[PT] Positive compliance of Portuguese television channels with European and independent works quotas

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In 2022, the majority of Portuguese broadcasters complied with the pre-determined quota of transmission time for Portuguese, European and independent works. The annual report, prepared by the national Media Regulatory Authority (ERC), points out, however, that the second public broadcaster (RTP2) has failed to meet its obligations in terms of broadcasting Portuguese works in 20% of its transmission time. All of the other free-to-air generalist channels, as well as the generalist pay-TV channels (mainly dedicated to informative services), have fulfilled their obligations.

The quotas were established in 2021, when the Television Law, which implemented the revised AVMSD, came into force. The new legal provisions established that free-to-air broadcasters should dedicate at least 50% of their transmission time to programmes in Portuguese language, including at least 20% of the total schedule for creative works in Portuguese (no more than a quarter of which can be accomplished with work from other Portuguese-speaking countries, such as Brazil). However, the ERC has reported that most programming is based on Portugal-based works, with an exception in the case of the free-to-air channel SIC, which has daily transmission of Brazilian telenovelas.

Although linear broadcasters are complying with quota obligations, the amount of transmission time dedicated to European and independent works in general has been diminishing, in particular in the last two years. The most significant reductions in the case of Portuguese works occurred in thematic entertainment pay-TV channels from a broadcaster that also has free-to-air channels (SIC Mulher and SIC Caras). In addition, when pay-TV channels register with the regulatory authority, they must present a programming project and, on the basis of this project, they can request an exemption from the quota obligation. Thematic cinema channels, owned by the NOS distributor, have presented programming projects based on North American films (one of the channels is called Canal Hollywood). In the overall group of channels, the transmission time for Portuguese and European works has decreased, giving more space to North American films and series.

One particular genre in pay television that is not being widely served with Portuguese works is child and youth programming. A particular distributor

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(DREAMIA, a joint venture of the Portuguese distribution network NOS and of AMC Networks International Southern Europe), which broadcasts themed channels, has not complied with quota obligations in terms of programming originally produced in Portuguese language. Although some transmission time is dedicated to programmes in Portuguese, these are mainly reruns of previously broadcast programmes (only the first five exhibitions are eligible for the quota compliance). For the children's TV channel Panda, in the last five years, the total amount of original Portuguese works diminished from 1.9% to 0.2%.

There is generalised compliance with the quota obligations in terms of European and independent works (10% of the transmission time), but in 23 out of 48 channels analysed the quota of recent independent works is not achieved, mainly in thematic channels dedicated to TV shows and movies (mainly of north American production). Also, there have been some negative trends in the last five years, with percentages of transmission time weakening over time. On a positive note, the public broadcaster has fulfilled its obligations in terms of independent and European works in all its channels.

Finally, the media regulatory authority has also registered a positive performance by the video-on-demand services in terms of the inclusion of European works, with almost all of the services targeting Portuguese audiences presenting 30% of these works in their catalogues.

Produção Audiovisual nos Serviços de Programas Televisivos em 2022

https://www.flipsnack.com/ercpt/produ-o-audiovisual-nos-servi-os-de-programas-televisivos-2022/full-view.html

Audiovisual Production in Television Programme Services in 2022

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