# European Commission: Report on Promotion and Distribution of European Works and Independent Productions

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On 24 September 2012 the European Commission submitted its first report on the application of Articles 13, 16 and 17 of the Audiovisual Media Services Directive. Article 13 defines the obligation incumbent on the providers of on-demand audiovisual services to promote the production of and access to European works. Articles 16 and 17 provide for the obligation for European television services to promote European works and independent productions. The report covers the period 2009-2010.

Assessment of the application of Article 13 is based on an independent study and on the data supplied to the European Commission by the member states. The European on-demand services sector has developed unevenly across the European Union. According to the study, the number of on-demand services is estimated at 435 (of which more than 25% are catch-up television services). The data supplied by the member states reflect major disparities in market development. Some member states do not have on-demand services, while others have a substantial offer. Concerning the promotion of European works, fourteen national reports reflect the important place occupied by these works in their national stock lists (ranging from 36.4% in Spain to 100% in Austria). Five member states mention the existence of financial contributions to European productions, and six the use of promotion tools.

Concerning the application of Articles 16 and 17 of the Directive, the Commission mentions a change in methodology to take account of channels having very few viewers. The Commission noted an increase in the number of national reports supplying statistical data. The European average broadcasting time devoted to European works has been increasing since 2007, reaching 63.8% in 2009 and 64.3% in 2010. Three member states have not, however, reached the required level of broadcasting. Concerning the average proportion reserved for independent works, the European Commission noted a downward trend (35.3% in 2007 and 33.8% in 2010). However, all member states have achieved the objective of 10% of air time provided for in Article 17 of the Directive. The Commission also noted a downward trend in the broadcasting of recent European works by independent producers (63% in 2007 compared with an average of 61.8% in 2010 across Europe).

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In its conclusion, the European Commission noted that the data supplied by the on-demand service providers were neither sufficient nor systematically checked by the national authorities. The European Commission is therefore in favour of setting up effective control at the national level. It will also embark on a consideration of appropriate measures for implementing Article 13. Regarding the application of Article 16, the Commission noted an improvement, although most of the European works broadcast were national works. Lastly, the obligations laid down in Article 17 were being observed correctly. The European Commission nevertheless encourages member states to continue their efforts to support the independent production sector.

*First Report on the Application of Articles 13, 16 and 17 of Directive 2010/13/EU for the period 2009-2010 Promotion of European works in EU scheduled and on-demand audiovisual media services /* COM/2012/0522 final */ 24 September 2012*

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0522:FIN:EN:HTML

***Independent study on the transposition of Articles 13, 16 and 17 of the Audiovisual Media Services Directive, 13 December 2011***

http://ec.europa.eu/avpolicy/docs/library/studies/art_13/final_report_20111214.pdf

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