

## BROADCASTERS WELCOME COUNCIL CONCLUSIONS' CRYSTAL CLEAR MESSAGE ON UPHOLDING TERRITORIALITY & PRIORITIES FOR MEDIA & AV ACTION PLAN

**18 MAY 2021.** Broadcasters welcome today's adoption by Culture and Audiovisual ministers of the Council Conclusions on *'Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation'*<sup>1</sup>. In so doing, we express our congratulations for the work carried out by the Portuguese Presidency.

The Conclusions recognise the important role that the news media and audiovisual sectors play by providing information and entertainment to millions of Europeans, particularly during the pandemic. These sectors are at the heart of Europe's Creative and Cultural Industries which drives an ecosystem of jobs and economic growth at local and national level throughout Europe.

Supporting recovery for our sectors will require the fundamentals of the audiovisual model are upheld as part of a holistic industrial strategy that the sector has long asked for<sup>2</sup>. We need a reliable environment that fosters legal certainty for sustainable investments, a robust set of laws to ensure a level playing field and drive competitiveness, and responsible policies to address illegal and harmful practices in online market and information spaces.

As such, we particularly welcome the attention and clear acknowledgement expressed in the Conclusions regarding territorial and exclusive allocation of licensing rights that are absolutely essential for the audiovisual sector. In line with the Commission's finding in the first review of the Regulation on unjustified geo-blocking<sup>3</sup> and several studies<sup>4</sup>, territoriality and exclusivity are indeed crucial for the audiovisual sector in order to guarantee its creativity, financing and sustainability as well as development of existing and new business models. Legal and business certainty, and regulatory consistency are absolutely essential on this matter, as these principle are fundamental to the whole audiovisual industry. The challenges brought about by the COVID crisis only reinforce the importance of commercial freedom for all parties to tailor specific financing, exploitation and distribution strategies to individual projects. We therefore welcome the unambiguous support by all Member States on this matter.

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<sup>1</sup> <https://www.consilium.europa.eu/en/press/press-releases/2021/05/18/council-conclusions-recovery-and-transformation-of-europe-s-media>

<sup>2</sup> <https://www.acte.be/wp-content/uploads/2020/08/ACT-Blueprint-for-EU-media-policy-2019-%E2%80%93-2024.pdf>; See also joint statement of a number of broadcasting associations: [https://www.acte.be/wp-content/uploads/2020/07/2020\\_06\\_30\\_FINAL\\_JointStatement\\_MAAP.pdf](https://www.acte.be/wp-content/uploads/2020/07/2020_06_30_FINAL_JointStatement_MAAP.pdf)

<sup>3</sup> <https://www.acte.be/publication/film-audiovisual-sector-welcomes-ec-review-of-unjustified-geo-blocking-in-line-with-latest-studies-supporting-territoriality/>

<sup>4</sup> <https://www.oxera.com/about-us/media-centre/contractual-freedom-and-territorial-exclusivity-remain-key-to-new-content-production-and-distribution-in-the-av-sector/>

We draw attention to the implications of this for forthcoming dialogues as regards Action 7 of Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation. In line with the Conclusions, we look forward to proposals by the Commission to boost the circulation of European content by facilitating cooperation on production and distribution, notably by paying specific attention to the role of, and propose support and solutions for, co-productions, in full respect of territorial and exclusive allocation of licensing rights.

The Conclusions call for a legislative and policy framework that enables media actors to monetise their content, explore the long-term sustainability of the sector and recover from the crisis caused by the COVID-19 pandemic. Broadcasters share these priorities. In this regard, we call on the Commission to echo these points made as it develops its actions under the MAAP (Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation), put more emphasis in the implementation of its action plan on the economics of the media sector and focus on the main disruptive factors, such as the spread of disinformation on and competition from global online platforms. The Commission should strive to establish a regulatory level playing field while ensuring European citizens are equally protected no matter what distribution means they choose to access content and information. It should also ensure that other EU initiatives do not undermine media companies' advertising revenues and ability to reinvest in European content. Consistency across initiatives such as the DSA, DMA, ePrivacy regulation and European Data Act will be essential in this regard.

Finally, the undersigned broadcasting associations welcome the Conclusions' rightful emphasis on the green transition and the important role that news media and audiovisual sectors have to play. We welcome the opportunity to exchange best practices and engage with the Commission to achieve a climate-neutral audiovisual sector. In this regard, we are supportive of ambitious sustainability goals and a holistic view to reducing the carbon footprint of the audiovisual sector from the production to the consumption stage, including viewer devices and ICT intermediaries. This approach should be reflected in the upcoming dialogues.

### **Signatories:**

**ACT** – Association of Commercial Television in Europe – [www.acte.be](http://www.acte.be)

**ARCA** – Asociația Română de Comunicații Audiovizuale – [www.audiovizual.ro](http://www.audiovizual.ro)

**CONNECTA** – Asociación de Canales Temáticos – <https://www.conecta.es/>

**CRTV** – Confindustria Radio Televisioni – <https://confindustriaradiotv.it/>

**UTECA** – Televisión Comercial en Abierto – <https://uteca.tv/>

**VAUNET** – Verband Privater Medien e.V. – <https://www.vau.net/>

**ZPPM Lewiatan** – Związek Pracodawców Prywatnych Mediów – <http://konfederacjalewiatan.pl>