[RO] Emergency Decree Defines European Works

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Part of the *Ordonanţa de urgenţă nr. 181/2008 pentru modificarea şi completarea Legii audiovizualului nr. 504/2002* (Emergency Decree no. 1818/2008 amending and supplementing Audiovisual Act no. 504/2002), which entered into force on 3 December 2008, adds the following definitions to the Audiovisual Act:

"European works" in the sense of the Act are

- works originating from EU Member States (Art. 1 para.1 letter a);

- works originating from non-EU Member States that have signed the Council of Europe's Convention on Transfrontier Television and fulfil the conditions set out in para. 3 (Art. 1 para.1 letter b);

- and works produced under the terms of relevant agreements concluded between the EU and non-EU Member States in the audiovisual sector.

Para. 3 explains that the above letters a and b include productions that are essentially based on the work of authors and other participants who live in one of more of the countries concerned. The following conditions also need to be met:

a) The productions are the work of one or more producers who are resident in one or more of the countries concerned;

b) The production of these works was actually supervised and approved by one or more producers who are resident in one or more of the countries concerned.

Para. 4 stipulates that audiovisual productions that cannot be considered European works in the sense of para. 1, but which are the result of bilateral co-production agreements between EU and non-EU Member States, can nevertheless be considered "European works" if the majority of the overall costs were paid by co-producers from EU Member States and if the production was not supervised by one or more producers from non-EU Member States.

The emergency decree also provides that audiovisual on-demand services should, "where possible and with adequate means, promote the production of and access to European works. Such support may consist, for example, of financial participation in the production costs and the purchase of copyright for European works or a percentage and/or proportion of the European works within the

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programme catalogue" (Art. 23 para. 1). The National Audiovisual Council will submit a report to the European Commission by 19 December 2011 and must subsequently inform the Commission about the application of the provisions of para. 1 every four years (Art. 23 para. 2).

Ordonanţa de urgenţă nr. 181/2008 pentru modificarea şi completarea Legii audiovizualului nr. 504/2002

Emergency Decree no. 1818/2008 amending and supplementing Audiovisual Act no. 504/2002

Legea Audiovizualului Nr. 504 din 11 iulie 2002 cu modificările şi completările ulterioare, inclusiv cele aduse prin OUG nr. 181/25.11.2008

http://www.cna.ro/Legea-audiovizualului.html

Audiovisual Act n. 504 of 11 July 2002 (with amendments)

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