Audiovisual industry kept out of geo-blocking regulation

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In a recent development highlighted previously (see 2023-7:1/5), the European Parliament's committee on internal market and consumer protection (IMCO) initiated a report during the summer of 2023 on the practical application of the Geo-blocking Regulation.

This procedure followed the Commission's report in November 2020 titled "First short-term review of the Geo-blocking Regulation" (COM(2020)0766). Mandated by Article 9 of the regulation, this report is slated for a five-year release, starting in 2020. Post this review, the European Commission engaged in a dialogue with the audiovisual sector, seeking ways to facilitate the circulation of audiovisual content across the EU before considering further measures.

In October 2023, the IMCO committee adopted its draft, considering the possibility of incorporating audiovisual content into the scope of the Geo-blocking Regulation – something which has been so far been exempted. On 6 December 2023, over 600 members from the film, cinema, and audiovisual sector joined forces, urging the European Parliament to protect cultural content by resisting its inclusion within the EU Geo-blocking Regulation.

On 13 December 2023, during the plenary sitting, the European Parliament debated and ultimately dismissed the proposal, thus aiming to safeguard the current financing and distribution model in the audiovisual industry, which is predominantly reliant on territorial exclusivity.

The EP resolution pits two concepts against each other: consumer accessibility and the protection of the audiovisual industry's production and diversity. The resolution reflected this conflict, addressing consumers' desires for broader access to audiovisual content while underscoring the importance of geo-blocking in preserving cultural diversity.

Paragraph 24 of the resolution outlined concerns that a change to the current model would put the industry at risk:

"Considers that the inclusion of audiovisual services in the scope of the Geo-blocking Regulation would result in a significant loss of revenue, putting investment in new content at risk, while eroding contractual freedom and reducing cultural diversity in content production, distribution, promotion and

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exhibition; emphasises that such an inclusion would result in fewer distribution channels, ultimately driving up prices for consumers;"

Paragraph 25 calls upon the Commission to devise solutions tailored for consumers in cross-border areas or belonging to linguistic minorities, ensuring access to diverse content across borders.

It is now down to the European Commission to contemplate the parliament's proposals and prepare for a fresh review of the Geo-blocking Regulation in 2025.

Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R0302

First short-term review of the Geo-blocking Regulation' (COM(2020)0766)

https://digital-strategy.ec.europa.eu/en/news/commission-publishes-its-short-term-review-geo-blocking-regulation

Joint statement: Vote for Culture in the European Parliament INI Report on the EU Geo-blocking Regulation

https://www.ebu.ch/files/live/sites/ebu/files/News/Position_Papers/open/2023/Geoblocking_joint_Statement_FINAL.pdf

EP Resolution of 13 December 2023 on the implementation of the 2018 Geo-blocking Regulation in the digital single market (2023/2019(INI))

https://www.europarl.europa.eu/doceo/document/TA-9-2023-0473_EN.html

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