[FR] SMAD decree: introduction of a 20% diversity clause for animation, creative documentaries and live performances

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Pursuant to Articles 27 and 33-2 of Law No. 86-1067 of 30 September 1986 on freedom of communication, Decree 2025-1421 of 30 December 2025 amends Decree 2021-793 of 22 June 2021 on on-demand audiovisual media services (SMAD) in three ways.

Firstly, in order to strengthen production of the most vulnerable audiovisual genres and to combat the concentration of investment in a single genre of works (since the SMAD decree came into force, fiction has accounted for 89.8% of production contributions from platforms), the decree requires, after a three-year ramp-up period, that at least 20% of the contribution to audiovisual production be devoted to animation, creative documentaries, or recordings or recreations of live performances. For services with annual net sales in excess of €50 million, it also requires that 75% of this share be devoted to original works in each of these genres. Finally, for animated works, it limits the consideration of rights acquired for foreign territories, following the example of the system applicable to cinematographic works.

In so doing, the decree implements the proposals for strengthening the diversity obligation for audiovisual works put forward by representatives of the audiovisual sector and set out in the study published in November 2024 by the *Autorité de Régulation de la Communication Audiovisuelle et Numérique* (the French audiovisual regulator – ARCOM) and the *Centre National du Cinéma et de l'Image Animée* (National Centre for Cinema and the Moving Image – CNC).

These new obligations, applicable from 1 January 2026, will be incorporated into the agreements signed with ARCOM, and will apply to services established abroad by 1 July. For services that have signed inter-professional agreements, they will only come into force when they expire, or earlier if the parties so wish.

Décret n° 2025-1421 du 30 décembre 2025 modifiant le décret n° 2021-793 du 22 juin 2021 relatif aux services de médias audiovisuels à la demande, JO du 31 déc. 2025

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Decree no. 2025-1421 of 30 December 2025 amending Decree no. 2021-793 of 22 June 2021 on-demand audiovisual media services, Official Journal of 31 December 2025

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