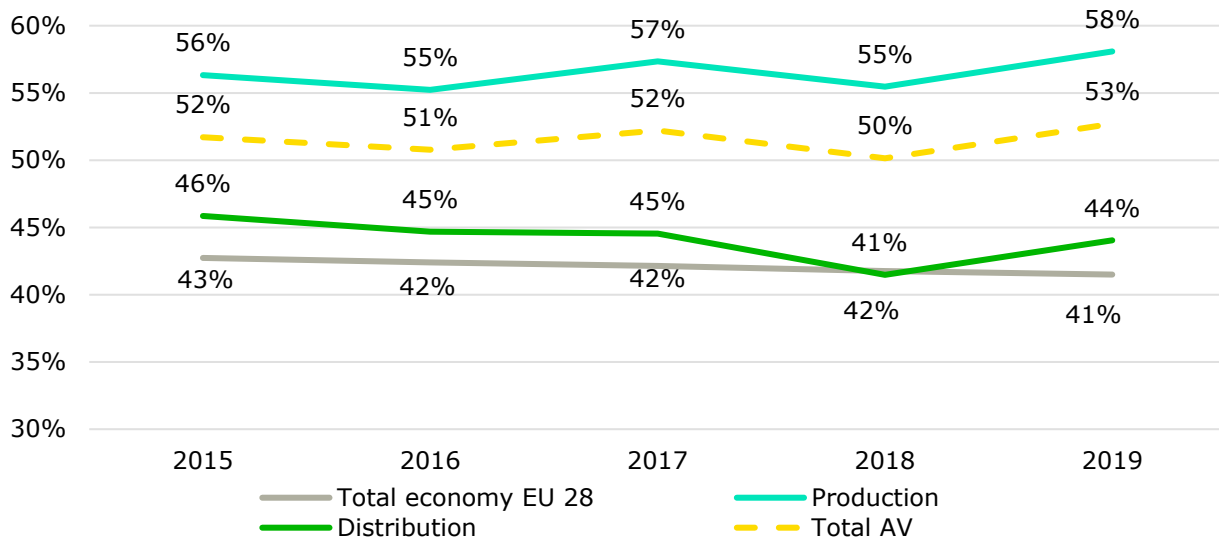


Figure 46 - Trends in share of young people (15-39 years) working in the AV sector (J59 and J60) and the whole economy, EU27 + UK

Source: LFS, Eurostat

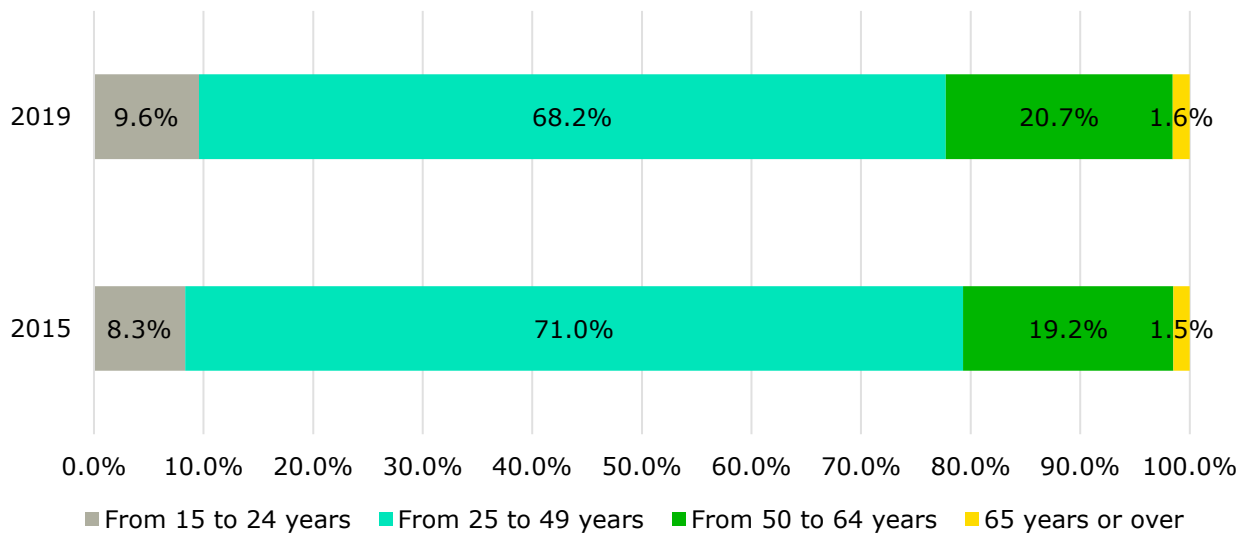


Figure 47 - Composition of the workforce by age groups in the AV sector (J59 and J60) years 2019 and 2015

Source: LFS, Eurostat

The participation of women in the audiovisual sector is lower than in the overall economy in the EU. While women represented on average 46% of employees in the economy as a whole in 2019, they were only 38% in the audiovisual sector. There is an important difference in women's participation in the production and distribution sub-sectors. The share of women in distribution is slightly lower than in the overall economy (43% compared with 46%). However, only 35% of employees in the production sector are women. The participation of women in the production sector has actually been declining over time. There were 39% of women in 2012 and since then the trend has been downward. The share of women in distribution, on the other hand, grew from 39% in 2013 to 46% in 2017 but has declined again in the past two years (2018 and 2019).

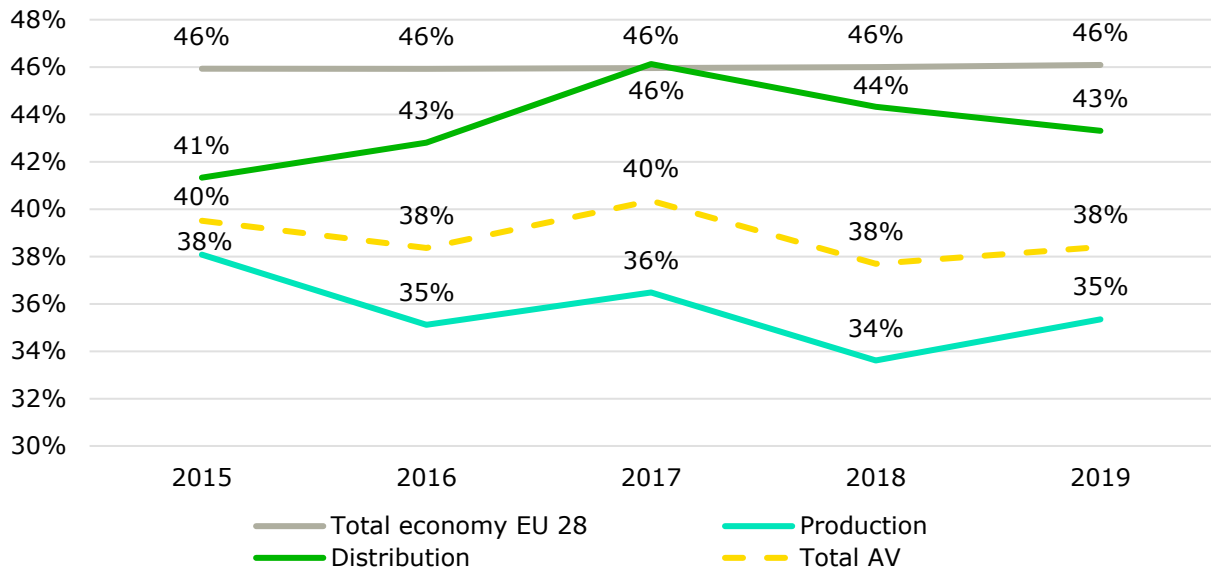


Figure 48 - Trends in share of women working in the AV sector (J59 and J60) and the whole economy, EU27 + UK

Source: LFS, Eurostat

The evolution of women’s participation in the audiovisual sector has seen a particularly negative trend in Czechia, where it fell from 50% in 2015 to 30% in 2018, though it rose again to 40% in 2019. In Denmark too the trend was downward, from 42% to 33%. Belgium and Spain saw an increase of women’s employment in the years from 2015 to 2017, followed by a decline in 2018 and 2019.

Table 27 - Share of women in the workforce of the AV sector (J59 and J60) in selected Member States + UK and in the EU27 + UK (2015 and 2019)

	2015	2016	2017	2018	2019
EU 28	40%	38%	40%	38%	38%
Belgium	34%	42%	44%	43%	34%
Czechia	50%	43%	37%	33%	40%
Denmark	42%	31%	38%	34%	33%
Germany	46%	45%	45%	42%	44%
Spain	38%	41%	45%	41%	39%
France	36%	38%	37%	37%	38%
Italy	35%	32%	36%	34%	40%
Netherlands	33%	34%	39%	32%	37%
Poland	41%	36%	40%	39%	42%
Sweden	36%	42%	35%	31%	34%
United Kingdom	38%	34%	41%	35%	35%
* Selection is based on availability of data					

Source: LFS, Eurostat

6.4 Market trends and value chains

This section presents the preliminary analysis of market trends. It replicates the analysis made in the previous monitoring report.

6.4.1 Investment in original programming

Traditionally public and private broadcasters were the main sources of investment in audiovisual productions. However, as already noted in the previous monitoring report, the investment of VoD providers in original content has been growing and this trend has accelerated in the past five years.

Subscription-based video on demand (SVoD) has become the business model which results in greatest revenues in this sector.

The previous monitoring report used a one-off EAO study analysing IHS data to analyse the evolution of investment in original programming, focusing on the investments of linear services providers. That report found that 15.7 billion euro were invested in original production by public and private broadcasters in 2013. In 2020, EAO conducted another detailed analysis of investments, also including SVoD services⁵⁹. Extrapolating the data from this 2020 study, we can estimate that the overall investment of linear services providers in the period 2014-2019 increased from a total of 15.7 billion euro to 18.4 billion euro.

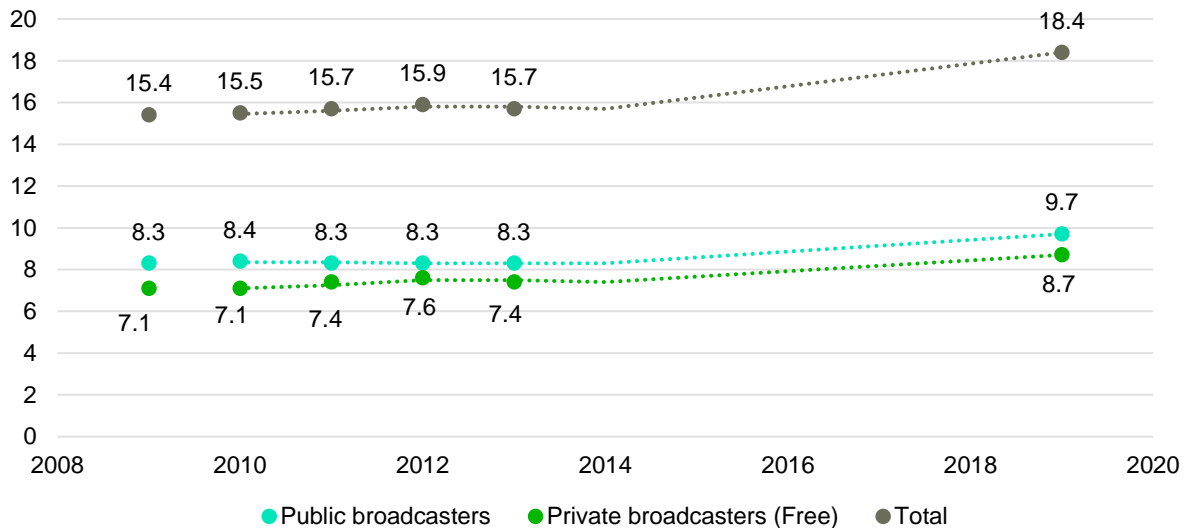


Figure 49 - Investment in original programming: total, public and private broadcasters (2014-2019) – in EUR billion

Source (EAO, 2015), (EAO, 2020b)

However, this figure (and the figure in the previous monitoring report) appears incomplete as it only includes public broadcasters and (free-to-air) private broadcasters. The recent study⁶⁰ by the EAO models investments in European original content, providing estimated figures for 2019 and some forecasts for 2020 and 2021, assessing the impact of COVID-19 and also capturing the contribution of pay private broadcasters as well as SVoD and cinema distributors. The EAO report estimates that the total investment in 2019 was 30.3 billion euro, falling to 27.2 billion euro by 2020. This excludes investments made in the UK and thus covers EU27.

⁵⁹ EAO (2020). Modelling audiovisual sector revenue flows in the EU and test case on impact of COVID-19 on industry revenue. See at: <https://rm.coe.int/modelling-audiovisual-sector-revenue-flows-in-the-eu-and-test-case-on-/16809fd5e7>

⁶⁰ EAO (2020) Modelling audiovisual sector revenue flows in the EU and test case on impact of COVID-19 on industry revenues

Table 28 - European original content financing revenue (excluding news) (EU27, billion euro)

Financing of original European content (excluding acquisition and news)	2019	2020	2020 vs 2019	2021	2021 vs 2019	Cumulated loss of revenues
Public funds	1.3	1.2	-0.1	1.2	-0.1	-0.2
Public broadcasters	9.7	9.1	-0.6	8.8	-0.9	-1.5
Public broadcasters (free)	8.7	7	-1.7	8	-0.7	-2.4
Public broadcasters (pay)	9.7	9.2	-0.5	9	-0.7	-1.2
SVoD services	0.4	0.5	0.1	0.7	0.2	0.4
Cinema distributors	0.5	0.1	-0.3	0.2	-0.1	-0.5
Total	30.3	27.2	-3.1	27.9	-2.3	-5.4

Source: (EAO, 2020b)

It is estimated that worldwide, Netflix, Amazon Prime Video and Hulu invested 19.5 billion dollars in original productions in 2018 (equivalent to 16.25 billion euro). This includes investments in major worldwide markets including the US and therefore the EU is likely to represent only a fraction of this value. However, what is interesting is the shape of the curve, which shows a clear upward trend in original content production notably by Netflix, with a strong acceleration in the period 2017-2018.

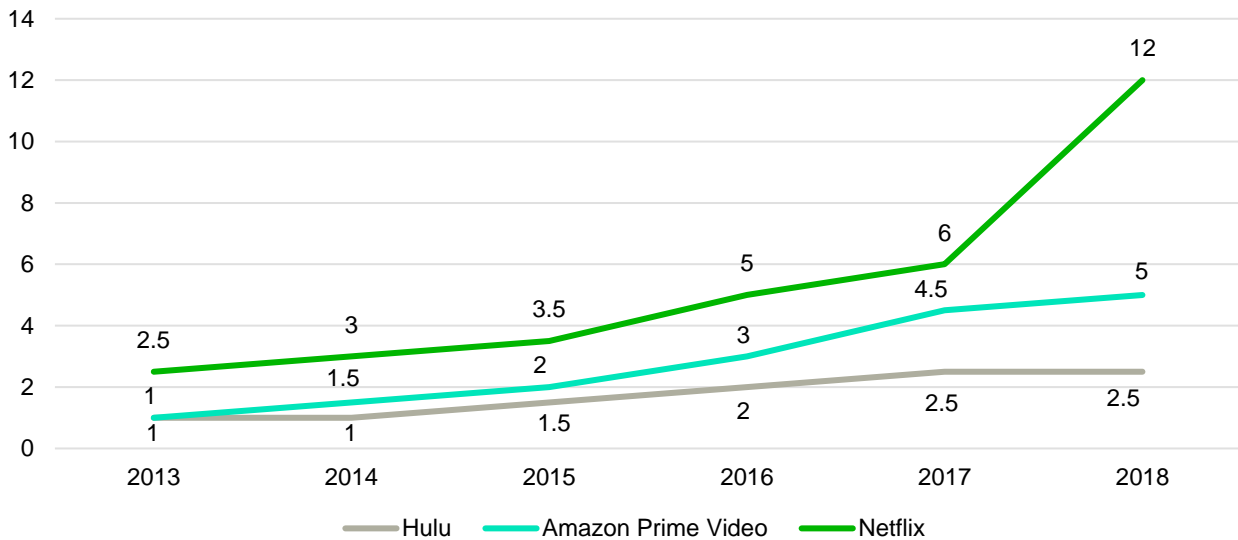


Figure 50 - Content investment of major subscription-video-on-demand (SVoD) services from 2013 to 2018 (in billion U.S. dollars)

Source: Parrot Analytics - Global Television Demand Report 2018, page 6 – From Statista

The figure below shows a comparison between the number of European SVoD titles produced and the revenues from VoD services, notably SVoD services. In the absence of exact data on SVoD investments, it shows that there is a positive relationship between the growth in SVoD revenues and the increase in original SVoD productions.

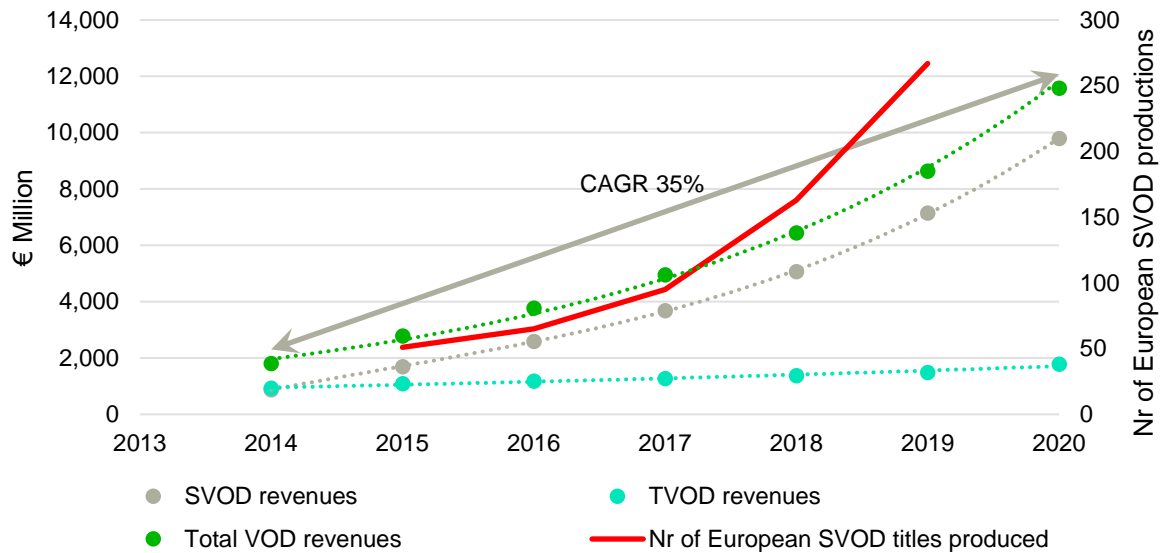


Figure 51 -Total VoD revenues, SVoD revenues, and investment in exclusive online content in top 10 EU countries 2014-2020 – million Euro

Source: (EAO, 2019a; EAO, 2021)

6.4.2 Production budgets

In the figure below, we replicated the analysis made by EAO in 2015 and cited in the previous monitoring report, which shows the evolution of average film production budgets.

The average production budget in the EU27 + UK dropped markedly in 2015 to 87% of its 2014 value but it regained ground in the subsequent years.

However, at country level the trends are different. In Germany, the average budget dropped drastically from 2014 to 2015 and while it rose again later, it returned to the 2014 value. France on the other hand saw a peak in average budgets in 2016 after which the values dropped again, falling below 2014 values. In Italy and the Netherlands, the average budget remained relatively stable. It increased slightly in Spain, Sweden and the UK.

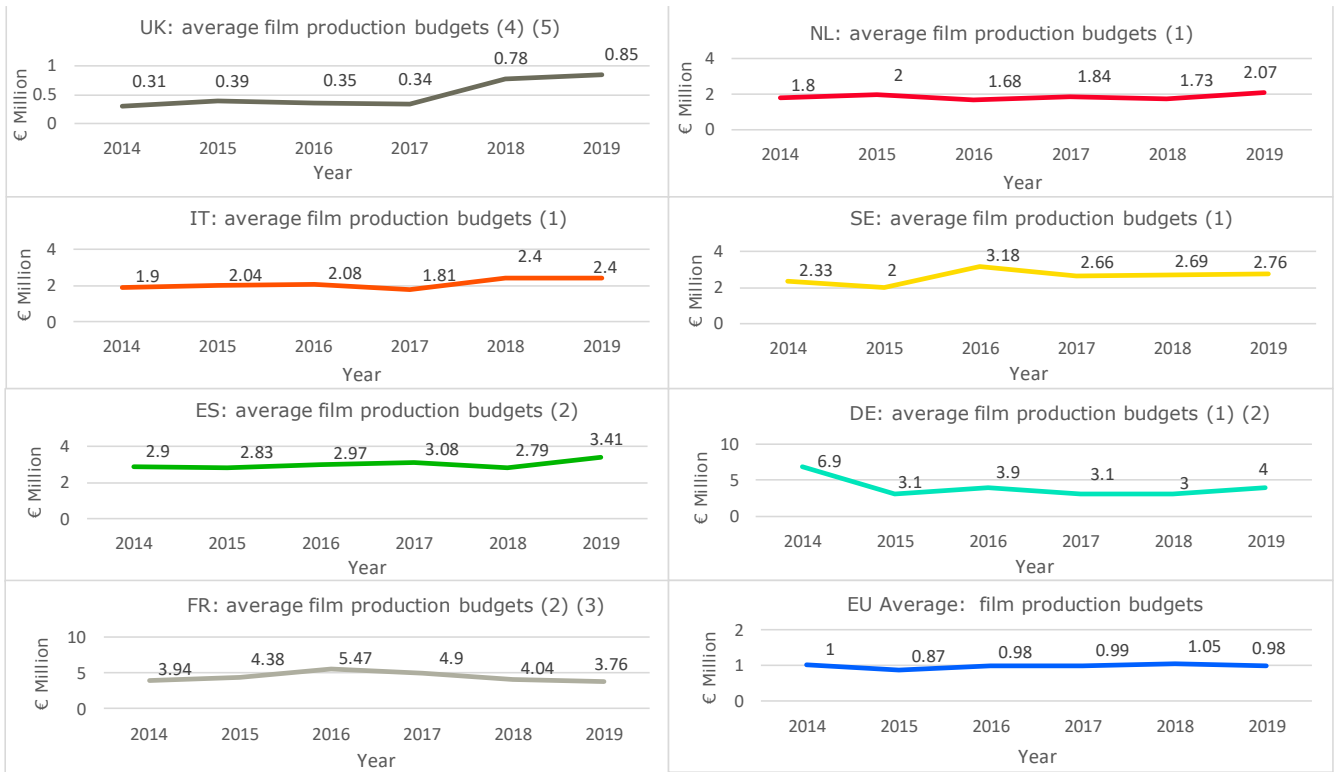


Figure 52 - Average feature film production budgets in selected Member States (+ UK) (2014-2018) in EUR million (EAO, 2019a; EAO, 2020a)

- (1) Fiction films only.
- (2) Minority co-productions included.
- (3) French initiative films only.
- (4) Median (instead of average) UK domestic production budget
- (5) excluding inward investment productions ranging from € 8.4 million in 2015 to € 14.7 million in 2018

Source: EAO, 2019a; EAO, 202a

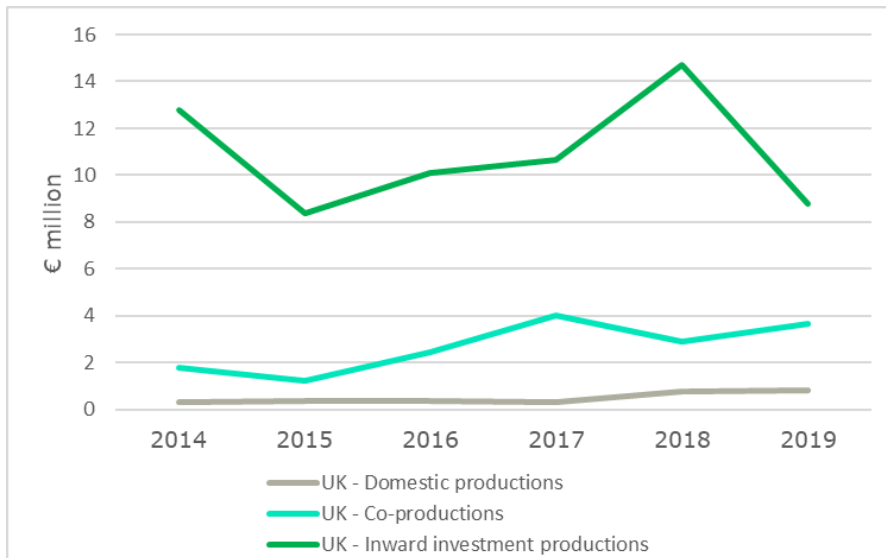


Figure 53 - Median feature film budget in the United Kingdom (UK) from 2014 to 2018, by production type (in million EUR)

Source: EAO, 2019a; EAO, 2020a

6.4.3 Independent producers

The table below gives a breakdown of fiction productions – including both films and TV series - by title and by total hours for 2018 for dependent and independent productions. Independent productions are those which are produced by a production company not under the control of the broadcaster commissioning the programme⁶¹. The underlying data used has been provided by the European Metadata Group, from their analysis of the programming schedules of 176 TV channels and on-demand services (the respective TV and SVoD audience leaders in the European countries tracked). The figures are only a proxy for the EU27 + UK, as the countries EMG tracks is a broader group including Norway, Switzerland, countries of the Western Balkans, as well as Russia, Belarus, the Ukraine and Turkey.

The analysis shows that independent productions accounted for most titles and hours produced in Europe. They accounted for 77% of all fiction titles and 81% of TV titles with 2-13 episodes in 2018.

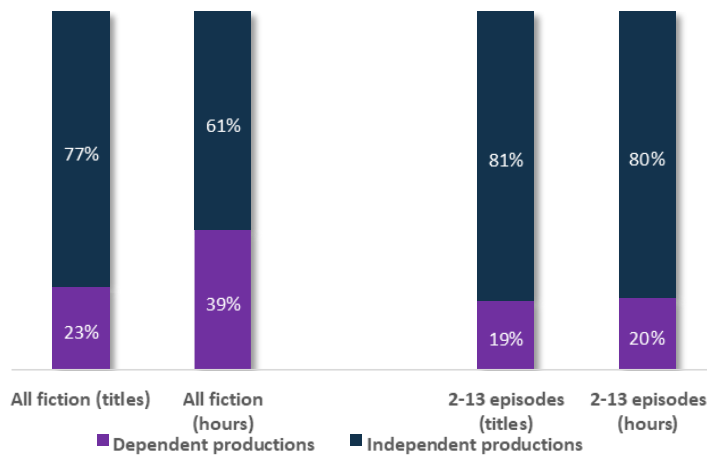


Figure 54 - Breakdown of dependent and independent fiction productions (by title and by hour) for 2018 (percentage of total)

Source: European Audiovisual Observatory analysis of the European Metadata Group data

⁶¹ Note that a more restrictive

6.4.4 Distribution

Access to digital TV reception has not changed dramatically since the previous monitoring report. The lowest rate is still around 63% and Sweden and Romania remain the countries with the lowest rate of access to digital TV.

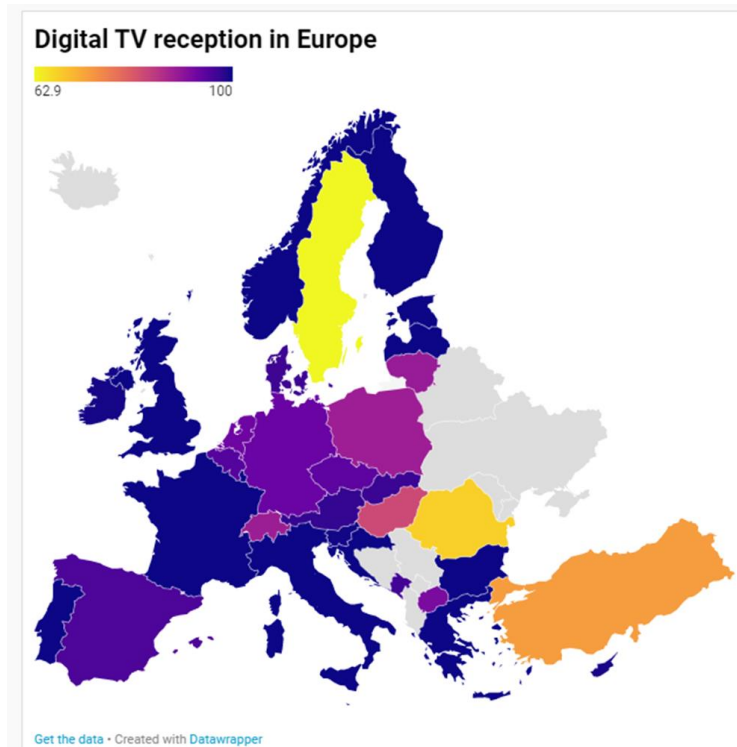


Figure 55 - Digital TV reception in Europe 2020 - Total digital TV households / Total TV households
Source: EAO, 2019a

Table below shows that since 2014 access to television has increased through both cable (from 15% of households to 21%) and internet (from 13% to 19%). The share of households with analogue-only access has declined from 11% to 4%.

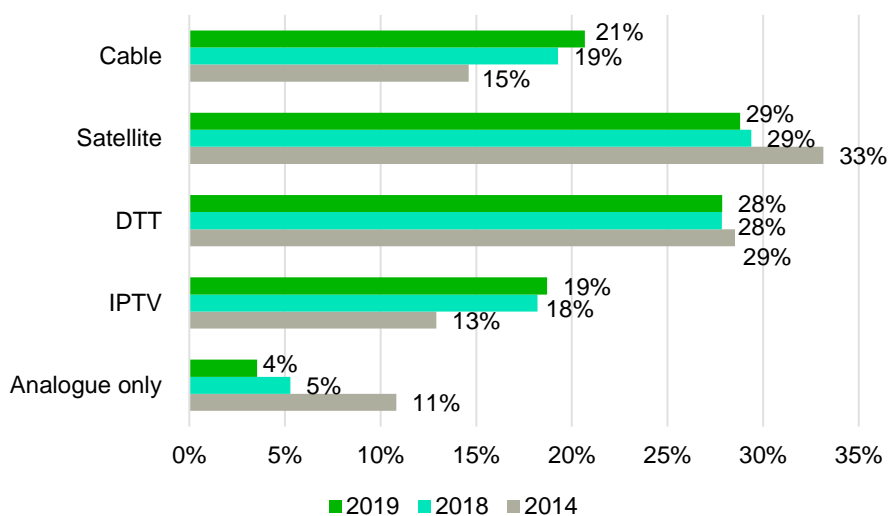


Figure 56 - Methods of receiving television

Source: EAO, 2019a; EAO, 2020a

In the period between 2015 and 2019, the number of television channels declined substantially. For example, while in 2015 there were close to 1000 channels established in Italy, in 2019 there were only 247. The biggest decreases in TV channels from 2015 to 2019 were found in Italy, the UK, Hungary, and France.

The United Kingdom had the highest number of TV channels in 2015 with 1,640 and in 2019 with 1,028. In 2019, the countries with the highest number of TV channels after the UK were the Netherlands (476), Germany (383) and Spain (334).

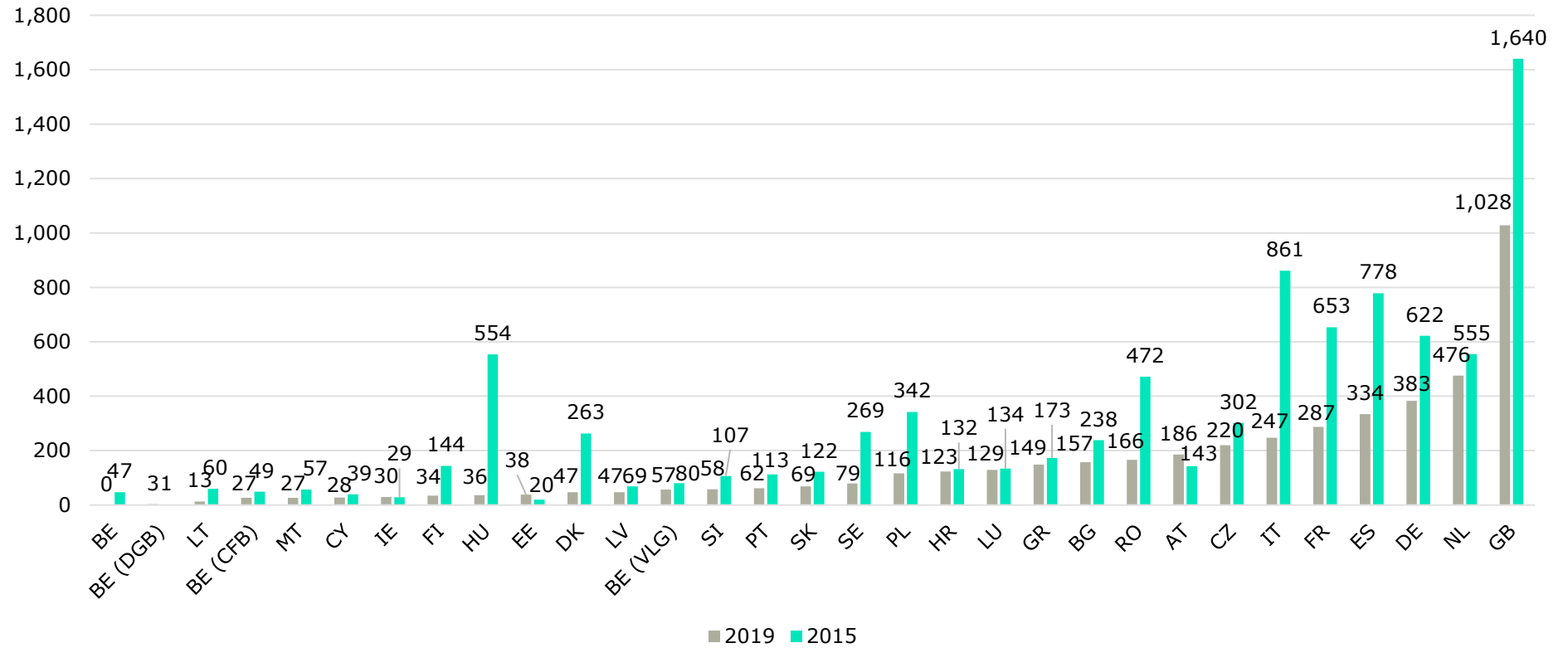


Figure 57 - TV channels established by Member State + UK (2015 and 2019)

EAO 2020 and 2015 Yearbook

The decline in the supply of television channels is also apparent from a breakdown of TV channels by genre. With the increased use of the internet and possibilities for content creation and sharing, the supply of specialised TV channels has dropped radically. TV music channels, for example, declined by two-thirds from 849 to 277.

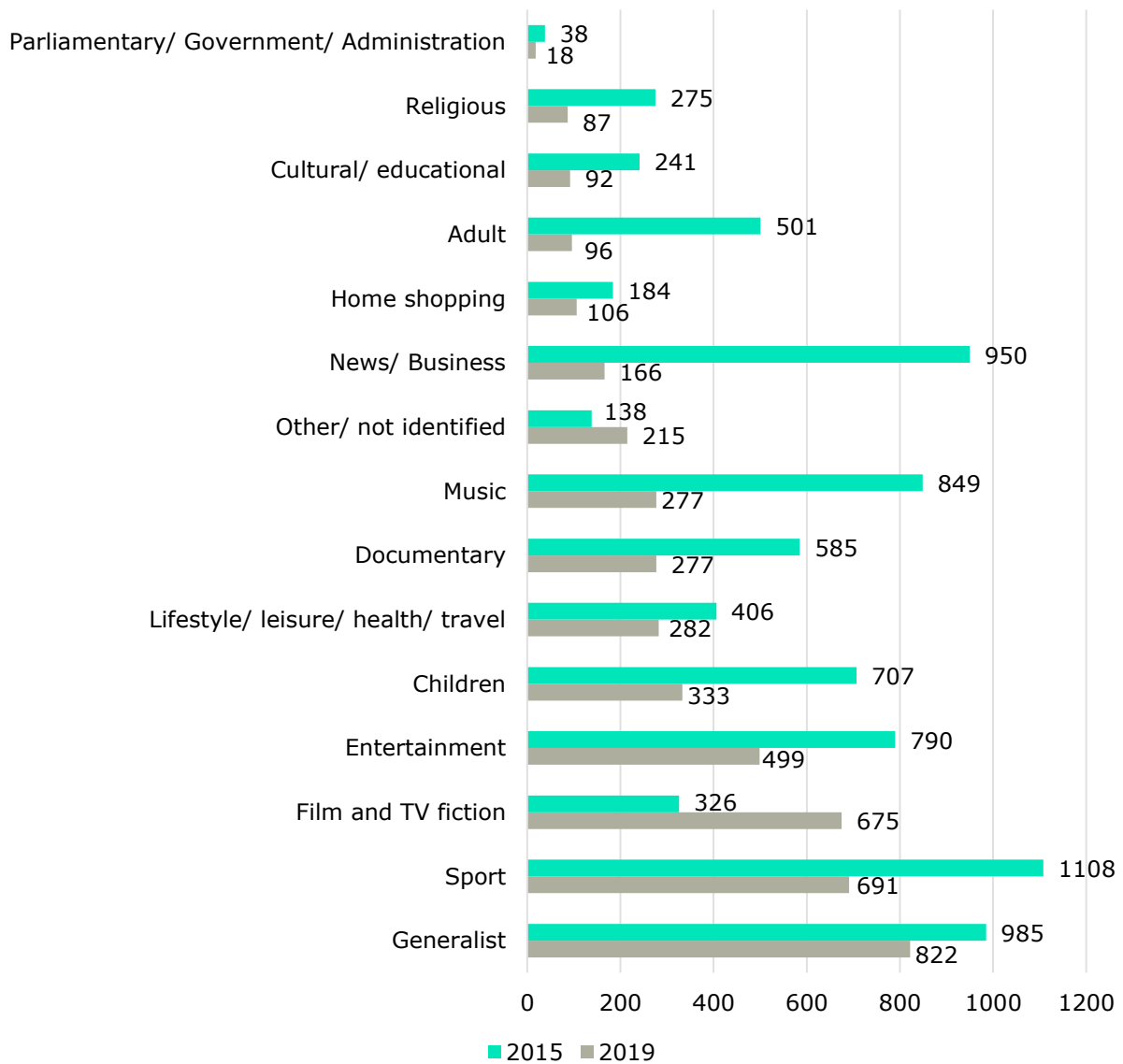


Figure 58 - TV channels by genre – evolution 2015-2019

Source EAO 2020 and 2015 Yearbook

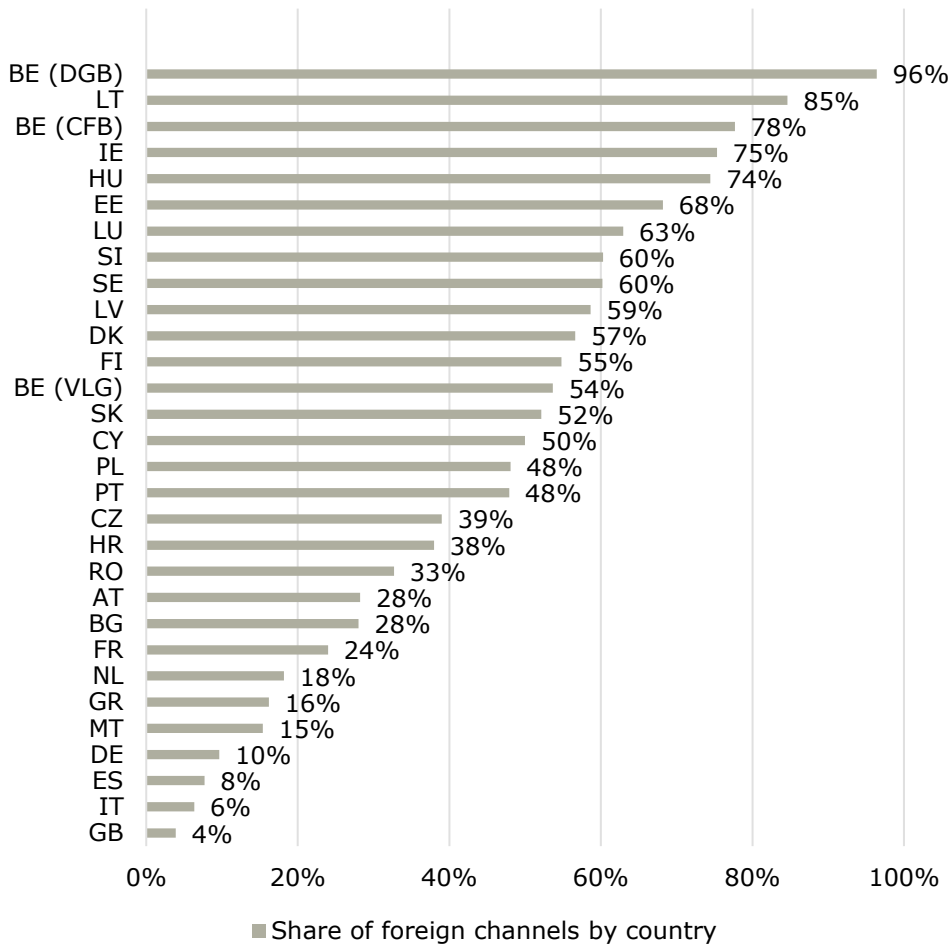


Figure 59 - Foreign channels as share of total channels available by Member State + UK

Source: EAO, 2020a

6.4.5 TV revenues

As in the previous report, we differentiate between public funding, advertising revenues and pay TV revenues. As shown below, public funding revenues remained relatively stable between 2015 and 2019, while revenues from both advertising and subscriptions increased markedly.

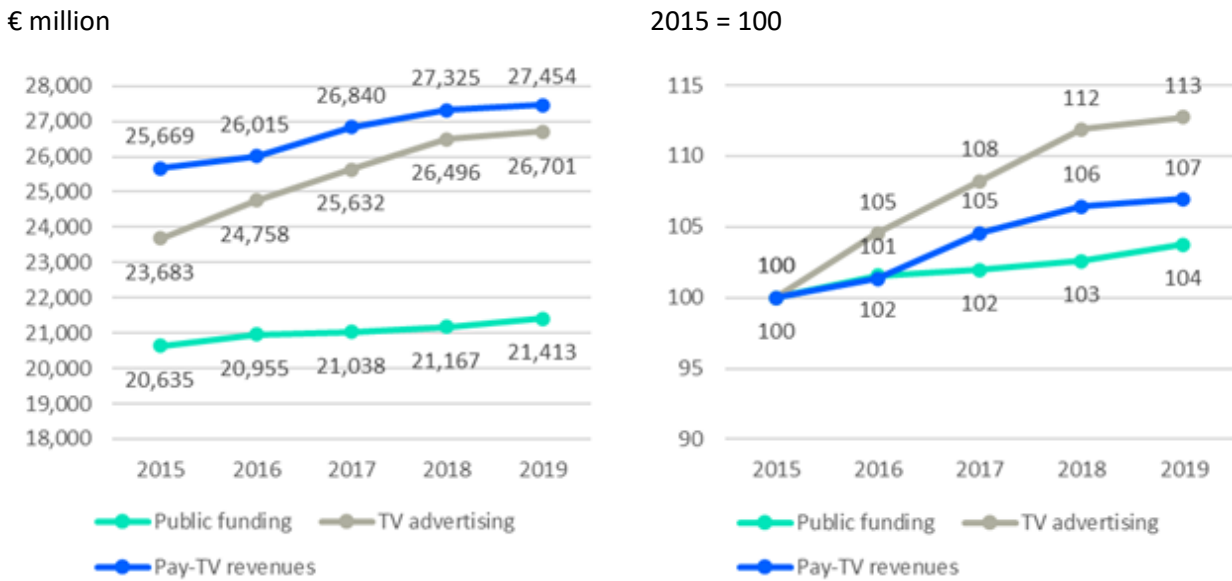


Figure 60 - Evolution of the linear audiovisual market in the EU27 (2015-2019)

Source: EAO, 2019a; EAO, 2020a

Germany, the UK and France had the highest linear television revenues in absolute terms. However, in terms of revenues by household, Portugal is significantly ahead of all other EU countries and the UK. As shown below this is largely due to the growth of advertising revenues.

Table 29 - Revenues from the linear television market in the EU by Member State + UK, by household and in total

Country	€ per hh	€ million revenues	Country	€ per hh	€ million revenues
PT	959	4,593	CY	304	106
IE	630	1,012	BG	299	944
UK	609	16,554	ES	276	5,412
SK	595	1,127	HR	269	397
AT	593	2,371	MT	265	53
DK	576	1,644	PL	255	3,467
FI	545	1,487	LU	253	71
SI	514	441	GR	237	1,014
BE	492	2,585	CZ	233	1,155
DE	438	19,105	HU	208	881
FR	392	12,540	EE	174	135
NL	389	3,059	RO	123	1,023
SE	373	2,289	LT	117	152
IT	338	8,395	LV	99	112

Portugal has seen a particularly strong increase in revenues. Figure below shows the evolution of linear TV revenues in Portugal between 2015 and 2019. Across the years, TV advertising has always been the major

source of revenue, increasing each year. Overall, linear TV revenues in Portugal have increased, by more than 50% between 2015 and 2019.

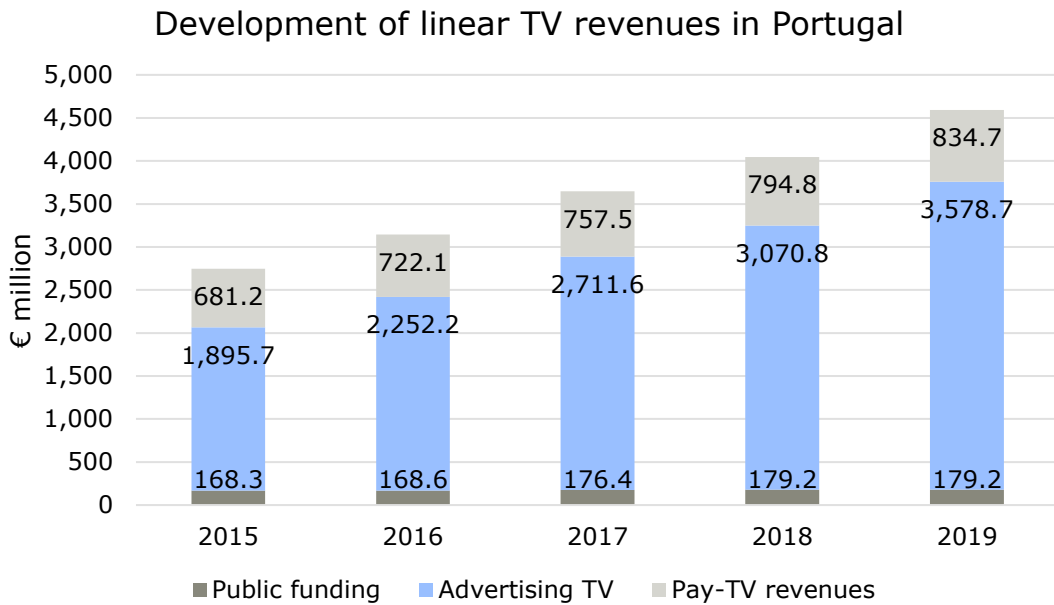


Figure 61 – Evolution of linear TV revenues in Portugal

Advertising represents a major source of revenues for linear services. As shown below, overall advertising expenditure increased in the period 2015 – 2019. However, the increase has been most notable in digital advertising, which grew by 13% on annual basis (CAGR). Television advertising growth has been slow – accounting for 1% annual growth (CAGR). It was slower than in the outdoor or radio sectors.

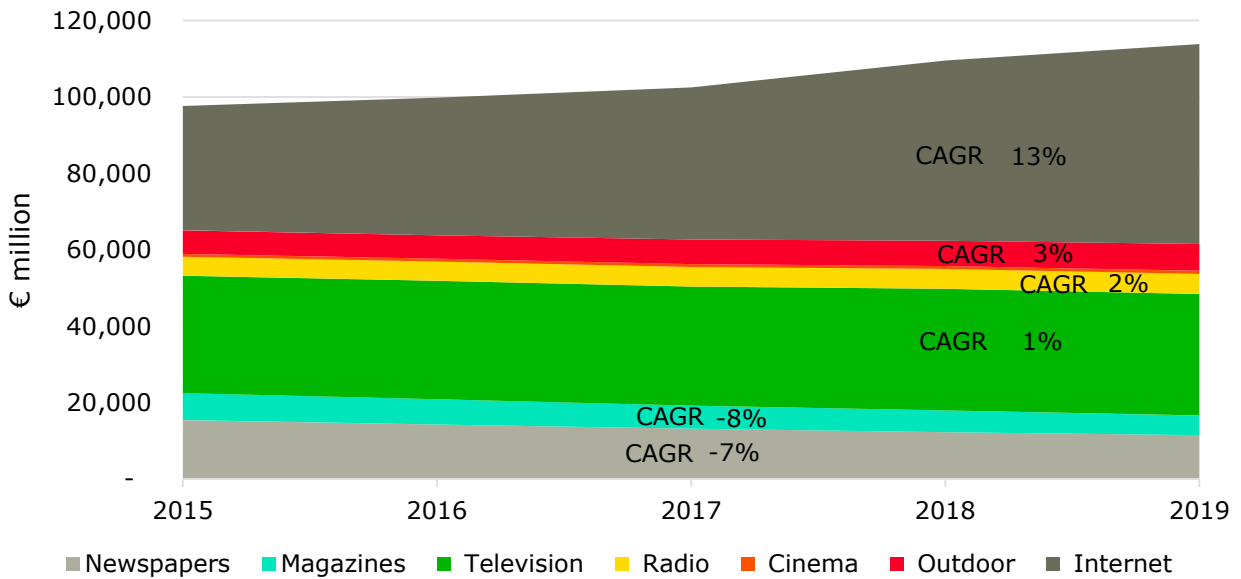


Figure 62 - Advertising expenditures by media in the European Union - EUR million

Source: EAO, 2020a

As noted above, the revenues from subscriptions to pay TV have also grown in the past five years and this reflects the growth in the number of subscribers to pay TV. The number of subscribers grew by 7% between 2015 and 2019.

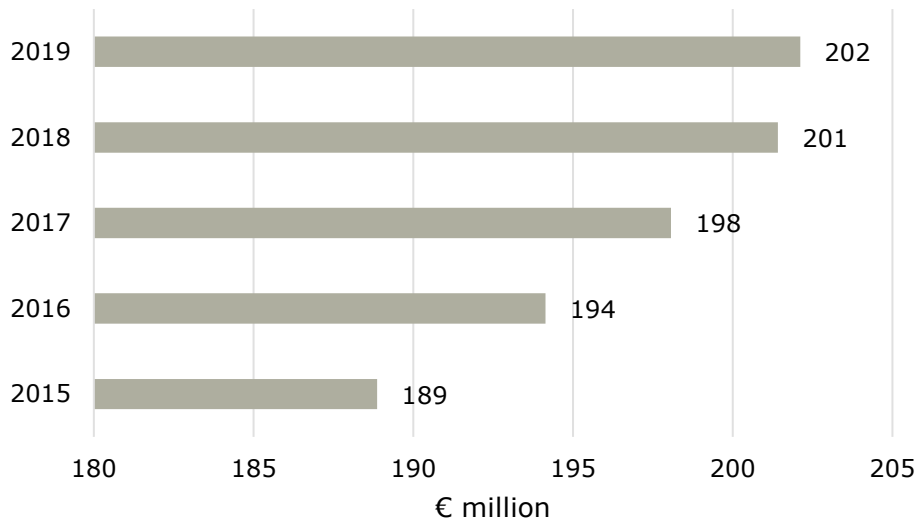


Figure 63 - Number of subscribers to pay TV in EU 28 - Number of subscribers (in millions)

Source: EAO, 2020a

There are 10 Member States of the EU where 75% of more households have access to pay TV. These are: Romania, Netherlands, Belgium, Finland, Malta, Portugal, Sweden, Poland, Hungary and France. In absolute numbers France and Germany have the highest number of subscribers to pay TV. Given the relatively low penetration rate of pay-TV in the UK, the absolute number of UK subscribers is much lower than in these two countries. Nevertheless, the UK has highest revenues from pay subscriptions – likely due to the pay channels established in the UK but available in other countries.

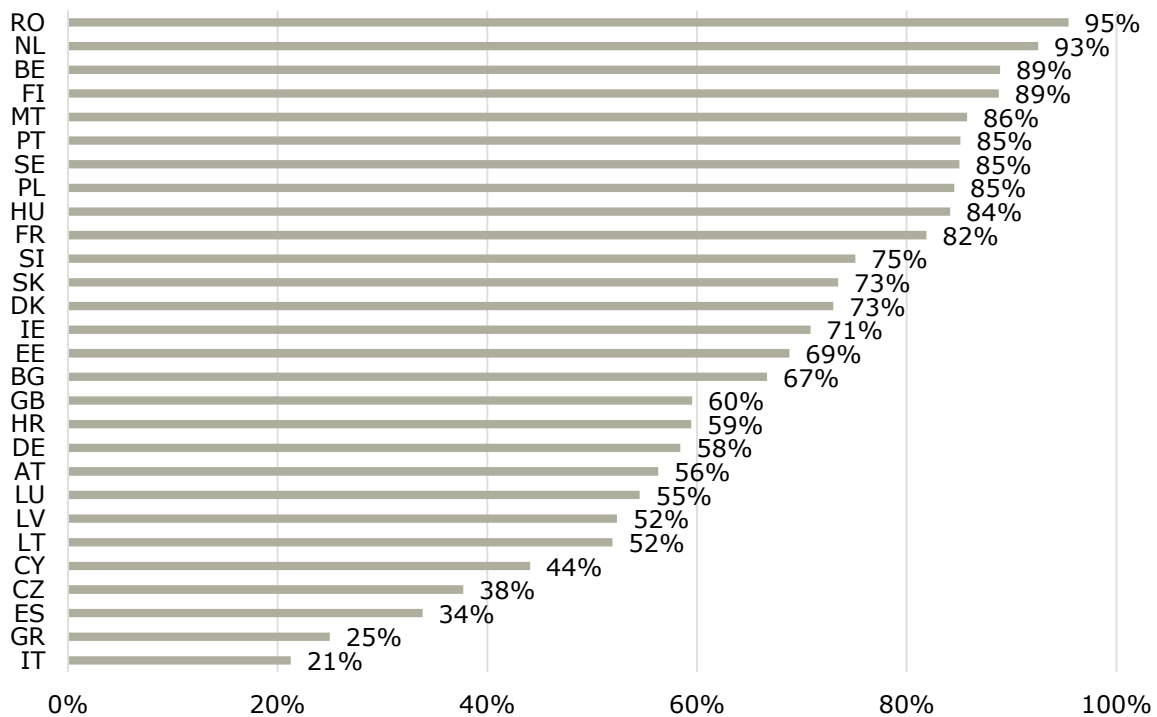


Figure 64 - Countries with the highest pay-TV penetration rate in Europe in 2019

Source: EAO, 2020a

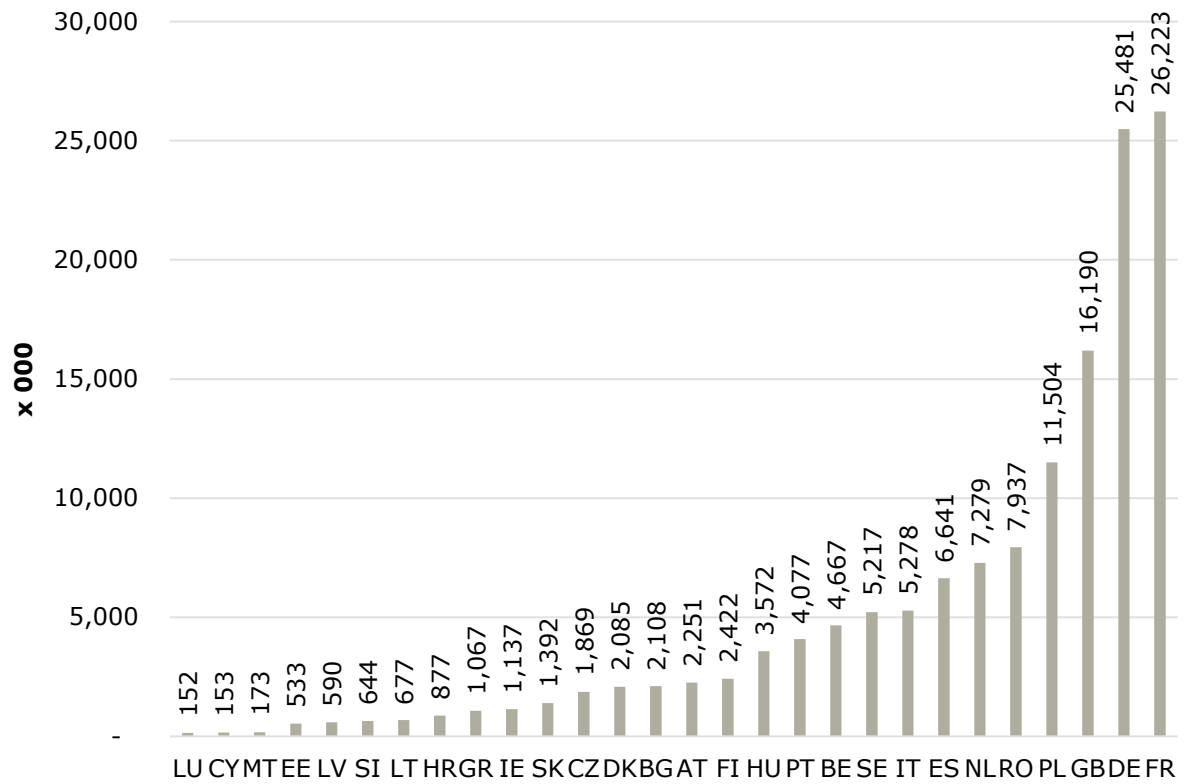


Figure 65 - Number of subscribers to pay TV in Europe as of 2019

Source: EAO, 2020a

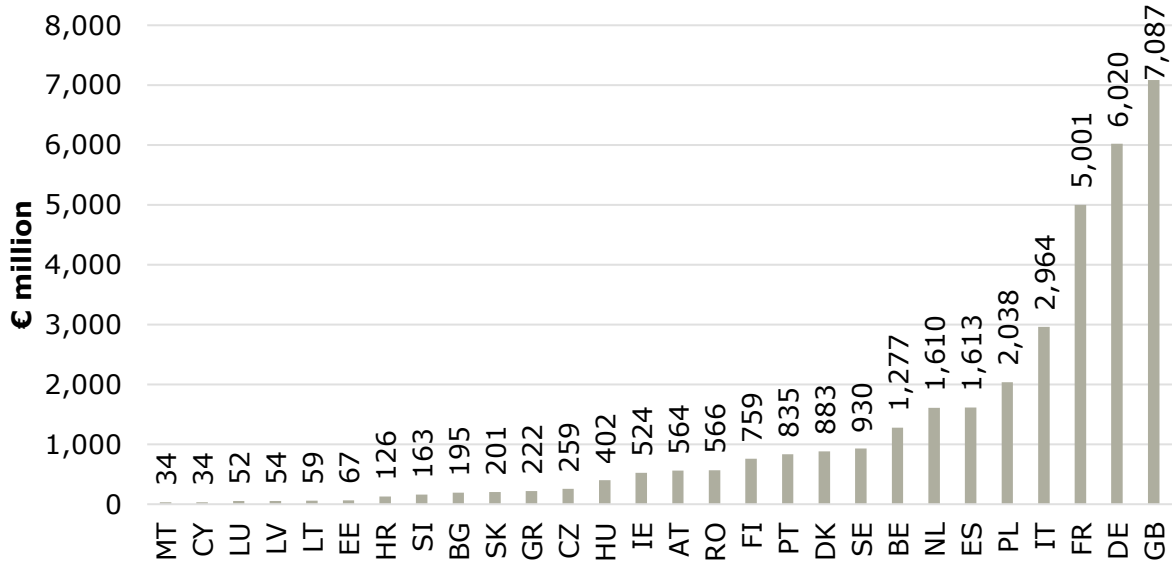


Figure 66 - Pay TV revenues in EU27 + UK in 2019

Source: EAO, 2020a

As shown below, the evolution of pay TV subscriptions is largely due to the increase of VoD subscriptions. While in 2015 subscriptions to VoD accounted for 5% of pay TV revenues, they represent 17% of pay TV revenues in 2019. Revenues from satellite have on the other hand been declining (from 43% to 35%) and the same applies to cable subscriptions (from 30% to 26%).

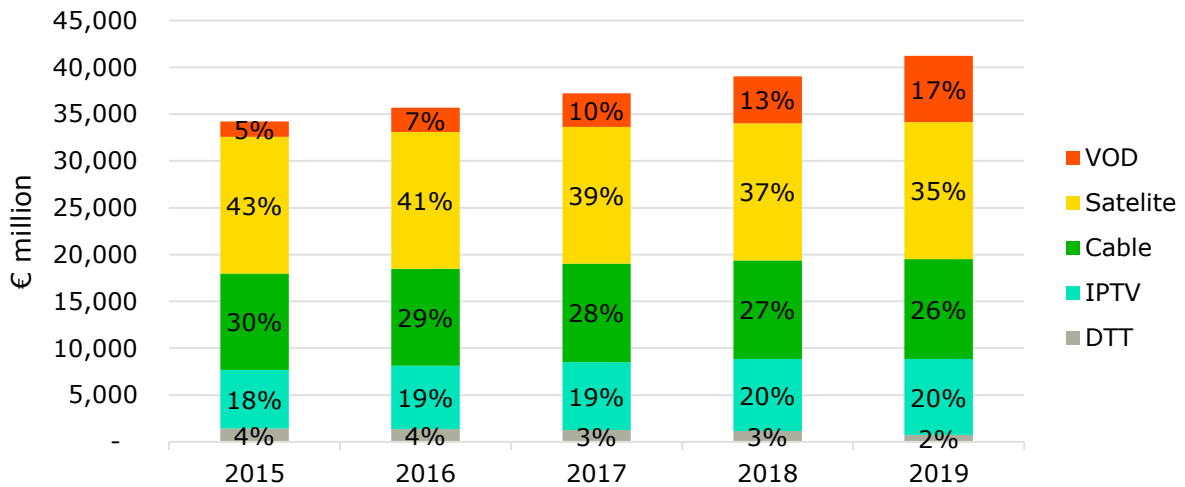
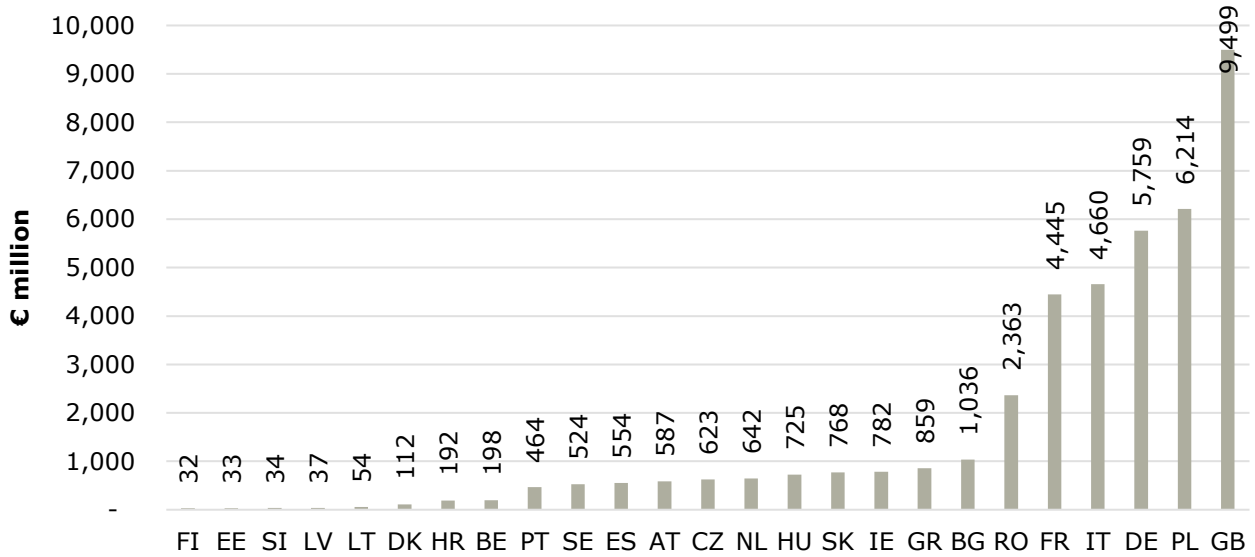


Figure 67 - Pay-TV revenue in Europe between 2014 and 2018 in billion USD – breakdown by distribution method

Source: EAO, 2020a

Notwithstanding the fact that the number of satellite pay-TV subscribers is declining, satellite pay TV still represents an important source of subscription revenues. The numbers of subscribers to satellite pay TV are highest in the UK, Poland and Germany. While in certain countries this revenue has been stable over time (UK, PL, RO, BG), it has declined in Spain, Hungary and the Netherlands. However, it has risen in Slovakia, Netherlands and Germany.



Country	Year					Evolution of revenue over time (2015-2019)
	2015	2016	2017	2018	2019	
AT	447	473	510	555	587	
BE	185	196	196	197	198	
BG	909	941	902	1,015	1,036	
CZ	506	511	506	521	623	
DE	4,622	5,110	5,473	5,658	5,759	
DK	181	165	153	133	112	
EE	46	43	40	36	33	
ES	1,110	613	546	555	554	
FI	51	44	45	50	32	
FR	5,091	4,821	4,616	4,520	4,445	
GB	9,737	9,702	9,671	9,599	9,499	
GR	902	904	903	883	859	
HR	160	178	178	186	192	
HU	914	889	833	782	725	
IE	730	769	803	795	782	
IT	4,575	4,648	4,538	4,587	4,660	
LT	84	74	66	58	54	
LV	56	52	48	40	37	
NL	714	695	665	657	642	
PL	6,167	6,201	6,237	6,306	6,214	
PT	610	591	546	499	464	
RO	2,446	2,476	2,478	2,475	2,363	
SE	607	583	552	518	524	
SI	22	25	35	35	34	
SK	570	644	715	746	768	

Figure 68 - Revenue coming from satellite pay-tv subscribers in Europe (in thousands)

The revenues from internet protocol television are by far the highest in France, followed by Spain and Germany. Indeed, France has highly developed IPTV provision with very high penetration of this service⁶².

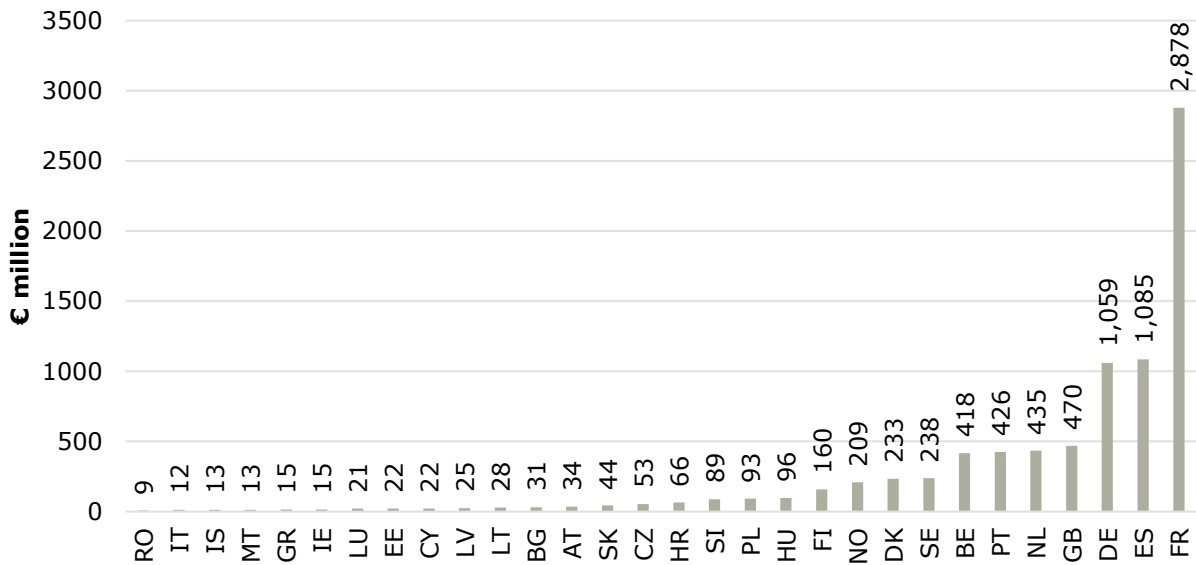


Figure 69 - IPTV revenues in Europe – million EUR (EAO, 2020a)

6.4.6 Video-on-demand

There are relatively few data on the use (penetration) of transaction-based VoD (TVoD). However, as shown earlier, this model represents a smaller share of services in terms of revenues. Subscription-based VoD has grown sharply since the previous monitoring report. As shown below, SVoD is dominated by two main players in terms of subscriber numbers: Netflix and Amazon Prime. However, there is a relatively large number of other players.

⁶² <https://videoweek.com/2019/12/12/is-frances-iptv-market-holding-back-ott-innovation/>

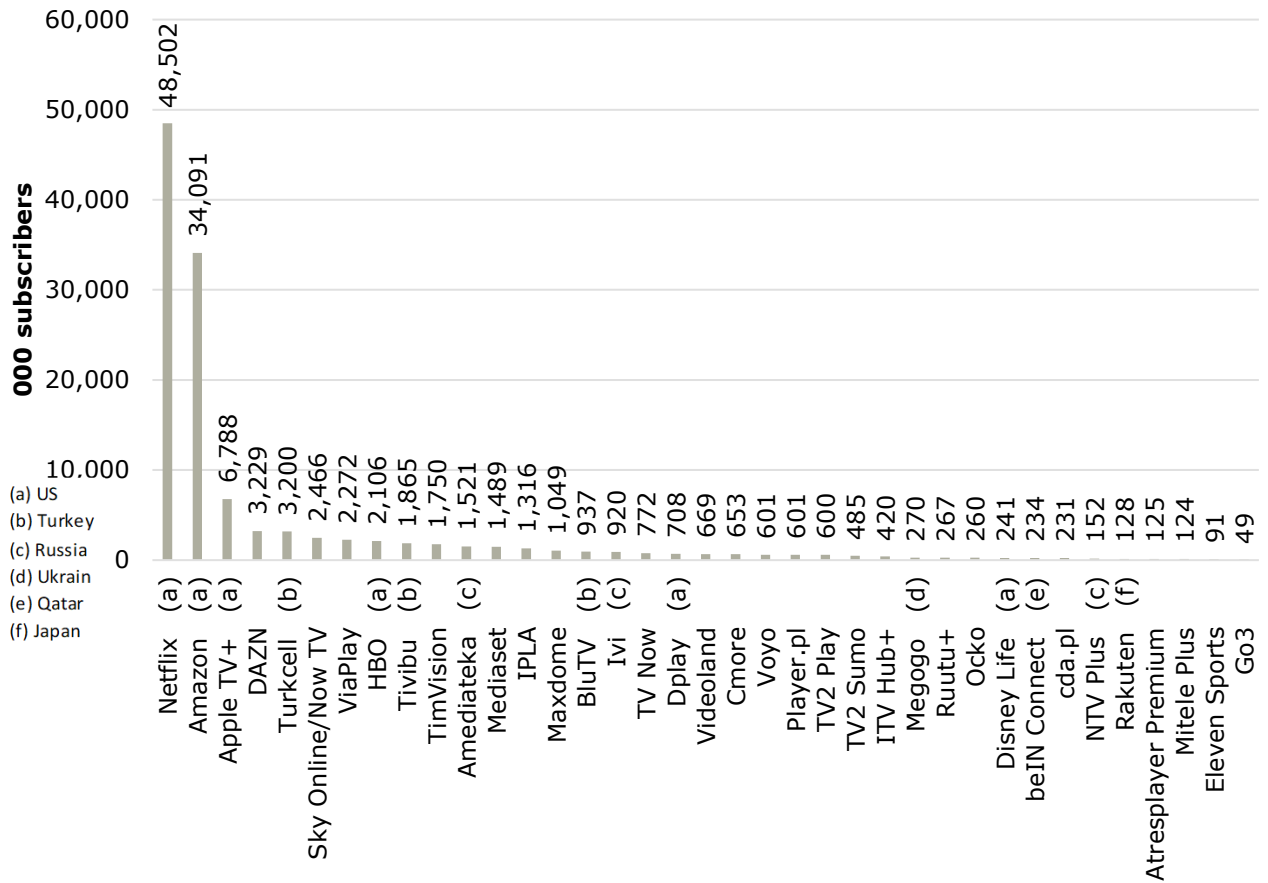


Figure 70 - Number of subscribers to the main international and European OTT SVoD players

Source: EAO, 2020a

As shown below, the growth of consumer revenues from VoD services (both TVoD and SVoD) has been steep in the past five years – every year the sector has seen around 30% year-on-year growth. The UK, Germany and France are the countries, which account for highest share of these revenues and all three have seen a strong upward trend. These are followed by Italy, Spain, Netherlands and the Nordic countries.

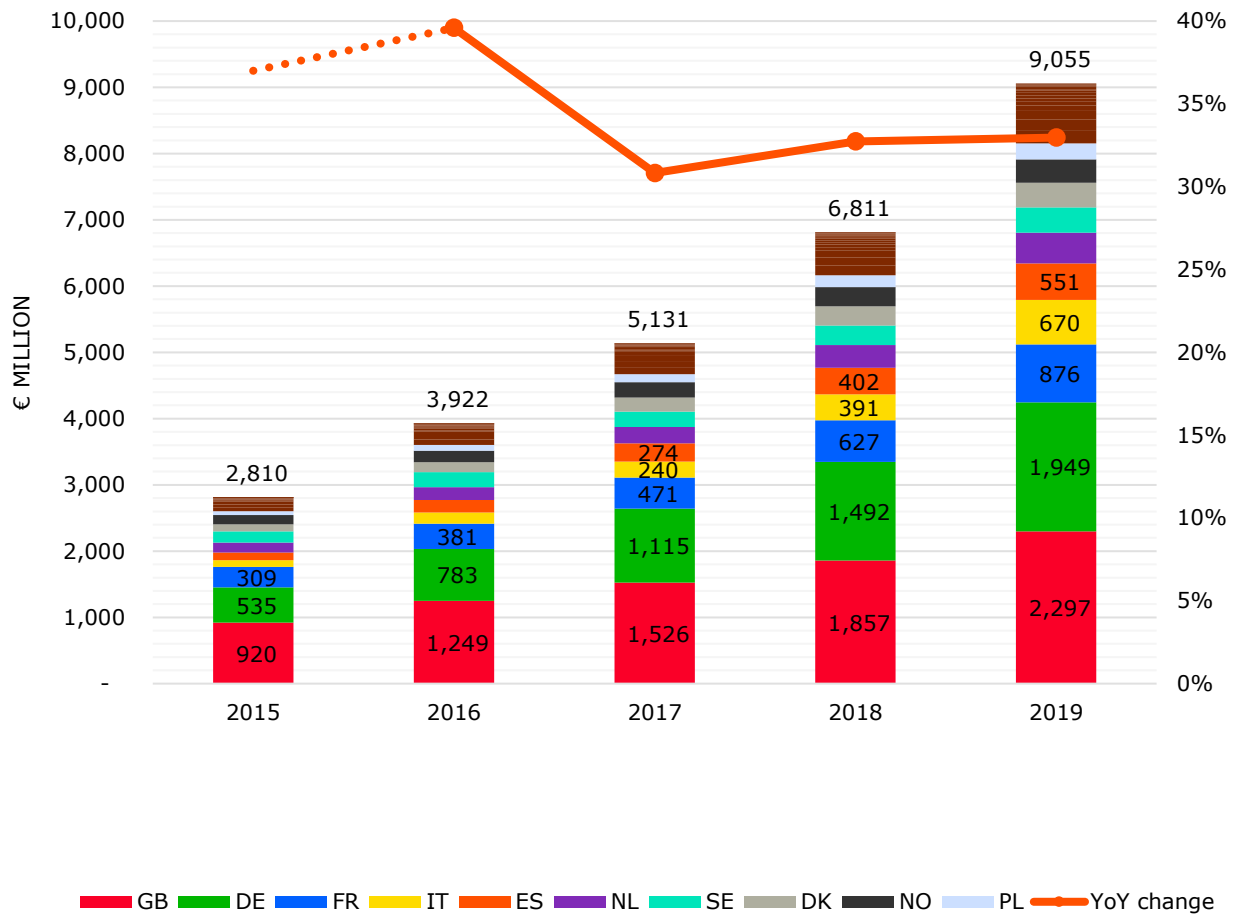
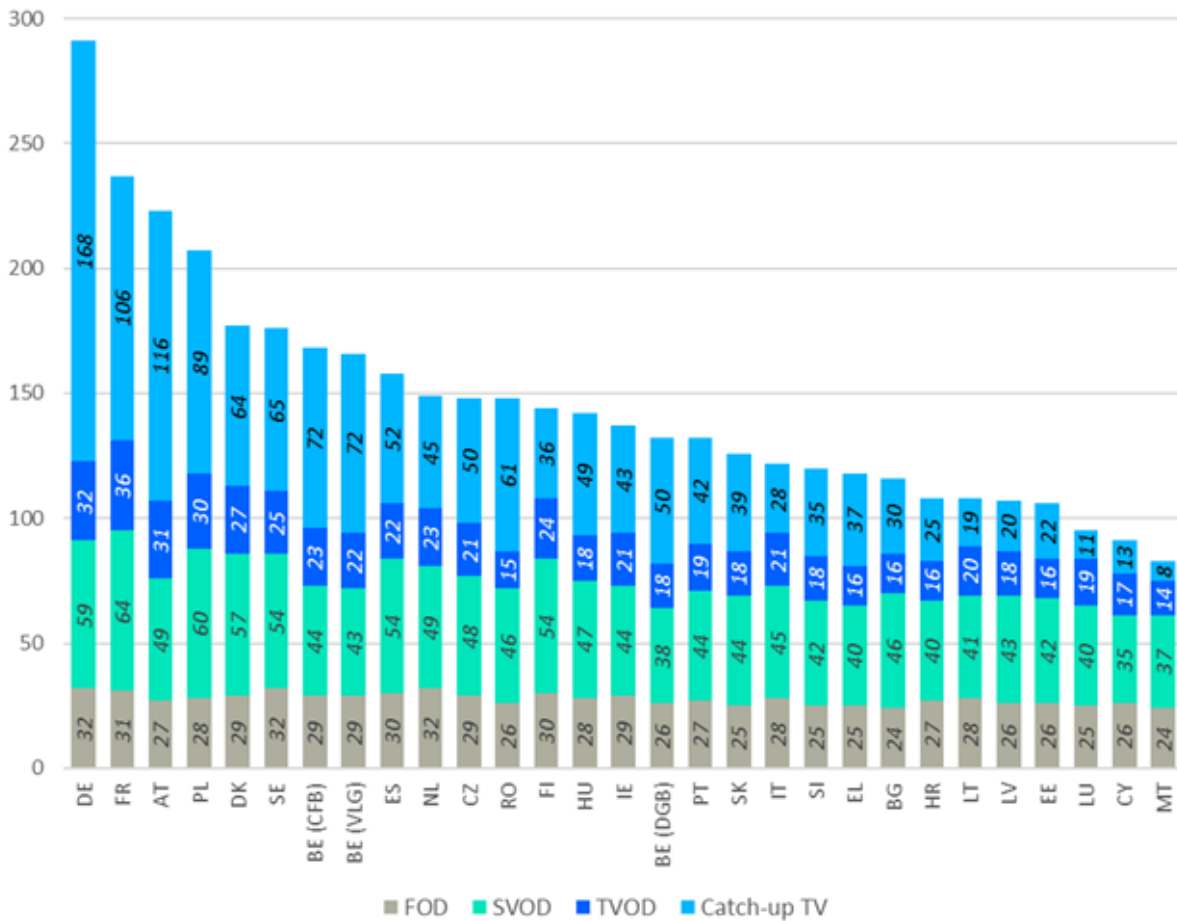


Figure 71 - Total on-demand Consumer Revenues – € million by year and Member State + UK – 2015-2019, year-on-year change shown in trend line (axis on the right)

Source: EAO, 2020a

As shown below Germany, France and the UK have the highest number of available VoD services (all business models combined). However, other smaller markets such as Austria, the Nordic countries or Belgium also have a high number of VoD services. Catch-up TV represents the highest number of such services, followed by SVoD services.



Note: FOD = Free on demand

Figure 72 - Available VoD services in European Member States (2019)

Source: EAO, 2020a

6.5 Value chain analysis

This section is based on Eurostat data on the Gross Value Added generated in motion picture, video and television programme production and distribution activities (excluding movie projection activities) and in TV programming and broadcasting activities.

The approach to the value chain analysis comprises the following four stages:

The development stage at which the producer acquires the rights of an original screenplay, searches for artistic and financial partners and estimates the budget for the film or TV production;

The production stage, covering pre-production during which the producer will gather all the human (production crew, casting), technical (shooting schedules, selections of locations) and financial (budget) resources necessary for the film or TV production, the shooting of the film and the post-production, which covers the editing of the film, the introduction of the soundtrack, special effects, etc.;

The distribution stage at which the film is promoted and sold to exhibitors by the distribution company, or the TV programme is packaged and transmitted to the viewers by various delivery technologies;

The exhibition and broadcasting stage at which the film or TV programme is shown on TV screens (cinema is excluded from this analysis).

6.5.1 Gross Value Added along the AV value chain

Figure 68 shows the Gross Value Added along the audiovisual value chain in the EU27 in 2018. About 56% of the total GVA comes from TV programming and broadcasting, 33% comes from production, and the rest from post-production and distribution.

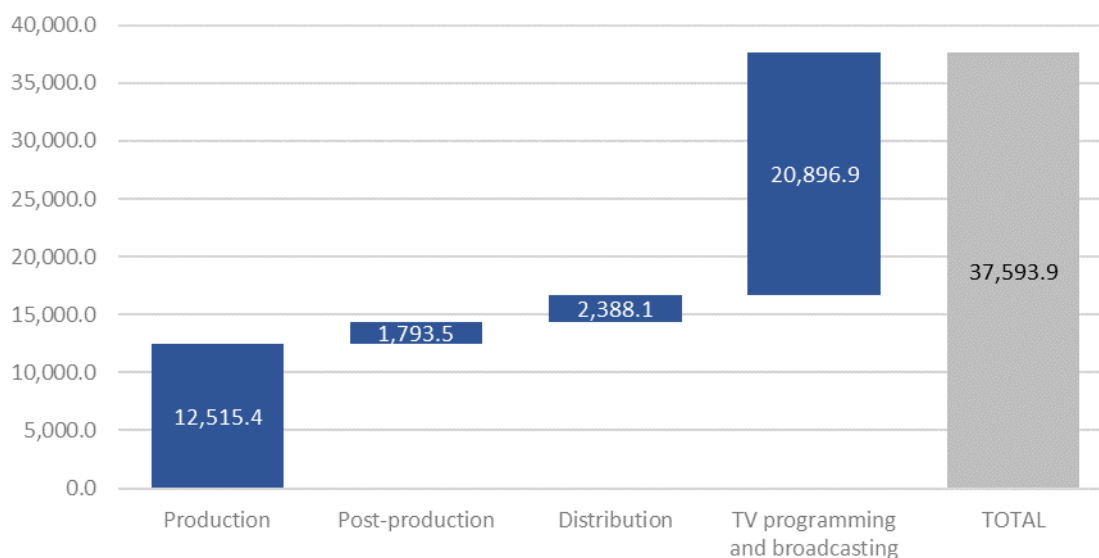


Figure 73 - Gross Value Added along the audiovisual value chain in the EU27 (2018; € million)

Source: Eurostat Structural Business Statistics

Tables 29 and 30 show the average Gross Value Added along the audiovisual value chain in the EU27 between 2015 and 2018. The CAGR in GVA for production was 2.5%, -1.1% for distribution, -3.4% for distribution and 3.4% for television programming and broadcasting. The audiovisual sector share decreased every year, falling from 62% in 2015 to 57% in 2018.

Table 30 – Gross Value Added along the audiovisual value chain in the EU27 (2015-2018)

Sector	2015	2016	2017	2018	Average annual change (CAGR)
GVA in € million					
- Production	11,607	11,776	11,926	12,515	2.5%
- Post-production	1,853	1,949	1,790	1,794	-1.1%
- Distribution	2,650	2,709	2,347	2,388	-3.4%
- Television programming and broadcasting	18,911	18,401	19,258	20,897	3.4%
Audiovisual sector total	35,020	34,836	35,322	37,594	2.4%
Total business economy	5,618,869	5,880,208	6,203,109	6,557,554	5.3%
Audiovisual sector share (%)					
- Production	0.21	0.20	0.19	0.19	
- Post-production	0.03	0.03	0.03	0.03	
- Distribution	0.05	0.05	0.04	0.04	
- Television programming and broadcasting	0.34	0.31	0.31	0.32	

Sector	2015	2016	2017	2018	Average annual change (CAGR)
Audiovisual sector total	0.62	0.59	0.57	0.57	
Total business economy	100.00	100.00	100.00	100.00	

Source: Eurostat Structural Business Statistics

Table 31 – Gross Value Added along the audiovisual value chain by Member State + UK (2015 vs. 2018)

Country	Production		Post-production		Distribution		Television programming and broadcasting	
	2015	2018	2015	2018	2015	2018	2015	2018
Belgium	65.0	66.6	9.3	11.1	4.0	7.3	21.7	15.0
Bulgaria	23.2	19.7	21.6	18.4	6.2	0.5	49.0	61.4
Croatia	12.6	15.4	0.1	0.2	8.7	11.8	78.6	72.6
Cyprus	:	24.0	:	0.7	:	31.9	:	43.5
Denmark	55.8	56.9	2.6	2.7	6.1	5.4	35.5	35.0
Finland	49.7	58.2	3.0	3.7	4.2	2.6	43.1	35.5
France	46.5	33.4	8.7	4.8	5.5	3.7	39.2	58.1
Germany	23.6	27.8	2.4	2.7	8.2	5.3	65.8	64.3
Greece	16.9	28.6	1.6	1.9	3.9	1.5	77.6	68.0
Hungary	10.2	20.1	3.4	6.2	47.5	29.0	38.9	44.7
Italy	22.2	29.8	2.1	3.1	12.1	14.9	63.5	52.1
Latvia	26.3	39.0	3.5	5.3	2.0	4.4	68.2	51.3
Lithuania	22.8	38.6	3.4	3.6	6.7	3.8	67.1	54.0
Poland	9.2	10.0	1.9	2.6	10.8	5.3	78.1	82.1
Portugal	23.6	24.7	1.3	1.9	11.5	9.3	63.6	64.1
Romania	13.1	:	1.6	:	1.7	:	83.6	:
Slovenia	100.7	84.8	8.8	5.7	3.1	1.9	-12.6	7.7
Spain	:	34.5	:	8.2	:	5.9	:	51.4
Sweden	48.5	:	5.5	:	6.0	:	40.0	:
EU27	33.1	33.3	5.3	4.8	7.6	6.4	54.0	55.6
United Kingdom	11.8	48.3	5.9	7.3	15.7	34.7	66.6	9.6
EU28	25.4	37.2	5.5	5.4	10.5	13.7	58.6	43.6

Source: Eurostat Structural Business Statistics

6.5.2 Profitability along the AV value chain

Table 31 analyses, gross operating surplus and gross profit rates along the audiovisual value chain in the EU27 (2015-2018.) The gross operating surplus of production had a CAGR of 1.1% and post-production had 4.4% over the same period. Television programming and broadcasting had a CAGR of -0.4% and that of distribution also appears to be negative. Analysis of gross profit rate shows that production had a CAGR of -5.9%, post-production of 2.6% and television programming and broadcasting of -9.2%. For distribution, the data are *unavailable*, but it appears the rate must have been positive given the values for 2016, 2017 and 2018.

Table 32 – Gross operating surplus and gross profit rates along the audiovisual value chain in the EU27 (2015-2018)

Sector	2015	2016	2017	2018	Average annual change (CAGR)
Gross operating surplus in € million					
- Production	5,338.0	5,243.0	5,227.0	5,521.0	1.1%
- Post-production	568.0	648.0	661.0	646.0	4.4%
- Distribution	:	1,900.0	1,631.0	1,627.0	:
- Television programming and broadcasting	9,078.0	9,351.0	9,320.0	8,970.0	-0.4%
Audiovisual sector total	:	17,142.0	16,839.0	16,764.0	:
Gross profit rate = GOS/turnover (%)					
- Production	22.3	19.1	18.2	18.6	-5.9%
- Post-production	11.9	13.3	13.9	12.9	2.6%
- Distribution	:	19.5	20.8	22.1	:
- Television programming and broadcasting	20.7	21.4	18.5	15.5	-9.2%
Audiovisual sector total	:	20.0	18.4	16.8	:

Source: Eurostat Structural Business Statistics

Table 32 analyses gross profit rates along the audiovisual value chain by Member States including UK (2015 vs. 2018.) In 2015, the country with the biggest gross profit rate from production was France with 35.5%, in 2017 it was Romania with 36.9%. For post-production, the gross profit rate in Croatia rose from 25% in 2015 to 40% in 2018, while in Luxembourg it decreased from 87.5% in 2015 to 46.4% in 2018, though Luxembourg remained among the countries with the highest rate. For distribution, the gross profit rate in Cyprus rose from 56.3% in 2014 to 61.9% in 2018, while Greece and Bulgaria finished 2018 with negative rates (-8.4% and -3.8%, respectively). Germany experienced a considerable decrease in television programming and broadcasting gross profit rates, falling from 48.6% to 24.8% over the period 2015-2018. In the UK the rate decreased from 62% to -9.8% over the same period. Overall, Romania reported the highest gross profit rates in 2018 for the audiovisual sector with 31.3%, followed by Portugal with 26.2% and Germany with 23.8%. Spain, Hungary, and Greece reported the lowest gross profit rates in 2018 with 13.8%, 9.1% and 9.2% respectively.

Table 33 – Gross profit rates (in percentage) along the audiovisual value chain by Member State + UK (2015 vs. 2018)

Country	Production		Post-production		Distribution		Television programming and broadcasting		Audiovisual sector total	
	2015	2018	2015	2018	2015	2018	2015	2018	2015	2018
Austria	24.2	14.5	9.0*	9.5	:	:	4.5	16.0	:	:
Belgium	34.9	23.4	37.2	33.4	7.4	13.4	13.1	0.8	26.4	19.8
Bulgaria	13.2	14.9	31.5	29.5	26.7	-3.8	7.7	24.3	13.0	20.9
Croatia	20.5	22.5	25.0	40.0	25.6	32.7	18.5	20.1	19.6	22.2
Cyprus	24.5	17.6	:	25.0	56.3*	61.9	17.6	7.8	21.7	23.5
Czechia	:	:	:	:	:	:	25.6	30.0	:	:
Denmark	24.3	26.7	12.2	19.1	8.8	10.3	9.4	10.4	15.7	17.7
Estonia	13.8**	:	:	:	3.4	23.0	-2.2	:	:	:
Finland	8.4	15.2	7.8	12.8	6.3	3.6	13.6	24.6	11.2	17.6
France	35.5	30.0	3.7	3.8	11.5	12.5	14.2	11.5	19.1	14.6
Germany	19.9	20.0	20.8	17.4	37.7	41.5	48.6	24.8	37.4	23.8
Greece	17.1	12.0	17.6	15.8	5.8	-8.4	21.2	10.4	19.1	9.2
Hungary	-0.8	2.6	22.4	27.6	19.0	11.7	16.6	13.4	11.7	9.1
Ireland	:	0.7	:	17.3	-10.4	13.3	1.6	:	:	:
Italy	23.7	20.4	15.2	18.6	47.2	38.5	12.1	11.5	16.9	15.8
Latvia	11.2	19.9	7.4	1.9	4.3	19.7	13.9	16.1	12.1	16.8
Lithuania	12.5	17.2	17.8	20.3	17.8	5.4	27.4	24.6	20.9	19.6
Luxembourg	15.2	46.2	87.5	46.4	:	39.7	:	:	:	:
Poland	13.0	8.2	16.6	10.3	16.0	11.7	33.9	30.9	26.5	23.3
Portugal	13.4	14.3	7.9	15.2	40.2	40.2	26.7	31.3	23.6	26.2
Romania	13.0	36.9°	20.7	22.5	-1.3	4.7	43.6	33.3	30.6	31.3
Slovakia	22.8	18.3	28.8	11.6	:	:	7.6	18.3	:	:
Slovenia	15.8	25.3	39.1	46.8	4.3	1.6	-25.5	0.9	7.2	19.2
Spain	19.0**	21.1	9.6**	9.9	15.7**	13.2	7.7	11.8	11.8	13.8
Sweden	4.7	9.5	15.8	14.7	1.1	4.3	2.2	:	3.8	:
EU27	22.3	18.6	11.9	12.9	23.6*	22.1	20.7	15.5	20.9	16.6
United Kingdom	-11.1	24.1	33.9	31.2	34.1	37.3	62.0	-9.8	31.0	15.9
EU28	9.7	20.6	18.2	17.3	31.8*	31.2	33.1	10.2	23.9	17.2

Notes: * 2014; ** 2016; ° 2017. Source: Eurostat Structural Business Statistics

6.5.3 Market concentration

The patterns of the value chain and their evolution over time may correlate with developments in market concentration through various channels. For instance, increasing concentration - i.e. reduced competition – may lead to oligopolistic pricing in a given sub-sector, strengthening revenues, GVA and profitability. Nevertheless, this may work in the opposite direction as well: squeezed margins in a section of the value chain may force companies to leave the market, thus increasing concentration.

For an exploration of market concentration patterns in the European audiovisual sector, we extracted data on all companies registered in the EU27 under the four relevant NACE codes 59.11, 59.12, 59.13 and 60.20 available in the company database Orbis. As the market concentration analysis required estimates on the market share of individual companies, we were interested in the annual revenue data. For reasons of data

availability, the analysis did not cover the 2015-2019 period precisely. Instead, we looked at the last financial year for which Orbis recorded data (Y-1), which should normally be the financial year ending in 2019 or 2020); and at the data from four financial years back (Y-4: financial year ending in 2016 or 2017 in most cases). The latter was chosen as Orbis had significantly more data in this column than for Y-5, which is the most distant past covered.

A total of 178,091 companies were included in the database for these NACE codes. However, for most of these companies there is no annual revenue data available in the database. Such data were recorded for only 53,726 companies in the database for the financial year ending in 2019 or 2020 (30% of all companies) – note that 63 enterprises with negative revenue data were omitted from further analysis. For the financial year ending in 2016 or 2017, there were 34,351 companies with non-negative revenue data (19%).

Table 34 - Number of companies in the Orbis database and companies with revenue data available, by NACE code

Code	NACE sector	Total	Revenue data for 2019/2020	Revenue data for 2016/2017
J59.11	Motion picture, video and television programme - production activities	134,873	40,756	25,823
J59.12	- post-production activities	28,011	6,300	3,769
J59.13	- distribution activities	6,918	3,023	2,088
J60.20	Television programming and broadcasting activities	8,289	3,647	2,671
	Total	178,091	53,726	34,351

Two measures had been calculated separately for each Member State and each NACE subgroup, for both the periods 2019/2020 and 2016/2017, to observe the evolution of concentration over time:

- The combined annual turnover of the top three companies for any given Member State in the four different NACE subgroups.
- The Herfindahl-Hirschman Index (HHI), which is often used in market concentration analyses. This is calculated by summing the squares of the individual market shares of all the firms in the market. DG COMP uses it in its anti-trust efforts.

From the 27 MS, data coverage was too small, below 20%, for 9 countries (Austria, Belgium, Cyprus, Denmark, Germany, Ireland, Luxembourg, the Netherlands, and Poland). Concentration figures were not calculated for these Member States for the above two indicators, for any of the four sub-sectors. In general, missing data imposes certain limitations on the analysis: companies with missing values are likely to be overwhelmingly small companies, not influencing the market share of the largest enterprises significantly. Nevertheless, calculated concentration figures could be slightly overstated. The extent of this bias is unclear, as there is no estimate of the extent to which companies with missing revenue data are smaller than those with corresponding figures. Patterns across countries and NACE sub-sectors are probably valid even with this limitation.

In terms of the combined market share of the top three companies, the data generally show a large degree of market fragmentation in the production sub-sector. The indicator can be as low as 5%, in the case of France, and it remained below 25% in ten Member States (of the 18 analysed) in 2020. Markets with the highest concentration in this area are Malta (98% share for the top 3), and Spain, Slovenia and Romania (each around 50%). The level of concentration decreased from 2016/17 to the financial years ending in 2019/20 in almost all of the Member States, according to the data – although a part of this apparent decrease may be attributable to a higher data coverage for the last available year in the Orbis dataset. One notable exception from the decreasing market concentration trend was Lithuania.

Table 35 - Share of top 3 companies of the four audiovisual sub-sectors in terms of combined turnover, by Member State (2017 and 2018, percentage)

Member State	Production		Post-production		Distribution		TV programming and broadcasting	
	2016/17	2019/20	2016/17	2019/20	2016/17	2019/20	2016/17	2019/20
BG	14	14	33	34	85	73	67	74
CZ	31	27	42	46	67	55	81	76
EE	17	15	59	33	55	60	95	81
ES	52	51	20	24	43	37	46	38
FI	12	11	34	34	74	80	89	68
FR	7	5	14	13	28	29	64	57
EL	35	24	54	35	100	98	55	45
HR	21	17	70	68	71	69	91	87
HU	17	13	39	27	66	68	53	65
IT	15	13	16	13	43	38	86	75
LT	18	41	76	81	73	82	85	89
LV	14	12	80	71	87	77	62	59
MT	100	98	..	..	0	100	100	100
PT	29	20	32	42	68	68	87	80
RO	52	48	41	23	70	70	52	52
SE	35	33	57	36	43	50	84	68
SI	54	50	59	46	74	75	51	54
SK	21	12	76	46	73	48	89	94

The calculated Herfindahl-Hirschman Index shows very similar patterns over time and across countries.

Table 36 - Estimated Herfindahl-Hirschman Index in the four audiovisual sub-sectors in terms of turnover, by Member State (2017 and 2018)⁶³

Member State	Production		Post-production		Distribution		TV programming and broadcasting	
	2016/17	2019/20	2016/17	2019/20	2016/17	2019/20	2016/17	2019/20
BG	201	198	507	549	5441	4181	1764	2036
CZ	454	378	827	1020	1756	1431	3047	2432
EE	194	155	2199	488	1349	1408	7316	2887
ES	1225	1176	203	291	1165	985	1139	864
FI	126	114	537	532	2678	3368	4850	2282
FR	42	31	153	137	415	482	1618	1310
GR	652	425	1469	816	9116	5884	1349	1081
HR	290	208	2000	2409	1806	2235	4213	3658
HU	177	121	839	443	2145	2501	1258	1534
IT	146	109	243	144	839	663	2544	1973
LT	351	740	2558	4232	2410	2629	2440	2773
LV	188	159	2587	2349	4016	3424	1636	1400
MT	10000	4995	..	..	..	10000	10000	4740
PT	363	249	562	961	2231	3201	4935	4146
RO	2065	1950	841	305	1897	2649	1382	1393
SE	525	531	1300	647	854	994	3675	1821
SI	2265	1674	2583	1263	2147	2978	1082	1207
SK	275	103	5349	1847	2136	1230	5634	4678

6.6 Main trends in the audiovisual sector as highlighted by interviewees

The main recurrent trend shaping the audiovisual market during the reference period of this study, and which was mentioned by most stakeholders interviewed, is that customer preferences have changed sharply from linear programmes to online VoD content. Interviewees referred to the rising “serialisation” of content (meaning an increasing focus on series) due to international companies such as Netflix and Amazon entering the European market. Another trend mentioned by a European stakeholder is linked to the fact that users tend to have a higher number of subscriptions to VOD services per person than in previous periods, when they would have at most one subscription.

Another trend observed during the reference period and emphasised by an EU-level organisation is that more and more users/public were shifting from TV and transactional VoD to catch up, streaming, and SVOD, but often through bundle offers through their suppliers of linear services who include in their offer also VoD. When VOD was provided through the TVoD and catch-up means the consumption of VoD services was at its beginning. However, the popularity of international SVOD companies started only around 2017-2018, first in the Nordic countries and then expanding to other countries like Spain or Germany and further abroad.

In terms of supply and demand, a national stakeholder stated that overall, the market is growing very fast and there are not enough European productions available. Therefore, there is not enough supply, and the quality does not always meet the requirements. Linking to diversity of content, an EU organisation representing European VoD companies mentioned the challenges that its members face in providing content diversity. This

⁶³ HHI can range from 0 to a maximum 10000 (which means one company accounting for 100% of the combined revenues of the NACE sub-sector in a given country). HHI values below 2500 are generally not seen as a concern by competition authorities. Values above 4000 denote significant levels of concentration.

is due to the fact that small VoD companies need marketing resources and technological skills to develop their platforms.

Regarding the production industry, the output (number of productions) has increased due to the rise of international VoD companies and the large viewer demand. With the rising popularity and profile of TV series, producers that were specialised in cinema have also started diversifying their activities. Moreover, co-productions have become more frequent nowadays as a way for independent producers to amortise the costs.

As pointed out by an EU-level organisation, producers traditionally financed by TV broadcasters, public funding, cinema distributors and sometimes sales agents are more and more dependent on co-productions and the pre-financing of public TV broadcasters (since private broadcasters tend to concentrate their investments into high budget TV series in order to face the streamer's competition). Financing a risky project tends to be more and more difficult, this trend being a threat to diversity. The same situation can be observed for the theatrical release of long feature films (as in many countries the number of cinemas is dropping).

When we zoom in at regional and national level, we can see some different trends linked to the different market conditions. For instance, one national stakeholder mentioned over-reliance of public broadcasters on financing through public sources in Central Europe.. They noted that this can represent an issue due to limited sources of funding (together with the lack of infrastructure). Public funding is also low, and this is problematic for most countries in Central Europe, as the interviewee observed. In this region many countries lack a political lobby that could amplify the voice of cinema owners (or other players from the audiovisual market). This lack of political salience of the audiovisual sector was even more visible during the pandemic, when the interviewee believed that these activities had been completely disregarded. The stakeholder also pointed out that in terms of documentaries, few production companies focus solely on this production type. Therefore, co-production is the main avenue for generating more daring and successful films. In this sense, the stakeholder could observe a rise in co-productions with neighbouring countries.

A national stakeholder mentioned that for the reference period of this study it was possible to observe an increased number of production actors which resulted in huge competition, even describing it as "over-production". As a result of this large volume of productions, major investments were increasingly also required for the distribution and promotion of these works.

Another national stakeholder noted that, theatrical productions (films) aside, there was a drastic decline in interest from broadcasters in creating fictional content or documentaries. Broadcasters have oriented their content production more towards reality and entertainment shows or news outlets. According to the stakeholder, this is not due to a loss of consumer appetite for this kind of content, but rather due to quality issues or changes in the ownership of broadcasting companies which led to changes in editorial policies. Also, the stakeholders consider that there is no long-term vision for the country's audiovisual market, and that there is only one OTT broadcaster active in that country, both in terms of consumer demand and investment in local content.

One of the main trends observed in the production industry is, according to a national stakeholder, the increasingly blurred distinction between cinema producers and TV series producers. Overall, producers have oriented their investments more into series, and those who traditionally specialised in cinema content have started diversifying and investing in this direction. During the reference period, the stakeholder could also observe an increased market concentration, with more producers merging and absorbing smaller production companies (a similar trend is observed in Italy, as pointed out by an Italian organisation representing producers).

Another national stakeholder stated that, due to discrepancies between production capabilities and activities across European countries (i.e. some EU Member States are big producers, while others are more consumers), smaller production countries are less interested in defending producers' rights.

When it comes to trends among independent producers and co-productions, views vary across different categories of stakeholders. An international stakeholder considered that there had been an increase in the negotiating power of independent producers due to the increased competition between VoD services. On the other hand, a national stakeholder acknowledged that the arrival of VoD services led to a boom in activity for the production industry, which then found it hard to recruit screen writers, directors or actors to deliver all the work. Despite this, there is a loss of national value in the countries where content is produced, in their view, as the international VoD companies do not give credit to the production companies or tend to keep all the IP rights, turning producers into sole content commissioners. While in the past there used to be more co-productions in which the IP rights were shared, now there is more commissioning of work, which leads to market imbalances, making the role of the producer less relevant.

This situation was also acknowledged by a European stakeholder who believes a Code of Fair Practices should be put in place. This should establish basic parameters to be applied to VoD service contracts when commissioning feature films, TV series and other audiovisual works (“originals”) from independent production companies.

A European stakeholder stated that independent producers have flexibility (can remain independent) when working with broadcasters. As stated by an audiovisual expert, independent producers face difficulties upfronting the costs (e.g. subtitling, dubbing) and the fact that large VoD providers want global IP rights makes it difficult for them to obtain this funding stream. The change in licenses and in the demands is a challenge for independent producers. A national stakeholder stated that the loss of IP rights started for them in 2018 and that since then, they never managed to maintain the totality of IP rights, especially since broadcasters have slowly started adopting an IP rights model similar to that used by VoD service providers.

According to an EU stakeholder, VoD companies and (more recently) linear service providers want more and more IP rights and territories to be covered by the licences when they finance a film, since they are investing more and more in large-scale budgets. This puts independent producers in an executive producer, where: i) they have no catalogue exploitation policy that guarantees their independence, notably for the development of new projects; ii) they cannot take risks (artistically speaking) since they have only one purchaser with a specific production specification; iii) they cannot co-produce since there are no exclusive territories available; iv) they cannot find private investment from the market since it is shrinking and their margin comes more and more from the budget of production budget.

When it comes to co-productions, an audiovisual expert stated that co-production is both increasing and diversifying. Public service broadcasters are increasingly co-producing, and the network of co-productions is expanding, extending beyond cultural or language affinities (e.g. Icelandic-French co-production). This brings new trends and opportunities, such as discovering new talents, tapping into new funding streams, etc. The main drivers of the expansion of international cooperation are funding and access to talent: the more talent you have the more finance sources you have (e.g. European, regional funding).

In some countries it was noted that production would not survive outside a co-production framework. This is due to the fact that the available money (both public and private) is not enough to finance the production of films. More recently, more co-production cooperation was established with neighbouring countries in central and eastern Europe rather than with other big audio-visual markets, due to competition but also to lower production costs.

In one of the countries it was noted, according to an interviewee, independent films are produced by independent companies under the umbrella of bigger production companies. These companies are also called ‘backpack companies’ - companies which would usually not grow because they would not fit into a bigger structure, and which have cooperation agreements with other companies (without legally merging). The mid-sized companies are in a difficult position economically because in this competitive situation they need to invest more money, and most country’s production companies would not survive without public funds.

Lastly, a stakeholder stated that the level of co-productions has increased dramatically in the last ten years. This is due to increased consumer demand for content but also due to the competitive pressure from big streamers. Overall, according to the stakeholder, the trends favour co-productions.

Several trends were also highlighted concerning consumer taste and content consumption during the reference period (2015-2019). According to an audiovisual expert, during the reference period a broadening of consumer taste could be observed. Having more audiovisual players increased the diversity of foreign content and this exposure led to a change in taste for some consumer segments. In terms of forms and formats, we could see a rise of the “serialisation” of content, with a shorter format for European productions (6-8 episodes compared with several seasons). According to the expert, this development has come at the expense of movies and documentary markets. Another national stakeholder observed that consumers tend to choose local content more eagerly.

Furthermore, the audiovisual expert noted that algorithms played a big role in shaping consumer preferences, though the role of word of mouth was not negligible either. Nostalgia is a big trend among audiences. The return of older materials comes from the fact that catalogues make them available, showing series from the 70-80s because they do not cost much. The backup catalogue can also have a lot of prestige content. Younger audiences are also into sitcoms because they are relatable content. For instance, local users are into American sitcoms because they are long and easy to consume while doing something else.

An international stakeholder noticed a growing appetite for European content during the reference period. The company considers that this was not the case 10 years ago and that VoD services helped remove the stigma associated with subtitles and dubbing and increased the consumption of European content. An interviewee

noticed a shift in consumer preferences from linear to non-linear (online) services, from traditional TV to mobile, or from traditional TV content to series. Furthermore, the time spent watching TV is decreasing, mostly among young viewers. It was stated that for example in Central and Eastern Europe, VoD providers were overlooked during the reference period and there was not so much trust in producers of VoD providers (consumption trends changed during the pandemic). In one country from the region, there was increasing fluctuation in the number of productions supported, but decreasing audience interest local and European films. This is linked to the fact that in many areas there is no access to cinemas. However, there is interest from abroad in the content from that country (as stated by another interviewee).

6.6.1 Impacts of the trends

According to a European stakeholder, changing consumption trends, combined with increased competition and tight public funding creates a complex financial equation for public service media (PSM). Despite limited resources, PSM have remained heavily committed to the European creative sector. PSM programming expenditure grew faster than overall PSM operating revenue. However, despite all the efforts, PSM cannot keep up with the global content spending race and have been overtaken by several streaming giants in terms of global investment in content. In terms of the overall market, commercial broadcasters are struggling even more than public broadcasters because they are hit by the changed advertising market, and it is now more difficult to monetise streaming. In response to this, some Member States tried to and other countries are investing in domestic series productions, with differing levels of success according to the interviewee. Public broadcasters in some countries have struggled in different ways: legitimacy problems have been rising because of oversupply of content, and people are becoming more used to a transactional model, so it is more difficult to justify the public broadcasting model. Moreover, this is strictly linked to the overall evolution of audiovisual markets and changing consumption patterns: a large portion of people watch only streamed content. The trend is well advanced in the Nordic markets with more than 20% of people mentioning they are pure streamers.

As far as catalogues are concerned, one European stakeholder claims that streamers want to access content with longer-shelf life. This is an important question for public service media, as the availability period of original content in their online offer is typically shorter and hence a key factor for relevance and success, which also influences their distribution strategies.

One national stakeholder claimed that the shift from linear to non-linear services led production and distribution sectors to shift to a new business and selling model, where stakeholders had to find new channels and new ways of engaging with clients, partners and consumers. Moreover, producers had also partnered with international VoD service providers, and this is a trend that can be observed in most European countries, something that was brought up by several stakeholders.

6.6.2 Future trends

Concerning the main trends in the audiovisual sector in the next 3-5 years, many stakeholders interviewed agree that we will witness an acceleration of the main trends seen in the reference period (e.g. a shift from linear to non-linear services). The consequences are mainly two: firstly, there will be a continuous strengthening of VoD service providers which will likely monopolise the market, jeopardising local and independent producers; secondly, there will be a robust development of smart TVs – linear TV and online content video in one place with OTT services as the counterweight for TV. As a result, the main content transmitted on TV will be sport, news and big entertainment, while all the rest will be streamed online, regardless of the device.

The growth of non-linear services will force linear providers to reinvent themselves, according to a Spanish regulatory authority. The stakeholder also anticipates a ‘platformisation’ of content. The global players have budgets that the traditional television cannot compete with. Furthermore, other players are likely to tap into this sector, thus increasing competition even more (e.g. YouTube and Google). As pointed out by an audiovisual expert, in addition to the competition and need to reinvent themselves, commercial broadcasters need to worry about how they will get their advertising income.

At country/regional level, different trends are anticipated. According to a national stakeholder, the fragmentation of the market might cause some Member States to face a monopoly created by foreign players in the country. This could create a gatekeeper controlling what is and is not produced, thus limiting the opportunities of independent producers. In addition, there will be a decrease in the funding sources that will

be available through public funds. As far as cinemas are concerned, the people flow is expected to significantly decrease, meaning lower revenues and lower income to theatrical production.

One interviewee emphasised the crucial role played by the geo-blocking tool (a practice that prevents online users from accessing and purchasing products or services from a website based in another Member State). If geo-blocking was to be removed, the interviewee claims that national distributors would be unable to sustain themselves in future as productions would be available in any given country without the payment of any IP rights.

Compared with the reference period, another interviewee considers that there will be more emphasis on collaboration as market players are more open to exchange ideas, training, travel to different markets, etc. Lack of funding in certain regions also forces producers to seek these collaborations.

Turning to production, a European stakeholder considers that two production models will arise in the future. On the one hand, there will be producers that develop, finance, produce and distribute audiovisual works for the investors. They guarantee the completion of the film and they will build up a catalogue that will serve as a financial instrument for their future developments (they keep their IP rights in the works). On the other hand, other producers will work in the name and on behalf of the broadcasters, remunerated on the production budget (but do not keep the IP rights in the works they produce). The stakeholder considers that both systems can coexist (and already do) and the European industry has an opportunity to seize, since independent production system is necessary to safeguard diversity (diversity of financing through co-production for instance) and to propose an alternative story telling.

6.7 Conclusions task 2

The following main trends appear from the analysis of data on economic trends:

- While the revenues of the audiovisual sector have expanded over the period 2015-2019, the same cannot be said of the gross value added generated by the sector. Revenues expanded in both absolute and relative terms in comparison with the overall business economy. However, while gross added value expanded in absolute terms it actually shrunk in relative terms as the other economic sectors grew even faster;
- France is the country where audiovisual represents the highest share of gross added value of all business sectors' added value – 1.15%;
- The growth in revenues is largely due to the expansion of VoD service revenues. However, in absolute terms, revenues from VoD remain the smallest source of revenue compared with advertising, pay-TV and public funding,
- Germany and France represent a third of the revenues of the sector across EU27. Together with the other three largest countries in terms of audiovisual revenues (Italy, Spain and Portugal) these five Member States represent over 50% of all revenues.
- Employment trends and trends regarding business size remain the same as in previous reports:
 - There is a steady growth of production companies but mostly very small ones;
 - Production, post-production and distribution represent a high number of SMEs. Broadcasting and programming have a higher number of large companies;
 - Nearly 900,000 persons were employed in the sector in 2019, an increase since 2015. The majority of these employees are men, particularly in production.
 - In the period covered by the study, total investment in the sector by public and private broadcasters has increased looking(18.4 billion euro). When the investments of VoD providers and cinema distributions are included, the overall level of investment is much higher (30 billion euro).
 - The value chain analysis shows that most value comes from programming and broadcasting, followed by production.
 - Profitability trends differ by Member State but also by sector. It is quite common for overall profitability to have increased in some sectors but decreased in others.

- Finally, market concentration, is low in the production sub-sector but higher in broadcasting, , programming and distribution. The overall market concentration across the countries has declined.

Volume 3

7. Linear services content analysis

The main objective of this task is to generate insights on the characteristics of the content offer available on the audiovisual market in the case of a representative sample of broadcasters in 11 Member States selected for this detailed research.

The main questions driving this research endeavour are:

- What is the share of European works in linear programming (based on qualifying time)?
- This includes further breakdowns according to prime time (or other) and according to works that are recent (i.e. five years old or fewer)
- What is the share of independent works in linear programming? and
- What is the prominence of European works in linear programming?

Furthermore, we assessed the impact of market trends on current cultural diversity by analysing the share of non-domestic European works in all European works.

As shown in the following sections, the values we obtained for the indicators of interest sometimes differ significantly compared to those reported by the Member States or reported by previous studies⁶⁴. We consider that there are two main potential explanatory factors for these differences:

- a) The amount of data and complexity of the process

To address the scope of this task, through a quasi-automatic process, we collected a very large amount of data. To achieve the values of the required indicators, we had to extensively process, filter and append additional information from secondary sources to the collected data. Given the complexity of the process and the amount of information, it is to be expected that, for example, not 100% of qualifying works have been fully and properly identified, this being the reason for which, for example, despite the high amount of computer-based processing, after visually inspecting the results, we included in the calculation information already present in the EPG raw data (i.e., country or countries of origin) for those works that have not been identified within the TMDb database but, given their title, appeared to be qualifying.

This approach contrasts very strongly with alternative ones based, for example, on manual collection and coding of information: a manual approach would have been impossible to perform given the amount of data.

- b) The scope and operationalisation of study-specific definitions

In comparison with the previous studies, the data from this study covers substantially more channels per country. For example, this study analysed **1,293,437** EPG schedule entries for **467** channels across 11 countries while in previous studies around 55 channels were added to the analysis. In addition to this contrasting difference, for some indicators, the operationalisation of their definition (for example, independent works) slightly differs as compared to that used by Member States.

7.1 Summary of the methodology

The eleven Member States selected for this analysis were: Austria, Czechia, Germany, Spain, France, Hungary, Italy, Netherlands, Poland, Romania and Sweden. The selection was in line with the study Terms of Reference which required detailed content analysis in 11 Member States. The selection was done so as to represent Member States with different audio-visual markets as well as different geographies. These Member States were selected to represent:

- The largest audiovisual markets in the EU while also covering diversity between medium-sized and large markets;
- Diversity in terms of regions of the EU; and
- Diversity in terms of market fragmentation.

⁶⁴ VVA et al (2018) *Study on the Promotion of European Works in Audiovisual Media Services* and Attentional et al (2011) *Study on the implementation of the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services*

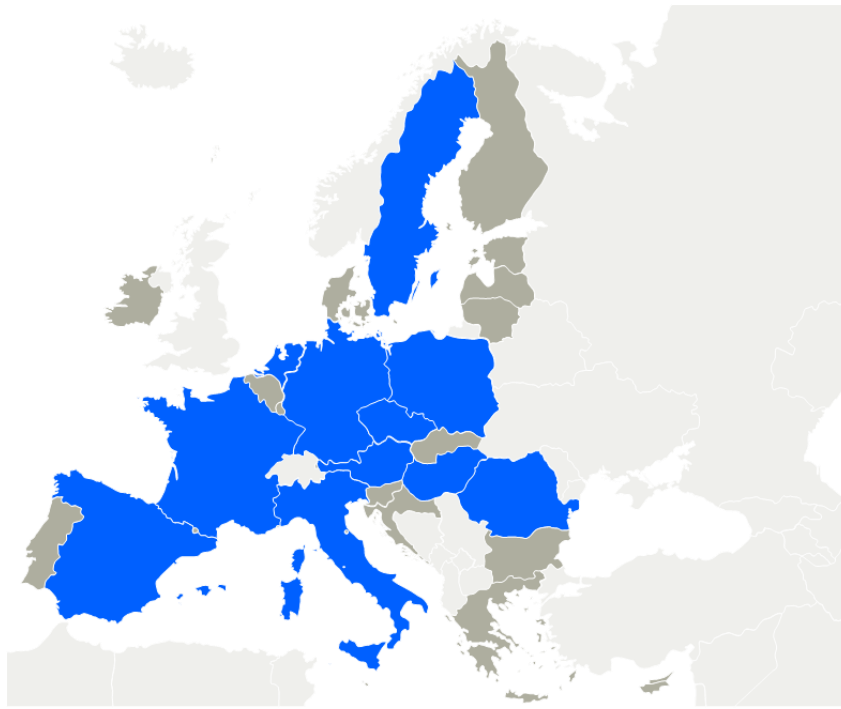


Figure 74 - Country coverage of this task

As the main source of data, this task uses the Electronic Program Guides of each linear service considered, as explained in the following subsections detailing the main steps of the implementation of this task

a. Collection of raw data

As a first step, between 02 December 2020 and 26 February 2021, we collected the available daily online information for the Electronic Program Guides (EPG) of more than 3500 channels across the 11 Member States within the scope of this assignment.

Due to the technical characteristics of the publicly available online data sources⁶⁵ and of the software⁶⁶ used to access the EPG streams, we performed an initial selection of the channels collected from each source by removing channels directly outside the scope of this assignment (e.g., teleshopping channels) from those for which the EPG information was available.

b. Pre-processing and analysis

Once the data were captured, to reduce the number and refine the selection of channels covered by the EPG analysis on a country-by-country basis, we used the list of channels identified in the European Audiovisual Observatory 2019 TV Audience Market Share country reports. Thus, we filtered out those channels for which the EPG data has been captured but which are not included in the Audiovisual Observatory country-level audience data.

To account for potential spelling differences between channel names in the EPG and the Audiovisual Observatory data, instead of individually matching the channels, we performed a “fuzzy matching” procedure. The matching allowed for spelling variations, thus including, for example, not just cases where the same channels had differently spelled names but also channels that were the High-Definition versions of those identified in the Observatory audience data.

Once the EPG data were collected and the channels had been filtered as described, we enriched the data with additional information on topics such as the identity of the production companies or their countries of origin through a three-step process:

⁶⁵ While the available sources allowed the download of bulk data, due to potential technical problems with each individual source, in order to ensure the coverage of as many as possible channels in each country, we also identified and used multiple sources of EPG data. Thus, the bulk data contained duplicated channels which were filtered out post- collection.

⁶⁶ The data were collected using Webgrab++ (<http://www.webgrabplus.com/>) with bespoke configurations for each of the 11 Member States.

1. On a country-by-country basis, all the titles present in the raw EPG scheduling data were matched against ~ 25 million titles present in the publicly available IMDb database⁶⁷. This enabled us to append a unique IMDb identifier to each EPG title found in the IMDb data. The IMDb data links each production with a unique identifier and the production's official title versions across several countries and languages. This enabled us to map the EPG raw information against the IMDb data and append the IMDb identifiers without any translations of the EPG content.

A typical, basic, example of the role and functionality of the IMDb identifier relates to the structure of the hyperlinks to the content of the IMDb portal. The weblink to any of the titles covered by the IMDb portal is comprised of the general web address (www.imdb.com), followed by the category of content ("/title/"), and by the unique identifier for each production ("ttxxxxxx"). For example, the IMDb page for the movie "Independence Day" is: <https://www.imdb.com/title/tt0116629/>, where "tt0116629" is the unique identifier for the production.

2. Once the unique IMDb identifiers have been appended to the EPG data, we temporarily removed any duplicate identifiers from the raw data. The remaining unique identifiers were then used to submit queries to the access point interface (API) of The Movie Database (TMDB).

While using its own identification system, TMDB also allows the use of IMDb identifiers to map the productions against TMDB's own identifiers. Therefore, each query to the API had a dual purpose: a) first, to map the IMDb identifiers against those in the TMDB, and b) once mapped, to use the matched TMDB identifiers to retrieve information on each production with regard to the production companies, the countries of production and/or countries of production companies, the genre(s) of the production and any additional potentially relevant production metadata.

On a country-by-country basis, the output of this operation consisted in a data set of unique IMDb identifiers with mapped TMDB identifiers and the available TMDB metadata for each one of them. Once obtained, the metadata were appended to the initial EPG data by matching with the help of the IMDb identifiers.

3. Once the TMDB metadata were appended to the EPG data, the enriched data were further processed to generate the variables required for the indicators of interest within the scope of this assignment. Such processing included:
 - a. Conditional re-coding of variables: e.g., defining the prime-time intervals for each country and identifying whether each entry on the EPG schedule is within the prime-time interval or not),
 - b. Computing production-focused additional variables: e.g., counting the number of production companies for each production, mapping the country of origin for each company as European or not and classifying the production as European, European co-production, or other relevant categories.
 - c. Computing the time-related variables required for generating the indicators of interest: e.g., total number of minutes covered by the EPG data per channel per day, total number of minutes allocated to eligible works per channel per day, total number of minutes allocated to European and other relevant categories of productions per channel per day.
 - d. After performing these steps and assessing the amount of information appended to the data through external sources (TMDB), we further refined the classification of the works captured in the EPG data by including in the calculation, the information already present in the programme guides (i.e., country or countries of origin) for those works that have not been identified within the TMDB database but which, following a manual inspection, appeared to qualify (e.g. channel/network-specific series produced in the country of broadcasting for which the TMDB metadata was either insufficient to allow proper identification or was absent).

Given the nature of productions covered by IMDb and TMDB, in principle, we can safely assume that, in line with the scope of this assignment, the eligible productions are those belonging to the genres covered by the IMDb and TMDB metadata.

The achieved values for the target indicators (numbers and percentages) are presented in the subsequent sections, together with the technical details regarding the calculation procedure for each indicator.

⁶⁷ The data is available at <https://datasets.imdbws.com/>

7.1.1 Channels covered per Member State

As mentioned in the methodological overview, once EPG data were collected, on a country-by-country basis, the names of the channels were compared against those appearing in the latest Audiovisual Observatory Yearbook - Country Audience data and those appearing in the annual Member State reports on the share of EU broadcasted works. In line with the scope of this study, to increase the level of comprehensiveness of the analysis of channels per Member State, we considered 'eligible' the channels appearing in at least one of the two sources of information mentioned (the Yearbook's Country Audience data and the Member State reports).

This approach allowed us to calculate the relevant indicators for this study for two groups of channels: firstly, for those that appeared either in the Audiovisual Observatory Yearbook or in the annual Member State reports and secondly, for those that were only present in the latter source of information. Since the first group of channels encompasses both those reported by the Member States and also a few additional ones falling within the scope of the study, the results presented throughout the report pertain to this set of eligible channels. The results describing the second set of channels is presented at the finest level of granularity in the annexes. The table below presents, on a country-by-country basis, the total number of channels covered by the EPG analysed data:

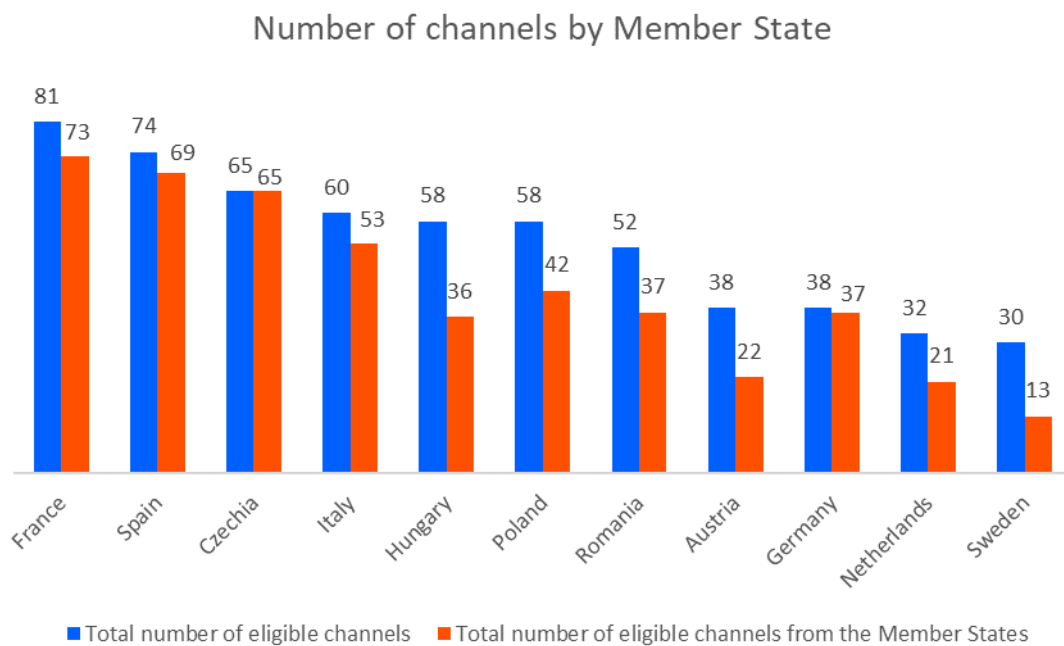


Figure 75 - Number of channels by Member State: eligible channels and channels matching Members States reporting data

As shown in this figure, across all Member States – except for Czechia – the number of channels considered eligible is higher than the number of channels strictly identified from the Member State data. As explained above, this first group of eligible channels consists of both those contained in the Member State reports and those we could identify as in line with the scope of the study in the Audiovisual Observatory Yearbook. The impact of this difference consists overall in lower values for the indicators aggregated at the level of the Member State channels, as presented in the annex.

The list of the names of the covered channels for each country is presented in the archive constituting Appendix D: within each country-specific folder, the two Excel files contain the two versions of the indicator (all channels and Member State-reported channels) and, within each file, a dedicated sheet presents the results within channels and between days, within channels and aggregated at the country level.

7.1.2 Period covered by the data

In line with the specifications set forth in the inception report, the collection of EPG data began on 1 December 2020 and continued until 28 February 2021. The current report uses the data collected during the entire period.

The only significant gaps within the country-level data coverage across the data collection period relate to Romania for the period between 1- 15 December 2020, when it was not possible to collect the EPG data due to technical issues affecting the online EPG data sources and the configuration of the Webgrab++ software. A detailed overview showing the number of EPG entries by channel and by country is presented in Annex D. Despite this gap, as shown in the figure below, across all eleven Member States the amount of collected data is large enough to allow the analysis to be performed, if required, not just across the entire period (>80 calendar days) but also on a monthly basis.

Number of EPG entries by Member State, by month

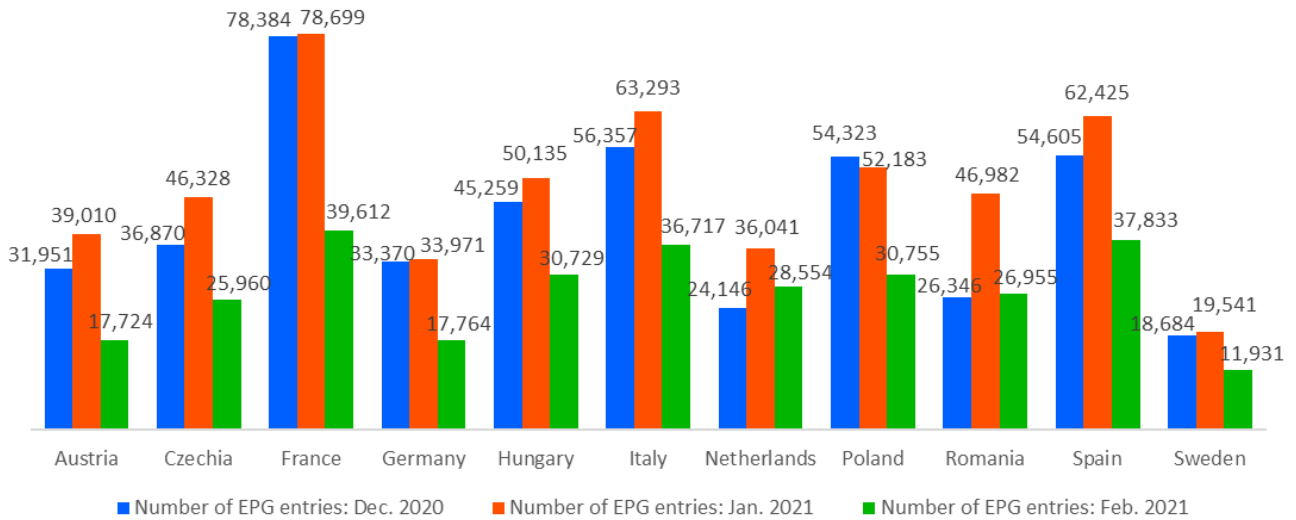


Figure 76 - Number of EPG entries by Member State, by month

In addition, as shown in the below figure, the average daily number of EPG entries by Member State tends to be overall correlated with the number of channels covered in each Member State which indicates a high quality and readability of the data capture process:

Average number of EPG entries by Member State, by day

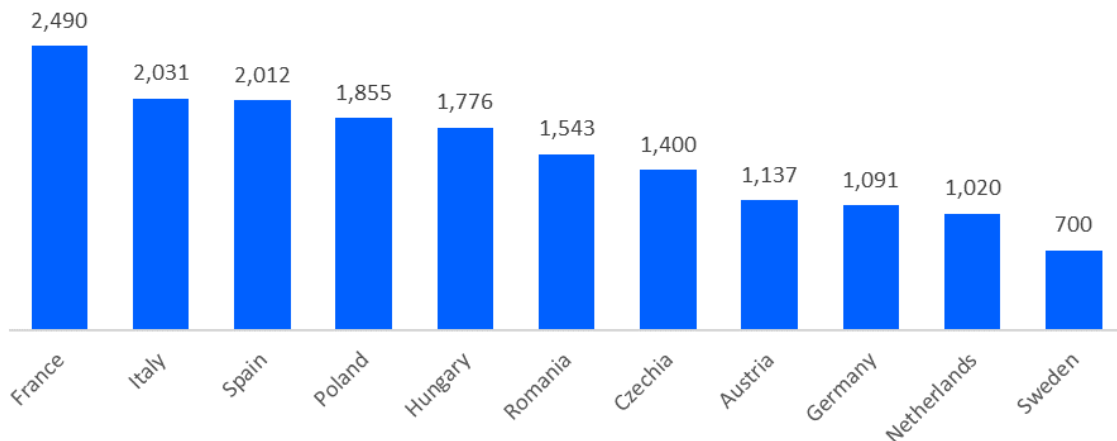


Figure 77 - Average number of EPG entries per day per Member State

7.1.3 Categories used in this chapter

In line with the scope of the assignment, once the pre-processing of the data was completed, indicators were generated to estimate the key indicators of interest, as follows:

a. Qualifying time and qualifying works

A key distinct feature of the project consists in the high volume of data collected across Member States, channels, and time. Nevertheless, in addition to the implicit benefits of such data richness, the quantity of data also posed significant challenges in terms of its management and processing.

Therefore, the identification of qualifying programmes - beyond the definition emerging from the works to which Articles 16 and 17 apply: all programmes excluding “news, sports events, games, advertising, teletext services and teleshopping” – needs to rely as much as possible on information either present in the collected EPG data or appended through post-processing: attempting to manually check or code more than two million entries across eleven languages would prove to be an impossible research feat. Thus, for the current analysis, we relied on the information implicitly obtained by the mapping against the IMDb title identifiers. The rationale behind this approach is the following:

- At the first stage, we considered the IMDb identifiers. IMDb uses two main criteria to classify most of the content covered:
 - a) The “type of titles”, with the following categories: Feature film, TV Movie, TV Series and TV Episode, TV Special, Mini-Series, Documentary, Video Game, Short Film, Video, TV Short.
 - b) The “genres” of content, with the following categories: Action, Adventure, Animation, Biography, Comedy, Crime, Documentary, Drama, Family, Fantasy, Film-Noir, Game - Show, History, Horror, Music, Musical, Mystery, News, Reality, Romance, Sci-fi, Sport, Talk-Show, Thriller, War, Western.
- Since IMDb allocates a maximum of three genre categories to each title covered, implicitly, any scheduled entry from the EPG data identified as having a valid IMDb title code belongs to one of the “type of titles categories” and to a maximum of three genre categories. Thus, we performed a first stage of filtering out potentially non-qualifying works, by ‘removing’ the EPG entries for which an IMDb title code had not been identified.
- At the second stage, once the entries without an IMDb code had been filtered out, we matched the appended IMDb identifiers against the TMDB dataset and, if the works were identified within the TMDB coverage, we appended additional information, including up to seven genre categories. The TMDB data use a list of 27 unique genres, comprised of categories presented in the table below.
- Once the information had been appended, we concatenated the text present in all the additional genre variables from TMDB (up to 7 potential genres per entry) and filtered out all the entries that contained the word “News” in the concatenated genre variable. The remaining entries with an identified IMDb identifier, a TMDB one and belonging to any of the remaining 26 genres - or, in the majority of cases, their various combinations - were classified as “qualifying”.

Table 37 – TMDb Genre categories

No.	Genre
1	Documentary
2	Action & Adventure
3	Comedy
4	Sci-Fi & Fantasy
5	Reality
6	Animation
7	Drama
8	Family
9	Mystery
10	Talk
11	Crime
12	Adventure
13	Romance
14	News
15	History
16	Action
17	TV Movie
18	Fantasy
19	Soap
20	Thriller
21	Horror
22	Western
23	Music
24	Kids
25	Science Fiction
26	War & Politics
27	War

Since, throughout the report, the shares presented for each indicator are expressed as percentage of the time of total eligible works, the share of identified works in the total number of captured entries can be considered a proxy indicator for the robustness of the results: the higher the share, the greater the robustness.

As a methodological caveat, given that we have considered as qualifying time all works identified in the TMDb database except for those falling under the “News” category, we could not retrieve the information required for the classification and analysis (e.g., name and country of origin of production companies, etc.) for all the qualifying works. This was the case because some of this information was not available in the TMDb database at the time of analysis. To mitigate this issue, where possible, such as in the case of the classification of qualifying works into the European or non-European category, we have used information related to the country of production of the qualifying works already present in the EPG data collected. The existence of such cases explains, for example, apparent indicator inconsistencies such as the fact that when summing up the amount of time pertaining to European and Non-European qualifying productions and co-productions within Member States, the amount of time is lower than the calculated and declared qualifying time, even though in principle, the qualifying time should be comprised of the time covered by these two categories of works (European and non-European).

Of course, if we were to redefine qualifying time as the sum of the time allocated to works within the two categories rather than the amount of time pertaining to what have been defined as qualifying works (see previous section), the reported share of eligible time within each Member State pertaining to, for example, European works would potentially increase. An example of the potential magnitude of this change, as shown below, is the case of Austria, where the share of eligible European works (productions and co-productions) is 36.6% according to the ‘standard’ approach but would reach 43.4% using the modified approach. However,

the effect would not be consistent across all the Member States, depending very much on the amount of missing classification information for the eligible works: in the case of Sweden, it would rise from 28.1% to 39%.

Following this approach, throughout the report, in line with the content of the AVMS Directive and the guidance received as part of the review of the interim report, the indicators are calculated based on the amount of qualifying time, defined as the amount of broadcasting time assigned to qualifying works.

b. European productions and co-productions within qualifying time, countries, and schedules

To distinguish the European productions and co-productions from non-European qualifying works, we operationalised the AVMS Directive definition of European works⁶⁸ by analysing either the declared countries of origin (where available) or the country of origin of the production companies. Thus, we categorised the works as follows:

- European productions: those productions made by a single European production company/producer.
- European co-productions: productions where at least two production companies are involved and the majority of them are European.

c. European productions and co-productions within prime time

To classify the works as scheduled within or outside the prime-time interval, on a country-by-country basis, we identified the prime intervals and, depending on the scheduled start time and the country of scheduling, we classified each of the works accordingly.

The table below shows the time intervals considered as prime time in each of the 11 Member States, in line with the audience market share data of the European Audiovisual Observatory – 2020 Yearbook data.

Table 38 – Prime Time intervals by Member State

Member States	Prime Time Interval
Austria	20:00 – 23:00
Czechia	19:00 – 23:00
Germany	20:00 – 23:00
France	20:00 – 23:00
Hungary	20:00 – 23:00
Italy	20:30 – 22:30
Netherlands	19:30 – 23:00
Poland	19:30 – 23:00
Romania	19:00 – 23:00
Spain	22:00 – 24:00
Sweden	19:00 – 23:00

Source: EAO 2020 Yearbook for subscribers

Within the report, this indicator is operationalised as the amount of time ascribed to works classified as European and scheduled to be broadcast within the prime-time intervals.

⁶⁸ In line with the Article 1 of the Directive, European works are those originating from: a) one of the 27 EU Members States, b) European third states which have ratified the European Convention on Transfrontier Television of the Council of Europe and c) European third states which have concluded co-production agreements with the EU.

d. Domestic and non-domestic European works within qualifying time and countries

Domestic European works are defined as qualifying European works which are produced by the same country as that in which the work is scheduled for broadcasting in the EPG data or, depending on the availability of metadata, which have among their producers companies originating in the same country as that in which the work is scheduled for broadcasting.

Conversely, non-domestic European works are those European productions in which the country of production or the countries of origin of the production companies differ from the country in which the production has been scheduled for broadcasting.

Following this functional definition, throughout this report the values for these indicators are operationalised and expressed as the share of time allocated to the above-defined domestic and non-domestic European works in the total amount of qualifying time.

e. Independent productions and co-productions within qualifying time, countries, and schedules

In our current approach, to assess whether a production is independent or not, we used publicly available information^{69,70,71} to compile a list of 940 producers and production companies across Europe classified as independent. Thus, if a qualifying European work was produced by a single production company matched against the list, it is classified as an independent production.

If all the production companies are identified as independent, the work is classified as an independent co-production.

Where a qualifying work has at least two production companies, at least one of which has been identified as independent while the rest have not been identified as such, the work is considered as a co-production between independent and non-independent production companies. This indicator is labelled as “quasi-independent European works”.

Consequently, by applying this classification approach, the indicators throughout this report on these categories of works are expressed as the time ascribed to these categories as a share of the time ascribed to qualifying works (i.e., qualifying time).

f. Recent European productions and co-productions within qualifying time

In line with the AVMS Directive, a qualifying work is classified as recent if the year of production is within five years of the year of scheduling.

Following a similar approach as in the case of the previous categories of works, the indicator values reported in this study reflect the percentage of time covered by this category of productions in the total time ascribed to qualifying works.

7.2 Qualifying works covered by the study

By applying the described operationalisation of the functional definitions detailed in the previous section, this section presents an overview of the achieved outputs from the key classification process, the categorisation of the qualifying works and, implicitly, the intervals classified as qualifying time.

As a first step, after implementing the classification approach to identify qualifying works, we obtained the results as shown in the chart below.

⁶⁹ Sources: <https://www.cepi-producers.eu/our-members>; <https://www.eurovod.org/members>; <https://www.europeanproducersclub.org/members>

⁷⁰ <https://www.eurovod.org/members>

⁷¹ <https://www.europeanproducersclub.org/members>

Qualifying works: number of entries by stage

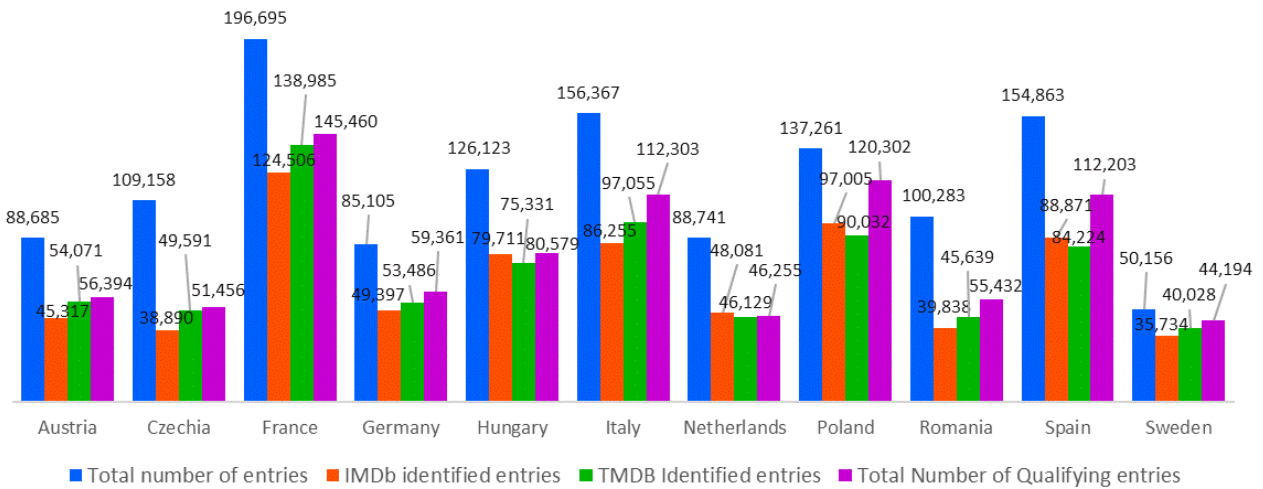


Figure 78 - Qualifying works - number of entries by stage of classification

As shown above, overall, the number of works removed or added from the pool of potentially qualifying works between stage one (appending the IMDb identifier) and stage two (appending TMDb metadata) varies across the 11 Member States, given the multi-stage approach implemented to maximise the likelihood of identifying all possible eligible works. Figure below shows the shares of identified works by country out of total captured entries.

Qualifying works: share of entries out of total entries per Member State by stage

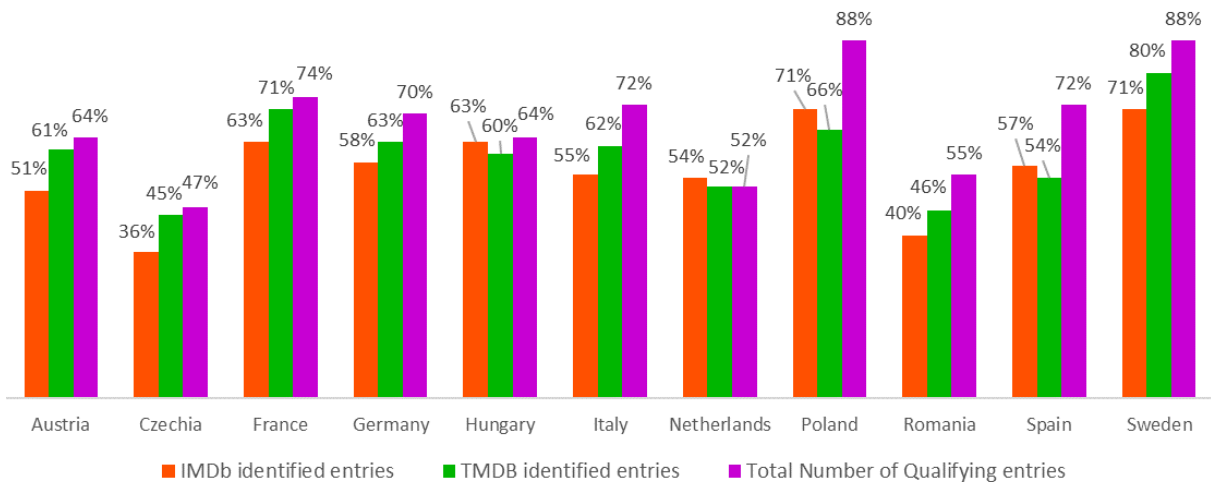


Figure 79 - Qualifying works – share of identified works out of total entries by stage of classification

Given the results above, it appears that the performance of the identification process varies by Member State, the language of the title potentially playing a significant role in its success: from a maximum of 88% identified productions out of the total number of entries in the case of Sweden and Poland, to 52% and 47% in the cases of the Netherlands and Czechia.

The classification process itself and the number of classified productions resulting from it has a direct impact on the amount of time covered by qualified works, the value against which we report all the indicators throughout the report, namely the qualifying time. Thus, after the classification of works, we calculated the key

information required for deriving the required indicators, i.e. the amount of qualifying time. This is presented below.

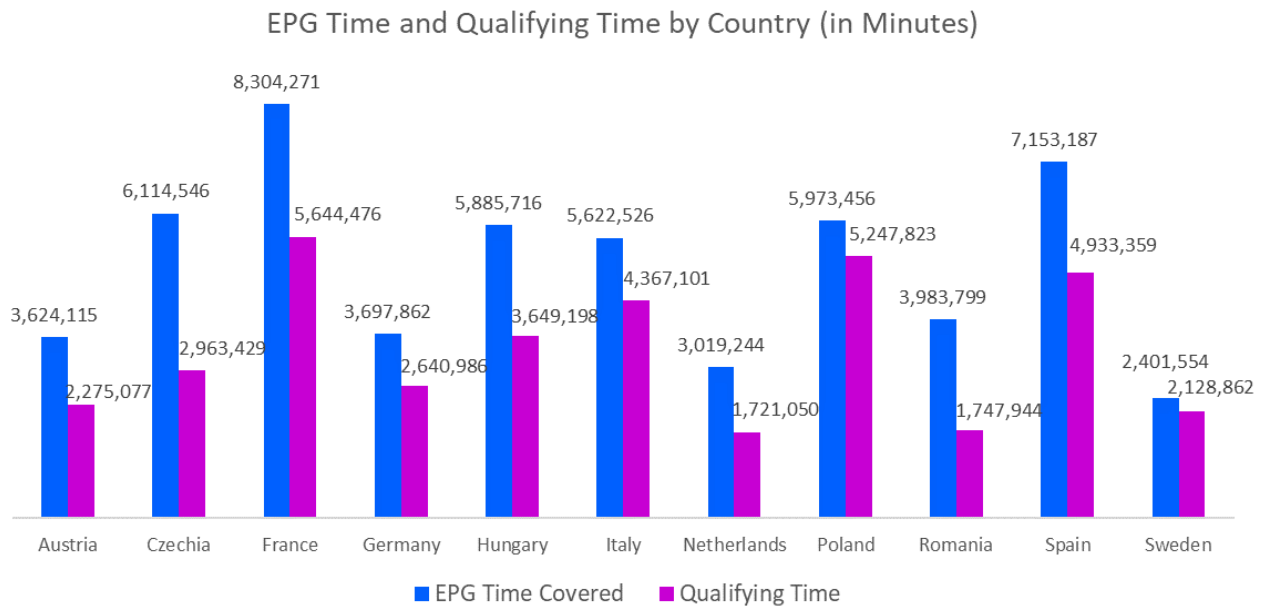


Figure 80 - Time covered by the EPG entries and qualifying time by Member State across the collected data (in minutes)

Given the level of granularity of the collected data, we could investigate the distribution of the qualifying time at the level of channels within Member States. The table below shows the proportion of qualifying time - as the amount of time covered by qualifying works out of the total amount of time covered by the EPG data - for the top five or 10 channels per Member State with the largest market share (audience).

Across most Member States, the proportion of qualifying programmes as share of time represents over 50% of the total programmes. Thus, viewers are mostly exposed to qualifying genres, and this is most noticeable for the following Member States and channels:

- In Austria, Vox broadcast around 96% of qualifying programmes, and ARD around 89%
- In Hungary, the TV channels Film+ and Cool registered a proportion of qualifying programmes of 99% and 100%, respectively
- In Italy, over 95% of the programmes broadcast on Rete 5 are classified as qualifying
- The channels TV Puls and TVN7 in Poland broadcast over 99% of qualifying programmes
- In Germany too, some channels registered high proportions of qualifying programmes. For example, zdf_neo had over 98% qualifying programmes
- In Sweden, there are four channels on which qualifying programmes represent over 99%: Kanal 5 Danmark, TV3, Sjuan and TV8.

However fewer qualifying programmes are broadcast by some channels:

- On Rai 1 in Italy, only around 20% of the programmes could be classified as qualifying. Rai 2 follows closely with only around 25%
- In Romania, National TV registered 19% of qualifying programmes while Antena 3 HD had around 27%
- In the Netherlands, the qualifying programmes for NPO 2 HD stand at around 8%

Table 39 - Share of qualifying time within the collected data and channel market share (audience) by Member State

Member States	Channels	Qualifying time	Market Share
Austria	ORF 2	62.36%	19.4%
	ORF 1	67.26%	9.1%
	ZDF	73.93%	4.1%
	RTL	71.79%	4%
	Vox	95.95%	3.5%
	ATV	78.47%	3.4%
	Pro Sieben	81.86%	3.4%
	Puls 4	65.40%	3.4%
	Sat.1	74.76%	3.3%
	ARD	88.96%	3%
Hungary	TV2	81.45%	10.3%
	RTL Klub	82.94%	9.6%
	DUNA Televízió	66.23%	3.5%
	ATV	33.95%	3.4%
	SuperTV2	93.03%	3%
	Film+	98.87%	2.9%
	m1	70.35%	2.9%
	Mozi+	99.00%	2.7%
	Cool	100.00%	2.3%
	RTL II	88.04%	2.3%
France	TF1	68.71%	19.5%
	France 2	61.42%	13.9%
	France 3	64.58%	9.3%
	M6	58.76%	8.9%
	France 5	76.89%	3.6%
	TMC	61.30%	3.1%
Italy	Rai 1	19.88%	16.3%
	Canale 5	86.77%	15.4%
	Rai 3	45.60%	6.8%
	Rai 2	24.68%	5.6%
	Italia 1	88.56%	4.8%
	Rete 4	94.94%	3.9%
	La7	37.46%	3.7%
Romania	PRO TV	47.47%	16.8%
	Antena 1	35.76%	11.3%
	Kanal D HD	32.29%	9.7%
	Antena 3 HD	26.80%	4.9%
	National TV	18.68%	2.2%
	Prima TV HD	33.43%	2.1%
Czechia	Nova	43.72%	20.2%
	CT 1 HD	64.45%	16%
	PrimaFamily	75.82%	12.1%
	CT 2 HD	57.22%	4%

AVMSD FINAL REPORT

Member States	Channels	Qualifying time	Market Share
	Nova Cinema HD	89.16%	3.9%
Poland	POLSAT	95.42%	9.9%
	TVP 1	77.67%	9.7%
	TVN HD	95.39%	8.5%
	TVP 2 HD	94.77%	8.3%
	TV 4	98.95%	3.7%
	TVP 3	59.13%	3.6%
	TV Puls	99.01%	3.5%
	TVN 7	99.23%	3.2%
Netherlands	NPO 1 HD	11.43%	23.1%
	RTL 4	68.73%	12.4%
	SBS6	27.68%	7.4%
	NPO 2 HD	7.71%	6.5%
	NPO 3 HD	25.29%	4.9%
	Veronica	83.37%	4.3%
	Net5	47.21%	4%
	RTL 5	15.53%	3.5%
	RTL 7	41.89%	3.5%
	RTL 8	45.89%	2.4%
Germany	ZDF HD	71.66%	13%
	Das Erste HD	77.43%	11.3%
	RTL HD	58.98%	8.4%
	SAT.1 HD	78.55%	6.0%
	VOX HD	89.86%	4.8%
	Pro Sieben	88.53%	4.3%
	Kabel 1	82.32%	3.6%
	zdf_neo	98.57%	3.1%
Spain	Antena 3 HD	70.33%	11.6%
	LA 1	72.13%	9.4%
	Cuatro HD	78.22%	5.3%
	FDF	84.87%	2.7%
	La 2 HD	75.35%	2.7%
	Energy	94.71%	2.4%
	TV3	62.32%	2.2%
	13 TV	65.16%	2%
Sweden	SVT1 HD	45.13%	25.6%
	TV4	89.11%	23.7%
	SVT2 HD	36.39%	23.7%
	Kanal 5 Danmark	98.72%	6.4%
	TV3	99.22%	4.9%
	Sjuan	99.21%	4%
	TV8	99.15%	3.8%

Interestingly, channels with higher market shares do not necessarily broadcast higher proportions of qualifying works as shown below.

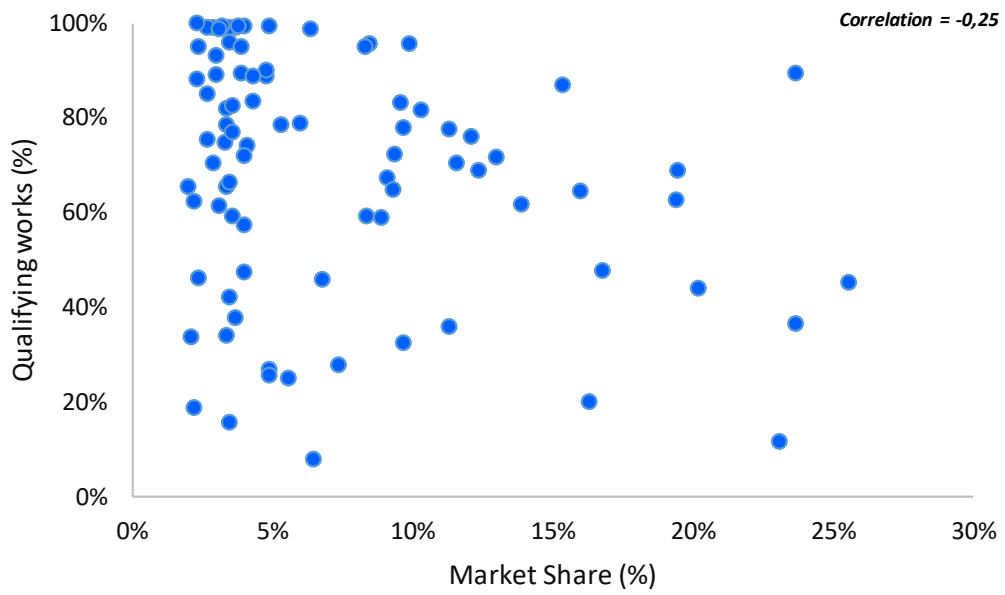


Figure 81 - Correlation between market share (audience) and qualifying time

7.3 All European works

Following the procedure classifying European qualifying productions and co-productions, the total share of European works across the 11 Member States, and across all the channels analysed, is 39% of the total amount of eligible (qualifying) time.

On a country-by-country basis, the time share of European qualifying works scheduled for broadcasting in the total time of qualifying works ranges from 50.7% in the case of Germany to 26.3% in the case of Romania.

Share of Qualifying European Works (productions & co-productions)

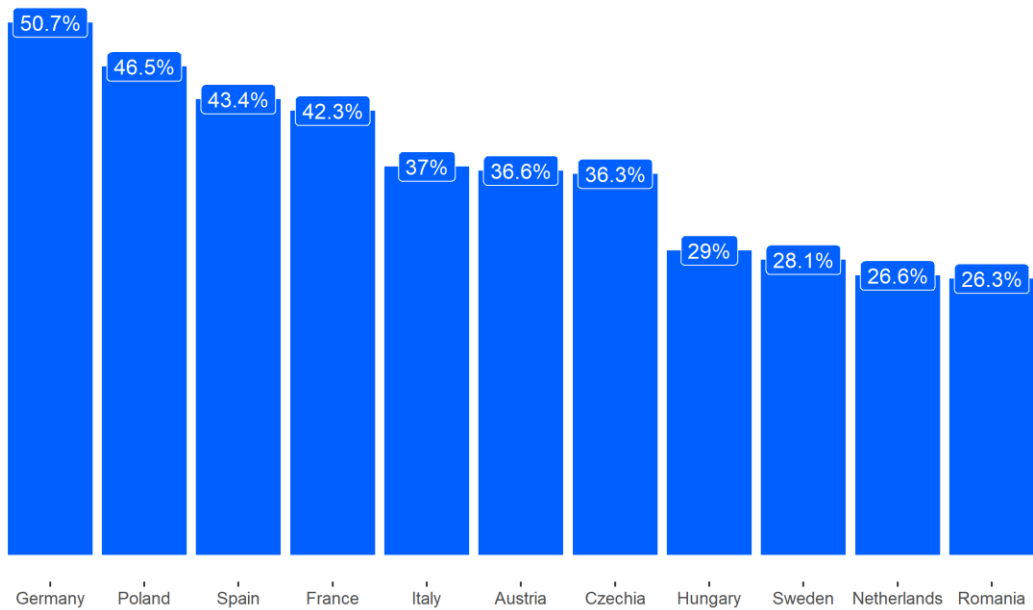


Figure 82 - Share of Qualifying European Productions and Co-productions per Member State

European works represent the total share of productions classified as either European productions or European co-productions. Firstly, in the figure above, the definition of European co-productions was operationalised based on the AVMS Directive to encompass all the identified broadcast programmes where there are at least two production companies involved and the majority of them are European.

Secondly, European co-productions were defined slightly different too, namely as those works where there are at least two production companies and at least one of them is European. When using this broader classification criteria, across all Member States the percentages representing European co-productions of the qualifying time increase slightly. The graph below shows the aggregated results of European productions and European co-productions (European works) when using the less restrictive definition of European co-productions.

Share of Qualifying European Works (productions & co-productions)
 *European CoProduction defined as a CoProduction where at least one production company is European

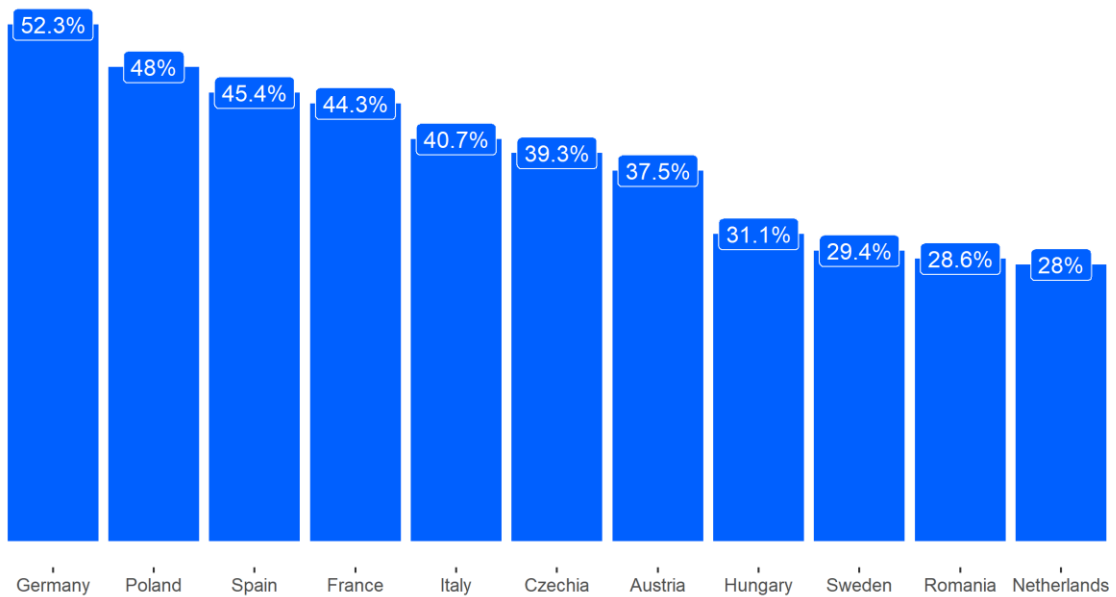


Figure 83 - Share of qualifying European productions and co-productions (using the less restrictive definition where European co-productions have at least one European company)

There are 252 channels in total across the 11 Member States which have a market share above 0.5%, according to EAO data⁷². Of these 252 channels, only 77 broadcast 50% or more European works in the total qualifying time. These 77 channels represent 30% of the channels that have more than 0.5% of the audience in their corresponding Member State. On the other hand, there are 61 channels (representing 24% of the total number of channels that have 0.5% or higher market share) that broadcast 20% or less European works in qualifying time, according to our dataset. A bit less than half of these channels have a market share between 0.5-1%, meaning they are rather small channels. However, there are also channels with large audiences in this group with very low shares of European works in qualifying time, for instance:

- PRO TV Romania has 17% of European works as a share of qualifying time in our dataset (16.8% market share);
- RTL Club Hungary has 13.6% European works (9.6% market share);
- Antena 3 Romania – 19.3% European works (4.9% of market share);
- Kanal 5 Danmark in Sweden – 17.4% European works (4.9% of market share);
- Veronica Netherland – 8.9% European works (4% of market share).

⁷² EAO 2020 Yearbook for subscribers

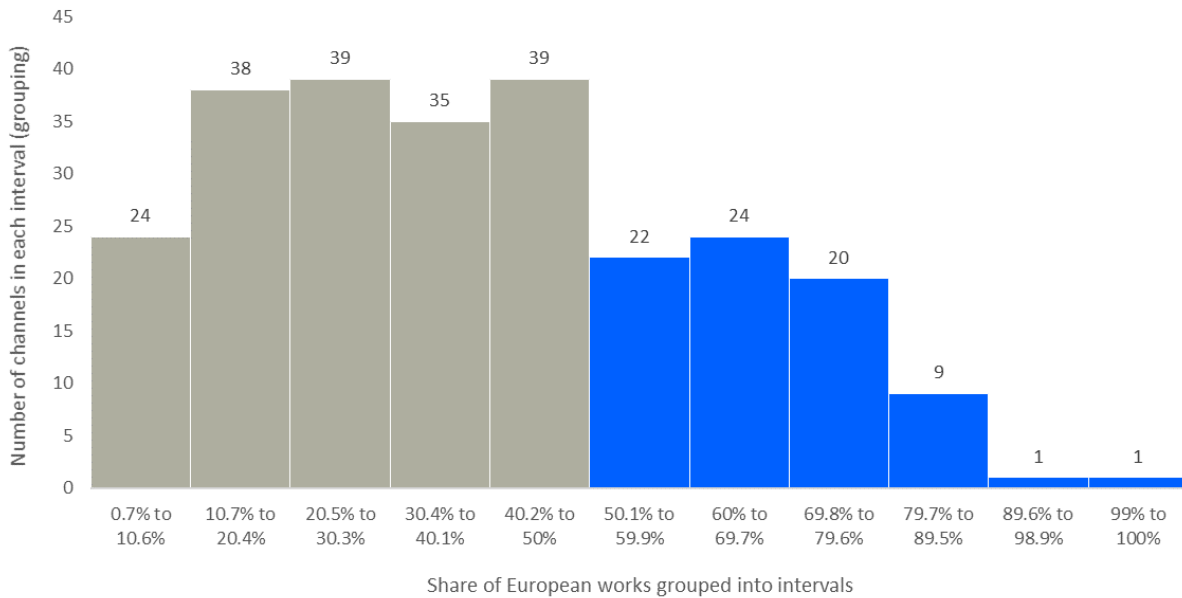


Figure 84 – Number of channels according to share of qualifying European works– distribution across intervals (groupings)

From the perspective of channels, within each of the 11 Member States, the table below highlights those identified as having the lowest and highest scheduled qualifying European works time during the period covered by the EPG data collected.

Table 40 – Channels with lowest and highest number of identified European works

Member State	Highest amount of time allotted to European works (in minutes)	Channel	Lowest amount of time allotted to European works (in minutes)	Channel
AT	60,824	ZDF	685	ARD
CZ	55,450	Prima Krimi HD	180	VH1
FR	65,558	Polar+	1,570	Téva
DE	68,155	Das Erste HD	470	ProSieben MAXX HD
HU	55,750	RTL+	905	Gotthárd TV
IT	91,268	Mediaset Extra	4,052	Premium Stories
NL	90,935	BBC First	265	TV Gelderland
PL	84,202	TVN Turbo	5,466	History
RO	39,750	Cartoon Network	150	Etno TV
ES	94,807	Be Mad TV	990	Tele Elx
SE	64,889	BBC Brit	1,115	History HD

The table below presents the proportion of European works per Member State for those channels with the highest market share in terms of audience. There are significant variations within those Member States, as follows:

- In Austria, four channels offer over 50% of European works (ORF 2, ZDF, RTL). In fact, for ARD, all programmes broadcast have been either European productions or European co-productions. However, there are also channels for which the proportion of European works is fairly low and therefore the 50% requirement of Article 16 is not met. This gap is most prominent for ATV (12%), Puls 4 (24%) and Pro Sieben (25%).
- In Hungary, there are four channels with over 50% or, at least, very close to 50% of European works: DUNA Televízió, SuperTV2, M1 and Cool. On the other hand, RTL Klub offers only 14% of European works.
- In France, the channel France 5 reaches around 74% of European works. France 2 offers around 65% of European works and is closely followed by France 3 with 59%. Although below 50%, M6 also has a significant proportion of European works (48%). Most of the top 6 channels in France based on market share meet the 50% requirement. TMC channel registers the lowest proportion of European works, standing at 31%.
- In Italy, there are two main channels with a proportion of European works over 50%: Canale 5 and Rete 4. La7 follows with 44%. However, two channels have less than a quarter of European works: Italia 1 (21%) and Rai 2 (24%).
- In Romania, channels are not very successful at offering a high proportion of European works. Antena 1 broadcast the most time allotted to European works: 41%. However, Antena 3 only reaches 19%. Overall, most channels do not meet the threshold requirement of Article 16.
- In Czechia, there are three channels where European works make up around 50%: CT 1 HD (49%), PrimaFamily (49%) and CT 2 HD (51%). However, the proportion of European works on the Nova channel stands at 17%.
- In Poland, only three of the eight channels with the largest market share have a proportion of European works exceeding 50%: TVP1, TV4 and TV Puls. However, there are also four channels with nearly 50% of European works: POLSAT (43%), TVP 2 HD (48%), TVP 3 (46%) and TVN7 (47%). None of the selected channels have a proportion of European works below 35%.
- In the Netherlands, four of the 10 selected channels registered over 50% or very close to 50% of European works: RTL4, SBS6, NPO 2 HD and NPO 3 HD. Most striking is NPO2 HD, with 82% of European works. The Veronica and Net5 channels offer less than 15% of European works.
- In Germany, half of the selected channels exceed 50% of European works while half are below 50%. The figures are highest for ZDF HD and Das Erste HD (82% and 87%, respectively). There is only one channels with less than a quarter of European works, namely Kabel 1 (18%).
- In Spain, the majority of the selected channels broadcast over 50% of European works (six out of eight). The lowest proportion is registered in the case of Energy channel. The next lowest proportion is for 13 TV which stands at 40%. Cuatro HD has the highest proportion (85%), followed by La 2 HD (72%), Antena 3 HD (71%) and La 1 (70%).
- In Sweden, SVT1 HD offered 67% of European works while Kanal 5 Danmark showed 61%. The remaining channels did not reach the 50% requirement.

In 10 of the 11 Member States studied, there are more European productions than European co-productions making up the total time allotted to European works. Czechia is the only exception as the proportion of European co-productions is higher overall than that of European productions.

Table 41 - Share of European productions and European co-productions in qualifying time by Member State and top channels (audience)

Member States	Channels	European productions	European co-productions	European productions & European co-productions
Austria	ORF 2	66.4%	16.5%	82.9%
	ORF 1	20.4%	15%	35.4%
	ZDF	60.3%	22.7%	83%
	RTL	65.6%	1.7%	67.2%
	Vox	29.1%	2.7%	31.7%
	ATV	9.9%	2.3%	12.2%
	Pro Sieben	10.6%	14.1%	24.7%
	Puls 4	17.1%	6.6%	23.6%
	Sat.1	27.8%	7.7%	35.5%
Hungary	TV2	26.4%	3.7%	30.2%
	RTL Klub	9.8%	3.8%	13.6%
	DUNA Televízió	32.7%	22.9%	55.6%
	ATV	7.2%	7.8%	15.0%
	SuperTV2	43.1%	6.6%	49.7%
	Film+	8.3%	14.3%	22.6%
	m1	43.7%	12.6%	56.3%
	Mozi+	4%	13%	17%
	Cool	17.2%	30.9%	48.1%
RTL II	41%	1%	42%	
France	TF1	16.8%	16.5%	33.3%
	France 2	31.8%	33.6%	65.4%
	France 3	40%	19.1%	59.1%
	M6	36.5%	11.3%	47.8%
	France 5	51.7%	21.9%	73.6%
	TMC	10.8%	20.4%	31.2%
Italy	Rai 1	16.4%	8.7%	25.1%
	Canale 5	54.4%	10.4%	64.7%
	Rai 3	11%	23.4%	34.5%
	Rai 2	15.3%	8.4%	23.7%
	Italia 1	17.1%	3.8%	20.9%
	Rete 4	49.6%	8.3%	58.0%
	La7	12.4%	31.6%	44.1%
Romania	PRO TV	10.0%	6.9%	16.9%
	Antena 1	30.3%	10.2%	40.5%
	Kanal D HD	26.3%	5%	31.3%
	Antena 3 HD	19.3%	0.0%	19.3%
	National TV	18.2%	17.5%	35.6%
	Prima TV HD	19.5%	6.7%	26.1%
Czechia	Nova	11%	20.8%	31.8%
	CT 1 HD	23.7%	25.4%	49%
	PrimaFamily	39.4%	9.7%	49.1%

AVMSD FINAL REPORT

Member States	Channels	European productions	European co-productions	European productions & European co-productions
	CT 2 HD	20.6%	30%	50.5%
	Nova Cinema HD	5.3%	11.6%	16.8%
Poland	POLSAT	34.1%	8.7%	42.8%
	TVP 1	46.2%	9.9%	56.1%
	TVN HD	24.9%	14.1%	39%
	TVP 2 HD	38.8%	9.2%	48%
	TV 4	32.5%	25.1%	57.6%
	TVP 3	34.6%	11.7%	46.3%
	TV Puls	48.3%	17.4%	65.7%
	TVN 7	24.9%	22.4%	47.3%
	Netherlands	NPO 1 HD	26.9%	3.2%	30.1%
RTL 4		55.7%	6.1%	61.7%
SBS6		68.1%	0.0%	68.1%
NPO 2 HD		81.8%	0.0%	81.8%
NPO 3 HD		36.4%	12.6%	49.1%
Veronica		6.3%	2.6%	8.9%
Net5		12.9%	1.1%	14.1%
RTL 5		22.6%	0.0%	22.6%
RTL 7		22.5%	5.6%	28%
Germany	RTL 8	10.3%	6.4%	16.7%
	ZDF HD	75.2%	20.3%	95.50%
	SAT.1 HD	61.9%	4.9%	66.80%
	VOX HD	72.8%	2.4%	75.20%
	Pro Sieben	70.9%	14.4%	85.30%
	Kabel 1	36.6%	4.6%	41.20%
	zdf_neo	27.0%	29.8%	56.80%
Spain	Antena 3 HD	52.4%	18.9%	71.3%
	LA 1	65.5%	4.6%	70.1%
	Cuatro HD	47.3%	12.7%	60%
	FDF	26.9%	57.7%	84.5%
	La 2 HD	63.8%	8.6%	72.4%
	Energy	3.6%	3.8%	7.4%
	TV3	73.1%	2.9%	76%
	13 TV	32.8%	7.5%	40.3%
Sweden	SVT1 HD	46.6%	20.3%	66.8%
	TV4	22.7%	8.0%	30.7%
	SVT2 HD	19.5%	7.7%	27.2%
	Kanal 5 Danmark	42.8%	17.7%	60.5%
	TV3	14.4%	3.0%	17.4%
	Sjuan	14.2%	1.6%	15.8%
	TV8	21.3%	16.0%	37.3%

The figure below shows that there is no clear association between channel market share and the proportion of European works. Channels with higher market shares do not systematically offer higher proportions of European works than smaller channels.

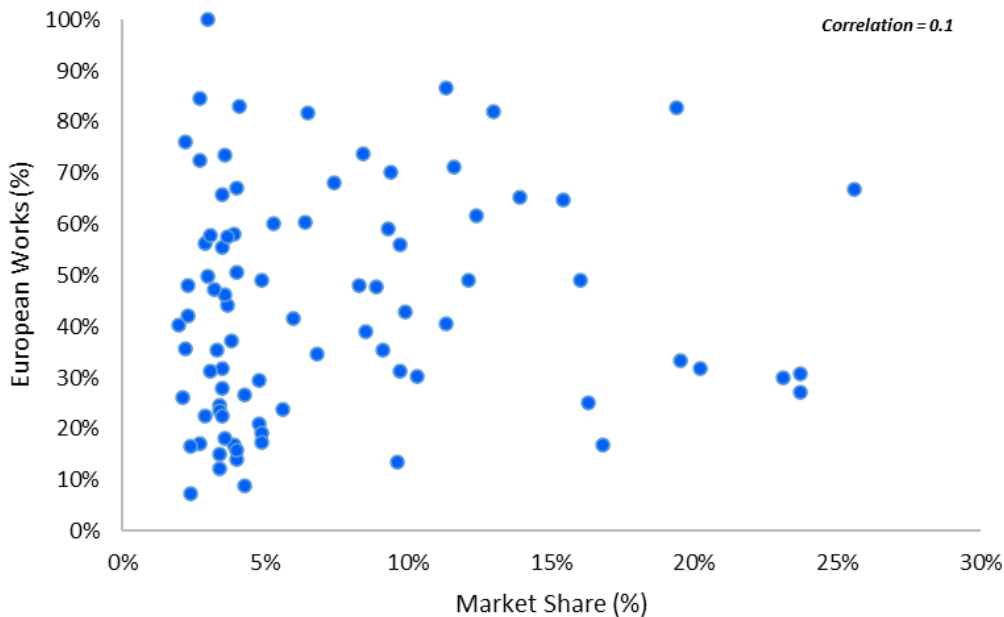


Figure 85 - Correlation between market share (audience) and share of European works in qualifying time

7.3.1 Comparison with previous monitoring reports

The monitoring reports for the periods 2011-2015 and 2006-2010 used somewhat different methodologies than those described in this section. They relied on a substantially smaller number of channels and covered data collected over two non-consecutive weeks rather than three months as in the present study. At the same time the methodologies for encoding productions by origin and genre as well as independent productions differed between the studies. While this 2021 study relied on an automated process of matching with existing databases, the previous studies appear to have relied on manual matching⁷³. Manual matching would not have been possible for the volume of data used in this assignment.

The table below shows the shares of European works reported for those channels that were covered in at least two of the monitoring studies. It shows that there were major differences in the periods 2010-2016 as well as 2016-2021. Despite the magnitude of the differences, the body of empirical evidence underlying them does not allow causality to be attributed with certainty to differences in the broadcasting practices of the channels. Nevertheless, given the methodological approach presented in this report, we considered that the obtained values for the indicators of interest are reflective of the data-based evidence collected.

⁷³ Note that this is an assumption as the encoding methods are not explained in the reports.

Table 42 - Share of European works per channel as reported in 2020, 2016 and 2021

Member State	Channel	2010	2016	2021
France	France 2	90.30%	94.46%	65.40%
France	France 3	84.90%	90.96%	59.10%
France	M6	62.40%	56.43%	47.80%
France	TF1	54.90%	54.15%	33.30%
Germany	PRO 7	43.10%	15.43%	85.30%
Germany	RTL	87%	89.42%	n/a
Germany	SAT.1	91.30%	76.23%	66.80%
Germany	ZDF	86.90%	91.72%	95.50%
Hungary	Cool	n/a	13.77%	48.10%
Hungary	DUNA TV	n/a	69.64%	55.60%
Hungary	Film +	n/a	6.74%	22.60%
Hungary	RTL KLUB	n/a	40.53%	13.60%
Hungary	TV2	n/a	32.80%	30.20%
Italy	Canale 5	90.60%	78.40%	64.70%
Italy	Italia 1	30.30%	12.15%	20.90%
Italy	Rai 2	71.80%	63.76%	23.70%
Italy	Rai 3	n/a	94.22%	34.50%
Netherlands	NPO1	100%	100.00%	30.10%
Netherlands	NPO2	97.20%	96.57%	81.80%
Netherlands	NPO3	n/a	88.78%	49.10%
Netherlands	RTL4	70%	89.67%	61.70%
Netherlands	SBS6	63.70%	86.07%	68.10%
Poland	Polsat	54.10%	58.48%	42.80%
Poland	TV4	43%	47.22%	57.60%
Poland	TVN	74.70%	78.32%	39%
Poland	TVP1	67.90%	73.68%	56.10%
Poland	TVP2	74.90%	83.69%	48%
Romania	Antena 1	n/a	78.04%	40.50%
Romania	Kanal D	n/a	97.39%	31.30%
Romania	National TV	n/a	43.79%	35.60%
Romania	Pro TV	n/a	67.53%	16.90%
Spain	Antena 3	55.50%	67.65%	71.30%
Spain	CUATRO	55.80%	59.79%	60%
Spain	La 1	n/a	93.88%	70.10%

7.4 Independent European works

Following the operational definition of the fully independent works as those in which all the production and co-production companies have been identified as independent, the overall share of such productions in the total eligible time amounts to 2.24% across all the 11 Member States.

However, this result is influenced by several potential shortcomings in the classification procedure, such as the limited number of identified independent production or co-production companies or the fact that the list is limited only to European companies. The first step of the process that aimed to identify the number of European independent works was to build a comprehensive list of independent production companies and producers from Europe. Since this was based on desk research and manually searching the web for relevant results, the final list might not include all possible names of independent production companies or producers and therefore could have led to a decreased percentage for this indicator. The second step was to match the names of the production/ co-production companies or producers from our data covering the 11 Member States with those from the newly compiled list. The matching was successful in most cases but since the names could, in some instances, be differently written across the two sources of information, some matches might not have been found.

Furthermore, to mitigate these shortcomings to the extent possible, we also constructed the “quasi-independent European works” indicator using a less restrictive definition of an independent production, namely a European production where at least one production company is independent. In this situation, the percentage rises – on average by 7%

Nevertheless, these values are in stark contrast with the findings of the previous studies (27.85% in 2016, 29.4% in 2010 and 31% in 2007). These differences are most likely due to a different operationalisation of what constitutes, data-wise, an independent production. Unfortunately, the opacity of the methodological approach of previous studies does not allow a proper assessment of the methodological differences or an estimation of the potential impact of these methodological differences.

The figure below highlights the share of identified qualifying fully independent works in total qualifying time on a country-by-country basis.

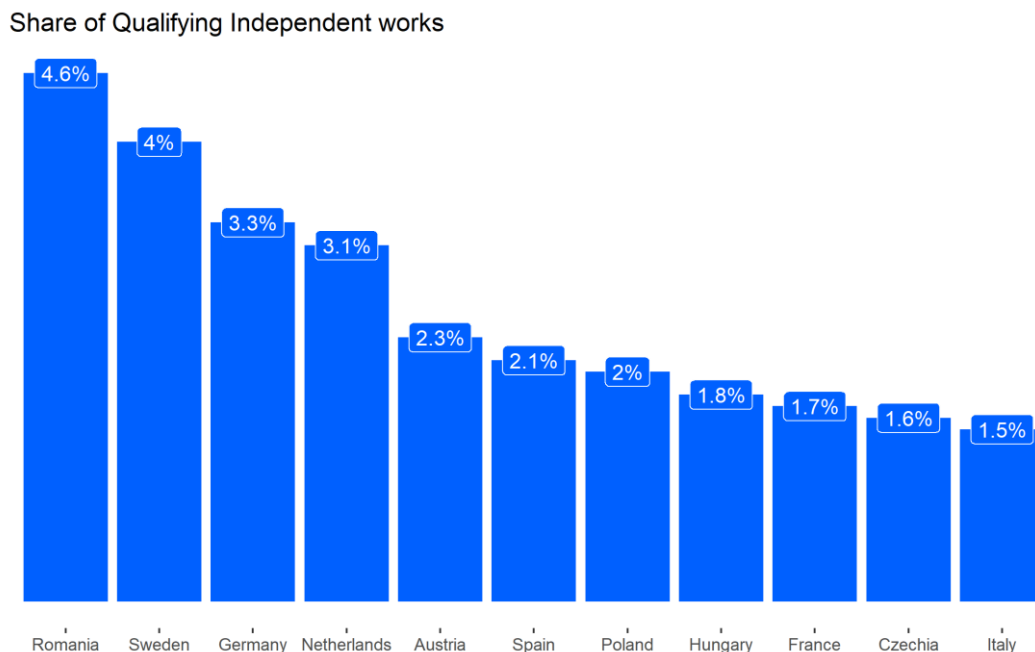


Figure 86 - Share of qualifying independent works by Member State

To put things into perspective, as shown in the figure below, despite the overall extremely low percentages of qualifying independent European works per Member State, generally there appears to be a slight tendency for Members States with a lower estimated percentage of qualifying European works to have higher estimated percentages of qualifying European independent works.

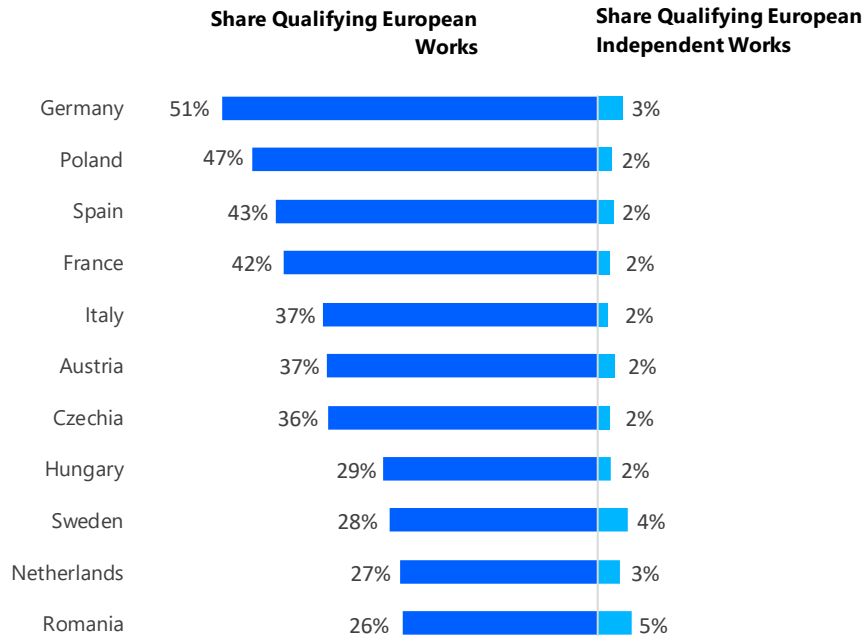


Figure 87 - Shares of qualifying time allocated to European qualifying and fully independent productions

Considering the 252 channels which have a market share of 0.5% or above, and taking into account the less restrictive definition of independent productions (i.e. “quasi-independent European works”), we see that:

- The vast majority of these channels – 192 (76%) have 10% of independent productions or less;
- In fact, 128 (51%) have below 5% of independent productions.

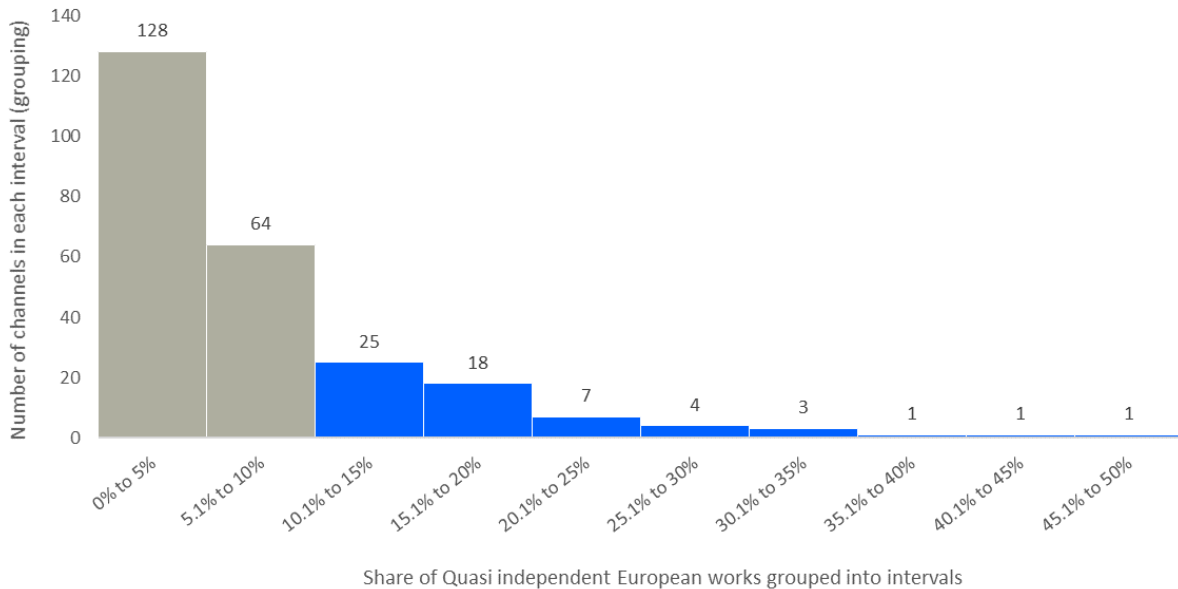


Figure 88 – Number of channels according to share of quasi-independent European works – distribution across intervals (groupings)

At channel level, the proportion of qualifying time allocated to independent works varies across markets. The table below presents five key indicators for the selected top 5/10 channels based on the market share (audience). Two of those indicators are of particular importance for two reasons. Firstly, the proportion of qualifying time allocated to ‘fully independent European works’, namely those programmes for which all the production or co-production companies are European and independent. Secondly, the proportion of qualifying time allocated to the ‘quasi-independent European works’, which offers insight into the proportion of qualifying

time covered by programmes where at least one production company is European and independent. The following are the main results in terms of the 10% requirement under Article 17:

- In Austria, ZDF is the only channel on which more than 5% of identified qualifying time is allocated to fully independent works. The rest of the channels have, on average, around 2%. However, the 'quasi-independent European works' indicator shows that four of the 10 channels selected in Austria have over 10% of programmes produced by at least one independent company: ORF 1 (14.6%), ZDF (11.5%), ATV (12.3%) and Puls 4 (11.6%). Two further channels are also close to 10%: Pro Sieben (9.5%) and ORF 2 (7.2%). However, two channels have less than 5% of European works produced by at least one independent company: Vox and RTL
- In Hungary, DUNA Televízió and M1 are the only channels on which more than 5% of qualifying time is allocated to 'fully independent European works'. In contrast, the remaining channels have less than 5% of programmes produced entirely by European and independent companies. The 'quasi-independent European works' indicator shows that most channels have over 10% of European works where at least one production company is independent: DUNA Televízió, Film+, Mozi+, Cool and RTL II. In fact, the proportion of European works with at least one independent production company is as high as 24% in the case of Mozi+ and 18% for Cool. Two channels only just missed the 10% threshold: TV2 (8.3%) and SuperTV2 (9.4%). RTL Klub (1.9%) and ATV (3.6%) register the lowest proportions based on the 'quasi-independent European works' indicator. Interestingly, the M1 channel, although presenting one of the highest proportions of 'fully independent European works', simultaneously registers one of the lowest proportions of 'quasi-independent European works'. This could mean that most of the programmes broadcast on this channel are produced entirely by either all independent companies or all companies that are not independent.
- In France, channels seem not to rely too much on fully independent productions as the proportions are fairly low; on average, around 2%. Moreover, except for channel M6 which registers a proportion of 19% for the 'quasi-independent European works' indicator, the proportion for the other selected channels ranges from 4.2% for TMC to 9.2% for France 2.
- In Italy, the situation of European independent works is fairly similar to that in France. More specifically, channels register a fairly low proportion of qualifying time covered by programmes produced entirely by independent production companies (less than 3%). However, an analysis of 'quasi-independent European works' reveals that two channels reach over 10%: La7 (15.8%) and Rete 4 (10.4%). Two channels are very close to 10%: Rai 3 (8.7%) and Rai 1 (8%). The channels with the lowest proportion of programmes with at least one European and independent production company are Canale 5 (3.5%) and Italia 1 (3.8%).
- In Romania, one channel stands out: Antena 1, where around 23% of qualifying time is taken up by programmes produced entirely by European and independent companies. PRO TV comes next with 6.3%. However, the proportion of 'fully independent European works' on the rest of the channels ranges from 0% for Kanal D HD, Antena 3 HD and National TV to 2.1% for Prima TV HD. In terms of 'quasi-independent European works', three channels have 10% or close to 10% of qualifying time taken up by programmes produced by at least one European and independent company: PRO TV (13.4%), Antena 1 (37.2%) and National TV (9%).
- In Czechia, low proportions of qualifying time are occupied by 'fully independent European works'. However, the proportions of the qualifying time for programmes produced by at least one European and independent company is relatively higher for some channels: PrimaFamily (19.5%), CT 1 HD (15.4%), Nova Cinema HD (8.2%) and CT 2 HD (7.4%).
- In Poland, similar to Czechia, low proportions of qualifying time are devoted to 'fully independent European works'. However, one channel stands out in terms of the 'quasi-independent European works' indicator: TV Puls which reaches 39%. Other channels worth mentioning are: TV 4 (9.3%), POLSAT (7.8%) and TVP 2 HD (7.7%). TVN HD (3.1%), TVP 1 (5.2%) and TVP 3 (6.1%) have the lowest proportions.
- In Netherlands, except for the Veronica channel which has a proportion of 19.7% of qualifying time allocated to programmes where at least one production company is European and independent, the remaining channels have proportions below 8% across both indicators.
- In Germany, two channels allocate around 5% of qualifying time to 'fully independent European works' – Das Erste HD and ZDF HD – while the remaining channels do not go beyond 4%. There are, however three channels on which over 10% of qualifying time allocated to programmes with at least one

European and independent production company: Das Erste HD (10.6%), ZDF Neo (14.7%) and Kabel 1 (17.9%). ZDF HD is fairly close to 10% too. Two channels register proportions of less than 3%: VOX HD and RLT HD.

- In Spain, the proportion of qualifying time for 'fully independent European works' ranges from 0% for FDF to 2.8% for TV3. Only one channel has more than 10% of 'quasi-independent European works': 13 TV (11.3%). TV3 reaches 8.2% while the remaining channels have proportions of less than 6%.
- In Sweden, TV4 and SVT2 HD respectively allocate 9.7% and 9.9% of qualifying time to 'fully independent European works'. Moreover, the majority of channels devote over 10% of qualifying time to 'quasi-independent European works': SVT2 HD (31.6%), TV8 (26.6%), TV4 (26.5%), SVT1 HD (13.1%), and Kanal 5 Danmark (12.1%). The two channels with less than 10% of such programmes are Sjuan (7.3%) and TV3 (4.2%).

Table 43 - Share of qualifying time for various types of Independent productions by Member State and channels

Member States	Channels	Qualifying time for fully independent European works	Qualifying time for works where European ind. companies represent over 50%	Qualifying time for works where European ind. companies represent less than 50%	Qualifying time for works where European ind. companies are less than or equal to the total prod. companies	Qualifying time for quasi-independent European works
Austria	ORF 2	2%	0.2%	2.6%	5%	7.2%
	ORF 1	2.6%	0.2%	4.7%	14.6%	17.4%
	ZDF	7.2%	0.1%	3.6%	11.5%	18.8%
	RTL	0.0%	0.0%	1.6%	4.1%	4.1%
	Vox	0.4%	0.0%	2.5%	2.7%	3.1%
	ATV	2.7%	0.1%	5.8%	9.5%	12.3%
	Pro Sieben	3.1%	0.1%	4.1%	6.3%	9.5%
	Puls 4	1.1%	0.6%	6.2%	9.9%	11.6%
	Sat.1	1.0%	0.0%	2.7%	4.1%	5.1%
	ARD	0.0%	0.0%	0.0%	0.0%	0.0%
Hungary	TV2	0.5%	0.0%	6.9%	7.8%	8.3%
	RTL Klub	0.0%	0.0%	1.1%	1.9%	1.9%
	DUNA Televízió	5.4%	0.2%	3.7%	10.6%	16.2%
	ATV	0.0%	0.0%	3.6%	3.6%	3.6%
	SuperTV2	0.0%	0.0%	8.2%	9.4%	9.4%
	Film+	1.8%	0.5%	8.4%	13.1%	15.4%
	m1	6.1%	0.0%	0.0%	0.0%	6.1%
	Mozi+	2.5%	0.4%	17.2%	20.8%	23.7%
	Cool	0.6%	0.0%	17.3%	17.4%	18.0%
RTL II	0.2%	0.2%	9.7%	10.8%	11.2%	
France	TF1	0.5%	0.0%	3.0%	4.8%	5.3%
	France 2	1.3%	0.0%	7.6%	7.9%	9.2%
	France 3	0.5%	0.0%	4.1%	5.1%	5.6%
	M6	1.2%	2.3%	9.6%	15.6%	19.1%
	France 5	1.9%	0.0%	1.1%	2.8%	4.7%
	TMC	0.5%	0.0%	2.9%	3.7%	4.2%
Italy	Rai 1	1.5%	0.5%	2.7%	6%	8%
	Canale 5	0.4%	0.3%	2.1%	2.8%	3.5%
	Rai 3	0.6%	0.0%	4%	8.1%	8.7%
	Rai 2	0.9%	0.4%	4.2%	5.3%	6.6%
	Italia 1	0.3%	0.0%	2.7%	3.5%	3.8%
	Rete 4	1.8%	0.0%	6.4%	8.6%	10.4%

AVMSD FINAL REPORT

Member States	Channels	Qualifying time for fully independent European works	Qualifying time for works where European ind. companies represent over 50%	Qualifying time for works where European ind. companies represent less than 50%	Qualifying time for works where European ind. companies are less than or equal to the total prod. companies	Qualifying time for quasi-independent European works
	La7	3.5%	0.0%	9.4%	12.3%	15.8%
Romania	PRO TV	6.3%	0.4%	5.3%	6.7%	13.4%
	Antena 1	23.4%	1.4%	10.2%	12.4%	37.2%
	Kanal D HD	0.0%	3.9%	1.1%	5%	8.9%
	Antena 3 HD	0.0%	0.0%	0.0%	0.0%	0.0%
	National TV	0.0%	0.0%	8.1%	9%	9%
	Prima TV HD	2.1%	0.0%	2.0%	4.2%	6.3%
Czechia	Nova	0.0%	0.0%	2.2%	2.9%	2.9%
	CT 1 HD	0.2%	0.0%	2.5%	15.4%	15.6%
	PrimaFamily	1.7%	0.5%	11.8%	19.5%	21.7%
	CT 2 HD	1.1%	0.0%	6.1%	7.4%	8.5%
	Nova Cinema HD	0.0%	0.0%	7.0%	8.2%	8.2%
Poland	POLSAT	1.4%	0.3%	5.3%	6.1%	7.8%
	TVP 1	0.5%	0.0%	3.1%	4.7%	5.2%
	TVN HD	0.0%	0.0%	2.6%	3.1%	3.1%
	TVP 2 HD	0.8%	0.0%	5.9%	6.9%	7.7%
	TV 4	1.2%	0.0%	7.5%	8.1%	9.3%
	TVP 3	0.0%	0.2%	4.6%	5.9%	6.1%
	TV Puls	0.5%	0.0%	3.5%	38.5%	39%
	TVN 7	0.0%	0.0%	2.8%	3.3%	3.3%
Netherlands	NPO 1 HD	0.8%	0.0%	0.0%	0.8%	1.6%
	RTL 4	0.5%	0.0%	0.0%	0.0%	0.5%
	SBS6	3.5%	0.0%	0.0%	0.0%	3.5%
	NPO 2 HD	0.0%	0.0%	0.0%	0.0%	0.0%
	NPO 3 HD	0.9%	0.5%	1.9%	3.9%	5.3%
	Veronica	2.6%	0.0%	17.1%	17.1%	19.7%
	Net5	0.0%	0.0%	6.3%	6.5%	6.5%
	RTL 5	0.0%	0.0%	0.0%	1.8%	1.8%
	RTL 7	0.8%	0.0%	5.3%	6.9%	7.7%
	RTL 8	0.6%	0.2%	5.8%	6.7%	7.5%
Germany	ZDF HD	4.9%	0.0%	2.8%	3.5%	8.4%
	Das Erste HD	5.8%	0.0%	2.2%	4.8%	10.6%
	RTL HD	0.0%	0.0%	1.7%	2.3%	2.3%
	SAT.1 HD	0.7%	0.0%	5.7%	6%	6.7%
	VOX HD	0.3%	0.0%	2.4%	2.7%	3.0%

Member States	Channels	Qualifying time for fully independent European works	Qualifying time for works where European ind. companies represent over 50%	Qualifying time for works where European ind. companies represent less than 50%	Qualifying time for works where European ind. companies are less than or equal to the total prod. companies	Qualifying time for quasi-independent European works
	Pro Sieben	1.0%	0.0%	3.1%	4.8%	5.8%
	Kabel 1	2.7%	0.0%	14.0%	15.2%	17.9%
	zdf_neo	3.2%	0.0%	6.6%	11.5%	14.7%
Spain	Antena 3 HD	2.7%	0.0%	0.4%	0.7%	3.4%
	LA 1	0.5%	0.0%	3.9%	4.9%	5.4%
	Cuatro HD	0.1%	0.0%	4.3%	5.3%	5.4%
	FDF	0.0%	0.0%	1.2%	1.6%	1.6%
	La 2 HD	1.8%	0.0%	2.3%	2.7%	4.5%
	Energy	0.0%	0.0%	2.2%	2.2%	2.2%
	TV3	2.8%	0.0%	4.2%	5.4%	8.2%
	13 TV	2%	0.3%	2.5%	9%	11.3%
Sweden	SVT1 HD	4.8%	0.3%	6.9%	8%	13.1%
	TV4	9.7%	0.2%	5.7%	16.6%	26.5%
	SVT2 HD	9.9%	0.3%	6%	21.4%	31.6%
	Kanal 5 Danmark	2.7%	0.0%	2.9%	9.4%	12.1%
	TV3	0.0%	0.0%	3.3%	4.2%	4.2%
	Sjuan	4.4%	0.0%	2.3%	2.9%	7.3%
	TV8	1.9%	0.2%	14%	24.5%	26.6%

7.5 Recent European works

The share of qualifying time scheduled for broadcasting recent European works, following the definition detailed in the methodological overview, and on a country-by-country basis, ranges from 0.9% in the Netherlands and 2.2% in Hungary to 29.1% and 28.2% in Germany and Poland.

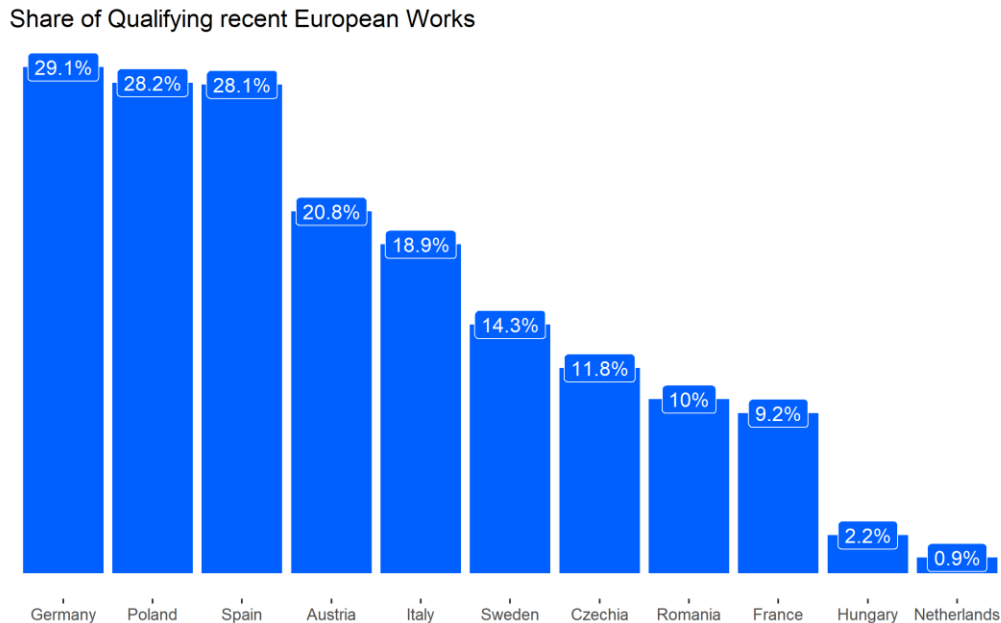


Figure 89 - Share of qualifying time allocated to qualifying recent works by Member State

The share of recent European works in total qualifying time shows significant variations both by Member State and by channel. The most important findings for the selected top 5/10 channels per Member State based on the market share are:

- In Austria, three channels are very successful in allocating higher percentages of qualifying time to recent European works: ZDF (70,7%), RTL (65,7%) and ORF 2 (54,7%). The channels where the lowest proportions of qualifying time are allocated to recent European works are: ARD (close to 0%), ATV (7,9%) and Puls 4 (8,2%)
- In Hungary, the proportion of total qualifying time covered by recent European works ranges from 0% for ATV to 10,1% for DUNA Televízió
- In France, the channel France 5 registers the highest proportion of qualifying time allocated to recent European works (13,2%), and TMC the lowest (3,9%)
- In Italy, Canale 5 allocates over 50% of qualifying time to works classified as recent European works. Rete 4 comes second with 35,6%. However, Rai 2 and Rai 3 have almost no qualifying time allocated to recent European works
- In Romania, most channels have a proportion of qualifying time for recent European works of around 5%.
- In Czechia, most channels allocate over 10% of qualifying time to recent European works: PrimaFamily (15,2%), CT 2 HD (17%) and CT 1 HD (22,2%). Nova Cinema HD and Nova are the channels with the lowest proportions for this indicator (2,4% and 4,2%, respectively)
- In Poland, all channels have a proportion of qualifying time for recent European works of more than 20%. The channels that stand out are: TVP 1 (31,5%), TVP 2 HD (33,5%), TV 4 (34%), TVP 3 (35%), TVN 7 (37,4%) and TV Puls (41,5%)
- In the Netherlands, the qualifying time share of recent European works is low across all the selected channels: on average, around 1-2%.

- In Germany, the proportion of qualifying time for recent European works is over 10% for all channels. In fact, it ranges from 10.5% for Kabel 1 to 73.4% for RTL HD. Two channels have a proportion of over 50%, namely ZDF HD (53.3%) and RTL HD (73.4%)
- In Spain, except for Energy (3.3%) and 13 TV (11.7%), all other channels register proportions of qualifying time of over 30% for recent European works. LA 2 HD reaches 52.4%, Antena 3 HD 60.5% while LA 1 goes up to 64.4% and TV3 to 74.3%.
- In Sweden, the proportion of qualifying time allocated to recent European works ranges from 14% for TV8 to 38.1% for SVT1 HD.

Table 44 - Share of recent European works in qualifying time by Member State and channel for top audience channels

Member State	Channels	Share of recent European works in qualifying time
Austria	ORF 2	54.7%
	ORF 1	21.6%
	ZDF	70.7%
	RTL	65.7%
	Vox	28.4%
	ATV	7.9%
	Pro Sieben	20%
	Puls 4	8.2%
	Sat.1	25.7%
	ARD	0.0%
Hungary	TV2	2.2%
	RTL Klub	0.9%
	DUNA Televízió	10.1%
	ATV	0.0%
	SuperTV2	3.4%
	Film+	8.3%
	m1	0.0%
	Mozi+	2.4%
	Cool	3%
	RTL II	2.3%
France	TF1	7.1%
	France 2	6.9%
	France 3	9.4%
	M6	4.6%
	France 5	13.2%
	TMC	3.9%
Italy	Rai 1	0.0%
	Canale 5	56.9%
	Rai 3	0.0%
	Rai 2	0.0%
	Italia 1	14.1%
	Rete 4	35.6%
	La7	2.5%

AVMSD FINAL REPORT

Member State	Channels	Share of recent European works in qualifying time
Romania	PRO TV	3.6%
	Antena 1	5.1%
	Kanal D HD	1.1%
	Antena 3 HD	0.0%
	National TV	1.6%
	Prima TV HD	4.4%
Czechia	Nova	4.2%
	CT 1 HD	22.2%
	PrimaFamily	15.2%
	CT 2 HD	17%
	Nova Cinema HD	2.4%
Poland	POLSAT	22.3%
	TVP 1	31.5%
	TVN HD	29.5%
	TVP 2 HD	33.5%
	TV 4	34%
	TVP 3	35%
	TV Puls	41.5%
	TVN 7	37.4%
Netherlands	NPO 1 HD	0.0%
	RTL 4	2.8%
	SBS6	0.0%
	NPO 2 HD	0.0%
	NPO 3 HD	0.0%
	Veronica	1%
	Net5	0.0%
	RTL 5	0.0%
	RTL 7	1.3%
	RTL 8	1.5%
Germany	ZDF HD	53.3%
	Das Erste HD	35.7%
	RTL HD	73.4%
	SAT.1 HD	31.6%
	VOX HD	27%
	Pro Sieben	22.3%
	Kabel 1	10.5%
	zdf_neo	26.3%
Spain	Antena 3 HD	60.5%
	LA 1	64.4%
	Cuatro HD	34.9%
	FDF	44.1%
	La 2 HD	52.4%
	Energy	3.3%
	TV3	74.3%
	13 TV	11.7%

Member State	Channels	Share of recent European works in qualifying time
Sweden	SVT1 HD	38.1%
	TV4	23%
	SVT2 HD	34.3%
	Kanal 5 Danmark	9.4%
	TV3	12.8%
	Sjuan	17.2%
	TV8	14%

7.6 Share of prime time dedicated to European works

In terms of the prime-time classification of works, in line with the described procedure and on a country-by-country basis, we present two sets of results. Firstly, we show the results of the qualifying works in prime-time which consist of both European and non-European works. Secondly, we present the results of the European qualifying works only that were broadcast in prime-time.

As shown in the below figure, the percentage of time allocated to qualifying works scheduled in prime-time ranges from 21.3% in Sweden to 8.4% in Italy.

Share of Qualifying Works - Prime Time

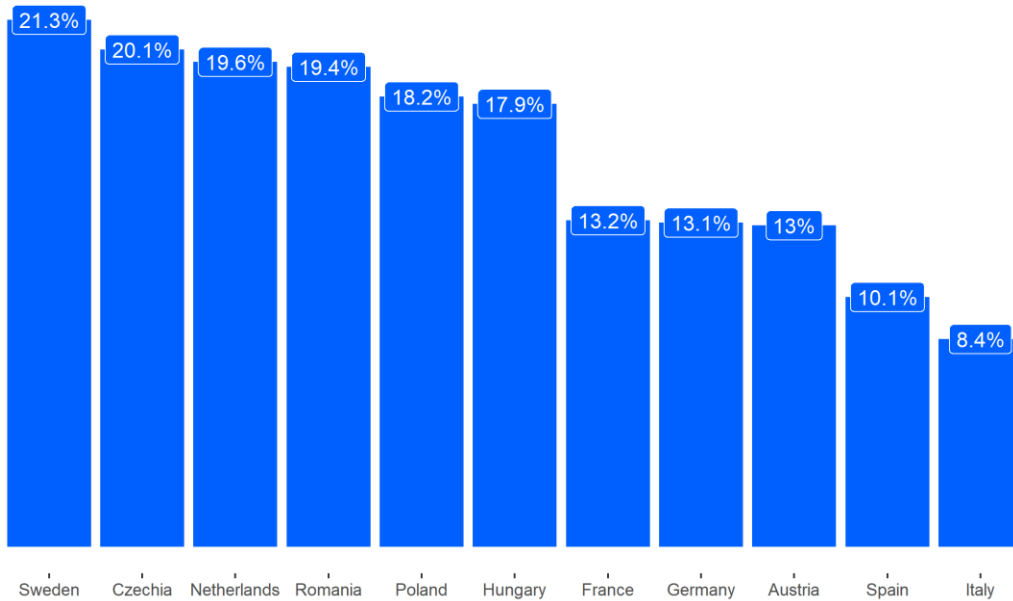


Figure 90 - Share of qualifying works in prime time

Qualifying European works scheduled for prime-time broadcasting take up 5.5% of total qualifying time, across all 11 Member States:

Share of Qualifying European Works - Prime Time

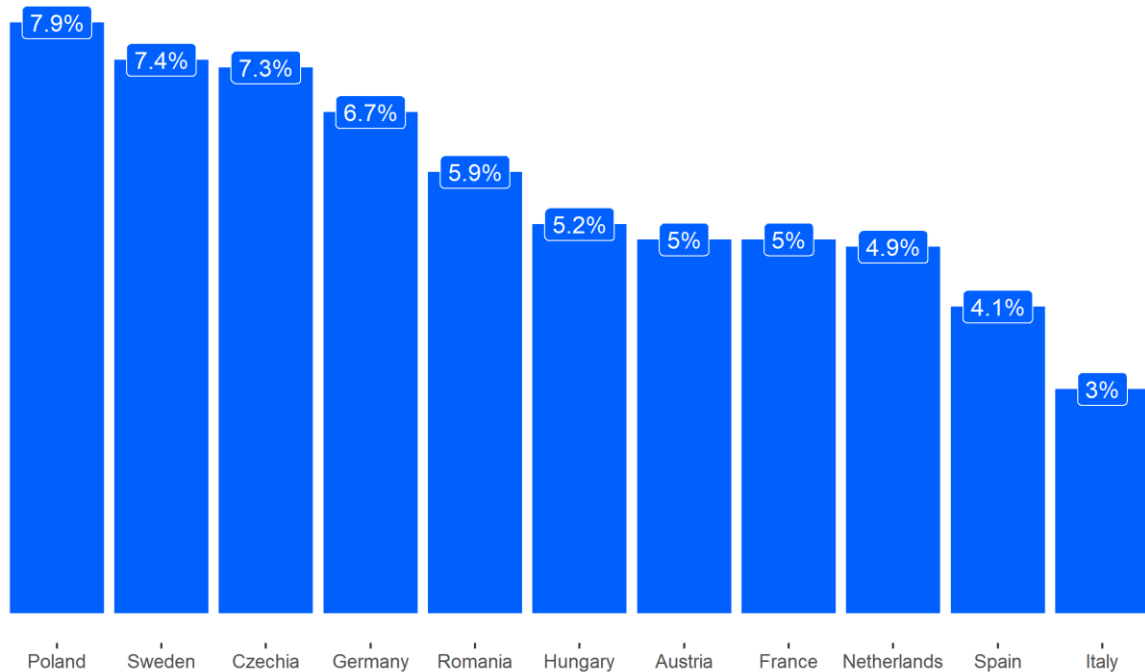


Figure 91 - Share of total qualifying time allocated to qualifying European works in prime time

The vast majority of channels (203 out of 252, meaning 80%) with more than 0.5% market share dedicate 10% or less of prime time to European productions. However, 10 channels dedicate 20% or more of their prime time to European works. These are:

- SVT24 Sweden – 52.4% of prime time is dedicated to European works;
- Teledeporte Spain – 32.2%
- Kunskapskanalen Sweden – 29%
- SBS6 Netherlands - 25.6%
- SVT1 and SVT2 Sweden – 23.4% and 23% respectively
- NPO 2HD - 24.6%
- Barnkanalen Sweden – 21.7%
- Cherie 25 France – 20.6%
- Polo TV Poland – 20.5%

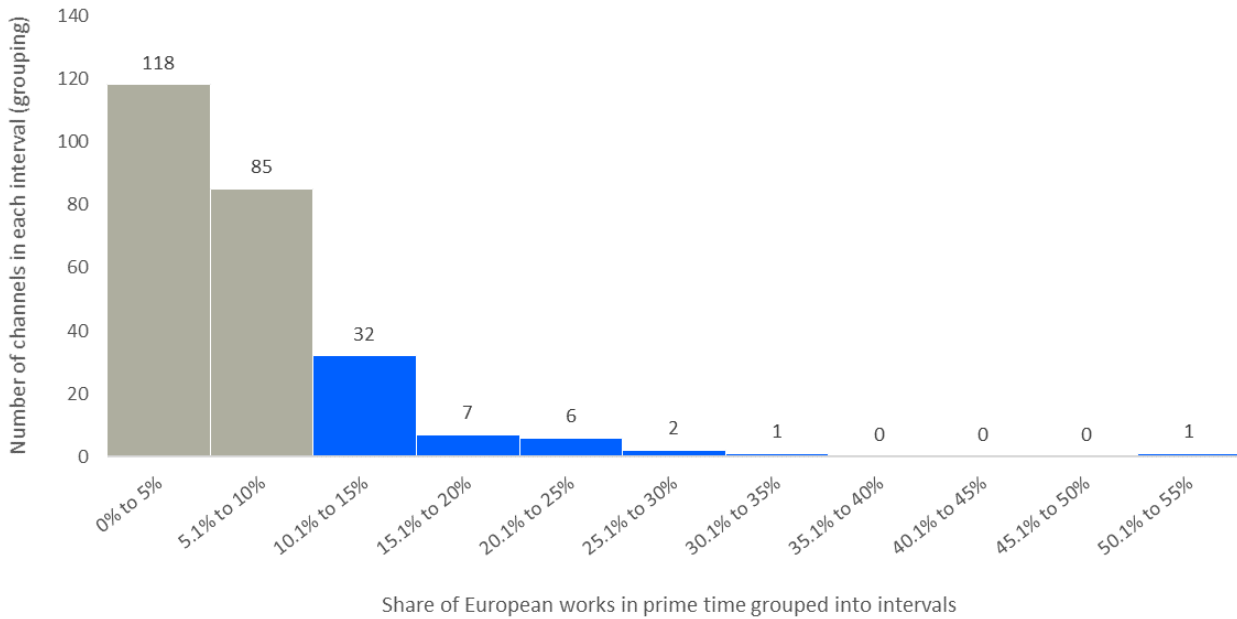


Figure 92 – Number of channels according to share of European works in prime time – distribution across intervals (groupings)

The table below shows the proportion of qualifying time allocated to European works in prime time:

- In Austria, the highest proportion of qualifying time for European works in prime time is registered by ZDF (11.7%) and ORF 2 (10.3%). The lowest proportion can be observed for Puls 4 (2.7%) and ATV (2.8%)
- As in Austria, Hungary has two channels that stand out for this indicator, namely DUNA Televízió (13.9%) and SuperTV2 (11.1%). Film+ and M1 have the lowest proportions of qualifying time for European works in prime time (1% and 2.6%, respectively)
- In France, three channels allocate around 10% of qualifying time to European works in prime time: France 5, France 3 and France 2. TF1 and TMC are the least successful in broadcasting European works during prime time.
- In Italy, the proportion of qualifying time devoted to European works during prime time ranges from around 1% for Rete 4 to 8.5% for Rai 1.
- In Romania, one channel stands out, namely National TV which allocated 19.4% of qualifying time to European works during prime time. PRO TV has the lowest proportion, standing at 3.2%.
- In Czechia, most channels have a proportion of over 10% of qualifying time for European works during prime time: PrimaFamily (11.5%), CT 1 HD (16.7%) and CT 2 HD (17.6%).
- In Poland, half of the channels allocated over 9% of qualifying time to European works in prime time: TVP 1 (9%), TV Puls (9.3%), TVP 2 HD (11.3%) and TV 4 (11.4%). The remaining channels range from 3.5% for POLSAT to 7.6% for TVN 7.
- In the Netherlands, four channels allocated over 10% of qualifying time to European works in prime time: RTL 5 (14%), RTL 4 (16.6%), NPO 2 HD (24.6%) and SBS6 (25.6%). However, some channels record very low proportions of European works in prime time; for example, Net5 (1.2%) and Veronica (3.6%).
- The proportion of qualifying time given to European works in prime time for channels in Germany ranges from 12.4% for ZDF HD to 1.9% for SAT 1 HD.
- In Spain, two channels stand out regarding the proportion of qualifying time for European Works in Prime Time, namely TV3 (13.1%) and 13 TV (9.8%). The Energy channel has the lowest proportion – around 1%.

- In Sweden, most channels allocated more than 10% of prime-time qualifying time to European works: SVT 2 HD (10.4%), TV8 (11.9%), TV4 (13.3%) and SVT1 HD (23.4%).

Overall, on 31% of all channels, at least 10% of total qualifying time was allocated to European works in prime time.

Table 45 - European works shown in prime time as a share of total qualifying time by channels and Member State

Member States	Channels	European works in prime time as a share of qualifying time
Austria	ORF 2	10.3%
	ORF 1	5.3%
	ZDF	11.7%
	RTL	6.1%
	Vox	2.9%
	ATV	2.8%
	Pro Sieben	4.0%
	Puls 4	2.7%
	Sat.1	3.3%
	ARD	31.4%
Hungary	TV2	3.7%
	RTL Klub	3.3%
	DUNA Televízió	13.9%
	ATV	4.7%
	SuperTV2	11.1%
	Film+	1.0%
	m1	2.6%
	Mozi+	2.9%
	Cool	5.6%
RTL II	5.4%	
France	TF1	6.3%
	France 2	10.9%
	France 3	10.1%
	M6	10%
	France 5	10.1%
	TMC	7.4%
Italy	Rai 1	8.5%
	Canale 5	6.5%
	Rai 3	2.5%
	Rai 2	3.4%
	Italia 1	2.2%
	Rete 4	0.8%
	La7	1.9%
Romania	PRO TV	3.2%
	Antena 1	7%

AVMSD FINAL REPORT

Member States	Channels	European works in prime time as a share of qualifying time
	Kanal D HD	9%
	Antena 3 HD	9.4%
	National TV	19.4%
	Prima TV HD	4.2%
Czechia	Nova	7%
	CT 1 HD	16.7%
	PrimaFamily	11.5%
	CT 2 HD	17.6%
	Nova Cinema HD	4.4%
Poland	POLSAT	3.5%
	TVP 1	9%
	TVN HD	7.4%
	TVP 2 HD	11.3%
	TV 4	11.4%
	TVP 3	5.7%
	TV Puls	9.3%
	TVN 7	7.6%
Netherlands	NPO 1 HD	8.7%
	RTL 4	16.6%
	SBS6	25.6%
	NPO 2 HD	24.6%
	NPO 3 HD	6%
	Veronica	3.6%
	Net5	1.2%
	RTL 5	14%
	RTL 7	7.7%
RTL 8	2.9%	
Germany	ZDF HD	12.4%
	Das Erste HD	10.8%
	RTL HD	6.7%
	SAT.1 HD	1.9%
	VOX HD	2.2%
	Pro Sieben	6.4%
	Kabel 1	4.1%
	zdf_neo	6.2%
Spain	Antena 3 HD	5.7%
	LA 1	6.6%
	Cuatro HD	3.7%
	FDF	7.5%
	La 2 HD	5.3%
	Energy	0.8%
	TV3	13.1%

Member States	Channels	European works in prime time as a share of qualifying time
	13 TV	9.8%
Sweden	SVT1 HD	23.4%
	TV4	13.3%
	SVT2 HD	10.4%
	Kanal 5 Danmark	23%
	TV3	4.7%
	Sjuan	4.8%
	TV8	11.9%

The graph below suggests some degree of association between market share and the share of European works in prime time. However, given the low correlation coefficient, the relationship does not seem very strong. It could be that the larger a broadcaster's market share, the more European works it broadcasts in prime time but this effect is quite limited.

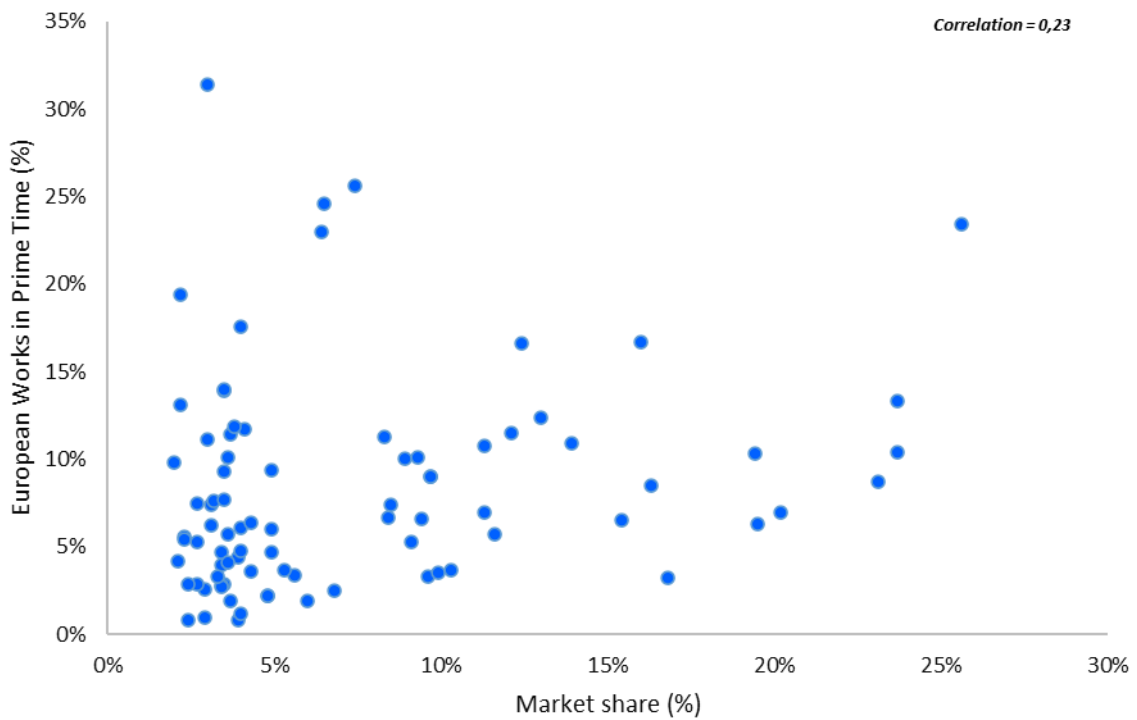


Figure 93 - Correlation between market share (audience) and European works in prime time as a share of qualifying time

7.7 Prominence of European works

In the table below, we present the results obtained for the indicator regarding the prominence of European works. This indicator offers insight into the approximate number of households which are exposed to European works by channel and Member State, given the market share of each channel and the proportion of European works broadcast. More specifically, we used the overall number of households with TV sets in a given country to compute the total households that would be watching programmes on a specific channel as the fraction of market share of the total TV-owning households in that Member State. Subsequently, having calculated how many households would be exposed to each channel, the prominence of European works was extracted as the fraction of European works in the total for TV-owning households exposed to a specific channel.

Overall, the higher the channel's market share and the more European works it broadcasts, the more households are exposed to European works. Thus, both these variables are important in determining the channel's reach of households when it comes to European works::

- In Austria, there are 3,998,000 households with TV in total. Since ORF2 has the highest market share, and given the proportion of European works broadcast, they are most successful in exposing viewers to European productions and co-productions. In total, the estimations show that around 642,982 households would see the European works broadcast by ORF2.

However, although ORF 1 has a comparatively larger market share than ZDF, ORF 1 broadcasts fewer European works and therefore more households watch European works broadcast by ZDF (136,052 vs. 128,792). The same situation happens in the case of ARD, the selected channel with the lowest market share but one of the highest proportions of European works, and therefore the channel reaches many households.

- In Hungary, there are 4,246,000 TV-owning households in total. Similar to Austria, the channel with the highest market share (TV2) also registers the highest number of households that are exposed to European works (132,076). However, RTL Klub (the channel with the second largest market share), although it has a comparatively larger market share than DUNA Televizio (9.6% vs 3.5%), reaches fewer households with the European works it broadcasts (55,436 vs. 82,627). This difference is again attributed to the difference in the overall proportion of European works broadcast.
- In France, there are 32,029,000 TV-owning households in total. The second channel in terms of market share (France 2) is significantly more successful at reaching households with its European works. Although its market share is 6 percentage points below that of the leading channel (TF 1), it broadcasts, overall, substantially more European works (65.4% vs. 33.3%).
- In Italy, there are 24,843,000 TV-owning households in total. As in France, the second channel in terms of market share (Canale 5) reaches more households with European works (2,475,307) since the top two channels are quite close in terms of market share but farther apart in terms of the European works broadcast (64.7% vs 25.1%).
- In Romania, there are 831,800 TV-owning households in total. The first channel in terms of market share is PRO TV, yet it only ranks 3rd based on the total number of households it reaches with its European works (236,165). Antena 1 (second channel) and Kanal D HD (third channel) are more successful in broadcasting European works into viewers' households although they have lower market shares than PRO TV; in total they reach 633,216 households.
- In Czechia, there are 4,957,000 TV-owning households in total. CT1 HD is the channel with the second largest market share, yet it reaches substantially more households with European works than the other channels (388,629). It is closely followed by Nova, which ranks first in terms of market share, and Prima Family, which ranks third.
- In Poland, there are 13,610,000 TV-owning households in total. POLSAT ranks first in terms of market share but second in terms of the number of households reached with European works (576,683). The channel that reaches most households is TVP 1 (second highest market share).
- In Netherlands, there are 7,866,000 TV-owning households in total. RLT 4 (second largest in terms of market share) and NPO 1 HD (the highest) succeed in exposing the most households to the European works they broadcast (1,148,743).
- In Germany, there are 43,620,000 TV-owning households in total. The largest channel in terms of market share is also the channel that manages to reach the most households with its broadcast

European works (ZDF HD – 4,655,563). It is followed very closely by Das Erste HD which captures around 4,268,566 households.

- In Spain, there are 19,637,000 TV-owning households in total. Similar to Germany, the channel with the largest market share is the most successful in broadcasting European works to viewers' households (Antena 3 HD – 1,624,137). It is closely followed by La 1 with 1,293,960 households.
- In Sweden, there are 1,454,232 TV-owning households in total. SVT1 HD has the largest market share and also the greatest reach in terms of the households exposed to European works (1,049,305). Although TV4 comes second, it lags far behind SVT 1 HD, reaching 446,449 households.

Table 46 - Prominence of European works indicators by channel and Member State

Member State	Channels	European productions & European co-productions (%)	Market share (%)	Total TV-owning households per country	Total TV-owning households per channel	Prominence of European works (number of households)
Austria	ORF 2	82.9%	19.4%	3,998,000	775,612	642,982
	ORF 1	35.4%	9.1%	3,998,000	363,818	128,792
	ZDF	83%	4.1%	3,998,000	163,918	136,052
	RTL	67.2%	4%	3,998,000	159,920	107,466
	Vox	31.7%	3.5%	3,998,000	139,930	44,358
	ATV	12.2%	3.4%	3,998,000	135,932	16,584
	Pro Sieben	24.7%	3.4%	3,998,000	135,932	33,575
	Puls 4	23.6%	3.4%	3,998,000	135,932	32,080
	Sat.1	35.5%	3.3%	3,998,000	131,934	46,837
	ARD	100%	3%	3,998,000	119,940	119,940
Hungary	TV2	30.2%	10.3%	4,246,000	437,338	132,076
	RTL Klub	13.6%	9.6%	4,246,000	407,616	55,436
	DUNA Televízió	55.6%	3.5%	4,246,000	148,610	82,627
	ATV	15%	3.4%	4,246,000	144,364	21,655
	SuperTV2	49.7%	3%	4,246,000	127,380	63,308
	Film+	22.6%	2.9%	4,246,000	123,134	27,828
	m1	56.3%	2.9%	4,246,000	123,134	69,324
	Mozi+	17%	2.7%	4,246,000	114,642	19,489
	Cool	48.1%	2.3%	4,246,000	97,658	46,973
	RTL II	42%	2.3%	4,246,000	97,658	41,016
France	TF1	33.3%	19.5%	32,029,000	6,245,655	2,079,803
	France 2	65.4%	13.9%	32,029,000	4,452,031	2,911,628
	France 3	59.1%	9.3%	32,029,000	2,978,697	1,760,410
	M6	47.8%	8.9%	32,029,000	2,850,581	1,362,578
	France 5	73.6%	3.6%	32,029,000	1,153,044	848,640
	TMC	31.2%	3.1%	32,029,000	992,899	309,784
Italy	Rai 1	25.1%	16.3%	24,843,000	4,049,409	1,016,402
	Canale 5	64.7%	15.4%	24,843,000	3,825,822	2,475,307
	Rai 3	34.5%	6.8%	24,843,000	1,689,324	582,817
	Rai 2	23.7%	5.6%	24,843,000	1,391,208	329,716
	Italia 1	20.9%	4.8%	24,843,000	1,192,464	249,225
	Rete 4	58.0%	3.9%	24,843,000	968,877	561,949
	La7	44.1%	3.7%	24,843,000	919,191	405,363

AVMSD FINAL REPORT

Member State	Channels	European productions & European co-productions (%)	Market share (%)	Total TV-owning households per country	Total TV-owning households per channel	Prominence of European works (number of households)
Romania	PRO TV	16.9%	16.8%	8,318,000	1,397,424	236,165
	Antena 1	40.5%	11.3%	8,318,000	939,934	380,673
	Kanal D HD	31.3%	9.7%	8,318,000	806,846	252,543
	Antena 3 HD	19.3%	4.9%	8,318,000	407,582	78,663
	National TV	35.6%	2.2%	8,318,000	182,996	65,147
	Prima TV HD	26.1%	2.1%	8,318,000	174,678	45,591
Czechia	Nova	31.8%	20.2%	4,957,000	1,001,314	318,418
	CT 1 HD	49%	16%	4,957,000	793,120	388,629
	PrimaFamily	49.1%	12.1%	4,957,000	599,797	294,500
	CT 2 HD	50.5%	4%	4,957,000	198,280	100,131
	Nova Cinema HD	16.8%	3.9%	4,957,000	193,323	32,478
Poland	POLSAT	42.8%	9.9%	13,610,000	1,347,390	576,683
	TVP 1	56.1%	9.7%	13,610,000	1,320,170	740,615
	TVN HD	39%	8.5%	13,610,000	1,156,850	451,172
	TVP 2 HD	48%	8.3%	13,610,000	1,129,630	542,222
	TV 4	57.6%	3.7%	13,610,000	503,570	290,056
	TVP 3	46.3%	3.6%	13,610,000	489,960	226,851
	TV Puls	65.7%	3.5%	13,610,000	476,350	312,962
	TVN 7	47.3%	3.2%	13,610,000	435,520	206,001
Netherlands	NPO 1 HD	30.1%	23.1%	7,866,000	1,817,046	546,931
	RTL 4	61.7%	12.4%	7,866,000	975,384	601,812
	SBS6	68.1%	7.4%	7,866,000	582,084	396,399
	NPO 2 HD	81.8%	6.5%	7,866,000	511,290	418,235
	NPO 3 HD	49.1%	4.9%	7,866,000	385,434	189,248
	Veronica	8.9%	4.3%	7,866,000	338,238	30,103
	Net5	14.1%	4%	7,866,000	314,640	44,364
	RTL 5	22.6%	3.5%	7,866,000	275,310	62,220
	RTL 7	28%	3.5%	7,866,000	275,310	77,087
	RTL 8	16.7%	2.4%	7,866,000	188,784	31,527
Germany	ZDF HD	82.1%	13%	43,620,000	5,670,600	4,655,563
	Das Erste HD	86.6%	11.3%	43,620,000	4,929,060	4,268,566
	RTL HD	73.8%	8.4%	43,620,000	3,664,080	2,704,091
	SAT.1 HD	41.5%	6%	43,620,000	2,617,200	1,086,138
	VOX HD	29.4%	4.8%	43,620,000	2,093,760	615,565
	Pro Sieben	26.6%	4.3%	43,620,000	1,875,660	498,926
	Kabel 1	18.2%	3.6%	43,620,000	1,570,320	285,798
	zdf_neo	57.7%	3.1%	43,620,000	1,352,220	780,231
Spain	Antena 3 HD	71.3%	11.6%	19,637,000	2,277,892	1,624,137
	LA 1	70.1%	9.4%	19,637,000	1,845,878	1,293,960
	Cuatro HD	60.0%	5.3%	19,637,000	1,040,761	624,457
	DFD	84.5%	2.7%	19,637,000	530,199	448,018
	La 2 HD	72.4%	2.7%	19,637,000	530,199	383,864

Member State	Channels	European productions & European co-productions (%)	Market share (%)	Total TV-owning households per country	Total TV-owning households per channel	Prominence of European works (number of households)
	Energy	7.4%	2.4%	19,637,000	471,288	34,875
	TV3	76%	2.2%	19,637,000	432,014	328,331
	13 TV	40.3%	2%	19,637,000	392,740	158,274
Sweden	SVT1 HD	66.8%	25.6%	6,136,000	1,570,816	1,049,305
	TV4	30.7%	23.7%	6,136,000	1,454,232	446,449
	SVT2 HD	27.2%	23.7%	6,136,000	1,454,232	395,551
	Kanal 5 Danmark	60.5%	6.4%	6,136,000	392,704	237,586
	TV3	17.4%	4.9%	6,136,000	300,664	52,316
	Sjuan	15.8%	4%	6,136,000	245,440	38,780
	TV8	37.3%	3.8%	6,136,000	233,168	86,972

7.8 Domestic and non-domestic European works

Another aspect of interest consists in identifying the share of qualifying works which are broadcast in the Member States for which at least one of the production companies originates in the country in which the work is broadcast (home country).

Based on information on the origin of identified production companies for each qualifying production, the figure below shows that overall, the largest share of qualifying time allocated to works within this category is found in Germany (38.9% of qualifying time within the country), followed by France (30.9%) while the Member States with the lowest shares of qualifying time allocated to productions in this category are Romania (6%), Austria (5.6%) and Hungary (3.3%). This may indicate that the quota has contributed unevenly, or very little, to cultural diversity among European Member States, especially when it comes to broadcasting domestic works. A high share of domestic works can be seen only in Member States like Germany and France, which have traditionally had very strong local production industries.

Share of Qualifying Works where the analysed Member State is part of the origin of the production companies

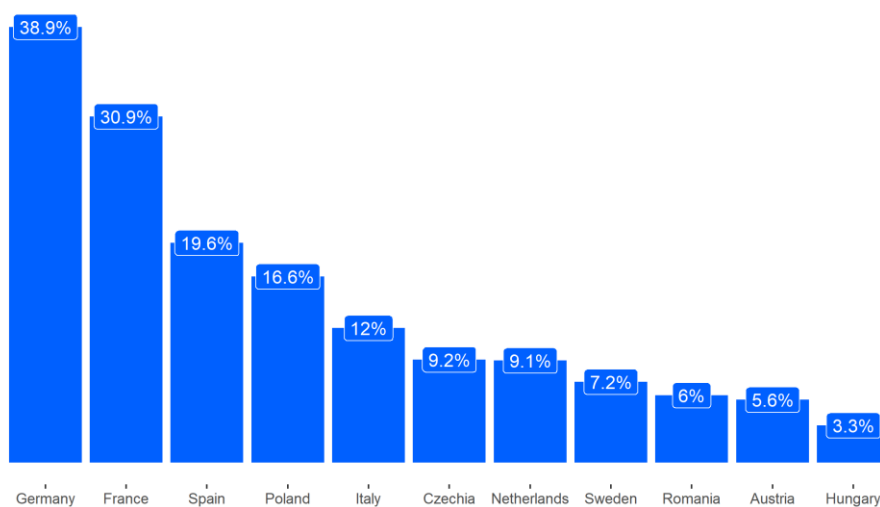


Figure 94 - Share of qualifying works where the analysed Member State is the home country of at least one production company

The table below delves deeper into the results at a channel level. The main points worth noticing are:

- For most channels in Austria, less than 10% of qualifying time is allocated to programmes whose production companies partly originate in the analysed country (in this case Austria). The lowest proportion is registered for RTL (close to 0%) and Pro Sieben (close to 1%). However, for ORF2, around 44% of programmes broadcast in qualifying time were produced by companies partly originating in the analysed country. Moreover, ORF 1 reached around 11%.
- In Hungary, only RTL II has a proportion of over 20% of qualifying time devoted to programmes whose production companies partly originate in the analysed country (in this case Hungary). The proportion for the remaining channels ranges from 0% for M1 to 8.7% for DUNA Televízió.
- In France, however, all channels registered a proportion of over 20% for this indicator. The highest proportion can be observed for France 5 (57.2%), France 2 (54.1%) and M6 (41.4%).
- In Italy, the majority of channels broadcast programmes whose production companies partly originate in the analysed country (in this case, Italy). More specifically, the highest proportion of qualifying time allocated for domestic productions was registered for Rete 4 (40.2%), LA7 (25.1%), Canale 5 (24.8%) and Rai 1 (23.6%).
- In Romania, except for PRO TV (6.9%) and Kanal D HD (0.5%), all the other channels filled over 15% of qualifying time with programmes whose production companies partly originate in the analysed country (in this case, Romania). Antena 1 (33.6%) and Antena 3 HD (19.3%) stand out.
- In Czechia, the only channel with less than 10% of programmes falling under this indicator is Nova Cinema HD (7.7%). The rest of the channels were significantly more successful in broadcasting programmes whose production companies partly originate in the analysed country (in this case, Czechia). For example, the proportion for PrimaFamily stands at 27.3% and for CT 1 HD at 25.9%.
- In Poland, six of the top eight channels selected based on market share have a proportion of over 15% for this indicator with TV Puls (28.5%) and TV 4 (27.7%) leading. TVP 3 and TVN HD allocated less than 10% of qualifying time to programmes whose production companies partly originate in the analysed country (Poland).
- In the Netherlands, three channels broadcast over 50% of programmes whose production companies partly originate in the analysed country (the Netherlands): NPO 2 HD (81.8%), RTL 4 (54.9%) and SBS6 (52.5%). 4 other channels had proportions of over 10%: Net5 (11.6%), RTL5 (14%), RTL7 (19.9%), NPO 3 HD (24.1%) and NPO 1 HD (28.6%).
- In Germany, at least 10% of qualifying time across all channels is allocated to productions whose production companies partly originate in the analysed country (Germany). Three channels registered proportions of over 50%: RTL HD (69.1%), ZDF HD (72.6%) and Das Erste HD (82%). The lowest proportion is for Pro Sieben (11.2%).
- In Spain, except for the Energy channel (1.2%) and TV3 (11%), the proportion for the rest of the channels ranges from 34.7% for Cuatro HD to 69% for FDF.
- In Sweden, most channels devoted at least 10% of qualifying time to programmes whose production companies partly originate in the analysed country (Sweden). The channels that particularly stand out are SVT1 HD (36.9%) and Kanal 5 Danmark (30.1%). The lowest proportions are for TV3 (around 1%) and TV8 (around 2%).

Table 47 - Share of qualifying time for works whose production companies partly originate in the analysed country

Member States	Channels	Share of qualifying time for works whose production companies partly originate in the analysed country
Austria	ORF 2	44.2%
	ORF 1	10.8%
	ZDF	5.4%

Member States	Channels	Share of qualifying time for works whose production companies partly originate in the analysed country
	RTL	0.0%
	Vox	4.3%
	ATV	0.7%
	Pro Sieben	0.3%
	Puls 4	5.9%
	Sat.1	0.6%
	ARD	0.0%
Hungary	TV2	7.4%
	RTL Klub	4.8%
	DUNA Televízió	8.7%
	ATV	3.1%
	SuperTV2	5.4%
	Film+	3.8%
	m1	0.0%
	Mozi+	1.7%
	Cool	6.3%
	RTL II	23.8%
France	TF1	27%
	France 2	54.1%
	France 3	36.3%
	M6	41.4%
	France 5	57.2%
	TMC	27.5%
Italy	Rai 1	23.6%
	Canale 5	24.8%
	Rai 3	7.1%
	Rai 2	8.6%
	Italia 1	17.9%
	Rete 4	40.2%
	La7	25.1%
Romania	PRO TV	6.9%
	Antena 1	33.6%
	Kanal D HD	0.5%
	Antena 3 HD	19.3%
	National TV	15.3%
	Prima TV HD	14.8%
Czechia	Nova	21%
	CT 1 HD	25.9%
	PrimaFamily	27.3%
	CT 2 HD	16.9%
	Nova Cinema HD	7.7%

Member States	Channels	Share of qualifying time for works whose production companies partly originate in the analysed country
Poland	POLSAT	24.3%
	TVP 1	21.2%
	TVN HD	9.4%
	TVP 2 HD	19.2%
	TV 4	27.7%
	TVP 3	6.5%
	TV Puls	28.5%
	TVN 7	17.6%
Netherlands	NPO 1 HD	28.6%
	RTL 4	54.9%
	SBS6	52.5%
	NPO 2 HD	81.8%
	NPO 3 HD	24.1%
	Veronica	3.8%
	Net5	11.6%
	RTL 5	14%
	RTL 7	19.9%
	RTL 8	8.2%
Germany	ZDF HD	72.6%
	Das Erste HD	82%
	RTL HD	69.1%
	SAT.1 HD	39.3%
	VOX HD	20.3%
	Pro Sieben	11.2%
	Kabel 1	14.6%
	zdf_neo	41.3%
Spain	Antena 3 HD	52.6%
	LA 1	37.3%
	Cuatro HD	34.7%
	FDF	69.0%
	La 2 HD	43.6%
	Energy	1.2%
	TV3	11%
	13 TV	23%
Sweden	SVT1 HD	36.9%
	TV4	16%
	SVT2 HD	15.9%
	Kanal 5 Danmark	30.1%
	TV3	0.5%
	Sjuan	12.1%
	TV8	2.2%

8. Non-linear service content analysis

The purpose of this task is to analyse the content provided by VoD services. This analysis distinguishes between catalogue composition and the methods used to ensure prominence of European works, which was based primarily on interviews. The analysis of VoD catalogues is based on a sample of 130 services (which resulted in over 750 catalogues) and covers:

- the number of titles offered and their genre, distinguished into European works and non-European works,
- further identification and exploration of the number of European works produced by independent producers;
- coverage of recent works; and
- domestic or quasi-domestic European Works versus European Works produced in other countries. In other words, these are the Europeans works which were produced or co-produced by the target (analysed) country versus those from other countries.

In a qualitative manner, the analysis also considers information about the means used to ensure prominence by VoD services.

8.1 Summary of the methodology

For this task, we explored multiple sources of data. However, eventually we purchased an extract from the dataset from JustWatch.

JustWatch is a video-streaming aggregator which compiles data about catalogues of VoD services combining SVoD, TVoD and some FVoD. JustWatch is the aggregator with largest number of catalogues.

JustWatch was briefed and instructed to carry out the following data extractions from their database:

- Per service and per target country, provide:
 - The total number of productions – disaggregated by movies and series whereby each season of a series is treated as a unique production;
 - The total number of European and non-European productions in each category (series/movies). JustWatch was instructed to consider as “European” all productions or co-productions featuring at least one of the European countries as per AVMSD scope of application;
 - Disaggregate the data by genre: the genres provided are those available in the JustWach database;
 - Disaggregate the data by recent works (less than five years) and non-recent works;
 - Disaggregate the data by independent productions. For this analysis a work was considered as independent if at least one of its production companies was independent.

However, the feasibility of identifying independent productions in JustWatch catalogues is limited to series. For movies, the database of JustWatch does not list the name of the production companies. It was not possible to match this data with a list of major or independent production companies. Such matching was possible for series. However, series represent only a minor share of the catalogues given the fact that one season is only counted as one production.

- Disaggregate the data by domestic and non-domestic European works. Whereby domestic European works are works which are made available in the targeted (analysed) country and for which at least one of the co-production companies originates in that country too (home country). Non-domestic European works do not include the targeted country as part of the production companies.
- Per target country provide:

- The top 10 countries that feature in all the (co)productions across all catalogues targeting a given country;
- The number of productions which involve a given top 10 country

The extractions were made first in February 2021 and then redone in May 2021. Therefore, the data presented in this analysis captures the situation of VoD catalogues as of May 2021.

8.1.1 Services covered per country

Caveat: The data presented in this section is analysed by the target market country and not by country of jurisdiction unless otherwise specified. By target market country (or targeted country) we mean the country/market where the catalogue is being made available. As an example, the content of the Netflix catalogues is analysed on the basis of the countries where they are made available, and not considering the country of jurisdiction for the service. So Netflix Germany is analysed under Germany and Netflix France under France.

There are important differences in the share of European works by VoD service provider in case of multi-country providers. This is due to the market specificities and the demand and not due to the country of jurisdiction.

In total, 751 VoD services across 22 targeted countries (21 Member States and Norway) are included in this analysis. The 22 countries are those that are available in the JustWatch dataset therefore no criteria other than the availability of data were used for the selection. The number of catalogues per country is shown below. This analysis includes all the major VoD providers in each of the countries and many other smaller services.

The full list is provided in Appendix A.

Table 48 - Number of services covered in this analysis

Country	No of services	Country	No of services
Austria	50	Hungary	24
Belgium	31	Ireland	36
Bulgaria	22	Italy	38
Czechia	22	Lithuania	25
Germany	80	Latvia	24
Denmark	36	Netherlands	40
Estonia	24	Norway	38
Spain	38	Poland	28
Finland	37	Portugal	28
France	50	Romania	19
Greece	20	Sweden	41

Source: JustWatch

In total over 1,300,000 productions were included in the analysis across all the catalogues (1,315,520). This does not represent the number of unique productions as many productions are in multiple catalogues. The vast majority of these productions are movies (90%) while series represent 10% of the sample. This is due to the guidelines for the calculation of European works on VoD services⁷⁴, according to which every series' season is counted as one production.

As shown below, the countries with the biggest catalogues, in terms of number of productions, are Germany, Austria and France.

⁷⁴ Communication from the Commission Guidelines pursuant to Article 13(7) of the Audiovisual Media Services Directive on the calculation of the share of European works in on-demand catalogues and on the definition of low audience and low turnover 2020/C 223/03 [EUR-Lex - 52020XC0707\(03\) - EN - EUR-Lex \(europa.eu\)](#)

Table 49 - Number of productions included in the analysis – per country

Country	No of productions	Share of total	Country	No of productions	Share of total
AT	139,700	11%	IE	93,542	7%
BE	47,460	4%	IT	70,572	5%
BG	24,664	2%	LV	27,237	2%
CZ	27,534	2%	LT	28,203	2%
DK	60,519	5%	NL	45,242	3%
EE	28,437	2%	NO	72,504	6%
FI	61,345	5%	PL	44,723	3%
FR	120,156	9%	PT	37,230	3%
DE	190,890	15%	RO	13,325	1%
EL	24,614	2%	ES	58,989	4%
HU	30,378	2%	SE	68,256	5%
TOTAL	1,315,520				

Source: JustWatch

The table below shows the top 5-7 services per country in terms of number of productions in the catalogue. The number of productions is calculated as the sum of:

- Movies/ films, and
- Season series, whereby each season is counted as one production.

Table 50 - Top five to seven⁷⁵ services included in the analysis by number of productions in the catalogue (by target country) (May 2021)

Country	Services	No*	Country	Services	No*
Austria	Amazon Video	24,911	Hungary	Apple iTunes	9,830
	Apple iTunes	18,136		YouTube	4,348
	maxdome Store	14,294		Google Play Movies	4,304
	Google Play Movies	14,283		Netflix	2,910
	Chili	7,647		Horizon	1,760
	Rakuten TV	6,525		HBO Go	1,232
Belgium	Apple iTunes	15,755	Ireland	Apple iTunes	21,208
	Google Play Movies	9,924		Google Play Movies	18,640
	Netflix	4,419		Amazon Prime Video	10,563
	Amazon Prime Video	3,276		Sky Store	9,274
	Rakuten TV	3,265		Netflix	6,351
				Rakuten TV	6,224
Bulgaria	Apple iTunes	8,513	Italy	Chili	10,653
	Netflix	6,015		Apple iTunes	9,363
	Zee5	2,369		Google Play Movies	8,430
	DocAlliance Films	1,323		Amazon Prime Video	5,689
	HBO Go	1,048		Rakuten TV	5,390
				Netflix	4,629
Czechia	Apple iTunes	11,444	Lithuania	Apple iTunes	9,562
	Google Play Movies	4,828		Netflix	5,723
	Netflix	3,220		Google Play Movies	4,004
	O2 TV	1,171		DocAlliance Films	1,253
	DocAlliance Films	1,170		Telia Play	1,176
Germany	Amazon Video	29,233	Latvia	Apple iTunes	9,629
	Apple iTunes	19,670		Netflix	5,715
	Google Play Movies	16,589		Google Play Movies	4,178
	YouTube	15,376		DocAlliance Films	1,225
	maxdome Store	14,297		Mubi	947
	EntertainTV	13,527			
Denmark	Apple iTunes	13,179	Netherlands	Apple iTunes	9,529
	Google Play Movies	10,024		Google Play Movies	8,148
	Blockbuster	8,457		Netflix	4,536
	Amazon Prime Video	4,654		KPN	3,141
	Netflix	4,126		Rakuten TV	3,027
Estonia	Apple iTunes	10,734	Norway	Apple iTunes	13,059
	Netflix	5,720		Strim	10,853
	Google Play Movies	4,218		Google Play Movies	9,846
	DocAlliance Films	1,275		Blockbuster	7,656
	Mubi	942		Amazon Prime Video	4,626
	GuideDoc	783			

⁷⁵ The table includes those services with the highest number of productions. When the number of productions between 5th and 6th service was similar, both were included

AVMSD FINAL REPORT

Country	Services	No*	Country	Services	No*
Spain	Filmin	8,414	Poland	Apple iTunes	10,825
	Apple iTunes	8,158		Netflix	4,579
	Google Play Movies	6,215		YouTube	4,121
	Rakuten TV	5,840		Google Play Movies	4,078
	Amazon Prime Video	4,694		Chili	4,068
	Netflix	4,499			
Finland	Apple iTunes	13,549	Portugal	Apple iTunes	9,120
	Google Play Movies	9,453		Netflix	4,163
	Blockbuster	7,385		YouTube	4,122
	Amazon Prime Video	4,526		Google Play Movies	4,077
	Netflix	4,100		Meo	3,784
France	Apple iTunes	15,764	Romania	Netflix	4,445
	Orange VoD	11,971		Horizon	2,150
	Google Play Movies	11,096		DocAlliance Films	1,325
	YouTube	10,784		Mubi	1,005
	Canal VoD	9,794		HBO Go	864
	Universcine	7,837			
	Microsoft Store	5,681			
Greece	Apple iTunes	10,386	Sweden	Apple iTunes	14,465
	Google Play Movies	4,351		Google Play Movies	9,931
	Netflix	3,873		Blockbuster	7,816
	DocAlliance Films	1,204		Amazon Prime Video	4,673
	Mubi	990		Netflix	4,125

*Number of productions in the catalogue analysed

Source: JustWatch

The table below shows the number of productions in the analysis for the main SVoD services. The SVoD services are those listed in EAO 2020 Yearbook.

Table 51 - Catalogues included in the analysis per main SVoD service and per country (SVoD subscribers are an estimate for 2019 - thousands)

		Netflix	Amazon Prime	Apple TV+	ViaPlay	HBO	TimVision	Mediaset	Maxdome	T V N o w	Videoland	Cmore	Player.pl	Ruutu+	Rakuten	Mitele Plus	Go3	Disney Plus
AT	Subscribers*	771	820	36														
	titles	5,259	5,011	63					2,897						6,525			1,567
BE	Subscribers*	1,327	320	173														
	titles	4,419	3,276	64											3,265			1,366
BG	Subscribers*	130	72	63														
	titles	6,015	697	64		1,048												
CZ	Subscribers*	355	128	114														
	titles	3,220	684	64		1,119												
DE	Subscribers*	8,269	12,146	547					1,049	7 7 2								
	titles	5,279	5,929	63					Not included	9 5 0					6,760			1,567
DK	Subscribers*	769	107	181	750	321						77						
	titles	4,126	4,654	63	1,747	1,252						716			3,136			1,563
EE	Subscribers*	42	23	31													9	
	titles	5,720	628	64	356												616	
ES	Subscribers*	3,616	2,140	471		785									128	124		
	titles	4,499	4,694	64		1,349									5,840	61		1,458
FI	Subscribers*	758	102	180	282	255						87		267				
	titles	4,100	4,526	63	2,183	1,251						543		600	3,130			1,552
FR	Subscribers*	6,700	3,235	886														
	titles	4,909	3,906	64											5,241			1,445
EL	Subscribers*	414	109	110														
	titles	3,873	663	64														
HU	Subscribers*	264	109	106														
	titles	2,910	770	64		1,232												
IE	Subscribers*	446	219	53														
	titles	6,351	10,563	67											6,224			1,611

AVMSD FINAL REPORT

		Netflix	Amazon Prime	Apple TV+	ViaPlay	HBO	TimVision	Mediaset	Maxdome	T V N o w	Videoland	Cmore	Player.pl	Ruutu+	Rakuten	Mitele Plus	Go3	Disney Plus	
IT	Subscribers*	2,261	1,853	476			1,750	1,489											
	titles	4,629	5,689	64			4,335	292							5,390				1,539
LT	Subscribers*	110	32	31														22	
	titles	5,723	643	64	346														718
LV	Subscribers*	46	30	31														18	
	titles	5,715	636	64	342														675
NL	Subscribers*	2,318	630	294							669								
	titles	4,536	1,355	64							1,513				3,027				1,481
NO	Subscribers*	748	100	167	488	257						69							
	titles	4,104	4,626	62	1,772	1,252						728			3,155				1,563
PL	Subscribers*	1,328	352	184									601						
	titles	4,579	1,004	64		1,322							2,707						
PT	Subscribers*	554	127	180															
	titles	4,163	973	64		1,178									2,513				1,390
RO	Subscribers*	365	165																
	titles	4,445	680			864													
SE	Subscribers*	1,433	192	318	752	488						420							
	titles	4,125	4,673	63	1,751	1,252						765			3,221				1,565
Total	subscribers	33,024	23,011	4,632	2,272	2,106	1,750	1,489	1,049	7 7 2	669	653	601	267	128	124	49	***	
	Titles in the analysis	102,699	66,280	1,340	8,497	13,119	4,335	292	2,897	9 5 0	1,513	2,752	2,707	600	57,427	61	2,009	19,667	

Source: EAO 2020 Yearbook for subscribers (in thousands) and Justwatch for titles

*Subscriber numbers are estimates

*** No estimation available

8.2 European works in VoD catalogues

As said above, the JustWatch database analysed contained 1,315,526 productions across 751 services in 21 EU countries and Norway, in May 2021. Note that these are not unique productions but the total count of all productions across all the services analysed. This means that a given production featured in 10 services is counted 10 times.

European works represent 36% of the catalogues analysed across all the services listed. This ranges from 25% in Greece to 48% in France.

Table 52 – European works as share of total productions – per country (covering all 751 services in the database)

Country	All productions	All European movies	All European series	Share of European productions
AT	139,700	54,902	4,210	42%
BE	47,460	16,681	958	37%
BG	24,664	5,787	606	26%
CZ	27,534	7,273	563	28%
DE	190,895	74,372	7,279	43%
DK	60,519	19,258	1,419	34%
EE	28,437	6,629	589	25%
ES	58,989	20,928	1,568	38%
FI	61,345	17,517	1,367	31%
FR	120,156	55,168	2,874	48%
EL	24,614	5,841	434	25%
HU	30,378	7,307	661	26%
IE	93,542	24,047	2,666	29%
IT	70,573	26,122	1,344	39%
LT	28,203	6,965	634	27%
LV	27,237	6,538	582	26%
NL	45,242	13,692	1,797	34%
NO	72,504	22,274	2,002	33%
PL	44,723	13,039	1,034	31%
PT	37,230	9,164	634	26%
RO	13,325	4,146	593	36%
SE	68,256	21,335	1,798	34%
TOTAL	1,315,526	438,985	35,612	36%

Source: JustWatch

The difference between the share of European works in TVoD and SVoD services is minor, as shown below.

Table 53 – European works as share of total productions – per country (covering all 751 services in the database)

Country	TVoD	SVoD	Both TVoD and SVoD*	n/a**
AT	42%	40%	53%	54%
BE	36%	33%	52%	72%
BG	22%	31%	53%	3%
CZ	22%	37%	43%	
DE	42%	42%	40%	49%
DK	33%	30%	53%	61%
EE	20%	30%	46%	34%
ES	32%	40%	46%	37%
FI	29%	28%	41%	63%
FR	49%	36%	47%	74%
EL	20%	33%	52%	
HU	20%	34%	52%	36%
IE	28%	27%	55%	69%
IT	41%	37%	30%	40%
LT	21%	30%	46%	39%
LV	21%	30%	46%	33%
NL	33%	33%	58%	33%
NO	31%	29%	45%	42%
PL	21%	38%	43%	56%
PT	20%	30%	49%	11%
RO	21%	35%	54%	34%
SE	30%	33%	44%	68%
TOTAL	35%	34%	45%	48%

*The number of services which combine TVoD and SVoD business models for the same catalogue is small

**These are services that do not feature in the Mavise database⁷⁶ but are included in the JustWatch database

Source: JustWatch

The table below shows the share of European works in the catalogues of those services with the highest number of titles in the catalogue. The differences noted at country level when the data is aggregated are also evident in this table. In France and Germany, most of the large catalogues, except Microsoft Store, contain more than 40% of European works. Italy, Austria and Belgium contain more than 30% of European works in the largest catalogues. On the other hand, all the largest catalogues in the following countries contain less than 30% of European works: Finland, Czechia, Ireland, Portugal, and Poland.

⁷⁶ The MAVISE database makes available information on audiovisual media services from the EU27 countries, together with other 15 countries too. It analyses both TV channels and on-demand services and is maintained by the European Audiovisual Observatory and European Commission as part of the 'Creative Europe Programme'. More information can be found here: <https://mavise.obs.coe.int/>

It is also clear from the table below that some services have a much stronger focus on European works than others: DocAlliance catalogues have around 60% of European works in all countries where they are present and Mubi catalogues have also around 55%.

Table 54 -Top five to seven services included in the analysis by number of productions – share of European works

Country	Service	% of EW	Country	Service	% of EW
Austria	Amazon Video	32%	Hungary	Apple iTunes	22%
	Apple iTunes	31%		YouTube	18%
	maxdome Store	39%		Google Play Movies	18%
	Google Play Movies	37%		Netflix	39%
	Chili	24%		Horizon	36%
	Amazon Prime Video	33%			
Belgium	Apple iTunes	35%	Ireland	Apple iTunes	28%
	Google Play Movies	39%		Google Play Movies	27%
	Netflix	34%		Amazon Prime Video	22%
	Amazon Prime Video	39%		Sky Store	32%
	Rakuten TV	33%		Netflix	25%
	Sooner	72%		Rakuten TV	33%
Bulgaria	Apple iTunes	22%	Italy	Chili	46%
	Netflix	26%		Apple iTunes	36%
	Zee5	2%		Google Play Movies	40%
	DocAlliance Films	60%		Amazon Prime Video	47%
	HBO Go	36%		Rakuten TV	43%
				Netflix	32%
Czechia	Apple iTunes	23%	Lithuania	Apple iTunes	22%
	Google Play Movies	21%		Netflix	26%
	Netflix	44%		Google Play Movies	17%
	O2 TV	34%		DocAlliance Films	59%
	DocAlliance Films	58%		Telia Play	41%
Germany	Amazon Video	40%	Latvia	Apple iTunes	22%
	Apple iTunes	42%		Netflix	26%
	Google Play Movies	45%		Google Play Movies	17%
	YouTube	45%		DocAlliance Films	60%
	maxdome Store	46%		Mubi	55%
	EntertainTV	45%			
Denmark	Apple iTunes	30%	Netherlands	Apple iTunes	34%
	Google Play Movies	32%		Google Play Movies	34%
	Blockbuster	40%		Netflix	34%
	Amazon Prime Video	21%		KPN	42%
	Netflix	32%		Rakuten TV	29%
Estonia	Apple iTunes	21%	Norway	Apple iTunes	29%
	Netflix	26%		Strim	39%
	Google Play Movies	17%		Google Play Movies	31%
	DocAlliance Films	59%		Blockbuster	36%
	Mubi	54%		Amazon Prime Video	21%
	GuideDoc	49%			

Country	Service	% of EW	Country	Service	% of EW
Spain	Filmin	60%	Poland	Apple iTunes	21%
	Apple iTunes	30%		Netflix	37%
	Google Play Movies	33%		YouTube	18%
	Rakuten TV	37%		Google Play Movies	18%
	Amazon Prime Video	42%		Chili	29%
	Netflix	31%			
Finland	Apple iTunes	26%	Portugal	Apple iTunes	19%
	Google Play Movies	29%		Netflix	31%
	Blockbuster	35%		YouTube	18%
	Amazon Prime Video	21%		Google Play Movies	18%
	Netflix	32%		Meo	47%
France	Apple iTunes	43%	Romania	Netflix	35%
	Orange VoD	66%		Horizon	34%
	Google Play Movies	43%		DocAlliance Films	60%
	YouTube	43%		Mubi	55%
	Canal VoD	56%		HBO Go	34%
	Universcine	74%			
	Microsoft Store	33%			
Greece	Apple iTunes	21%	Sweden	Apple iTunes	27%
	Google Play Movies	17%		Google Play Movies	31%
	Netflix	33%		Blockbuster	35%
	DocAlliance Films	60%		Amazon Prime Video	21%
	Mubi	54%		Netflix	32%

*Number of productions in the catalogue analysed, EW – European works

Source: JustWatch

The table below shows the share of European works in the catalogues of major VoD services. In this table, the productions in all their catalogues across the sample of catalogues were summed. This means that all the Amazon catalogues in those of the 22 countries where they are present were summed. The third column indicates the number of countries (meaning number of catalogues) in the sample. For example, five HBO catalogues were summed, as HBO is present in five of the countries covered. The service provider with the greatest share of European works is Mubi. Disney Plus and Apple TV Plus, on the other hand, have the lowest share of European works in the dataset examined.

Table 55 - Total share of European works across all catalogues of major transnational services (all titles across catalogues are accumulated)

		No of catalogues per service	Total productions	European movies	European series	% of European works in all catalogues
Amazon Prime Video	SVoD	22	66,280	17,549	3,137	31%
Apple iTunes	TVoD	21	261,878	74,959	1,933	29%
Blockbuster	TVoD	4	31,314	11,193	208	36%
Chili	TVoD	4	30,101	10,989	26	37%
Disney Plus	SVoD	13	19,667	1,682	465	11%
Google Play Movies	TVoD	20	166,617	52,946	1,036	32%

		No of catalogues per service	Total productions	European movies	European series	% of European works in all catalogues
HBO	SVoD	5	6,356	1,669	544	35%
Microsoft Store	TVoD	11	36,160	10,026	87	28%
Mubi	TVoD and SVoD	22	21,536	11,911	0	55%
Netflix and Netflix kids	SVoD	32	106,535	25,272	8,066	31%
Rakuten TV	TVoD	13	57,427	21,315	49	37%

Source: JustWatch

The tables that follow show the share of European works per country catalogue for the largest four VoD service providers. There are notable differences in the share of European works in the catalogues of the same service depending on the target country, for example:

- The Netflix catalogue has the highest share in Czechia with 44%, followed by Hungary (39%) and Poland (37%)
- The Amazon Prime catalogue has the highest percentage in Italy with 47%, followed by Germany (43%) and Austria (43%)
- The Apple iTunes catalogues has the highest percentage in France with 43%, followed by Germany (42%) and Austria (38%)

All the Mubi catalogues analysed contain well above 50% of European works.

Table 56 – Share of European works in the catalogues of Netflix per target country

Name of VoD Provider	Targeted Country	% of European works
Netflix	AT	34%
Netflix	BE	34%
Netflix	BG	26%
Netflix	CZ	44%
Netflix	DE	34%
Netflix	DK	32%
Netflix	EE	26%
Netflix	ES	31%
Netflix	FI	32%
Netflix	FR	31%
Netflix	EL	33%
Netflix	HU	39%
Netflix	IE	25%
Netflix	IT	32%
Netflix	LT	26%
Netflix	LV	26%
Netflix	NL	34%
Netflix	NO	32%
Netflix	PL	37%
Netflix	PT	31%
Netflix	RO	35%
Netflix	SE	32%
Total across the target countries		31%

Table 57 – Share of European works in the catalogues of Amazon Prime per target country

Name of VoD Provider	Targeted Country	% of European works
Amazon Prime Video	AT	43%
Amazon Prime Video	BE	39%
Amazon Prime Video	BG	27%
Amazon Prime Video	CZ	24%
Amazon Prime Video	DE	43%
Amazon Prime Video	DK	21%
Amazon Prime Video	EE	23%
Amazon Prime Video	ES	42%
Amazon Prime Video	FI	21%
Amazon Prime Video	FR	37%
Amazon Prime Video	EL	23%
Amazon Prime Video	HU	23%
Amazon Prime Video	IE	22%
Amazon Prime Video	IT	47%
Amazon Prime Video	LT	23%
Amazon Prime Video	LV	21%
Amazon Prime Video	NL	35%
Amazon Prime Video	NO	21%
Amazon Prime Video	PL	30%
Amazon Prime Video	PT	32%
Amazon Prime Video	RO	24%
Amazon Prime Video	SE	21%
Total across the target countries		31%

Table 58 – Share of European works in the catalogues of Apple iTunes per target country

Name of VoD Provider	Targeted Country	% of European works
Apple iTunes	AT	38%
Apple iTunes	BE	35%
Apple iTunes	BG	22%
Apple iTunes	CZ	23%
Apple iTunes	DE	42%
Apple iTunes	DK	30%
Apple iTunes	EE	21%
Apple iTunes	ES	30%
Apple iTunes	FI	26%
Apple iTunes	FR	43%
Apple iTunes	EL	21%
Apple iTunes	HU	22%
Apple iTunes	IE	28%
Apple iTunes	IT	36%
Apple iTunes	LT	22%
Apple iTunes	LV	22%
Apple iTunes	NL	34%
Apple iTunes	NO	29%
Apple iTunes	PL	21%
Apple iTunes	PT	19%
Apple iTunes	SE	27%
Total across the target countries		29%

Table 59 – Share of European works in the catalogues of Mubi per target country

Name of VoD Provider	Targeted Country	% of European works
Mubi	AT	57%
Mubi	BE	54%
Mubi	BG	54%
Mubi	CZ	53%
Mubi	DE	63%
Mubi Amazon Channel	DE	70%
Mubi	DK	57%
Mubi	EE	54%
Mubi	ES	52%
Mubi	FI	57%
Mubi	FR	53%
Mubi	GR	54%
Mubi	HU	54%
Mubi	IE	57%
Mubi	IT	52%
Mubi	LT	54%
Mubi	LV	55%
Mubi	NL	56%
Mubi	NO	57%
Mubi	PL	53%
Mubi	PT	53%
Mubi	RO	55%
Mubi	SE	58%
Total across the target countries		55%

8.3 Countries of production and co-production in European works

We also analysed the JustWatch data by looking at the main countries of (co-)production in all the catalogues of a given targeted country. In other words, we took all the catalogues of a country A and identified the top (co-)production countries across all the catalogues. The table below shows the top 10 (co-)production countries per target country as well as the number of productions in the target country with participation of the top 10 countries across all the catalogues and the share of total productions.

The US is systematically the leading country of (co-)production in all the catalogues of the 22 targeted countries analysed. Depending on the target country, between 42% and 55% of productions in all catalogues have a US participation in the production. The share of US (co-)productions is always substantially higher than that of the

second country of (co-)production. When summing up all the productions in all the catalogues analysed, the US participated in 45% of them as a production or (co-)production country.

Other European countries with an important share of (co)productions are:

- UK: the UK is in the top (co-)production countries across all the 22 target country catalogues. The UK (co-)productions account for approximately 9% of all the productions analysed;
- France: France is also systematically in the top 10 (co-)production countries across all the 22 target country catalogues. French (co-)productions account for approximately 7% of all the productions analysed;
- Germany: also one of the top 10 (co-)production countries across all the catalogues in the 22 target countries, though its ranking differs greatly across these countries. German (co-)productions account for 5.5% of the productions analysed.

The other two countries that frequently feature in the top 10 (co-)production countries are Spain (in the top 10 in 16 countries) and Italy (in the top 10 in 12 countries). As we analysed the data only for the top 10 countries, and these countries are not always in the top 10, their share of all (co-)productions cannot be analysed precisely but is likely around 2%.

Other prominent non-European countries of (co)production are:

- India – in the top 10 in all the 22 target country catalogues, participating in 4.5% of all the productions analysed;
- Canada – in the top 10 in all the 22 target country catalogues, participating in 4% of all the productions analysed;
- Japan - in the top 10 in all the 22 target country catalogues, participating in 3% of all the productions analysed.

Table 60 – Top production and co-production countries per target country according to number of productions and their share in total productions (Data from February 2021)

Target country	Country of (co)production	No of productions	% of all productions	Target country	Country of (co)production	No of productions	% of all productions
Austria	US	20,340	44%	Hungary	US	9,549	57%
	Germany	7,139	15%		UK	1,598	10%
	UK	4,014	9%		India	910	5%
	France	3,213	7%		France	892	5%
	Canada	1,950	4%		Germany	630	4%
	Japan	1,551	3%		Canada	617	4%
	Italy	1,341	3%		Italy	264	2%
	Austria	1,297	3%		Australia	259	2%
	India	1,092	2%		Spain	254	2%
Belgium	Spain	900	2%	Japan	246	1%	
	US	13,032	47%	US	22,325	47%	
	France	3,422	12%	UK	6,311	13%	
	UK	2,431	9%	India	3,907	8%	
	Germany	17,40	6%	France	2,367	5%	
	Canada	1,311	5%	Canada	2,327	5%	
	India	1,098	4%	Germany	1,549	3%	
	Belgium	811	3%	Japan	1,081	2%	
	Italy	720	3%	Italy	1,002	2%	
Bulgaria	Netherlands	702	3%	Australia	946	2%	
	Japan	557	2%	Spain	743	2%	
	US	9,036	50%	US	13,055	47%	
	India	1,750	10%	Italy	4,414	16%	
	UK	1,441	8%	France	2,564	9%	
Italy	Franca	831	5%	UK	2,519	9%	
	Japan	774	4%	Germany	1,380	5%	

Target country	Country of (co)production	No of productions	% of all productions	Target country	Country of (co)production	No of productions	% of all productions
	Canada	573	3%		Canada	1,280	5%
	Germany	547	3%		Japan	1,208	4%
	Spain	307	2%		India	931	3%
	South Korea	305	2%		Spain	750	3%
	China	270	1%		Australia	390	1%
Czechia	US	9,712	57%	Lithuania	US	9,283	51%
	UK	1,568	9%		UK	1,579	9%
	India	992	6%		India	1,353	7%
	France	908	5%		France	956	5%
	Canada	639	4%		Canada	725	4%
	Germany	615	4%		Germany	636	3%
	Czechia	481	3%		Japan	342	2%
	China	264	2%		Spain	335	2%
	Australia	257	1%		South Korea	297	2%
	Japan	252	1%		Australia	277	2%
Germany	US	20,709	42%	Latvia	US	9,263	50%
	Germany	7,837	16%		UK	1,592	9%
	UK	4,239	9%		India	1,326	7%
	France	3,354	7%		France	941	5%
	Canada	2,006	4%		Canada	717	4%
	Japan	1,823	4%		Germany	638	3%
	Italy	1,389	3%		Spain	341	2%
	Austria	1,119	2%		Japan	338	2%
	Spain	896	2%		South Korea	296	2%
	India	787	2%		Russia	292	2%
Denmark	US	15,756	50%	Netherlands	US	11,882	53%
	UK	3,032	10%		UK	2,168	10%
	France	1,891	6%		France	1,520	7%
	India	1,888	6%		Netherlands	1,122	5%
	Denmark	1,665	5%		Japan	1,025	5%
	Canada	1,426	5%		Germany	956	4%
	Japan	1,300	4%		Canada	938	4%
	Germany	1,253	4%		Belgium	594	3%
	Sweden	925	3%		India	543	2%
	Australia	585	2%		Spain	431	2%
Estonia	US	9,711	51%	Norway	US	15,421	50%
	UK	1,634	9%		UK	2,978	10%
	India	1,375	7%		India	1,887	6%
	France	937	5%		France	1,684	5%
	Canada	681	4%		Canada	1,381	4%
	Germany	628	3%		Japan	1,258	4%
	Japan	348	2%		Germany	1,142	4%
	Spain	347	2%		Sweden	919	3%
	China	303	2%		Norway	835	3%
	South Korea	295	2%		Denmark	590	2%
Spain	US	13,924	45%	Poland	US	11,499	51%
	Spain	4,035	13%		UK	2,028	9%
	UK	2,998	10%		France	1,614	7%
	France	2,948	9%		India	1,035	5%
	Germany	1,540	5%		Poland	1,022	5%
	Italy	1,303	4%		Germany	994	4%
	Canada	1,219	4%		Canada	883	4%
	Japan	1,146	4%		Italy	500	2%
	India	883	3%		Spain	492	2%
	Mexico	801	3%		Japan	385	2%

Target country	Country of (co)production	No of productions	% of all productions	Target country	Country of (co)production	No of productions	% of all productions
Finland	US	15,727	51%	Portugal	US	11,507	55%
	UK	2,948	10%		UK	1,959	9%
	India	1,867	6%		France	1,475	7%
	France	1,631	5%		India	959	5%
	Canada	1,385	5%		Japan	864	4%
	Japan	1,240	4%		Canada	802	4%
	Germany	1,119	4%		Germany	772	4%
	Finland	833	3%		Spain	501	2%
	Sweden	781	3%		Mexico	400	2%
France	Australia	565	2%	Italy	395	2%	
	US	14,988	42%	US	4,436	47%	
	France	8,158	23%	UK	852	9%	
	UK	3,257	9%	France	814	9%	
	Germany	1,977	6%	Japan	732	8%	
	Canada	1,703	5%	India	478	5%	
	Japan	1,493	4%	Germany	428	5%	
	Italy	1,438	4%	Canada	366	4%	
	India	1,077	3%	Spain	275	3%	
Greece	Spain	830	2%	Romania	202	2%	
	Belgium	794	2%	Italy	192	2%	
	US	9,120	55%	US	16,655	50%	
	UK	1,389	8%	UK	3,286	10%	
	India	982	6%	France	1,966	6%	
	Japan	761	5%	India	1,919	6%	
	France	750	5%	Sweden	1,832	5%	
	Canada	558	3%	Canada	1,471	4%	
	Germany	515	3%	Japan	1,302	4%	
Sweden	Spain	279	2%	Germany	1,264	4%	
	China	268	2%	Australia	616	2%	
	Italy	227	1%	Denmark	611	2%	

8.3.1 Domestic and non-domestic European works

In addition, we assessed the share of domestic European works among the targeted countries and channels. We considered as domestic European works all works that are made available for watching in the targeted (analysed) country and also has at least one of the co-production companies originating in that country.

The share of domestic European works in all European works varies greatly. While these represent only 1% of European works in Bulgaria, they are close to 60% in France.

For each country, the number of European movies is significantly higher than the number of European TV series. In fact, European movies count for 93% of European productions. This trend is also seen in domestic works, as European domestic movies represent 93% of total European domestic productions.

- France is the country with the biggest share of domestic works, with 59%. It is followed by Germany (43%) and Italy (33%).
- The countries with the lowest percentage of domestic European works include Bulgaria (1%), Greece (1%), Lithuania (2%) and Latvia (3%).
- 11 of the 22 countries have less than 10% of domestic European works (Austria, Belgium, Bulgaria, Estonia, Greece, Hungary, Ireland, Lithuania, Latvia, Portugal and Romania).
- The highest shares can be observed in countries where the local industry is very strong.

Table 61 - Share of domestic European works per target country

Country	Total no of European works	No of domestic European works (movies)	No of domestic European works (TV series)	% of European domestic works
AT	61,874	3,259	183	6%
BE	18,020	1,403	106	8%
BG	6,809	61	7	1%
CZ	8,051	940	19	12%
DE	82,976	32,400	3,262	43%
DK	20,294	3,669	278	19%
EE	9,138	516	113	7%
ES	21,599	5,162	466	26%
FI	19,764	1,988	297	12%
FR	56,777	32,150	1,184	59%
GR	6,462	44	0	1%
HU	10,801	305	26	3%
IE	26,849	2,076	50	8%
IT	27,628	8,753	379	33%
LT	7,798	124	10	2%
LV	5,511	167	8	3%
NL	16,251	2,127	541	16%
NO	26,246	2,241	337	10%
PL	13,744	1,596	160	13%
PT	8,054	383	18	5%
RO	5,616	278	6	5%
SE	22,334	4,075	411	20%
Total	482,596	103,717	7,861	23%

Source: JustWatch

The next table shows the share of European Domestic Works for the VoD Providers with the biggest share of European works per target country. We took the top 5 VoD providers for each country from Table 54 and analysed how many of the European works provided were domestic.

The table shows important differences between services in the same country, for example:

- In Lithuania while Telia Play has 15% of domestic works, Apple iTunes has 0% of domestic works;
- In Sweden, Google Play Movies has 18% domestic works while only 1% on Amazon Prime Video; or
- In the Netherlands KPN has 34% of European Domestic works while for Netflix it is only 6%.

Table 62 Share of domestic European works for the VoD providers with the largest share of European works per target country

Target country	VoD provider	Domestic as % of European	Target country	VoD provider	Domestic as % of European
AT	Amazon Video	4%	HU	Apple iTunes	1%
	Apple iTunes	5%		YouTube	2%
	Google Play Movies	3%		Google Play Movies	2%
	maxdome Store	4%		Netflix	6%
	Chili	3%		Horizon	9%
BE	Apple iTunes	8%	IE	Apple iTunes	4%
	Google Play Movies	11%		Google Play Movies	4%
	Netflix	3%		Amazon Prime Video	3%
	Amazon Prime Video	5%		Sky Store	5%
BG	Rakuten TV	8%	IT	Netflix	2%
	Apple iTunes	1%		Chili	45%
	Netflix	0%		Apple iTunes	32%
	Zee5	2%		Google Play Movies	34%
CZ	DocAlliance Films	1%	LT	Amazon Prime Video	43%
	HBO Go			Rakuten TV	38%
	Apple iTunes	9%		Apple iTunes	0%
	Google Play Movies	11%		Netflix	0%
	Netflix	20%		Google Play Movies	0%
DE	O2 TV	18%	LV	DocAlliance Films	1%
	DocAlliance Films	18%		Telia Play	15%
	Amazon Video	43%		Apple iTunes	0%
	Apple iTunes	38%		Netflix	0%
	Google Play Movies	46%		Google Play Movies	0%
DK	YouTube	47%	NL	DocAlliance Films	3%
	maxdome Store	46%		Mubi	0%
	Apple iTunes	21%		Apple iTunes	14%
	Google Play Movies	24%		Google Play Movies	15%
	Blockbuster	24%		Netflix	6%
EE	Amazon Prime Video	2%	NO	KPN	34%
	Netflix	8%		Rakuten TV	11%
	Apple iTunes	0%		Apple iTunes	10%
	Netflix	0%		Strim	11%
	Google Play Movies	0%		Google Play Movies	11%
ES	DocAlliance Films	1%	PL	Blockbuster	8%
	Mubi	0%		Amazon Prime Video	1%
	Filmin	31%		Apple iTunes	1%
	Apple iTunes	12%		Netflix	13%
	Google Play Movies	28%		YouTube	0%
FI	Rakuten TV	20%	PT	Google Play Movies	0%
	Amazon Prime Video	31%		Chili	14%
	Apple iTunes	6%		Apple iTunes	0%
	Google Play Movies	7%		Netflix	1%
	Blockbuster	3%		YouTube	0%
FR	Amazon Prime Video	1%	RO	Google Play Movies	0%
	Netflix	1%		Meo	14%
	Apple iTunes	54%		Netflix	8%
	Orange VoD	69%		Horizon	12%
	Google Play Movies	53%		DocAlliance Films	2%
GR	YouTube	53%	SE	Mubi	0%
	Canal VoD	65%		HBO Go	12%
	Apple iTunes	1%		Apple iTunes	15%
	Google Play Movies	0%		Google Play Movies	18%
	Netflix	0%		Blockbuster	14%
FR	DocAlliance Films	1%	SE	Amazon Prime Video	1%
	Mubi	0%		Netflix	6%

8.4 Recent European works

In this section, we defined as recent all European works produced in 2016 or later, meaning these productions were maximum five years old at the moment when the analysis was conducted.

The analysis of the share of recent European works as part of catalogues was complicated by the fact that, for many entries, JustWatch did not provide data about their production date. This created a high share of productions, which did not have a year for certain catalogues. We first included in the below analysis only those catalogues for which the share of productions without a date was below 15% of the overall catalogue. That, however, reduced the sample of services substantially (to only 82 services). Therefore, we also report in the second part of this section about the major services even where the share of productions with no date is missing.

Across the 82 catalogues with a small share of missing information regarding the production dates, there were in total 92,291 European productions of which 32,115 (35%) were recent.

As for other indicators, there is a great diversity of situations when looking at the level of the VoD service. The VoD service with highest share of recent works is BE TV go, with 62% of recent European productions (out of all European productions), HBO Bulgaria with 55% recent European productions and SkyStore Austria with 50%.

Except for a few very specialised services (Amazon Arthouse) which had a 10% share of recent works, all other services included in the analysis had a share of recent European works that was above 23%.

As shown below, 37 of the 82 services included in this analysis had between 23% and 43% of recent European works in their catalogues.

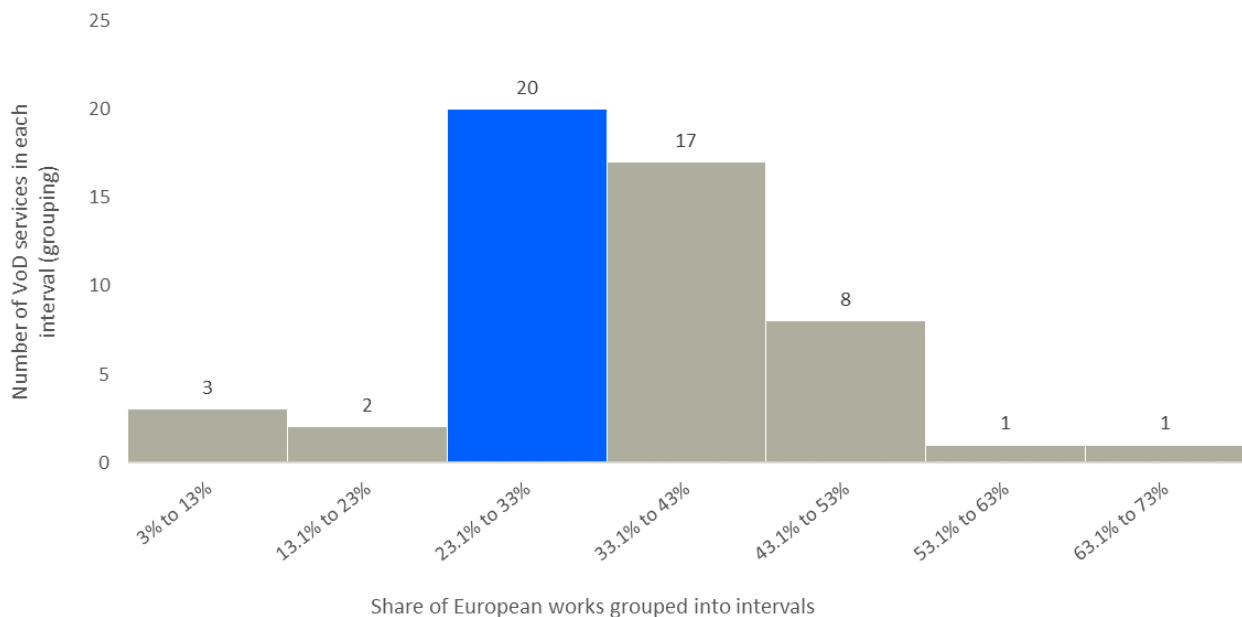


Figure 95 - Recent European works as a share of all European works – distribution of services according to intervals (groupings)

Source: JustWatch

When looking specifically at Netflix, on average across the Netflix services from all countries included in the analysis, 24% of European works were recent. However, in light of this finding, it is worth considering that a very large share of the works did not have a date in the JustWatch database (55%). For example, for Netflix France, 85% of the entries analysed did not have a production date available. Therefore, the accurate figure is likely to be much higher. For those Netflix services where the number of missing variables for dates was lower, we see a share of recent works that is around or above 40%:

- Netflix Italy – 45% of European works are recent (15% are missing a date);
- Netflix Belgium – 46% of European works are recent (22% are missing a date);

- Netflix Austria – 41% of European works are recent (19% missing a date)
- Netflix Bulgaria – 42% of European works are recent (26% are missing a date);
- Netflix Czechia – 39% of European works are recent (28% are missing a date)

There are fewer recent European works in the Amazon Prime services across all countries analysed, even if the same caveat about high number of missing data applies. On average, across the Amazon prime services, there were 15% of recent European works but 57% were missing a date. Examples of country data are:

- Amazon Prime Belgium – 35% of European works are recent (16% are missing a date);
- Amazon Prime Germany – 32% of European works are recent (7% are missing a date);
- Amazon Prime Austria – 32% of European works are recent (22% are missing a date);
- Amazon Prime Spain – 32% of European works are recent (32% are missing a date);
- Amazon Prime Italy – 27% of European works are recent (38% are missing a date);
- Amazon Prime Ireland – 42% of European works are recent (64% are missing a date);

For Apple iTunes, the data was rather complete in terms of dates. Overall, 34% of European works on this service were recent (and only 2% were missing data). For example:

- Apple iTunes Czechia – 43% of European works are recent (2% are missing a date);
- Apple iTunes Bulgaria – 40% of European works are recent (13% are missing a date);
- Apple iTunes Belgium – 36% of European works are recent (1% are missing a date);
- Apple iTunes Germany – 32% of European works are recent (2% are missing a date);

For Disney Plus the number of missing variables was too high to conduct this analysis (88% of entries were missing a date).

Mubi services seem to have a somewhat lower share of recent European works than other services – but as above, the share of missing variables makes it hard to establish a clear conclusion. In total, 8% of European productions were recent, though for 56% the data was missing. For those services where around 40% or less of the data was missing information about date (AT, BE, BG, CZ, ES, IT), the share of recent works was between 11% and 13%.

Considering a comparable share of missing variables, HBO appears to have a very similar share of recent works as Netflix: across the services 25% of European works were recent (50% of works lacked a date). When looking at specific services:

- HBO Bulgaria – 55% of European works were recent (14% missing a date);
- HBO Czechia – 51% of European works were recent (20% missing a date);
- HBO Poland – 58% of European works were recent (38% missing a date);
- HBO Hungary – 55% of European works were recent (46% missing a date);
- HBO Norway – 35% of European works were recent (46% missing a date);

8.5 Independent productions

To identify European independent productions, we used the members of the following associations::

- European Coordination of Independent Producers⁷⁷
- EuroVoD⁷⁸

⁷⁷ <https://www.cepi-producers.eu/our-members>

⁷⁸ <https://www.eurovod.org/members>

- European Producers Club (EPC)⁷⁹

We considered as a European independent production any production which had at least one of the companies as members of these associations.. The identification of independent production therefore only covers European independent production companies for the purposes of this section of the study.

There is an important gap in the data which allows us to only present this analysis for a fraction of the VoD services. JustWatch does not have data on production companies for films, but only TV series. As explained earlier, series represent only a small share of the catalogues, considering that one season is counted as one production.

Therefore, the data below only concerns TV series and we cannot extrapolate the findings to the entire catalogues (films + TV series).

In total, there were 130,717 series productions in 749 catalogues included in this report that came from the JustWatch database. 27% (35,770) of the series productions were European works. Only 4% of these European series were tagged as independent productions (1422).

When excluding those VOD services that had 10 or fewer European series on their catalogues, we retained 257 services for the additional analysis presented below.

The figure below shows that most of the services had between 0% and 2% of European series that were produced by European independent companies.

There are some outlier services in the sample which had a relatively high share of series with participation of independent producers, these are:

- RTPPlay (PT) – of the 20 European series, 6 had a participation from independent producers (30%);
- Anime Digital Network (FR) – 3 out of the 12 European series had participation from independent producers (30%)
- Starz Play (ES, IT and NL) – where between 15% and 19% of series were European series with independent participation of full funding
- Rakuten ES – 8 out of the 47 European series had participation from independent producers (17%)
- Blockbuster (SE) - 6 out of the 37 European series had participation from independent producers (16%)

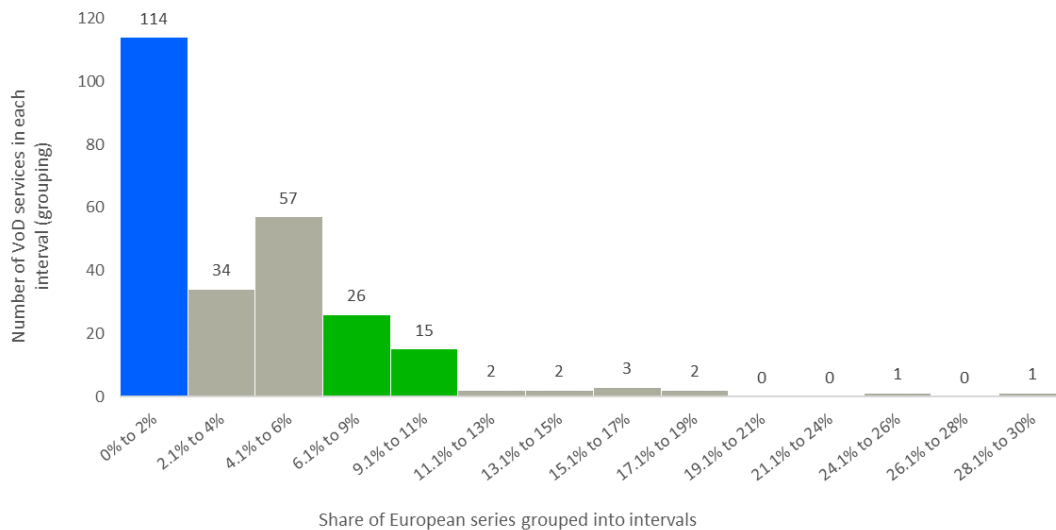


Figure 96 European independent series as share of total European series – distribution of services according to intervals (groupings)

Source: JustWatch

⁷⁹ <https://www.europeanproducersclub.org/members>

8.6 European works by genre

The analysis of productions in VoD catalogues by genre follows the classification of JustWatch into genres which differentiates between quite granular categories.

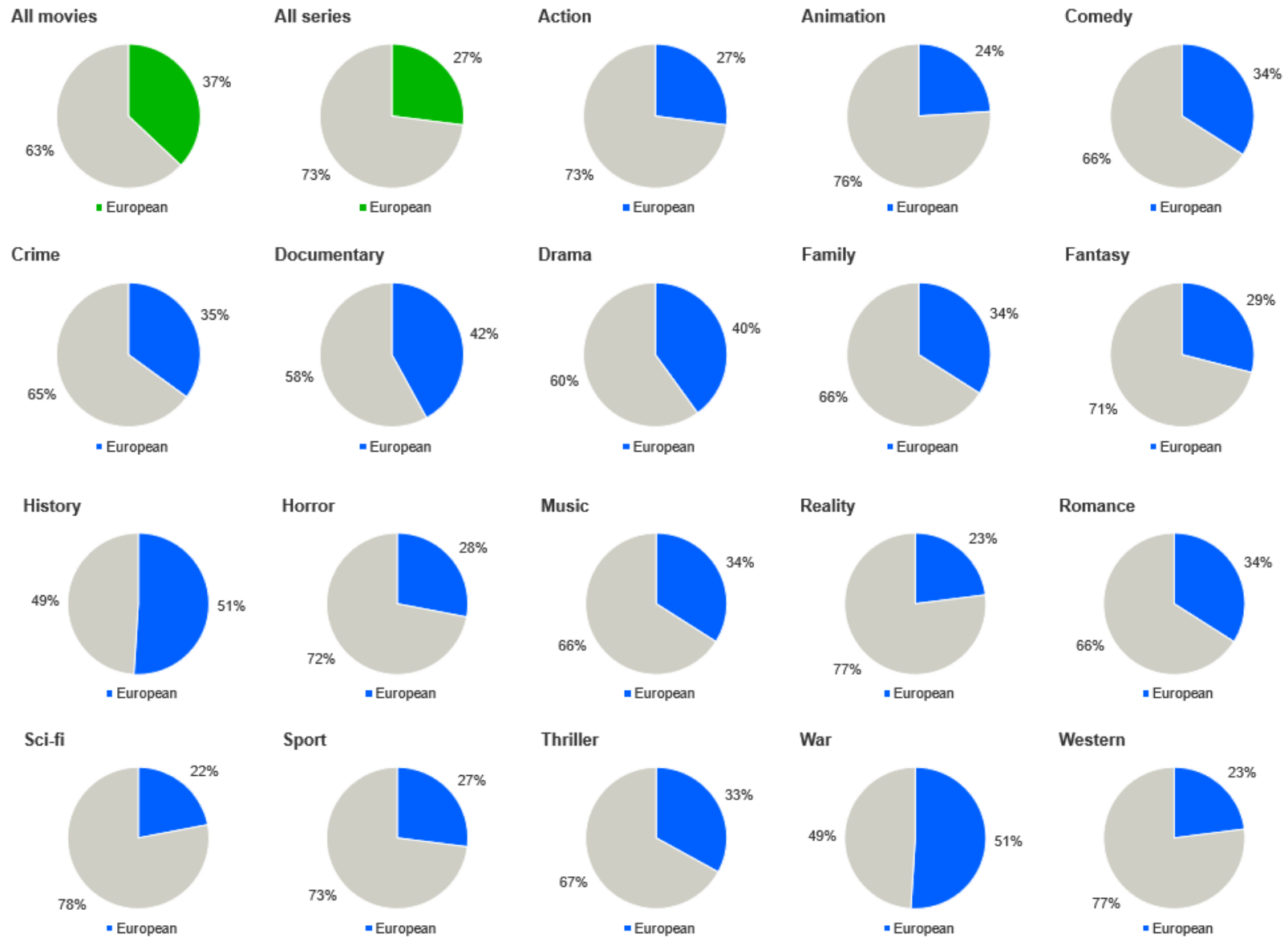


Figure 97 – Share of European works in all catalogues analysed by genre (movies and series combined)

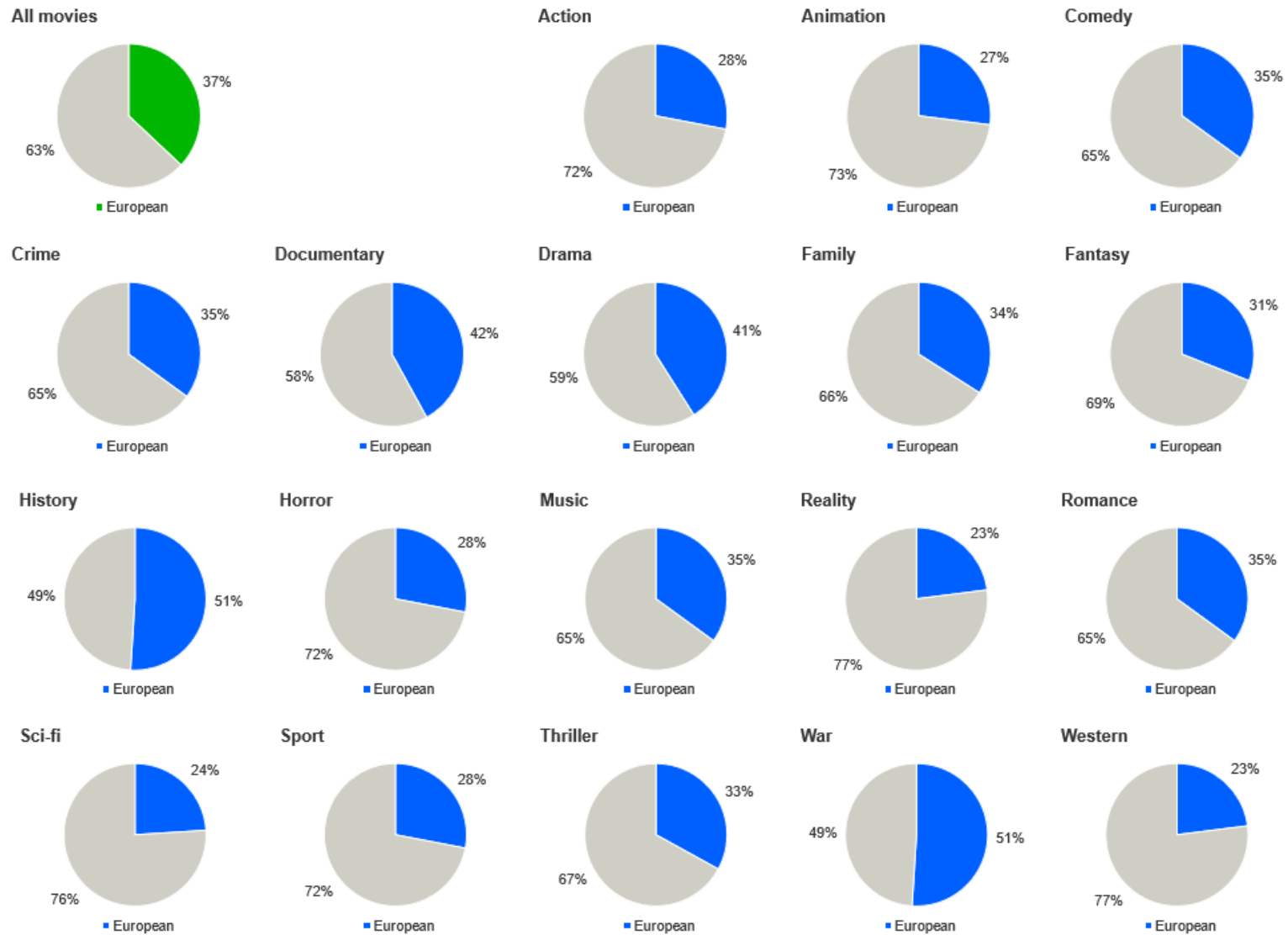


Figure 98 – Share of European works in all catalogues analysed by genre (movies only)

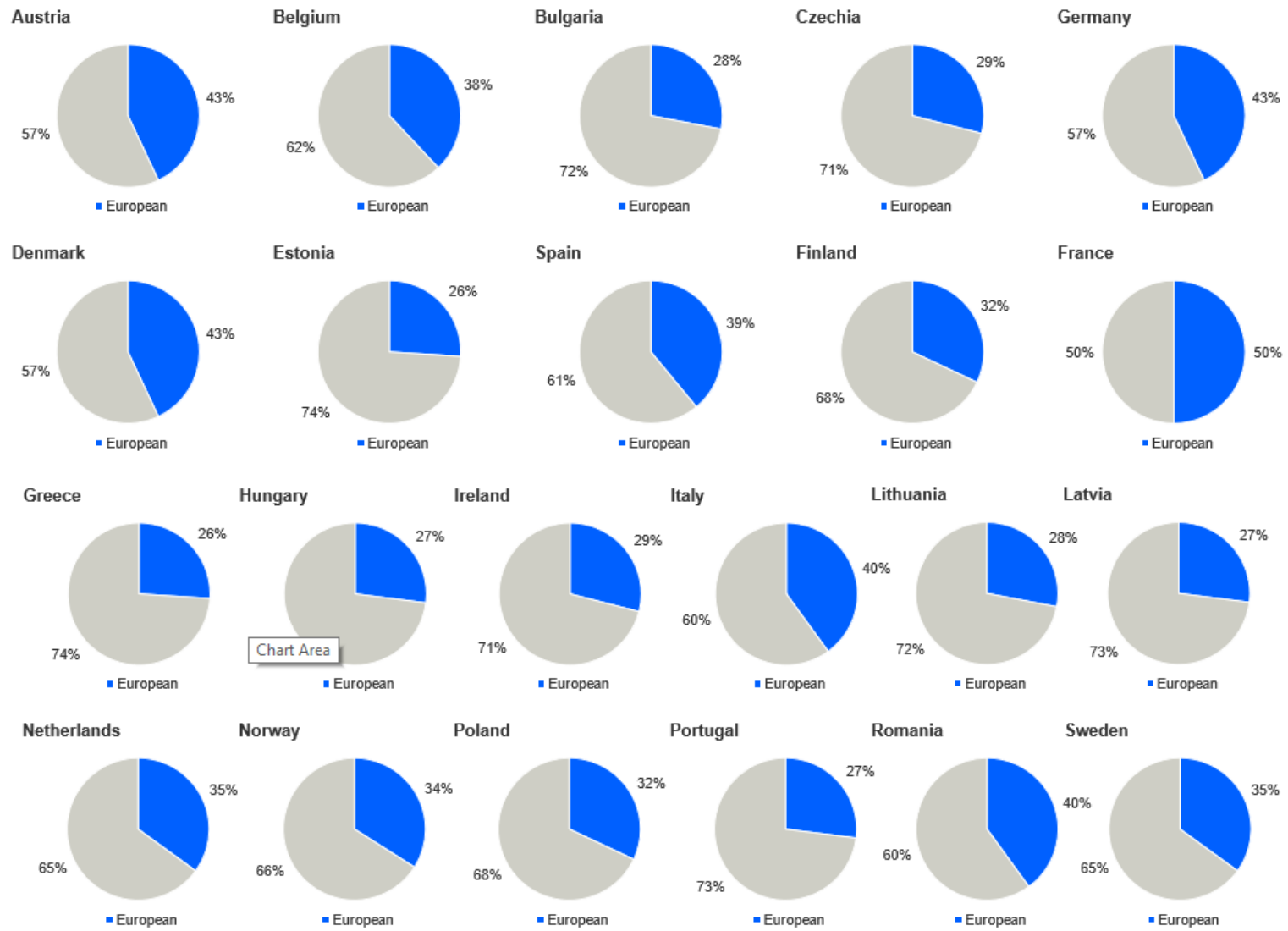


Figure 99 - Share of European works as part of only films by country

8.7 Qualitative analysis of prominence

It was not possible as part of this study to ensure a quantitative analysis of prominence. Such research would require observations / mystery shopping to systematically verify whether and how prominence is being ensured by having observers go to the different VoD services and note down how European works are displayed. Such approach was outside the scope of this research.

Instead, we present here the synthesis of findings from the stakeholder interviews.

The stakeholders interviewed highlighted several methods used by non-linear platforms to ensure prominence of European Works in their catalogues. The most recurrent prominence methods are the display in the search results, the use of artificial intelligence, marketing campaigns (also outside of the platforms themselves through ads or social media), newsletters, weekly events focusing on specific countries or directors, film festivals, etc.

Prominence is very difficult to track, especially on large VOD platforms like Netflix and Amazon, which use algorithms to personalise the homepage and search results. Furthermore, as emphasised by one European organisation and a Romanian stakeholder interviewed, it is unclear if prominence tools work in practice because the platforms do not share any data on consumption which could help assess the effectiveness of prominence tools. Such consumption viewing data would not only help understanding the effectiveness of prominence, but it would also help producers to understand whether their content is being consumed and by whom. Similar views were shared by a Dutch stakeholder, who pointed out that tracking prominence on Netflix is a difficult task since all users experience the platform in a different manner due to personalisation techniques. Aside from the use of algorithms, an identifiable prominence method is the use of country-oriented catalogues which are presented to the users.

One Danish expert mentioned that global VOD platforms promote European works on their platforms mostly because they are their own productions and not necessarily because it is European. Public service broadcasters face some difficulties compared to global VOD platforms as they fall under the national legislation and there are important differences between the national legislation of Member States. For instance, German broadcasters were not allowed to show European content that they have not co-produced (the legislation changed since May 2019). Unlike in Germany, in Denmark the legislation allows the content to be displayed for 30 days if it is not co-produced. Furthermore, the prominence of Nordic content is part of the national legislation in Denmark.

Local platforms (streaming mostly local content) and big players (e.g. HBO, Netflix) ensure prominence in a different manner. In the case of local platforms, most of them include only local or European content in their catalogues. Therefore, in those cases where content is 100% or largely European or local, prominence techniques become redundant. For e.g., HBO Europe, the prominence of European works is obvious from their landing page, especially since acquiring and co-producing European works is part of their business model (according to the Romanian stakeholder interviewed). Similar opinions were shared also by the Danish expert, who stated that HBO Europe is the only global streaming service that pushes the European content because it is European. As mentioned previously, this has to do with the fact that they are present predominantly in Europe and showing this regional approach (e.g. HBO Nordic) fits with what they are as a service provider. As interviewees noted, for platforms like Netflix, on the other hand, Europe is just one of their markets, making it thus easier and more beneficial for streaming services with narrower geographical coverage to signal Europeaness or make European content more prominent.

8.8 Observations regarding the comparison with data provided by Member States

We also carried out a comparison of the data provided by Member States about the share of European works on VoD services as part of their reporting obligations with the data analysed in our independent analysis.

This comparison, however, needs to be read with the following caveats:

- Member States reporting covers the year 2019 while the data in this section is from 2021. There can be important year on year fluctuations as well as fluctuations within a year;
- The Member States data covers a substantially smaller subset of services. There were only 52 services which were covered by Member States' data and which are also present in our analysis of

over 700 services. As explained in the Volume I of this report, the vast majority of services covered in Member States' reports did not actually provide data on the share of European works; and

- The definition of European works in this section considers as European any production where at least one of the (co-)production countries is European.

We see notable differences between the data reported by the Member States and the data reported in this section. These differences could be due to many factors:

- The fact that the data do not refer to the same period (2019 vs 2021);
- Possible differences used in the definition of European works in Member States reporting and this report;
- The fact that our data reflects a one-off observation, but Member States data may reflect a more longitudinal approach – average over a certain period (this aspect is not clear from their reporting).

For only 15 out of the 52 services, the data provided by Member States and the data based on JustWatch dataset is more or less comparable. We considered as comparable any differences that were 8 percentage points apart. These services are: HBO Go (BG and RO, PL), Blockbuster (DK, FI, NO, SE), O2TV (CZ), FlixOle (ES), Rakuten (ES), Netflix (IE), Videoland (NL), Ziggo TV (NL), Player (PL), VOD Poland, C More (SE). In these cases the Member State reporting and the independent analysis show converging trends.

For 22 services (42% of the services included in both datasets), we found a higher share of European works based on the JustWatch data than that reported by Member States. It is difficult to speculate whether this is a positive trend whereby the share of European works increased from 2019 to 2021 or whether this is due to monitoring and definition discrepancies.

In the case of remaining 14 catalogues, the share of European works reported by Member States is substantially higher than that found when analysing JustWatch data.

9. Conclusions Task 3

From a bird's eye view, across the selected channels in all of the 11 Member States, the share of qualifying time dedicated to the broadcasting of European works is only 39% across all the countries covered in this task. However, there is a significant level of variation across the Member States analysed, as the share of European works as part of qualifying time ranges from 50,7% in the case of Germany to 26,3% in the case of Romania. Furthermore, our analysis shows that in ten out of the 11 Member States examined, there are more European productions than European Co-Productions. As a result, the largest part of the total time allotted to European Works is comprised of European productions, with the exception of Czechia where the proportion of European Co-productions are, overall, higher than that of European productions.

Sweden, Netherlands and France had the highest shares of qualifying works out of the total number of analysed works per country (with 88%, 88% and 74%, respectively).

It is worth mentioning that the channel-level analysis showed that it is not only the small channels (in terms of market size) that can have low shares of European works, but also big channels. Several large channels in the sample analysed had a share of European works that was below the 50% of qualifying time requirements. This is in line with observations of previous monitoring studies.

The classification of European works into independent productions using an automated matching process on a large volume of data as used in this assignment resulted in tagging only 2.24% of European works as fully independent. These were works entirely produced by companies labelled as independent. Of the 252 channels which have a market share of or above 0.5%, and taking the low threshold definition of independent productions (i.e. whereby productions with at least some independent producers are considered as independent), we found that the vast majority of these channels – 192 (76%) have less than 10% of independent productions and, in fact, 128 (51%) have below 5% share of independent productions.

The share of independent productions is higher (but still below 10%) when applying a less narrow definition of independent companies – whereby at least one production company is independent.

There are several shortcomings of the classification procedure of the independent productions that influenced these results, such as the limited number of identified independent production companies and the fact that the list is limited only to European companies. Despite the overall low percentages of qualifying independent European works per country, generally there appears to be a slight inverse correlation between the share of European works broadcasted and that of fully Independent ones within the qualifying time.

The content analysis looked also into the data on recent European works. On a country-by-country basis, the share of time for recent works scheduled for broadcasting out of the total qualifying time ranges from 0,9% in the case of Netherlands and 2,2% in the case of Hungary to 29,1% and 28,2% in the case of Germany and Poland.

In terms of the prime-time classification of works, in line with the described procedure, on a country-by-country basis, the percentage of time allocated to qualifying works scheduled for the prime-time, ranges from 21,3% in Sweden to 8,4% in Italy. On the one hand, our results show that the majority of the channels (203 out of 252, meaning 80%) that have above 0.5% market share are channels that dedicate 10% or less of their prime time to European productions. On the other hand, there are 10 channels that dedicate 20% or more of their prime time to European works. Furthermore, there seems to be a slight association between the market share and the share of European Works in Prime Time. However, given the low correlation coefficient, the relationship does not seem too strong.

Prominence applied to non-linear services is understood as the approximate number of households which are exposed to European Works by channel and country, given the market share of each channel and the proportion of European Works broadcasted. Overall, the number of households that are exposed to European Works is a function of both the channels' market share and the proportion of European Works broadcasted. For all the Member States analysed, the results show that it is usually the channels with the highest market share (those in the top three) that expose their viewers the most to European works. For instance, in France, there are 32,029,000 TV households and the second channel in terms of market share (France 2) is significantly more successful in reaching households with the European Works it broadcasts than the rest of the channels with lower market shares. As in France, the second channel in Italy in terms of market share

(Canale 5) reaches more households with the European Works it broadcasts (2,475,307) than the ones with lower market shares.

Lastly, the analysis of linear services content investigated the proportions of domestic and non-domestic European works. Domestic works can be understood as works for which at least one of the production companies originates in the country in which the work is being broadcasted. Our results show that the largest share of the qualifying time allocated to works within this category appears in Germany (38.9% of the qualifying time within the country), followed by France (30.9%), while the Member States with the lowest shares of qualifying time allocated to productions within this category are Romania (6%), Austria (5.6%) and Hungary (3.3%). A high share of domestic works can be seen only in Member States like Germany and France, which have traditionally very strong local production industries. In the other Member States, the share of domestic works is rather low, ranging between 12% (Italy) to 3.3% (Hungary).

The non-linear services content analysis included in total 751 VoD services across 22 target countries, capturing both major and smaller VoD service providers. For the analysis, JustWatch data was used, containing 1,315,526 productions⁸⁰ across 751 services in 21 EU (+Norway) countries in May 2021.

When it comes to the presence of European works in the VoD catalogues, our analysis shows that this represents overall 36%, ranging from 25% in Greece to 48% in France. Moreover, the difference between the share of European works in TVOD and SVOD services is minor. There are noticeable differences between countries when it comes to the share of European works in catalogues of those services with highest numbers of titles in the catalogue. For instance, in France and Germany, most of the large catalogues, except Microsoft Store, have above 40% of European works. Italy, Austria and Belgium have above 30% for the largest catalogues, while all the largest catalogues in the following countries have less than 30% of European works: Finland, Czechia, Ireland, Portugal, and Poland. There are VoD services which have a stronger focus on European works, with shares reaching up to 60%. This is the case of platforms like DocAlliance or Mubi.

We also analysed the JustWatch data by looking at the main countries of (co-)production in all the catalogues of a given target country. The results show that the US is systematically the number one top country of (co-)production in all the catalogues of the 22 European target countries analysed. Depending on the target country, between 42% and 55% of productions in all catalogues have a US participation in production. European countries with important (co-)production shares are the UK (9%), France (7%) and Germany (5.5%). The other two countries that frequently feature in the top 10 (co-)production countries are Spain (in the top 10 in 16 countries) and Italy (in the top 10 in 12 countries).

The share of domestic European works among the target countries and channels was also analysed and the results show great differences among European Member States. While these represent only 1% of European works in Bulgaria, they are close to 60% in France. France, Germany and Italy show the highest shares of domestic works while 11 countries out of the 22 analysed have less than 10% of European domestic works. The highest shares can be observed in countries where the local industry is very strong, thus we cannot attribute the success to the European quotas.

The analysis of recent European works among the VoD services' catalogues has some limitations due to the fact that many JustWatch data entries do not include the production date. Across the 82 catalogues which had a small share of missing items regarding production dates, there were in total 92,291 European productions of which 32,115 (meaning 35%) were recent. As for other indicators, there is a great diversity of situations when looking at the level of the service. The service with the highest share of recent works is BE TV go with 62% recent European productions (on all European productions), HBO Bulgaria with 55% recent European productions and SkyStore Austria with 50%. When looking specifically at Netflix services, on average across the services in the analysis, 24% of European works were recent – however, a very large share of the works did not have a date in JustWatch database (55%). Considering a comparable share of missing variables, HBO appears to have a very similar share of recent works as Netflix: across the services, 25% of European works were recent (50% of works lacked a date).

We also analysed independent productions within the non-linear services' catalogues. As JustWatch does not have data on independent production for movies, the results present some shortcomings as it allows only for the analysis of a small fraction of the VoD services, focusing only on series. In total, there were 130,717 series

⁸⁰ Note that these are not unique productions but the total count of all productions across all the services analysed. This means that a given production featured in 10 services is counted 10 times.

productions in 749 catalogues included in this analysis. 27% (35,770) were European works. Only 4% of these European series were tagged as independent productions (1,422). There are some outlier services in the sample which had a relatively high share of series with participation of independent producers, ranging between 15% and 30% (e.g. RTPPlay in Portugal, Anime Digital Network in France, Starz Play in Spain, Netherlands and Italy).

Lastly, as a quantitative assessment of the prominence of European works (including methods) was not possible due to lack of data, we have assessed this qualitatively (based on the stakeholder interviews). The stakeholders interviewed highlighted several methods used by non-linear platforms to ensure prominence of European Works in their catalogue. The most recurrent prominence methods are the display in the search results, the use of artificial intelligence, marketing campaigns (also outside of the platforms themselves through ads or social media), newsletters, weekly events focusing on specific countries or directors, film festivals, etc. Prominence is very difficult to track, especially on large VOD platforms like Netflix and Amazon, which use algorithms to personalise the homepage and search results. Furthermore, it is unclear if the prominence tools work in practice because the platforms do not share data on consumption which could help assess the effectiveness of prominence tools or verify compliance.

Appendix 1 – Full list of video on demand services included in analysis in section 5

Name of VoD provider	Type of services according to Mavise	Target country
Acorn TV	SVoD	DK NL NO SE
All 4		IE
Alleskino	TVoD	AT CH DE
Amazon DVD / Blu-ray	n/a	DE
Amazon Prime Video	SVoD	AT BE BG CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT RO SE TR AT DE
Animax Plus Amazon Channel	SVoD	DE
Anime Digital Networks	SVoD	FR
Anime On Demand	TVoD and SVoD	DE
Apple iTunes	TVoD	AT BE BG CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT SE TR AT BE BG CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT SE
Arte	TVoD	DE FR
ArthouseCNMA	n/a	DE
Atres Player		ES
BBC Player Amazon Channel	n/a	DE
Bbox VoD	TVoD	FR
Be TV Go	SVoD	BE
Blockbuster	TVoD	DK FI NO SE
blutv	SVoD	DE
blutv	SVoD	TR
C More	SVoD	DK FI NO SE
Canal VoD	TVoD	FR
Canal+	SVoD	FR
Canal+ Séries	SVoD	FR
CGood TV	SVoD	AT BE CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT RO SE TR
Chili	TVoD	AT DE IT PL
Cineasterna	n/a	SE
Cinemas a la Demande	TVoD	FR
Comhem Play	TVoD and SVoD	SE
CONtv	n/a	DE NL
Crunchyroll	SVoD	AT BG CH DE DK ES FI FR GR IT NL NO PT RO SE TR
Curiosity Stream	SVoD	ATBE BG CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT RO SE TR
Das Erste Mediathek	TVoD	DE

Name of VoD provider	Type of services according to Mavise	Target country
Discovery Plus		IT
Disney Plus	SVoD	AT BE CH DE DK ES FI FR IE IT NL NO PT SE
DOCSVILLE	SVoD	AT BE CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT RO SE TR
Draken Films		SE
EntertainTV	n/a	DE
Film1		NL
Filmin	TVoD and SVoD	ES
Filmin Plus	TVoD and SVoD	ES
Filmo TV	TVoD and SVoD	FR
Filmstripen	TVoD	DK
Filmtastic	n/a	DE
Filmtastic Amazon Channel	n/a	DE
Flimmit	TVoD and SVoD	AT CH DE
FlixOlé	SVoD	ES
France TV		FR
fuboTV		ES
Go3	SVoD	EE LT LV
Google Play Movies	TVoD	AT BE CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT SE TR
GuideDoc	SVoD	AT CH DE DK EE ES FI IE IT LT LV NL NO PL SE
hayu	SVoD	BE DK FI IE NL NO SE
HBO	SVoD	DK ES FI NO SE BG CZ HU PL RO PT
HiDive		IE
Hollystar	SVoD	CH
Home of Horror	n/a	DE
Horizon	n/a	HU PL RO
Horrify		NL
Infinity	SVoD	IT
International Showtimes	n/a	DE FR
Joyn	FVoD	DE
Joyn Plus	SVoD	DE
Kino on Demand	n/a	CH DE
Kirjastokino	SVoD	FI SE
Kividoo	SVoD	AT CH DE
La Cinetek	TVoD and SVoD	AT BE DE FR
La Toile		FR
Maxdome	SVoD	AT
maxdome Store	TVoD	AT DE
Mediaset Play		IT
Meo	TVoD and SVoD	PT
Microsoft Store	TVoD	AT CH DE DK ES FI FR IE IT NL NO SE

Name of VoD provider	Type of services according to Mavise	Target country
Mitele	SVoD	ES
Movietickets	n/a	ES
	n/a	IE
Movistar Plus	TVoD and SVoD	ES
Mubi	TVoD and SVoD	AT BE BG CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT RO SE TR
Mubi Amazon Channel	TVoD and SVoD	DE
Netflix	SVoD	AT BE BG CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT RO SE TR
Netflix Kids	SVoD	AT CH DE DK EE IE LT LV NL NO SE
Netzkino	FVoD	AT CH DE
NLZIET		NL
Now TV	n/a	IE IT
NPO Start		NL
NRK TV		NO
O2 TV	TVoD	CZ
OCS Go		FR
Orange VoD	TVoD	FR
Pantaflix	TVoD	AT CH DE FR
Pathé Thuis	TVoD	NL
Picl		NL
Player	SVoD	PL
Popcorntimes	n/a	AT CH DE
puhutv		TR
Rai Play	FVoD	IT
Rakuten TV	TVoD	AT BE CH DE DK ES FI FR IE IT NL NO PT SE DE
realeyz	SVoD	DE
RTBF	FVoD	BE
RTPplay		PT
Ruutu		FI
SF Anytime	TVoD	DK FI NO SE
SFR Play		FR
Shadowz		FR
Shudder	SVoD	AT DE IE DE
Sixplay		FR
Sky	TVoD	CH
Sky Go	SVoD	AT DE IE IT
Sky Store	TVoD	AT CH DE IE
Sky Ticket	SVoD	DE
Sky X	SVoD	AT
Sooner	n/a	AT BE CH DE
South Park	n/a	DE NL

Name of VoD provider	Type of services according to Mavise	Target country
Spamflix	TVoD	AT BE CH CZ DE DK EE ES FI FR GR HU IE IT LT LV NL NO PL PT RO SE TR
Starz Play Amazon Channel	SVoD	DE ES FR IT NL
SumoTV	SVoD	NO
SVT		SE
SwissCom	n/a	CH
Timvision	SVoD	IT
TriArt Play		SE
Turk on Video	n/a	AT CH DE
TV 2		DK
TV Now		DE
UCIcinemas	n/a	IT
Universcine		DE
Viafree		SE
Viaplay	TVoD and SVoD	DK EE FI LT LV NO SE
Videobuster	TVoD	AT CH DE
Videoland	SVoD	NL
VIX	n/a	CH ES PT
VoD Club	n/a	AT
VoD Poland	n/a	PL
Volta		IE
VRT nu	FVoD	BE
VVVVID		IT
WAKANIM	TVoD and SVoD	DE DK FI FR NO SE
Watch4	n/a	AT CH DE
Watchbox	n/a	AT CH
Yelo Play	TVoD	BE
Yle Areena		FI
YouTube	TVoD	DE FR HU PL PT
YouTube Premium	SVoD	AT BE CH DE DK ES FI FR HU IE IT NO PT SE TR
ZDF Herzkino Amazon Channel		DE
Ziggo TV		NL

GETTING IN TOUCH WITH THE EU

In person

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: https://europa.eu/european-union/contact_en

On the phone or by email

Europe Direct is a service that answers your questions about the European Union. You can contact this service:

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
- at the following standard number: +32 22999696, or
- by email via: https://europa.eu/european-union/contact_en

FINDING INFORMATION ABOUT THE EU

Online

Information about the European Union in all the official languages of the EU is available on the Europa website at: https://europa.eu/european-union/index_en

EU publications

You can download or order free and priced EU publications from: <https://op.europa.eu/en/publications>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see https://europa.eu/european-union/contact_en).

EU law and related documents

For access to legal information from the EU, including all EU law since 1952 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>

Open data from the EU

The EU Open Data Portal (<http://data.europa.eu/euodp/en>) provides access to datasets from the EU. Data can be downloaded and reused for free, for both commercial and non-commercial purposes.

