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COMMISSION STAFF WORKING DOCUMENT

Reporting on the application of Articles 13, 16 and 17 of Directive 2010/13/EU: for the period 2011-2014 as regards non-linear services (Article 13) and 2013-2014 as regards linear services (Articles 16 and 17)

I. INTRODUCTION

This report is drawn up pursuant to Article 13(3) and Article 16(3) of Directive 2010/13/EU (hereinafter referred to as ‘the AVMSD’)¹.

The first part constitutes the Commission’s report to the European Parliament and the Council on the application of Article 13, concerning the promotion of European works in on-demand services, covering the period 2011-2014. Pursuant to Article 13, the report is based both on the data provided by the Member States and on an independent study² (hereinafter referred to as ‘the Study’).

The second part is the report on the application of Articles 16 and 17 of the AVMSD on the promotion of European works and independent productions in broadcasting services for the period 2013-2014. The purpose of this report is, pursuant to Article 16 (3), to inform the other Member States and the European Parliament of the national reports, accompanied, where appropriate, by an opinion.

II. REPORTS

1. APPLICATION OF ARTICLE 13

1.1. General remarks

1.1.1. Overview of the European on-demand services market

During the reference period, the video-on-demand (VOD) service market was expanding fast. At the same time, its state of development was uneven across the EU.

While not all Member States communicated data on the number of VOD services, based on the available data, the Study estimated that there were 202 services in 2011, 303 in 2012, 236 in 2013 and 629 in 2014.³

The Czech Republic had the highest number of VOD services available in the period 2011-2014 (145 services in 2011, 147 in 2012, 163 in 2013 and 167 in 2014), followed by Austria (135 in 2014), France (56 in 2011, 69 in 2012, 98 in 2013 and 114 in 2014) and United

¹ 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). This codified version replaced Directive 89/552/EEC as amended by Directive 97/36/EC and Directive 2007/65/EC.

² <https://ec.europa.eu/digital-single-market/en/news/study-promotion-european-works-1>

³ Data available from 14 countries in 2011, from 18 countries in 2012-2013, and from 21 countries in 2014.

Kingdom (79 in 2012 and 94 in 2014). Eight Member States (Denmark, Germany, Hungary, the Netherlands, Poland, Romania and Sweden) plus Norway stated that the number of VOD services was above 10 in 2014. The lowest numbers of VOD services for the reference period 2011-2014 were found in Estonia (two services), Belgium (three services in the French speaking Community and three services in the Flemish Community), Greece and Slovenia (each with three services).

The breakdown of VOD services could not be accurately depicted as more granular information on the type of service (e.g. catch up, other VOD) were not provided in 80% of the cases.

Information available in the 2015 European Audiovisual Observatory Yearbook shows an increase in the number of VOD services and testifies to the launch of pan-European and pan-regional offers (e.g. the expansion of Netflix in all Member States took place in early 2016). It also shows an increase in number of available catch-up TV services.⁴

1.1.2. Methods of implementation and monitoring by the Member States

a) Implementation in national legislation

The study found that most Member States implemented Article 13 of the AVMSD with the requirement that VOD service providers reserve a specific share of European works in their catalogues. The required shares varied considerably between Member States in the reference period (from 10% in the Czech Republic to 60% in France). This constituted either a stand-alone obligation (Cyprus, Hungary, Lithuania or Slovakia) or an obligation in combination with other requirements, like prominence of or financial contribution to the production of European works. It is interesting to note that in some Member States, the financial contribution obligation was alternative to the share obligation (Slovenia, the Czech Republic, Italy, Portugal) while in certain other Member States it was cumulative with that obligation (e.g. France, Spain, Greece). The share obligation did not feature in Estonia, Austria, Bulgaria, while in other countries (Denmark, Latvia, the Netherlands, Sweden, United Kingdom, Luxembourg) the legislation required VOD providers to promote European works, without specific obligations.

b) Monitoring by national authorities

Nine Member States (Denmark, Germany, Greece, Ireland, Latvia, Lithuania, Malta, Slovakia and Sweden) declared to have not implemented a monitoring system for Article 13. Among these nine, three Member States declared to collect the information from service providers only in connection with the periodic reports to the European Commission.

⁴ Yearbook 2015 Key Trends, European Audiovisual Observatory (Council of Europe), Strasbourg 2016

19 Member States⁵ ran monitoring activities. However, the frequency of data requests varied considerably between those Member States, ranging from a monthly check (e.g. Belgium French-speaking Community), annual check (e.g. Italy), biannual check (e.g. United Kingdom) to four-year check (e.g. Austria, Norway and the Netherlands).

The majority of Member States, which ran monitoring activities, relied solely on data provided by operators with no independent verification. Belgium (French-speaking Community), Croatia, Estonia, France, Italy, the Netherlands, Portugal and Spain had a verification mechanism of statistical reports submitted by VOD service providers. 15 Member States reported to have sanction mechanisms in place, mostly based on warnings and fines but also on the withdrawal of licence in a few cases. According to the information from Member States, there were no fines imposed for the reference period in relation to the application of Article 13.

According to the 2015 report on the market for VOD services by the European Audiovisual Observatory, a comprehensive analysis of catalogues was rarely carried out in the Member States. One notable exception is the French public film agency (CNC) which published data resulting from the comprehensive monitoring of VOD services by private consultants.⁶

The Study notes that 11 Member States indicated prominence as the most efficient tool to promote European works, however few comprehensive evaluations were carried out to assess the impact on cultural diversity. The Study mentions the case of Belgium – French-speaking Community, where the regulator assessed the impact of prominence measures in 2012. This assessment combined qualitative and quantitative data collection tools, which put in correlation the available share of European works, the prominence measures used (differentiated based on a scoring system) and the consumption of European works. The evaluation showed that some degree of correlation could be established between promotion and consumption of European works when analysing yearly data.

1.2. Findings of the Study based on a sample of VOD catalogues

The study includes data relevant for the implementation of Article 13 of the Directive based on the catalogues of a sample of 50 non-linear media services available in six Member States (France, Germany, Italy, Poland, Spain and the UK) and pertaining to the year 2016. While technically outside the reference period, the data provides an important snapshot view of VOD catalogues relevant for the application of Article 13 of the AVMSD, complementing the data transmitted by Member States.

The main conclusions of the analysis are the following:

- Catch-up catalogues (i.e. recent programmes which are made available by a broadcaster after the initial broadcasting and during a limited period of time) closely

⁵ AT, BE, BG, HR, CY, CZ, EE, ES, FI, FR, HU, IT, LUX, NL, PL, PT, RO, SI, UK

⁶ Christian Grece, André Lange, Agnes Schneeberger and Sophie Valais, *The development of the European market for on-demand audiovisual services*, European Audiovisual Observatory 2015, p. 193, <https://ec.europa.eu/digital-single-market/en/news/development-european-market-demand-audiovisual-services>

reflected the linear⁷ schedules of respective broadcasters, while other VOD services had little, or no news or light entertainment programmes;

- European works were significantly less present in the catalogues of VOD service providers that are not catch-up services: 89.06% of total catch-up hours and 90.28% of total titles on catch-up services were European works compared with only 28.86% of total VOD hours and 29.75% of total titles on VOD services;
- Non-linear service providers having just one country as market destination displayed higher percentages of European works in terms of titles and hours (44.87% and 45.91%) than multi-country non-linear service providers;
- Analysing clicks⁸ on specific titles as a proxy for audiovisual consumption in 5 Member States, it emerged that non-European audiovisual works dominated audience demand. However, some non-linear service providers achieved higher “consumption” shares of European works (such as BBC, ITV, All4, Now TV), which appeared to be driven by investment in original productions by these players or by domestic audiovisual industry.

National reports

As indicated in point a) above, there was a high degree of divergence in both the legislation and practice of the Member States including in some cases the lack of specific obligations. While 21 national reports provided some data,⁹ the reports however confirmed that few Member States have implemented Article 13 in a very detailed way. This is a result of the flexibility of the provisions set out in Article 13, which did not require a minimum mandatory share of European works and allow the promotion of European works to be achieved by various means (i.e. share, prominence, financial contributions).

Considering the heterogeneity of the laws and practices, the limited availability of data on non-linear viewing, as well as the fact that, where data exists, it diverges in terms of calculation (as some Member States calculated the percentages in terms of titles, others in terms of duration), it is not possible to draw fully representative and reliable conclusions on the application of Article 13 across the EU.

These shortcomings have now been addressed by the revision of AVMSD, adopted by the European Parliament and the Council on 14 November 2018 (Directive 2018/1808) with a transposition deadline set for 19 September 2020. This revision reinforces the obligations related to the promotion of European works on VOD services. More precisely, on-demand service providers will need to ensure a share of at least 30% of European works in their catalogues and to give prominence to such works. As required by the revised AVMSD, the

⁷ Linear schedules refers to programmes offered by a media service provider for simultaneous viewing of programmes, as opposed to on-demand catalogues, where the viewing of programmes is done at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider.

⁸ As non-linear audience measurement is not as established and consistent as measurement used for linear viewing, a separate analysis of non-linear consumption was developed based on *JustWatch app* users.

⁹ Information was provided by 20 Member States + Norway.

Commission has issued guidelines to establish a common recommended method for calculating the 30% share in VOD catalogues¹⁰.

The combination of share and prominence requirements for VOD providers is expected to foster cultural diversity by increasing the level of diversity of content available on VOD services across Europe and the exposure of VOD users to European works. The revised measures should also lead to the availability of robust and comparable data on the promotion of European works on VOD services.

2. APPLICATION OF ARTICLES 16 AND 17

2.1. General remarks

2.1.1. Overview of the European linear audiovisual services landscape

The European audiovisual market continued to grow over the period 2013-2014 in terms of number of channels available. Figures from the European Audiovisual Observatory¹¹ show a slight increase in the number of available channels: in December 2013 there were 8817 TV channels available in EU-28, compared to 8272 in December 2012 in EU-27. This represents a 5.39% increase over one year,¹² which is lower than the one registered in 2010 and 2012 (8.5%).

The total number of channels covered¹³ was 1036 in 2011, 1091 in 2012, 1081 in 2013, and 1102 in 2014. This represents a 6.3% increase between 2011 and 2014. This trend can be partly explained by the accession of Croatia to the EU in 2013.

2.1.2. Methods of implementation and monitoring by the Member States

2.1.2.1. Possible exemption from the reporting obligation of channels with a very low audience share and numbers of channels covered

¹⁰ 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, C/2020/4291, OJ C 223, 7.7.2020, p. 10–16

¹¹ European Audiovisual Observatory, Yearbook 2014. Television, cinema, video and on-demand audiovisual services - the pan-European picture, European Audiovisual Observatory, Strasbourg, 2014.

¹² In order to make an accurate comparison with the EU-27, the 99 channels available Croatia in 2013 were excluded (source: EAO 2013 Yearbook).

¹³ 'Covered' channels: total number of channels identified minus the number of non-operational channels and the number of channels exempted from their reporting obligation and of exempt (due to the nature of their programmes) or excluded channels (due to legal exceptions)

In 2011, the Commission recommended giving channels with a very low audience share (below 0.3%) the possibility to request an individual exemption from their reporting obligation under Articles 16 and 17. The underlying reasons for this exemption were the flexible wording of Articles 16 and 17 ('where practicable') and the emergence of new and small channels. This exemption only concerned the reporting obligation, and not the obligation to ensure the shares of European works set out in the Directive. It was for the competent national authorities to grant it. The "Revised Guidelines for Monitoring the Application of Articles 16 and 17 of the AVMSD" of July 2011¹⁴ set out the detailed conditions for granting such exemptions.

During the reporting period, the total number of covered channels increased from 1081 in 2013 to 1102 in 2014. The UK had the highest number of covered channels in the period 2013-2014 (142 channels), followed by France (115 in 2013 and 116 in 2014), the Czech Republic (87 in 2013 and 94 in 2014) and Poland (83 in 2013 and 90 in 2014). The lowest numbers of covered channels were found in Belgium (French speaking Community) (8 channels over the period 2013-2014), Ireland (8 channels over the period 2013-2014), Latvia (7 channels in 2013 and 9 channels in 2014) and Slovakia (8 channels in 2013 and 9 channels in 2014).

In most Member States, the number of TV channels was stable in the two years under analysis, apart from Bulgaria, the Czech Republic, Poland (where the number of covered channels increased) as well as Croatia and Greece (where the number of covered channels decreased significantly).

2.1.2.2. Monitoring

Based on the survey conducted by the Study among Member States and the information available from the European Audiovisual Observatory, the Study found that all Member States have in place a system of monitoring of the application of Articles 16 and 17 of AVMSD, which in most countries is the same for public and private broadcasters.

Most Member States require broadcasters or national regulatory authorities (NRAs) to provide the relevant state bodies with an annual report on the fulfilment of the requirements of Article 16(3), either on request (e.g. Denmark, Ireland, Slovakia) or by instituting obligations to publish an annual report (e.g. Belgium, Bulgaria). In Croatia, Cyprus and Greece, NRAs are required to send reports directly to the European Commission. In Cyprus, the NRA has to notify the Ministerial Council and the House of Representatives about the report submitted to the European Commission.

Taking note of the lack of statistical reports submitted by broadcasters, in the first report on the application of Articles 13, 16 and 17 of Directive 2010/13/EU, the Commission asked the national authorities to put in place systems ensuring the verification of data provided by the broadcasters. Based on the reporting done for the reference period 2013-2014, sixteen

¹⁴ <https://ec.europa.eu/digital-single-market/en/news/revised-guidelines-monitoring-application-articles-16-and-17-audiovisual-media-services-avms>

Member States have set up such verification mechanisms. The Commission recommends all Member States to provide for national monitoring mechanisms, which include appropriate, systematic and specific verification of the data provided by broadcasters in order to contribute to a truthful picture of the application of Articles 16 and 17.

For the reference period, the methodology varied between Member States. The verification was mostly done yearly and in house (Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Ireland, Italy, Latvia, Slovenia) and it was based on sample days or random checks of channel broadcast schedules (e.g. Belgium, Netherlands). Romania reported that checks were done every 6 months, while in Cyprus they were carried out every 2 years. Spain reported monthly and annual checks, while France monitored certain channels also daily.

2.2. Application of Article 16 – Majority proportion of European works

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.¹⁵ The EU average transmission time dedicated to European works by all reported channels in the EU-28 was 64.25% in 2013 and 63.72% in 2014. Therefore, the share of European works generally remained stable with a minor decrease in 2014 compared to 2009 (when the share was 63.8%).

2011-2014: 0.38 percentage point decrease (64.1% in 2011, 63.72% in 2014)

2013-2014: 0.53 percentage point decrease (64.25% in 2013, 63.72% in 2014)
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The average share of transmission time devoted to European works during the reference period for reported channels varied between 37.3% (United Kingdom), 41.70% in the Netherlands, 48.01% in Lithuania and 83.02% (Poland) in 2013 and between 38.1% (United Kingdom), 48% in the Netherlands, 48.60% in Lithuania and 80.81% (Denmark) in 2014. In 2013, 22 Member States had a share of European works of over 60% (of which seven over 70%), while in 2014, 20 Member States had a share of over 60%, of which nine over 70%.

EU-average compliance rates¹⁶ for European works were slightly decreasing compared to the previous reporting periods with 64.35% in 2013 and 66.57% in 2014 (68.8% in 2009, 69.6% in 2010, 69.1% in 2011 and 68.6% in 2012). Compliance rates do not necessarily reflect the actual channels' achievement of the European works proportions set out in Article 16, due to the different levels of communicated/non-communicated data.

¹⁵ 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. All Member States require broadcasters to reserve a majority proportion of their transmission time for European works, with some Member States establishing a higher proportion (at 60%) for public broadcasters (HU) or for all broadcasters (FR).

¹⁶ 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.

The Commission notes that the average share of European works calculated based on the Member States' reports is comparable with the findings of the Study, which calculates the share 62.41% in 2016, based on a sample of 54 channels in 11 Member States.

2.3. Application of Article 17 – European works created by independent producers (independent productions) and recent works

According to Article 17, Member States should 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 of the programming budget, for European works created by producers who are independent of broadcasters. Article 17 furthermore requires that the share is achieved by earmarking an adequate proportion of recent works, namely works that are transmitted within 5 years of their production.

This section looks at the implementation of Article 17 in the Member States, comparing the average proportion reserved for independent works, including recent works.¹⁷ Two Member States have not reported on the percentages of recent independent works in 2013 (Latvia and Estonia) and one Member State has not reported on the percentages of recent independent works in 2014 (Estonia).

The EU-average transmission time reserved for independent productions by all reported channels¹⁸ was 33.56% in 2013 and 33.62% in 2014. When compared to 2012, the overall level decreased only slightly (it was 34.1% in 2009, 33.8% in 2010, 33.1% in 2011 and 34.1% in 2012). The average share of independent works raised above 10% in all reporting Member States for the reference period.

2011-2014: 0.61 percentage point increase (33.1% in 2011, 33.62% in 2014)

2013-2014: 0.06 percentage point increase (33.56%% in 2013, 33.62% in 2014)

EU-average compliance rates¹⁹ for independent productions were 74.60% in 2013 and 75.77% in 2014.²⁰ This indicates a downward trend when compared to the previous reporting periods (the compliance rate was 80.4% in 2009, 81.9% in 2010, 80% for 2011 and 82% for 2012).

¹⁷ I.e. works broadcast within five years of their production. The proportion of recent independent productions is obtained by determining the average transmission time reserved for independent productions on each channel covered by Article 17 for which data were communicated ('reported channels') when comparing that figure with the transmission time reserved for all independent productions.

¹⁸ France, Italy and the Netherlands have been excluded from the calculation of the averages as their national legislation impose investment obligations in independent productions. Belgium-Flemish Community was also excluded from the calculation, as the reported independent works were not calculated based on total qualifying time.

¹⁹ See footnote 11

²⁰ Channels from France, Italy and the Netherlands have been excluded from the calculation as their national legislation impose investment obligations in independent productions.

The Commission notes that the average share of European independent works calculated based on the Member States' reports is higher than that emerging from the findings of the Study, based on a sample of 54 channels in 11 Member States, namely 27.85% in 2016.

The EU average transmission time dedicated to recent independent productions²¹ was 55.2% in 2013 and 53.2% in 2014 (out of the reported time for independent productions). Overall results for recent independent productions show a downward trend compared to the previous reporting periods (64.3% in 2009, 64% in 2010, 62% in 2011 and 62.2% in 2012).

2011-2014: 8.8 percentage point decrease (62% in 2011, 53.2% in 2014)

2013-2014: 2 percentage point decrease (55.2% in 2013, 53.2% in 2014)

2.4. Reasons for non-compliance

Member States gave reasons for non-compliance with the shares required under Articles 16 and 17 of the Directive. They are summarised below:

- **Recently launched channels**

Some national reports (the Czech Republic, Poland) indicated that recently launched channels found it difficult to meet the obligations set out in Articles 16 and 17 from the start of their operations.

It should be noted in this regard that the Directive leaves open the possibility of progressively achieving the required proportions of European works. Also, Article 16(3) allows the Commission to take into consideration the circumstances of new broadcasters. As mentioned in past reports, efforts should be made to achieve the required proportions as soon as possible, by providing for instance, an adequate timeline to achieve compliance.

- **Small channels**

As set out in Article 18, the obligations established by Articles 16 and 17 do not apply to television broadcasts that are intended for local audiences and do not form part of a national network.

As regards channels with a low audience share (below 0.3%), national authorities can grant individual exemptions from the reporting obligation. However, such individual exemptions cannot concern the obligation to comply with the mandatory shares of European works set out by the Directive. Almost all Member States mentioned that the required shares are difficult to reach for small channels with a low audience share and for small local channels.

- **Cost of acquisition of European works**

²¹ i.e. works broadcast within five years of their production. The proportion of recent independent productions is obtained by determining the average transmission time reserved for independent productions on each channel covered by Article 17 for which data were communicated ('reported channels') when comparing that figure with the transmission time reserved for all independent productions.

Some Member States' reports (Austria, Denmark, Lithuania, United Kingdom) referred to the broadcasters comments that the difficulty to comply with the share of European works was due to the higher costs of European works (including independent productions) in comparison to non-EU acquisitions.

- **Specialised channels**

The issue of cost of acquisitions was mentioned also in Member States' reports (Finland, Luxembourg, Netherlands, United Kingdom) in relation to channels specialised in various genres. Furthermore, for thematic channels, several Member States' reports mentioned that broadcasters invoked difficulties of reaching the share due to the lack of availability of European works in certain genres or high quality European programmes (e.g. the Czech Republic, Finland, Netherlands, Poland, Portugal, Romania, Sweden, United Kingdom).

A few Member States (the Czech Republic, Ireland) mentioned that channels broadcasting a large proportion of content exempted from the calculation of transmission time (such as news, sports events) also had difficulties in reaching the required share.

France mentioned the case of channels targeting specific audience (e.g. Berbers) or providing specific content (e.g. African music), as an example of the difficulty of promoting European content.

Finally, some channels are licensed solely as advertising and teleshopping channels. They are automatically exempted from the obligation of promotion of European works.

- **Overall compliance at the group level**

Certain Member States (Denmark, Germany, Luxembourg, Ireland, Spain, Italy) explained that broadcasters that were below the threshold for the share of European works at channel level belonged to groups that overall achieved the required share.

2.5. Measures adopted or planned to remedy cases of non-compliance

The Study found that most countries have in place sanctions for the non-compliance with the requirements for the promotion of European works by linear services. The sanctioning mechanism differs from one Member State to another. In most cases, authorities get in contact with the non-compliant broadcasters drawing their attention to the need to achieve the required proportions of European/independent works. Broadcasters are usually required to explain the reasons for such non-compliance. According to the Study, Member States consider that warnings are the most effective sanctioning mechanism.

In the period 2013-2014, seven Member States (the Czech Republic, Croatia, Estonia, France, Italy, Slovenia and the Netherlands) issued warnings or infringement notices pointing to possible future steps in case of continued non-compliance. Two Member States (Hungary and Slovenia) applied fines or similar monetary sanctions for non-compliance.

3. CONCLUSION

The way Article 13 has been transposed differs from one Member State to another. In some countries the legislation imposes specific tools for the promotion of European works (most often share obligation), while in others no concrete measures to be applied by on-demand service providers have been specified. Data provided by the national reports are not complete or representative enough to draw reliable conclusions on the application of Article 13.

The revised AVMSD²², by introducing a clear obligation for video-on-demand services to ensure a minimum share of 30% of European works, which should be calculated according to guidelines recently issued by the Commission²³, will likely lead to an improvement of collection and comparability of the data to be provided by Member States in relation to the implementation of the new rules.

Regarding Article 16, the data provided by the Member States showed relative stability during the reference period as well as compared to the previous reporting periods. The 64.25% and 63.72% average shares of European works achieved in, respectively, 2013 and 2014 are well above the obligatory majority proportion set out in Article 16, which points to a generally sound application of this provision throughout the EU.

Member States also met comfortably the requirement regarding the share of independent productions set out in Article 17. With 33.56% in 2013 and 33.62% in 2014 the average share of independent productions was significantly above the 10% required by Article 17. At the same time, the share of independent productions differs significantly among Member States.

The EU average share of recent independent productions was 55.2% in 2013 and 53.2% in 2014. Despite a tangible decrease when compared to the previous reference periods, with 62% in 2011 and 62.2% in 2012, this proportion continues to be satisfactory.

This report shows that, while certain difficulties exist in some cases (see Section 2.4), the provisions of Articles 16 and 17 are overall well implemented by Member States. The rules on promotion of European works have led to sizable shares of European works, independent productions and recent independent productions in broadcasts all over the EU.

However, the EU average compliance rates showed a slight downward turn. Should issues of non-compliance persist beyond the reference period, the Commission invites the Member States to examine the reasons behind difficulties to reach the required share and look into methods to address the situation. This is particularly important in the Member States where the average transmission time of European works was overall below 50%.

Furthermore, as already indicated in the previous report, not all Member States have put in place verification systems for the data provided by broadcasters. The Commission encourages all Member States to ensure a verification of the share of European works and to provide detailed information on cases of non-compliance, in particular on the reasons for which broadcasters do not reach the share of European works as well as on the assessment and follow up by national regulatory authorities in such cases.

²² Directive 2010/13/EU as revised by Directive (EU) 2018/1808

²³ 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, C/2020/4291, OJ C 223, 7.7.2020, p. 10–16

Trends in the transmission time reserved for European works, including independent and recent works (EU average)



Source: the Study, based on Member States' reporting