[FR] International on-demand audiovisual media service platforms reach agreement with CSA on their obligations towards French and European audiovisual and film production

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Following on from the transposition of the European Audiovisual Media Services Directive through the Ordinance of 21 December 2020, the On-Demand Audiovisual Media Services Decree of 22 June 2021 obliges foreign platforms to invest in the French and European film and audiovisual sector. Previously, only French-based service providers had been required to finance the film-making industry.

The *Conseil supérieur de l'audiovisuel* (the French national audiovisual regulator, CSA, which will become the *Autorité de régulation de la communication audiovisuelle et numérique* (ARCOM) on 1 January 2022) can adapt these obligations in the relevant agreements signed with the platforms (Art. 8 of the Decree). It can also impose sanctions if they are not met (Art. 43-7 of the Law of 30 September 1986), with fines of up to double the annual sum payable, or three times in cases of recidivism.

On 9 December 2021, the CSA announced that it had signed agreements with the main on-demand AVMS providers based in other EU member states that provide film and audiovisual services in the French market, i.e. Netflix, Disney +, Amazon Prime Video for its subscription-based service, and Apple App – iTunes Store. It had also notified them in writing of their obligation to invest 20% of the turnover they generate from subscription-based services in France, with 80% of this sum going to audiovisual production and 20% to cinema production. The total expected contribution to production is expected to be between EUR 250 and 300 million per year.

"This is a huge step forward for the French and European cultural model," said the French regulator.

The new media chronology agreement, which is expected to be concluded very soon, should complete the integration of these platforms into the financing system for French and European film-making. In the meantime, the CSA explained that it had decided to notify them of their investment obligations in writing in order to leave open the possibility of signing agreements in the future. Cross-

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industry agreements, the provisions of which will be taken into account by the regulator, may therefore still be negotiated and signed in both the film and audiovisual sectors.

The CSA also pointed out that five other services concerned by the new regulations will need to sign agreements or be notified of their obligations in writing by the end of 2021. ARCOM will keep a close eye on the platforms' compliance with the obligations set out in the relevant agreements and notifications.

CSA, communiqué du 9 décembre 2021

https://www.csa.fr/Informer/Espace-presse/Communiques-de-presse/Le-regulateur-integre-les-principaux-SMAD-internationaux-au-systeme-francais-de-financement-de-la-creation

CSA, press release of 9 December 2021

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