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"Study on the implementation of the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services"

Final Study Appendix

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Table of Contents

Appendix I: Bibliography

A wide variety of source materials were used to analyse the audiovisual market in Europe. These are listed below:

European Audiovisual Observatory, '*Television in 36 European States' – various years,* and the associated '*Yearbook Online Premium Service'*
European Audiovisual Observatory, 'Video on demand and catch-up television in Europe*' – 2009*
Eurostat - *General statistics available online – 2009-2010*
FRAPA – *'TV Formats to the World' – 2009*
Informa Telecoms & Media, *'TV International' – 2004-2010*
Informa Telecoms & Media, *'TBI Yearbook' – 2007*
PWC, *'Global Entertainment Outlook' - 2007 -2011*
Screen Digest, *'Television Intelligence Service' – 2007*
Screen Digest, *'Fortnightly Newsletter's – 2004-2008*
SNL Kagan, *'Datasets from online service' – 2007-2014*
Sportcal, *'online databases' – 2009-2010*
TV Sports Markets, *'European TV and Sports Rights' – 2008*
TV Sports Markets, *'Fortnightly Newsletters' – 2004-2008*
Various - *Company Annual Reports – platform operators, broadcasters and producers – 2009 –2010*
Various - *Regulator reports – 2009-2010* e.g. Ofcom Communications Report, CMT Industry Statistics, CSA Bilans de la chaine
Various - *Broker Reports – 2009-2010, Bureau van Dijk, C21 Media, IMDB, the WIT, PACT Census, interviews*

Appendix II: National Implementation of Articles 16 and 17 and Other Requirements

The following tables have been constructed with reference to national legislation. Information about the laws and regulations in place in each Member State to implement Articles 13, 16 and 17 was collected from national regulatory authorities, using the attached questionnaire (Appendix I). Where no changes were reported, the findings of the 2008 study are reported.

The left column of the tables indicates the general rules that apply to all linear services regarding the promotion of European works and Independent Productions (Articles 16 and 17) as well as film funding and additional requirements. The right column indicates the general rules which apply to all on-demand service providers regarding the promotion of, and access to, European works (Article 13).

Table 1: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Austria

National Measures	Austria	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Wording of the Directive incorporated directly into national law.	Providers of on-demand AVMS have to promote European works, with adequate identification or labels as such in the representation of their programmes catalogues.
Independent Production	Wording of the Directive incorporated directly into national law.	N/A
Film Funding	Public service broadcaster - ORF- is obliged to provide financing to the Austrian film industry through the Film-Television Treaty with the Austrian Film Institute.	N/A
Other requirements	N/A	N/A
Legislation	Audiovisual Media Services Act n°84/2001 (as amended on 23 February 2009) ORF Act n°379/1984 (as amended on 23 February 2009)	Amendment to the Austrian Broadcasting "ORF" Act and the Private Television Act, Official Journal, Bundesgesetz der Republik Österreich, Number I, 50/2010.

Source: Member State regulatory authorities

Table 2: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Belgium (Flemish Community)

National Measures	Belgium (Flemish Community)	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Broadcasters aim to reserve the major portion of the Qualifying Transmission Time[1], where practicable. (Flemish Authority can lay down a quota).	Wording of Directive incorporated directly into national legislation
Independent Production	At least 10% of the Qualifying Transmission Time. A significant part of this must be allocated to recent productions.	N/A
Film Funding	N/A	N/A
Other requirements	A significant part of European Works must be allocated to Dutch-language European productions. (Flemish Authority can lay down a quota). Within the requirement for Independent Productions, sufficient space must be made for recent Dutch-language European productions.	A significant share of the means of promotion must be allocated to Dutch-language productions.
Legislation	Decree concerning radio broadcast and Television of 27 March 2009, Staatsblad n°51.	Decree concerning radio broadcast and Television of 27 March 2009, Staatsblad n°51.

Source: Member State regulatory authorities

[1] For all tables hereinafter "Qualifying Transmission time" shall be understood as transmission time excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping.

Table 3: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Belgium (French Community)

National Measures	Belgium (French Community)	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Majority proportion of Qualifying Transmission Time.	Attractive presentation of the list of available European Works; and financial contribution (see below).
Independent Production	10% of Qualifying Transmission Time. The whole requirement of Independent Productions shall be recent.	N/A
Film Funding	Broadcasters must use 1.4% to 2.2% of turnover (on a progressive scale) for audiovisual production (cinema and television). This amount can be allocated to co-productions, pre-purchases or payments to the French Belgium 's Film Fund (Centre du Cinema et de l'Audiovisuel).	Services Providers must use 1.4% to 2.2% of turnover (on a progressive scale) for audiovisual production (cinema and television). This amount can be allocated to co-productions, pre-purchases or payments to the French Belgium 's Film Fund (Centre du Cinema et de l'Audiovisuel).
Other requirements	20 % of Qualifying Transmission Time must be dedicated to French language Productions (excluding news, sport events, games, advertising, self-promotion and teleshopping).	N/A
Legislation	Coordinated Audiovisual Media Service Decree of 27 February 2003 (as amended on 26 March 2009)	Coordinated Audiovisual Media Service Decree of 27 February 2003 (as amended on 26 March 2009)

Source: Member State regulatory authorities

Table 4: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Bulgaria

National Measures	Bulgaria	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	At least 50 % of the Qualifying Transmission Time, where practicable.	Wording of Directive incorporated directly into national legislation. In addition, use of technical and program resources for accessible and appealing presentation of European works in the programmes catalogue, where practicable.
Independent Production	12 % of the Qualifying Transmission Time. A sufficient quantity of new works	N/A
Film Funding	N/A	N/A
Other requirements	Promotion of national culture and language by public-service broadcasters	N/A
Legislation	Amendment of the Radio and Television Act n°12/2010 of 28 January 2010	Amendment of the Radio and Television Act n°12/2010 of 28 January 2010

Source: Member State regulatory authorities

Table 5: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Cyprus

National Measures	Cyprus	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Majority proportion of Qualifying Transmission Time.	20 % of the titles in catalogues
Independent Production	10% of Qualifying Transmission Time or 10% of annual programming budget.	N/A
Film Funding	N/A	N/A
Other requirements	- At least 2% of transmission time to cultural programmes; - Requirement to safeguard the quality of the language; - Requirement to preserve the National identity and Cultural Heritage.	N/A
Legislation	Radio and Television Stations Law of 30 January 1998 (as amended by the Act 118 (I)/2010 of 10 December 2010..	Radio and Television Stations Law of 30 January 1998 (as amended by the Act 118 (I)/2010 of 10 December 2010).

Source: Member State regulatory authorities

Table 6: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Czech Republic

National Measures	Czech Republic	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Majority of Qualifying Transmission Time, where practicable.	- where practicable, at least 10% of the total number of the programmes offered in catalogues excluding news and sports events; OR - at least 1% of total revenues on the production of European works or acquisition of rights for on-demand service.
Independent Production	10 % of Qualifying Transmission Time or 10% of programming budget. At least 10% of the amount of transmission time dedicated to independent Production shall be recent.	N/A
Film Funding	Public Service Broadcaster is required to transfer 150 M CKZ of advertising income to the Czech Cinematographic Fund.	N/A
Other requirements	Developing the cultural identity among citizens including members of national or ethnic minorities.	N/A
Legislation	Act n° 231/2001 of 17 May 2001 on Radio and Television broadcasting operation (as amended on 13 April 2010).	Act 132 of 13 April 2010 on On-Demand Audiovisual Media Services.

Source: Member State regulatory authorities

Table 7: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Denmark

National Measures	Denmark	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Majority proportion of transmission time (no exclusion of advertising and teleshopping), where practicable.	Promotion of, and access to, European works, where practicable.
Independent Production	10 % of transmission time (no exclusion of advertising and teleshopping) or 10 % of programming budget. DR is required to outsource production to independent producers for about 150M DKK in 2010.	N/A
Film Funding	DR and TV2 are required to contribute to Danish Film Production	N/A
Other requirements	- DR and TV2 : convey and initiate Danish culture; - DR and TV2 : pay special attention to Danish and other Nordic languages	N/A
Legislation	Danish Radio and Television Broadcasting Act n° 827 of 29 August 2009 (as amended on 28 January 2010)	Danish Executive Order on programme production based on registration and on-demand audiovisual programme services n°100 of 28 January 2010

Source: Member State regulatory authorities

Table 8: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Estonia

National Measures	Estonia	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	51% of Qualifying Transmission Time.	Provision of financial support for the production, or highlighting of European works, where practicable.
Independent Production	10% of Qualifying Transmission Time.	N/A
Film Funding	For private digital terrestrial channels: at least 1.5 hours per month must contain recent audiovisual works financed by the state budget (Estonian Film Foundation or Cultural Endowment). For cable channels: one hour per month.	N/A
Other requirements	At least 10 % of the Qualifying Transmission Time reserved for "own" production (i.e., programmes relating to contemporary Estonia or Estonian cultural heritage produced or commissioned by the service provider). At least 50% of the proportion shall be broadcast between 19.00 and 23.00.	N/A
Legislation	New Media Services Act of 16 December 2010.	New Media Services Act of 16 December 2010.

Source: Member State regulatory authorities

Table 9: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Finland

National Measures	Finland	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	A majority of Qualifying Transmission Time.	Prominence of European works in catalogue.
Independent Production	15 % of Qualifying Transmission Time or 15 % of programming Budget. Majority of this requirement shall be for recent works.	N/A
Film Funding	N/A	N/A
Other requirements	Language requirements (Finish subtitles or Finish dubbing) on some channels.	N/A
Legislation	Act on Television and Radio Operations n° 744/1998 (as amended on 20 April 2010)	Act on Television and Radio Operations n° 744/1998 (as amended on 20 April 2010)

Source: Member State regulatory authorities

Table 10: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in France - audiovisual works

National Measures	France (audiovisual works)	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	60% of audiovisual broadcast time (70 % for France Televisions). The same proportion applies to peak hours - from 18h00 to 23h00 (20h30-22h30 for cinema services providers) and 14h to 18h on Wednesdays.	At any time 60% of the programmes available on catalogues (can be gradually achieved over 3 years). Applicable to catch up TV. Substantial presentation of the European and original French language productions on the home page through trailers or images.
Independent Production	- Broadcasters of free hertzian TV: 9 % of turnover spent on European TV production. - 3.155% or 4.2% of total resources for hertzian cinema services providers. - 6% of total resources for satellite/cable/broadband cinema services providers. - France Televisions: 19 % (2010) of annual turnover in European independent works.	15 % to 26 % of annual net turnover to European productions. Proportions depending on the nature of the on-demand service provider and the amount of works available in a certain period of time after the theatrical release. 3/4 of pre-purchase and co-production expenditures are reserved for independent production. Not applicable to catch-up TV (catch-up TV's turnover is included in the TV broadcaster's).
Film Funding	- A 5.5% tax on income which exceeds 11 million to CNC.	- A 2% tax on price paid by consumers (excluding VAT) to CNC.
Other requirements	- 40% of audiovisual broadcast time must be French language productions (50% for France televisions). - Financial contribution to European works must always be primarily spent for French language productions - French language requirements	- 40% of the programmes available on catalogues shall be original French language productions. Applicable to catch-up TV. - 12 % to 22 % of annual net turnover to *French* language productions. Proportions depend on the nature of the on-demand service provider and the amount of works available in a certain period of time after the theatrical release.

		3/4 of pre-purchase and coproduction expenditures are reserved for independent production. Not applicable to catch-up TV (catch-up TV's turnover is included in the TV broadcaster's).
Legislation	Decree n°90-66 of 17 January 1990 (as amended on 27 April 2010 and 2 July 2010) Decree n°2010-747 of 2 July 2010 Decree n°2009-796 of 23 June 2009 Decree n°2010-416 of 27 April 2010	Decree n°2010-1379 of 12 November 2010

Source: Member State regulatory authorities

Table 10b: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in France - cinematographic works

National Measures	France (cinematographic works)	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	60% of number of annual broadcasts and re-runs of such feature films (70 % for France Televisions). The same proportion applies to peak hours - from 18h00 to 23h00 (20h30-22h30 for cinema services providers) and 14h to 18h on Wednesdays -	At any time 60% of the programmes available on catalogues (can be gradually achieved on 3 years). (Catch up included) Substantial presentation of the European and Original French language productions on the home page through trailers or images.
Independent Production	- Broadcasters of free hertzian TV: 2.4% of turnover. - 19.5%, 15.75% or 9.4 % of total resources for hertzian cinema services providers. - 15.75 % of total resources for satellite/cable/broadband cinema services providers. - France Televisions: 3.5 % in 2010 of annual turnover of France 2 and France 3.	- Catch up: same requirements as the TV Broadcaster to which it belongs (only applicable to satellite/cable/broadband TV and for contribution to cinematographic production). -15 % to 26 % of annual net turnover to European productions. Proportions depend on the nature of the on-demand service provider and the amount of works available in a certain period of time after the theatrical release. 3/4 of pre-purchase and coproduction expenditures are reserved for independent production.
Film Funding	- A 5.5% tax on incomes which exceed 11 million to CNC.	- A 2% tax on exclusive of tax price to CNC.
Other requirements	- 40% of number of annual broadcasts and re-runs of such feature films shall be original French language productions. (50% for France televisions). - Financial contribution to European works must always be primarily spent for French language productions - French language requirements	- 40% of the programmes available on catalogues shall be original French language productions. (Catch-up included) - 12 % to 22 % of annual net turnover to French language productions. Proportions depend on the nature of the on-demand service provider and the amount of works available in a certain period of time after the theatrical release. 3/4 of pre-purchase and coproduction expenditures are reserved for independent production.

		Catch up: same requirements as the TV Broadcaster to which it belongs (only applicable to satellite/cable/broadband TV and for contribution to cinematographic production).
Legislation	Decree n° 90-66 of 17 January 1990 (as amended on 27 April 2010 and 2 July 2010) Decree n° 2010-747 Decree n° 2009-796 Decree n° 2010-416	Decree n°2010-1379 of 12 November 2010

Source: Member State regulatory authorities

Table 11: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Germany

National Measures	Germany	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	The greater part of their total scheduled broadcast time devoted to feature films, films made for television, series, documentaries and comparable productions.	Majority proportion of the time devoted to the transmission of feature films, films made for television, series, documentaries and comparable productions.
Independent Production	A significant proportion of full service channels should be own productions as well as commissioned and joint productions from the German speaking regions and Europe as a whole, where practicable. No percentage provided by the law but interpreted in light of Article 17 of AVMS as 10% of Qualifying Transmission Time.	N/A
Film Funding	From 0.15% to 0.95% of advertising turnover to German Film Fund (FFG)	1.8% to 2.3% of annual net turnover to German Film Fund (FFG)
Other requirements	- Contribute to presenting the plurality in German-speaking regions and in Europe	N/A
Legislation	Interstate Treaty on Broadcasting and Telemedia of 31 August 1991 (as amended on 1 April 2010)	Interstate Treaty on Broadcasting and Telemedia of 31 August 1991 (as amended on 1 April 2010)

Source: Member State regulatory authorities

Table 12: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Greece

National Measures	Greece	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	At least 51% of the Qualifying Transmission Time.	Wording of Directive incorporated directly into national legislation
Independent Production	10% of Qualifying Transmission Time	N/A
Film Funding	Requirement to allocate 1.5% of the annual advertising income for production of cinematographic works	N/A
Other requirements	- 25% of Qualifying Transmission Time should be for works in Greek; - Requirement to show correct use of Greek.	N/A
Legislation	Presidential Decree n°109/2010 of 5 November 2010 Law 3905/2010	Presidential Decree n°109/2010 of 5 November 2010

Source: Member State regulatory authorities

Table 13: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Hungary

National Measures	Hungary	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Over half of annual transmission time. Over one-third to Hungarian works. Public Broadcasters have a 60% requirement for European works and over half of their annual transmission time to Hungarian works. Possible exemptions.	Over 25% by duration of the programmes made available in the programme offerings must be Hungarian works
Independent Production	Over 10% of annual transmission time. Entirely recent.	N/A
Film Funding	N/A	N/A
Other requirements	- 8% of transmission time must be dedicated to Hungarian independent works or recent works (1/4 for Public broadcasters). -Public Broadcasters: 1/3 of transmission time to independent or recent works. - Some content requirements	Over 25% by duration of the programmes made available in the programme offerings must be Hungarian works
Legislation	Act 185 on Media Services and Mass Media of 20 December 2010	Act 185 on Media Services and Mass Media of 20 December 2010

Source: Member State regulatory authorities

Note: In this report, all regulatory analyses are based on the national law applicable at the end of 2010. As a new media law entered into force in Hungary as of January 2011, some footnotes have been added in the report to take the most important changes into account. The above table was also updated with the new regulation.

Table 14: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Iceland

National Measures	Iceland	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Greater part of Qualifying Transmission Time, make every effort	N/A
Independent Production	Wording of the Directive	N/A
Film Funding	N/A	N/A
Other requirements	-Televised programme material in a foreign language has always to be accompanied by Icelandic voice-over or subtitles	N/A
Legislation	Broadcasting Act 53/2000 (as amended in 2007)	N/A

Source: Member State regulatory authorities

Table 15: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Ireland

National Measures	Ireland	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Wording of the Directive	Wording of the Directive
Independent Production	Wording of the Directive	N/A
Film Funding	N/A	N/A
Other requirements	General requirement to reflect Irish Culture and language	N/A
Legislation	Broadcasting Act 2009 of 12 July 2009	Statutory Instruments n° 258 of 3 June 2010 - European Communities (Audiovisual Media Services) Regulations 2010

Source: Member State regulatory authorities

Table 16: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Italy

National Measures	Italy	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	A majority proportion of Qualifying Transmission Time. 10% of transmission time has to be recent European works (20% for Public Broadcasters).	Promote the production of and access to European works, gradually and by taking into consideration market conditions.
Independent Production	10 % of annual net profit revenues. (Public broadcaster: 15% in which 20 % for cinematographic works and 5% for animated works for children) Suitable quota to recent works.	N/A
Film Funding	Quotas have to be defined by the Ministries of Culture and Economic affairs.	N/A
Other requirements	N/A	N/A
Legislation	Legislative Decree n°44 of 15 March 2010 Broadcasting Code of 31 July 2005 (as amended on 15 March 2010)	Legislative Decree n°44 of 15 March 2010 Broadcasting Code of 31 July 2005 (as amended on 15 March 2010)

Source: Member State regulatory authorities

Table 17: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Latvia

National Measures	Latvia	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Not less than 51% of the Qualifying Transmission Time	On-demand service providers must include European audiovisual works in their catalogue.
Independent Production	At least 10 % of the weekly Qualifying Transmission Time and total volume of weekly broadcasts; Major proportion of the broadcasting time granted to independent producers has to be for recent productions.	N/A
Film Funding	Public Broadcaster (Latvijas Televizija) has some requirements of co-production and purchase of national films.	N/A
Other requirements	- Not less than 40% of the Qualifying Transmission Time for broadcasts in Latvian - At least 65% of all broadcasts except for advertising and teleshopping: in Latvian - At least 65% of transmission time for broadcasts in Latvian language.	N/A
Legislation	Electronic Mass Media law of 12 July 2010	Electronic Mass Media law of 12 July 2010

Source: Member State regulatory authorities

Table 18: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Liechtenstein

National Measures	Liechtenstein	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Wording of the Directive	N/A
Independent Production	Wording of the Directive	N/A
Film Funding	N/A	N/A
Other requirements	Requirements regarding the use of German.	N/A
Legislation	Media Law of 19 October 2005	N/A

Source: Member State regulatory authorities

Table 19: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Lithuania

National Measures	Lithuania	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	More than half of Qualifying Transmission Time, where practicable	More than half of the programmes in catalogue, where practicable.
Independent Production	At least 10% of Qualifying Transmission Time, where practicable. Recent works: the whole 10% proportion.	N/A
Film Funding	N/A	N/A
Other requirements	Requirements regarding language.	N/A
Legislation	Law on provision of information to the public of 2 July 1996 (as amended on 30 September 2010)	Law on provision of information to the public of 2 July 1996 (as amended on 30 September 2010)

Source: Member State regulatory authorities

Table 20: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Luxembourg

National Measures	Luxembourg	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Wording of the Directive	Wording of the Directive
Independent Production	Wording of the Directive	N/A
Film Funding	N/A	N/A
Other requirements	- Programmes aimed at national audience have to be broadcast in Luxembourgish and some elements must be subtitled in French.	N/A
Legislation	Law on Electronic Media of 27 July 1991. (as amended). Règlement Grand Ducal of 5 April 2001 (as amended on 24 June 2008)	Law on Electronic Media of 27 July 1991. (as amended). Règlement Grand Ducal of 5 April 2001 (as amended on 24 June 2008)

Source: Member State regulatory authorities

Table 21: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Malta

National Measures	Malta	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	A majority of Qualifying Transmission Time, non slip-back clause.	Wording of the Directive
Independent Production	10% of Qualifying Transmission Time or 10% Programming Budget, non slip-back clause.	N/A
Film Funding	N/A	N/A
Other requirements	- 10% of all programming has to be in Maltese language (in all licences)	N/A
Legislation	Broadcasting (Jurisdiction and European Co-operation) Regulations, S.L. 350-04 of 15 December 2000 (as amended on 4 June 2010)	Broadcasting Act, Cap.350

Source: Member State regulatory authorities

Table 22: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in the Netherlands

National Measures	Netherlands	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	At least 50% Qualifying Transmission Time. Exemptions may be granted, subject to a 10% minimum.	Wording of the Directive. Account will be taken of the specific circumstances or the situation of a service provider.
Independent Production	10% of Qualifying Transmission Time. (PSB channels have a 10% of Programming Budget requirement). 1/3 of Independent Productions have to be recent.	N/A
Film Funding	N/A	N/A
Other requirements	At least 40% of Broadcasting time to programmes originally produced in Frisian or Dutch (50% for Public channels)	N/A
Legislation	Media Act 2008 as amended on 10 December 2009	Media Act 2008 as amended on 10 December 2009

Source: Member State regulatory authorities

Table 23: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in the Norway

National Measures	Norway	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	At least 50% of Qualifying Transmission Time.	N/A
Independent Production	At least 10% of Qualifying Transmission time	N/A
Film Funding	Private Commercial Broadcaster (TV2) has to contribute as much as 10M NOK to Film Funding.	N/A
Other requirements	- Promotion of Norwegian language, Identity and Culture - Public Broadcasters must transmit programmes in Sami languages - TV2 must ensure that at least 50% of programmes are in Norwegian language.	N/A
Legislation	Act n° 127 of 4 December 1992 relating to Broadcasting Broadcasting Regulations n°153 of 28 February 1997 (as amended on 18 February 2005)	N/A

Source: Member State regulatory authorities

Table 24: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Poland

National Measures	Poland	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	More than 50% of quarterly Qualifying Transmission Time (40 % during the first year of transmission).	N/A
Independent Production	10% of Qualifying Transmission Time. Majority of recent works.	N/A
Film Funding	1.5% of revenues (definition varies between the nature of the Broadcaster) to Polish Film Institute.	N/A
Other requirements	- At least 33% of quarterly Qualifying Transmission Time to programmes originally produced in Polish. - Public Broadcaster has an obligation to broadcast programmes addressed to national minorities. - Specific requirements regarding language correctness. - Lower requirements during the first year of transmission.	N/A
Legislation	Regulation of the National Broadcasting Council of 4 November 2004. Broadcasting Act of 29 December 1992 (as amended on 16 October 2010)	N/A

Source: Member State regulatory authorities

Table 25: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Portugal

National Measures	Portugal	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Majority Proportion of Qualifying Transmission Time.	N/A
Independent Production	10% of Qualifying Transmission Time. The whole proportion must be recent works. RTP2 (second public service channel) has a 10% requirement resting on programming budget.	N/A
Film Funding	- A 3.2% on advertising revenues tax paid to Portuguese Film Fund (ICA) - Investments to FICA fund - RTP: an additional specific protocol to contribute to ICA	N/A
Other requirements	- Promotion of Portuguese culture and language. - 50% of Transmission Time for original Portuguese language programmes (excluding advertising, teleshopping and teletext services) (60% for RTP1). - 20% of transmission time to creative programmes originally produced in Portuguese. - 25% of these requirements may be fulfilled with programmes from other Portuguese-speaking countries.	N/A
Legislation	Television Act n°27/2007 of 30 July 2007	N/A

Source: Member State regulatory authorities

Table 26: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Romania

National Measures	Romania	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Majority proportion of Qualifying Transmission Time. One year to fulfill the requirement.	Wording of the Directive
Independent Production	10% of Qualifying Transmission Time or 10% of programming budget. Adequate proportion of recent works.	N/A
Film Funding	N/A	N/A
Other requirements	- Significant proportion of European works reserved to Romanian works (30 % for the Public Broadcaster SRTV); - SRTV: out of the Romanian works, at least 35% of cultural works.	N/A
Legislation	Audiovisual Law n° 504 of 11 July 2002 (as amended on 22 November 2009)	Audiovisual Law n° 504 of 11 July 2002 (as amended on 22 November 2009)

Source: Member State regulatory authorities

Table 27: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Slovakia

National Measures	Slovakia	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Majority proportion of Qualifying Transmission Time. Lower proportions can be set in licences for first-time licensees or monothematic channels.	So far the sole requirement is to provide data concerning European Works to Slovakian Council.
Independent Production	Choice between 10% of Qualifying Transmission Time or 10% of Programming Budget. (Public Broadcaster: 20%).	N/A
Film Funding	Fee applied to all broadcasters (except local broadcasters and broadcasters with less than 15% of Audiovisual works in their broadcasting) : 5% of advertising and teleshopping revenue for public service broadcasters and 2% for private broadcasters.	N/A
Other requirements	Ensure the use of the State language and the languages of national minorities.	N/A
Legislation	Act n°308/2000 of 14 September 2000 on broadcasting and retransmission (as amended on 29 October 2009)	Act n°308/2000 of 14 September 2000 on broadcasting and retransmission (as amended on 29 October 2009)

Source: Member State regulatory authorities

Table 28: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Slovenia

National Measures	Slovenia	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Majority of the annual qualifying transmission time, where practicable. Non slip-back clause	N/A
Independent Production	10% of Qualifying Transmission Time. Non slip-back clause. At least half of the Independent Productions must be recent.	N/A
Film Funding	N/A	N/A
Other requirements	- Slovene language requirement - At least 20% of the daily transmission time of in house productions (at least 60 minutes between 6pm and 10 pm); - Slovenian works must account for at least 2% of the annual transmission time. The proportion must be increased annually until it reaches 5%; - Public broadcaster (RTV Slovenia): at least 25 % of annual Qualifying Transmission Time of Slovenian audiovisual works and 1/4of this share must be independent producer.	N/A
Legislation	Mass Media Act of 11 May 2001 (as amended in 2006)	N/A

Source: Member State regulatory authorities

Table 29: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Spain

National Measures	Spain	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	51% of annual Qualifying Transmission Time.	30% of the catalogue.
Independent Production	10 % of total broadcasting time is reserved. Half of this proportion must be recent works.	
Film Funding	- 5 % of revenues to European film (6% for Public broadcasters). - 60% of this requirement reserved for cinematographic works (75% for Public Broadcasters). The majority of these requirements must be dedicated to Independent Productions. - 60% of the whole film funding is reserved for production in any of the official languages of Spain.	- Same requirements as Television
Other requirements	- 50% of the proportion of European works is reserved for Spanish languages.	- Half of the proportion for European works must be in any official languages of Spain.
Legislation	General Law on Audiovisual Communication n°7/2010 of 31 March 2010	General Law on Audiovisual Communication n°7/2010 of 31 March 2010

Source: Member State regulatory authorities

Table 30: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in Sweden

National Measures	Sweden	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	More than half of Qualifying Transmission Time, where practicable.	Promote the making of, and the access to, programmes of European origin in an appropriate and practicable way.
Independent Production	10% of programming budget or 10 % of Qualifying Transmission Time.	N/A
Film Funding	Some broadcasters have to contribute to the Film Fund. Some of them also agreed to spend "a guaranteed amount" in new Swedish feature films, short films or documentaries.	N/A
Other requirements	- Public broadcaster (SVT) is required to reflect the linguistic and ethnic minorities. -At least 55% of SVT's programmes must be produced outside Stockholm - Considerable proportion of programmes originally produced in Sweden, or with artists active in Sweden or works by authors active in Sweden.	N/A
Legislation	Swedish Radio and television Act n°2010/696 of 17 June 2010	Swedish Radio and television Act n°2010/696 of 17 June 2010

Source: Member State regulatory authorities

Table 31: National Measures to implement Articles 13, 16 and 17 and other national language and production requirements in United Kingdom

National Measures	United Kingdom	
	Television (Articles 16 & 17)	Video On Demand (Article 13)
European Works	Programme licences must require that a "*proper proportion*" of programmes are European works.	Wording of the Directive
Independent Production	10% of qualifying transmission time or 10% of programming budget. Majority of recent works. 25% of qualifying transmission time for all Public service channels.	N/A
Film Funding	N/A	N/A
Other requirements	- Public channels: a certain proportion of their programmes has to be produced outside London. - STV, BBC, S4C: a certain amount of programmes in Welsh or Gaelic.	N/A
Legislation	Communications Act 2003 (as amended by the Audiovisual Media Services Regulation 2009 of 9 November 2009 and the Audiovisual Media Services Regulation 2010 of 22 February 2010); Broadcasting Act 1996 and Broadcasting (independent productions) order 1991 (as amended in 2009)	Communications Act 2003 (as amended by the Audiovisual Media Services Regulation 2009 of 9 November 2009 and the Audiovisual Media Services Regulation 2010 of 22 February 2010)

Source: Member State regulatory authorities

Appendix III: Application of Articles 16 and 17 (Scoring by Member State)

The following table shows the breakdown on how the individual Member States have been scored on their application of Articles 16 and 17 of the Directive. The aggregate scores can also be found in section 2.4 of the Study report.

Table 32: Index of Implementation modes

Member State	Qualifying hours	Where practicable	Definition of Independent producer	Basis for minimum proportion	Recent productions	Monitoring/ verification	Sanctions	Total Index	Implemen-tation Mode
Austria	1	2	0	0	1	1	2	7	Flexible
Belgium (Flemish)	1	1	2	1	1	2	3	11	Prescriptive
Belgium (French)	1	3	3	1	3	2	3	16	Prescriptive
Bulgaria	2	1	3	1	1	2	1	11	Prescriptive
Cyprus	1	3	0	0	N/A	3	0	7	Flexible
Czech Republic	1	1	3	0	2	2	2	11	Prescriptive
Denmark	0	1	0	0	1	1	2	5	Flexible
Estonia	1	3	3	1	1	3	3	15	Prescriptive
Finland	1	3	3	0	2	1	3	13	Prescriptive
France	3	3	3	2	2	3	3	19	Prescriptive
Germany	3	3	0	1	0	1	2	10	Flexible
Greece	1	3	2	1	0	1	3	11	Prescriptive
Hungary	0	2	3	2	3	1	3	14	Prescriptive
Iceland	1	1	3	0	1	1	0	7	Flexible
Ireland	1	1	3	1	1	2	0	9	Flexible
Italy	1	3	3	2	2	3	1	15	Prescriptive
Latvia	2	3	2	1	2	1	3	14	Prescriptive
Liechtenstein	1	1	0	0	1	N/A	N/A	N/A	Flexible
Lithuania	1	1	3	1	3	1	1	11	Prescriptive
Luxembourg	1	2	3	1	1	1	2	11	Prescriptive
Malta	1	2	3	0	1	1	3	11	Prescriptive
Netherlands	1	2	3	1	2	2	1	12	Prescriptive
Norway	1	3	3	1	1	1	2	12	Prescriptive
Poland	1	2	3	1	2	2	2	13	Prescriptive
Portugal	1	3	3	1	3	3	1	15	Prescriptive
Romania	1	2	3	0	1	1	3	11	Prescriptive
Slovakia	1	2	3	0	1	1	2	10	Flexible
Slovenia	1	3	3	1	2	3	3	15	Prescriptive
Spain	1	2	3	1	2	2	1	13	Prescriptive
Sweden	1	1	0	0	1	1	2	6	Flexible
United Kingdom	2	3	3	0	2	1	3	14	Prescriptive

The scoring has been carried out by assigning the Member States points in the following categories:

Definition of Total Qualifying Hours for European works	
Less restrictive[2]	0 point
Definition equal to the Directive	1 point
Slightly more restrictive	2 points
Significantly more restrictive	3 points
Flexibility in reaching assigned majority proportion of European Works	
Fully flexible ("Where practicable", no non-slip-back clause)	1 point
Semi-flexible ("Where practicable" with non-slip-back clause, or specific rules regarding to which extent a lower proportion will be accepted)	2 points
No flexibility	3 points
Definition of independent producer in national legislation	
No definition	0 point
Definition using one criterion	2 points
Definition using several criteria	3 points
Basis for calculating minimum proportion of independent productions	
Broadcasters may choose between transmission time or programming budget	0 point
Transmission time	1 point
Programming budget[3]	2 points
Requirements regarding recent independent works[4]	
No obligation	0 point
Requirement identical or equivalent with the Directive	1 point
Slightly more restrictive	2 points
Significantly more restrictive	3 points
Monitoring/verification methods	
Reliance on statistical reports from broadcasters	1 point
Independent verification of reports from broadcasters	2 points
Independent monitoring of channel broadcast schedules	3 points
Available sanctions for non-compliance [5]	
One sanction	1 point
Two sanctions	2 points
Three sanctions	3 points

The scoring in all categories is alternative, i.e. each Member State can only receive one score (the highest relevant score in the category).

[2] This option has been added and was not included in the 2008 Study. In this case, the definition Qualifying transmission Time excludes fewer programmes than the Directive and makes it easier for broadcasters to fulfil the European works and Independent productions requirements.

[3] It should be noted that a few Member States have adopted a criterion that refers exclusively to *turnover*, which is a stricter method than the two alternatives in the Directive. Regarding the Application of Article 17 (Appendix III), these Member States have been scored as having a target based on programming budget. Regarding "additional requirements" (Appendix IV), they have been scored as having a stricter proportion of independent productions.

[4] This category was not included in the 2008 Study.

[5] Compared to the 2008 study, the points allocated to available sanctions have been adjusted and Member States have been re-scored according to the new scoring scale.

In the column “Implementation Mode”, Member States with an aggregate score of 10 or less have been categorised as “Flexible”, and Member States with scores above 10 have been categorised as “Prescriptive”.

Appendix IV: Additional Requirements on Broadcasters (Scoring by Member State)

The following table shows the breakdown on how the individual Member States have been scored on the additional measures applied to broadcasters. Brief descriptions of the main measures in each Member State can be found in the tables in Appendix II. EU-wide highlights from the findings can be found in section 2.3.

The scoring has been carried out by assigning each Member State one point for each of the categories presented below where the Member State has rules that are stricter than the Directive. We used the same scale as the 2008 Study: a maximum scoring of 7 points; any score of 3 and above are qualified as "High"; any score under 3 is qualified as "Low".

Proportion of European works:

Requirements on broadcasters to achieve a higher percentage of European works than the majority proportion required by Article 16 of the Directive. The category also includes requirements that a majority proportion must be achieved separately in peak viewing hours.

Requirements to achieve proportions of "more than 50%", "at least 51%" or similar are not included, as these are viewed as slightly differing interpretations of the Article 16's term "majority proportion", rather than intentionally stricter proportions.

Proportion of independent productions:

Requirements on broadcasters to achieve a higher percentage of Independent Productions than the 10% proportion required by Article 17 of the Directive. The category also includes Member States that apply a criterion for Independent Productions that refers exclusively to turnover.

Type of content:

Requirements to broadcast a certain proportion of specific programme types, e.g. cultural or creative works.

National Culture:

General requirements to reflect national (or minority) culture and language, correct use of the national language, etc.

Original production language:

Requirements that a certain percentage of broadcasts should be dedicated to works originally produced in a certain (national or minority) language.

The category does not include requirements that programmes are broadcast (dubbed) or subtitled in a specific language.

Regional provisions:

Regional requirements on broadcasters. This includes extra requirements for linguistic or cultural programming applied at a regional level, requirements on national broadcasters to reflect regional differences, and regional production quotas.

Contribution to film funding:

Requirements on broadcasters to contribute to the funding of European film production, including requirements for direct investments as well as direct or indirect financial contributions to centrally administered film funds.

The aggregate scores can also be found in section 2.4.

Table 33: Implementation modes of additional requirements

Member State	European works	Independent productions	Type of content	National Culture	Original Production Language	Regional provisions	Film funding	Total index	Implementation mode
Austria	✗	✗	✗	✗	✗	✗	✓	1	Low
Belgium (Flemish)	✗	✗	✓	✓	✗	✓	✗	3	High
Belgium (French)	✗	✗	✓	✗	✓	✗	✓	3	High
Bulgaria	✗	✓	✗	✓	✗	✗	✗	2	Low
Cyprus	✗	✗	✓	✓	✗	✗	✗	2	Low
Czech Republic	✗	✗	✗	✓	✗	✗	✓	2	Low
Denmark	✗	✗	✗	✓	✗	✗	✓	2	Low
Estonia	✗	✗	✓	✓	✗	✗	✗	2	Low
Finland	✗	✓	✓	✓	✗	✗	✗	3	High
France	✓	✓	✓	✓	✓	✓	✓	7	High
Germany	✗	✗	✗	✓	✗	✓	✓	3	High
Greece	✗	✗	✗	✓	✗	✓	✓	3	High
Hungary	✓	✓	✓	✗	✓	✗	✗	4	High
Iceland	✗	✗	✗	✓	✗	✗	✗	1	Low
Ireland	✗	✗	✗	✓	✗	✗	✗	1	Low
Italy	✗	✓	✓	✗	✗	✗	✓	3	High
Latvia	✗	✗	✗	✓	✗	✗	✓	2	Low
Liechtenstein	✗	✗	✗	✓	✗	✗	✗	1	Low
Lithuania	✗	✗	✗	✓	✗	✗	✗	1	Low
Luxembourg	✗	✗	✗	✓	✗	✗	✗	1	Low
Malta	✗	✗	✗	✓	✗	✗	✗	1	Low
Netherlands	✗	✗	✓	✗	✓	✓	✗	3	High
Norway	✗	✗	✗	✓	✗	✗	✓	2	Low
Poland	✗	✗	✗	✓	✓	✗	✓	3	High
Portugal	✗	✗	✗	✓	✓	✓	✓	4	High
Romania	✗	✗	✓	✓	✓	✗	✗	3	High
Slovakia	✗	✓	✗	✓	✗	✗	✓	3	High
Slovenia	✗	✗	✗	✓	✗	✓	✗	2	Low
Spain	✗	✗	✗	✗	✓	✓	✓	3	High
Sweden	✗	✗	✓	✓	✓	✓	✓	5	High
United Kingdom	✓	✓	✗	✓	✗	✓	✗	4	High

Appendix V: Trends (Articles 16 & 17)

The following table shows the breakdown on how the Member States' legislations have evolved since 2008.

EU-wide highlights from the findings can be found in section 2.4.

The scoring has been carried out by assigning each Member State one point for each of the following categories where the Member State's legislation evolved in a more restrictive way than in 2008 and withdrawing a point each time the legislation evolved in a more flexible way.

The categories wich were taken into account are the following:

- **Qualifying hours** (table 1 of the Study Report);
- **Where practicable** (table 2 of the Study Report);
- **Definition of Independent producers** (table 3 of the Study Report);
- **Member State monitoring** (table 7 of the Study Report);
- **Member State sanctions** (table 8 of the Study Report);
- **Measures to increase the quantity of production** (table 9 of the Study Report);
- **Measures to enhance the quality of production** (table 10 of the Study Report);
- **Film funding** (table 11 of the Study Report).

In the column "Trend", Member States with a positive aggregate score have been categorised as "More restrictive", while Member States with a negative score have been categorised as "Less restrictive". Member States with a score equal to 0 have been categorised "Neutral".

The trends can also be found in section 2.5.

Table 34: Trends in national legislation (2008-2010)

Member State	Qualifying hours	Where practicable	Définition of Independent producer	Monitoring	Sanctions	Higher percentage	Quality	Film Funding	Total	Trend
Austria									0	Neutral
Belgium (Flemish)			+						1	More restrictive
Belgium (French)		-							-1	Less restrictive
Bulgaria	+					+			2	More restrictive
Cyprus									0	Neutral
Czech Republic			+						1	More restrictive
Denmark	-								-1	Less restrictive
Estonia			+						1	More restrictive
Finland									0	Neutral
France									0	Neutral
Germany					+			+	2	More restrictive
Greece		+						+	2	More restrictive
Hungary									0	Neutral
Iceland									0	Neutral
Ireland		-							-1	Less restrictive
Italy	-	+				-			-1	Less restrictive
Latvia	+		-					+	1	More restrictive
Liechtenstein									0	Neutral
Lithuania									0	Neutral
Luxembourg			+						1	More restrictive
Malta			+						1	More restrictive
Netherlands						-			-1	Less restrictive
Norway									0	Neutral
Poland									0	Neutral
Portugal									0	Neutral
Romania									0	Neutral
Slovakia								+	1	More restrictive
Slovenia				+					1	More restrictive
Spain		+	+						2	More restrictive
Sweden									0	Neutral
United Kingdom									0	Neutral

Appendix VI: Summary of outputs by Member States

1. Flemish community of Belgium[6]

Our linear sample consists of 2 channels (EEN and VTM) which together account for 54.7% of total North Belgian TV viewing.

Table 35: List of linear services covered in North Belgium, 2010

Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Belgium (Flemish)	EEN	1958	33,0	23,4	Gvt	Public	24	11 + 46 (2010)
Belgium (Flemish)	VTM	1989	21,7	20,9	Ad	Private	24	11 + 46 (2010)

Key findings:

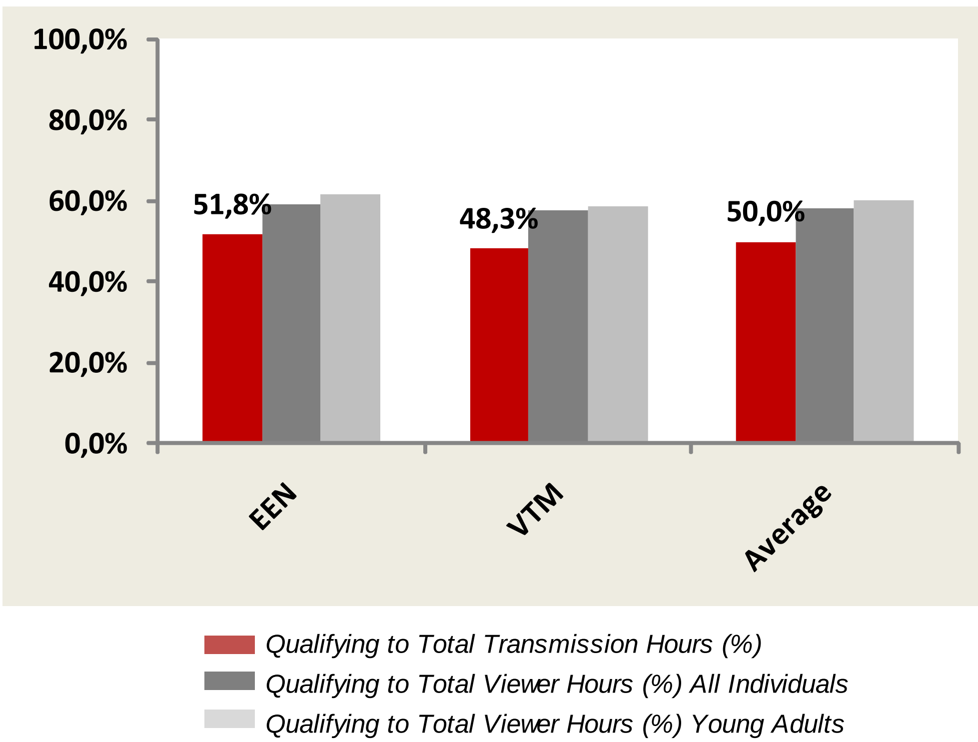
- The average proportion of qualifying works is among the lowest levels in our sample, around 50%. Qualifying works are relatively more successful with audiences.
- Flemish Community of Belgium channels are largely meeting the requirement for 50% European works especially public channel EEN.
- European works are generally more successful with audiences including in primetime, where they are more prevalent.
- Non-domestic European works on Flemish Community of Belgium channels reach among the highest levels in our sample. They air predominantly in daytime and are relatively less successful with audiences.
- Flemish Community of Belgium channels are largely above the requirement for 10% Independent production.
- Independent works are more prominent on public channel EEN and relatively more successful with audiences.
- Recent Independent works on Flemish Community of Belgium channels reach slightly lower levels than our sample average.

[6] Belgium needs to be analysed as two markets: the Flemish Community of Belgium and the French Community of Belgium. Indeed, the audiovisual landscapes of Belgium are clearly independent from one another, with their own language, channels and audiences.

- Recent Independent works are more prominent on public channel EEN and in primetime. They are also more successful with audiences.

Table 36: Ratio of qualifying to total transmission hours and viewer hours in North Belgium, 2010

Channel	Qualifying Transmission Hours(%)	Qualifying Viewer Hours(%) All Individuals	Qualifying Viewer Hours(%) Young Adults
EEN	51,8%	59,1%	61,8%
VTM	48,3%	57,5%	58,7%
Average	**50,0%**	**58,3%**	**60,2%**



Source : Eurodata TV – CIM / Headway

Average proportion of qualifying works is among the lowest levels in our sample, around 50%.

Qualifying works are relatively more successful with audiences. Both channels are very similar.

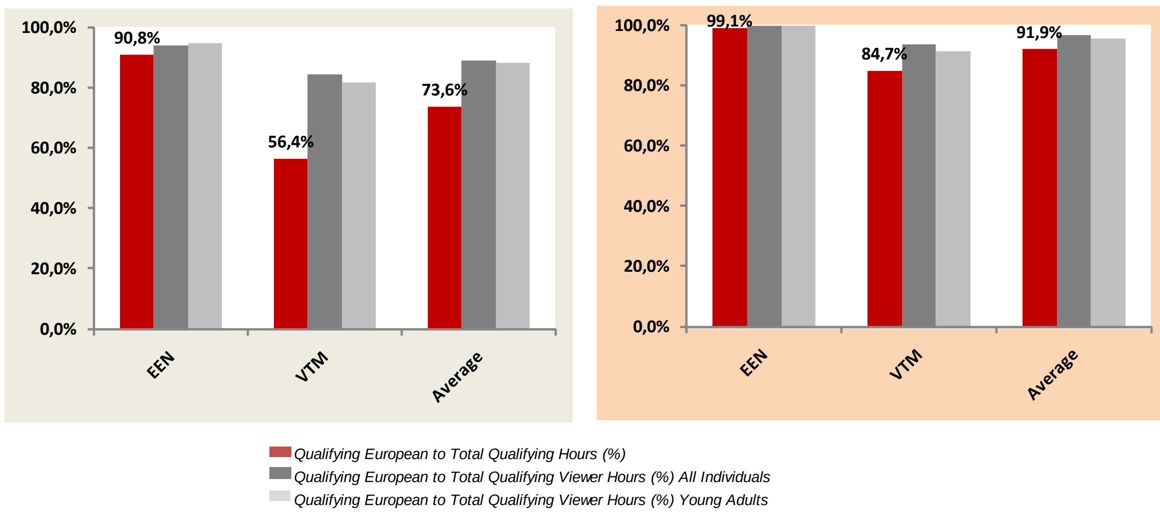
Table 37: Ratio of European qualifying to total qualifying hours and viewer hours in North Belgium, 2010

All Day

Channel	European Hours(%)	European Viewer Hours(%) All Individuals	European Viewer Hours(%) Young Adults
EEN	90,8%	93,8%	94,8%
VTM	56,4%	84,2%	81,8%
Average	**73,6%**	**89,0%**	**88,3%**

Peak Time

Channel	European Hours(%)	European Viewer Hours(%) All Individuals	European Viewer Hours(%) Young Adults
EEN	99,1%	99,8%	99,7%
VTM	84,7%	93,8%	91,2%
Average	**91,9%**	**96,8%**	**95,5%**



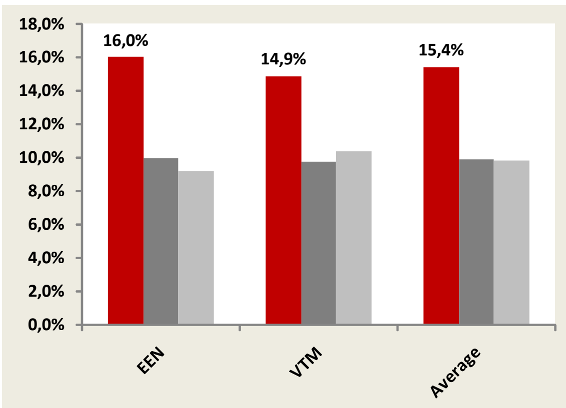
Source : Eurodata TV – CIM / Headway

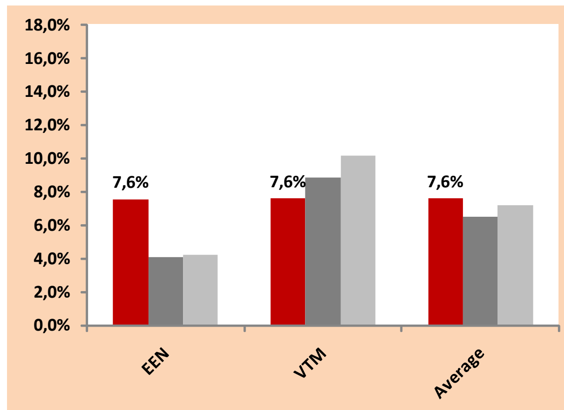
Flemish Community of Belgium channels are largely meeting the requirement for 50% European works especially public channel EEN.

European works are generally more successful with audiences, including in primetime, where they are more prevalent.

Table 38: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in North Belgium, 2010

All Day				Peak Time			
Channel	***Non-Domestic European Hours(%)***	***Non-Domestic European Viewer Hours(%) All Individuals***	***Non-Domestic European Viewer Hours(%) Young Adults***	***Channel***	***Non-Domestic European Hours(%)***	***Non-Domestic European Viewer Hours(%) All Individuals***	***Non-Domestic European Viewer Hours(%) Young Adults***
EEN	16,0%	9,9%	9,2%	EEN	7,6%	4,1%	4,2%
VTM	14,9%	9,8%	10,4%	VTM	7,6%	8,9%	10,2%
Average	**15,4%**	**9,9%**	**9,8%**	**Average**	**7,6%**	**6,5%**	**7,2%**





Source : Eurodata TV – CIM / Headway

Non-domestic European works on Flemish Community of Belgium channels are among the highest levels in our sample.

They air predominantly in daytime, and are relatively less successful with audiences.

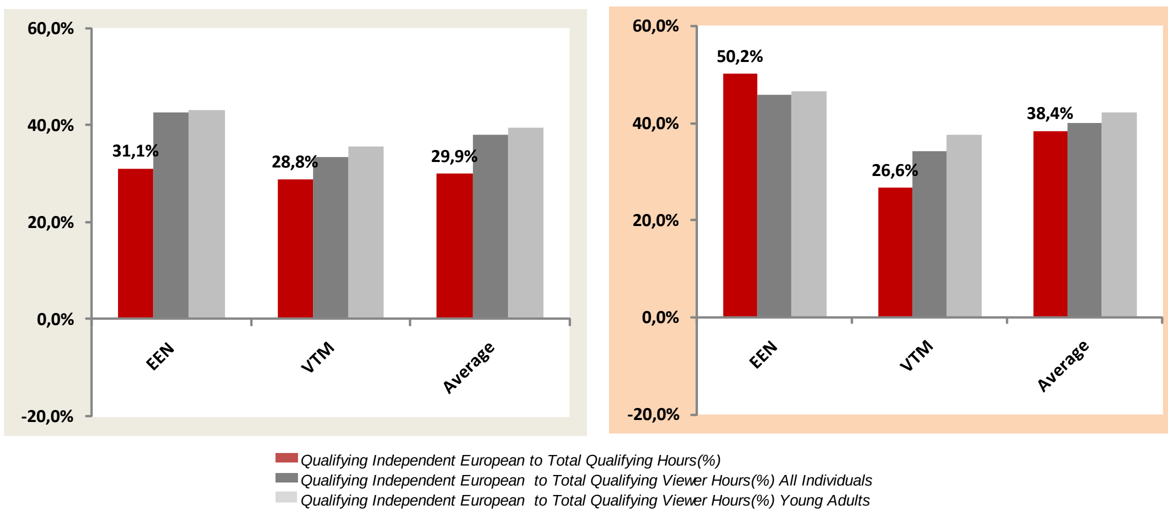
Table 39: Ratio of independent European qualifying to total qualifying hours and viewer hours in North Belgium, 2010

All Day

Channel	*Independent Hours(%)*	*Independent Viewer Hours(%) All Individuals*	*Independent Viewer Hours(%) Young Adults*
EEN	31,1%	42,7%	43,2%
VTM	28,8%	33,4%	35,6%
Average	**29,9%**	**38,0%**	**39,4%**

Peak Time

Channel	*Independent Hours(%)*	*Independent Viewer Hours(%) All Individuals*	*Independent Viewer Hours(%) Young Adults*
EEN	50,2%	45,9%	46,6%
VTM	26,6%	34,2%	37,7%
Average	**38,4%**	**40,0%**	**42,2%**



Source : Eurodata TV – CIM / Headway

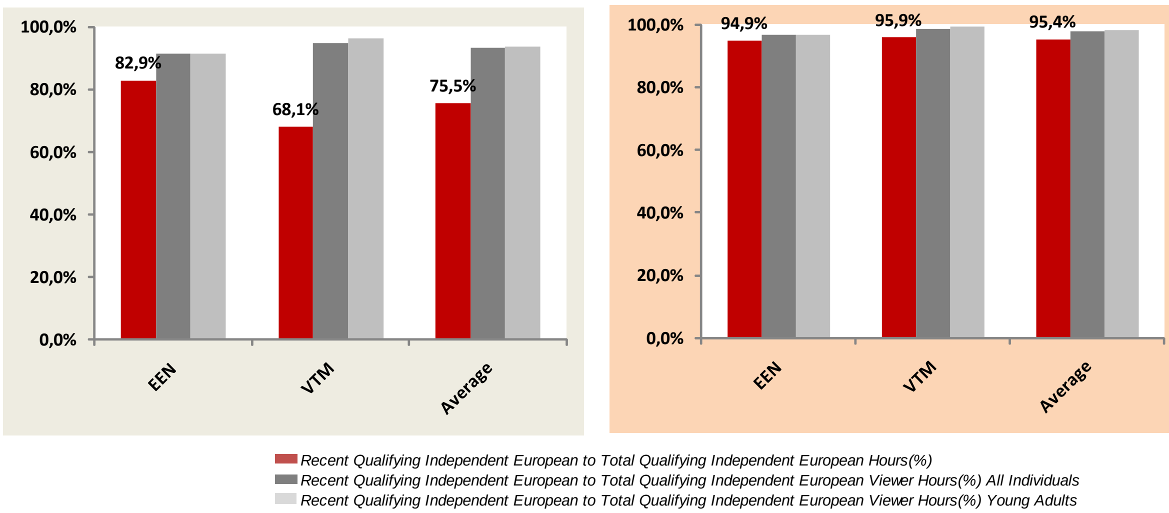
Flemish Community of Belgium channels are largely above the requirement for 10% Independent works, reaching levels very close to our sample average. [7]

Independent works are more prominent on public channel EEN and relatively more successful with audiences.

[7] Our sample estimates show lower figures than the yearly declarations for VTM, which are typically around 65%.

Table 40: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in North Belgium, 2010

All Day				Peak Time			
Channel	***Recent Independent Hours(%)***	***Recent Independent Viewer Hours(%) All Individuals***	***Recent Independent Viewer Hours(%) Young Adults***	***Channel***	***Recent Independent Hours(%)***	***Recent Independent Viewer Hours(%) All Individuals***	***Recent Independent Viewer Hours(%) Young Adults***
EEN	82,9%	91,4%	91,4%	EEN	94,9%	96,9%	96,9%
VTM	68,1%	94,9%	96,2%	VTM	95,9%	98,7%	99,3%
Average	**75,5%**	**93,2%**	**93,8%**	**Average**	**95,4%**	**97,8%**	**98,1%**



Source : Eurodata TV – CIM / Headway

Recent Independent works on Flemish Community of Belgium channels are at slightly lower levels than our sample average.

Recent Independent works are more prominent on public channel EEN, and in primetime. They are also more successful with audiences.

Table 41: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in North Belgium, 2010

All Day

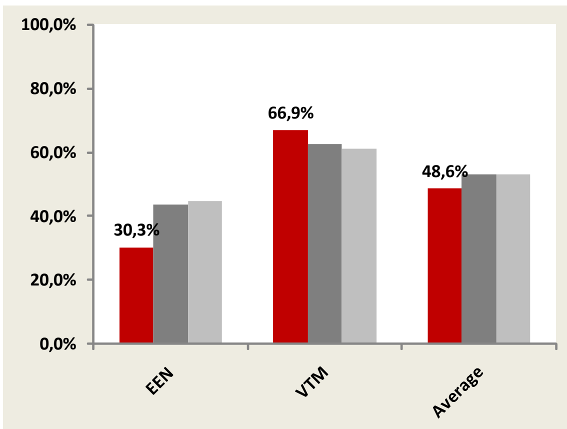
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
EEN	30,3%	43,6%	44,9%
VTM	66,9%	62,5%	61,0%
Average	**48,6%**	**53,1%**	**52,9%**

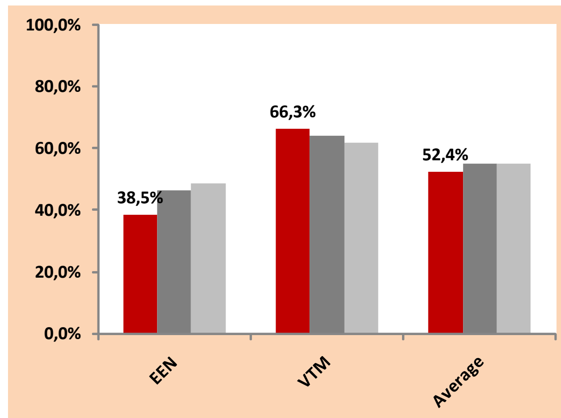
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
EEN	69,7%	56,4%	55,1%
VTM	33,1%	37,5%	39,0%
Average	**51,4%**	**46,9%**	**47,1%**

Peak Time

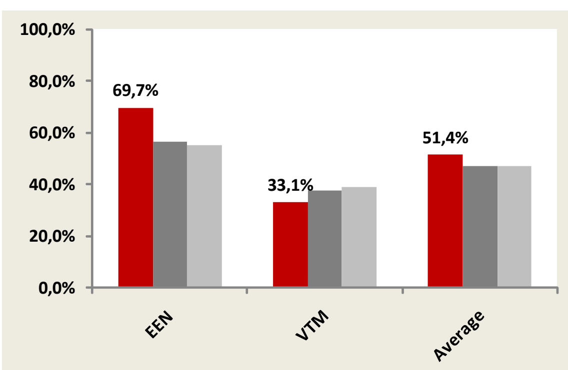
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
EEN	38,5%	46,2%	48,6%
VTM	66,3%	64,2%	61,6%
Average	**52,4%**	**55,2%**	**55,1%**

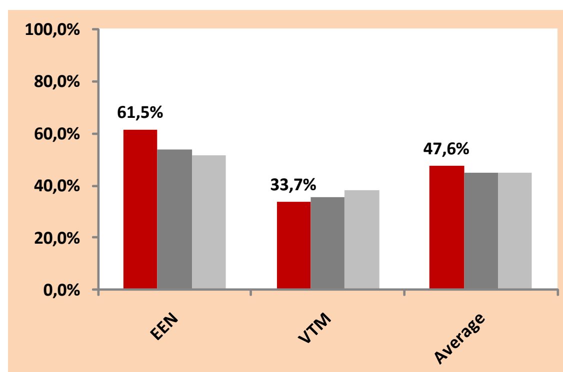
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
EEN	61,5%	53,8%	51,4%
VTM	33,7%	35,8%	38,4%
Average	**47,6%**	**44,8%**	**44,9%**





Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults





Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

Source : Eurodata TV – CIM / Headway

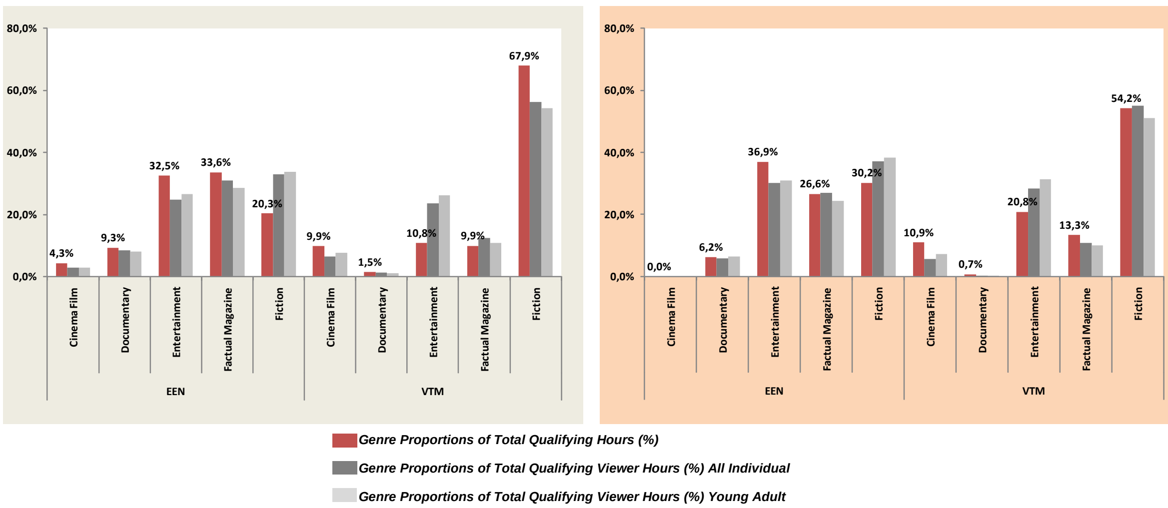
Table 42: Genre proportion of total qualifying hours and viewer hours in North Belgium, 2010

All Day

Channel	*Genre*	*Total Qualifying Hours (%)*	*Total Qualifying Viewer Hours (%) All Individual*	*Total Qualifying Viewer Hours (%) Young Adult*
EEN	Cinema Film	4,3%	2,8%	2,9%
	Documentary	9,3%	8,4%	8,1%
	Entertainment	32,5%	24,8%	26,5%
	Factual Magazine	33,6%	31,0%	28,7%
	Fiction	20,3%	33,0%	33,8%
VTM	Cinema Film	9,9%	6,5%	7,7%
	Documentary	1,5%	1,2%	1,0%
	Entertainment	10,8%	23,6%	26,2%
	Factual Magazine	9,9%	12,4%	10,9%
	Fiction	67,9%	56,3%	54,2%

Peak Time

Channel	*Genre*	*Total Qualifying Hours (%)*	*Total Qualifying Viewer Hours (%) All Individual*	*Total Qualifying Viewer Hours (%) Young Adult*
EEN	Cinema Film	0,0%	0,0%	0,0%
	Documentary	6,2%	5,9%	6,3%
	Entertainment	36,9%	30,1%	31,0%
	Factual Magazine	26,6%	27,0%	24,4%
	Fiction	30,2%	37,1%	38,3%
VTM	Cinema Film	10,9%	5,5%	7,3%
	Documentary	0,7%	0,3%	0,3%
	Entertainment	20,8%	28,3%	31,3%
	Factual Magazine	13,3%	10,9%	10,1%
	Fiction	54,2%	55,0%	51,0%



Source : Eurodata TV – CIM / Headway

TV fiction, entertainment and factual magazine are dominant genres. On VTM TV fiction is even more dominant.

Our sample of non-linear services does not include any from Flemish Community of Belgium. Indeed, there is a limited choice of large non-linear services in this market, and the offer of these services are structured in a particular way as most programmes are not offered in full, but cut into a large number of short extracts[8]. As this made the analysis much more complex to undertake, the consultant decided to exclude Flemish Community of Belgium from the Study non-linear sample, and to broaden the non-linear sample of French Community of Belgium from two to three services.

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[8] For other non-linear services, offering both extracts and full episodes, we only took full episodes into account. Similarly, we excluded trailers from the catalogues of video-on-demand services.

2. French community of Belgium[9]

Our linear sample consists of 2 channels (LA UNE and RTL-TVI[10]) which together account for 51% of total French Community of Belgium TV viewing.

Table 43: List of linear services covered in South Belgium, 2010

Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Belgium (French)	La Une	1955	15,7	9,3	Ad	Public	24	11 + 46 (2010)
Belgium (French)	RTL-TVI	1987	25,3	24,1	Gvt	Private	24	11 + 46 (2010)

Key findings:

- Average proportion of qualifying works is below our sample average especially for RTL-TVI. Qualifying works are more successful with audiences and with young adults.
- In French Community of Belgium LA UNE is largely meeting the requirement for 50% European works, reaching among the highest levels in our sample.
- RTL-TVI is slightly below the requirement of 50% according to our sample but not according to yearly declarations.
- Non-domestic European works on French Community of Belgium channels reach among the highest levels in our sample especially on public channel LA UNE. They air equally in daytime and primetime.
- French Community of Belgium channels are largely above the requirement for 10% Independent works especially public channel LA UNE.
- Independent works air slightly more in daytime.
- Recent Independent works on French Community of Belgium channels reach slightly lower levels than our sample average especially private channel RTL-TVI.

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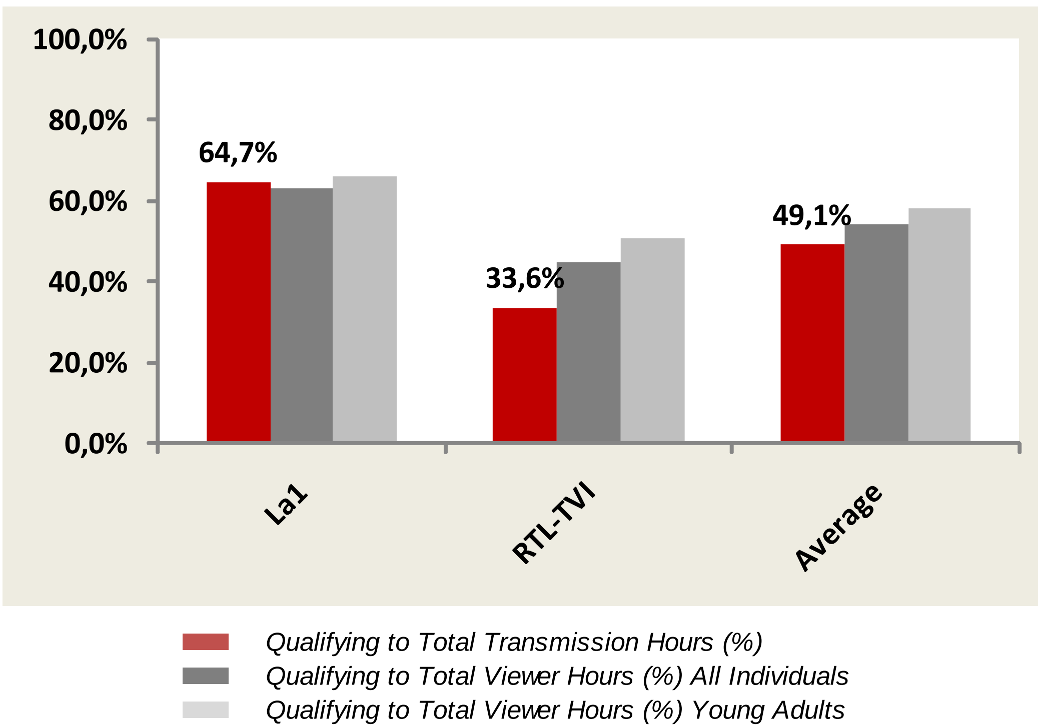
[9] Belgium needs to be analysed as two markets: the Flemish Community of Belgium and the French Community of Belgium. Indeed, the audiovisual landscapes of Belgium are clearly independent from one another, with their own language, channels and audiences.

[10] RTL-TVI targets the French Community of Belgium but falls within the jurisdiction of Luxembourg and is therefore not the responsibility of the Belgian regulatory authorities.

- Recent Independent works are significantly more successful with audiences, especially young adults.

Table 44: Ratio of qualifying to total transmission hours and viewer hours in South Belgium, 2010[11]

Channel	Qualifying Transmission Hours(%)	Qualifying Viewer Hours(%) All Individuals	Qualifying Viewer Hours(%) Young Adults
La1	64,7%	63,1%	65,9%
RTL-TVI	33,6%	45,0%	50,8%
Average	**49,1%**	**54,1%**	**58,3%**



Source : Eurodata TV – CIM / Headway

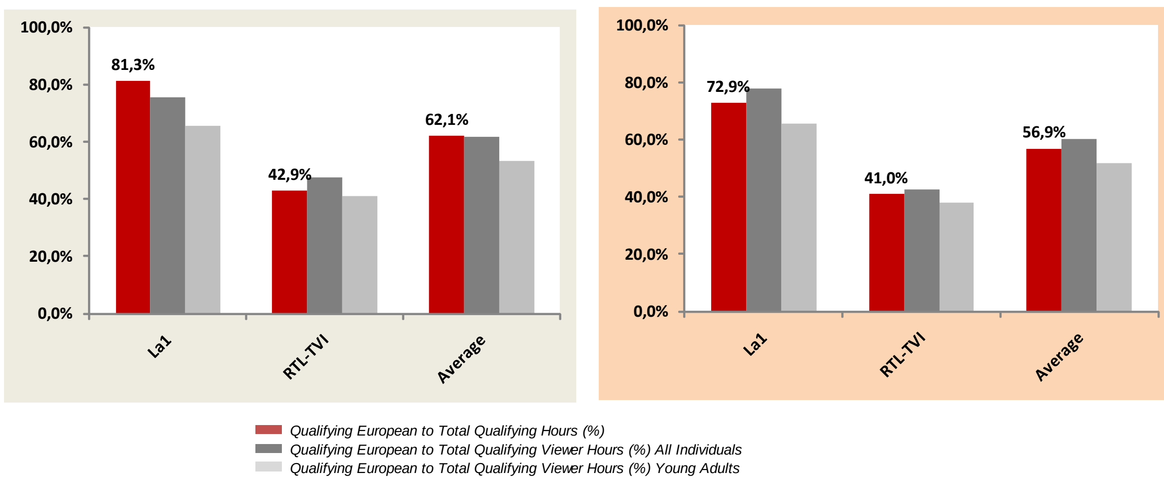
The average proportion of qualifying works is below our sample average, especially for RTL-TVI.

Qualifying works are more successful with audiences, especially on RTL-TVI and with young adults.

[11] See footnote 10.

Table 45: Ratio of European qualifying to total qualifying hours and viewer hours in South Belgium, 2010[12]

All Day				Peak Time			
Channel	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***	***Channel***	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***
La1	81,3%	75,6%	65,7%	La1	72,9%	78,0%	65,6%
RTL-TVI	42,9%	47,6%	41,0%	RTL-TVI	41,0%	42,6%	37,9%
Average	**62,1%**	**61,6%**	**53,3%**	**Average**	**56,9%**	**60,3%**	**51,8%**



Source : Eurodata TV – CIM / Headway

In French Community of Belgium LA UNE is largely meeting the requirement for 50% European works, reaching among the highest levels in our sample.

RTL-TVI is slightly below the requirement of 50%[13].

[12] See footnote 10.
[13] RTL-TVI is around 55-65% according to yearly declarations.

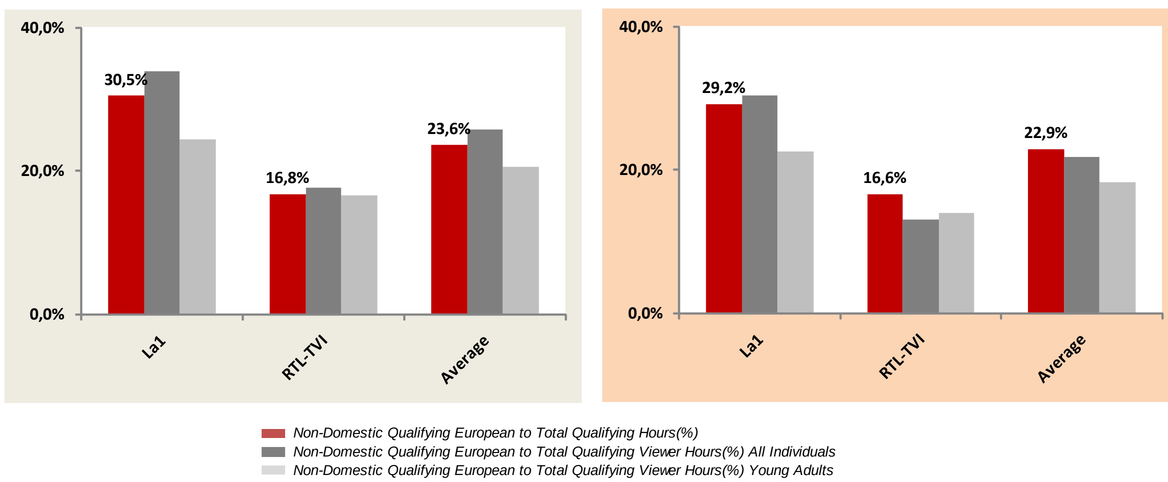
Table 46: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in South Belgium, 2010[14]

All Day

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
La1	30,5%	33,9%	24,4%
RTL-TVI	16,8%	17,7%	16,6%
Average	**23,6%**	**25,8%**	**20,5%**

Peak Time

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
La1	29,2%	30,4%	22,5%
RTL-TVI	16,6%	13,0%	13,9%
Average	**22,9%**	**21,7%**	**18,2%**



Source : Eurodata TV – CIM / Headway

Non-domestic European works on French Community of Belgium channels reach among the highest levels in our sample, especially on public channel LA UNE, and they air equally in daytime and primetime.

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[14] See footnote 10.

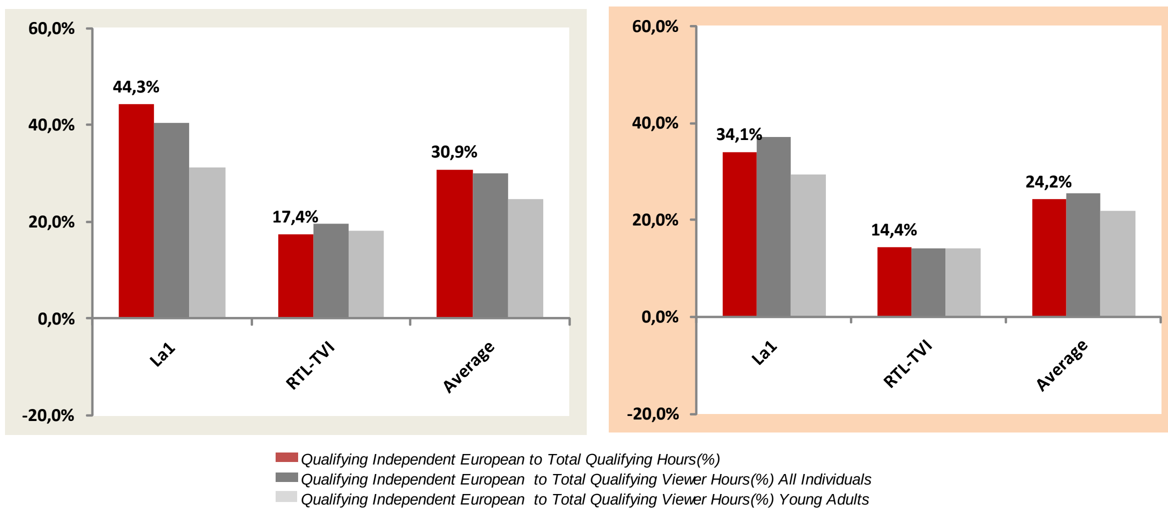
Table 47: Ratio of independent European qualifying to total qualifying hours and viewer hours in South Belgium, 2010[15]

All Day

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
La1	44,3%	40,4%	31,3%
RTL-TVI	17,4%	19,7%	18,1%
Average	**30,9%**	**30,0%**	**24,7%**

Peak Time

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
La1	34,1%	37,0%	29,4%
RTL-TVI	14,4%	14,1%	14,2%
Average	**24,2%**	**25,6%**	**21,8%**



Source : Eurodata TV – CIM / Headway

French Community of Belgium channels largely achieve above the required 10% level for Independent works, especially public channel LA UNE, which is among the highest in our sample[16].

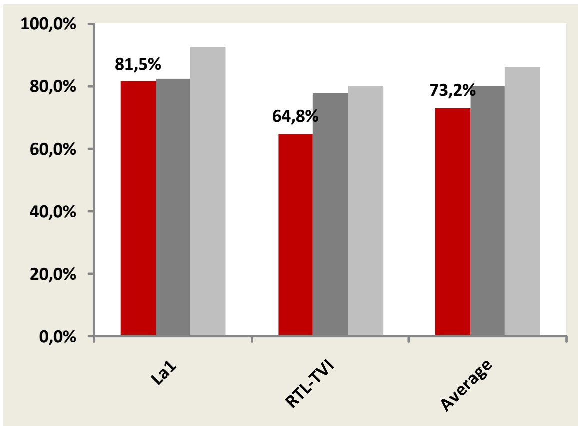
Independent works air slightly more in daytime.

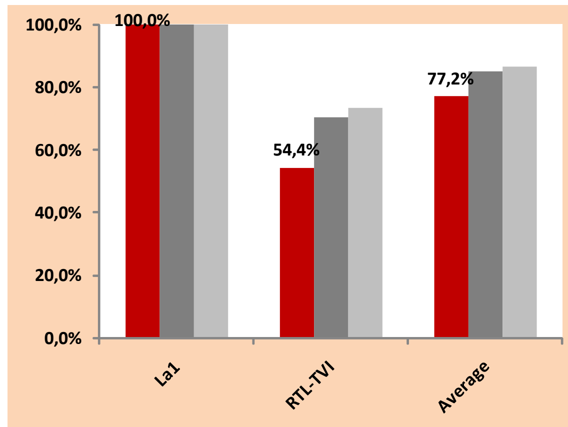
[15] See footnote 10.

[16] Our sample estimates show higher figures than the yearly declarations for LA UNE, which is typically around 35%.

Table 48: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in South Belgium, 2010[17]

All Day				Peak Time			
Channel	***Hours(%)***	***Viewer Hours(%) All Individuals***	***Viewer Hours(%) Young Adults***	***Channel***	***Hours(%)***	***Viewer Hours(%) All Individuals***	***Viewer Hours(%) Young Adults***
La1	81,5%	82,3%	92,5%	La1	100,0%	100,0%	100,0%
RTL-TVI	64,8%	77,8%	80,0%	RTL-TVI	54,4%	70,4%	73,5%
Average	**73,2%**	**80,0%**	**86,2%**	**Average**	**77,2%**	**85,2%**	**86,7%**





Recent Qualifying Independent European to Total Qualifying Independent European Hours(%)
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) All Individuals
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) Young Adults

Source : Eurodata TV – CIM / Headway

Recent Independent works on French Community of Belgium channels reach slightly lower levels than our sample average, especially private channel RTL-TVI.

Recent Independent works are significantly more successful with audiences, especially young adults.

[17] See footnote 10.

Table 49: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in South Belgium, 2010[18]

All Day

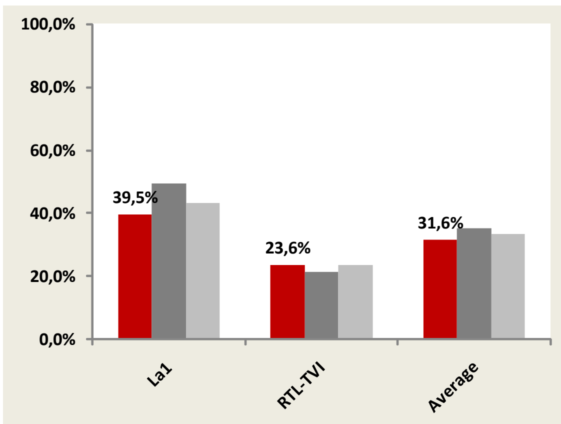
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
La1	39,5%	49,3%	43,3%
RTL-TVI	23,6%	21,6%	23,6%
Average	**31,6%**	**35,4%**	**33,4%**

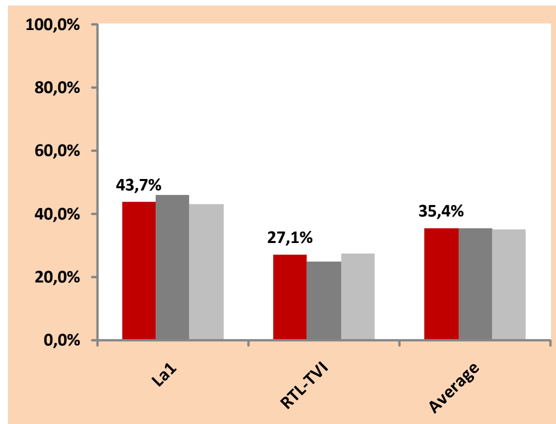
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
La1	60,5%	50,7%	56,7%
RTL-TVI	76,4%	78,4%	76,4%
Average	**68,4%**	**64,6%**	**66,6%**

Peak Time

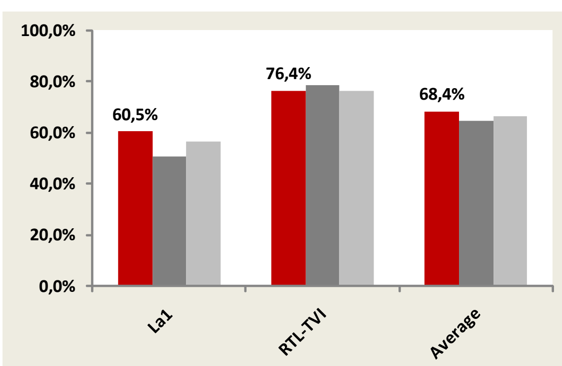
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
La1	43,7%	46,1%	43,0%
RTL-TVI	27,1%	24,8%	27,4%
Average	**35,4%**	**35,4%**	**35,2%**

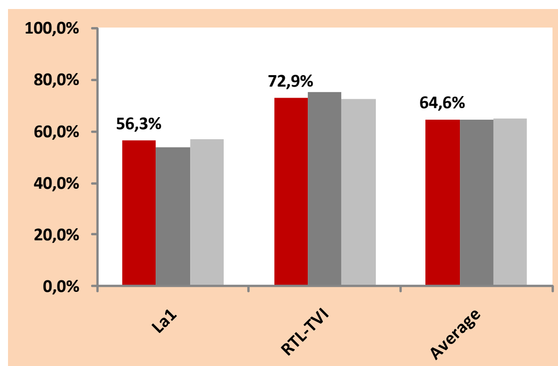
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
La1	56,3%	53,9%	57,0%
RTL-TVI	72,9%	75,2%	72,6%
Average	**64,6%**	**64,6%**	**64,8%**





Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults





Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

Source : Eurodata TV – CIM / Headway

[18] See footnote 10.

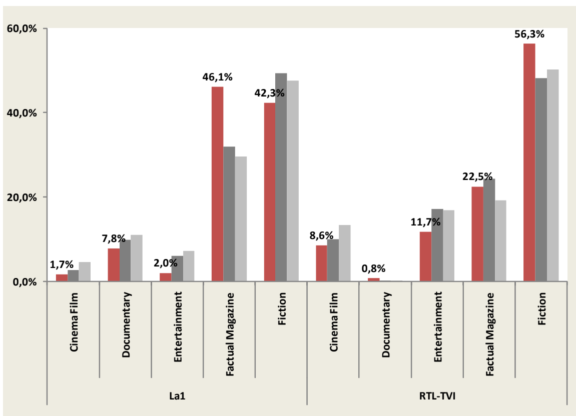
Table 50: Genre proportion of total qualifying hours and viewer hours in South Belgium, 2010[19]

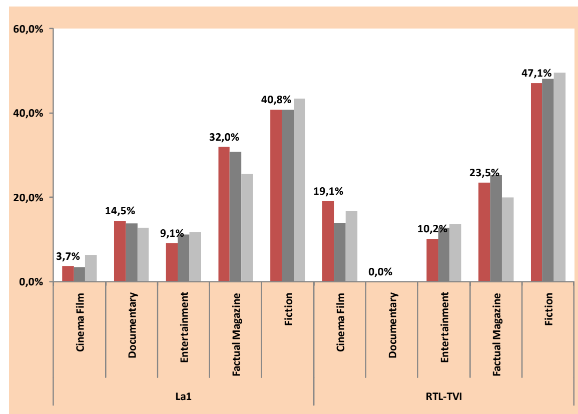
All Day

Channel	Genre	Total Qualifying Hours (%)	Total Qualifying Viewer Hours (%) All Individual	Total Qualifying Viewer Hours (%) Young Adult
La1	Cinema Film	1,7%	2,8%	4,6%
	Documentary	7,8%	9,9%	11,0%
	Entertainment	2,0%	6,0%	7,3%
	Factual Magazine	46,1%	31,9%	29,6%
	Fiction	42,3%	49,4%	47,6%
RTL-TVI	Cinema Film	8,6%	10,1%	13,3%
	Documentary	0,8%	0,2%	0,2%
	Entertainment	11,7%	17,2%	17,0%
	Factual Magazine	22,5%	24,3%	19,3%
	Fiction	56,3%	48,2%	50,3%

Peak Time

Channel	Genre	Total Qualifying Hours (%)	Total Qualifying Viewer Hours (%) All Individual	Total Qualifying Viewer Hours (%) Young Adult
La1	Cinema Film	3,7%	3,4%	6,3%
	Documentary	14,5%	13,8%	12,8%
	Entertainment	9,1%	11,2%	11,8%
	Factual Magazine	32,0%	30,8%	25,6%
	Fiction	40,8%	40,8%	43,5%
RTL-TVI	Cinema Film	19,1%	14,0%	16,8%
	Documentary	0,0%	0,0%	0,0%
	Entertainment	10,2%	12,8%	13,7%
	Factual Magazine	23,5%	25,2%	20,0%
	Fiction	47,1%	48,0%	49,5%





Genre Proportions of Total Qualifying Hours (%)
Genre Proportions of Total Qualifying Viewer Hours (%) All Individual
Genre Proportions of Total Qualifying Viewer Hours (%) Young Adult

Source : Eurodata TV – CIM / Headway

TV fiction and factual magazines are dominant genres. In primetime, cinema and entertainment gain prominence on RTL-TVI, while LA UNE offers more documentary.

Our non-linear sample consists of 3 services: REVOIR, a catch-up service operated by public service broadcaster RTBF, CINEMALINK and UNIVERSCINE, two independent on-demand services.

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[19] See footnote 10.

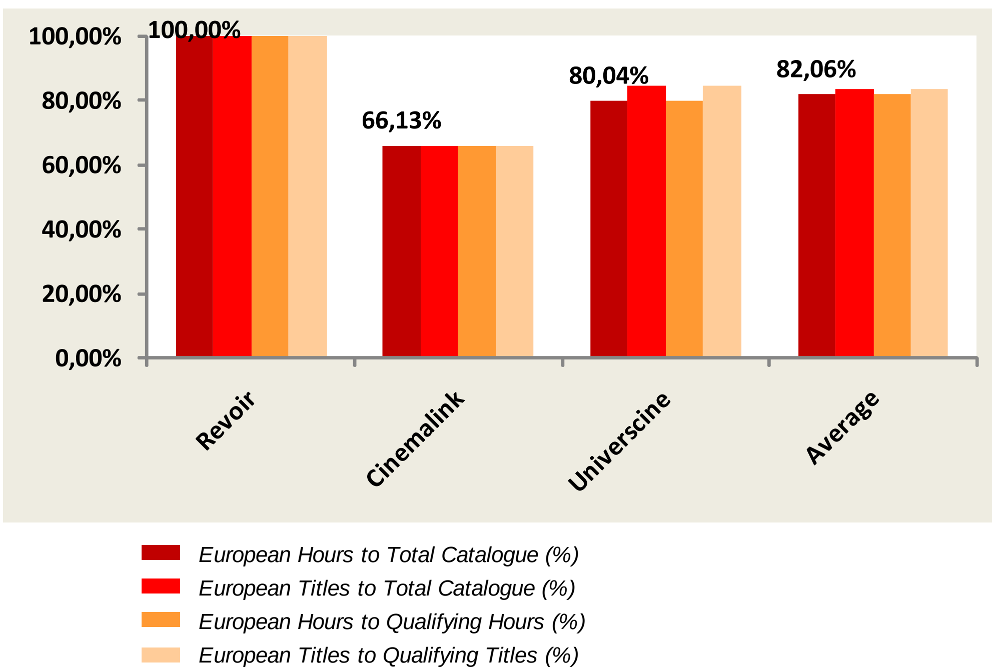
Table 51: List of non-linear services covered in South Belgium, 2011[20]

Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
Belgium (French)	Revoir	Catch-up	Gvt	Public	Broadcaster	RTBF	49	22 (2011)
Belgium (French)	Cinemalink	VOD	Pay	Private	Independent	Cinemalink	97	23 (2011)
Belgium (French)	Universciné	VOD	Pay	Private	Independent	Universciné	743	22 (2011)

European works on non-linear services of South Belgium reach among the highest levels across our sample. In particular, CINEMALINK and UNIVERSCINE are both largely above other video-on-demand services. Findings are very similar whatever the definitions used.

Table 52: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in South Belgium, 2011

Channel	*European Hours(%) to total catalogue*	*European Titles(%) to total catalogue*	*European Hours(%) to qualifying catalogue*	*European Titles(%) to qualifying catalogue*
Revoir	100,00%	100,00%	100,00%	100,00%
Cinemalink	66,13%	65,98%	66,13%	65,98%
Universcine	80,04%	84,59%	80,04%	84,59%
Average	**82,06%**	**83,52%**	**82,06%**	**83,52%**



Source : Company online catalogues / Headway

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[20] It is still difficult to identify the country of jurisdiction of a number of non-linear services. Lists are not publicly available and the sources we used are not fully up-to-date. Thus, some services covered in this Study sample may not be regulated in their country of destination. Cinemalink targets the French Community of Belgium but falls within the jurisdiction of the Netherlands and is therefore not the responsibility of the regulatory authority of the French Community of Belgium.

3. Czech Republic

Our linear sample consists of 4 channels (CT1, CT2, NOVA and PRIMA) which together account for 84.6% of total Czech TV viewing.

Table 53: List of linear services covered in Czech Republic, 2010

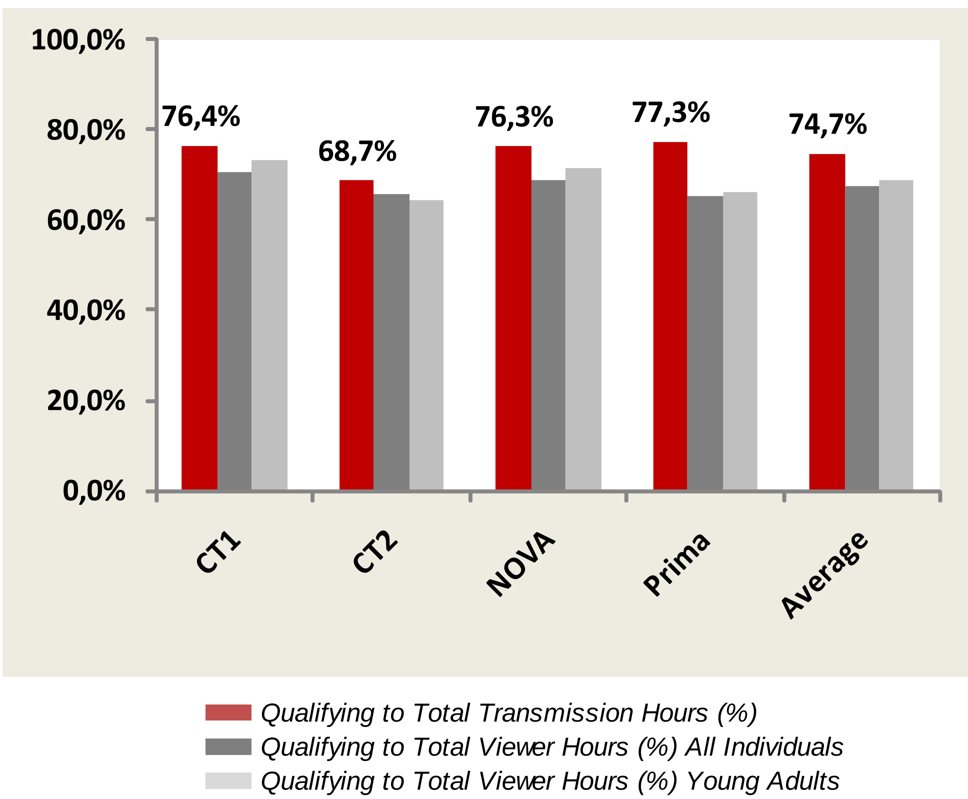
Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Czech Republic	CT1	1953	21.2	17.3	Gvt	Public	24	11 + 46 (2010)
Czech Republic	CT2	1970	7.6	6.8	Gvt	Public	24	11 + 46 (2010)
Czech Republic	Nova	1994	37.9	41.5	Ad	Private	24	11 + 46 (2010)
Czech Republic	Prima	1993	17.9	17.0	Ad	Private	24	11 + 46 (2010)

Key findings:

- The average proportion of qualifying works is above our sample average. Smaller channels show lower proportions of qualifying works than leading channels.
- Czech channels are largely meeting the requirement for 50% European works, especially public channels.
- European works are generally more successful with viewers.
- Non-domestic European works on Czech channels are among the highest levels in our sample. They air predominantly in the primetime of public channels and in the daytime of private channels.
- Czech channels carry more than twice the required 10% of Independent works, with private channel PRIMA leading the way.
- Independent works are more prominent in primetime on public channels, and relatively more successful than non-Independent works for all channels except NOVA.
- Recent Independent works on Czech channels reach high levels, though remaining among the lowest in our sample.
- Recent Independent works are more prominent in primetime on the historic leading channels, and perform relatively better on private, rather than public channels.

Table 54: Ratio of qualifying to total transmission hours and viewer hours in Czech Republic, 2010

Channel	*Qualifying Transmission Hours(%)*	*Qualifying Viewer Hours(%) All Individuals*	*Qualifying Viewer Hours(%) Young Adults*
CT1	76,4%	70,7%	73,4%
CT2	68,7%	65,7%	64,6%
NOVA	76,3%	68,8%	71,6%
Prima	77,3%	65,2%	66,2%
Average	**74,7%**	**67,6%**	**68,9%**



Source : Eurodata TV – ATO / Headway

Average proportion of qualifying works is above our sample average.

The small channel CT2 shows lower proportions of qualifying works than leading channels (CT1, NOVA, PRIMA). Qualifying works are slightly less successful with audiences.

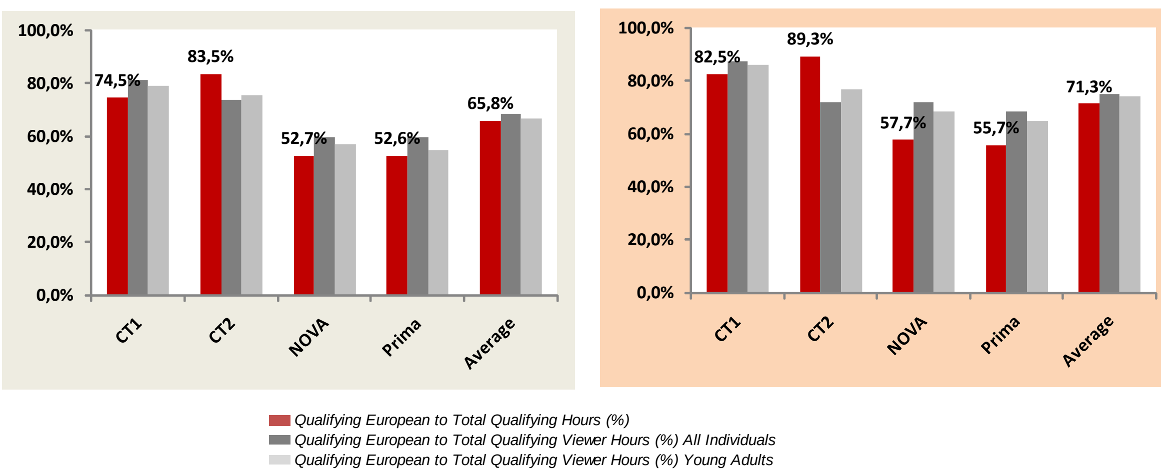
Table 55: Ratio of European qualifying to total qualifying hours and viewer hours in Czech Republic, 2010

All Day

Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
CT1	74,5%	81,1%	79,1%
CT2	83,5%	73,5%	75,3%
NOVA	52,7%	59,7%	56,8%
Prima	52,6%	59,6%	54,5%
Average	**65,8%**	**68,5%**	**66,4%**

Peak Time

Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
CT1	82,5%	87,4%	86,0%
CT2	89,3%	72,0%	77,0%
NOVA	57,7%	71,8%	68,2%
Prima	55,7%	68,5%	64,7%
Average	**71,3%**	**74,9%**	**74,0%**



Source : Eurodata TV – ATO / Headway

Czech channels are largely meeting the requirement for 50% European works, especially public channels (CT2, CT1).

European works are generally more successful with viewers than non-European works, except CT2.

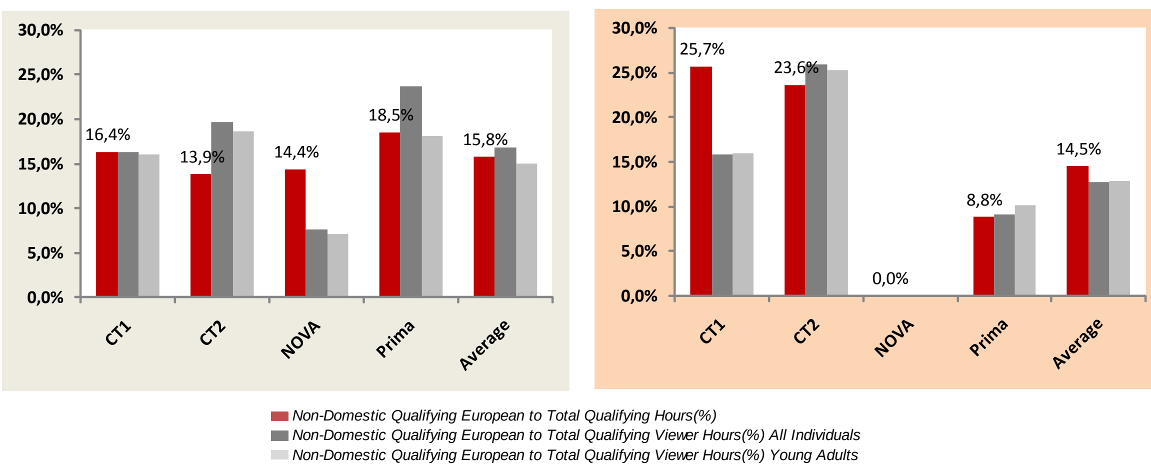
Table 56: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in Czech Republic, 2010

All Day

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
CT1	16,4%	16,2%	16,0%
CT2	13,9%	19,6%	18,7%
NOVA	14,4%	7,6%	7,1%
Prima	18,5%	23,7%	18,1%
Average	**15,8%**	**16,8%**	**15,0%**

Peak Time

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
CT1	25,7%	15,9%	16,0%
CT2	23,6%	25,9%	25,3%
NOVA	0,0%	0,0%	0,0%
Prima	8,8%	9,0%	10,2%
Average	**14,5%**	**12,7%**	**12,9%**



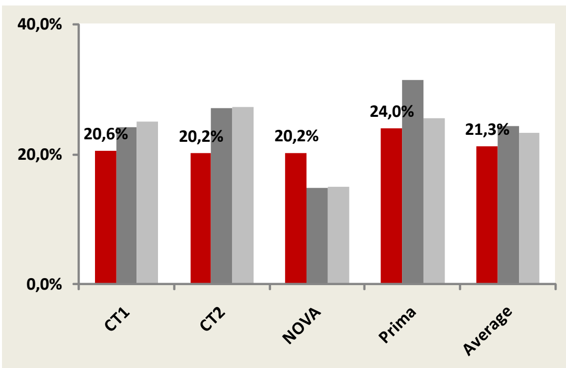
Source : Eurodata TV – ATO / Headway

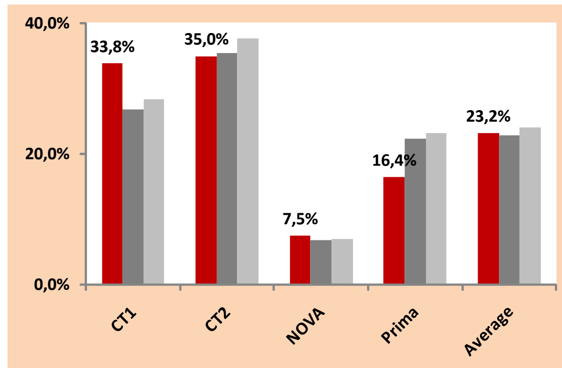
Non-domestic European works on Czech channels reach among the highest levels in our sample.

They air predominantly in the primetime of public channels and in the daytime of private channels (NOVA, PRIMA).

Table 57: Ratio of independent European qualifying to total qualifying hours and viewer hours in Czech Republic, 2010

All Day				Peak Time			
Channel	***Independent Hours(%)***	***Independent Viewer Hours(%) All Individuals***	***Independent Viewer Hours(%) Young Adults***	***Channel***	***Independent Hours(%)***	***Independent Viewer Hours(%) All Individuals***	***Independent Viewer Hours(%) Young Adults***
CT1	20,6%	24,2%	25,0%	CT1	33,8%	26,8%	28,4%
CT2	20,2%	27,1%	27,3%	CT2	35,0%	35,5%	37,6%
NOVA	20,2%	14,8%	15,0%	NOVA	7,5%	6,7%	7,0%
Prima	24,0%	31,4%	25,6%	Prima	16,4%	22,4%	23,1%
Average	**21,3%**	**24,4%**	**23,2%**	**Average**	**23,2%**	**22,8%**	**24,0%**





Qualifying Independent European to Total Qualifying Hours(%)
Qualifying Independent European to Total Qualifying Viewer Hours(%) All Individuals
Qualifying Independent European to Total Qualifying Viewer Hours(%) Young Adults

Source : Eurodata TV – ATO / Headway

Czech channels carry more than twice the requirement of 10% Independent works, with private channel PRIMA leading the way[21].

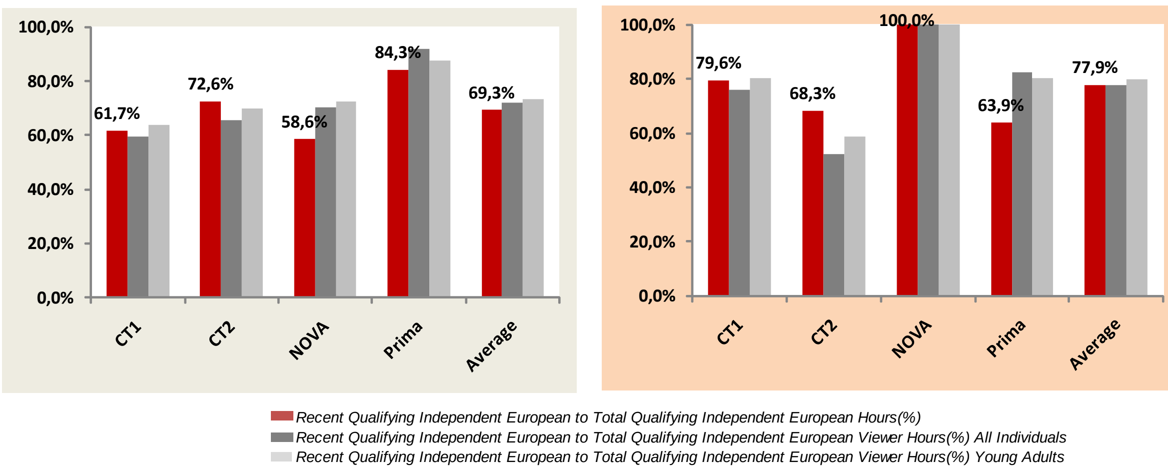
Independent works are more prominent in primetime on public channels (CT2, CT1), and relatively more successful than non-Independent works for all channels except NOVA.

[21] Our sample estimates are very similar to the yearly declarations in the Czech Republic.

Table 58: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in Czech Republic, 2010

All Day			
Channel	***Recent Independent Hours(%)***	***Recent Independent Viewer Hours(%) All Individuals***	***Recent Independent Viewer Hours(%) Young Adults***
CT1	61,7%	59,5%	63,8%
CT2	72,6%	65,6%	69,7%
NOVA	58,6%	70,4%	72,3%
Prima	84,3%	91,8%	87,6%
Average	**69,3%**	**71,9%**	**73,3%**

Peak Time			
Channel	***Recent Independent Hours(%)***	***Recent Independent Viewer Hours(%) All Individuals***	***Recent Independent Viewer Hours(%) Young Adults***
CT1	79,6%	75,9%	80,4%
CT2	68,3%	52,3%	58,6%
NOVA	100,0%	100,0%	100,0%
Prima	63,9%	82,5%	80,4%
Average	**77,9%**	**77,7%**	**79,9%**



Source : Eurodata TV – ATO / Headway

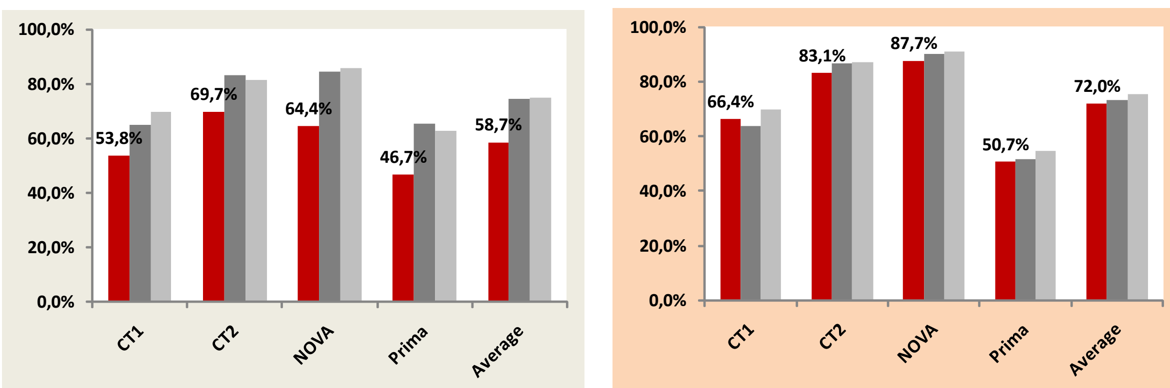
Recent Independent works on Czech channels reach high levels, though remaining among the lowest in our sample.

Recent Independent works are more prominent in the primetime of historic leading channels (CT1, NOVA) and perform relatively better on private channels (NOVA, PRIMA) than public channels (CT1, CT2).

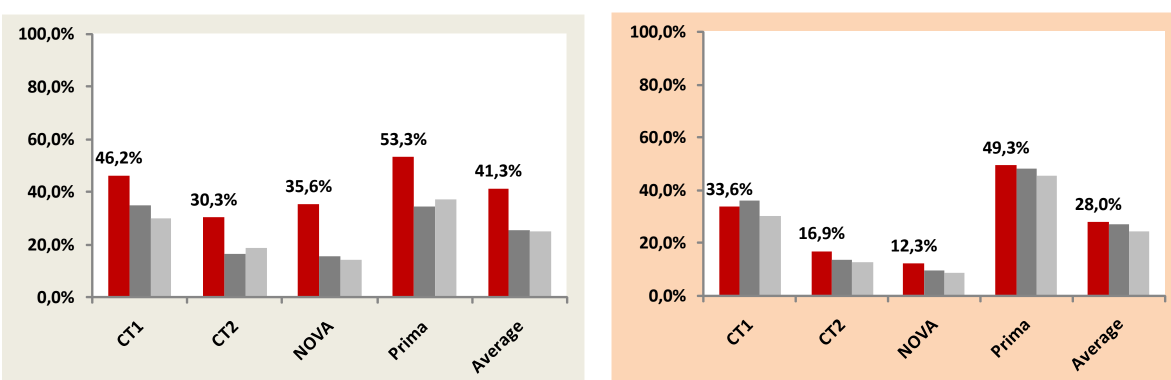
Table 59: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in Czech Republic, 2010

All Day				Peak Time			
Channel	***European Stock Hours(%)***	***European Stock Viewer Hours(%) All Individuals***	***European Stock Viewer Hours(%) Young Adults***	***Channel***	***European Stock Hours(%)***	***European Stock Viewer Hours(%) All Individuals***	***European Stock Viewer Hours(%) Young Adults***
CT1	53,8%	65,2%	69,9%	CT1	66,4%	63,8%	69,7%
CT2	69,7%	83,3%	81,4%	CT2	83,1%	86,6%	87,4%
NOVA	64,4%	84,4%	85,9%	NOVA	87,7%	90,4%	91,2%
Prima	46,7%	65,3%	63,0%	Prima	50,7%	51,8%	54,7%
Average	**58,7%**	**74,5%**	**75,0%**	**Average**	**72,0%**	**73,1%**	**75,7%**

Channel	***European Flow Hours(%)***	***European Flow Viewer Hours(%) All Individuals***	***European Flow Viewer Hours(%) Young Adults***	***Channel***	***European Flow Hours(%)***	***European Flow Viewer Hours(%) All Individuals***	***European Flow Viewer Hours(%) Young Adults***
CT1	46,2%	34,8%	30,1%	CT1	33,6%	36,2%	30,3%
CT2	30,3%	16,7%	18,6%	CT2	16,9%	13,4%	12,6%
NOVA	35,6%	15,6%	14,1%	NOVA	12,3%	9,6%	8,8%
Prima	53,3%	34,7%	37,0%	Prima	49,3%	48,2%	45,3%
Average	**41,3%**	**25,5%**	**25,0%**	**Average**	**28,0%**	**26,9%**	**24,3%**



Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults



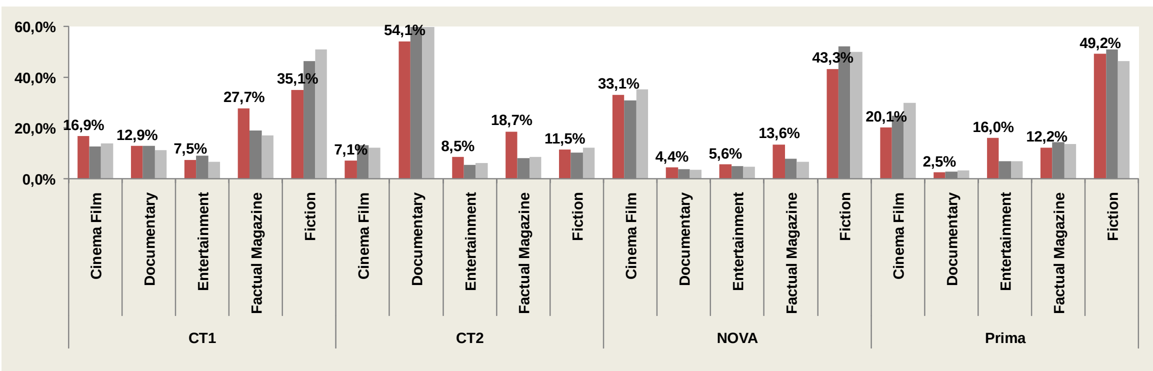
Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

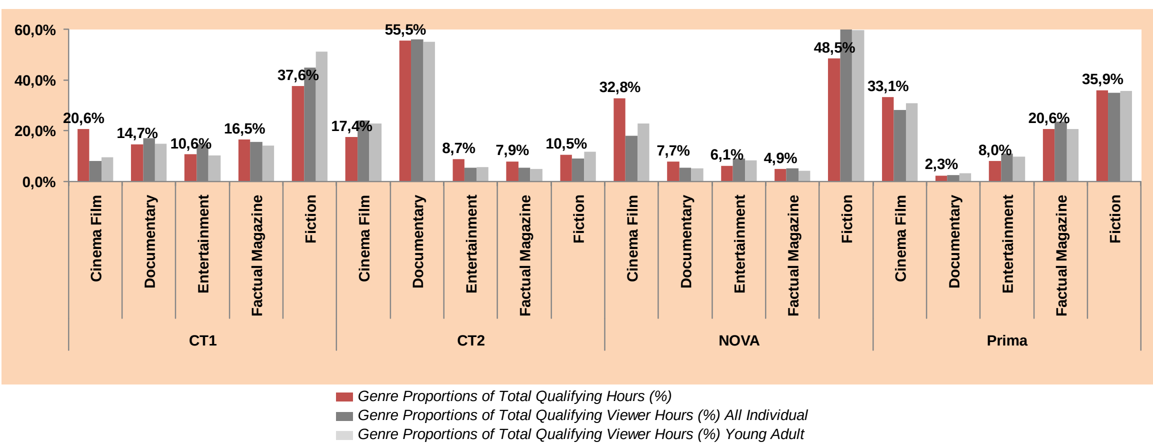
Source : Eurodata TV – ATO / Headway

Table 60: Genre proportion of total qualifying hours and viewer hours in Czech Republic, 2010

All Day				
Channel	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*
CT1	Cinema Film	16,9%	12,7%	14,0%
	Documentary	12,9%	13,0%	11,3%
	Entertainment	7,5%	9,0%	6,7%
	Factual Magazine	27,7%	19,0%	17,0%
	Fiction	35,1%	46,3%	50,9%
CT2	Cinema Film	7,1%	13,2%	12,3%
	Documentary	54,1%	62,9%	60,4%
	Entertainment	8,5%	5,4%	6,3%
	Factual Magazine	18,7%	8,2%	8,7%
	Fiction	11,5%	10,4%	12,3%
NOVA	Cinema Film	33,1%	30,9%	35,3%
	Documentary	4,4%	3,8%	3,5%
	Entertainment	5,6%	5,1%	4,7%
	Factual Magazine	13,6%	8,0%	6,6%
	Fiction	43,3%	52,2%	49,9%
Prima	Cinema Film	20,1%	24,9%	29,8%
	Documentary	2,5%	2,8%	3,2%
	Entertainment	16,0%	6,9%	7,0%
	Factual Magazine	12,2%	14,3%	13,8%
	Fiction	49,2%	51,1%	46,3%

Peak Time				
Channel	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*
CT1	Cinema Film	20,6%	7,9%	9,4%
	Documentary	14,7%	17,1%	14,8%
	Entertainment	10,6%	14,6%	10,3%
	Factual Magazine	16,5%	15,6%	14,2%
	Fiction	37,6%	44,8%	51,3%
CT2	Cinema Film	17,4%	24,1%	22,7%
	Documentary	55,5%	55,9%	55,1%
	Entertainment	8,7%	5,4%	5,5%
	Factual Magazine	7,9%	5,5%	4,9%
	Fiction	10,5%	9,0%	11,7%
NOVA	Cinema Film	32,8%	17,9%	22,8%
	Documentary	7,7%	5,5%	5,1%
	Entertainment	6,1%	9,1%	8,3%
	Factual Magazine	4,9%	5,1%	4,1%
	Fiction	48,5%	62,4%	59,7%
Prima	Cinema Film	33,1%	28,1%	30,8%
	Documentary	2,3%	2,5%	3,1%
	Entertainment	8,0%	10,9%	9,8%
	Factual Magazine	20,6%	23,5%	20,7%
	Fiction	35,9%	35,1%	35,6%





Source : Eurodata TV – ATO / Headway

TV fiction is the dominant genre, complemented by cinema on private channels (NOVA, PRIMA). Public channel CT1 shows the most balanced genre mix, whileCT2 is heavily oriented towards documentary. Cinema accounts for 20-30% of the primetime grids, except on CT2.

Our non-linear sample consists of 3 services: IVYSILANI, a catch-up service operated by public service broadcaster CT; VOYO, a catch-up service operated by private broadcaster CME; and O2TV VIDEOTEKA, an on-demand service operated by telecom company O2TV.

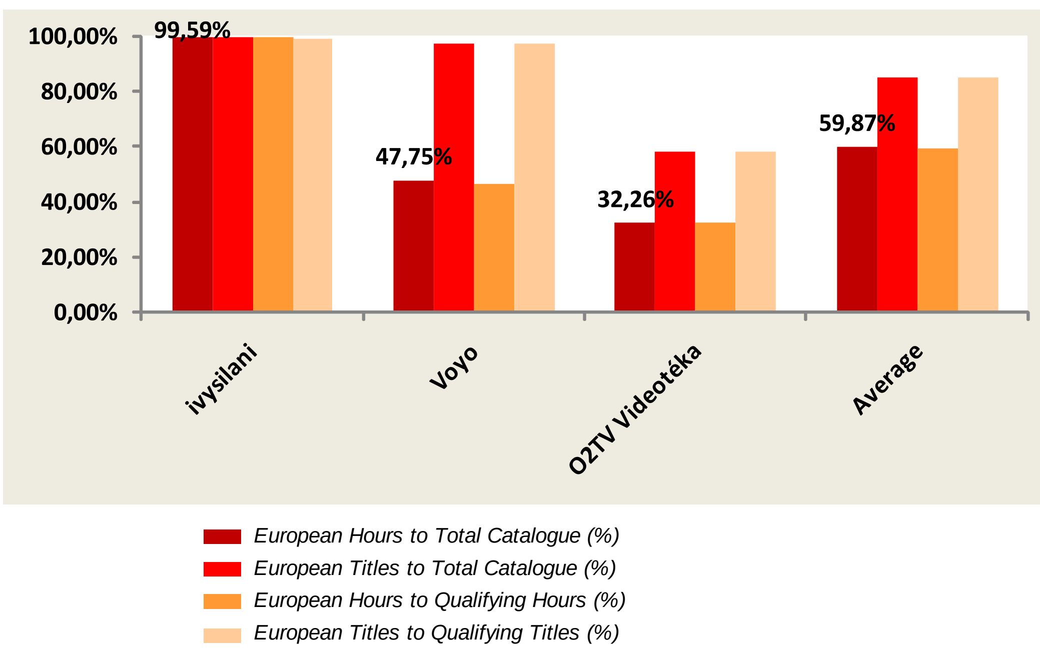
Table 61: List of non-linear services covered in Czech Republic, 2011[22]

Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
Czech Republic	ivysilani	Catch-up	Gvt	Public	Broadcaster	CT	2714	23 (2011)
Czech Republic	Voyo	Catch-up	Ad	Private	Broadcaster	CME	3912	26 (2011)
Czech Republic	O2TV Videotéka	VOD	Pay	Private	Telco	O2TV	481	22 (2011)

European works on non-linear services of Czech Republic reach levels similar to our sample average. Findings measured as a proportion of hours are significantly lower than findings as a proportion of titles.

Table 62: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in Czech Republic, 2011

Channel	*European Hours(%) to total catalogue*	*European Titles(%) to total catalogue*	*European Hours(%) to qualifying catalogue*	*European Titles(%) to qualifying catalogue*
ivysilani	99,59%	99,73%	99,41%	99,29%
Voyo	47,75%	97,21%	46,45%	97,11%
O2TV Videotéka	32,26%	58,39%	32,26%	58,39%
Average	**59,87%**	**85,11%**	**59,37%**	**84,93%**



Source : Company online catalogues / Headway

[22] See footnote 20.

4. Estonia

Our linear sample consists of 3 channels (ETV, KANAL 2 and TV3) which together account for 52.8% of total Estonian TV viewing.

Table 63: List of linear services covered in Estonia, 2010

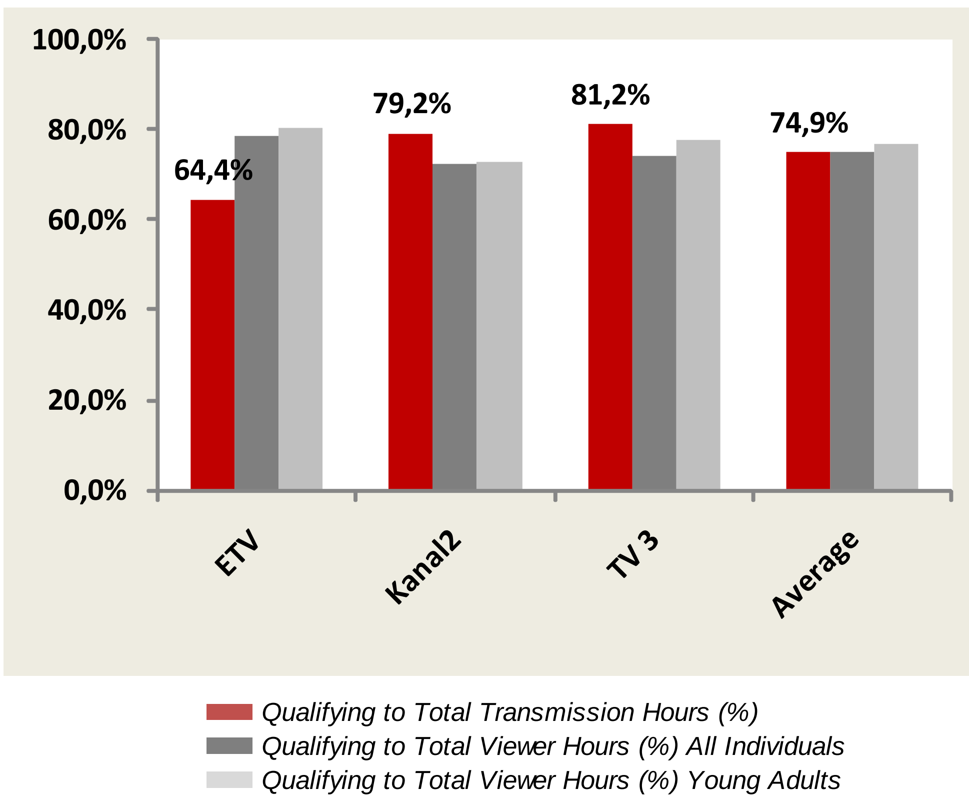
Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Estonia	ETV	1955	16.5	9.2	Gvt	Public	24	11 + 46 (2010)
Estonia	Kanal 2	1993	19.3	23.3	Ad	Private	24	11 + 46 (2010)
Estonia	TV3	1993	17.0	23.2	Ad	Private	24	11 + 46 (2010)

Key findings:

- The average proportion of qualifying works is close to our sample average. Private channels show higher proportions of qualifying works than public channel ETV.
- Estonian channels are increasing their proportions of European works especially public channel ETV.
- Private channels continue to be below the requirement for 50% European works, but are close to this figure when looking at viewer hours, especially in primetime.
- Non-domestic European works on Estonian channels reach almost the highest level in our sample, and are very similar across our sampled channels. They air predominantly in daytime, except on public channel ETV.
- Estonian channels are largely above the requirement for 10% Independent works, especially private channels.
- Independent works are more successful with audiences and represent above 40% of viewing on private channels.
- Recent Independent works on Estonian channels reach similar levels to our sample average.
- Recent Independent works are more prominent on private channels. Public channel ETV is below 50% in primetime.

Table 64: Ratio of qualifying to total transmission hours and viewer hours in Estonia, 2010

Channel	Qualifying Transmission Hours(%)	Qualifying Viewer Hours(%) All Individuals	Qualifying Viewer Hours(%) Young Adults
ETV	64,4%	78,8%	80,6%
Kanal2	79,2%	72,4%	72,7%
TV 3	81,2%	74,3%	77,7%
Average	**74,9%**	**75,2%**	**77,0%**



Source : Eurodata TV – TNS Emor / Headway

The average proportion of qualifying works is close to our sample average.

Private channels show higher proportions of qualifying works (KANAL 2, TV3) than public channel ETV but the situation is reversed when looking at viewer hours, where qualifying works are the highest on ETV.

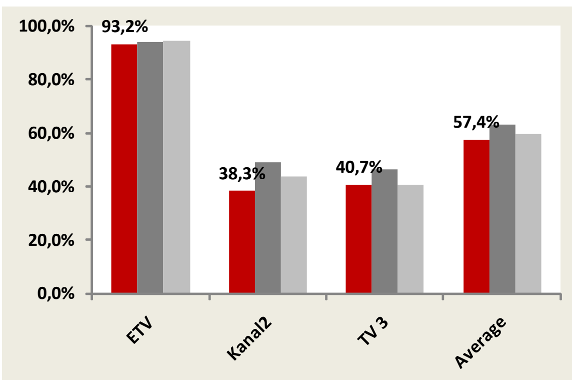
Table 65: Ratio of European qualifying to total qualifying hours and viewer hours in Estonia, 2010

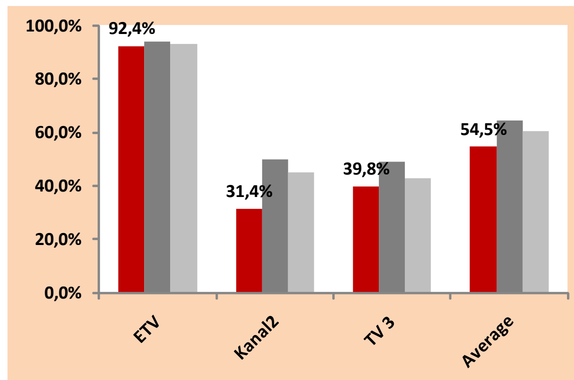
All Day

Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
ETV	93,2%	94,0%	94,5%
Kanal2	38,3%	48,9%	43,8%
TV 3	40,7%	46,4%	40,8%
Average	**57,4%**	**63,1%**	**59,7%**

Peak Time

Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
ETV	92,4%	93,9%	93,0%
Kanal2	31,4%	49,7%	44,9%
TV 3	39,8%	49,2%	42,9%
Average	**54,5%**	**64,3%**	**60,3%**





Qualifying European to Total Qualifying Hours (%)
Qualifying European to Total Qualifying Viewer Hours (%) All Individuals
Qualifying European to Total Qualifying Viewer Hours (%) Young Adults

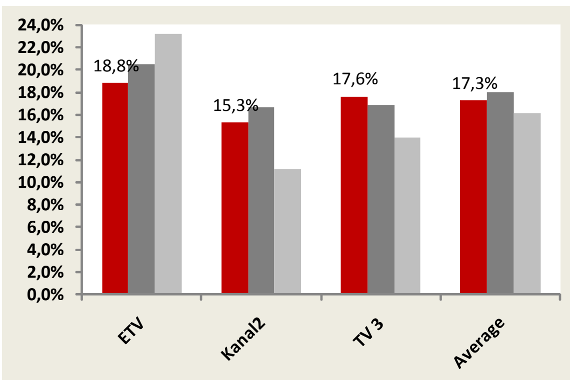
Source : Eurodata TV – TNS Emor / Headway

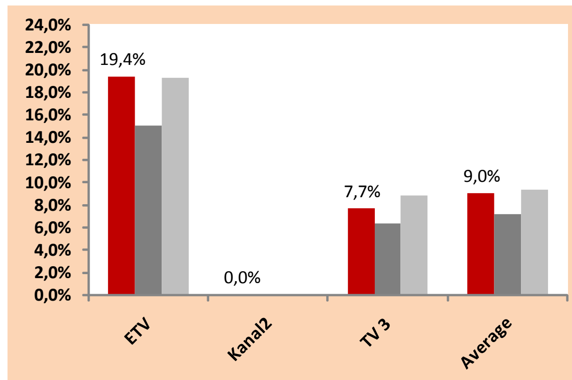
Estonian channels are increasing their proportions of European works, especially public channel ETV. Private channels continue to be below the requirement for 50%,[23] but are close to this figure when looking at viewer hours especially in primetime.

[23] TV3 and KANAL 2 are slightly above 50% according to the latest available yearly declarations in 2008.

Table 66: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in Estonia, 2010

All Day				Peak Time			
Channel	***Non-Domestic European Hours(%)***	***Non-Domestic European Viewer Hours(%) All Individuals***	***Non-Domestic European Viewer Hours(%) Young Adults***	***Channel***	***Non-Domestic European Hours(%)***	***Non-Domestic European Viewer Hours(%) All Individuals***	***Non-Domestic European Viewer Hours(%) Young Adults***
ETV	18,8%	20,5%	23,2%	ETV	19,4%	15,0%	19,3%
Kanal2	15,3%	16,7%	11,2%	Kanal2	0,0%	0,0%	0,0%
TV 3	17,6%	16,9%	13,9%	TV 3	7,7%	6,4%	8,9%
Average	**17,3%**	**18,0%**	**16,1%**	**Average**	**9,0%**	**7,1%**	**9,4%**





Non-Domestic Qualifying European to Total Qualifying Hours(%)
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) All Individuals
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) Young Adults

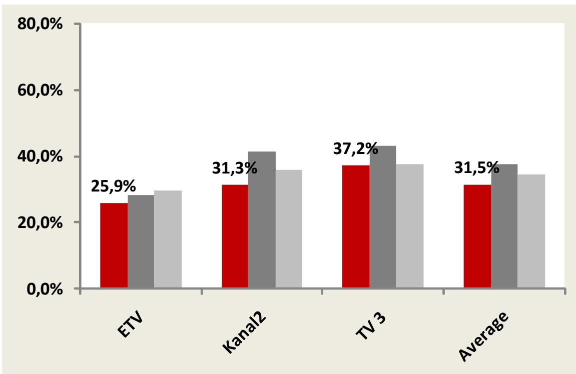
Source : Eurodata TV – TNS Emor / Headway

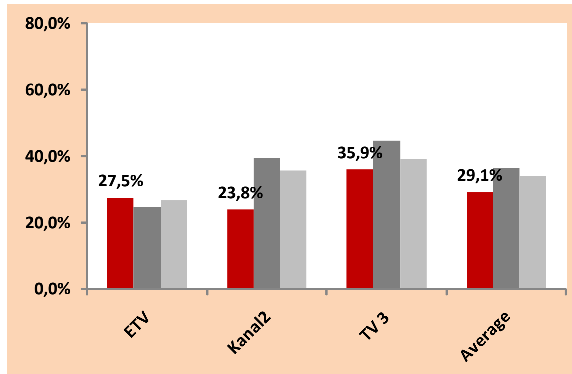
Non-domestic European works on Estonian channels reach among the highest level in our sample and are very similar across our sampled channels.

They air predominantly in daytime, except on public channel ETV.

Table 67: Ratio of independent European qualifying to total qualifying hours and viewer hours in Estonia, 2010

All Day				Peak Time			
Channel	***Independent Hours(%)***	***Independent Viewer Hours(%) All Individuals***	***Independent Viewer Hours(%) Young Adults***	***Channel***	***Independent Hours(%)***	***Independent Viewer Hours(%) All Individuals***	***Independent Viewer Hours(%) Young Adults***
ETV	25,9%	28,1%	29,8%	ETV	27,5%	24,5%	26,6%
Kanal2	31,3%	41,3%	36,0%	Kanal2	23,8%	39,5%	35,6%
TV 3	37,2%	43,2%	37,6%	TV 3	35,9%	44,7%	39,1%
Average	**31,5%**	**37,6%**	**34,5%**	**Average**	**29,1%**	**36,2%**	**33,8%**





Qualifying Independent European to Total Qualifying Hours(%)
Qualifying Independent European to Total Qualifying Viewer Hours(%) All Individuals
Qualifying Independent European to Total Qualifying Viewer Hours(%) Young Adults

Source : Eurodata TV – TNS Emor / Headway

Estonian channels are largely above the requirement for 10% Independent works, especially private channels (TV3, KANAL 2)[24].

Independent works are more successful with audiences and represent above 40% of viewing on private channels (TV3, KANAL 2).

[24] Our sample estimates show higher figures than the yearly declarations, which are typically around 25-50%.

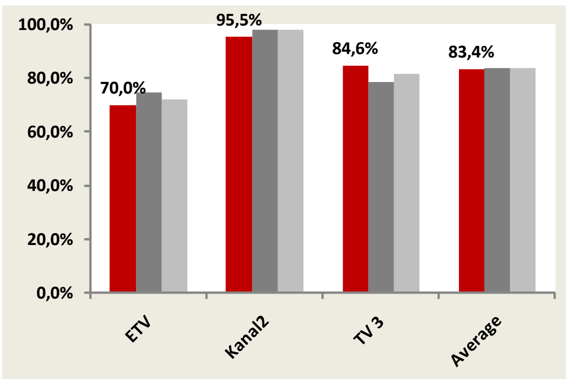
Table 68: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in Estonia, 2010

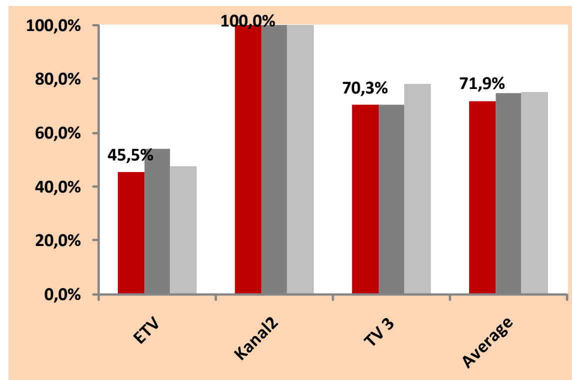
All Day

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
ETV	70,0%	74,5%	71,8%
Kanal2	95,5%	97,9%	98,1%
TV 3	84,6%	78,7%	81,5%
Average	**83,4%**	**83,7%**	**83,8%**

Peak Time

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
ETV	45,5%	54,1%	47,4%
Kanal2	100,0%	100,0%	100,0%
TV 3	70,3%	70,3%	78,2%
Average	**71,9%**	**74,8%**	**75,2%**





Recent Qualifying Independent European to Total Qualifying Independent European Hours(%)
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) All Individuals
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) Young Adults

Source : Eurodata TV – TNS Emor / Headway

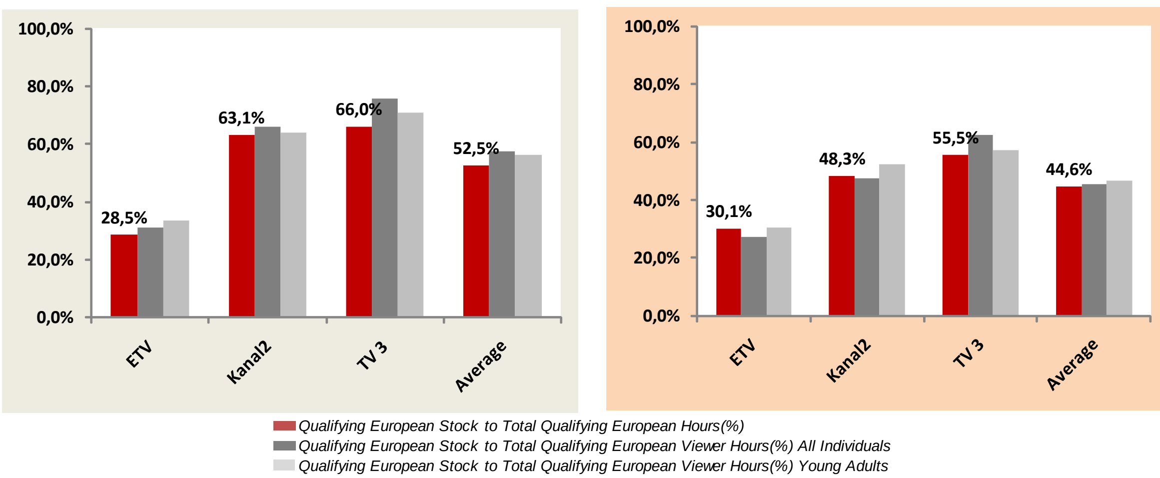
Recent Independent works on Estonian channels reach similar levels to our sample average.

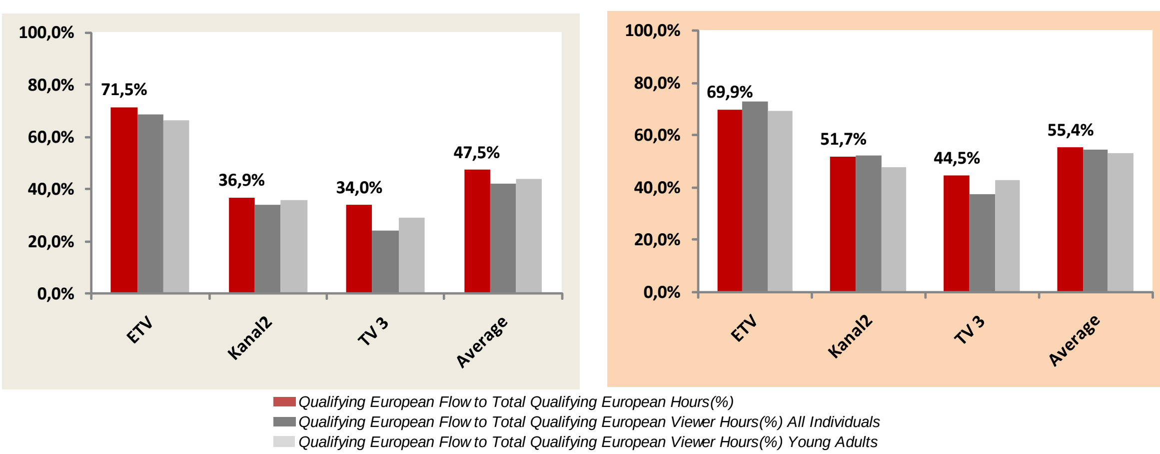
Recent Independent works are more prominent on private channels (KANAL 2, TV3). Public channel ETV is below 50% in primetime.

Table 69: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in Estonia, 2010

All Day				Peak Time			
Channel	***European Stock Hours(%)***	***European Stock Viewer Hours(%) All Individuals***	***European Stock Viewer Hours(%) Young Adults***	***Channel***	***European Stock Hours(%)***	***European Stock Viewer Hours(%) All Individuals***	***European Stock Viewer Hours(%) Young Adults***
ETV	28,5%	31,1%	33,6%	ETV	30,1%	27,1%	30,6%
Kanal2	63,1%	66,0%	64,0%	Kanal2	48,3%	47,6%	52,5%
TV 3	66,0%	75,8%	70,9%	TV 3	55,5%	62,4%	57,4%
Average	**52,5%**	**57,6%**	**56,2%**	**Average**	**44,6%**	**45,7%**	**46,8%**

Channel	***European Flow Hours(%)***	***European Flow Viewer Hours(%) All Individuals***	***European Flow Viewer Hours(%) Young Adults***	***Channel***	***European Flow Hours(%)***	***European Flow Viewer Hours(%) All Individuals***	***European Flow Viewer Hours(%) Young Adults***
ETV	71,5%	68,9%	66,4%	ETV	69,9%	72,9%	69,4%
Kanal2	36,9%	34,0%	36,0%	Kanal2	51,7%	52,4%	47,5%
TV 3	34,0%	24,2%	29,1%	TV 3	44,5%	37,6%	42,6%
Average	**47,5%**	**42,4%**	**43,8%**	**Average**	**55,4%**	**54,3%**	**53,2%**

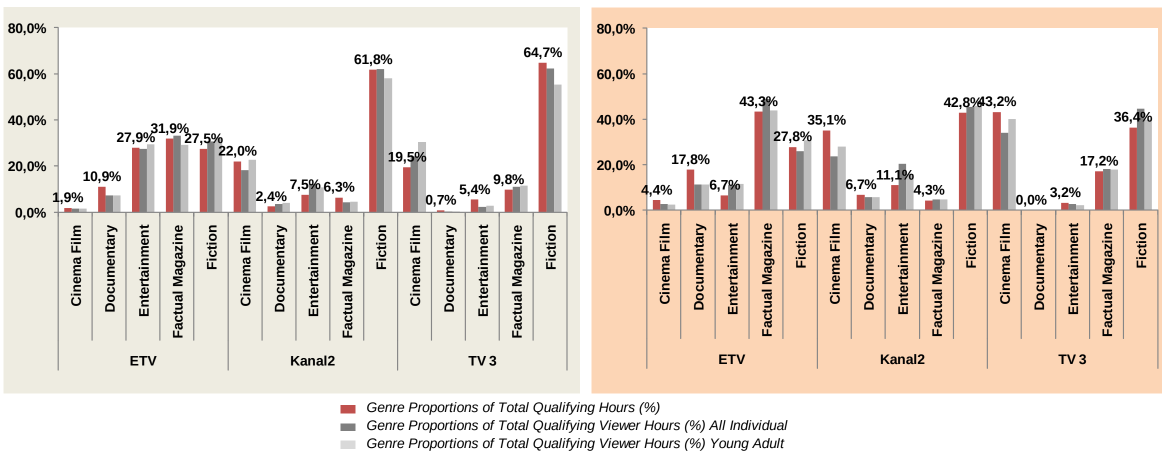




Source : Eurodata TV – TNS Emor / Headway

Table 70: Genre proportion of total qualifying hours and viewer hours in Estonia, 2010

All Day					Peak Time				
Channel	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*	*Channel*	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*
ETV	Cinema Film	1,9%	1,6%	1,6%	**ETV**	Cinema Film	4,4%	2,8%	2,6%
	Documentary	10,9%	7,2%	7,3%		Documentary	17,8%	11,2%	11,4%
	Entertainment	27,9%	27,5%	29,3%		Entertainment	6,7%	11,0%	11,6%
	Factual Magazine	31,9%	33,0%	29,3%		Factual Magazine	43,3%	49,0%	43,8%
	Fiction	27,5%	30,6%	32,5%		Fiction	27,8%	25,9%	30,7%
Kanal2	Cinema Film	22,0%	18,2%	22,8%	**Kanal2**	Cinema Film	35,1%	23,7%	27,9%
	Documentary	2,4%	3,4%	3,9%		Documentary	6,7%	5,7%	5,7%
	Entertainment	7,5%	12,1%	10,8%		Entertainment	11,1%	20,3%	15,8%
	Factual Magazine	6,3%	4,1%	4,5%		Factual Magazine	4,3%	4,8%	4,7%
	Fiction	61,8%	62,1%	57,9%		Fiction	42,8%	45,4%	45,8%
TV 3	Cinema Film	19,5%	24,2%	30,4%	**TV 3**	Cinema Film	43,2%	34,2%	40,0%
	Documentary	0,7%	0,2%	0,3%		Documentary	0,0%	0,0%	0,0%
	Entertainment	5,4%	2,4%	2,7%		Entertainment	3,2%	2,9%	2,4%
	Factual Magazine	9,8%	10,9%	11,5%		Factual Magazine	17,2%	18,2%	17,8%
	Fiction	64,7%	62,4%	55,2%		Fiction	36,4%	44,8%	39,8%



Source : Eurodata TV – TNS Emor / Headway

TV fiction and cinema are largely dominant genres on private channels (KANAL 2, TV3). Public channel ETV shows the most balanced mix, with TV fiction and factual magazine, daytime entertainment and primetime documentary.

Our non-linear sample consists of 3 services: VAATA SAADETE ARHIIVI, a catch-up service operated by public service broadcaster ERR; TV3, a catch-up service operated by private broadcaster Viasat; and DIGITV VIDEOLAENUTUS, an on-demand service operated by telecom company Elion.

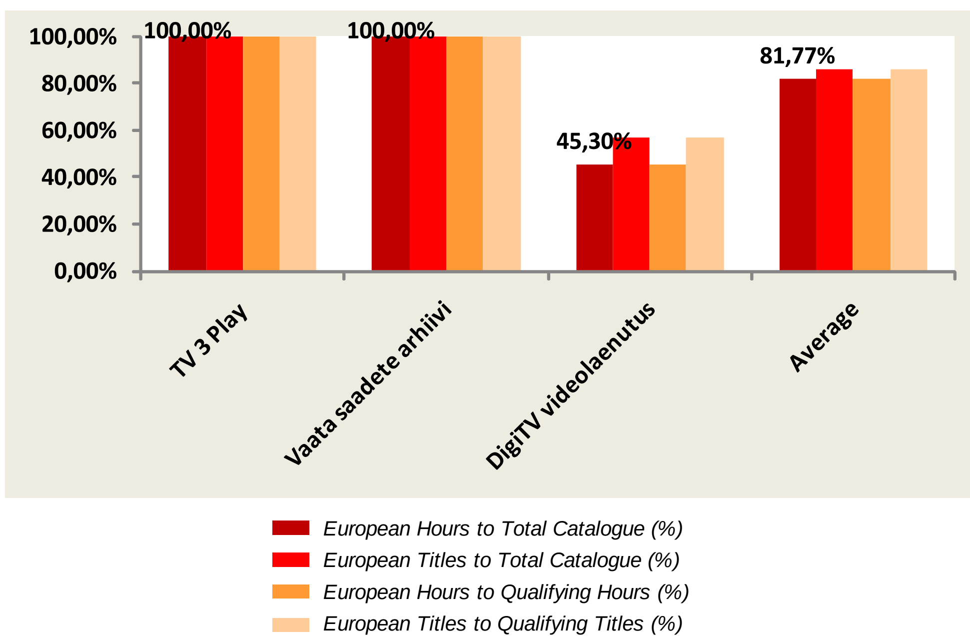
Table 71: List of non-linear services covered in Estonia, 2011[25]

Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
Estonia	TV 3	Catch-up	Ad	Private	Broadcaster	Viasat	417	23 (2011)
Estonia	Vaata saadete arh	Catch-up	Gvt	Public	Broadcaster	ERR	1667	29 (2011)
Estonia	DigiTV videolaenut	VOD	Pay	Private	Telco	Elion	1735	29 (2011)

European works on non-linear services of Estonia reach levels similar to our sample average. Findings measured as a proportion of hours are slightly lower than findings as a proportion of titles.

Table 72: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in Estonia, 2011

Channel	*European Hours(%) to total catalogue*	*European Titles(%) to total catalogue*	*European Hours(%) to qualifying catalogue*	*European Titles(%) to qualifying catalogue*
TV 3 Play	100,00%	100,00%	100,00%	100,00%
Vaata saadete arhiivi	100,00%	100,00%	100,00%	100,00%
DigiTV videolaenutus	45,30%	57,25%	45,30%	57,25%
Average	**81,77%**	**85,75%**	**81,77%**	**85,75%**



Source : Company online catalogues / Headway

25 See footnote 20. TV3 targets Estonia but falls within the jurisdiction of the Netherlands and is therefore not the responsibility of the Estonian regulatory authority.

5. France

Our linear sample consists of 6 channels (TF1, FRANCE2, FRANCE3, M6, CANAL+ and DIRECT8), which together account for 77.6% of total French TV viewing.

Table 73: List of linear services covered in France, 2010

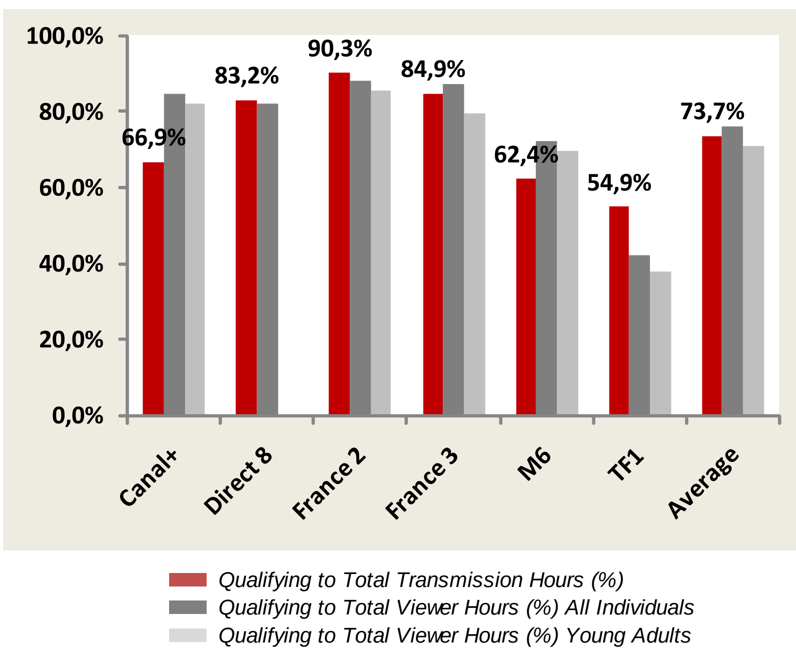
Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
France	TF1	1968	27,4	29,6	Ad	Private	24	12 + 46 (2010)
France	France 2	1975	18,5	11,0	Gvt	Public	24	12 + 46 (2010)
France	France 3	1975	13,6	7,0	Gvt	Public	24	12 + 46 (2010)
France	M6	1987	11,0	17,1	Ad	Private	24	12 + 46 (2010)
France	Canal+	1984	4,1	3,5	Pay	Private	24	12 + 46 (2010)
France	Direct8	2007	<3%	<3%	Ad	Private	24	12 + 46 (2010)

Key findings:

- The average proportion of qualifying works is close to our sample average. Smaller channels show lower proportions of qualifying works than larger channels.
- French channels, especially public channels, largely meet the requirement for 50% European works.
- European works are generally more successful with viewers than non-European works, but less so with viewers of leading channels.
- Non-domestic European works reach similar levels to those in large European Member States. They predominately air in daytime and are relatively less successful with audiences, especially young adults.
- French channels, especially public channels, largely pass the requirement for 10% Independent works.
- Independent works are more prominent on premium pay and public channels than private free channels.
- Recent Independent works on French channels reach similar levels to those in other large European Member States.
- Recent Independent works are more prominent on public channels, leaders and premium pay, than on smaller free private channels.

Table 74: Ratio of qualifying to total transmission hours and viewer hours in France, 2010

Channel	*Qualifying Transmission Hours(%)*	*Qualifying Viewer Hours(%) All Individuals*	*Qualifying Viewer Hours(%) Young Adults*
Canal+	89,8%	88,9%	90,7%
Direct 8	82,6%	89,4%	N/A
France 2	67,3%	55,4%	57,0%
France 3	60,8%	48,2%	54,9%
M6	66,1%	67,7%	67,9%
TF1	66,1%	51,3%	56,4%
Average	**72,1%**	**66,8%**	**65,4%**



Source : Eurodata TV – Médiamétrie / Headway

The average proportion of qualifying works is close to our sample average.

Smaller channels show lower proportions of qualifying works (CANAL+, DIRECT8) than larger channels (TF1, FRANCE2, FRANCE3, M6).

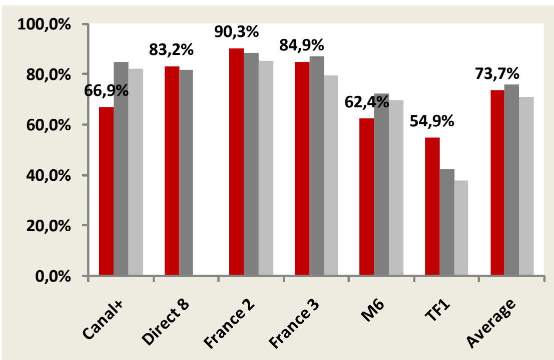
Table 75: Ratio of European qualifying to total qualifying hours and viewer hours in France, 2010

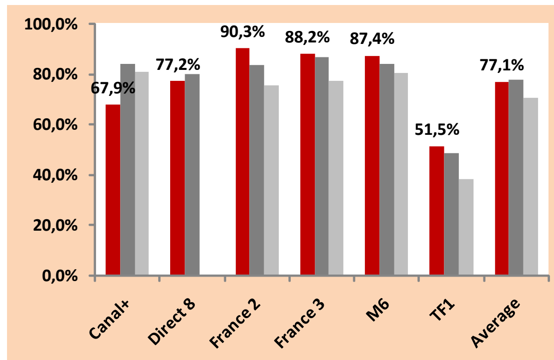
All Day

Channel	European Hours(%)	European Viewer Hours(%) All Individuals	European Viewer Hours(%) Young Adults
Canal+	66,9%	84,9%	82,2%
Direct 8	83,2%	82,0%	N/A
France 2	90,3%	88,4%	85,4%
France 3	84,9%	87,1%	79,5%
M6	62,4%	72,3%	69,9%
TF1	54,9%	42,2%	38,1%
Average	**73,7%**	**76,1%**	**71,0%**

Peak Time

Channel	European Hours(%)	European Viewer Hours(%) All Individuals	European Viewer Hours(%) Young Adults
Canal+	67,9%	84,3%	80,9%
Direct 8	77,2%	80,2%	N/A
France 2	90,3%	83,5%	75,6%
France 3	88,2%	86,9%	77,2%
M6	87,4%	84,2%	80,5%
TF1	51,5%	48,8%	38,3%
Average	**77,1%**	**78,0%**	**70,5%**





Qualifying European to Total Qualifying Hours (%)
Qualifying European to Total Qualifying Viewer Hours (%) All Individuals
Qualifying European to Total Qualifying Viewer Hours (%) Young Adults

Source : Eurodata TV – Médiamétrie / Headway

French channels are largely meeting the requirement for 50% European works, especially public channels (FRANCE2, FRANCE3).

European works are generally more successful with audiences of pay channel CANAL+, but are less successful with the audiences of other channels, especially leading channels (TF1, FRANCE2).

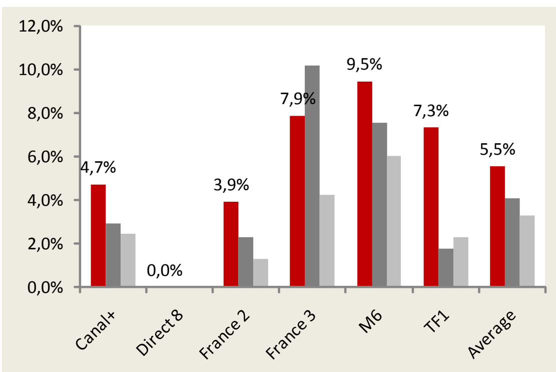
Table 76: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in France, 2010

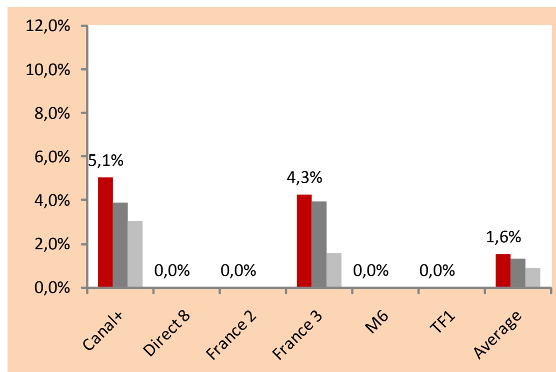
All Day

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
Canal+	4,7%	2,9%	2,5%
Direct 8	0,0%	0,0%	N/A
France 2	3,9%	2,3%	1,3%
France 3	7,9%	10,2%	4,2%
M6	9,5%	7,5%	6,0%
TF1	7,3%	1,7%	2,3%
Average	**5,5%**	**4,1%**	**3,3%**

Peak Time

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
Canal+	5,1%	3,9%	3,0%
Direct 8	0,0%	0,0%	N/A
France 2	0,0%	0,0%	0,0%
France 3	4,3%	4,0%	1,6%
M6	0,0%	0,0%	0,0%
TF1	0,0%	0,0%	0,0%
Average	**1,6%**	**1,3%**	**0,9%**





Non-Domestic Qualifying European to Total Qualifying Hours(%)
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) All Individuals
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) Young Adults

Source : Eurodata TV – Médiamétrie / Headway

Non-domestic European works on French channels reach similar levels to those in large European Member States.

They air predominantly in daytime and are relatively less successful with audiences, especially young adults.

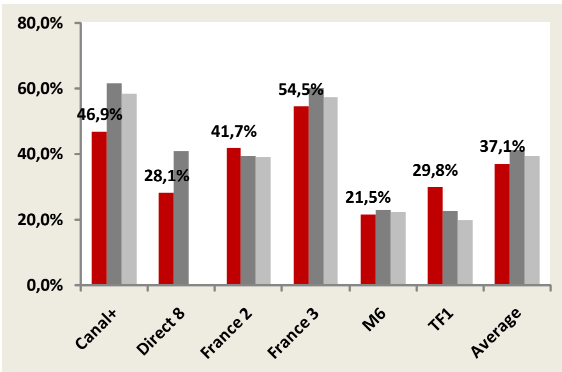
Table 77: Ratio of independent European qualifying to total qualifying hours and viewer hours in France, 2010

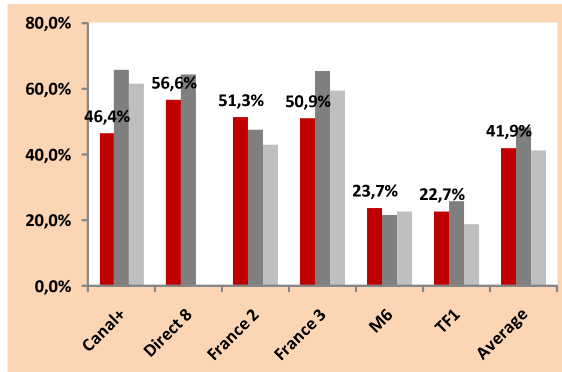
All Day

Channel	*Independent Hours(%)*	*Independent Viewer Hours(%) All Individuals*	*Independent Viewer Hours(%) Young Adults*
Canal+	46,9%	61,5%	58,3%
Direct 8	28,1%	40,9%	N/A
France 2	41,7%	39,3%	39,1%
France 3	54,5%	60,0%	57,3%
M6	21,5%	22,9%	22,3%
TF1	29,8%	22,4%	19,6%
Average	**37,1%**	**41,2%**	**39,3%**

Peak Time

Channel	*Independent Hours(%)*	*Independent Viewer Hours(%) All Individuals*	*Independent Viewer Hours(%) Young Adults*
Canal+	46,4%	65,9%	61,7%
Direct 8	56,6%	64,5%	N/A
France 2	51,3%	47,4%	43,0%
France 3	50,9%	65,5%	59,5%
M6	23,7%	21,6%	22,7%
TF1	22,7%	25,7%	19,0%
Average	**41,9%**	**48,4%**	**41,2%**





Qualifying Independent European to Total Qualifying Hours(%)
Qualifying Independent European to Total Qualifying Viewer Hours(%) All Individuals
Qualifying Independent European to Total Qualifying Viewer Hours(%) Young Adults

Source : Eurodata TV – Médiamétrie / Headway

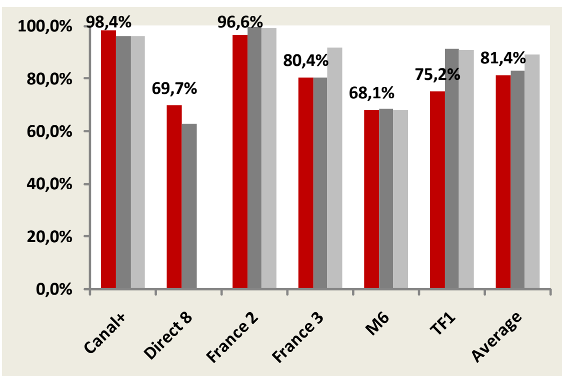
French channels are largely above the requirement for 10% Independent works, reaching among the highest levels in our sample[26].

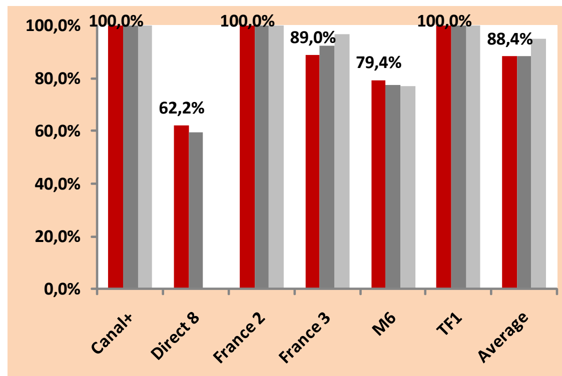
Independent works are more prominent on public channels (FRANCE2, FRANCE3) and premium pay (CANAL+), than private free channels (TF1, M6, DIRECT8).

[26] Our sample estimates show higher figures than the yearly declarations, which are typically around 15-20%.

Table 78: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in France, 2010

All Day				Peak Time			
Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*	*Channel*	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
Canal+	98,4%	96,2%	96,0%	Canal+	100,0%	100,0%	100,0%
Direct 8	69,7%	62,8%	N/A	Direct 8	62,2%	59,4%	N/A
France 2	96,6%	99,5%	99,2%	France 2	100,0%	100,0%	100,0%
France 3	80,4%	80,2%	91,7%	France 3	89,0%	92,4%	96,8%
M6	68,1%	68,5%	68,0%	M6	79,4%	77,6%	76,9%
TF1	75,2%	91,2%	91,0%	TF1	100,0%	100,0%	100,0%
Average	**81,4%**	**83,1%**	**89,2%**	**Average**	**88,4%**	**88,2%**	**94,7%**





Recent Qualifying Independent European to Total Qualifying Independent European Hours(%)
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) All Individuals
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) Young Adults

Source : Eurodata TV – Médiamétrie / Headway

Recent Independent works on French channels reach similar levels to those in the large European Member States.

Recent Independent works are more prominent on premium pay (CANAL+), public channels (FRANCE2, FRANCE3) and leaders (TF1), than smaller free private channels (M6, DIRECT8).

Table 79: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in France, 2010

All Day

Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Canal+	47,1%	12,3%	13,7%
Direct 8	27,6%	42,6%	N/A
France 2	30,7%	31,6%	26,4%
France 3	58,7%	74,2%	75,0%
M6	49,6%	54,8%	54,5%
TF1	68,4%	62,9%	58,0%
Average	**47,0%**	**46,4%**	**45,5%**

Peak Time

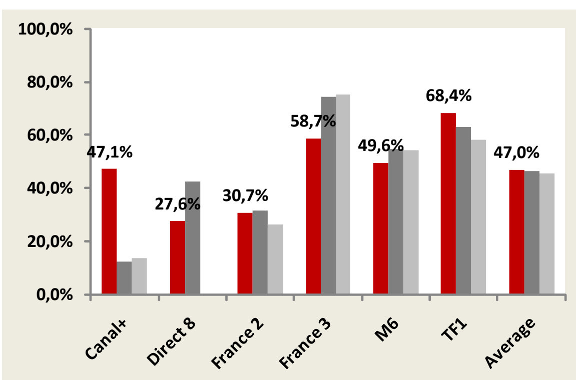
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Canal+	29,0%	11,8%	12,8%
Direct 8	29,6%	33,2%	N/A
France 2	47,3%	52,3%	46,0%
France 3	67,3%	87,4%	88,2%
M6	37,0%	46,1%	47,3%
TF1	64,4%	71,2%	68,5%
Average	**45,8%**	**50,3%**	**52,5%**

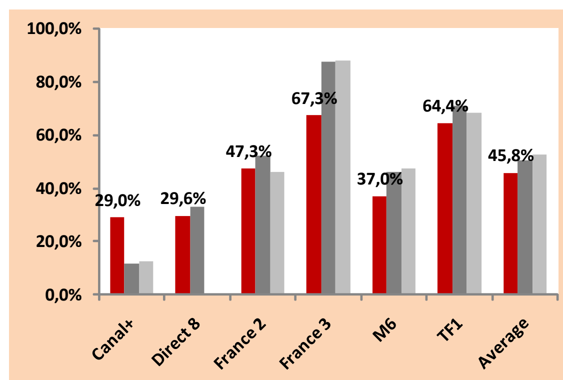
All Day:

Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Canal+	52,9%	87,7%	86,3%
Direct 8	72,4%	57,4%	N/A
France 2	69,3%	68,4%	73,6%
France 3	41,3%	25,8%	25,0%
M6	50,4%	45,2%	45,5%
TF1	31,6%	37,1%	42,0%
Average	**53,0%**	**53,6%**	**54,5%**

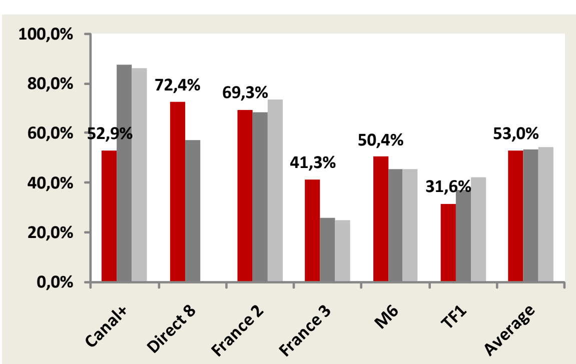
Peak Time:

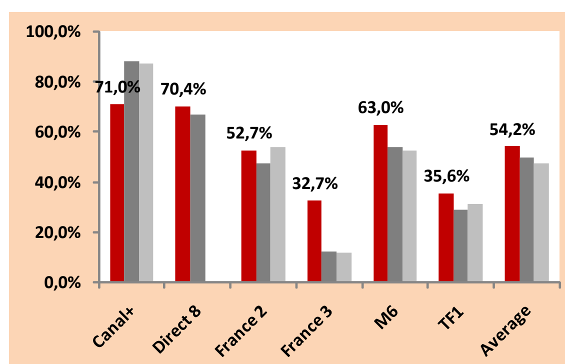
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Canal+	71,0%	88,2%	87,2%
Direct 8	70,4%	66,8%	N/A
France 2	52,7%	47,7%	54,0%
France 3	32,7%	12,6%	11,8%
M6	63,0%	53,9%	52,7%
TF1	35,6%	28,8%	31,5%
Average	**54,2%**	**49,7%**	**47,5%**





Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults



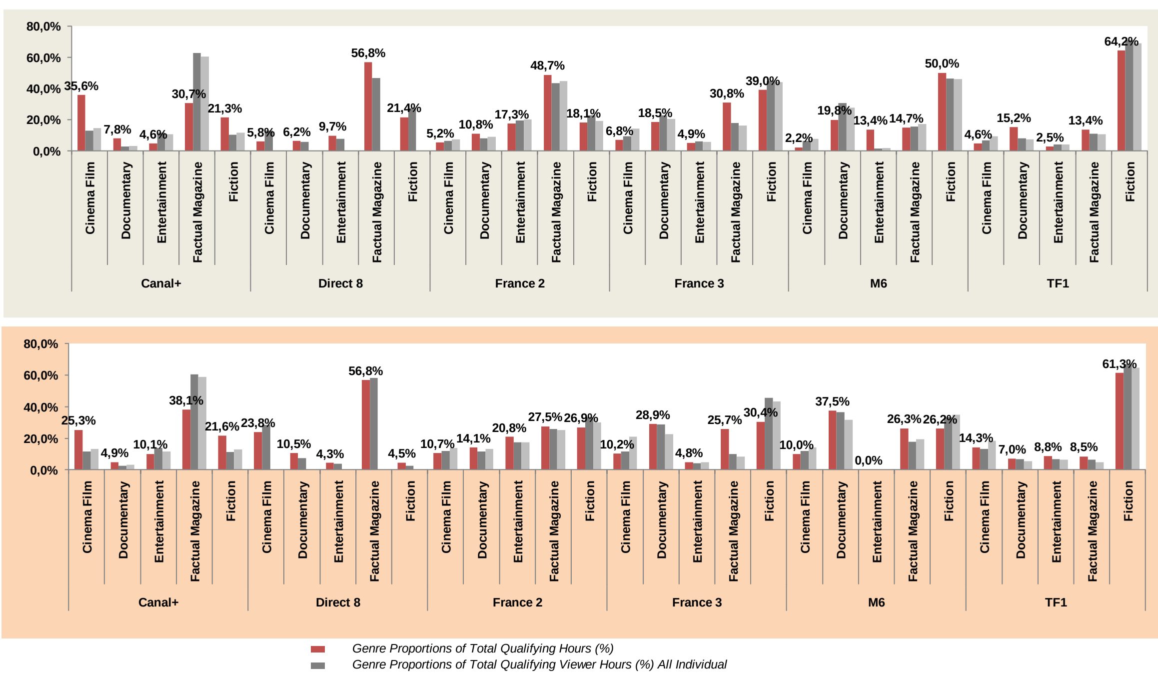


Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

Source : Eurodata TV – Médiamétrie / Headway

Table 80: Genre proportion of total qualifying hours and viewer hours in France, 2010

All Day					Peak Time				
Channel	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*	*Channel*	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*
Canal+	Cinema Film	35,6%	12,9%	14,6%	**Canal+**	Cinema Film	25,3%	11,7%	13,4%
	Documentary	7,8%	2,6%	3,0%		Documentary	4,9%	2,6%	3,2%
	Entertainment	4,6%	11,7%	10,4%		Entertainment	10,1%	13,8%	11,6%
	Factual Magazine	30,7%	62,6%	60,4%		Factual Magazine	38,1%	60,5%	59,0%
	Fiction	21,3%	10,1%	11,6%		Fiction	21,6%	11,4%	12,8%
Direct 8	Cinema Film	5,8%	12,8%	N/A	**Direct 8**	Cinema Film	23,8%	28,4%	N/A
	Documentary	6,2%	5,6%	N/A		Documentary	10,5%	7,3%	N/A
	Entertainment	9,7%	7,6%	N/A		Entertainment	4,3%	3,7%	N/A
	Factual Magazine	56,8%	46,6%	N/A		Factual Magazine	56,8%	58,1%	N/A
	Fiction	21,4%	27,3%	N/A		Fiction	4,5%	2,6%	N/A
France 2	Cinema Film	5,2%	6,4%	7,3%	**France 2**	Cinema Film	10,7%	12,0%	14,0%
	Documentary	10,8%	8,0%	8,8%		Documentary	14,1%	11,5%	13,3%
	Entertainment	17,3%	19,4%	20,2%		Entertainment	20,8%	17,3%	17,5%
	Factual Magazine	48,7%	43,5%	44,8%		Factual Magazine	27,5%	25,9%	25,1%
	Fiction	18,1%	22,6%	18,9%		Fiction	26,9%	33,3%	30,2%
France 3	Cinema Film	6,8%	9,2%	14,3%	**France 3**	Cinema Film	10,2%	11,5%	21,1%
	Documentary	18,5%	22,7%	20,3%		Documentary	28,9%	28,9%	22,6%
	Entertainment	4,9%	5,9%	5,5%		Entertainment	4,8%	4,3%	4,7%
	Factual Magazine	30,8%	17,6%	16,0%		Factual Magazine	25,7%	9,9%	8,2%
	Fiction	39,0%	44,6%	43,9%		Fiction	30,4%	45,5%	43,3%
M6	Cinema Film	2,2%	6,4%	7,5%	**M6**	Cinema Film	10,0%	12,1%	14,0%
	Documentary	19,8%	30,6%	27,8%		Documentary	37,5%	36,6%	31,6%
	Entertainment	13,4%	1,3%	1,6%		Entertainment	0,0%	0,0%	0,0%
	Factual Magazine	14,7%	15,5%	17,0%		Factual Magazine	26,3%	17,9%	19,4%
	Fiction	50,0%	46,2%	46,1%		Fiction	26,2%	33,4%	35,0%
TF1	Cinema Film	4,6%	6,5%	9,2%	**TF1**	Cinema Film	14,3%	13,1%	18,3%
	Documentary	15,2%	7,8%	7,3%		Documentary	7,0%	6,8%	5,6%
	Entertainment	2,5%	3,9%	4,0%		Entertainment	8,8%	6,7%	6,4%
	Factual Magazine	13,4%	10,8%	10,7%		Factual Magazine	8,5%	6,4%	4,9%
	Fiction	64,2%	71,0%	68,8%		Fiction	61,3%	67,0%	64,8%



Source : Eurodata TV – Médiamétrie / Headway

Factual magazine and TV fiction are dominant genres. Their presence is even more important in primetime.

Our non-linear sample consists of 7 services: PLUZZ and TF1 VIDEOS, two catch-up services operated by public and private broadcasters France Télévisions and TF1; CANAL PLAY and M6 VOD, two video-on-demand services operated by private broadcasters Canal Plus and M6; GLOWRIA and i-TUNES, two independent video-on-demand services; and FHV, a video on-demand service operated by telecom company Iliad/Free.

Table 81: List of non-linear services covered in France, 2011[27]

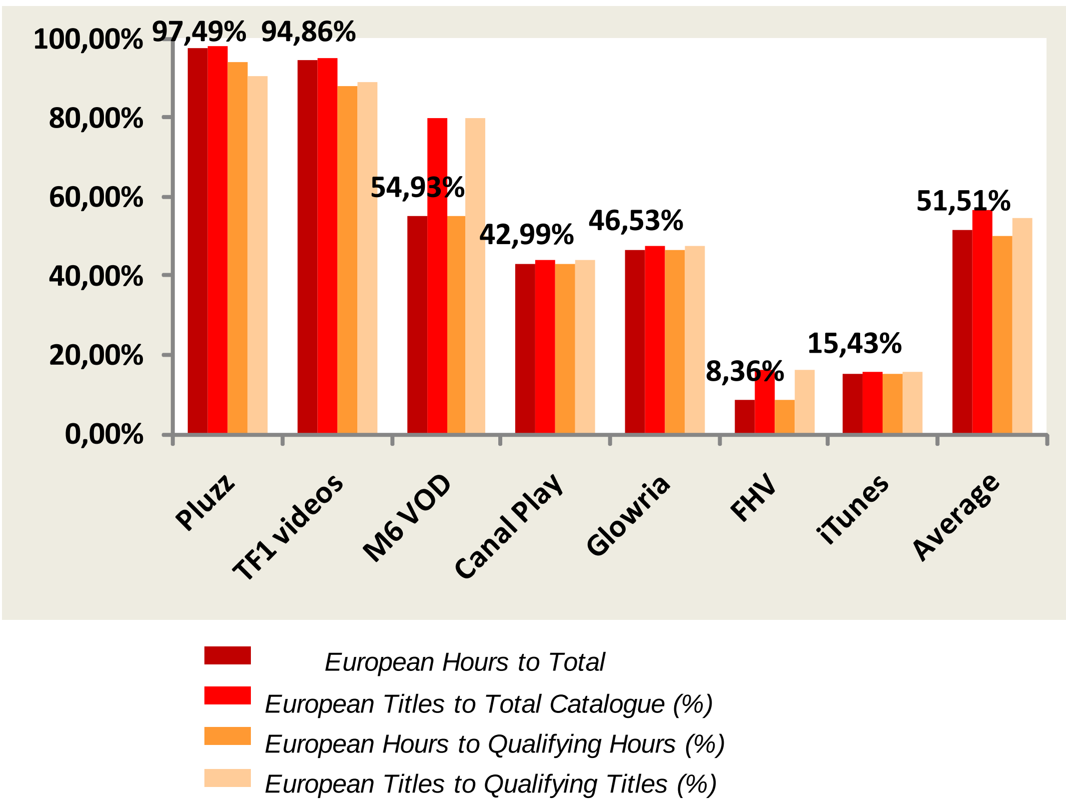
Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
France	Pluzz	Catch-up	Gvt	Public	Broadcaster	FTV	1027	23 (2011)
France	TF1 videos	Catch-up	Ad	Private	Broadcaster	Bouygues	4080	22 (2011)
France	Canal Play	VOD	Pay	Private	Broadcaster	Canal +	297	22 (2011)
France	Glow ria	VOD	Pay	Private	Independent	Video Futur	579	22 (2011)
France	M6 VOD	VOD	Pay	Private	Broadcaster	RTL	2763	16 (2011)
France	FHV	VOD	Pay	Private	Telco	Free/Iliad	1043	25 (2011)
France	iTunes	VOD	Pay	Private	Independent	iTunes	751	31 (2011)

European works on non-linear services in France reach levels similar to our sample average, except FHV and iTUNES, which are significantly lower. Findings measured as a proportion of hours are sometimes lower than findings as a proportion of titles.

[27] See footnote 20. iTunes French catalogue was analysed. iTunes is a non-linear media service falling within the jurisdiction of Luxembourg and is therefore not the responsibility of the French regulatory authority.

Table 82: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in France, 2011

Channel	*European Hours(%) to total catalogue*	*European Titles(%) to total catalogue*	*European Hours(%) to qualifying catalogue*	*European Titles(%) to qualifying catalogue*
Pluzz	97,49%	98,04%	94,24%	90,45%
TF1 videos	94,86%	95,05%	88,18%	89,13%
M6 VOD	54,93%	79,98%	54,93%	79,98%
Canal Play	42,99%	44,21%	42,99%	44,21%
Glowria	46,53%	47,43%	46,53%	47,43%
FHV	8,36%	16,11%	8,36%	16,11%
iTunes	15,43%	15,85%	15,43%	15,85%
Average	**51,51%**	**56,67%**	**50,10%**	**54,74%**



Source : Company online catalogues / Headway

6. Germany

Our linear sample consists of 6 channels (ARD1, ZDF, RTL, SAT.1, PRO7 and VOX), which together account for 61.7% of total German TV viewing.

Table 83: List of linear services covered in Germany, 2010

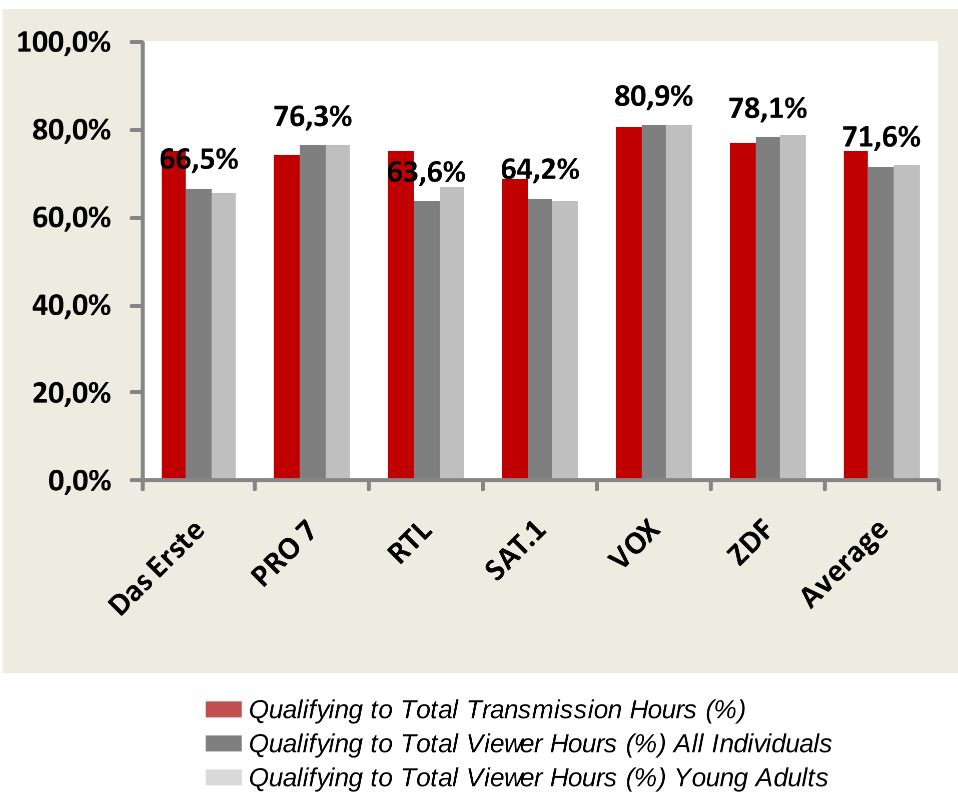
Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Germany	ARD1	1954	13.8	7.5	Gvt	Public	24	11 + 46 (2010)
Germany	ZDF	1963	13.5	7.0	Gvt	Public	24	11 + 46 (2010)
Germany	Sat1	1985	10.5	10.8	Ad	Private	24	11 + 46 (2010)
Germany	RTL	1984	11.9	15.7	Ad	Private	24	11 + 46 (2010)
Germany	Pro7	1989	6.5	11.8	Ad	Private	24	11 + 46 (2010)
Germany	VOX	1993	5.5	7.5	Ad	Private	24	11 + 46 (2010)

Key findings:

- The average proportion of qualifying works is close to our sample average. Leading channels are generally lower than smaller channels.
- German channels are largely above the requirement for 50% European works in 2010, except smaller private channels. Leading private and public channels reach among the highest levels in our sample.
- European works are generally more successful with audiences, even on the smaller private channels.
- Non-domestic European works are as low as in most other old European Member States. They air predominantly on public channels and to a lesser extent on smaller private channels. They are more successful with young adults.
- German channels are largely above the requirement for 10% Independent works, especially private channels.
- Independent works are significantly more successful with viewers.
- Recent Independent works on German channels reach among the highest levels in our sample.
- Recent Independent works are largely dominant on private channels.

Table 84: Ratio of qualifying to total transmission hours and viewer hours in Germany, 2010

Channel	Qualifying Transmission Hours(%)	Qualifying Viewer Hours(%) All Individuals	Qualifying Viewer Hours(%) Young Adults
Das Erste	75,3%	66,5%	65,3%
PRO 7	74,3%	76,3%	76,4%
RTL	74,9%	63,6%	67,0%
SAT.1	68,5%	64,2%	63,8%
VOX	80,7%	80,9%	80,8%
ZDF	77,1%	78,1%	78,8%
Average	**75,1%**	**71,6%**	**72,0%**



Source : Eurodata TV – AGF-GfK / Headway

The average proportion of qualifying works is close to our sample average.

SAT.1 is slightly below other German channels, while VOX and ZDF are slightly above. Leading channels are generally lower than smaller channels.

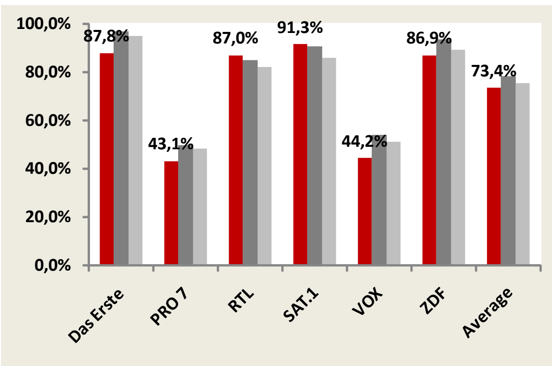
Table 85: Ratio of European qualifying to total qualifying hours and viewer hours in Germany, 2010

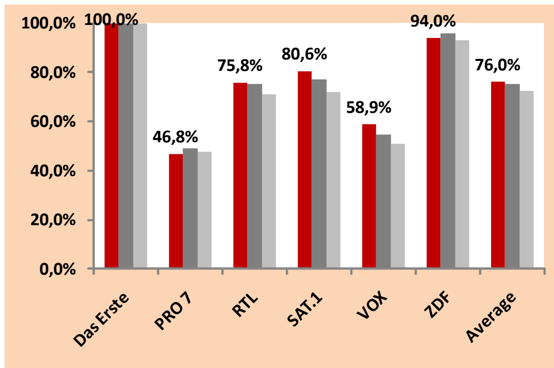
All Day

Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
Das Erste	87,8%	96,9%	94,7%
PRO 7	43,1%	49,5%	48,1%
RTL	87,0%	84,7%	82,1%
SAT.1	91,3%	90,4%	86,0%
VOX	44,2%	54,1%	51,0%
ZDF	86,9%	93,4%	89,1%
Average	**73,4%**	**78,1%**	**75,2%**

Peak Time

Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
Das Erste	100,0%	100,0%	100,0%
PRO 7	46,8%	49,0%	47,7%
RTL	75,8%	75,2%	70,8%
SAT.1	80,6%	77,3%	71,8%
VOX	58,9%	54,7%	50,8%
ZDF	94,0%	96,0%	93,0%
Average	**76,0%**	**75,4%**	**72,4%**





Qualifying European to Total Qualifying Hours (%)
Qualifying European to Total Qualifying Viewer Hours (%) All Individuals
Qualifying European to Total Qualifying Viewer Hours (%) Young Adults

Source : Eurodata TV – AGF-GfK / Headway

German channels are largely above the requirement for 50% European works in 2010 except smaller private channels PRO7 and VOX. Leading private and public channels reach among the highest levels in our sample (DAS ERSTE, ZDF, RTL, SAT.1).

European works are generally more successful with audiences, including on smaller private channels, where they achieved around 50% of viewer hours in 2010 (PRO7, VOX).

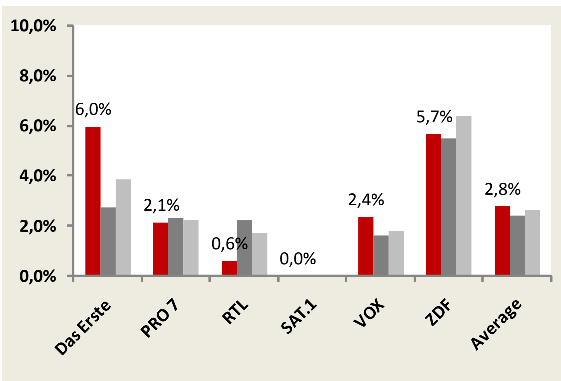
Table 86: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in Germany, 2010

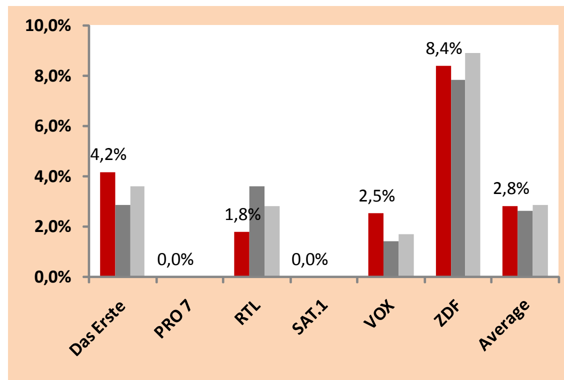
All Day

Channel	Non-Domestic European Hours(%)	Non-Domestic European Viewer Hours(%) All Individuals	Non-Domestic European Viewer Hours(%) Young Adults
Das Erste	6,0%	2,8%	3,8%
PRO 7	2,1%	2,3%	2,2%
RTL	0,6%	2,2%	1,7%
SAT.1	0,0%	0,0%	0,0%
VOX	2,4%	1,6%	1,8%
ZDF	5,7%	5,5%	6,4%
Average	**2,8%**	**2,4%**	**2,7%**

Peak Time

Channel	Non-Domestic European Hours(%)	Non-Domestic European Viewer Hours(%) All Individuals	Non-Domestic European Viewer Hours(%) Young Adults
Das Erste	4,2%	2,9%	3,6%
PRO 7	0,0%	0,0%	0,0%
RTL	1,8%	3,6%	2,8%
SAT.1	0,0%	0,0%	0,0%
VOX	2,5%	1,4%	1,7%
ZDF	8,4%	7,8%	8,9%
Average	**2,8%**	**2,6%**	**2,8%**





Non-Domestic Qualifying European to Total Qualifying Hours(%)
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) All Individuals
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) Young Adults

Source : Eurodata TV – AGF-GfK / Headway

Non-domestic European works on German channels are as low as in most other old European Member States.

They air predominantly on public channels (DAS ERSTE, ZDF) and to a lesser extent on smaller private channels (PRO7, VOX). They are more successful with young adults.

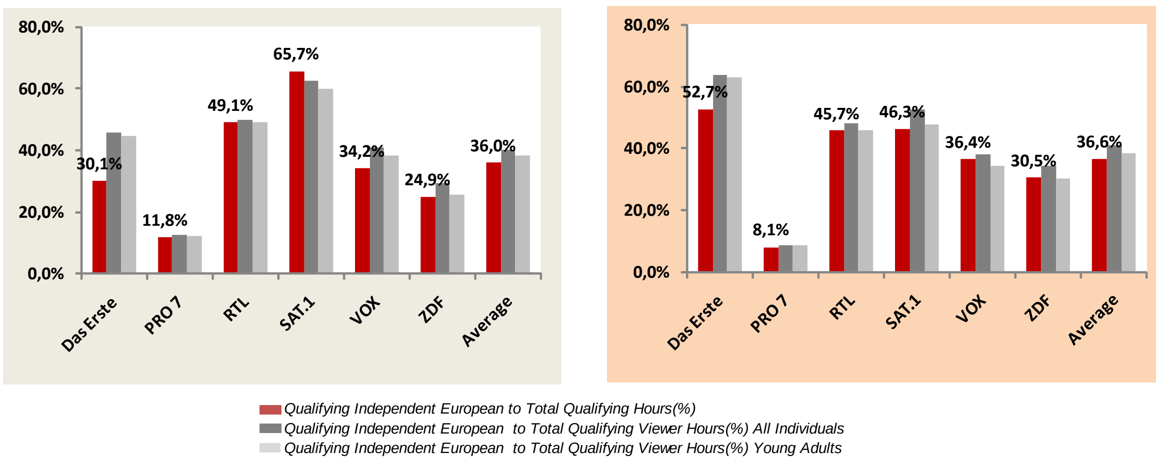
Table 87: Ratio of independent European qualifying to total qualifying hours and viewer hours in Germany, 2010

All Day

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
Das Erste	30,1%	45,7%	44,6%
PRO 7	11,8%	12,5%	12,1%
RTL	49,1%	49,9%	49,1%
SAT.1	65,7%	62,4%	59,8%
VOX	34,2%	41,1%	38,2%
ZDF	24,9%	29,3%	25,6%
Average	**36,0%**	**40,2%**	**38,2%**

Peak Time

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
Das Erste	52,7%	63,7%	62,9%
PRO 7	8,1%	8,8%	8,5%
RTL	45,7%	48,1%	46,0%
SAT.1	46,3%	52,7%	47,9%
VOX	36,4%	38,0%	34,2%
ZDF	30,5%	34,5%	30,3%
Average	**36,6%**	**41,0%**	**38,3%**



Source : Eurodata TV – AGF-GfK / Headway

German channels largely achieve above the requirement for 10% Independent works, reaching among the highest levels in our sample, though not as high as in other large Member States[28].

Independent works are especially prevalent on private channels (RTL, SAT.1, VOX) except PRO7, on which the figure was nearly 3 times lower in 2010 than in 2007, and only slightly above the requirement.

Independent works are significantly more successful with viewers. In primetime DAS ERSTE shows the highest proportion of Independent works (above half of the primetime schedule and nearly two thirds of viewer hours), with other leaders RTL and SAT.1 following close behind.

[28] Our sample estimates show lower figures than the yearly declarations, which around typically around 80% for private channels and 20-40% for public channels.

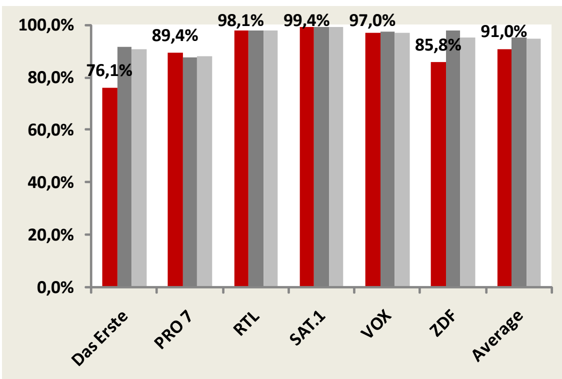
Table 88: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in Germany, 2010

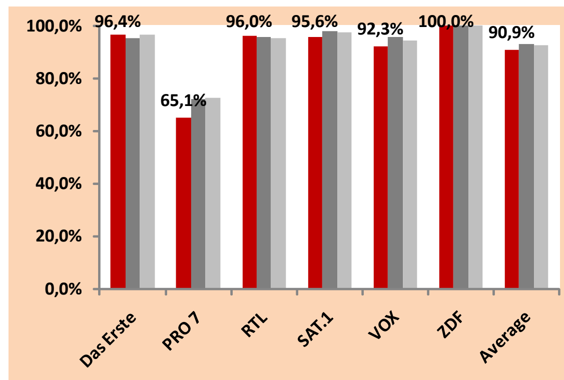
All Day

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
Das Erste	76,1%	91,8%	91,0%
PRO 7	89,4%	87,6%	88,1%
RTL	98,1%	97,9%	97,8%
SAT.1	99,4%	99,4%	99,2%
VOX	97,0%	97,6%	97,0%
ZDF	85,8%	97,9%	95,0%
Average	**91,0%**	**95,4%**	**94,7%**

Peak Time

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
Das Erste	96,4%	95,4%	96,6%
PRO 7	65,1%	72,3%	72,6%
RTL	96,0%	95,8%	95,3%
SAT.1	95,6%	98,1%	97,7%
VOX	92,3%	95,8%	94,6%
ZDF	100,0%	100,0%	100,0%
Average	**90,9%**	**92,9%**	**92,8%**





Recent Qualifying Independent European to Total Qualifying Independent European Hours(%)
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) All Individuals
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) Young Adults

Source : Eurodata TV – AGF-GfK / Headway

Recent Independent works on German channels reach among the highest levels in our sample.

Recent Independent works are largely dominant on private channels except PRO7, for which the proportion is below 2/3 in primetime.

Table 89: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in Germany, 2010

All Day

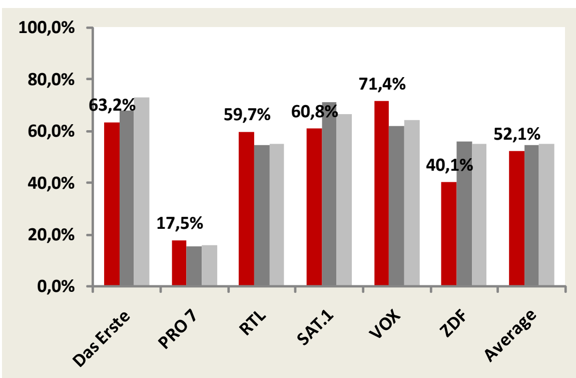
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Das Erste	63,2%	68,0%	73,0%
PRO 7	17,5%	15,3%	15,8%
RTL	59,7%	54,7%	55,2%
SAT.1	60,8%	71,1%	66,5%
VOX	71,4%	62,0%	64,2%
ZDF	40,1%	55,9%	54,9%
Average	**52,1%**	**54,5%**	**54,9%**

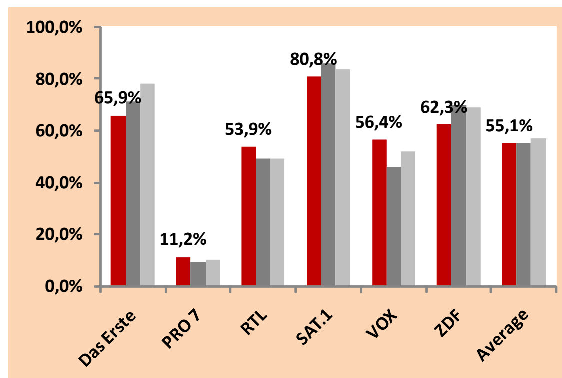
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Das Erste	36,8%	32,0%	27,0%
PRO 7	82,5%	84,7%	84,2%
RTL	40,3%	45,3%	44,8%
SAT.1	39,2%	28,9%	33,5%
VOX	28,6%	38,0%	35,8%
ZDF	59,9%	44,1%	45,1%
Average	**47,9%**	**45,5%**	**45,1%**

Peak Time

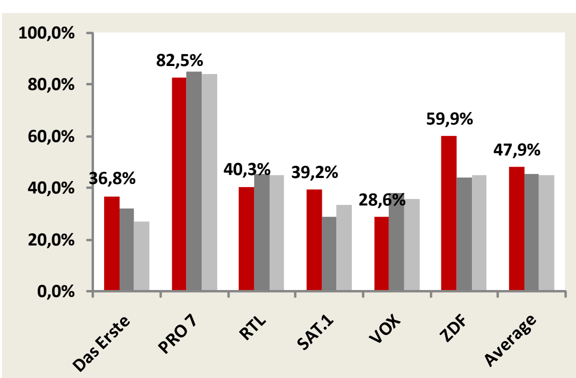
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Das Erste	65,9%	71,1%	78,0%
PRO 7	11,2%	9,3%	10,0%
RTL	53,9%	49,2%	49,0%
SAT.1	80,8%	86,1%	83,5%
VOX	56,4%	46,1%	51,7%
ZDF	62,3%	70,0%	69,1%
Average	**55,1%**	**55,3%**	**56,9%**

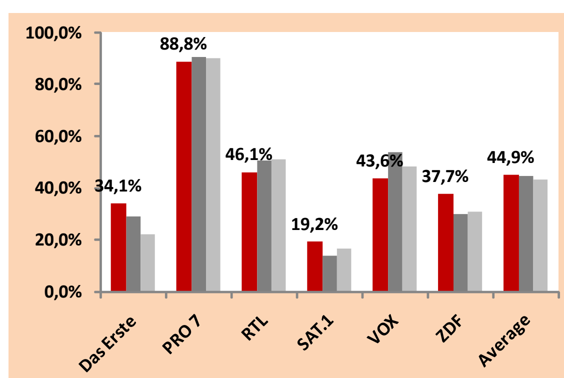
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Das Erste	34,1%	28,9%	22,0%
PRO 7	88,8%	90,7%	90,0%
RTL	46,1%	50,8%	51,0%
SAT.1	19,2%	13,9%	16,5%
VOX	43,6%	53,9%	48,3%
ZDF	37,7%	30,0%	30,9%
Average	**44,9%**	**44,7%**	**43,1%**





Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults



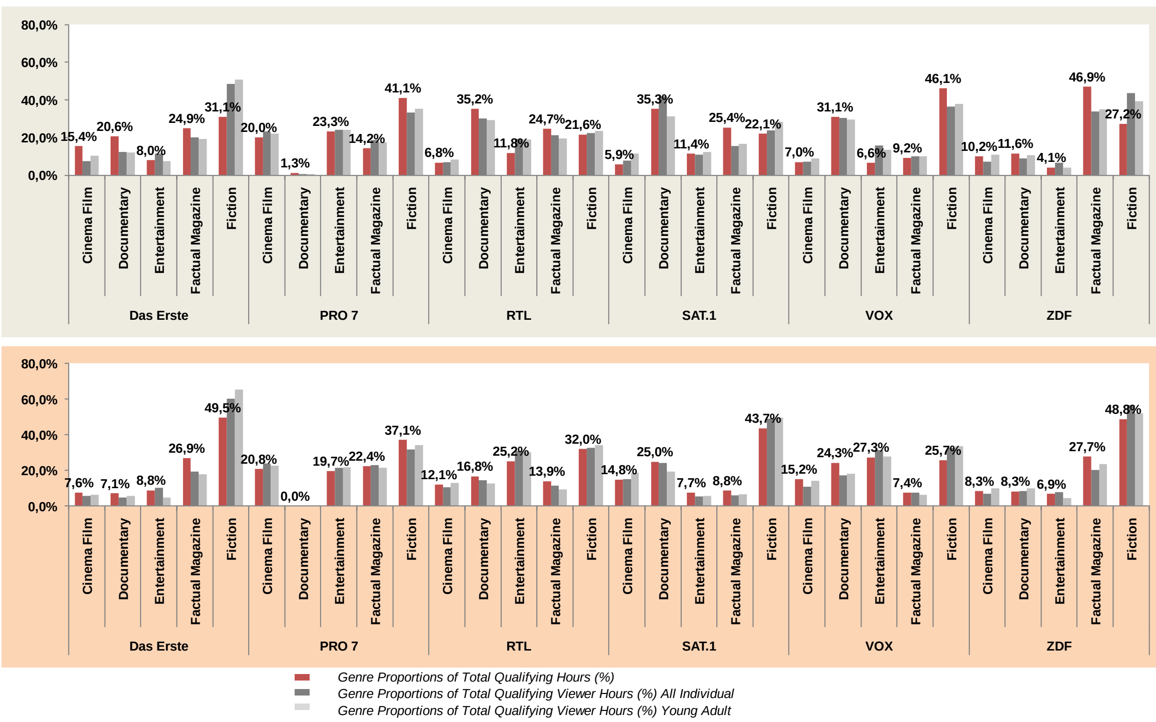


Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

Source : Eurodata TV – AGF-GfK / Headway

Table 90: Genre proportion of total qualifying hours and viewer hours in Germany, 2010

All Day					Peak Time				
Channel	***Genre***	***Qualifying Hours (%)***	***Qualifying Viewer Hours (%) All Individual***	***Qualifying Viewer Hours (%) Young Adult***	***Channel***	***Genre***	***Qualifying Hours (%)***	***Qualifying Viewer Hours (%) All Individual***	***Qualifying Viewer Hours (%) Young Adult***
Das Erste	Cinema Film	15,4%	7,5%	10,2%	**Das Erste**	Cinema Film	7,6%	5,6%	6,5%
	Documentary	20,6%	12,5%	12,2%		Documentary	7,1%	4,8%	5,6%
	Entertainment	8,0%	11,4%	7,4%		Entertainment	8,8%	10,1%	4,7%
	Factual Magazine	24,9%	20,2%	19,3%		Factual Magazine	26,9%	19,3%	17,8%
	Fiction	31,1%	48,4%	50,9%		Fiction	49,5%	60,1%	65,4%
PRO 7	Cinema Film	20,0%	23,3%	22,2%	**PRO 7**	Cinema Film	20,8%	23,9%	22,7%
	Documentary	1,3%	0,7%	0,7%		Documentary	0,0%	0,0%	0,0%
	Entertainment	23,3%	24,3%	24,1%		Entertainment	19,7%	21,5%	21,8%
	Factual Magazine	14,2%	18,6%	17,6%		Factual Magazine	22,4%	22,9%	21,4%
	Fiction	41,1%	33,2%	35,5%		Fiction	37,1%	31,8%	34,2%
RTL	Cinema Film	6,8%	6,8%	8,4%	**RTL**	Cinema Film	12,1%	10,6%	13,1%
	Documentary	35,2%	30,3%	29,4%		Documentary	16,8%	14,4%	12,7%
	Entertainment	11,8%	19,3%	19,1%		Entertainment	25,2%	30,9%	30,4%
	Factual Magazine	24,7%	21,2%	19,6%		Factual Magazine	13,9%	11,4%	9,4%
	Fiction	21,6%	22,5%	23,5%		Fiction	32,0%	32,7%	34,3%
SAT.1	Cinema Film	5,9%	7,8%	11,4%	**SAT.1**	Cinema Film	14,8%	15,2%	18,7%
	Documentary	35,3%	41,9%	31,3%		Documentary	25,0%	24,2%	19,4%
	Entertainment	11,4%	10,9%	12,4%		Entertainment	7,7%	5,3%	5,7%
	Factual Magazine	25,4%	15,5%	16,7%		Factual Magazine	8,8%	6,1%	6,6%
	Fiction	22,1%	23,9%	28,3%		Fiction	43,7%	49,1%	49,5%
VOX	Cinema Film	7,0%	7,3%	9,0%	**VOX**	Cinema Film	15,2%	10,9%	14,2%
	Documentary	31,1%	30,4%	29,6%		Documentary	24,3%	17,4%	18,0%
	Entertainment	6,6%	15,8%	13,5%		Entertainment	27,3%	31,4%	27,9%
	Factual Magazine	9,2%	10,1%	10,1%		Factual Magazine	7,4%	7,6%	6,4%
	Fiction	46,1%	36,4%	37,9%		Fiction	25,7%	32,7%	33,5%
ZDF	Cinema Film	10,2%	7,1%	10,8%	**ZDF**	Cinema Film	8,3%	6,9%	9,9%
	Documentary	11,6%	8,8%	10,6%		Documentary	8,3%	8,4%	9,9%
	Entertainment	4,1%	6,5%	4,1%		Entertainment	6,9%	7,8%	4,6%
	Factual Magazine	46,9%	33,8%	35,1%		Factual Magazine	27,7%	20,3%	23,6%
	Fiction	27,2%	43,7%	39,4%		Fiction	48,8%	56,5%	52,1%



Source : Eurodata TV – AGF-GfK / Headway

TV fiction, factual magazine and documentary are dominant genres. Entertainment, cinema and TV fiction are more prominent in primetime.

Our non-linear sample consists of 6 services: ZDF MEDIATHEK and VOX NOW, two catch-up service operated by public and private broadcasters ZDF and RTL; RTL NOW, MAXDOME and SKY INTERNET TV, three video-on-demand services operated by private broadcasters RTL, ProSiebenSat.1 and Sky Deutschland; ALICE VIDEOTHEK, a video-on-demand service operated by telecom company Alice; and LOVEFILM, an independent video on-demand service.

Table 91: List of non-linear services covered in Germany, 2011[29]

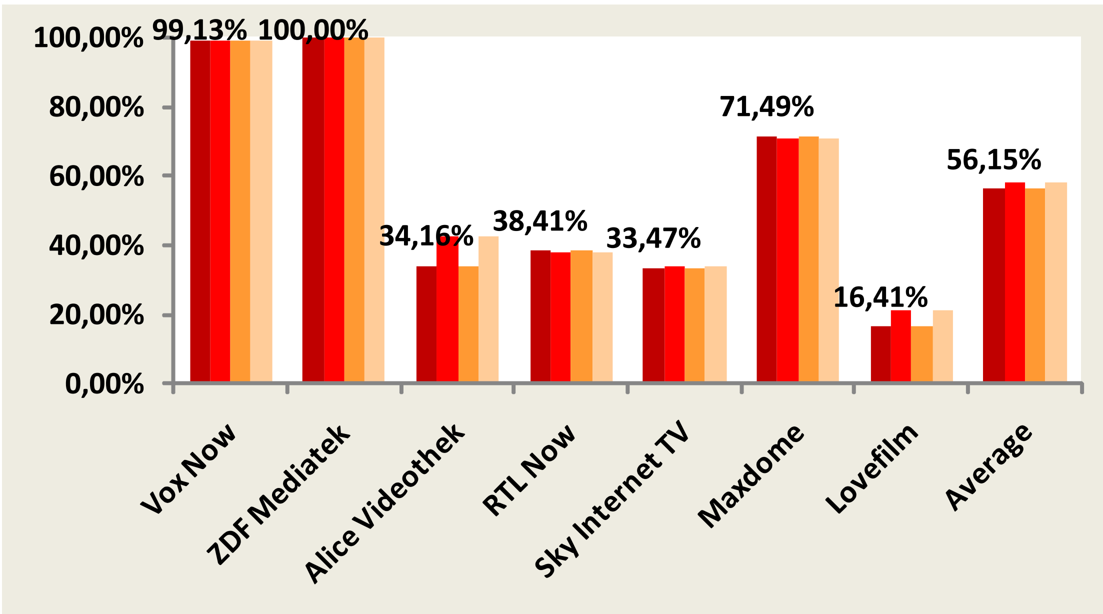
Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
Germany	Vox Now	Catch-up	Ad	Private	Broadcaster	RTL	313	23 (2011)
Germany	ZDF Mediathek	Catch-up	Gvt	Public	Broadcaster	ZDF	3991	25 (2011)
Germany	Alice Videothek	VOD	Pay	Private	Telco	Alice	2324	22 (2011)
Germany	RTL Now	VOD	Pay	Private	Broadcaster	RTL	139	22 (2011)
Germany	Sky Internet TV	VOD	Pay	Private	Broadcaster	Sky	59	22 (2011)
Germany	Maxdome	VOD	Pay	Private	Broadcaster	P7S1	8768	26 (2011)
Germany	Lovefilm	VOD	Pay	Private	Independent	Amazon	367	26 (2011)

European works on non-linear services of Germany reach levels similar to our sample average except LOVEFILM. Findings measured as a proportion of hours are generally similar to findings as a proportion of titles.

[29] See footnote 20. Lovefilm targets Germany but falls within the jurisdiction of the United Kingdom and is therefore not the responsibility of the German regulatory authority.

Table 92: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in Germany, 2011

Channel	*European Hours(%) to total catalogue*	*European Titles(%) to total catalogue*	*European Hours(%) to qualifying catalogue*	*European Titles(%) to qualifying catalogue*
Vox Now	99,13%	99,04%	99,13%	99,04%
ZDF Mediatek	100,00%	100,00%	100,00%	100,00%
Alice Videothek	34,16%	42,65%	34,16%	42,65%
RTL Now	38,41%	37,84%	38,41%	37,84%
Sky Internet TV	33,47%	33,90%	33,47%	33,90%
Maxdome	71,49%	71,07%	71,49%	71,07%
Lovefilm	16,41%	20,98%	16,41%	20,98%
Average	**56,15%**	**57,93%**	**56,15%**	**57,93%**



European Hours to Total Catalogue (%)
European Titles to Total Catalogue (%)
European Hours to Qualifying Hours (%)
European Titles to Qualifying Titles (%)

Source : Company online catalogues / Headway

7. Italy

Our linear sample consists of 6 channels (RAI1, RAI2, CANALE 5, ITALIA 1, LA 7 and SKY CINEMA 1) which together account for 69% of total Italian TV viewing.

Table 93: List of linear services covered in Italy, 2010

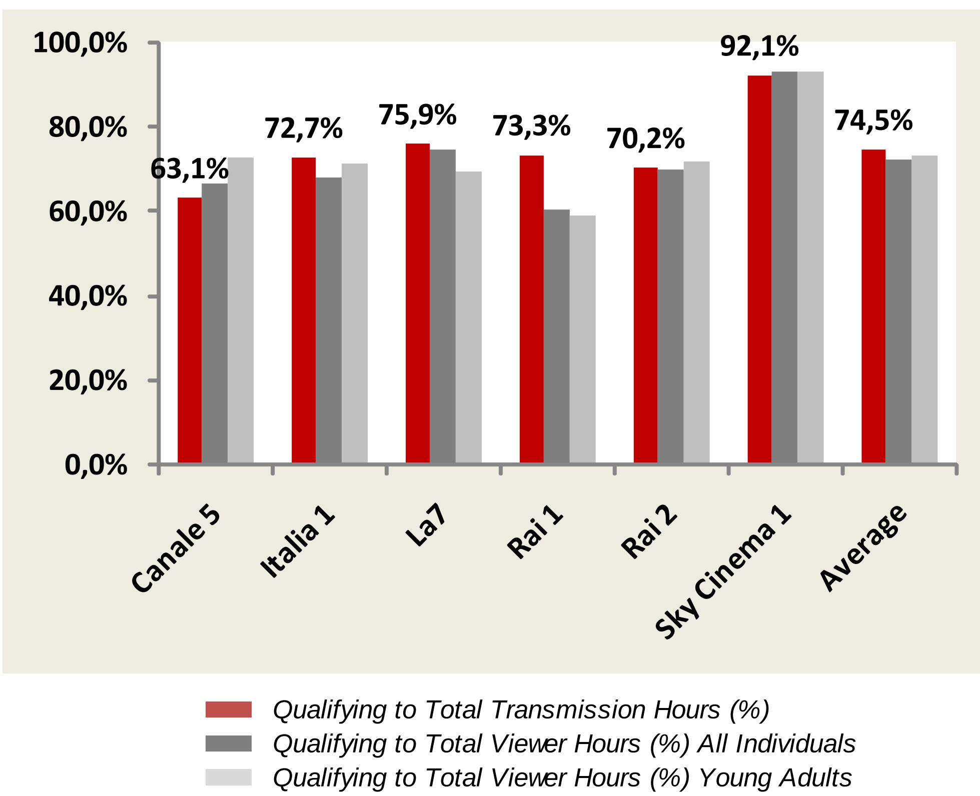
Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Italy	Canale 5	1980	20,6	24,6	Ad	Private	24	11 + 46 (2010)
Italy	Italia 1	1981	9,8	17,8	Ad	Private	24	11 + 46 (2010)
Italy	La7	2001	3,2	2,0	Ad	Private	24	11 + 46 (2010)
Italy	Rai1	1954	22,6	13,5	Gvt	Public	24	11 + 46 (2010)
Italy	Rai2	1954	10,8	8,9	Gvt	Public	24	11 + 46 (2010)
Italy	Sky Cinema 1	2003	<3%	<3%	Pay	Private	24	11 + 46 (2010)

Key findings:

- Average proportion of qualifying works is close to our sample average. Qualifying works are generally less dominant in primetime.
- Italian channels are largely meeting the requirement for 50% European works except ITALIA 1 and SKY CINEMA 1.
- European works are generally more successful with audiences, especially with young adults in primetime.
- Non-domestic European works on Italian channels reach slightly higher levels than in other large European Member States. They are more present in primetime, especially RAI2 and SKY CINEMA 1.
- Italian channels are significantly above the requirement for 10% Independent works especially in primetime.
- Independent works are more prominent on public channels and on smaller private channel LA7 and pay channel SKY CINEMA 1. They are significantly more successful with audiences, especially young adults.
- Recent Independent works on Italian channels reach among the highest levels in our sample, except on smaller private channels.
- Recent Independent works are more prominent on leading channels and on premium pay channels.

Table 94: Ratio of qualifying to total transmission hours and viewer hours in Italy, 2010

Channel	*Qualifying Transmission Hours(%)*	*Qualifying Viewer Hours(%) All Individuals*	*Qualifying Viewer Hours(%) Young Adults*
Canale 5	63,1%	66,7%	73,0%
Italia 1	72,7%	68,1%	71,2%
La7	75,9%	74,8%	69,6%
Rai 1	73,3%	60,5%	59,0%
Rai 2	70,2%	70,0%	72,0%
Sky Cinema 1	92,1%	93,2%	93,2%
Average	**74,5%**	**72,2%**	**73,0%**



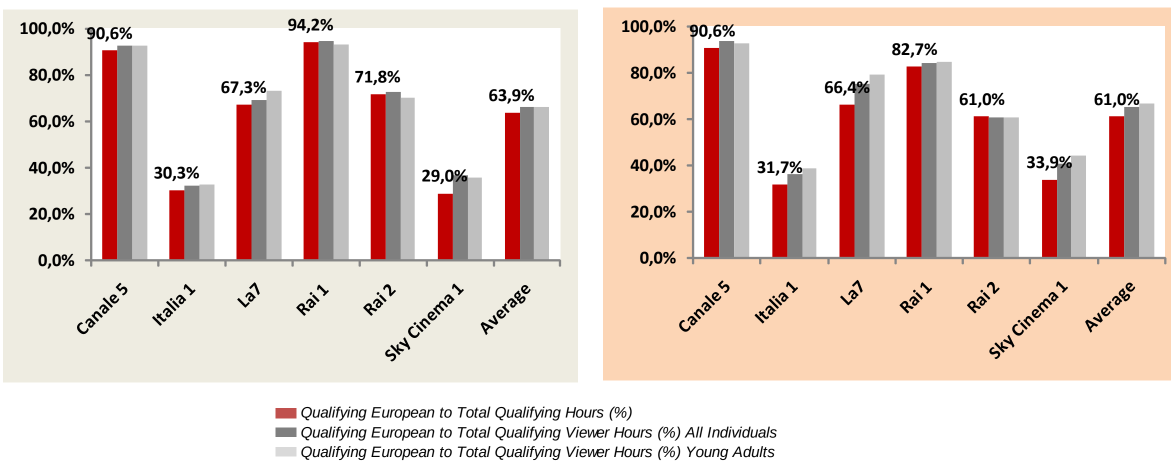
Source : Eurodata TV – Auditel / Headway

Average proportion of qualifying works is close to our sample average.

CANALE 5 shows lower proportions of qualifying works than other channels and SKY CINEMA 1 is among the highest in our sample. Qualifying works are generally less dominant in primetime.

Table 95: Ratio of European qualifying to total qualifying hours and viewer hours in Italy, 2010

All Day				Peak Time			
Channel	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***	***Channel***	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***
Canale 5	90,6%	92,7%	92,5%	Canale 5	90,6%	93,6%	92,9%
Italia 1	30,3%	32,2%	32,8%	Italia 1	31,7%	36,2%	38,6%
La7	67,3%	69,4%	72,9%	La7	66,4%	75,2%	79,2%
Rai 1	94,2%	94,4%	93,4%	Rai 1	82,7%	84,3%	84,7%
Rai 2	71,8%	72,8%	70,0%	Rai 2	61,0%	61,0%	60,8%
Sky Cinema 1	29,0%	37,0%	35,7%	Sky Cinema 1	33,9%	40,6%	44,2%
Average	**63,9%**	**66,4%**	**66,2%**	**Average**	**61,0%**	**65,2%**	**66,7%**



Source : Eurodata TV – Auditel / Headway

Italian channels are largely meeting the requirement for 50% European works, except ITALIA 1 and SKY CINEMA 1. Leading channels reach among the highest levels in our sample (RAI1, CANALE 5).

European works are generally more successful with audiences, especially with young adults in primetime.

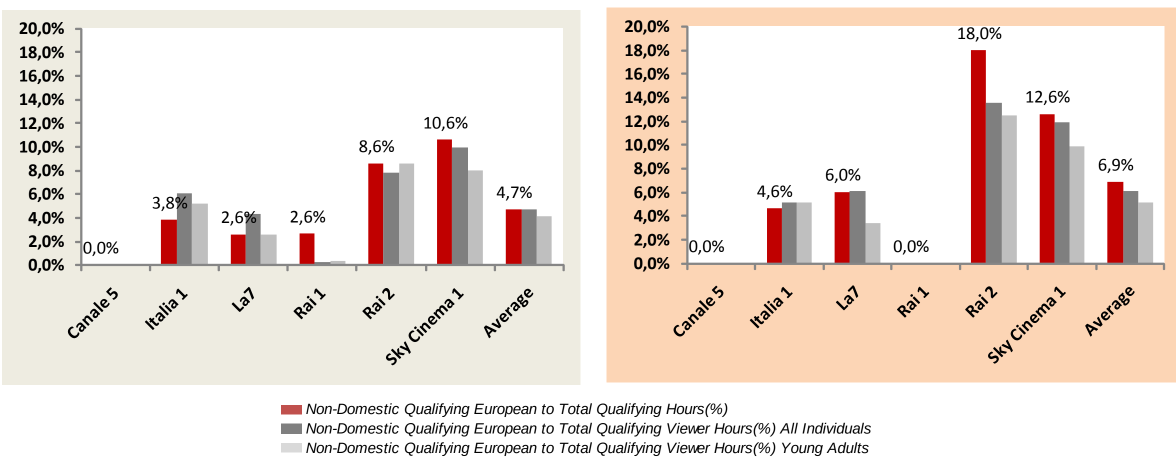
Table 96: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in Italy, 2010

All Day

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
Canale 5	0,0%	0,0%	0,0%
Italia 1	3,8%	6,0%	5,2%
La7	2,6%	4,3%	2,5%
Rai 1	2,6%	0,3%	0,4%
Rai 2	8,6%	7,8%	8,6%
Sky Cinema 1	10,6%	10,0%	8,0%
Average	**4,7%**	**4,7%**	**4,1%**

Peak Time

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
Canale 5	0,0%	0,0%	0,0%
Italia 1	4,6%	5,2%	5,1%
La7	6,0%	6,1%	3,4%
Rai 1	0,0%	0,0%	0,0%
Rai 2	18,0%	13,6%	12,5%
Sky Cinema 1	12,6%	11,9%	9,9%
Average	**6,9%**	**6,1%**	**5,2%**



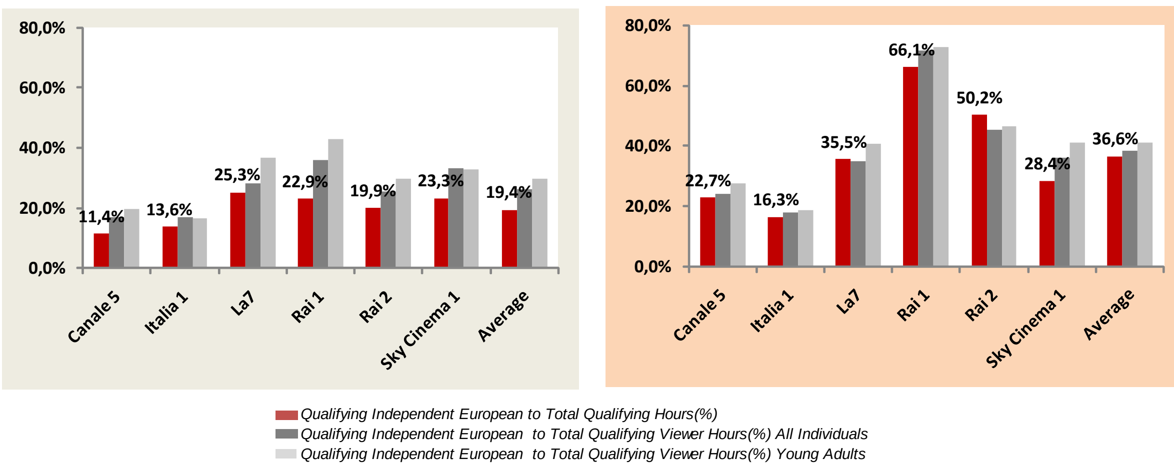
Source : Eurodata TV – Auditel / Headway

Non-domestic European works on Italian channels reach slightly higher levels than in other large European Member States. They are more prominent in primetime, especially on RAI2 and SKY CINEMA 1, which have among the highest levels of any channels in our sample.

Table 97: Ratio of independent European qualifying to total qualifying hours and viewer hours in Italy, 2010

All Day			
Channel	***Independent Hours(%)***	***Independent Viewer Hours(%) All Individuals***	***Independent Viewer Hours(%) Young Adults***
Canale 5	11,4%	17,0%	19,4%
Italia 1	13,6%	17,0%	16,7%
La7	25,3%	28,2%	36,6%
Rai 1	22,9%	35,9%	43,1%
Rai 2	19,9%	25,5%	29,7%
Sky Cinema 1	23,3%	33,2%	32,9%
Average	**19,4%**	**26,1%**	**29,7%**

Peak Time			
Channel	***Independent Hours(%)***	***Independent Viewer Hours(%) All Individuals***	***Independent Viewer Hours(%) Young Adults***
Canale 5	22,7%	24,0%	27,6%
Italia 1	16,3%	17,9%	18,6%
La7	35,5%	34,9%	40,7%
Rai 1	66,1%	71,7%	72,7%
Rai 2	50,2%	45,3%	46,5%
Sky Cinema 1	28,4%	36,2%	41,0%
Average	**36,6%**	**38,3%**	**41,2%**



Source : Eurodata TV – Auditel / Headway

Italian channels are significantly above the requirement for 10% Independent works, especially in primetime, though at a slightly lower level than in other large European Member States[30].

Independent works are more prominent on public channels (RAI1, RAI2), smaller private channel LA7 and pay channel SKY CINEMA 1. They are significantly more successful with audiences, especially young adults.

[30] Our sample estimates are very similar to the yearly declarations, which are typically around 10-20%.

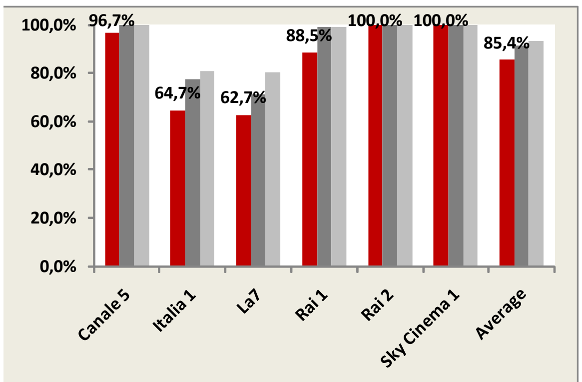
Table 98: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in Italy, 2010

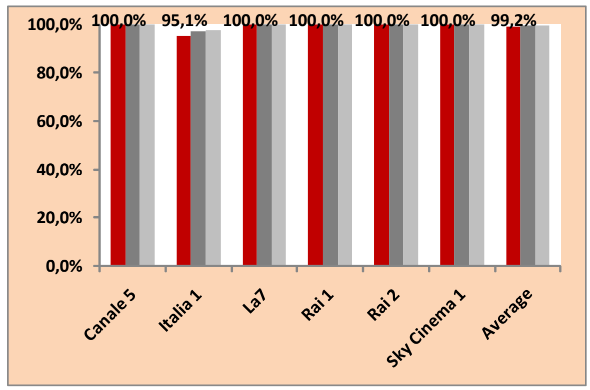
All Day

Channel	Recent Independent Hours(%)	Recent Independent Viewer Hours(%) All Individuals	Recent Independent Viewer Hours(%) Young Adults
Canale 5	96,7%	99,8%	99,9%
Italia 1	64,7%	77,6%	80,8%
La7	62,7%	71,4%	80,5%
Rai 1	88,5%	99,2%	99,2%
Rai 2	100,0%	100,0%	100,0%
Sky Cinema 1	100,0%	100,0%	100,0%
Average	**85,4%**	**91,3%**	**93,4%**

Peak Time

Channel	Recent Independent Hours(%)	Recent Independent Viewer Hours(%) All Individuals	Recent Independent Viewer Hours(%) Young Adults
Canale 5	100,0%	100,0%	100,0%
Italia 1	95,1%	97,3%	97,7%
La7	100,0%	100,0%	100,0%
Rai 1	100,0%	100,0%	100,0%
Rai 2	100,0%	100,0%	100,0%
Sky Cinema 1	100,0%	100,0%	100,0%
Average	**99,2%**	**99,5%**	**99,6%**





Recent Qualifying Independent European to Total Qualifying Independent European Hours(%)
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) All Individuals
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) Young Adults

Source : Eurodata TV – Auditel / Headway

Recent Independent works on Italian channels reach among the highest levels in our sample, except for smaller private channels (ITALIA 1, LA 7).

Recent Independent works are more prominent on leading channels (RAI1, CANALE 5) and premium pay channels (SKY CINEMA 1). Proportions reach almost 100% in primetime.

Table 99: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in Italy, 2010

All Day

Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Canale 5	11,2%	14,3%	16,4%
Italia 1	62,8%	61,0%	56,8%
La7	34,8%	31,3%	29,7%
Rai 1	32,3%	36,4%	44,0%
Rai 2	22,8%	17,9%	20,8%
Sky Cinema 1	92,8%	98,1%	98,3%
Average	**42,8%**	**43,1%**	**44,3%**

Peak Time

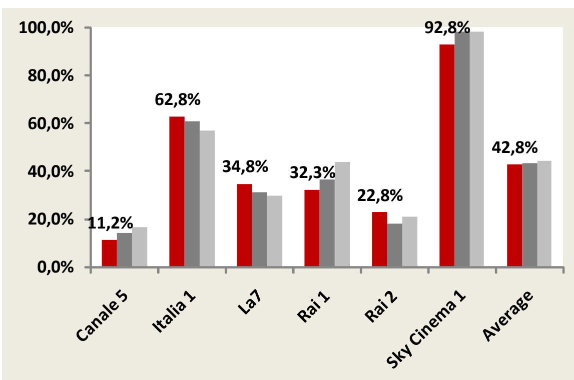
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Canale 5	17,8%	17,0%	19,1%
Italia 1	62,0%	56,7%	50,5%
La7	21,1%	17,4%	17,4%
Rai 1	63,0%	65,4%	68,3%
Rai 2	36,6%	28,7%	28,3%
Sky Cinema 1	97,0%	99,1%	99,2%
Average	**49,6%**	**47,4%**	**47,1%**

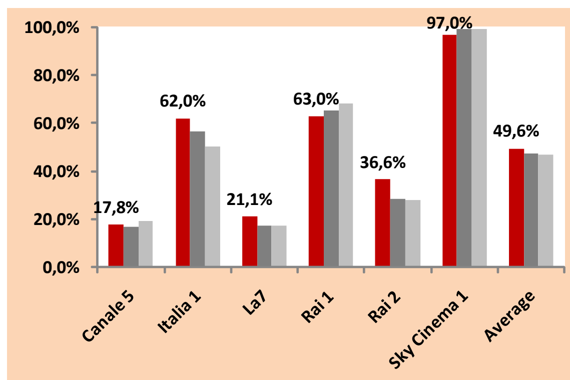
All Day

Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Canale 5	88,8%	85,7%	83,6%
Italia 1	37,2%	39,0%	43,2%
La7	65,2%	68,7%	70,3%
Rai 1	67,7%	63,6%	56,0%
Rai 2	77,2%	82,1%	79,2%
Sky Cinema 1	7,2%	1,9%	1,7%
Average	**57,2%**	**56,9%**	**55,7%**

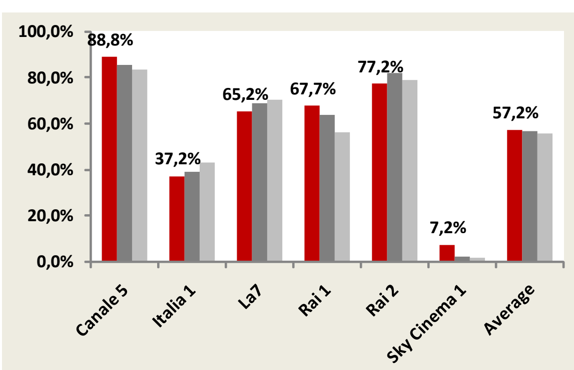
Peak Time

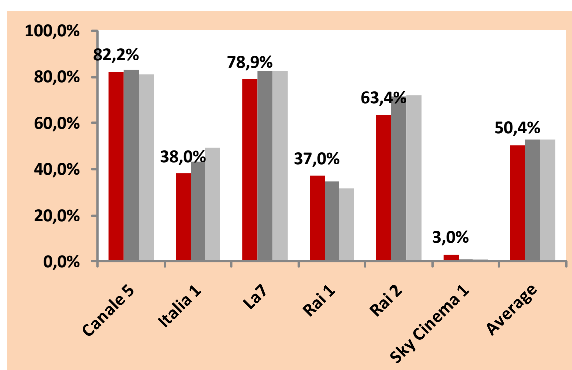
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Canale 5	82,2%	83,0%	80,9%
Italia 1	38,0%	43,3%	49,5%
La7	78,9%	82,6%	82,6%
Rai 1	37,0%	34,6%	31,7%
Rai 2	63,4%	71,3%	71,7%
Sky Cinema 1	3,0%	0,9%	0,8%
Average	**50,4%**	**52,6%**	**52,9%**





Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults



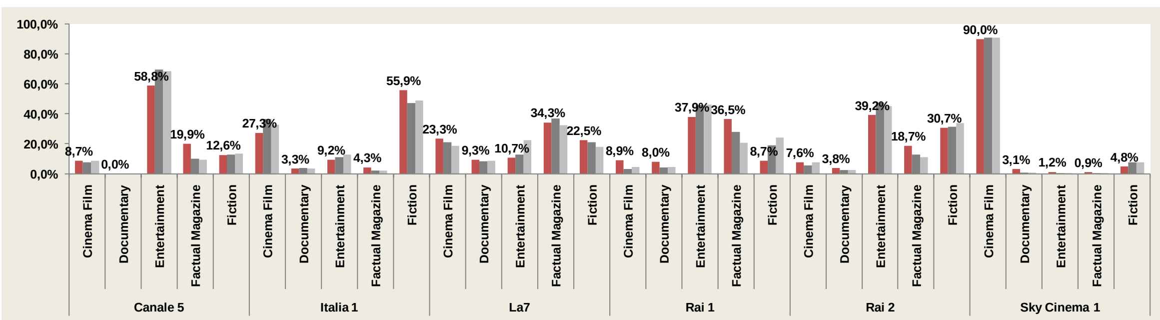


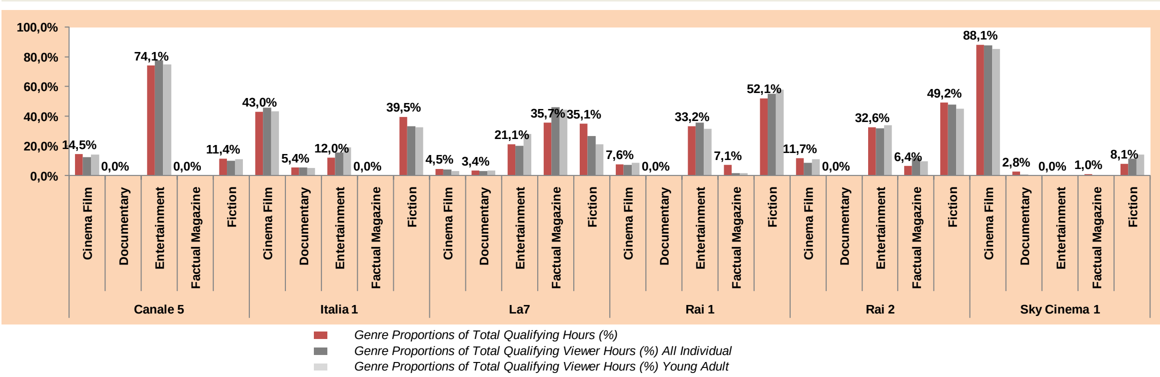
Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

Source : Eurodata TV – Auditel / Headway

Table 100: Genre proportion of total qualifying hours and viewer hours in Italy, 2010

All Day					Peak Time				
Channel	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*	*Channel*	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*
Canale 5	Cinema Film	8,7%	7,4%	8,7%	**Canale 5**	Cinema Film	14,5%	12,6%	14,2%
	Documentary	0,0%	0,0%	0,0%		Documentary	0,0%	0,0%	0,0%
	Entertainment	58,8%	69,6%	68,6%		Entertainment	74,1%	77,5%	74,8%
	Factual Magazine	19,9%	10,0%	9,3%		Factual Magazine	0,0%	0,0%	0,0%
	Fiction	12,6%	12,9%	13,4%		Fiction	11,4%	9,9%	11,0%
Italia 1	Cinema Film	27,3%	36,4%	32,9%	**Italia 1**	Cinema Film	43,0%	45,6%	43,2%
	Documentary	3,3%	3,7%	3,4%		Documentary	5,4%	5,4%	5,2%
	Entertainment	9,2%	11,0%	12,7%		Entertainment	12,0%	15,7%	19,1%
	Factual Magazine	4,3%	1,9%	2,0%		Factual Magazine	0,0%	0,0%	0,0%
	Fiction	55,9%	47,1%	48,9%		Fiction	39,5%	33,3%	32,5%
La7	Cinema Film	23,3%	21,1%	18,5%	**La7**	Cinema Film	4,5%	4,2%	3,0%
	Documentary	9,3%	8,4%	8,6%		Documentary	3,4%	3,0%	3,3%
	Entertainment	10,7%	12,8%	22,6%		Entertainment	21,1%	20,1%	28,0%
	Factual Magazine	34,3%	36,8%	32,5%		Factual Magazine	35,7%	46,1%	44,5%
	Fiction	22,5%	20,9%	17,8%		Fiction	35,1%	26,7%	21,1%
Rai 1	Cinema Film	8,9%	3,3%	4,5%	**Rai 1**	Cinema Film	7,6%	7,4%	8,7%
	Documentary	8,0%	4,1%	4,4%		Documentary	0,0%	0,0%	0,0%
	Entertainment	37,9%	45,7%	46,2%		Entertainment	33,2%	35,7%	31,7%
	Factual Magazine	36,5%	27,8%	20,9%		Factual Magazine	7,1%	1,8%	1,8%
	Fiction	8,7%	19,1%	24,1%		Fiction	52,1%	55,1%	57,8%
Rai 2	Cinema Film	7,6%	5,5%	7,6%	**Rai 2**	Cinema Film	11,7%	8,7%	11,2%
	Documentary	3,8%	2,5%	2,4%		Documentary	0,0%	0,0%	0,0%
	Entertainment	39,2%	47,7%	45,2%		Entertainment	32,6%	31,9%	34,1%
	Factual Magazine	18,7%	12,7%	11,2%		Factual Magazine	6,4%	11,7%	9,6%
	Fiction	30,7%	31,5%	33,7%		Fiction	49,2%	47,8%	45,1%
Sky Cinema 1	Cinema Film	90,0%	91,0%	91,1%	**Sky Cinema 1**	Cinema Film	88,1%	87,7%	85,3%
	Documentary	3,1%	0,7%	0,6%		Documentary	2,8%	0,5%	0,3%
	Entertainment	1,2%	0,3%	0,2%		Entertainment	0,0%	0,0%	0,0%
	Factual Magazine	0,9%	0,5%	0,4%		Factual Magazine	1,0%	0,4%	0,3%
	Fiction	4,8%	7,6%	7,8%		Fiction	8,1%	11,4%	14,1%





Source : Eurodata TV – Auditel / Headway

Channel schedules are more differentiated in our Italian sample than in other European markets. Entertainment and factual magazines are generally dominant genres, with TV fiction and sometimes cinema. In primetime, entertainment is still important but is often surpassed by TV fiction and/or cinema.

Our non-linear sample consists of 6 services: RAI REPLAY and VIDEO MEDIASET, two catch-up service operated by public and private broadcasters Rai and Mediaset; PREMIUM NET TV, A video-on-demand services operated by private broadcaster Mediaset; LA TV DI FASTWEB, a video-on-demand service operated by telecom company Fastweb; and CINE 1 and FILM IS NOW, two independent video on-demand services.

Table 101: List of non-linear services covered in Italy, 2011[31]

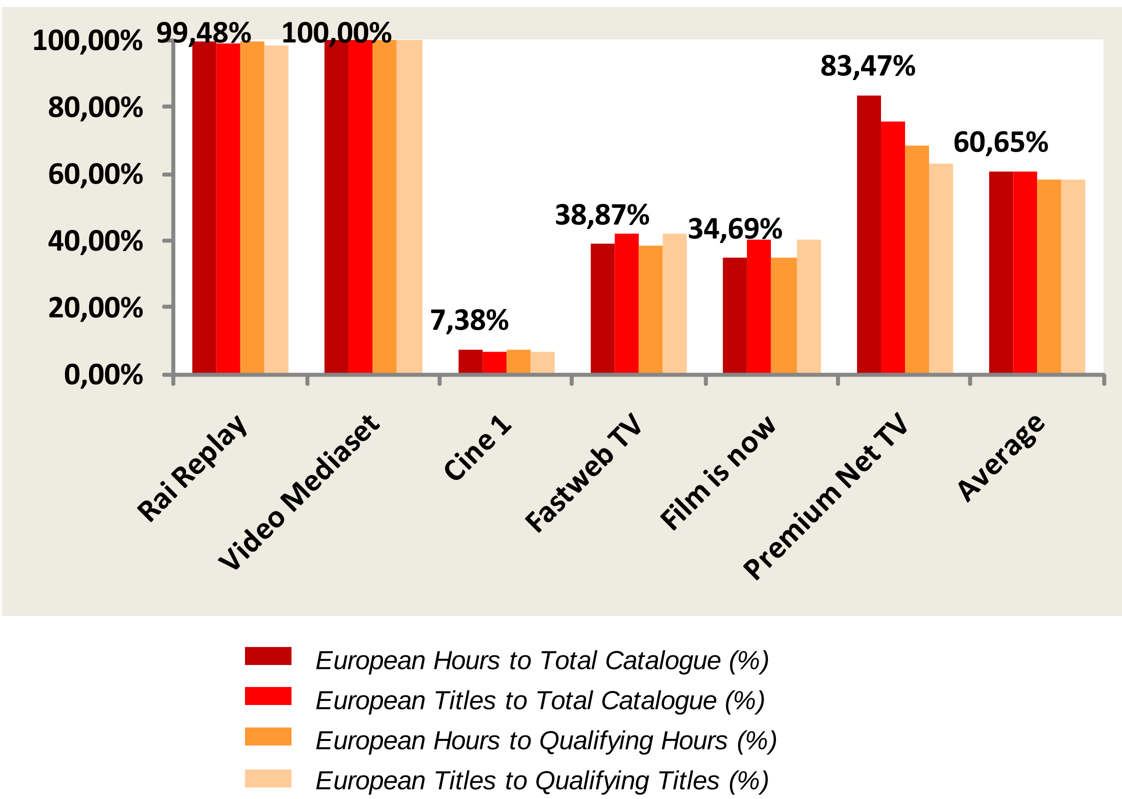
Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
Italy	Rai Replay	Catch-up	Gvt	Public	Broadcaster	Rai	1208	31 (2011)
Italy	Video Mediaset	Catch-up	Ad	Private	Broadcaster	Mediaset	256	27 (2011)
Italy	Cine1	VOD	Pay	Private	Independent	Cine1	482	28 (2011)
Italy	La TV di Fastweb	VOD	Pay	Private	Telco	Fastweb	190	26 (2011)
Italy	Film is now	VOD	Pay	Private	Independent	Perseus	740	27 (2011)
Italy	Premium Net TV	VOD	Pay	Private	Broadcaster	Mediaset	2111	28 (2011)

European works on non-linear services of Italy reach levels similar to our sample average except CINE 1. Findings measured as a proportion of hours are generally similar to findings as a proportion of titles.

[31] See footnote 20.

Table 102: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in Italy, 2011

Channel	European Hours(%) to total catalogue	European Titles(%) to total catalogue	European Hours(%) to qualifying catalogue	European Titles(%) to qualifying catalogue
Rai Replay	99,48%	98,84%	99,44%	98,65%
Video Mediaset	100,00%	100,00%	100,00%	100,00%
Cine 1	7,38%	6,72%	7,38%	6,72%
Fastweb TV	38,87%	42,34%	38,54%	42,08%
Film is now	34,69%	40,21%	34,69%	40,21%
Premium Net TV	83,47%	75,65%	68,46%	63,31%
Average	**60,65%**	**60,63%**	**58,09%**	**58,49%**



Source : Company online catalogues / Headway

8. Netherlands

Our linear sample consists of 4 channels (NED1, NED2, RTL4[32] and SBS6) which together account for 53.1% of total Dutch TV viewing.

Table 103: List of linear services covered in the Netherlands, 2010

Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Netherlands	NL1	1953	21.9	13.1	Gvt	Public	24	11 + 46 (2010)
Netherlands	NL2	1953	7.1	3.4	Gvt	Public	24	11 + 46 (2010)
Netherlands	RTL4	1989	13.0	14.0	Ad	Private	24	11 + 46 (2010)
Netherlands	SBS6	1995	11.1	11.0	Ad	Private	24	11 + 46 (2010)

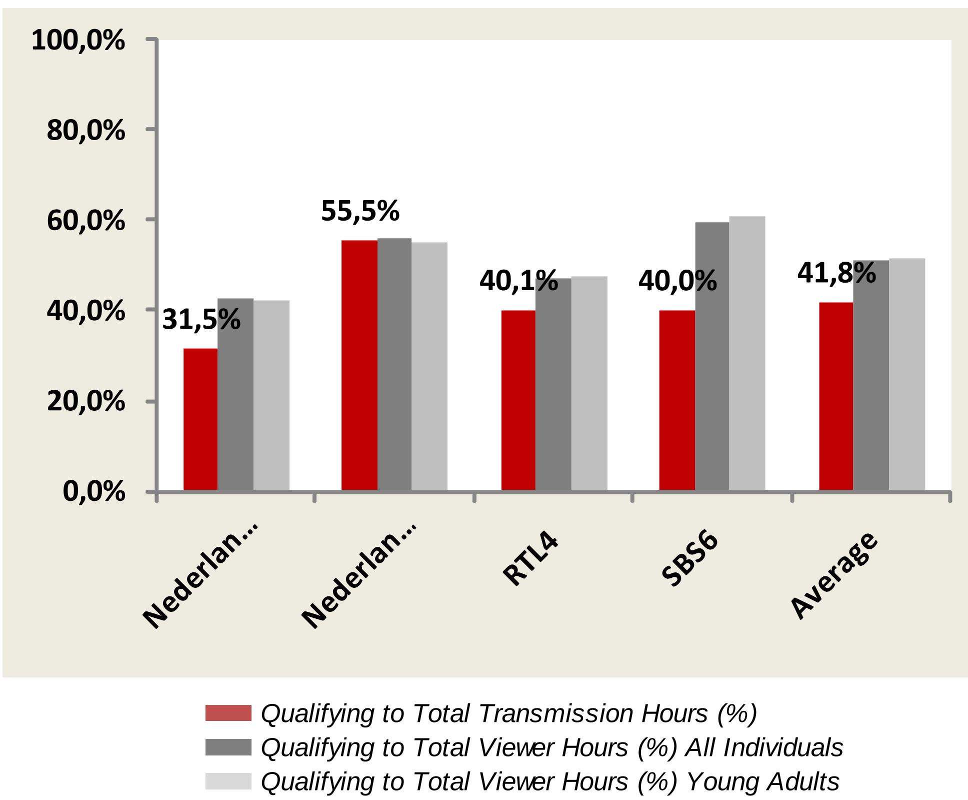
Key findings:

- Average proportion of qualifying works is much lower than in the rest of our sample. Only on NED2 do qualifying works represent more than half of the schedule.
- Dutch channels are largely above the requirement for 50% European works and reach among the highest levels in our sample.
- European works are especially prevalent on public channels and are generally more successful with audiences, including in primetime.
- Non-domestic European works on Dutch channels reach higher levels than our sample average, especially on private channels. They are less successful with viewers than national works, especially in primetime.
- Dutch channels largely carry above the requirement for 10% Independent works, especially private channels.
- Independent works are more prominent in primetime and are more successful with audiences.
- Recent Independent works on Dutch channels reach levels similar to those in old European Member States.

[32] RTL 4 targets Netherlands but falls within the jurisdiction of Luxembourg Luxembourg and is therefore not the responsibility of the Dutch regulatory authorities.

Table 104: Ratio of qualifying to total transmission hours and viewer hours in the Netherlands, 2010[33]

Channel	*Qualifying Transmission Hours(%)*	*Qualifying Viewer Hours(%) All Individuals*	*Qualifying Viewer Hours(%) Young Adults*
Nederland 1	31,5%	42,5%	42,3%
Nederland 2	55,5%	56,0%	55,0%
RTL4	40,1%	47,2%	47,5%
SBS6	40,0%	59,4%	60,8%
Average	**41,8%**	**51,3%**	**51,4%**



Source : Eurodata TV – SKO-Stichting KijkOnderzoeg / Headway

The average proportion of qualifying works is much lower than in the rest of our sample.

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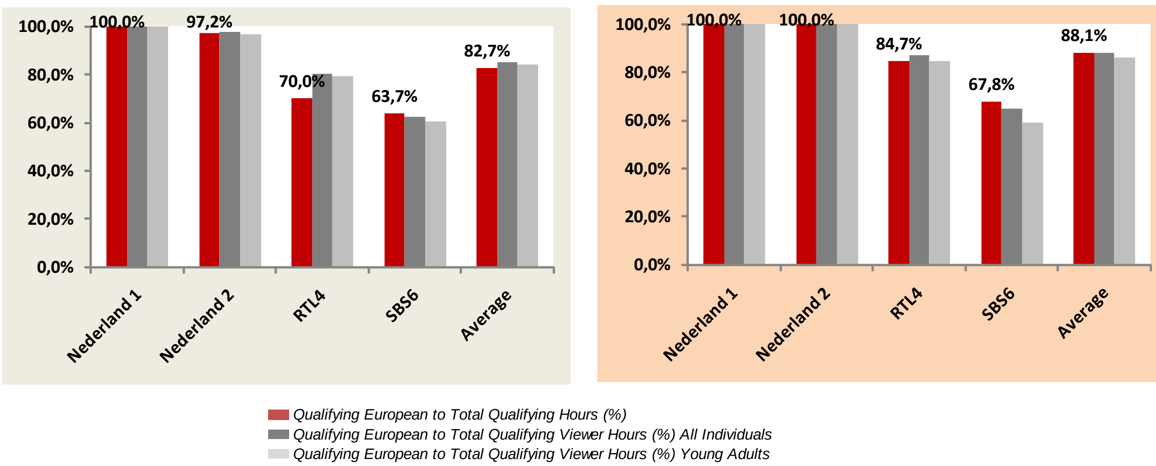
[33] See footnote 32.

Only NED2's schedule is comprised of more than 50% qualifying works. However, results for viewer hours are significantly higher and reach around 50%.

Table 105: Ratio of European qualifying to total qualifying hours and viewer hours in the Netherlands, 2010[34]

All Day			
Channel	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***
Nederland 1	100,0%	100,0%	100,0%
Nederland 2	97,2%	97,8%	96,6%
RTL4	70,0%	80,3%	79,1%
SBS6	63,7%	62,5%	60,5%
Average	**82,7%**	**85,2%**	**84,1%**

Peak Time			
Channel	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***
Nederland 1	100,0%	100,0%	100,0%
Nederland 2	100,0%	100,0%	100,0%
RTL4	84,7%	87,1%	84,8%
SBS6	67,8%	64,9%	59,2%
Average	**88,1%**	**88,0%**	**86,0%**



Source : Eurodata TV – SKO-Stichting KijkOnderzoeg / Headway

Dutch channels are largely above the requirement for 50% European works and reach among the highest levels in our sample.

European works are especially prevalent on public channels (NED1, NED2). They are generally more successful with audiences including in primetime, where they feature slightly more.

[34] See footnote 32.

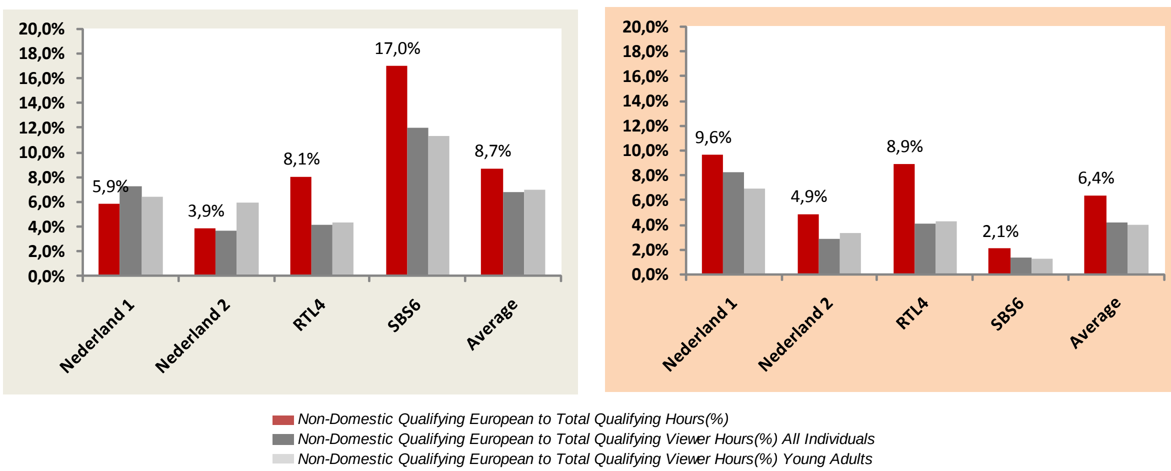
Table 106: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in the Netherlands, 2010[35]

All Day

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
Nederland 1	5,9%	7,3%	6,4%
Nederland 2	3,9%	3,7%	6,0%
RTL4	8,1%	4,1%	4,3%
SBS6	17,0%	11,9%	11,4%
Average	**8,7%**	**6,8%**	**7,0%**

Peak Time

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
Nederland 1	9,6%	8,3%	7,0%
Nederland 2	4,9%	2,9%	3,4%
RTL4	8,9%	4,1%	4,3%
SBS6	2,1%	1,4%	1,3%
Average	**6,4%**	**4,2%**	**4,0%**



Source : Eurodata TV – SKO-Stichting KijkOnderzoeg / Headway

Non-domestic European works on Dutch channels reach higher levels than our sample average, especially on private channels (SBS6, RTL4).

They are less successful with viewers than national works, especially in primetime.

[35] See footnote 32.

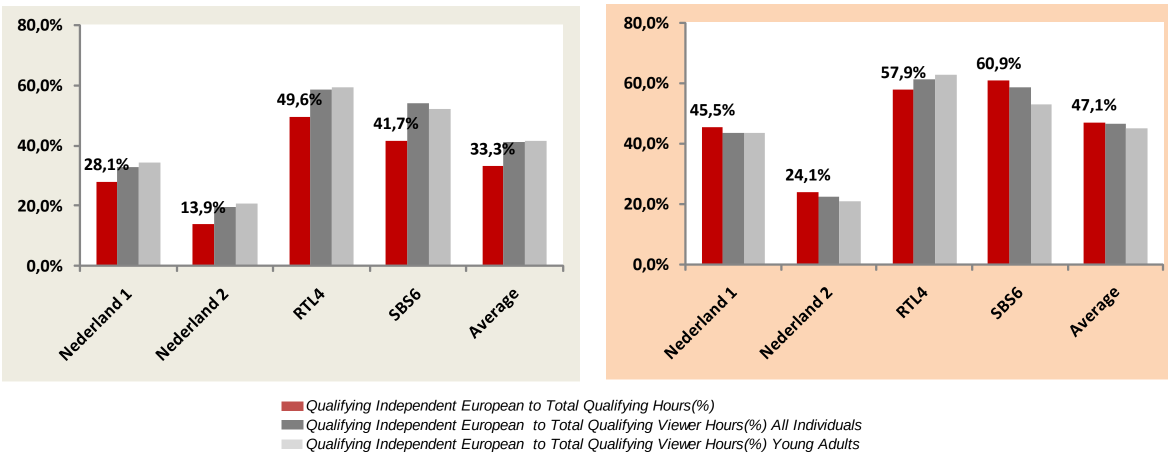
Table 107: Ratio of independent European qualifying to total qualifying hours and viewer hours in the Netherlands, 2010[36]

All Day

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
Nederland 1	28,1%	32,8%	34,3%
Nederland 2	13,9%	19,6%	20,9%
RTL4	49,6%	58,4%	59,3%
SBS6	41,7%	54,2%	52,2%
Average	**33,3%**	**41,3%**	**41,7%**

Peak Time

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
Nederland 1	45,5%	43,4%	43,5%
Nederland 2	24,1%	22,5%	21,0%
RTL4	57,9%	61,1%	62,6%
SBS6	60,9%	58,6%	53,2%
Average	**47,1%**	**46,4%**	**45,1%**



Source : Eurodata TV – SKO-Stichting KijkOnderzoeg / Headway

Dutch channels are largely above the requirement for 10% Independent works, especially private channels (RTL4, SBS6)[37].

Independent works are more prominent in primetime and reach among the highest levels in our sample. They are more successful with audiences, including young adults.

[36] See footnote 32.

[37] Our sample estimates show higher figures than the yearly declarations, which are typically around 25-40% except for RTL4, which is around 50%, according to our estimates, compared with 95% according to declarations.

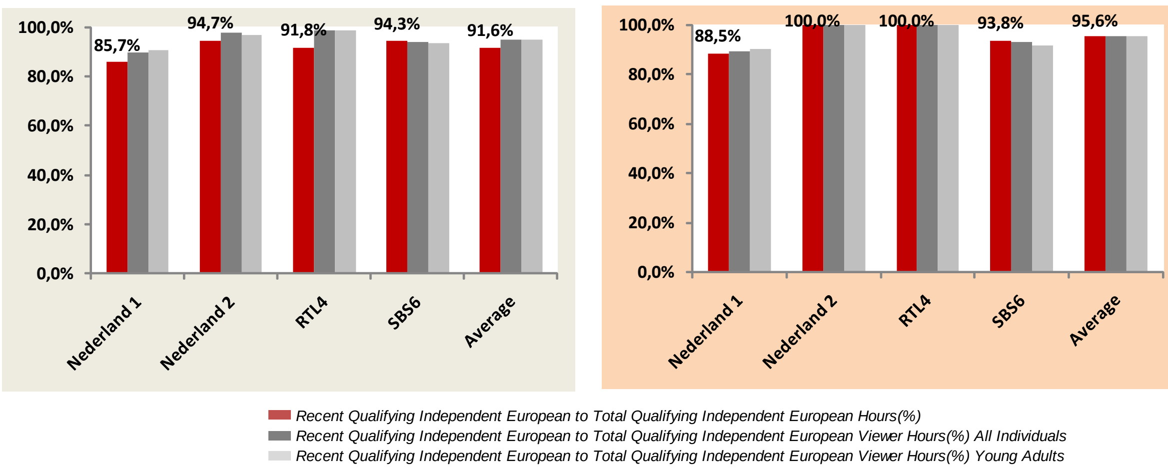
Table 108: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in the Netherlands, 2010[38]

All Day

Channel	Recent Independent Hours(%)	Recent Independent Viewer Hours(%) All Individuals	Recent Independent Viewer Hours(%) Young Adults
Nederland 1	85,7%	89,7%	90,5%
Nederland 2	94,7%	97,8%	97,0%
RTL4	91,8%	98,7%	98,6%
SBS6	94,3%	94,1%	93,3%
Average	**91,6%**	**95,1%**	**94,8%**

Peak Time

Channel	Recent Independent Hours(%)	Recent Independent Viewer Hours(%) All Individuals	Recent Independent Viewer Hours(%) Young Adults
Nederland 1	88,5%	89,5%	90,4%
Nederland 2	100,0%	100,0%	100,0%
RTL4	100,0%	100,0%	100,0%
SBS6	93,8%	92,9%	91,5%
Average	**95,6%**	**95,6%**	**95,5%**



Source : Eurodata TV – SKO-Stichting KijkOnderzoeg / Headway

Recent Independent works on Dutch channels reach levels similar to those in old European Member States.

[38] See footnote 32.

Table 109: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in the Netherlands, 2010[39]

All Day

Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Nederland 1	28,4%	37,6%	36,2%
Nederland 2	51,5%	41,8%	50,3%
RTL4	43,9%	37,9%	41,0%
SBS6	20,7%	19,2%	20,1%
Average	**36,1%**	**34,1%**	**36,9%**

Peak Time

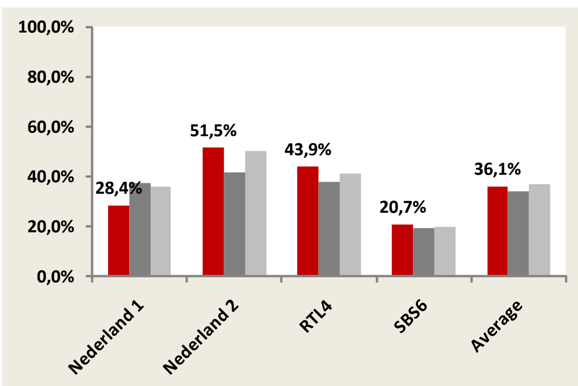
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Nederland 1	50,5%	49,1%	45,1%
Nederland 2	55,6%	45,3%	49,7%
RTL4	42,6%	39,3%	42,0%
SBS6	22,2%	23,7%	24,1%
Average	**42,7%**	**39,3%**	**40,2%**

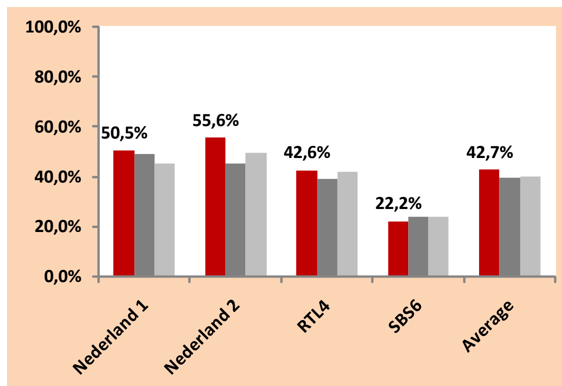
All Day

Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Nederland 1	71,6%	62,4%	63,8%
Nederland 2	48,5%	58,2%	49,7%
RTL4	56,1%	62,1%	59,0%
SBS6	79,3%	80,8%	79,9%
Average	**63,9%**	**65,9%**	**63,1%**

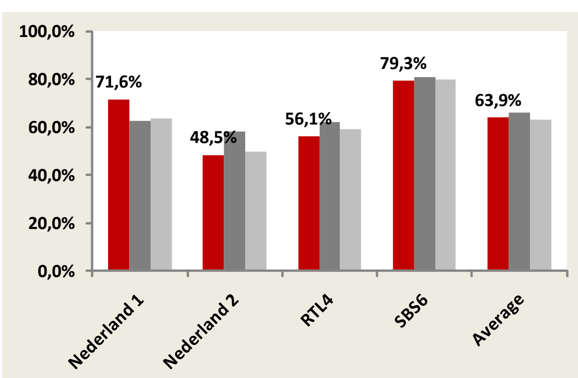
Peak Time

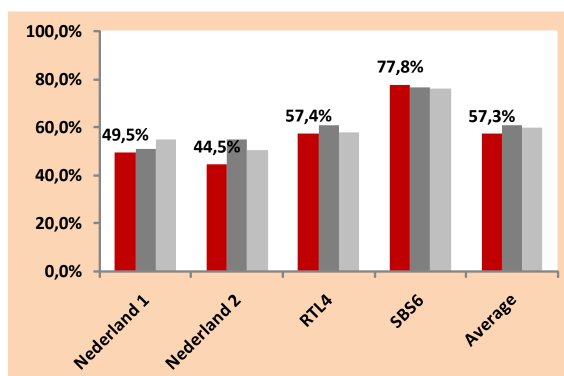
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Nederland 1	49,5%	50,9%	54,9%
Nederland 2	44,5%	54,7%	50,3%
RTL4	57,4%	60,7%	58,0%
SBS6	77,8%	76,3%	75,9%
Average	**57,3%**	**60,7%**	**59,8%**





Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults





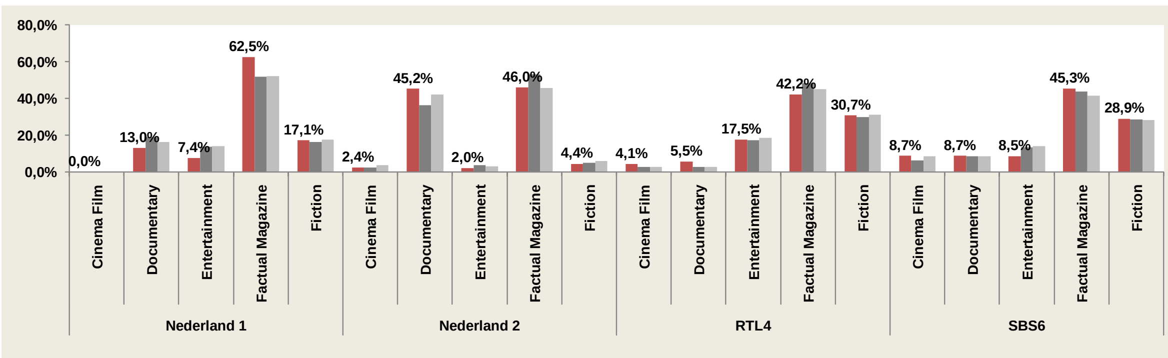
Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

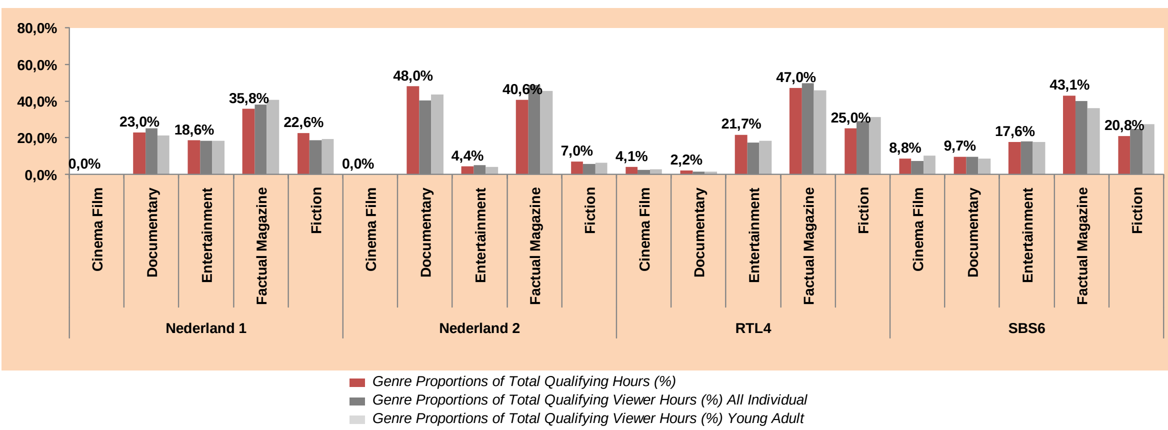
Source : Eurodata TV – SKO-Stichting KijkOnderzoeg / Headway

[39] See footnote 32.

Table 110: Genre proportion of total qualifying hours and viewer hours in the Netherlands, 2010[40]

All Day					Peak Time				
Channel	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*	*Channel*	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*
Nederland 1	Cinema Film	0,0%	0,0%	0,0%	**Nederland 1**	Cinema Film	0,0%	0,0%	0,0%
	Documentary	13,0%	18,7%	16,3%		Documentary	23,0%	25,2%	21,3%
	Entertainment	7,4%	13,6%	14,0%		Entertainment	18,6%	18,3%	18,5%
	Factual Magazine	62,5%	51,6%	52,2%		Factual Magazine	35,8%	38,0%	40,8%
	Fiction	17,1%	16,1%	17,5%		Fiction	22,6%	18,5%	19,4%
Nederland 2	Cinema Film	2,4%	2,4%	3,7%	**Nederland 2**	Cinema Film	0,0%	0,0%	0,0%
	Documentary	45,2%	36,1%	42,0%		Documentary	48,0%	40,3%	43,7%
	Entertainment	2,0%	3,6%	2,9%		Entertainment	4,4%	5,2%	4,2%
	Factual Magazine	46,0%	52,9%	45,5%		Factual Magazine	40,6%	48,7%	45,6%
	Fiction	4,4%	5,0%	5,9%		Fiction	7,0%	5,7%	6,5%
RTL4	Cinema Film	4,1%	2,5%	2,8%	**RTL4**	Cinema Film	4,1%	2,3%	2,7%
	Documentary	5,5%	2,5%	2,5%		Documentary	2,2%	1,7%	1,6%
	Entertainment	17,5%	17,1%	18,6%		Entertainment	21,7%	17,3%	18,4%
	Factual Magazine	42,2%	48,2%	45,0%		Factual Magazine	47,0%	49,7%	46,0%
	Fiction	30,7%	29,7%	31,1%		Fiction	25,0%	29,0%	31,4%
SBS6	Cinema Film	8,7%	6,3%	8,3%	**SBS6**	Cinema Film	8,8%	7,4%	10,2%
	Documentary	8,7%	8,3%	8,4%		Documentary	9,7%	9,6%	8,7%
	Entertainment	8,5%	13,2%	13,8%		Entertainment	17,6%	18,0%	17,6%
	Factual Magazine	45,3%	43,6%	41,3%		Factual Magazine	43,1%	40,1%	36,1%
	Fiction	28,9%	28,6%	28,2%		Fiction	20,8%	24,9%	27,4%





Source : Eurodata TV – SKO-Stichting KijkOnderzoeg / Headway

Factual magazine is dominant genre followed by TV fiction on private channels (RTL4, SBS6) and documentary on public channel NED2. Entertainment is relatively more important in primetime especially on private channels and public channel NED1.

[40] See footnote 32.

Our non-linear sample consists of 4 services: UUITZENDIG GEMIST and SBS6 PROGRAMMA, two catch-up services operated by public and private broadcasters NPB and P7S1; VEAMER, a video-on-demand service operated by private broadcaster P7S1; and UPC LIVE, a video-on-demand service operated bY telecom company Liberty Global.

Table 111: List of non-linear services covered in Netherlands, 2011[41]

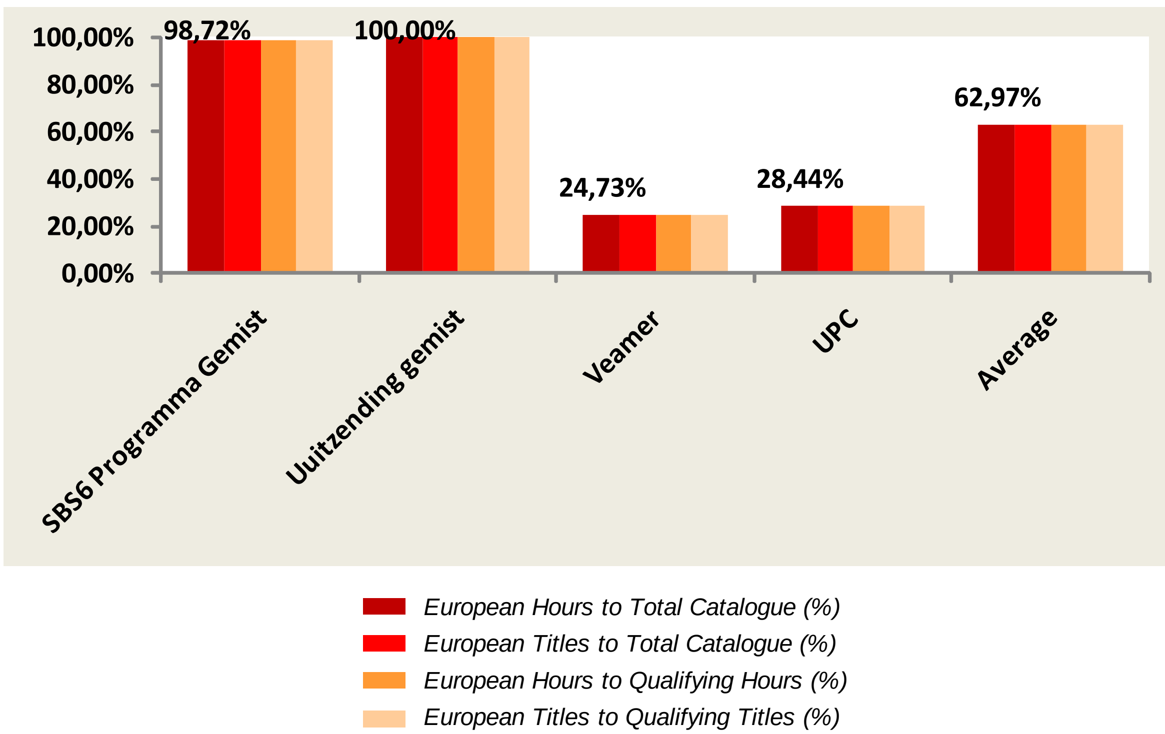
Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
Netherlands	SBS6 Programma (	Catch-up	Ad	Private	Broadcaster	P7S1	1784	27 (2011)
Netherlands	Uuitzending gemist	Catch-up	Gvt	Public	Broadcaster	NPO	50000	24 (2011)
Netherlands	Veamer	VOD	Ad	Private	Broadcaster	P7S1	589	23 (2011)
Netherlands	UPC Live	VOD	Pay	Private	Telco	Liberty Global	502	25 (2011)

European works on non-linear services of the Netherlands reach levels similar to our sample average for catch-up services, and slightly lower for video-on-demand services. Findings measured as a proportion of hours are very similar to findings as a proportion of titles.

[41] See footnote 20.

Table 112: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in Netherlands, 2011

Channel	*European Hours(%) to total catalogue*	*European Titles(%) to total catalogue*	*European Hours(%) to qualifying catalogue*	*European Titles(%) to qualifying catalogue*
SBS6 Programma Gemist	98,72%	98,60%	98,55%	98,49%
Uuitzending gemist	100,00%	100,00%	100,00%	100,00%
Veamer	24,73%	24,82%	24,73%	24,82%
UPC	28,44%	28,88%	28,44%	28,88%
Average	**62,97%**	**63,07%**	**62,93%**	**63,05%**



Source : Company online catalogues / Headway

9. Poland

Our linear sample consists of 6 channels (TVP1, TVP2, POLSAT, TVN, CANAL+ and TV4), which together account for 76.5% of total Polish TV viewing.

Table 113: List of linear services covered in Poland, 2010

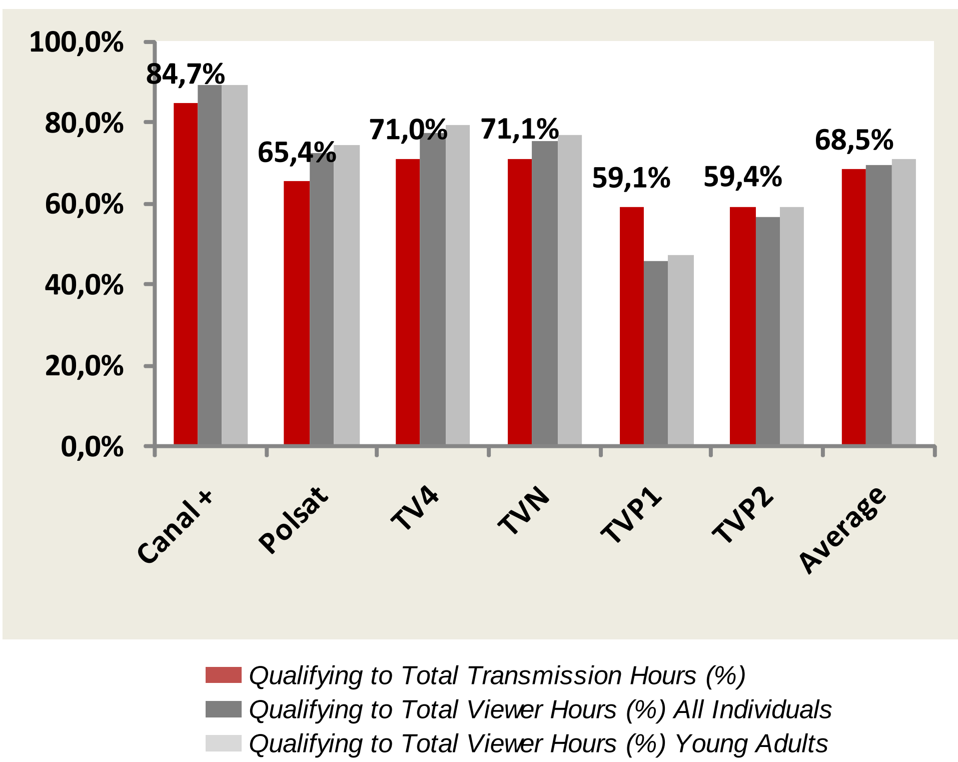
Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Poland	TVP1	1952	22,9	19,2	Gvt	Public	24	11 + 46 (2010)
Poland	TVP2	1970	17,4	15,6	Gvt	Public	24	11 + 46 (2010)
Poland	Polsat	1992	15,2	18,5	Ad	Private	24	11 + 46 (2010)
Poland	TVN	1997	17,2	17,5	Ad	Private	24	11 + 46 (2010)
Poland	Canal+	1985	<3%	<3%	Pay	Private	24	11 + 46 (2010)
Poland	TV4	2000	1,8	2,2	Ad	Private	24	11 + 46 (2010)

Key findings:

- Average proportion of qualifying works is close to our sample average. Public channels show lower proportions of qualifying works.
- Polish channels are largely meeting the requirement for 50% European works, except smaller channels (TV4, CANAL+).
- European works are less present in primetime, where proportions are sometimes below 50%. They are slightly less successful with audiences, except in primetime.
- Non-domestic European works on Polish channels reach among the highest levels in our sample, especially public and pay channels. They air predominantly in daytime and are relatively less successful with audiences.
- Polish channels are largely above the requirement for 10% Independent works, except TVN. They reach levels close to our sample average.
- Independent works are more prominent on public channels in primetime and are relatively more successful with audiences, especially in primetime.
- Recent Independent works on Polish channels reach similar levels to those in large European Member States.
- Recent Independent works are more prominent on private free channels, especially in primetime.

Table 114: Ratio of qualifying to total transmission hours and viewer hours in Poland, 2010

Channel	*Qualifying Transmission Hours(%)*	*Qualifying Viewer Hours(%) All Individuals*	*Qualifying Viewer Hours(%) Young Adults*
Canal +	84,7%	89,2%	89,2%
Polsat	65,4%	72,6%	74,6%
TV4	71,0%	77,7%	79,3%
TVN	71,1%	75,6%	77,1%
TVP1	59,1%	45,8%	47,2%
TVP2	59,4%	56,8%	59,4%
Average	**68,5%**	**69,6%**	**71,1%**



Source : Eurodata TV – Nielsen Audience Measurement / Headway

Average proportion of qualifying works is close to our sample average.

Public channels show lower proportions of qualifying works (TVP1, TVP2). Qualifying works are more successful with audiences on private channels (POLSAT, TVN, TV4, CANAL+).

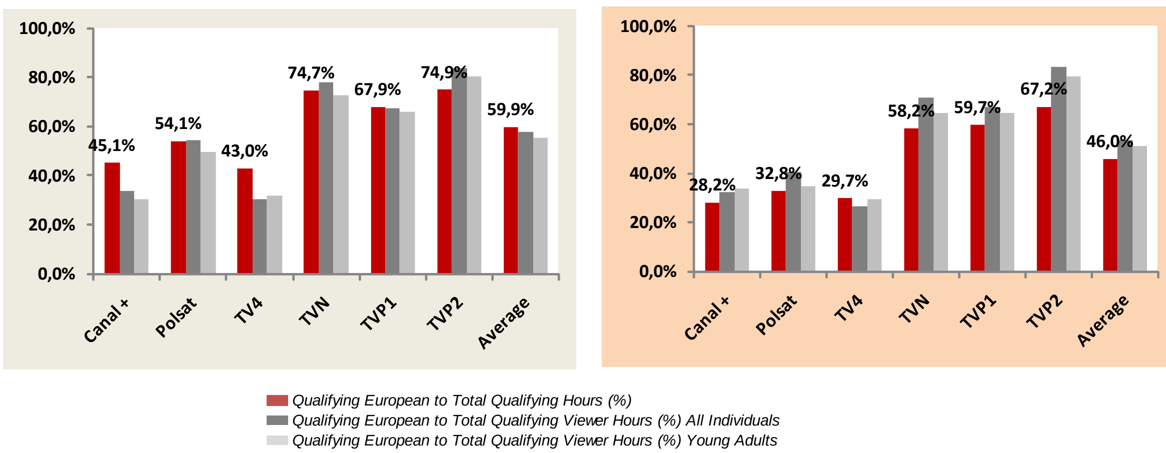
Table 115: Ratio of European qualifying to total qualifying hours and viewer hours in Poland, 2010

All Day

Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
Canal +	45,1%	33,6%	30,4%
Polsat	54,1%	54,5%	49,7%
TV4	43,0%	30,6%	31,7%
TVN	74,7%	77,9%	72,8%
TVP1	67,9%	67,6%	66,1%
TVP2	74,9%	83,6%	80,6%
Average	**59,9%**	**57,9%**	**55,2%**

Peak Time

Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
Canal +	28,2%	32,3%	33,8%
Polsat	32,8%	40,5%	34,6%
TV4	29,7%	26,3%	29,3%
TVN	58,2%	71,1%	64,8%
TVP1	59,7%	67,2%	64,7%
TVP2	67,2%	83,1%	79,7%
Average	**46,0%**	**53,4%**	**51,1%**



Source : Eurodata TV – Nielsen Audience Measurement / Headway

Polish channels are largely meeting the requirement for 50% European works, except smaller channels (TV4, CANAL+).

European works are less prominent in primetime, where proportions are sometimes below 50% (TV4, CANAL+, POLSAT). They are slightly less successful with audiences, except in primetime.

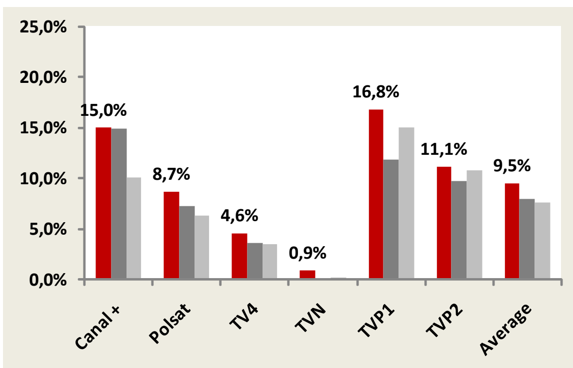
Table 116: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in Poland, 2010

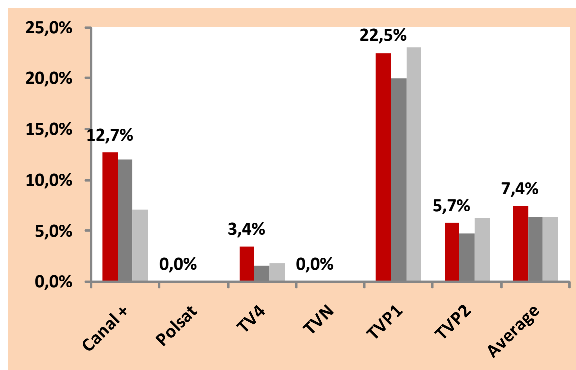
All Day

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
Canal +	15,0%	14,9%	10,1%
Polsat	8,7%	7,3%	6,3%
TV4	4,6%	3,7%	3,5%
TVN	0,9%	0,1%	0,2%
TVP1	16,8%	11,9%	15,0%
TVP2	11,1%	9,8%	10,8%
Average	**9,5%**	**7,9%**	**7,6%**

Peak Time

Channel	*Non-Domestic European Hours(%)*	*Non-Domestic European Viewer Hours(%) All Individuals*	*Non-Domestic European Viewer Hours(%) Young Adults*
Canal +	12,7%	12,0%	7,1%
Polsat	0,0%	0,0%	0,0%
TV4	3,4%	1,5%	1,8%
TVN	0,0%	0,0%	0,0%
TVP1	22,5%	20,0%	23,0%
TVP2	5,7%	4,7%	6,3%
Average	**7,4%**	**6,4%**	**6,4%**





Non-Domestic Qualifying European to Total Qualifying Hours(%)
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) All Individuals
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) Young Adults

Source : Eurodata TV – Nielsen Audience Measurement / Headway

Non-domestic European works on Polish channels reach among the highest levels in our sample, especially on public channels (TVP1, TVP2) and pay channels (CANAL+).

They air predominantly in daytime, and are relatively less successful with audiences.

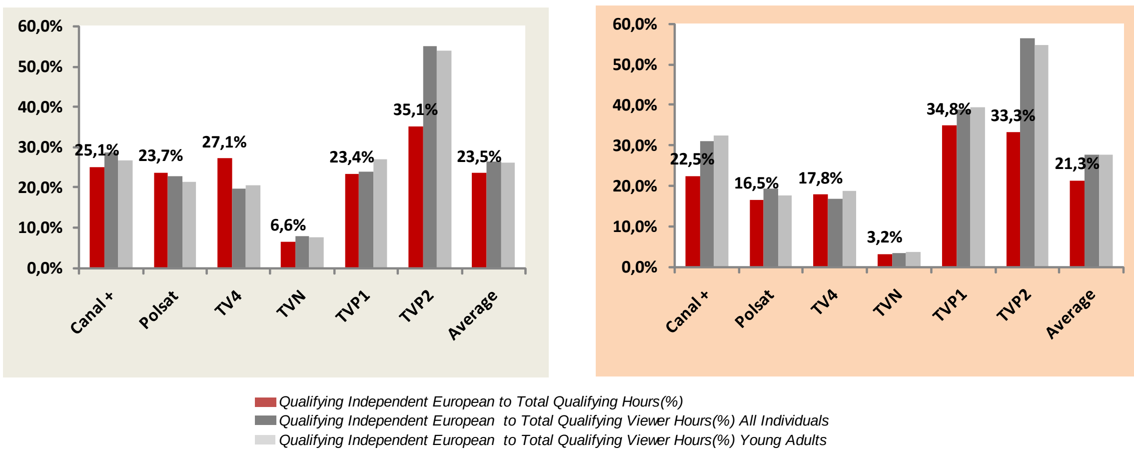
Table 117: Ratio of independent European qualifying to total qualifying hours and viewer hours in Poland, 2010

All Day

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
Canal +	25,1%	28,6%	26,6%
Polsat	23,7%	22,9%	21,3%
TV4	27,1%	19,6%	20,5%
TVN	6,6%	8,0%	7,8%
TVP1	23,4%	23,8%	27,0%
TVP2	35,1%	54,9%	54,0%
Average	**23,5%**	**26,3%**	**26,2%**

Peak Time

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
Canal +	22,5%	31,0%	32,6%
Polsat	16,5%	19,4%	17,5%
TV4	17,8%	16,8%	18,8%
TVN	3,2%	3,3%	3,6%
TVP1	34,8%	38,8%	39,5%
TVP2	33,3%	56,6%	54,9%
Average	**21,3%**	**27,7%**	**27,8%**



Source : Eurodata TV – Nielsen Audience Measurement / Headway

Polish channels are largely above the requirement for 10% Independent works, except TVN[42]. They reach levels close to our sample average.

Independent works are more prominent on public channels in primetime (TVP1, TVP2), and are relatively more successful with audiences, especially in primetime.

[42] Our sample estimates show lower figures than the yearly declarations for private channels, which are typically around 25-50%.

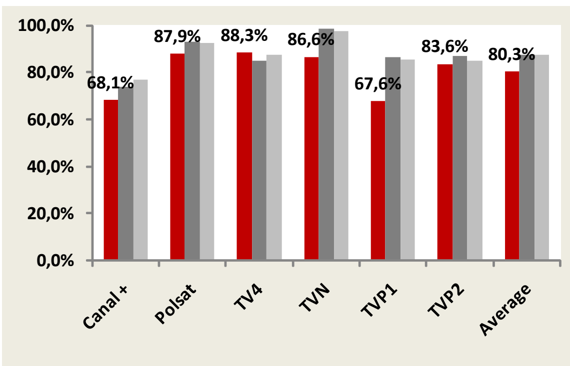
Table 118: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in Poland, 2010

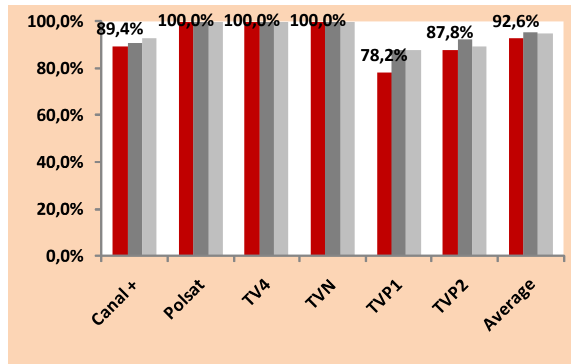
All Day

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
Canal +	68,1%	73,9%	77,0%
Polsat	87,9%	92,9%	92,6%
TV4	88,3%	85,2%	87,7%
TVN	86,6%	98,4%	97,3%
TVP1	67,6%	86,3%	85,7%
TVP2	83,6%	87,0%	84,9%
Average	**80,3%**	**87,3%**	**87,5%**

Peak Time

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
Canal +	89,4%	90,8%	93,0%
Polsat	100,0%	100,0%	100,0%
TV4	100,0%	100,0%	100,0%
TVN	100,0%	100,0%	100,0%
TVP1	78,2%	87,8%	87,7%
TVP2	87,8%	92,1%	89,1%
Average	**92,6%**	**95,1%**	**95,0%**





Recent Qualifying Independent European to Total Qualifying Independent European Hours(%)
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) All Individuals
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) Young Adults

Source : Eurodata TV – Nielsen Audience Measurement / Headway

Recent Independent works on Polish channels reach levels similar to those in large European Member States.

Recent Independent works are more prominent on private free channels (POLSAT, TVN, TV4), especially in primetime.

Table 119: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in Poland, 2010

All Day

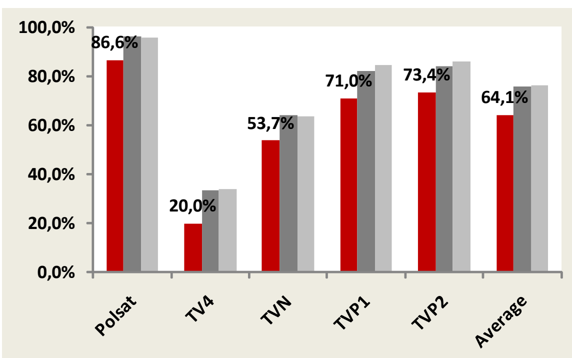
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Canal +	79,9%	94,0%	94,0%
Polsat	86,6%	96,0%	95,8%
TV4	20,0%	33,5%	34,1%
TVN	53,7%	64,3%	63,9%
TVP1	71,0%	82,2%	84,7%
TVP2	73,4%	83,9%	86,0%
Average	**64,1%**	**75,7%**	**76,4%**

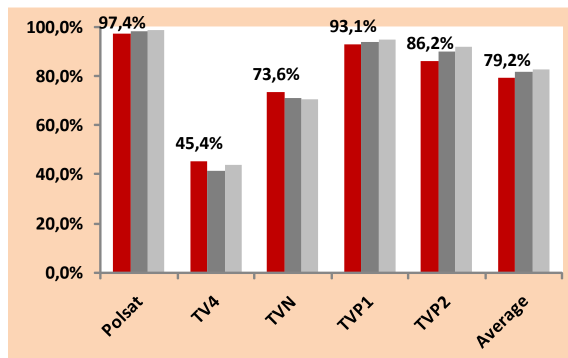
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Canal +	20,1%	6,0%	6,0%
Polsat	13,4%	4,0%	4,2%
TV4	80,0%	66,5%	65,9%
TVN	46,3%	35,7%	36,1%
TVP1	29,0%	17,8%	15,3%
TVP2	26,6%	16,1%	14,0%
Average	**35,9%**	**24,3%**	**23,6%**

Peak Time

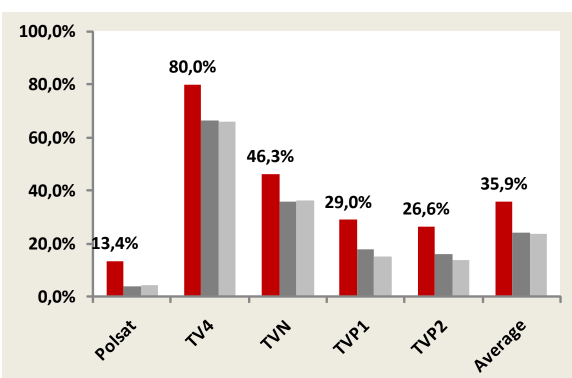
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Canal +	79,7%	95,9%	96,4%
Polsat	97,4%	98,5%	98,5%
TV4	45,4%	41,5%	43,8%
TVN	73,6%	70,9%	70,6%
TVP1	93,1%	93,7%	95,0%
TVP2	86,2%	90,0%	92,1%
Average	**79,2%**	**81,8%**	**82,7%**

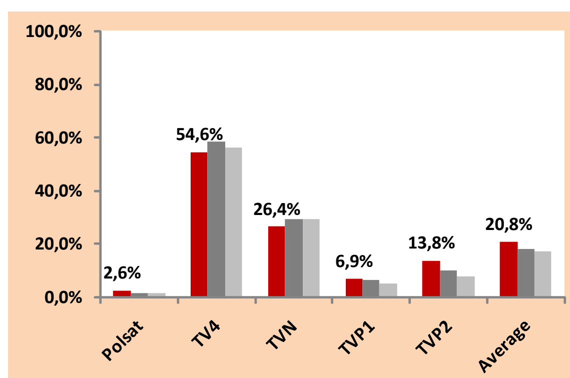
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Canal +	20,3%	4,1%	3,6%
Polsat	2,6%	1,5%	1,5%
TV4	54,6%	58,5%	56,2%
TVN	26,4%	29,1%	29,4%
TVP1	6,9%	6,3%	5,0%
TVP2	13,8%	10,0%	7,9%
Average	**20,8%**	**18,2%**	**17,3%**





Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults



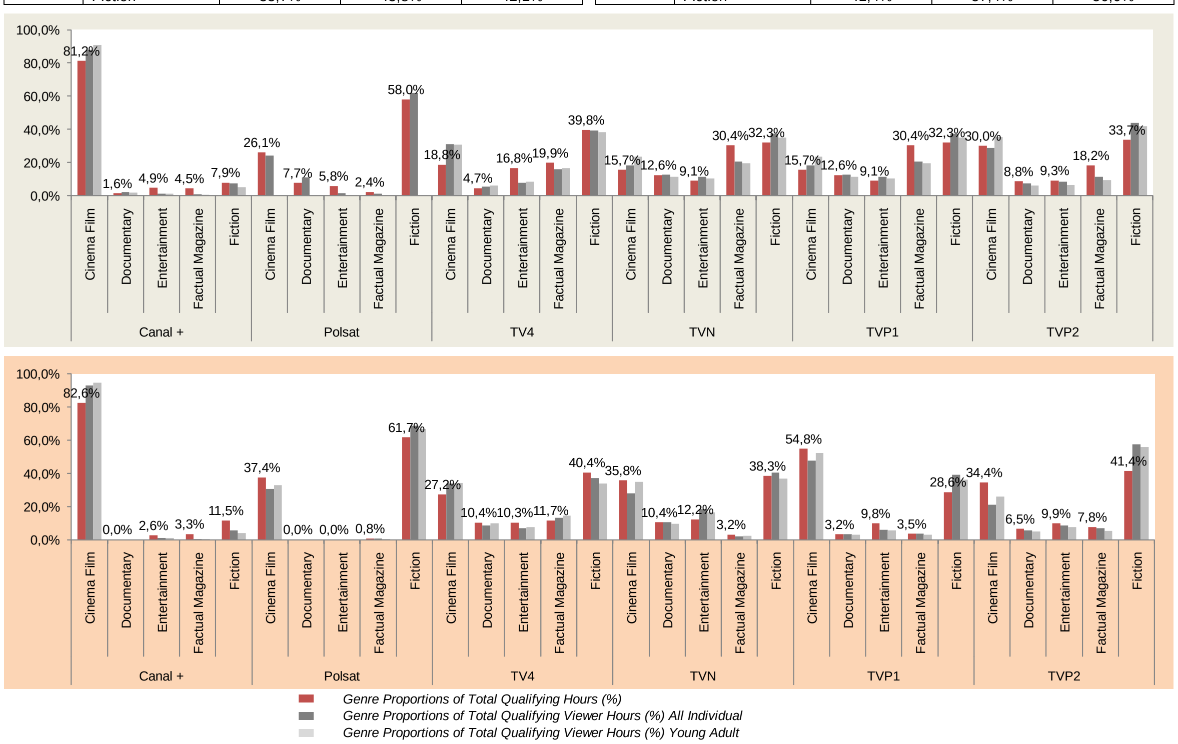


Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

Source : Eurodata TV – Nielsen Audience Measurement / Headway

Table 120: Genre proportion of total qualifying hours and viewer hours in Poland, 2010

All Day					Peak Time				
Channel	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*	*Channel*	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*
Canal +	Cinema Film	81,2%	87,9%	90,7%	**Canal +**	Cinema Film	82,6%	92,9%	94,6%
	Documentary	1,6%	2,3%	2,0%		Documentary	0,0%	0,0%	0,0%
	Entertainment	4,9%	1,4%	1,4%		Entertainment	2,6%	1,0%	1,1%
	Factual Magazine	4,5%	0,8%	0,6%		Factual Magazine	3,3%	0,4%	0,3%
	Fiction	7,9%	7,6%	5,3%		Fiction	11,5%	5,7%	4,0%
Polsat	Cinema Film	26,1%	24,1%	N/A	**Polsat**	Cinema Film	37,4%	30,6%	32,8%
	Documentary	7,7%	11,0%	N/A		Documentary	0,0%	0,0%	0,0%
	Entertainment	5,8%	1,7%	N/A		Entertainment	0,0%	0,0%	0,0%
	Factual Magazine	2,4%	1,2%	N/A		Factual Magazine	0,8%	0,6%	0,5%
	Fiction	58,0%	62,0%	N/A		Fiction	61,7%	68,8%	66,7%
TV4	Cinema Film	18,8%	31,0%	30,7%	**TV4**	Cinema Film	27,2%	33,9%	34,3%
	Documentary	4,7%	5,5%	6,1%		Documentary	10,4%	8,8%	9,8%
	Entertainment	16,8%	8,0%	8,4%		Entertainment	10,3%	7,0%	7,5%
	Factual Magazine	19,9%	16,1%	16,6%		Factual Magazine	11,7%	13,2%	14,6%
	Fiction	39,8%	39,4%	38,2%		Fiction	40,4%	37,1%	33,8%
TVN	Cinema Film	15,7%	18,2%	23,4%	**TVN**	Cinema Film	35,8%	28,0%	34,8%
	Documentary	12,6%	12,7%	11,3%		Documentary	10,4%	10,7%	9,5%
	Entertainment	9,1%	11,3%	10,5%		Entertainment	12,2%	18,5%	16,5%
	Factual Magazine	30,4%	20,5%	19,5%		Factual Magazine	3,2%	2,2%	2,5%
	Fiction	32,3%	37,2%	35,2%		Fiction	38,3%	40,6%	36,7%
TVP1	Cinema Film	15,7%	18,2%	23,4%	**TVP1**	Cinema Film	54,8%	47,6%	52,3%
	Documentary	12,6%	12,7%	11,3%		Documentary	3,2%	3,5%	2,9%
	Entertainment	9,1%	11,3%	10,5%		Entertainment	9,8%	5,9%	5,8%
	Factual Magazine	30,4%	20,5%	19,5%		Factual Magazine	3,5%	3,8%	2,9%
	Fiction	32,3%	37,2%	35,2%		Fiction	28,6%	39,2%	36,2%
TVP2	Cinema Film	30,0%	28,7%	35,5%	**TVP2**	Cinema Film	34,4%	21,2%	25,9%
	Documentary	8,8%	7,5%	6,4%		Documentary	6,5%	5,7%	4,9%
	Entertainment	9,3%	8,6%	6,6%		Entertainment	9,9%	8,6%	7,7%
	Factual Magazine	18,2%	11,4%	9,3%		Factual Magazine	7,8%	7,1%	5,4%
	Fiction	33,7%	43,8%	42,1%		Fiction	41,4%	57,4%	56,0%



Source : Eurodata TV – Nielsen Audience Measurement / Headway

TV fiction, cinema and to a lesser extent factual magazine are dominant genres. Their presence is even more important in primetime.

Our non-linear sample consists of 4 services: ONET, a catch-up service operated by private broadcaster TVN; TVP VIDEO, a video-on-demand service operated by public broadcaster TVP; and CINEMAN and WASZEFILMY GAZETTA, two independent video-on-demand services.

Table 121: List of non-linear services covered in Poland, 2011[43]

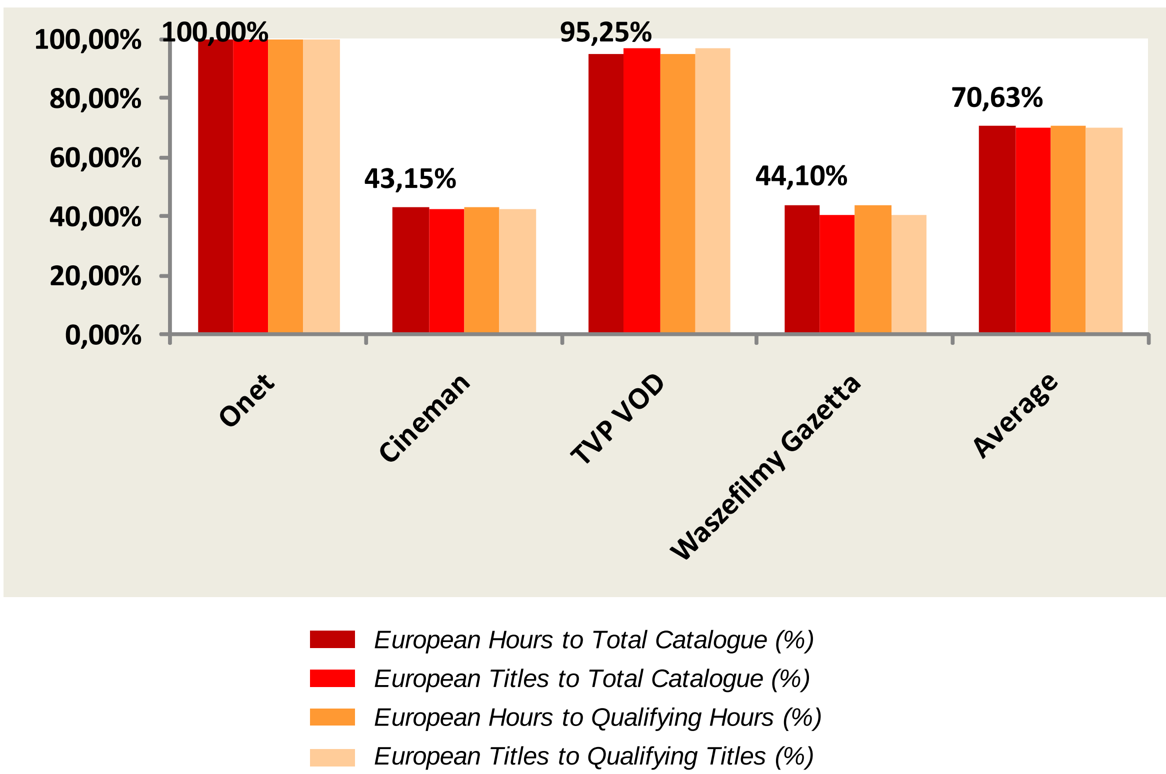
Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
Poland	Onet	Catch-up	Ad	Private	Broadcaster	TVN	2601	23 (2011)
Poland	Cineman	VOD	Pay	Private	Independent	Cineman	918	22 (2011)
Poland	TVP VOD	VOD	Gvt	Public	Broadcaster	TVP	2500	30 (2011)
Poland	Waszefilmy Gazett	VOD	Pay	Private	Independent	Waszefilmy Gazetta	203	22 (2011)

European works on Polish non-linear services reach levels similar to our sample average. Findings measured as a proportion of hours are very similar to findings as a proportion of titles.

[43] See footnote 20.

Table 122: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in the Poland, 2011

Channel	European Hours(%) to total catalogue	European Titles(%) to total catalogue	European Hours(%) to qualifying catalogue	European Titles(%) to qualifying catalogue
Onet	100,00%	100,00%	100,00%	100,00%
Cineman	43,15%	42,54%	43,15%	42,54%
TVP VOD	95,25%	96,80%	95,25%	96,80%
Waszefilmy Gazetta	44,10%	40,39%	44,10%	40,39%
Average	**70,63%**	**69,93%**	**70,63%**	**69,93%**



Source : Company online catalogues / Headway

10. Spain

Our linear sample consists of 5 channels (TVE1, ANTENA 3, TELE 5, CUATRO and LA SEXTA), which together account for 65.9% of total Spanish TV viewing.

Table 123: List of linear services covered in Spain, 2010

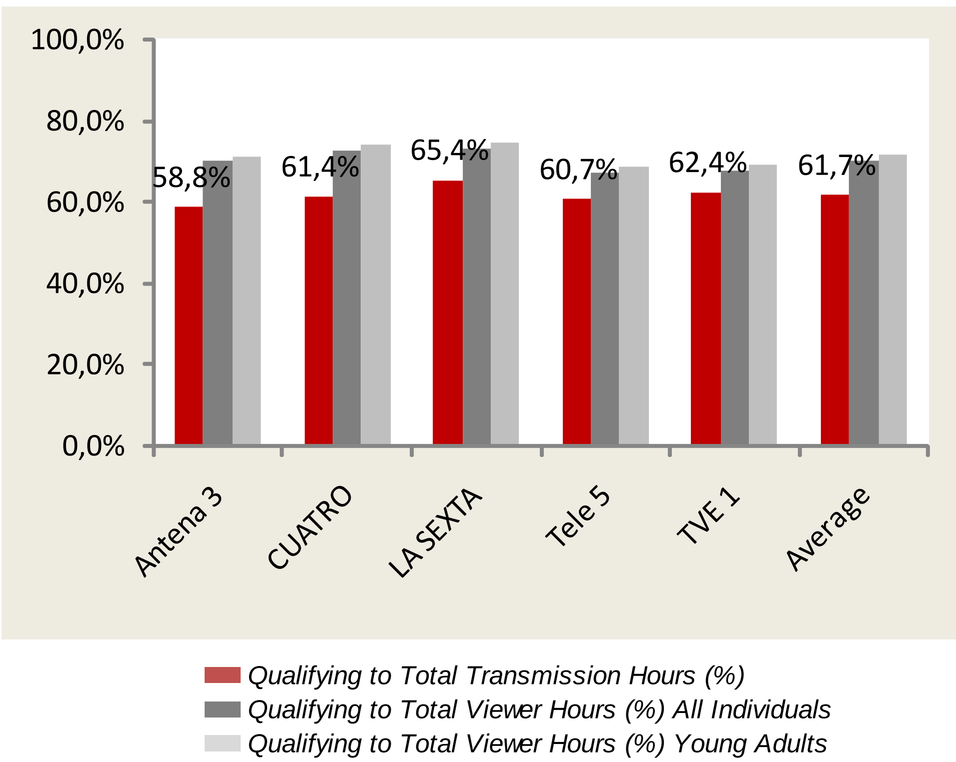
Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Spain	TVE1	1956	17.8	10.1	Gvt	Private	24	11 + 46 (2010)
Spain	Antena 3	1989	15.6	21.5	Ad	Private	24	11 + 46 (2010)
Spain	Tele 5	1990	18.5	17.0	Ad	Private	24	11 + 46 (2010)
Spain	Cuatro	2005	8.4	12.2	Ad	Private	24	11 + 46 (2010)
Spain	La Sexta	2005	5.6	7.7	Ad	Private	24	11 + 46 (2010)

Key findings:

- The average proportion of qualifying works is slightly below our sample average. Smaller channels show slightly higher proportions of qualifying works.
- Spanish channels are largely meeting the requirement for 50% European works, especially leading channels. However, the exception is LA SEXTA, which is slightly below 50%.
- European works are generally less successful with audiences, except on smaller channels and particularly in primetime.
- Non-domestic European works on Spanish channels are among the lowest levels in our sample, except for CUATRO. No non-domestic European work aired in primetime over our two sample weeks in 2010.
- Spanish channels are largely above the requirement for 10% Independent works.
- Independent works are more successful with audiences, including in primetime, where they are also more prominent.
- Recent Independent works on Spanish channels reach similar levels to those in large European Member States.
- Recent Independent works are more prominent in primetime.

Table 124: Ratio of qualifying to total transmission hours and viewer hours in Spain, 2010

Channel	*Qualifying Transmission Hours(%)*	*Qualifying Viewer Hours(%) All Individuals*	*Qualifying Viewer Hours(%) Young Adults*
Antena 3	58,8%	70,2%	71,3%
CUATRO	61,4%	72,9%	74,1%
LA SEXTA	65,4%	73,1%	74,5%
Tele 5	60,7%	67,1%	68,9%
TVE 1	62,4%	67,7%	69,0%
Average	**61,7%**	**70,2%**	**71,6%**



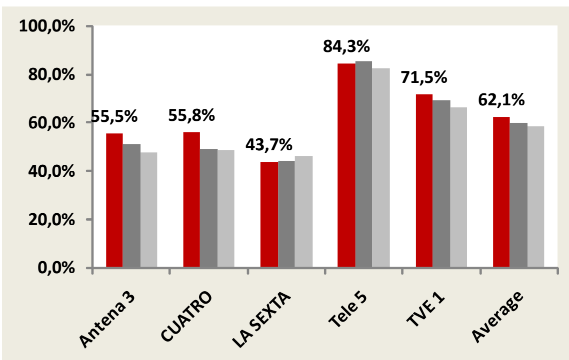
Source : Eurodata TV – Kantar Media / Headway

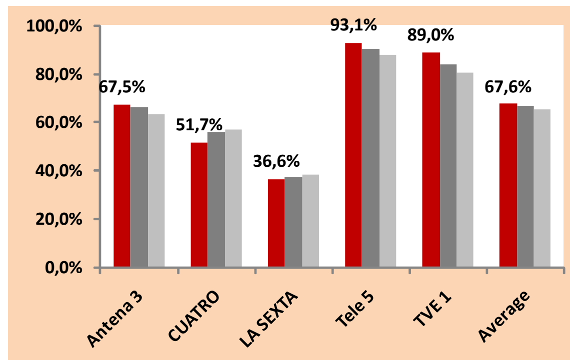
The average proportion of qualifying works is slightly below our sample average.

Smaller channels show slightly higher proportions of qualifying works (LA SEXTA, CUATRO). Qualifying works are relatively more successful with audiences especially young adults.

Table 125: Ratio of European qualifying to total qualifying hours and viewer hours in Spain, 2010

All Day				Peak Time			
Channel	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***	***Channel***	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***
Antena 3	55,5%	50,8%	47,7%	Antena 3	67,5%	66,5%	63,3%
CUATRO	55,8%	49,1%	48,5%	CUATRO	51,7%	56,2%	56,9%
LA SEXTA	43,7%	44,0%	46,3%	LA SEXTA	36,6%	37,6%	38,6%
Tele 5	84,3%	85,3%	82,3%	Tele 5	93,1%	90,3%	87,7%
TVE 1	71,5%	69,1%	66,5%	TVE 1	89,0%	84,2%	80,6%
Average	**62,1%**	**59,7%**	**58,2%**	**Average**	**67,6%**	**67,0%**	**65,4%**





Qualifying European to Total Qualifying Hours (%)
Qualifying European to Total Qualifying Viewer Hours (%) All Individuals
Qualifying European to Total Qualifying Viewer Hours (%) Young Adults

Source : Eurodata TV – Kantar Media / Headway

Spanish channels are largely meeting the requirement for 50% European works, especially leading channels (TVE1, TELE 5). The exception is LA SEXTA, which is slightly below 50%, whereas it was slightly above in 2007[44].

European works are generally less successful with audiences, except on smaller channels, and particularly in primetime (LA SEXTA, CUATRO).

[44] Declarations also report declining proportions, down to slightly above 50% in 2008.

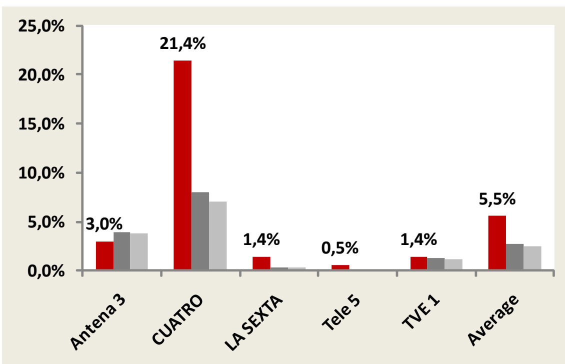
Table 126: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in Spain, 2010

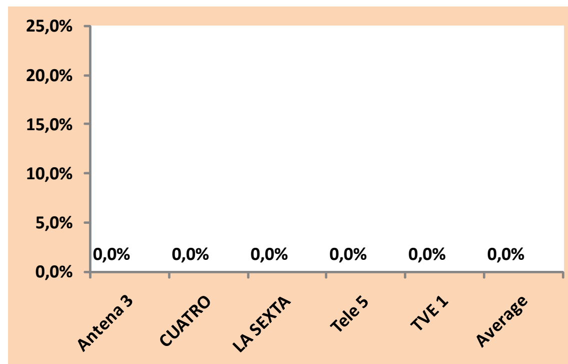
All Day

Channel	Non-Domestic European Hours(%)	Non-Domestic European Viewer Hours(%) All Individuals	Non-Domestic European Viewer Hours(%) Young Adults
Antena 3	3,0%	3,9%	3,8%
CUATRO	21,4%	8,0%	7,1%
LA SEXTA	1,4%	0,3%	0,4%
Tele 5	0,5%	0,0%	0,0%
TVE 1	1,4%	1,3%	1,1%
Average	**5,5%**	**2,7%**	**2,5%**

Peak Time

Channel	Non-Domestic European Hours(%)	Non-Domestic European Viewer Hours(%) All Individuals	Non-Domestic European Viewer Hours(%) Young Adults
Antena 3	0,0%	0,0%	0,0%
CUATRO	0,0%	0,0%	0,0%
LA SEXTA	0,0%	0,0%	0,0%
Tele 5	0,0%	0,0%	0,0%
TVE 1	0,0%	0,0%	0,0%
Average	**0,0%**	**0,0%**	**0,0%**





Non-Domestic Qualifying European to Total Qualifying Hours(%)
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) All Individuals
Non-Domestic Qualifying European to Total Qualifying Viewer Hours(%) Young Adults

Source : Eurodata TV – Kantar Media / Headway

Non-domestic European works on Spanish channels are among the lowest levels in our sample except CUATRO, which ranks among the highest levels.

No non-domestic European work aired in primetime over our two sample weeks in 2010.

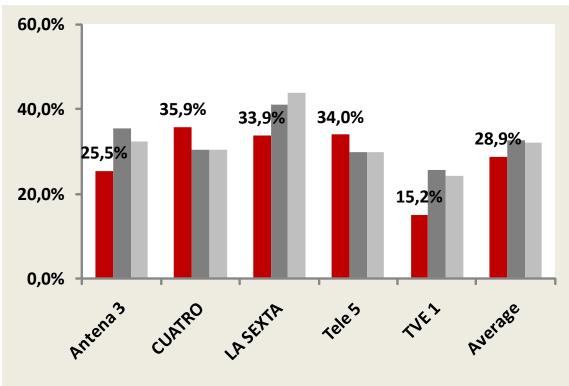
Table 127: Ratio of independent European qualifying to total qualifying hours and viewer hours in Spain, 2010

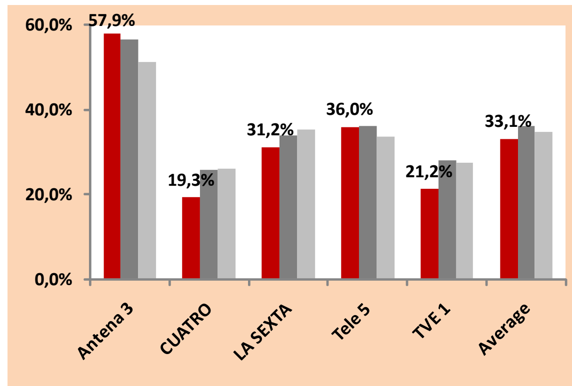
All Day

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
Antena 3	25,5%	35,6%	32,5%
CUATRO	35,9%	30,5%	30,5%
LA SEXTA	33,9%	41,2%	43,9%
Tele 5	34,0%	29,9%	30,0%
TVE 1	15,2%	25,7%	24,4%
Average	**28,9%**	**32,6%**	**32,3%**

Peak Time

Channel	Independent Hours(%)	Independent Viewer Hours(%) All Individuals	Independent Viewer Hours(%) Young Adults
Antena 3	57,9%	56,5%	51,4%
CUATRO	19,3%	25,8%	26,1%
LA SEXTA	31,2%	33,9%	35,2%
Tele 5	36,0%	36,1%	33,6%
TVE 1	21,2%	28,0%	27,5%
Average	**33,1%**	**36,1%**	**34,8%**





Qualifying Independent European to Total Qualifying Hours(%)
Qualifying Independent European to Total Qualifying Viewer Hours(%) All Individuals
Qualifying Independent European to Total Qualifying Viewer Hours(%) Young Adults

Source : Eurodata TV – Kantar Media / Headway

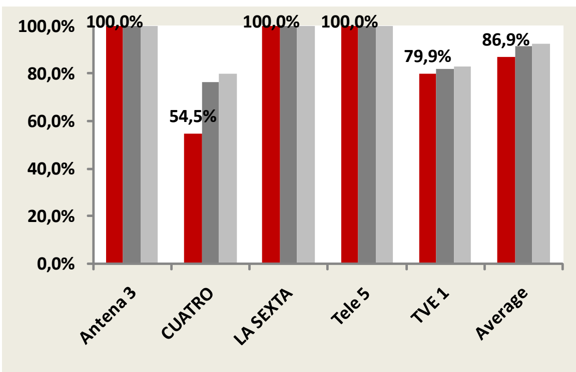
Spanish channels are largely above the requirement for 10% Independent works, with TVE1 below other Spanish channels. They reach levels slightly below those in large Member States but higher than in Italy[45].

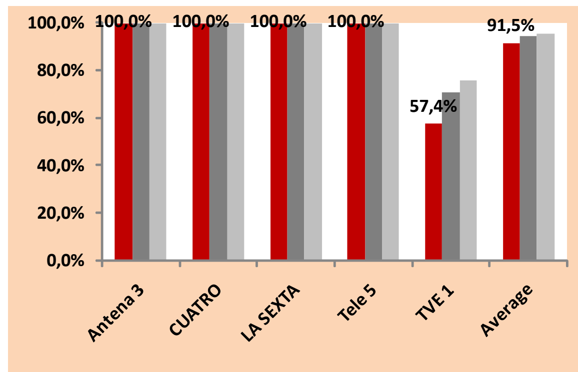
Independent works are more successful with audiences, including in primetime, where they are also more prominent.

[45] Our sample estimates show lower figures than the yearly declarations for most private channels, which are typically around 25-50% except for public channel TVE1, which is around 15%, according to our estimates, compared with below 10% according to declarations.

Table 128: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in Spain, 2010

All Day				Peak Time			
Channel	***Recent Independent Hours(%)***	***Recent Independent Viewer Hours(%) All Individuals***	***Recent Independent Viewer Hours(%) Young Adults***	***Channel***	***Recent Independent Hours(%)***	***Recent Independent Viewer Hours(%) All Individuals***	***Recent Independent Viewer Hours(%) Young Adults***
Antena 3	100,0%	100,0%	100,0%	Antena 3	100,0%	100,0%	100,0%
CUATRO	54,5%	76,3%	80,0%	CUATRO	100,0%	100,0%	100,0%
LA SEXTA	100,0%	100,0%	100,0%	LA SEXTA	100,0%	100,0%	100,0%
Tele 5	100,0%	100,0%	100,0%	Tele 5	100,0%	100,0%	100,0%
TVE 1	79,9%	81,8%	83,0%	TVE 1	57,4%	70,8%	75,8%
Average	**86,9%**	**91,6%**	**92,6%**	**Average**	**91,5%**	**94,2%**	**95,2%**





Recent Qualifying Independent European to Total Qualifying Independent European Hours(%)
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) All Individuals
Recent Qualifying Independent European to Total Qualifying Independent European Viewer Hours(%) Young Adults

Source : Eurodata TV – Kantar Media / Headway

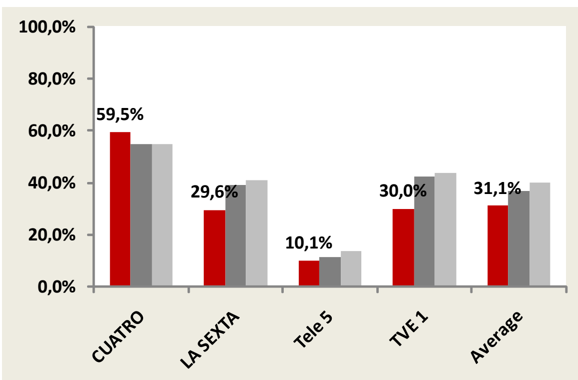
Recent Independent works on Spanish channels reach levels similar to those in large European Member States, with smaller private channel CUATRO and leading public channel TVE1 slightly behind.

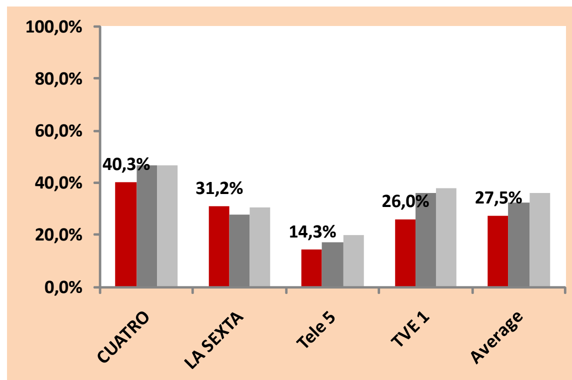
Recent Independent works are more prominent in primetime except for TVE1.

Table 129: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in Spain, 2010

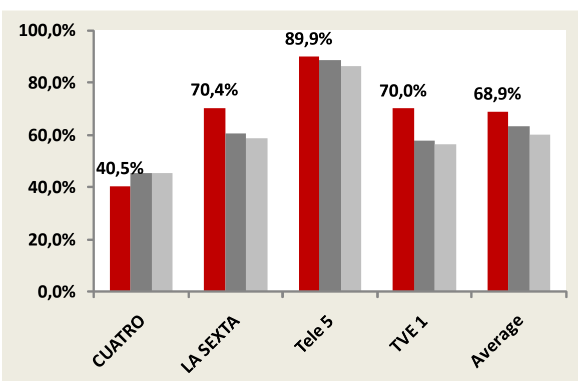
All Day				Peak Time			
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults	Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Antena 3	26,4%	36,3%	46,6%	Antena 3	25,8%	34,4%	45,9%
CUATRO	59,5%	54,7%	54,8%	CUATRO	40,3%	46,6%	46,5%
LA SEXTA	29,6%	39,2%	41,1%	LA SEXTA	31,2%	27,6%	30,7%
Tele 5	10,1%	11,4%	13,7%	Tele 5	14,3%	17,3%	20,0%
TVE 1	30,0%	42,3%	43,6%	TVE 1	26,0%	36,1%	37,9%
Average	**31,1%**	**36,8%**	**40,0%**	**Average**	**27,5%**	**32,4%**	**36,2%**

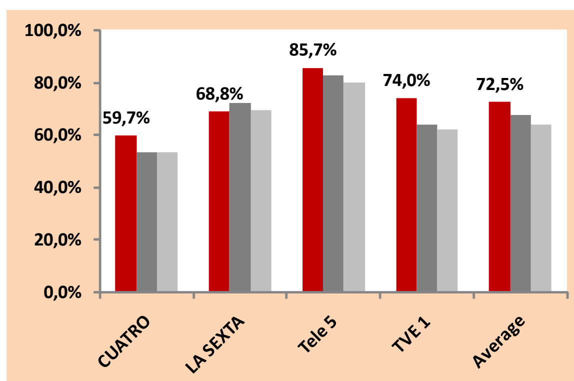
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults	Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Antena 3	73,6%	63,7%	53,4%	Antena 3	74,2%	65,6%	54,1%
CUATRO	40,5%	45,3%	45,2%	CUATRO	59,7%	53,4%	53,5%
LA SEXTA	70,4%	60,8%	58,9%	LA SEXTA	68,8%	72,4%	69,3%
Tele 5	89,9%	88,6%	86,3%	Tele 5	85,7%	82,7%	80,0%
TVE 1	70,0%	57,7%	56,4%	TVE 1	74,0%	63,9%	62,1%
Average	**68,9%**	**63,2%**	**60,0%**	**Average**	**72,5%**	**67,6%**	**63,8%**





Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults



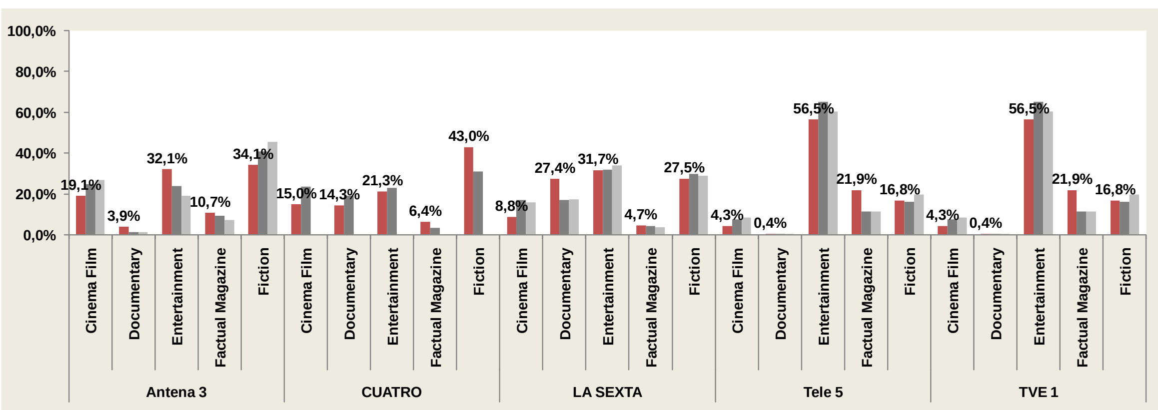


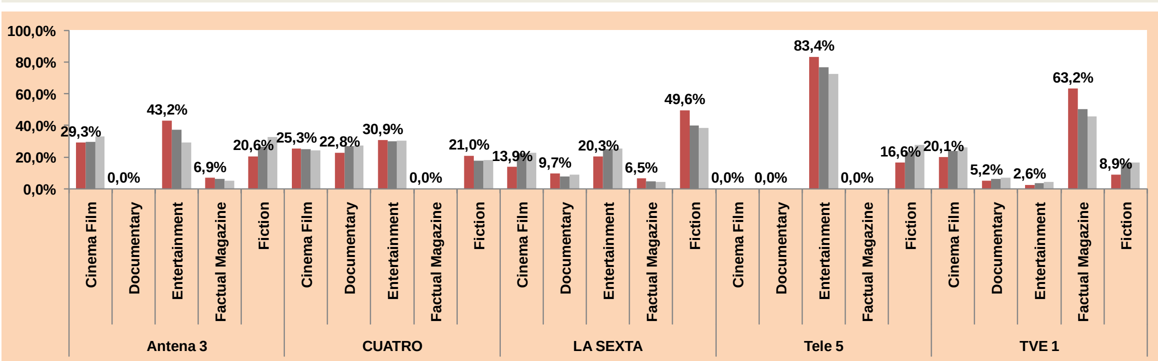
Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

Source : Eurodata TV – Kantar Media / Headway

Table 130: Genre proportion of total qualifying hours and viewer hours in Spain, 2010

All Day					Peak Time				
Channel	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*	*Channel*	*Genre*	*Qualifying Hours (%)*	*Qualifying Viewer Hours (%) All Individual*	*Qualifying Viewer Hours (%) Young Adult*
Antena 3	Cinema Film	19,1%	24,9%	26,8%	**Antena 3**	Cinema Film	29,3%	29,8%	33,2%
	Documentary	3,9%	1,2%	1,5%		Documentary	0,0%	0,0%	0,0%
	Entertainment	32,1%	23,8%	19,0%		Entertainment	43,2%	37,4%	29,1%
	Factual Magazine	10,7%	9,4%	7,3%		Factual Magazine	6,9%	6,3%	5,1%
	Fiction	34,1%	40,8%	45,5%		Fiction	20,6%	26,5%	32,6%
CUATRO	Cinema Film	15,0%	23,5%	N/A	**CUATRO**	Cinema Film	25,3%	24,9%	24,1%
	Documentary	14,3%	19,0%	N/A		Documentary	22,8%	27,1%	27,3%
	Entertainment	21,3%	23,1%	N/A		Entertainment	30,9%	30,0%	30,4%
	Factual Magazine	6,4%	3,4%	N/A		Factual Magazine	0,0%	0,0%	0,0%
	Fiction	43,0%	31,0%	N/A		Fiction	21,0%	17,9%	18,1%
LA SEXTA	Cinema Film	8,8%	17,2%	15,9%	**LA SEXTA**	Cinema Film	13,9%	22,3%	22,8%
	Documentary	27,4%	16,9%	17,3%		Documentary	9,7%	7,8%	9,0%
	Entertainment	31,7%	32,0%	34,1%		Entertainment	20,3%	25,1%	25,4%
	Factual Magazine	4,7%	4,2%	3,7%		Factual Magazine	6,5%	4,6%	4,2%
	Fiction	27,5%	29,7%	29,0%		Fiction	49,6%	40,2%	38,6%
Tele 5	Cinema Film	4,3%	7,4%	8,6%	**Tele 5**	Cinema Film	0,0%	0,0%	0,0%
	Documentary	0,4%	0,0%	0,0%		Documentary	0,0%	0,0%	0,0%
	Entertainment	56,5%	65,2%	60,4%		Entertainment	83,4%	76,9%	72,4%
	Factual Magazine	21,9%	11,3%	11,5%		Factual Magazine	0,0%	0,0%	0,0%
	Fiction	16,8%	16,1%	19,6%		Fiction	16,6%	23,1%	27,6%
TVE 1	Cinema Film	4,3%	7,4%	8,6%	**TVE 1**	Cinema Film	20,1%	24,0%	26,0%
	Documentary	0,4%	0,0%	0,0%		Documentary	5,2%	6,3%	7,2%
	Entertainment	56,5%	65,2%	60,4%		Entertainment	2,6%	3,5%	4,4%
	Factual Magazine	21,9%	11,3%	11,5%		Factual Magazine	63,2%	50,3%	45,7%
	Fiction	16,8%	16,1%	19,6%		Fiction	8,9%	15,9%	16,7%





Genre Proportions of Total Qualifying Hours (%)
Genre Proportions of Total Qualifying Viewer Hours (%) All Individual
Genre Proportions of Total Qualifying Viewer Hours (%) Young Adult

Source : Eurodata TV – Kantar Media / Headway

Entertainment, TV fiction and, to a lesser extent, factual magazine and cinema are dominant genres. Channel offers are rather differentiated in primetime.

Our non-linear sample consists of 5 services: TVE A LA CARTA, CANAL SUR A LA CARTA and MODO SALON, three catch-up services operated by public and private broadcasters TVE, RTVA and ANTENA3; and FILMOTECH and TELEVEO, two independent video-on-demand services.

Table 131: List of non-linear services covered in Spain, 2011[46]

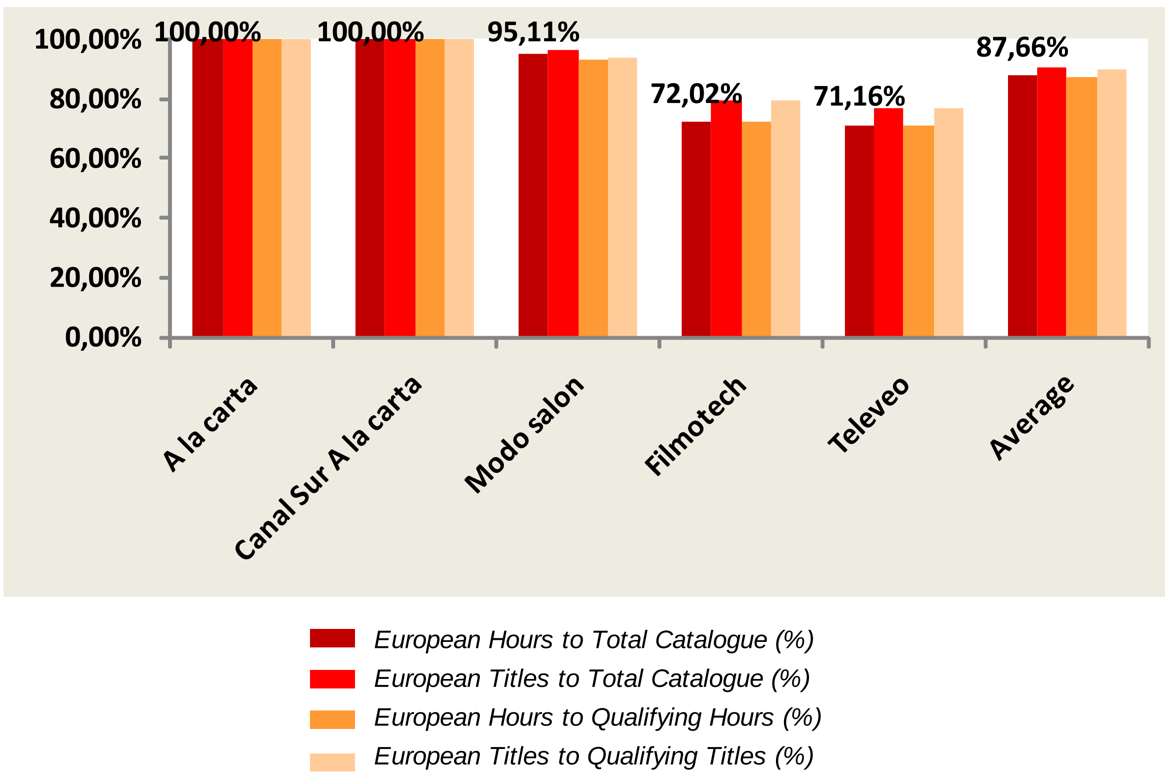
Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
Spain	TVE A la carta	Catch-up	Gvt	Public	Broadcaster	TVE	22000	22 (2011)
Spain	Canal Sur A la cart	Catch-up	Gvt	Public	Broadcaster	RTVA	649	22 (2011)
Spain	Modo salon	Catch-up	Ad	Private	Broadcaster	RTL	2214	22 (2011)
Spain	Filmotech	VOD	Pay	Private	Independent	Filmotech	1427	22 (2011)
Spain	Televeo	VOD	Pay	Private	Independent	Televeo	111	22 (2011)

European works on non-linear services of Spain reach levels higher than our sample average, especially FILMOTECH and TELEVEO. Findings measured as a proportion of hours are slightly lower than findings as a proportion of titles.

[46] See footnote 20.

Table 132: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in Spain, 2011

Channel	*European Hours(%) to total catalogue*	*European Titles(%) to total catalogue*	*European Hours(%) to qualifying catalogue*	*European Titles(%) to qualifying catalogue*
A la carta	100,00%	100,00%	100,00%	100,00%
Canal Sur A la carta	100,00%	100,00%	100,00%	100,00%
Modo salon	95,11%	96,16%	92,94%	94,02%
Filmotech	72,02%	79,38%	72,02%	79,38%
Televeo	71,16%	76,58%	71,16%	76,58%
Average	**87,66%**	**90,42%**	**87,22%**	**90,00%**



Source : Company online catalogues / Headway

11. Sweden

Our linear sample consists of 4 channels (SVT1, TV4, TV3 and KANAL 5[47]), which together account for 57.9% of total Swedish TV viewing.

Table 133: List of linear services covered in Sweden, 2010

Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
Sweden	SVT1	1956	19.9	11.3	Gvt	Public	24	11 + 46 (2010)
Sweden	TV4	1990	20.9	17.2	Ad	Private	24	11 + 46 (2010)
Sweden	TV3	1987	9.0	14.0	Ad	Private	24	11 + 46 (2010)
Sweden	Kanal 5	1989	8.1	15.0	Ad	Private	24	11 + 46 (2010)

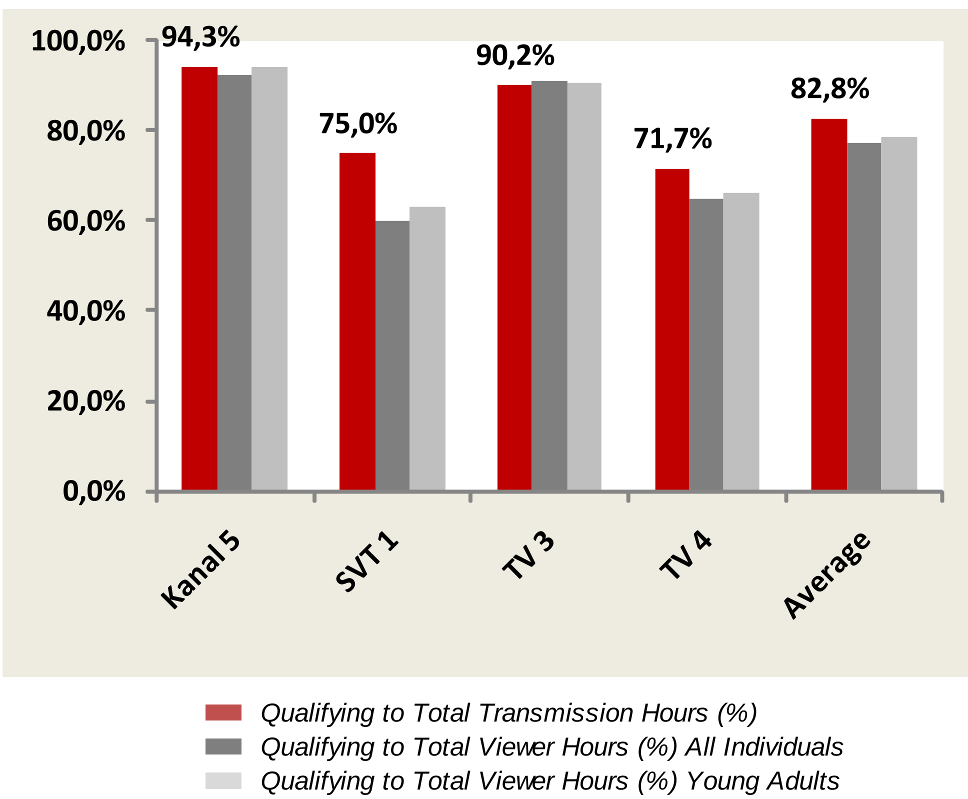
Key findings:

- The average proportion of qualifying works is among the highest in our sample. Smaller private channels show higher proportions of qualifying works, which are more successful than on leading channels.
- Swedish channels are largely meeting the requirement for 50% European works, except TV3 and KANAL 5.
- European works are more prominent in primetime and generally more successful with audiences.
- Non-domestic European works on Swedish channels are among the highest levels in our sample. They are relatively less successful with audiences, but less so with young adults.
- Swedish channels are largely above the requirement for 10% Independent works, especially TV4.
- Independent works are twice as prominent in primetime.
- Recent Independent works on Swedish channels reach among the highest levels in our sample.
- Recent Independent works are less prominent on public channel STV1.

[47] TV3 and Kanal 5 target Sweden but fall within the jurisdiction of the United Kingdom and are therefore not the responsibility of the Swedish regulatory authorities.

Table 134: Ratio of qualifying to total transmission hours and viewer hours in Sweden, 2010[48]

Channel	*Qualifying Transmission Hours(%)*	*Qualifying Viewer Hours(%) All Individuals*	*Qualifying Viewer Hours(%) Young Adults*
Kanal 5	94,3%	92,6%	94,2%
SVT 1	75,0%	60,0%	63,1%
TV 3	90,2%	91,1%	90,6%
TV 4	71,7%	64,9%	66,1%
Average	**82,8%**	**77,1%**	**78,5%**



Source : Eurodata TV – MMS / Headway

48 See footnote 47. Excluding Kanal 5 and TV3, the average percentage of Qualifying Hours would be 73.4 %.

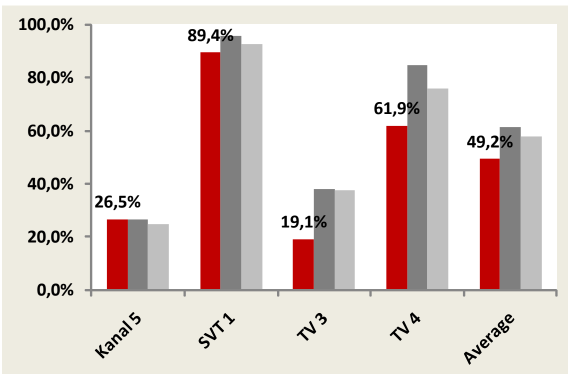
Average proportion of qualifying works is among the highest in our sample.

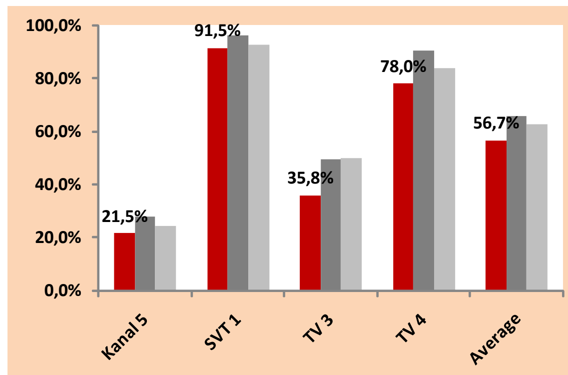
Smaller private channels show higher proportions of qualifying works (KANAL 5, TV3), which are more successful than on leading channels (SVT1, TV4).

Table 135: Ratio of European qualifying to total qualifying hours and viewer hours in Sweden, 2010[49]

All Day			
Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
Kanal 5	26,5%	26,5%	24,8%
SVT 1	89,4%	95,6%	92,6%
TV 3	19,1%	38,2%	37,7%
TV 4	61,9%	84,7%	75,7%
Average	**49,2%**	**61,3%**	**57,7%**

Peak Time			
Channel	*European Hours(%)*	*European Viewer Hours(%) All Individuals*	*European Viewer Hours(%) Young Adults*
Kanal 5	21,5%	28,0%	24,4%
SVT 1	91,5%	96,0%	92,8%
TV 3	35,8%	49,3%	50,0%
TV 4	78,0%	90,5%	84,1%
Average	**56,7%**	**66,0%**	**62,8%**





Qualifying European to Total Qualifying Hours (%)
Qualifying European to Total Qualifying Viewer Hours (%) All Individuals
Qualifying European to Total Qualifying Viewer Hours (%) Young Adults

Source : Eurodata TV – MMS / Headway

Swedish channels are largely meeting the requirement for 50% European works, except TV3 and KANAL 5.

European works are more prominent in primetime and generally more successful with audiences.

[49] See footnote 47. Excluding Kanal 5 and TV3, the average percentage of European Hours would be 75.5%.

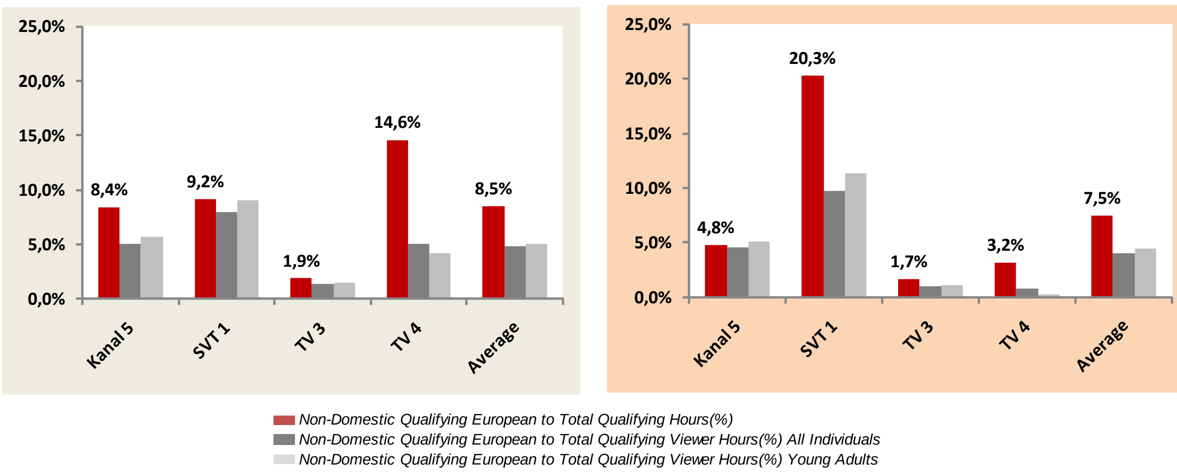
Table 136: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in Sweden, 2010[50]

All Day

Channel	Non-Domestic European Hours(%)	Non-Domestic European Viewer Hours(%) All Individuals	Non-Domestic European Viewer Hours(%) Young Adults
Kanal 5	8,4%	5,0%	5,6%
SVT 1	9,2%	7,9%	9,0%
TV 3	1,9%	1,4%	1,5%
TV 4	14,6%	5,1%	4,2%
Average	**8,5%**	**4,8%**	**5,1%**

Peak Time

Channel	Non-Domestic European Hours(%)	Non-Domestic European Viewer Hours(%) All Individuals	Non-Domestic European Viewer Hours(%) Young Adults
Kanal 5	4,8%	4,5%	5,1%
SVT 1	20,3%	9,7%	11,3%
TV 3	1,7%	1,0%	1,2%
TV 4	3,2%	0,8%	0,2%
Average	**7,5%**	**4,0%**	**4,5%**



Source : Eurodata TV – MMS / Headway

Non-domestic European works on Swedish channels reach among the highest levels in our sample, especially on TV4 and SVT1 (and particularly in primetime).

They are relatively less successful with audiences, but less so with young adults.

[50] See footnote 47.

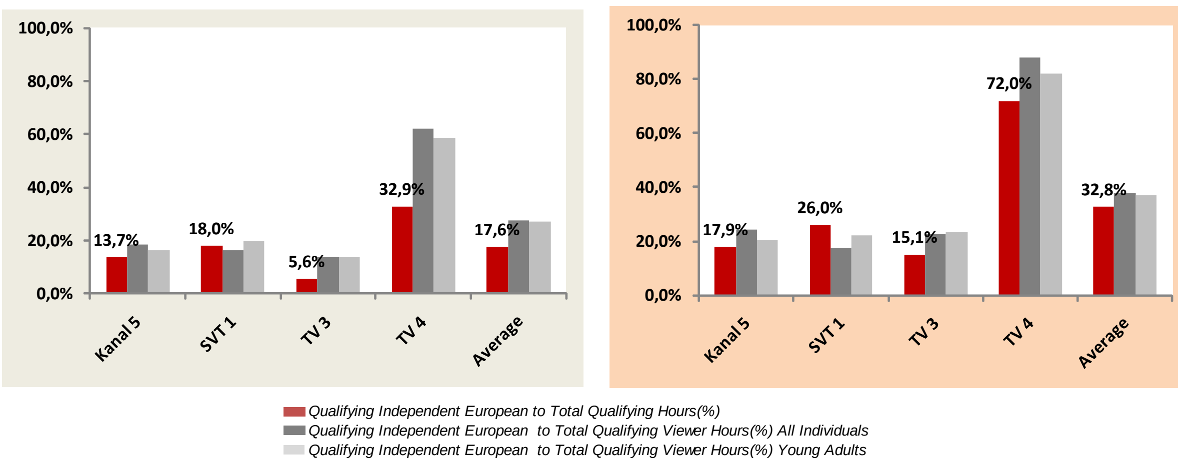
Table 137: Ratio of independent European qualifying to total qualifying hours and viewer hours in Sweden, 2010[51]

All Day

Channel	*Independent Hours(%)*	*Independent Viewer Hours(%) All Individuals*	*Independent Viewer Hours(%) Young Adults*
Kanal 5	13,7%	18,5%	16,3%
SVT 1	18,0%	16,4%	19,8%
TV 3	5,6%	13,9%	13,9%
TV 4	32,9%	61,9%	58,7%
Average	**17,6%**	**27,7%**	**27,2%**

Peak Time

Channel	*Independent Hours(%)*	*Independent Viewer Hours(%) All Individuals*	*Independent Viewer Hours(%) Young Adults*
Kanal 5	17,9%	24,2%	20,5%
SVT 1	26,0%	17,6%	22,3%
TV 3	15,1%	22,4%	23,4%
TV 4	72,0%	88,0%	81,9%
Average	**32,8%**	**38,1%**	**37,0%**



Source : Eurodata TV – MMS / Headway

Swedish channels are largely above the requirement for 10% Independent works, especially TV4. TV4 ia among the highest channels in our sample, especially in primetime, with Independent works performing even better with audiences[52].

Independent works are twice more prominent in primetime.

[51] See footnote 47. Excluding Kanal 5 and TV3, the average percentage of Indepdendent Hours would be 25.4%.

[52] Our sample estimates show slightly lower figures than the yearly declarations for Kanal 5 and TV3, which are around 10-20%. They show much lower figures for TV4, which is around 60%. They are very similar to declarations for SVT1.

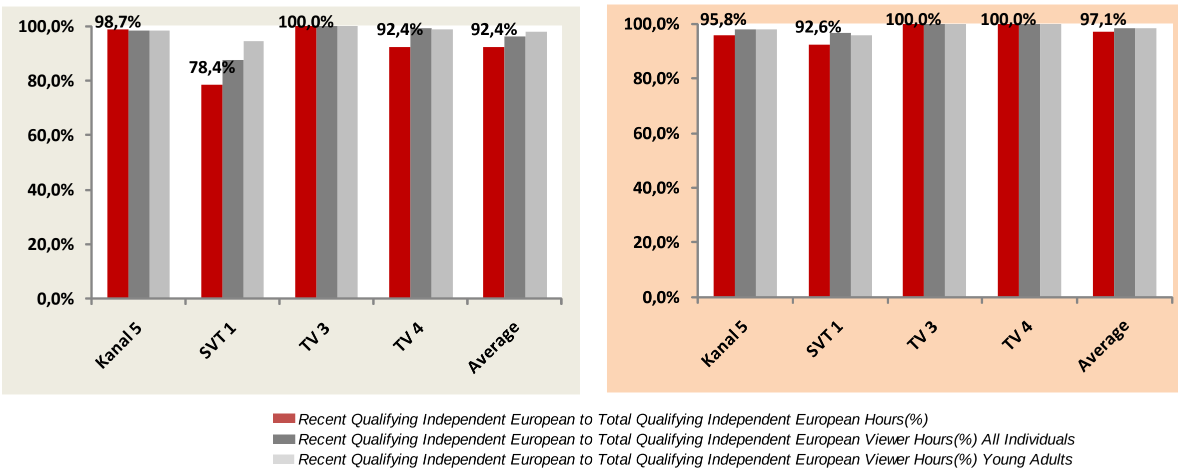
Table 138: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in Sweden, 2010[53]

All Day

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
Kanal 5	98,7%	98,3%	98,5%
SVT 1	78,4%	87,5%	94,6%
TV 3	100,0%	100,0%	100,0%
TV 4	92,4%	99,2%	98,8%
Average	**92,4%**	**96,3%**	**98,0%**

Peak Time

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
Kanal 5	95,8%	97,9%	97,9%
SVT 1	92,6%	96,5%	95,6%
TV 3	100,0%	100,0%	100,0%
TV 4	100,0%	100,0%	100,0%
Average	**97,1%**	**98,6%**	**98,4%**



Source : Eurodata TV – MMS / Headway

Recent Independent works on Swedish channels reach among the highest levels in our sample.

Recent Independent works are less prominent on public channel SVT 1.

[53] See footnote 47. Excluding Kanal 5 and TV3, the average percentage of Recent Independent Hours would be 85.4%.

Table 139: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in Sweden, 2010[54]

All Day

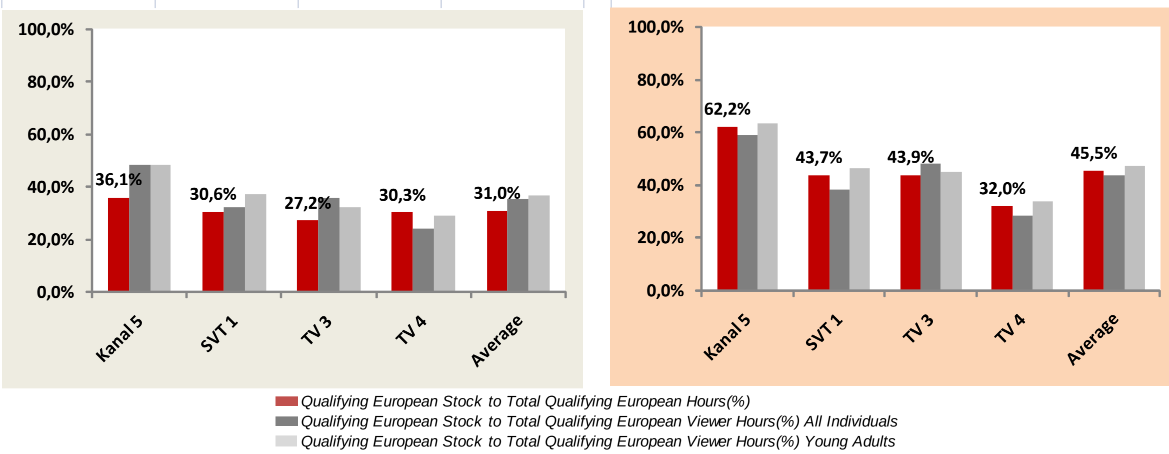
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Kanal 5	36,1%	48,6%	48,4%
SVT 1	30,6%	32,3%	37,2%
TV 3	27,2%	35,9%	32,2%
TV 4	30,3%	24,0%	28,9%
Average	**31,0%**	**35,2%**	**36,7%**

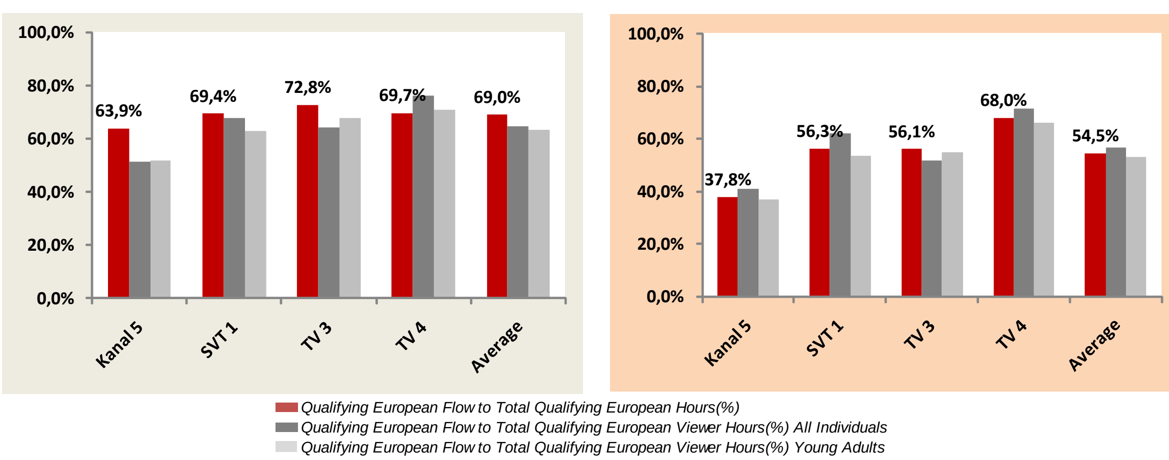
Peak Time

Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
Kanal 5	62,2%	59,0%	63,3%
SVT 1	43,7%	38,1%	46,3%
TV 3	43,9%	48,4%	45,1%
TV 4	32,0%	28,4%	33,7%
Average	**45,5%**	**43,5%**	**47,1%**

Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Kanal 5	63,9%	51,4%	51,6%
SVT 1	69,4%	67,7%	62,8%
TV 3	72,8%	64,1%	67,8%
TV 4	69,7%	76,0%	71,1%
Average	**69,0%**	**64,8%**	**63,3%**

Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
Kanal 5	37,8%	41,0%	36,7%
SVT 1	56,3%	61,9%	53,7%
TV 3	56,1%	51,6%	54,9%
TV 4	68,0%	71,6%	66,3%
Average	**54,5%**	**56,5%**	**52,9%**



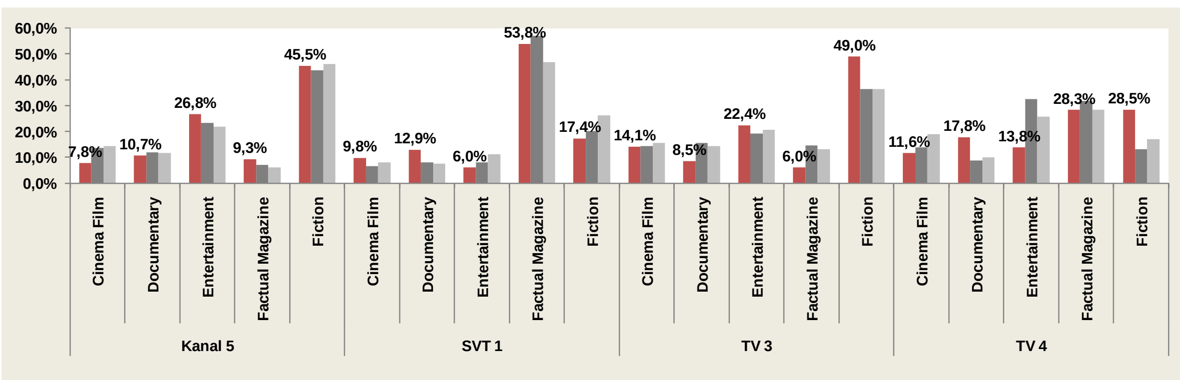


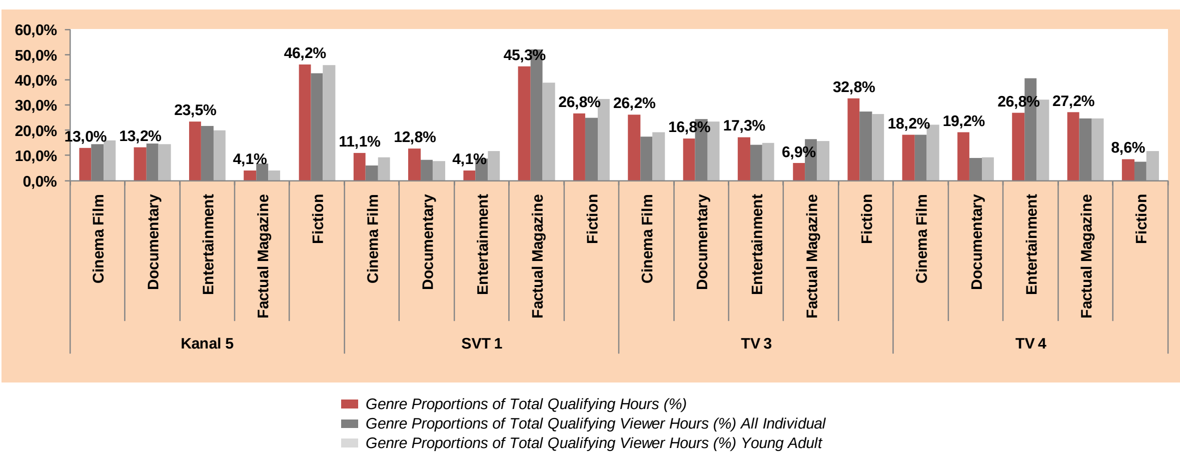
Source : Eurodata TV – MMS / Headway

54 See footnote 47.

Table 140: Genre proportion of total qualifying hours and viewer hours in Sweden, 2010[55]

All Day					Peak Time				
Channel	***Genre***	***Qualifying Hours (%)***	***Qualifying Viewer Hours (%) All Individual***	***Qualifying Viewer Hours (%) Young Adult***	***Channel***	***Genre***	***Qualifying Hours (%)***	***Qualifying Viewer Hours (%) All Individual***	***Qualifying Viewer Hours (%) Young Adult***
Kanal 5	Cinema Film	7,8%	13,7%	14,3%	**Kanal 5**	Cinema Film	13,0%	14,4%	15,8%
	Documentary	10,7%	12,0%	11,6%		Documentary	13,2%	14,6%	14,4%
	Entertainment	26,8%	23,4%	21,8%		Entertainment	23,5%	21,7%	19,9%
	Factual Magazine	9,3%	7,2%	6,1%		Factual Magazine	4,1%	6,6%	4,1%
	Fiction	45,5%	43,7%	46,1%		Fiction	46,2%	42,6%	45,8%
SVT 1	Cinema Film	9,8%	6,7%	8,2%	**SVT 1**	Cinema Film	11,1%	6,0%	9,2%
	Documentary	12,9%	8,0%	7,5%		Documentary	12,8%	8,3%	7,7%
	Entertainment	6,0%	8,0%	11,2%		Entertainment	4,1%	8,6%	11,7%
	Factual Magazine	53,8%	57,1%	46,9%		Factual Magazine	45,3%	52,1%	38,9%
	Fiction	17,4%	20,2%	26,2%		Fiction	26,8%	25,0%	32,4%
TV 3	Cinema Film	14,1%	14,2%	15,6%	**TV 3**	Cinema Film	26,2%	17,4%	19,3%
	Documentary	8,5%	15,5%	14,2%		Documentary	16,8%	24,5%	23,4%
	Entertainment	22,4%	19,1%	20,7%		Entertainment	17,3%	14,2%	15,0%
	Factual Magazine	6,0%	14,6%	13,1%		Factual Magazine	6,9%	16,4%	15,8%
	Fiction	49,0%	36,5%	36,4%		Fiction	32,8%	27,5%	26,5%
TV 4	Cinema Film	11,6%	13,8%	18,9%	**TV 4**	Cinema Film	18,2%	18,2%	22,3%
	Documentary	17,8%	8,8%	10,1%		Documentary	19,2%	9,0%	9,2%
	Entertainment	13,8%	32,5%	25,7%		Entertainment	26,8%	40,6%	32,1%
	Factual Magazine	28,3%	31,9%	28,4%		Factual Magazine	27,2%	24,8%	24,7%
	Fiction	28,5%	13,1%	17,0%		Fiction	8,6%	7,4%	11,7%





Source : Eurodata TV – MMS / Headway

TV fiction, factual magazine and entertainment are dominant genres. TV fiction is much more prominent in 2010, compared to 2007.

[55] See footnote 47.

Our non-linear sample consists of 3 services: TV4 PLAY, a catch-up service operated by private broadcaster TV4; CANAL PLAY, a video-on-demand service operated by private broadcaster Canal Plus; and VODDLER, an independent video-on-demand service.

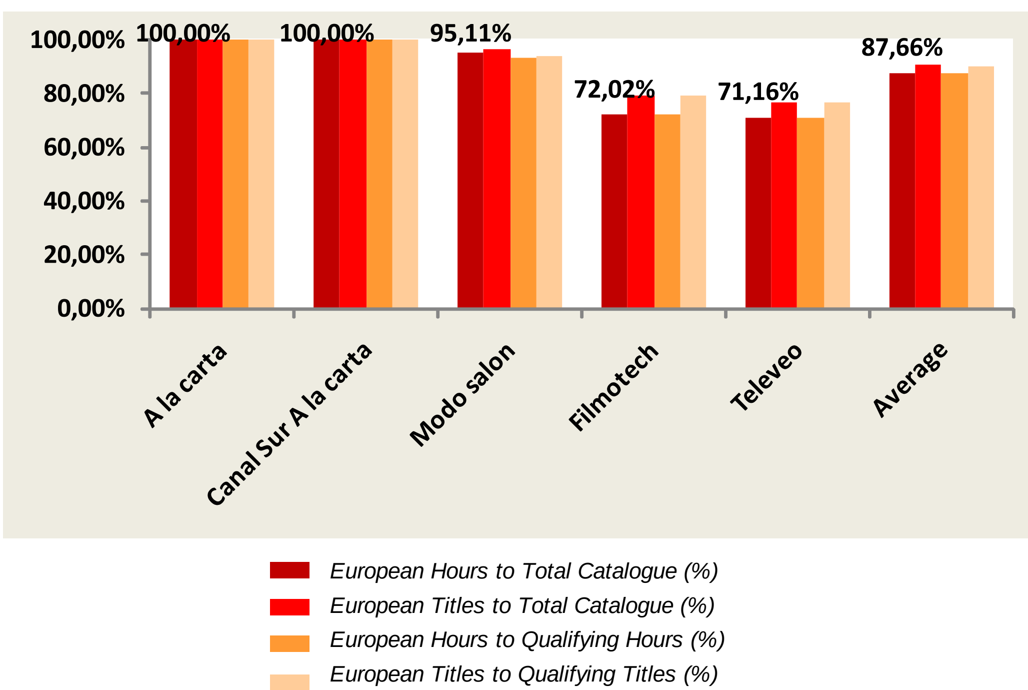
Table 141: List of non-linear services covered in Sweden, 2011[56]

Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
Sweden	TV 4 Play	Catch-up	Ad	Private	Broadcaster	TV4	62300	23 (2011)
Sweden	Canal Play	VOD	Pay	Private	Broadcaster	Canal +	391	22 (2011)
Sweden	Voddler	VOD	Ad	Private	Independent	Voddler	4162	29 (2011)

European works on non-linear services of Sweden reach higher levels than our sample average, especially VODDLER. Findings measured as a proportion of hours are slightly lower than findings as a proportion of titles.

Table 142: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in Sweden, 2011

Channel	*European Hours(%) to total catalogue*	*European Titles(%) to total catalogue*	*European Hours(%) to qualifying catalogue*	*European Titles(%) to qualifying catalogue*
TV 4 Play	93,87%	98,13%	91,39%	95,22%
Canal Play (SE)	48,71%	49,87%	48,71%	49,87%
Voddler	47,01%	56,86%	47,01%	56,86%
Average	**63,20%**	**68,29%**	**62,37%**	**67,32%**



Source : Company online catalogues / Headway

[56] See footnote 20.

12. United Kingdom

Our linear sample consists of 6 channels (BBC1, BBC2, ITV1, CHANNEL 4, FIVE and SKY ONE) which together account for 65.4% of total British TV viewing.

Table 143: List of linear services covered in the United Kingdom, 2010

Country	Channel	Launch Year	ALL VIEWERS (equivalent to 4+) 2008 by channel	YOUNG ADULTS (equivalent to 15-34/15-49) 2008 by channel	Revenue model	Ownership	Average daily transmission hours	Sample week
United Kingdom	BBC1	1936	22,8	14,9	Gvt	Public	24	11 + 46 (2010)
United Kingdom	BBC2	1964	8,2	5,5	Gvt	Public	24	11 + 46 (2010)
United Kingdom	ITV1	1955	19,1	13,8	Ad	Private	24	11 + 46 (2010)
United Kingdom	Channel 4	1982	8,2	9,8	Ad	Private	24	11 + 46 (2010)
United Kingdom	Five	1998	5,1	4,4	Ad	Private	24	11 + 46 (2010)
United Kingdom	SKY One	1989	<3%	<3%	Pay	Private	24	11 + 46 (2010)

Key findings:

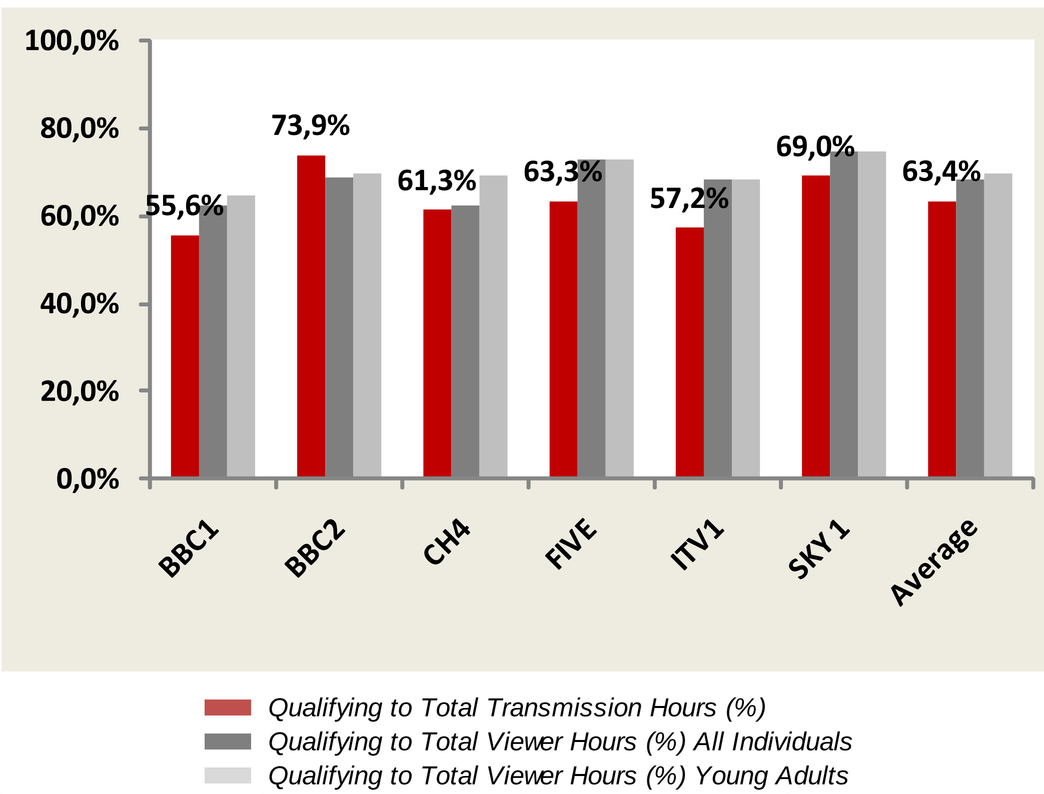
- The average proportion of qualifying works is slightly lower than our sample average.
- Leading channels show lower proportions of qualifying works. Qualifying works are more successful with audiences, including young adults.
- British channels are largely meeting the requirement for 50% European works, with SKY One only falling slightly below the 50% threshold according to our sample.[57] Leading private and public channels reach among the highest levels in our sample.
- European works are less prominent on smaller private channels and are slightly more dominant in primetime.
- Non-domestic European works on British channels are among the lowest levels in our sample. Smaller channels carry a higher proportion than other channels. Non-domestic European works air predominantly in daytime.
- British channels are largely above the requirement for 10% Independent works and reach among the highest levels in our sample.
- Independent works are more prominent on smaller channels and air primarily in daytime. They are generally less successful with audiences.

[57] BSkyB's own returns for the full 2010 calendar year show that 50.4% of Sky One's hours were European Works.

- Recent Independent works on British channels are among the highest levels in our sample.
- Recent Independent works reach almost 100% in primetime, except on FIVE.

Table 144: Ratio of qualifying to total transmission hours and viewer hours in the United Kingdom, 2010

Channel	***Qualifying Transmission Hours(%)***	***Qualifying Viewer Hours(%) All Individuals***	***Qualifying Viewer Hours(%) Young Adults***
BBC1	55,6%	62,2%	64,8%
BBC2	73,9%	68,7%	69,7%
CH4	61,3%	62,3%	69,1%
FIVE	63,3%	72,9%	72,7%
ITV1	57,2%	68,1%	68,3%
SKY 1	69,0%	74,5%	74,7%
Average	**63,4%**	**68,1%**	**69,9%**



Source : Eurodata TV – BARB / Headway

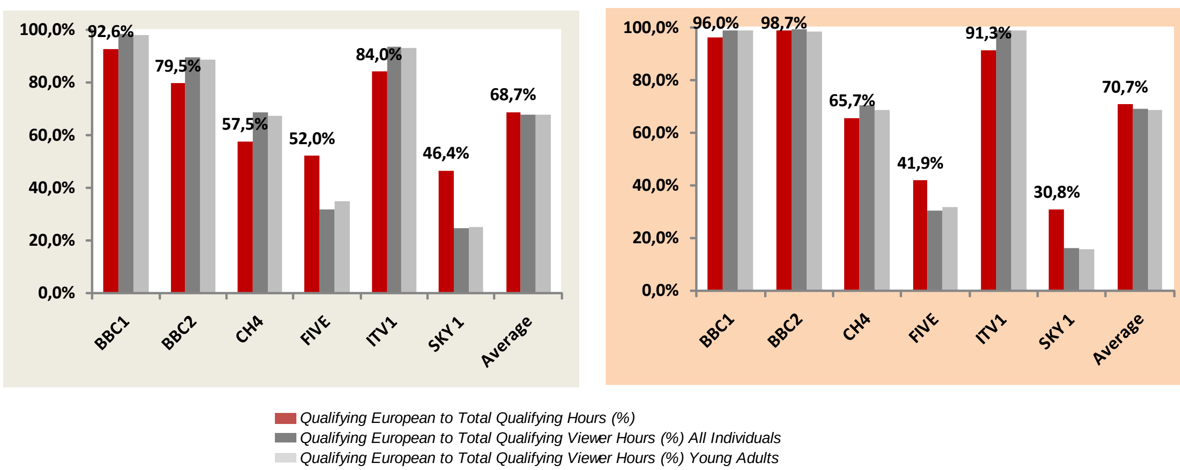
The average proportion of qualifying works is slightly lower than our sample average.

Leading channels show lower proportions of qualifying works (BBC1, ITV1). Qualifying works are generally more successful with audiences, including young adults.

Table 145: Ratio of European qualifying to total qualifying hours and viewer hours in the United Kingdom, 2010

All Day			
Channel	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***
BBC1	92,6%	98,4%	97,9%
BBC2	79,5%	89,4%	88,3%
CH4	57,5%	68,5%	67,2%
FIVE	52,0%	31,4%	34,6%
ITV1	84,0%	93,4%	92,8%
SKY 1	46,4%	24,6%	25,0%
Average	**68,7%**	**67,6%**	**67,7%**

Peak Time			
Channel	***European Hours(%)***	***European Viewer Hours(%) All Individuals***	***European Viewer Hours(%) Young Adults***
BBC1	96,0%	99,0%	98,7%
BBC2	98,7%	99,2%	98,3%
CH4	65,7%	70,3%	68,7%
FIVE	41,9%	30,3%	31,5%
ITV1	91,3%	98,8%	98,8%
SKY 1	30,8%	15,9%	15,8%
Average	**70,7%**	**68,9%**	**68,6%**



Source : Eurodata TV – BARB / Headway

British channels are largely meeting the requirement for 50% European works except SKY One[58]. Leading private (ITV1) and public channels (BBC1, BBC2) reach among the highest levels in our sample.

European works are less prominent on smaller private channels, where levels are only slightly above 50%. European works are slightly more dominant in primetime, where they are also relatively more successful with audiences.

[58] Yearly declarations show growing proportions of European works, but still below 50% in 2008. BSkyB's own returns for the full 2010 calendar year show that 50.4% of Sky One's hours were European Works.

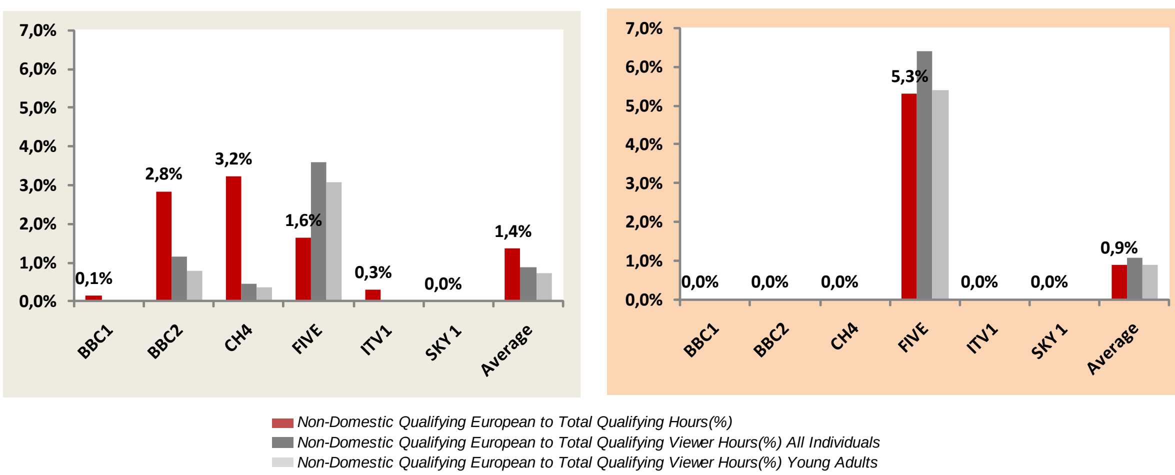
Table 146: Ratio of non-domestic qualifying European to total qualifying hours and viewer hours in the United Kingdom, 2010

All Day

Channel	Non-Domestic European Hours(%)	Non-Domestic European Viewer Hours(%) All Individuals	Non-Domestic European Viewer Hours(%) Young Adults
BBC1	0,1%	0,0%	0,0%
BBC2	2,8%	1,1%	0,8%
CH4	3,2%	0,4%	0,4%
FIVE	1,6%	3,6%	3,1%
ITV1	0,3%	0,0%	0,0%
SKY 1	0,0%	0,0%	0,0%
Average	**1,4%**	**0,9%**	**0,7%**

Peak Time

Channel	Non-Domestic European Hours(%)	Non-Domestic European Viewer Hours(%) All Individuals	Non-Domestic European Viewer Hours(%) Young Adults
BBC1	0,0%	0,0%	0,0%
BBC2	0,0%	0,0%	0,0%
CH4	0,0%	0,0%	0,0%
FIVE	5,3%	6,4%	5,4%
ITV1	0,0%	0,0%	0,0%
SKY 1	0,0%	0,0%	0,0%
Average	**0,9%**	**1,1%**	**0,9%**



Source : Eurodata TV – BARB / Headway

Non-domestic European works on British channels are among the lowest levels in our sample.

Smaller channels carry a higher proportion than other channels (BBC2, CHANNEL 4, FIVE). Non-domestic European works air predominantly in daytime.

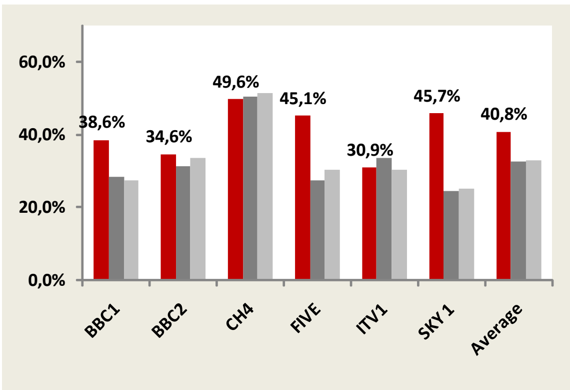
Table 147: Ratio of independent European qualifying to total qualifying hours and viewer hours in the United Kingdom, 2010

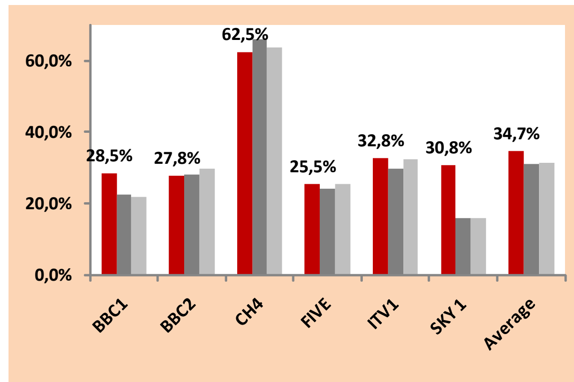
All Day

Channel	*Independent Hours(%)*	*Independent Viewer Hours(%) All Individuals*	*Independent Viewer Hours(%) Young Adults*
BBC1	38,6%	28,5%	27,4%
BBC2	34,6%	31,4%	33,6%
CH4	49,6%	50,5%	51,3%
FIVE	45,1%	27,3%	30,4%
ITV1	30,9%	33,4%	30,2%
SKY 1	45,7%	24,5%	24,9%
Average	**40,8%**	**32,6%**	**33,0%**

Peak Time

Channel	*Independent Hours(%)*	*Independent Viewer Hours(%) All Individuals*	*Independent Viewer Hours(%) Young Adults*
BBC1	28,5%	22,5%	21,9%
BBC2	27,8%	28,1%	29,8%
CH4	62,5%	65,9%	63,7%
FIVE	25,5%	24,2%	25,4%
ITV1	32,8%	29,7%	32,3%
SKY 1	30,8%	15,9%	15,8%
Average	**34,7%**	**31,0%**	**31,5%**





Qualifying Independent European to Total Qualifying Hours(%)
Qualifying Independent European to Total Qualifying Viewer Hours(%) All Individuals
Qualifying Independent European to Total Qualifying Viewer Hours(%) Young Adults

Source : Eurodata TV – BARB / Headway

British channels are largely above the requirement for 10% Independent works and reach among the highest levels in our sample[59].

Independent works are more prominent on smaller channels (CHANNEL 4, FIVE, SKY One) and air primarily in daytime. They are generally less successful with audiences.

[59] Our sample estimates are very similar to the the yearly declarations.

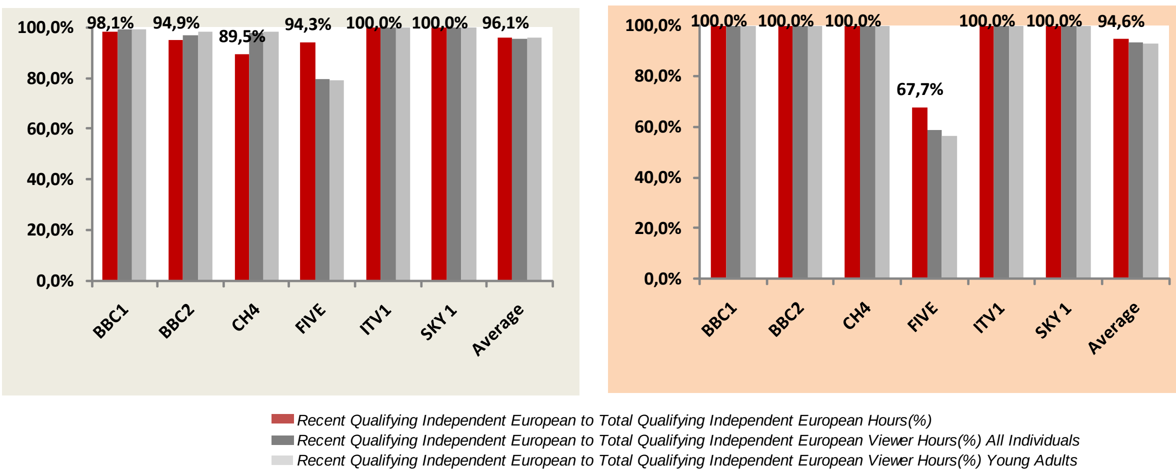
Table 148: Ratio of recent independent European qualifying to total independent European qualifying hours and viewer hours in the United Kingdom, 2010

All Day

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
BBC1	98,1%	99,4%	99,4%
BBC2	94,9%	97,1%	98,4%
CH4	89,5%	97,6%	98,5%
FIVE	94,3%	79,5%	78,9%
ITV1	100,0%	100,0%	100,0%
SKY 1	100,0%	100,0%	100,0%
Average	**96,1%**	**95,6%**	**95,9%**

Peak Time

Channel	*Recent Independent Hours(%)*	*Recent Independent Viewer Hours(%) All Individuals*	*Recent Independent Viewer Hours(%) Young Adults*
BBC1	100,0%	100,0%	100,0%
BBC2	100,0%	100,0%	100,0%
CH4	100,0%	100,0%	100,0%
FIVE	67,7%	58,6%	56,2%
ITV1	100,0%	100,0%	100,0%
SKY 1	100,0%	100,0%	100,0%
Average	**94,6%**	**93,1%**	**92,7%**



Source : Eurodata TV – BARB / Headway

Recent Independent works on British channels are among the highest levels in our sample.

Recent Independent works reach almost 100% in primetime, except on FIVE.

Table 149: Ratio of qualifying European stock/flow to total qualifying European hours and viewer hours in the United Kingdom, 2010

All Day

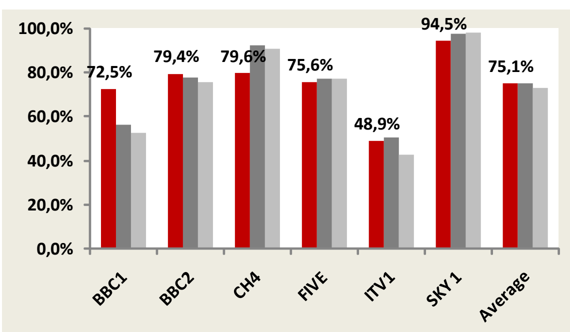
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
BBC1	72,5%	56,5%	52,8%
BBC2	79,4%	77,5%	75,5%
CH4	79,6%	92,2%	91,0%
FIVE	75,6%	77,3%	77,4%
ITV1	48,9%	50,6%	42,8%
SKY 1	94,5%	97,8%	97,9%
Average	**75,1%**	**75,3%**	**72,9%**

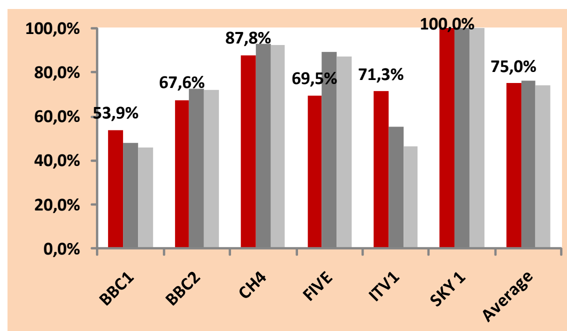
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
BBC1	27,5%	43,5%	47,2%
BBC2	20,6%	22,5%	24,5%
CH4	20,4%	7,8%	9,0%
FIVE	24,4%	22,7%	22,6%
ITV1	51,1%	49,4%	57,2%
SKY 1	5,5%	2,2%	2,1%
Average	**24,9%**	**24,7%**	**27,1%**

Peak Time

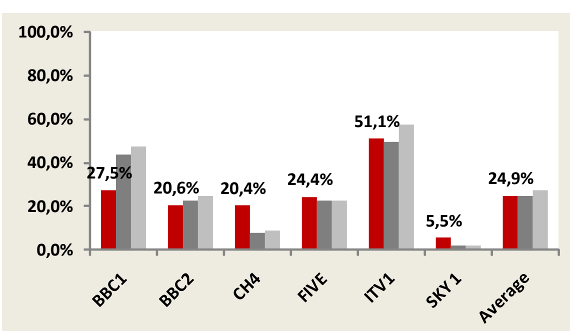
Channel	European Stock Hours(%)	European Stock Viewer Hours(%) All Individuals	European Stock Viewer Hours(%) Young Adults
BBC1	53,9%	48,2%	46,1%
BBC2	67,6%	72,8%	72,0%
CH4	87,8%	92,7%	92,4%
FIVE	69,5%	89,4%	87,3%
ITV1	71,3%	55,5%	46,7%
SKY 1	100,0%	100,0%	100,0%
Average	**75,0%**	**76,4%**	**74,1%**

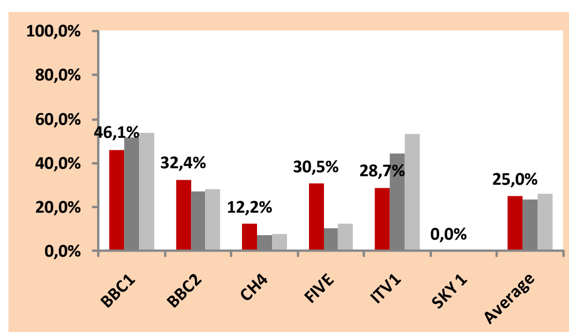
Channel	European Flow Hours(%)	European Flow Viewer Hours(%) All Individuals	European Flow Viewer Hours(%) Young Adults
BBC1	46,1%	51,8%	53,9%
BBC2	32,4%	27,2%	28,0%
CH4	12,2%	7,3%	7,6%
FIVE	30,5%	10,6%	12,7%
ITV1	28,7%	44,5%	53,3%
SKY 1	0,0%	0,0%	0,0%
Average	**25,0%**	**23,6%**	**25,9%**





Qualifying European Stock to Total Qualifying European Hours(%)
Qualifying European Stock to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Stock to Total Qualifying European Viewer Hours(%) Young Adults



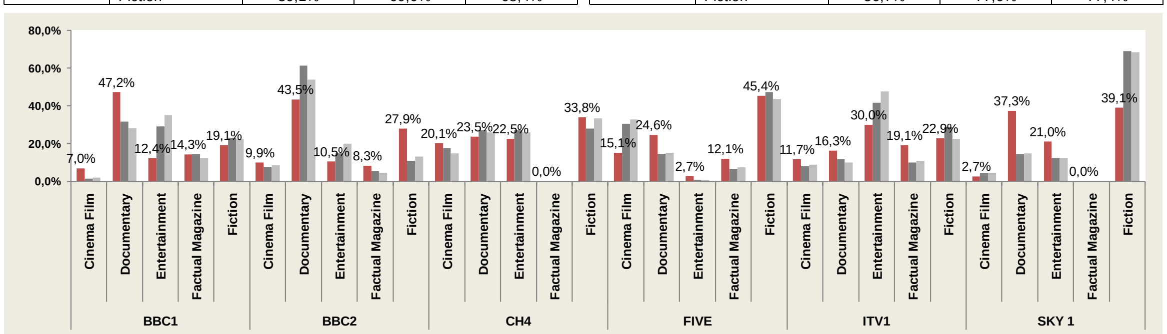


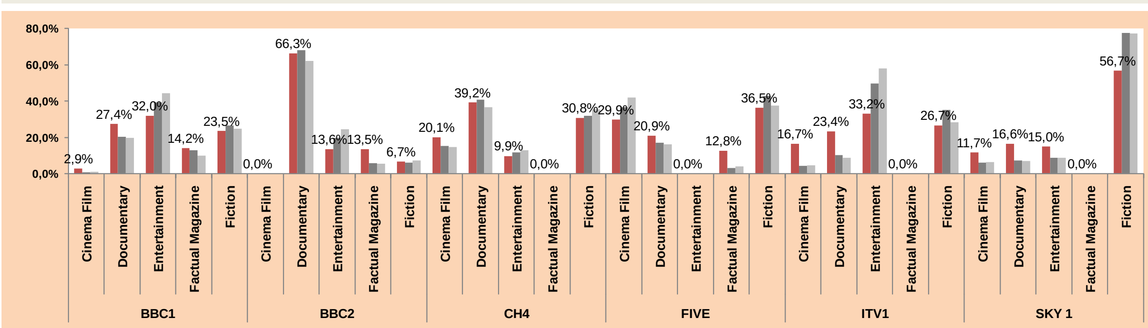
Qualifying European Flow to Total Qualifying European Hours(%)
Qualifying European Flow to Total Qualifying European Viewer Hours(%) All Individuals
Qualifying European Flow to Total Qualifying European Viewer Hours(%) Young Adults

Source : Eurodata TV – BARB / Headway

Table 150: Genre proportion of total qualifying hours and viewer hours in the United Kingdom, 2010

		All Day			Peak Time		
Channel	**Genre**	***Qualifying Hours (%)***	***Qualifying Viewer Hours (%) All Individual***	***Qualifying Viewer Hours (%) Young Adult***	***Qualifying Hours (%)***	***Qualifying Viewer Hours (%) All Individual***	***Qualifying Viewer Hours (%) Young Adult***
BBC1	Cinema Film	7,0%	1,6%	2,1%	2,9%	0,8%	1,1%
	Documentary	47,2%	31,7%	28,2%	27,4%	20,3%	19,8%
	Entertainment	12,4%	29,0%	35,1%	32,0%	39,4%	44,5%
	Factual Magazine	14,3%	14,7%	12,2%	14,2%	13,0%	9,9%
	Fiction	19,1%	23,1%	22,5%	23,5%	26,5%	24,7%
BBC2	Cinema Film	9,9%	7,7%	8,5%	0,0%	0,0%	0,0%
	Documentary	43,5%	61,3%	53,9%	66,3%	68,2%	62,3%
	Entertainment	10,5%	14,8%	20,0%	13,6%	19,8%	24,6%
	Factual Magazine	8,3%	5,3%	4,6%	13,5%	5,8%	5,6%
	Fiction	27,9%	10,9%	13,1%	6,7%	6,2%	7,5%
CH4	Cinema Film	20,1%	17,8%	14,7%	20,1%	15,4%	14,8%
	Documentary	23,5%	27,1%	25,8%	39,2%	40,9%	36,6%
	Entertainment	22,5%	27,0%	26,0%	9,9%	11,8%	13,1%
	Factual Magazine	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
	Fiction	33,8%	28,0%	33,4%	30,8%	31,9%	35,6%
FIVE	Cinema Film	15,1%	30,6%	32,8%	29,9%	36,6%	42,0%
	Documentary	24,6%	14,5%	15,2%	20,9%	17,1%	16,3%
	Entertainment	2,7%	0,9%	0,9%	0,0%	0,0%	0,0%
	Factual Magazine	12,1%	6,6%	7,4%	12,8%	3,2%	4,0%
	Fiction	45,4%	47,3%	43,7%	36,5%	43,0%	37,7%
ITV1	Cinema Film	11,7%	8,0%	8,8%	16,7%	4,6%	4,7%
	Documentary	16,3%	11,7%	10,1%	23,4%	10,4%	9,0%
	Entertainment	30,0%	41,6%	47,6%	33,2%	49,7%	57,9%
	Factual Magazine	19,1%	9,9%	10,9%	0,0%	0,0%	0,0%
	Fiction	22,9%	28,8%	22,6%	26,7%	35,3%	28,5%
SKY 1	Cinema Film	2,7%	4,2%	4,5%	11,7%	6,3%	6,6%
	Documentary	37,3%	14,6%	14,9%	16,6%	7,3%	7,1%
	Entertainment	21,0%	12,2%	12,2%	15,0%	8,8%	8,8%
	Factual Magazine	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
	Fiction	39,1%	69,0%	68,4%	56,7%	77,6%	77,4%





Genre Proportions of Total Qualifying Hours (%)
Genre Proportions of Total Qualifying Viewer Hours (%) All Individual
Genre Proportions of Total Qualifying Viewer Hours (%) Young Adult

Source : Eurodata TV – BARB / Headway

TV fiction, documentary and entertainment are dominant genres. Primetime schedules are generally along similar lines to daytime schedules.

Our non-linear sample consists of 6 services: iPLAYER and ITV PLAYER, two catch-up services operated by public and private broadcasters BBC and ITV; SKY PLAYER, a video-on-demand service operated by private broadcaster SKY; and CHANNEL FILMS, BLINKBOX and MSN VIDEO PLAYER, three independent video-on-demand services.

Table 151: List of non-linear services covered in the United Kingdom, 2011[60]

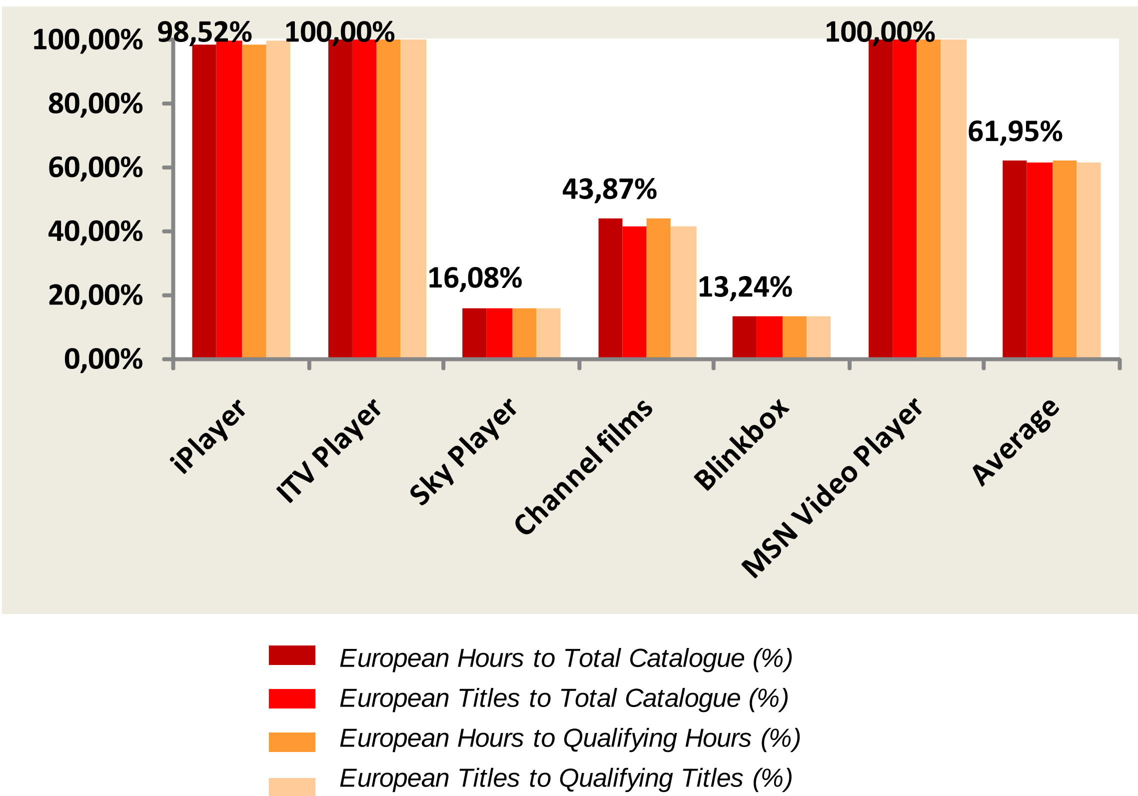
Country	Channel	Type	Revenue Model	Ownership	Control	Group	Catalogue size	Sample week
United Kingdom	iPlayer	Catch-up	Gvt	Public	Broadcaster	BBC	737	25 (2011)
United Kingdom	ITV Player	Catch-up	Ad	Private	Broadcaster	ITV	198	23 (2011)
United Kingdom	Sky Player	VOD	Pay	Private	Broadcaster	Sky	717	23 (2011)
United Kingdom	Channel films	VOD	Pay	Private	Independent	Channel Home Ent.	615	31 (2011)
United Kingdom	Blinkbox	VOD	Pay	Private	Independent	Blinkbox/Tesco	1510	29 (2011)
United Kingdom	MSN Video Player	VOD	Pay	Private	Independent	Microsoft	1005	27 (2011)

European works on non-linear services in the United Kingdom reach levels similar to our sample average, except SKY PLAYER and BLINKBOX, which are significantly lower[61]. Findings measured as a proportion of hours are very similar to findings as a proportion of titles.

[60] See footnote 20.
[61] BSkyB's own returns for the full 2010 calendar year show that 26.4% of Sky Player hours were European Works.

Table 152: Ratio of European to total catalogue hours and titles and European qualifying to total qualifying hours and titles in the United Kingdom, 2011

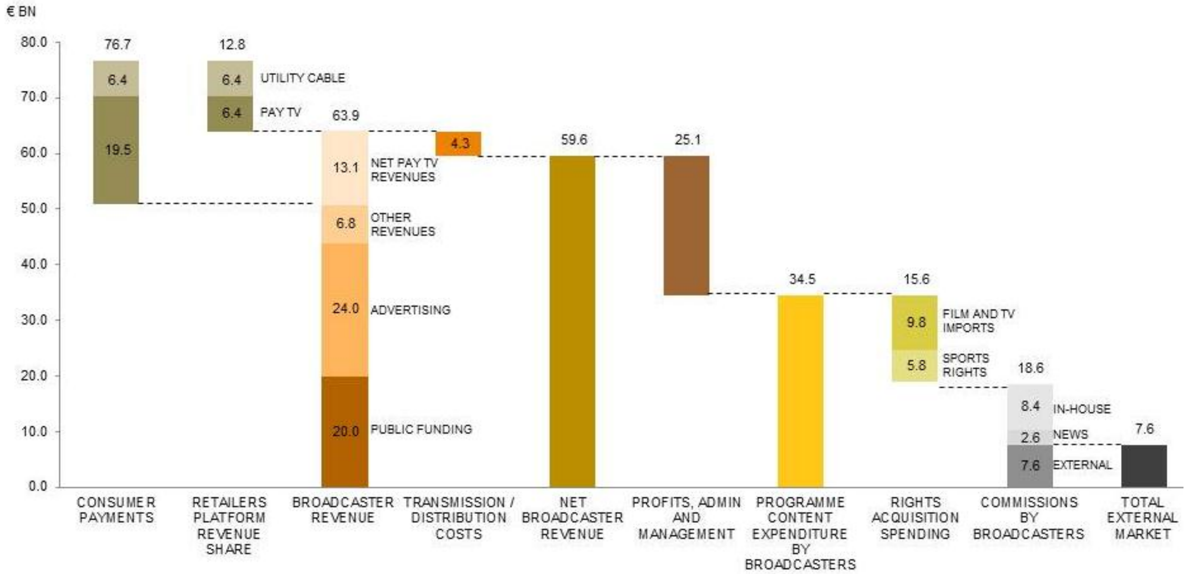
Channel	***European Hours(%) to total catalogue***	***European Titles(%) to total catalogue***	***European Hours(%) to qualifying catalogue***	***European Titles(%) to qualifying catalogue***
iPlayer	98,52%	99,46%	98,50%	99,53%
ITV Player	100,00%	100,00%	100,00%	100,00%
Sky Player	16,08%	15,92%	16,08%	15,92%
Channel films	43,87%	41,44%	43,87%	41,44%
Blinkbox	13,24%	13,60%	13,24%	13,60%
MSN Video Player	100,00%	100,00%	100,00%	100,00%
Average	**61,95%**	**61,74%**	**61,95%**	**61,75%**



Source : Company online catalogues / Headway

Appendix VII: Current flow of funds along the supply chain

Figure 1: Estimated TV value chain in the European Union (€bn, 2009)



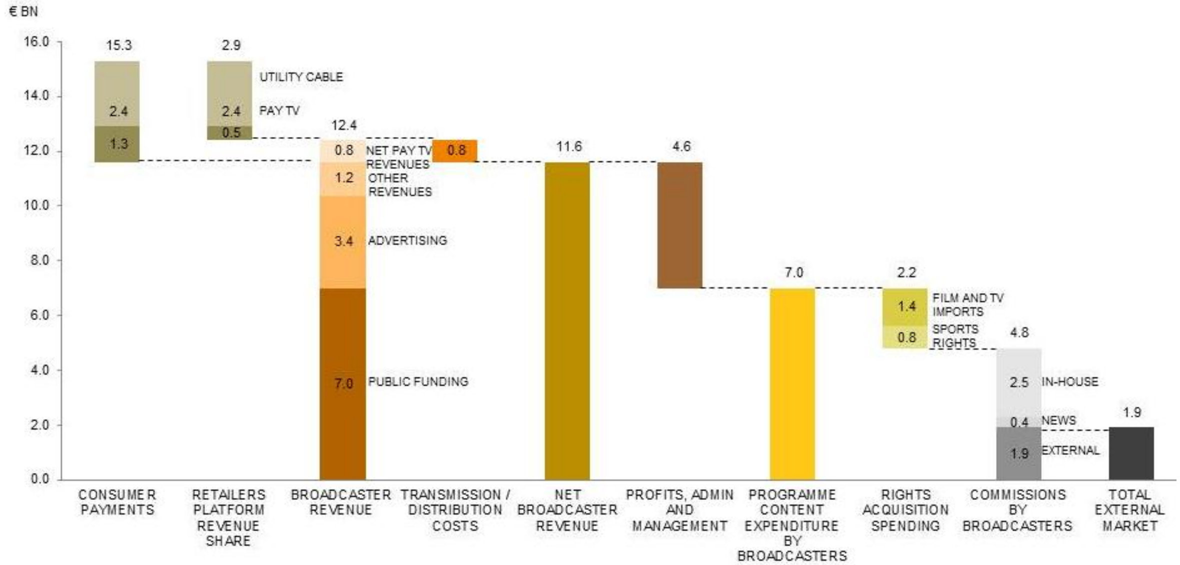
Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

Leading on from the value chain for the EU/EEA presented in section 5.2.8, this appendix goes into more detail on individual markets and their differing structures in the flow of funds along the TV supply chain.

It was already highlighted in section 5.2.1 that the mix of TV revenue going into the TV value chains differ significantly between the countries. There are also significant differences in how this flow of funds is distributed going into content spending.

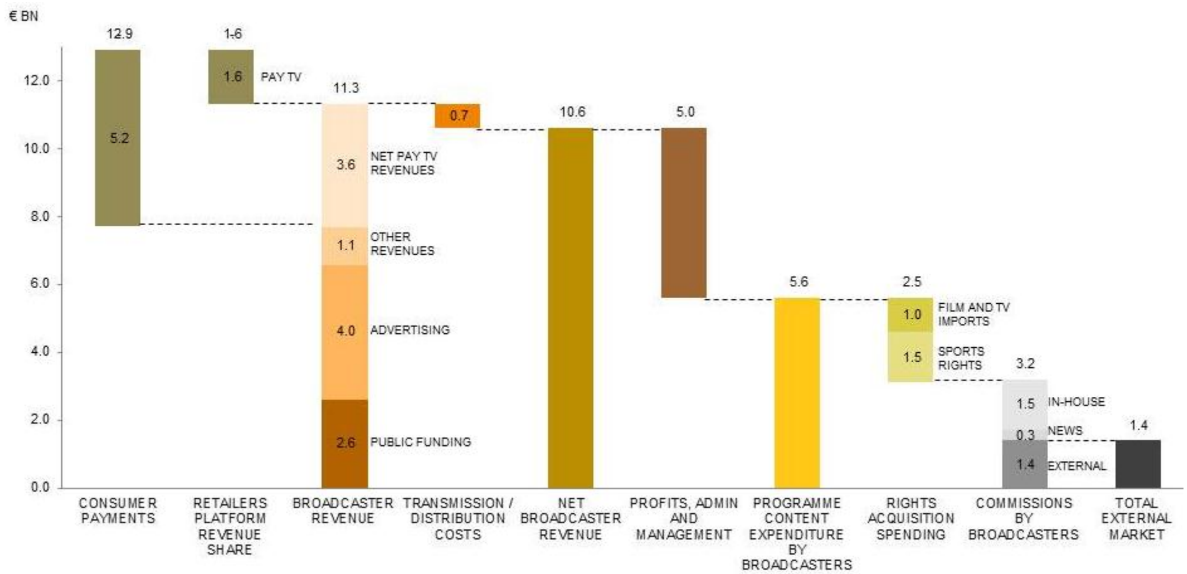
Detailed value chains for Germany, the UK, France, Spain, Italy, Poland and Hungary are set out below:

Figure 2: Estimated TV value chain in Germany (€bn, 2009)



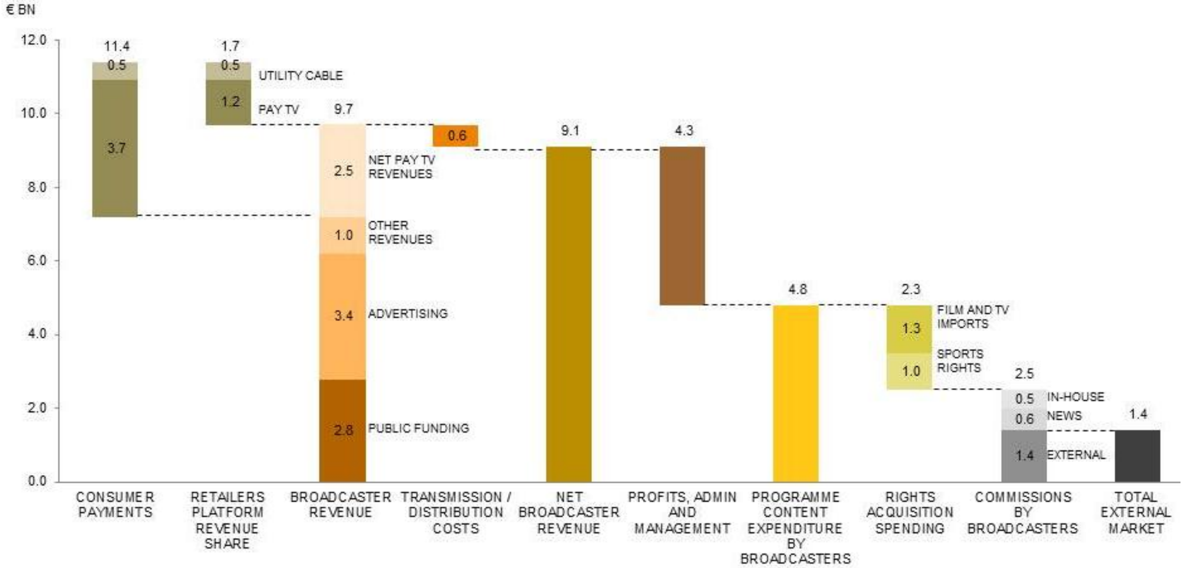
Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

Figure 3: Estimated TV value chain in the UK (€bn, 2009)



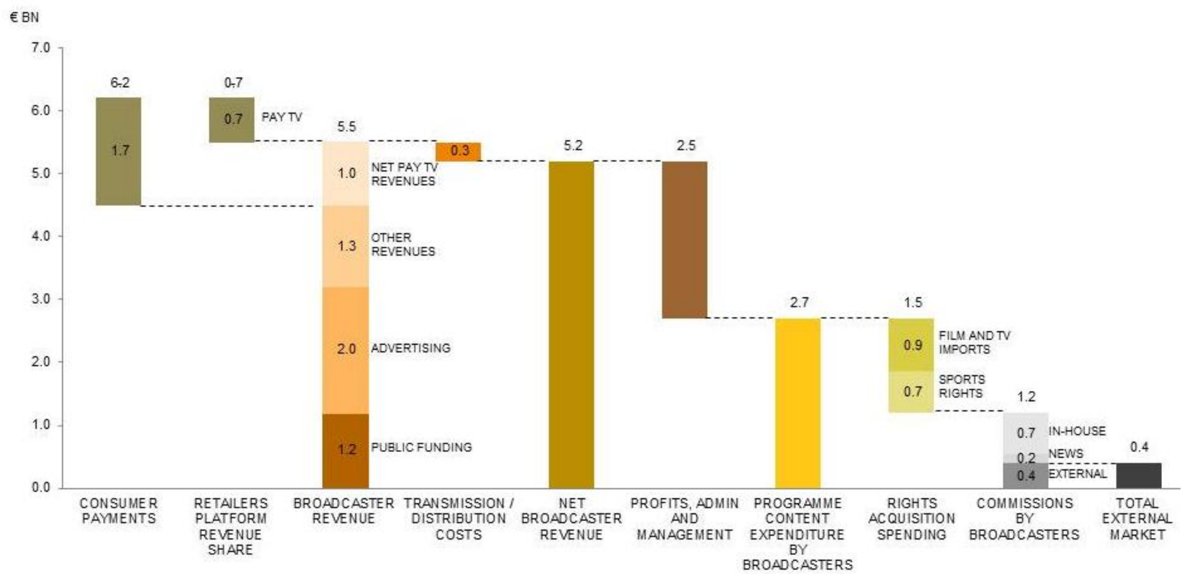
Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

Figure 4: Estimated TV value chain in France (€bn, 2009)



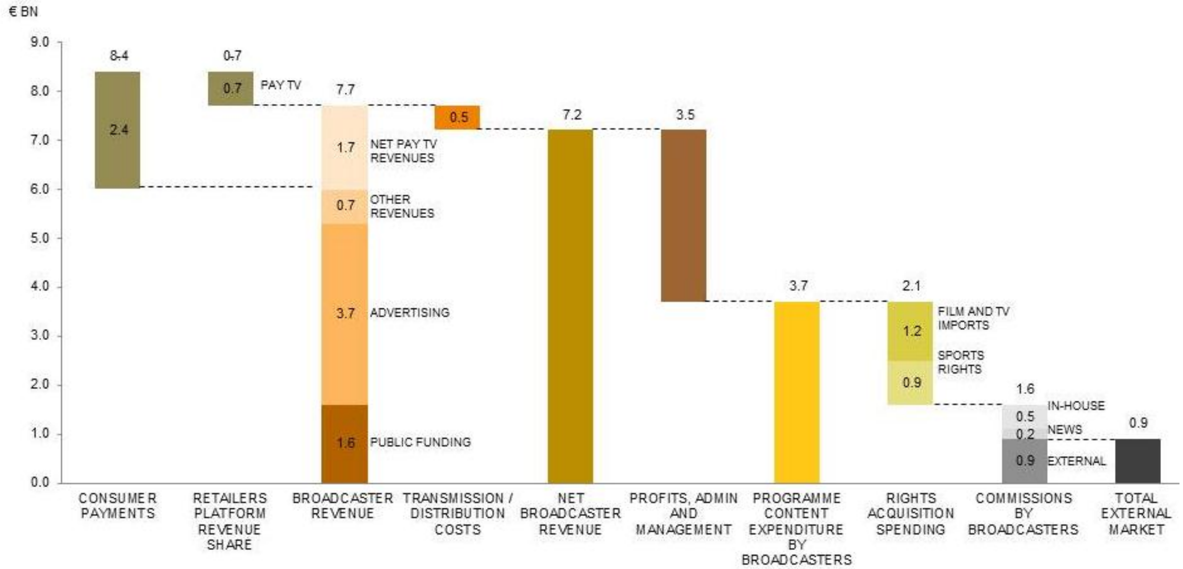
Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

Figure 5: Estimated TV value chain in Spain (€bn, 2009)



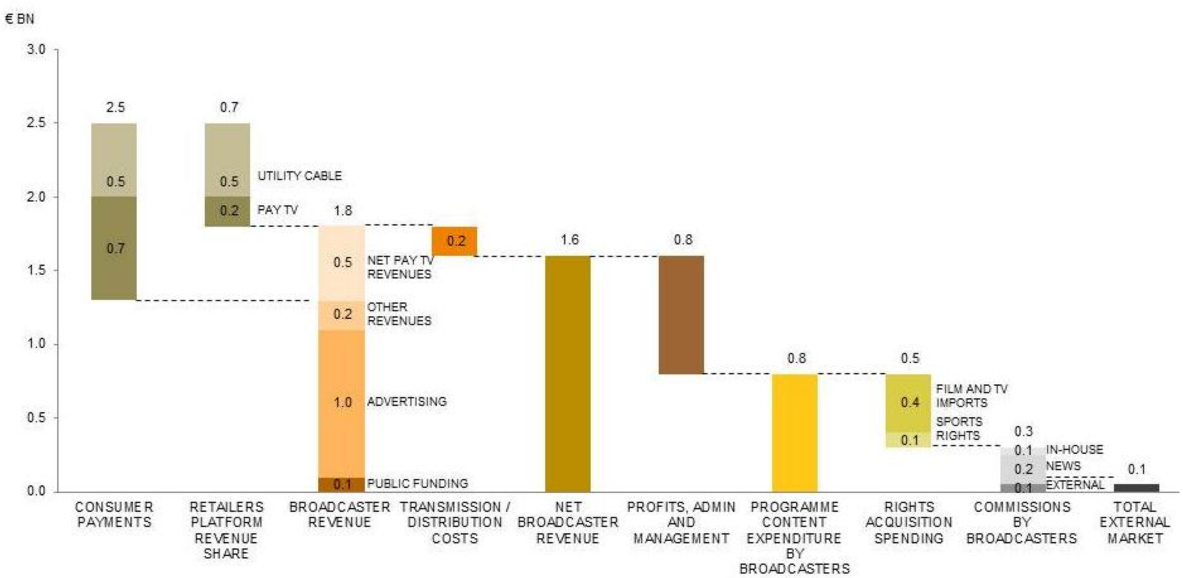
Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

Figure 6: Estimated TV value chain in Italy (€bn, 2009)



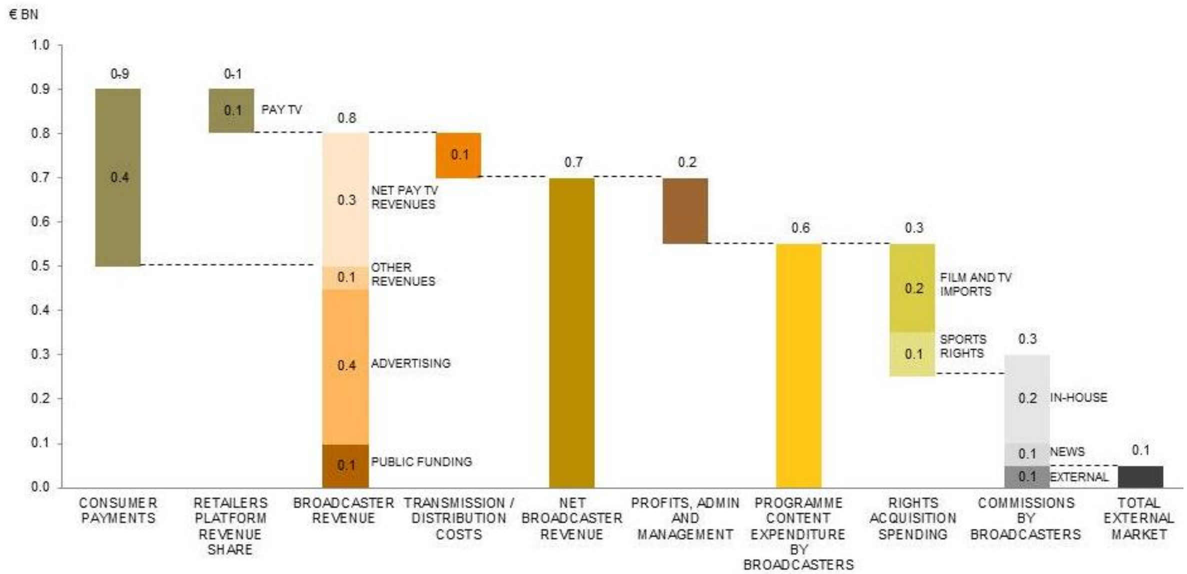
Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

Figure 7: Estimated TV value chain in Poland (€bn, 2009)



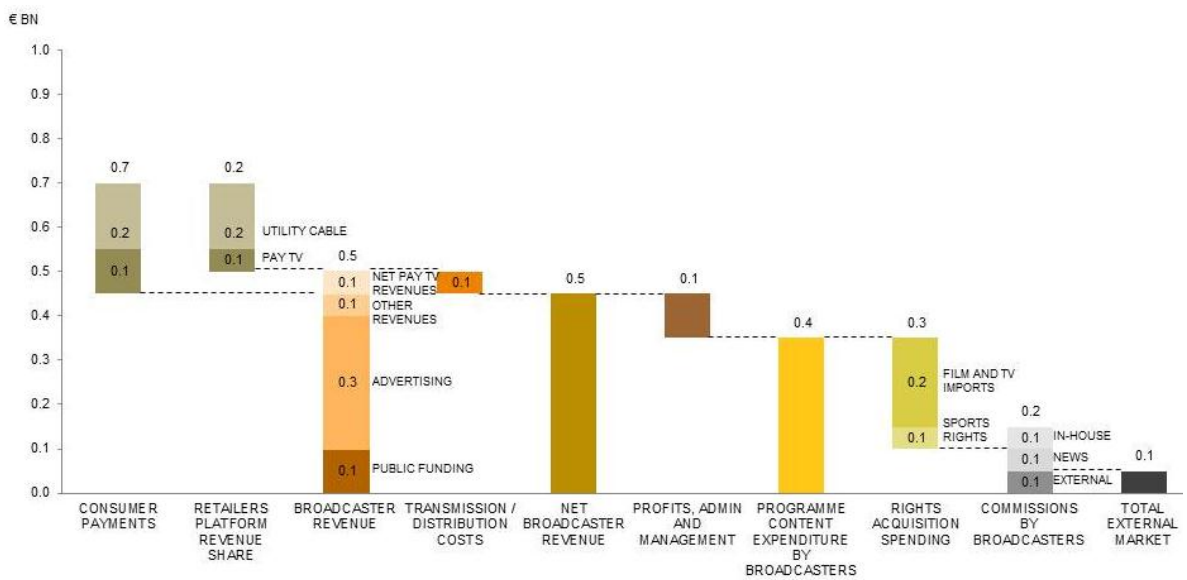
Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

Figure 8: Estimated TV value chain in Ireland (€bn, 2009)



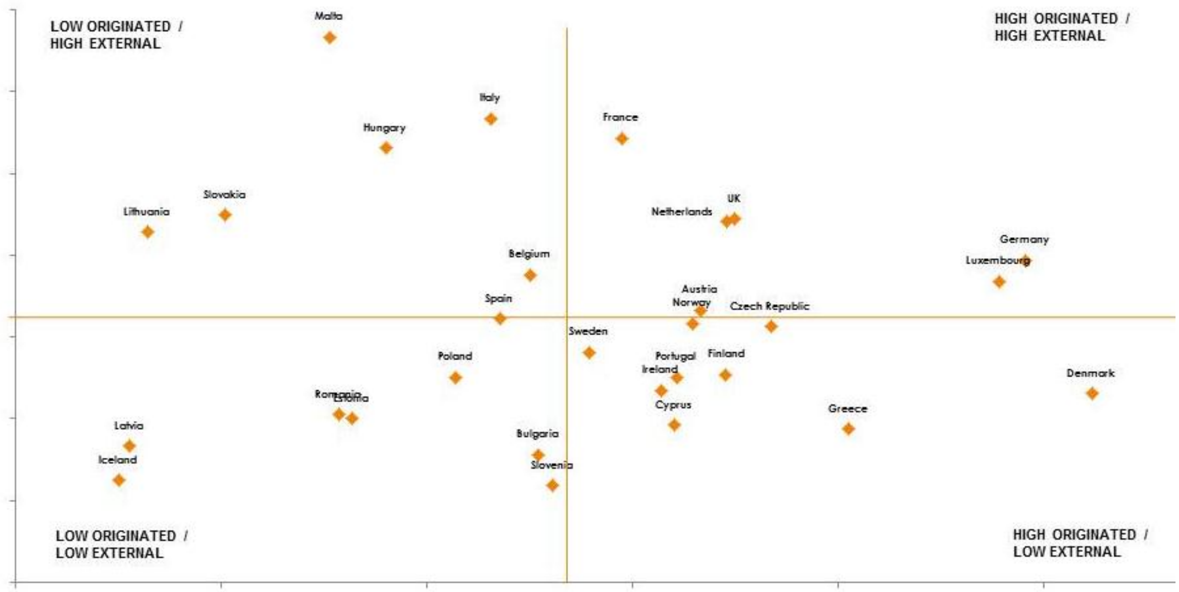
Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

Figure 9: Estimated TV value chain in Hungary (€bn, 2009)



Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

Figure 10: Estimated proportion of Originated and External spend (€bn, 2009)



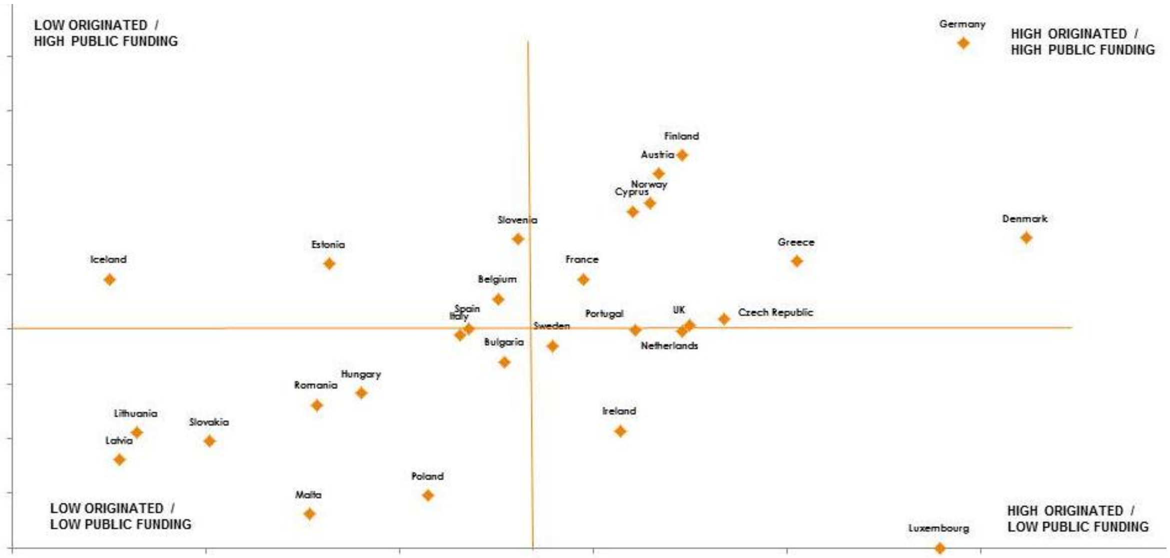
Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

The scatter diagram in **Figure 10** demonstrates the differences in structure of the TV markets in the EU/EEA in terms of spending measured on two dimensions - markets that spend a relatively larger or smaller proportion on originated content combined with the propensity to commission the originated content form external sources. It measures spending on originated content as a proportion of all programme spend (i.e. including TV and film acquisitions and sports rights). Additionally it measures spending on external originations as a proportion of all originated content spending.

The detailed value chains above in **Figure 2** to **Figure 9** each represent different corners of the scatter diagram in **Figure 10**. France has a high originated and high external spend. Ireland has a high originated, but relatively low external spend. Hungary has a low originated, but relatively high external spend. Finally, Poland has both a relatively low originated and external spend.

The average proportion of originated spend tends to be lower across most of the newer member states, whereas the level of external spend fluctuates across all markets.

Figure 11: Estimated proportion of originated spend and public funding (€bn, 2009)



Source: OBS, TVI, COMPANY REPORTS, BROKERS REPORTS, INTERVIEWS, O&O ANALYSIS

The scatter diagram in **Figure 11** measures the estimated spend on originated content (as a proportion of all programme spend) versus the proportion of public funding as a proportion of all TV revenue across the EU/EEA markets.

Our estimates of the TV value chains demonstrate a positive correlation between public funding and investment into originated content. This is likely to be a function of the relative strength of the PSB in the market in terms of funds and market share, obligations tied to the public funding and the funding model (pure public funding, mixed commercially and publicly funded etc).

However, this does not always translate into spending on externally sourced originations. E.g. Denmark and Ireland both have a high proportion of public spending and investment into originated content, but a relatively lower share of externally sourced originations.

The proportion of public funding tends to be lower across newer member states, which in turn also follows the level of originated spending.

Appendix VIII: Questionnaire for regulatory authorities

Study on the application of measures concerning the promotion of the distribution and production of European works in audiovisual media services (including television programmes and non-linear (on-demand) services)

Questionnaire for regulatory authoriti

Information on respondent

Contact information
Country
Organization
Contact person
Address
Email address
Telephone

Part I: Television Broadcasting

1. National legislation to implement Articles 16 and 17

1.1 Implementation of Articles 16 and 17 in national legislation

Please indicate the current national legislation implementing Articles 16 and 17 of the Audiovisual Media Services Directive (2007/65/EC of 11 December 2007) as codified by the Directive 2010/13/EU of the 10th March 2010 (former Articles 4 and 5 of the TV Without Frontiers Directive

Relevant legislation:

1.2 The legislation since January 2008

Has the national legislation implementing Articles 16 and 17 been amended since January 2008? If so, please describe the changes:

Answer:

1.3 Legal requirements placed on smaller channels

Have the requirements of national legislation regarding smaller channel evolved since January 2008 ? If so, please tell us the relevant legislation and its new disposals.

Answer:

If the national legislation implementing Articles 16 and 17 have been amended since January 2008 (hereinafter the "New National Legislation"), please answer the following questions. If not, skip to question 2.1.

1.4 Definition of an independent producer

Does the New National Legislation define what is meant by an independent producer?

0 = No
1 = Yes

If yes, please identify the elements used in the new national definition:

Element of definitions	(Please tick as appropriate)
Limit on ownership by a broadcaster	
Limit on supply of programmes to a single broadcaster	
Controls of the influence of a broadcaster in the production process	
Limit on the period for which programme rights can be assigned	
Ownership of secondary rights	
Other (please describe)	

Relevant legislation:

1.5 Independent works

Article 17 allows the Member States to choose if the 10 % requirement for independent works should apply to transmission time or programming budget. How is this addressed in the New National Legislation?

Target to be fulfilled by broadcasters	(Please tick as appropriate)
Broadcasters must reserve at least 10% of transmission time	
Broadcasters must reserve at least 10% of programming budget	
Broadcasters may choose between reserving at least 10% of transmission time or at least 10% of programming budget	
Other (please describe)	

1.6 "Where practicable"

The Directive states that the Member States shall ensure "where practicable" that broadcasters reserve the proportions set by Articles 16 and17. How is this reflected in the New National Legislation?[62]

Answer:

1.7 "Total qualifying hours" (relevant transmission time)

Is the definition of "total qualifying hours" in the New National Legislation different from the definition in the Directive? [63]

0 = No
1 = Yes

[62] As examples, the national legislation could:
- State that broadcasters are required to reserve the proportions, but only "where practicable",
- Define the specific circumstances where broadcasters do not need to achieve the proportions, and
- Limit these exemptions by stating that a broadcaster may not show a lower proportion of European or independent works than in the previous year.

[63] The Directive defines total qualifying hours as a channel's transmission time "excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping".

If yes, please describe the difference.

Answer:

1.8 Stricter or more detailed requirements

Please identify the areas (if any) in which the New National Legislation places stricter or more detailed requirements on the amount of European works and works produced by independent producers of European origin than those laid down in Articles 16 and 17 of the Directive.

Answer:

2. Monitoring the application of Articles 16 and 17

2.1 The monitoring system of Articles 16 and 17 since January 2008

Has the monitoring system of Articles 16 and 17 been changed since January 2008? If so, please describe the changes:

Answer:

If the monitoring system of Articles 16 and 17 have been changed since January 2008, please answer the following questions. If not, skip to question 2.4.

2.2 Monitoring Articles 16 and 17

What new system do you have in place to monitor adherence by broadcasters to the requirements of Articles 16 and 17 of the Audiovisual Media Services Directive?

Monitoring system	Tick as applicable
Independent monitoring of channel broadcast schedules	
Independent verification of statistical reports submitted by broadcasters	
Reliance on statistical reports submitted by broadcasters without verification	
Other (please specify)	

2.3 Available sanctions

Does national legislation contain any new sanctions if the broadcasters do not respect Articles 16 and 17?

0 = No
1 = Yes

If yes, please describe what types of sanctions are available:

Sanctions	Tick as applicable
Warning	
Fines	
Restrictions on broadcast licence	
Other (please specify)	

Relevant legislation:

2.4 Number of Channels

How many channels were under your jurisdiction in 2010? Count all channels (including cable and satellite). Exclude only those channels to which Articles 16 and 17 do not apply[64].

Answer:

[64] Articles 16 and 17 do not apply to news channels, sport channels, advertising or teleshopping channels, local channels, channels broadcasting in a language other than those of the Member States and channels broadcasting exclusively for reception outside the European Union.

2.5 Article 16 of the Directive

How many of the channels identified above reserved a majority proportion of their transmission time for European works, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping in 2010? (If no data is available for 2010, please indicate it and answer the question in relation with 2009)

Answer:

2.6 Article 17 of the Directive

How many of the channels identified above reserved at least 10 per cent of the transmission time for works produced by independent producers in 2010? (If no data is available for 2010, please indicate it and answer the question in relation with 2009)

Answer:

2.7 Sanctions

Of those channels not meeting the requirements of Articles 16 and 17 in 2010, how many did you apply sanctions to? (If no data is available for 2010, please indicate it and answer the question in relation with 2009)

Answer:

Number of channels subject to sanctions for failure to meet the requirements of Articles 16 and 17 in 2010: ***(Additional information on the application of sanctions would be appreciated, e.g. case examples or statistics)***	

3. Channel licensing requirements

3.1 Licence requirements placed on channels

Please identify the additional licence requirements (relating to content) that are placed on channels.

If some requirements are only relevant for some channels (e.g. primary channels), please indicate this in the table.

Requirement	Brief description of requirements and channels to which it applies
Culture and/or national identity	
Culture and identity of minorities	
Language requirements	
Requirements for ndependent productions	
Regional provisions	
Funding of film	

4. Cinema[65]

4.1 Film funding as part of the public service remit

Are broadcasters required to finance or broadcast films produced for a theatrical release?

0 = No
1 = Yes

4.2 Contribution to financing

If the answer to question 4.1 is 'yes', please describe the financial contribution broadcasters are required to make to film funding if it has changed since January 2008:

Answer:

4.3 Amount of funding

What was the amount of this funding in 2010? (If no data is available for 2010, please indicate it and answer the question in relation with 2009)

Answer:

[65] Note: In this section we are concerned only with cinematographic works, i.e. films intended for theatrical release.

4.4 Objectives of funding

What are the objectives of the requirements to finance film production?

Answer:

Part II: On-demand audiovisual media services

The Television Without Frontiers Directive was amended three years ago by Directive 2007/65/EC of 11 December 2007. The current name for the new Directive is the *"Audiovisual Media Services Directive"*.

The Member States should have implemented the Audiovisual Media Services Directive by 19 December 2009.

Article 13 of the Audiovisual Media Services Directive is a provision, aimed at promoting European works in on-demand services. The wording of Article 13 is:

> ***"Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works. Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by on-demand audiovisual media service."***

5. National legislation to implement Article 13

5.1 Implementation of Article 13 in national legislation

Has the Audiovisual Media Services Directive (2007/65/EC of 11 December 2007) been implemented in the national legislation as of today ?

0 = No
1= Yes

If you answer "yes" to question 5.1 please pursue with the following questions. Otherwise skip to question 6.1.

Please indicate the current national legislation implementing Article 13 of the Audiovisual Media Services Directive

Relevant legislation:

5.2 Definition of " *on-demand audiovisual media services* "

Does the national legislation define what is meant by "on-demand audiovisual media services"?

0 = No
1 = Yes

If yes, please give a translation of this definition.

Answer:

5.3 Legal requirements placed on media service providers regarding on-demand audiovisual media services

Article 13 allows the Member States to choose whether the promotion of the production of and access to European works shall be related to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service. How is this addressed in the national legislation?

Requirement	Brief description of requirements and the services to which they apply
Financial contribution to production (e.g. funding of film)	
Financial resources used for acquisition of rights	
Taxes and levies	
Share / prominence in catalogue of the service	
Culture and/or national identity; distinction between national / non-national European Works	
Culture and identity of minorities	
Language requirements	
Specific provisions for independent productions	
Regional provisions	
Other requirements, such as prominence of European works on home page, etc. (please specify)	

5.4 "Where practicable"

The Directive states that the Member States shall ensure "where practicable" that media service providers promote the production of and access to European works set by Article 13. How is this reflected in the national legislation?[66]

Answer:

[66] As examples, the national legislation could:

- State that media service provisers are required to promote the production of and access to European works, but only "where practicable",
- Define the specific circumstances where media service providers do not need to promote the production of and access to European works ...

6. If Article 13 of Directive 2007/65/EC has not been implemented

If you answered "yes" to question 5.1, please skip to question 7.1. Otherwise answer the following questions.

6.1 Time schedule for implementation

When do you expect Directive 2007/65 to be implemented in national legislation?

Answer:

6.2 Publications and discussions or draft legislation on implementation of Directive 2007/65

Have there been any publications and discussions (e.g. White Papers and public consultations) or draft legislation in your Member State on how to implement Directive 2007/65, or other publications and discussions on how to promote European works in on-demand services?

0 = No
1 = Yes

If yes, please describe the main content of these discussions and publications. Include references or links when possible.

Answer:

6.3 Advice on implementation of Directive 2007/65

Do you have any advice on the implementation of Directive 2007/65 (particularly in respect of Article 13)?

Answer:

6.4 Opinions of other groups on implementation of Directive 2007/65

If you have any additional comments on the (likely) opinions of other parties in your Member State (broadcasters, producers, etc.) regarding the implementation of the new Directive, please write them here.

7. National legislation regarding on-demand services (other than Directive implementation)

We are interested in any national legislation regarding on-demand audiovisual media services which may serve similar purposes as the Article 13. All such legislation should be included in the replies to the following questions, unless otherwise specified in the questions.

7.1 National legislation regarding on-demand services

Does the Member State have any legislation that requires on-demand audiovisual media services to promote the production of and access to European works other than the national legislatono implementing the Article 13 of the Audiovisual Media Services Directive?

0 = No

1= Yes

Relevant legislation:

If yes, please identify the distribution networks that are covered by the legislation:

Distribution network for on-demand service	(Please tick as appropriate)
Internet	
IPTV	
Cable	
Satellite	
Digital terrestrial TV	
Mobile	
Other (please specify)	

7.2 National legislation regarding on-demand services

Please describe the relevant requirements of the abovementioned legislation:

Requirement	Brief description of requirements and the services to which they apply
Financial contribution to production (e.g. funding of film)	
Financial resources used for acquisition of rights	
Taxes and levies	
Share / prominence in catalogue of the service	
Culture and/or national identity; distinction between national / non-national European Works	
Culture and identity of minorities	
Language requirements	
Specific provisions for independent productions	
Regional provisions	
Other requirements, such as prominence of European works on home page, etc. (please specify)	

8. On-demand licensing requirements

8.1 Requirements for licence to operate on-demand services

Do some on-demand audiovisual media services require a licence in order to operate in your jurisdiction?

0 = No

1 = Yes

If yes, which types of on-demand services require a licence?

Answer:

On-demand service requiring a licence	(Please tick as appropriate)
Internet	
IPTV	
Cable	
Satellite	
Digital terrestrial TV	
Mobile	
Other (please specify)	

8.2 Licence requirements

Please identify any (additional) licence requirements which apply to content that is made available through on-demand services

Licence requirement	Brief description of requirements and the services to which they apply
Financial contribution to production (e.g. funding of film)	
Financial resources used for acquisition of rights	
Taxes and levies	
Share / prominence in catalogue of the service	
Culture and/or national identity	
Culture and identity of minorities	
Language requirements	
independent productions requirements	
Regional provisions	
Other (please specify)	

9. Monitoring of on-demand services

9.1 Monitoring

Is there a system to monitor whether on-demand services fulfil the obligations described above (Paragraphs 5 &7)?

0 = No
1 = Yes

If yes, please indicate which kind of monitoring system is used:

Monitoring system	Tick as applicable
Independent monitoring of on-demand catalogues	
Independent verification of statistical reports submitted by on-demand service providers	
Reliance on statistical reports submitted by on-demand service providers without verification	
Other (please specify)	

9.2 Available sanctions

Does the national legislation contain any sanctions that may be applied against on-demand services which do not comply with the rules described above?

0 = No

1 = Yes

If yes, please indicate what sanctions are available:

Sanctions	Tick as applicable
Warning	
Fines	
Restrictions on licence	

Other (please specify)

Relevant legislation:

9.3 Sanctions

Of those on-demand services not meeting the requirements of the national legislation, how many did you apply sanctions to?

Answer:

Appendix IX: Questionnaire for broadcasters

Study on the implementation of the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services (including television programmes and on-demand services)

Questionnaire for broadcasters

Information on respondent

Contact information
Country
Organisation
Contact person
Address
Email address
Telephone

FOREWORD

The European Commission launched a new ***Study on the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services***.

This study is designed to investigate the application of rules governing the promotion of the production and access to European works on linear and non-linear services, as set out in the recently adopted Audiovisual Media Services (AVMS) Directive. It will be conducted during 2011 by a consortium comprising Attentional, Headway International, Oliver & Ohlbaum and Gide Loyrette Nouel.

This questionnaire is intended to help the European Commission understand both the linear and non-linear programming policies of European broadcasters and media service providers. It consists of two parts: Part I focuses on linear audiovisual media services, and Part II on on-demand audiovisual media services. Other works will be conducted regarding the regulatory, economic and editorial aspects of the study, whose preliminary conclusions will be presented at a public workshop in Brussels on September 22 2011.

It is very important that European market players seize the opportunity of this independent study to provide the necessary information and views for the European Commission to properly evaluate regulatory measures in light of the market realities and needs. Nonetheless, we are aware that some of the questions may be difficult to answer due to the confidentiality or unavailability of the data needed.

To allow an easier involvement of market players, 3 measures are proposed:

1. All information provided as part of this questionnaire will be anonymised and treated in strict confidentiality. A formal non-disclosure agreement is available to respondents upon request to ensure that confidentiality is legally ensured.
2. Questions from the questionnaire for which data are difficult to accurately gather can be filled-in using your best estimates, especially where monitoring techniques have generally not yet been put in place.
3. Questions from the questionnaire for which the gathering of data is time-consuming can be filled-in using the help of our researchers (for example, data about the composition of catalogues by genres and origin of production can be estimated by ourselves as soon as you can provide us with the necessary raw information to complete this task for you).

We thank you in advance for your involvement and support and we remain available for any help we may provide you.

Part I: Linear audiovisual media services

This part of the questionnaire focuses on traditional linear audiovisual services that mainly fall under Articles 16 and 17 of the AVMS Directive.

Article 16 of the Audiovisual Media Services Directive is an old provision, aimed at promoting European works in linear services:

> ***"Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria."***

Article 17 of the Audiovisual Media Services Directive is an old provision, aimed at promoting European works in linear services:

> ***"Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production."***

Part I consists of 6 sections:

1. Spending on New and Acquired Programmes (Including Co-Productions)
2. Commissioning Decisions
3. Financing of New Programmes
4. Co-Productions
5. Rights Ownership
6. Programme Acquisitions

1. SPENDING ON NEW AND ACQUIRED PROGRAMMES (INCLUDING CO-PRODUCTIONS)

1.1 What was your total programme budget in 2010 in your local currency? (Please include personnel costs related to production) __________ million

1.2 2010 Spend on programmes by genre[67]
What percentage of your 2010 programme budget did you spend on:

Programme Genre	Percentage of total programme budget
Entertainment	
Fiction	
Cinema film	
Documentaries	

[67] **Entertainment**
This includes talk shows and studio-based comedies, but not sitcoms (which are included under fiction) or quiz shows/game shows (included under "Games"). These are 'stock' programmes with repeat value.
Fiction
This includes soaps, drama series/serials, single dramas, situation comedies, TV movies and animation created for TV. These are 'stock' programmes.
Cinema Film
All films that have had a cinematic release (not TV movies, which should be included under Fiction). Animation for cinematic release is also included in this genre. These are 'stock' programmes.
Documentaries
Programmes consisting mainly (i.e. more than 50%) of documentary footage. These are 'stock' programmes.
Factual magazine programmes
Factual programmes containing less than 50% documentary footage. The remaining time may be studio-based links, discussion etc. Most Current Affairs programmes fall in this category. These are 'flow' programmes with no or little repeat value.
News
Separate programmes containing reports of the most important recent events in summary form. Feature programmes, Current Affairs programmes and even News magazines, which look at stories "behind the news" should not be included. These are 'flow' programmes.
Sports Events
Live or recorded sporting events or significant parts of such events, but not magazine programmes about sports, even though such a programme may contain excerpts of live events. These are 'flow' programmes.
Games
TV shows focusing primarily on participants competing for a prize. These are 'flow' programmes.
Examples: *Big Brother, Who Wants To Be A Millionaire?, The Weakest Link, Survivor, Pop Idol*
Children's
Children's programmes are to be included in the genres above according to their relevant sub genres.

Factual magazine programmes	
News	
Sport (including rights)	
Games	
Total programme budget	**100%**

1.3 2010 Programme budget allocation

What percentage of your programme budget was spent on each of the following categories of programme:

Production category	**Percentage of programme budget**
Commissioned programmes produced In-house	
Commissioned programmes produced externally	
Acquired programmes	
Total programme budget	**100%**

1.4 Changes in programme budget allocations over the last five years

Please tell us if the percentage of the budget you spend on the following categories of programme has grown, shrunk or stayed the same over the last five years:

Production category	**Grown (+), shrunk (-) or stayed the same (><)**
Commissioned programmes produced In-house	
Commissioned programmes produced externally	
Acquired programmes	

1.5 2010 Spend on formats[68]

What percentage of your 2010 programme budget did you spend on commissioned formats relative to other types of programming?

Programme type	**Percentage of programme budget**
Commissioned formats[69]	
Other commissioned programmes	
Acquired programmes	
Total programme budget	**100%**

1.6 Your comments

Do you want to add any comments or explanation to the answers given above? Are there any important factors influencing the balance between in-house and externally commissioned programmes and commissioned and acquired programmes that we have omitted?

[68] A **format** is defined as any programme locally adapted for broadcast in at least one other market than the market of origin and for which a licensing fee is payable, e.g. *Who Wants to Be a Millionaire, Betty la Fea*.

[69] Excludes ready-tape, i.e. non-domestic and typically non-live versions of formats that will fall under acquisitions.

2. COMMISSIONING DECISIONS

2.1 2010 commissioning by genre[70]

What percentage of your commissioning budget in 2010 was spent on:

Genre	Percentage of commissioning budget
Entertainment	
Fiction	
Cinema film	
Documentaries	
Factual magazine programmes	
News	
Sport (including rights)	
Games	
Total commissioned programmes	**100%**

2.2 Sources of commissioned programmes

What percentage of your commissioning budget do you commission from the following sources?

Programme origination	Percentage of total commissions
Other domestic broadcasters	
Domestic producers	
Broadcasters or producers in another European country[71]	
US broadcasters or producers	
Broadcasters or producers outside Europe and the US	
Total	**100%**

[70] For a complete list of genre definitions, please see 1.1.
[71] Including other non-domestic EU, EEA and other European countries

2.3 2010 commissioning by production category

Divide commissioned programmes in each genre according to the three production categories of: in-house production, programmes produced externally by non-independent producers, or programmes produced externally by independent producers. Each row should sum to 100%.

Genre	**Programmes produced in-house (%)**	**Programmes produced externally by non-independent producer (%)**	**Programmes produced externally by independent producer (%)**	**Total commis-sioned program-mes**
Entertainment				**100%**
Fiction				**100%**
Cinema film				**100%**
Documentaries				**100%**
Factual magazines				**100%**
News				**100%**
Sport (incl rights)				**100%**
Games				**100%**
Total commissions				**100%**

2.4 2010 Spend on format based commissions by genre[72]

What percentage of your 2010 programme spend on locally produced formats did you allocate on:

Format Genre[73]	**Percentage of total spend on formats**
Entertainment	
Fiction	
Factual magazine programmes (e.g. DIY/makeover)	
Factual entertainment/reality	
Games	
Other	
Total spend on formats	**100%**

2.5 Changes in commissioning budget allocations over the last five years (2005-2010)

Please tell us if the percentage of your commissioning budget that you spend on each category of production has grown, shrunk or stayed the same over the last five years:

Production category	**Grown (+), shrunk (-) or stayed the same (><)**
Programmes produced in-house	
Programmes produced externally by another broadcaster or broadcaster-owned or controlled producer	
Programmes produced externally by independent producers	

[72] A **format** is defined as any programme locally adapted for broadcast in at least one other market than the market of origin and for which a licensing fee is payable, e.g. *Who Wants to Be a Millionaire, Betty la Fea*.

[73] Format genre categories vary slightly from the genres used for overall commissioned programmes. This is to reflect typical sub genres within formats.

2.6 Changes in commissioning budgets by genre over the last five years (2005-2010)
Are overall changes in commissioning budgets particularly pronounced in one or more genres?

Genre	**Grown (+), shrunk (-) or stayed the same (><)**
Entertainment	
Fiction	
Cinema film	
Documentaries	
Factual magazines	
Formats[74]	
News	
Sport (including rights)	
Games	

2.7 Changes in format based commissioning budget allocations over the last five years (2005-2010)
Please tell us if the percentage of your format based commissioning budget that you spend on each category of production has grown, shrunk or stayed the same over the last five years:

Production category	**Grown (+), shrunk (-) or stayed the same (><)**
Programmes produced in-house	
Programmes produced externally by another broadcaster or broadcaster-owned or controlled producer	
Programmes produced externally by independent producers	

2.8 Changes in format based commissioning budgets by genre over the last five years (2005-2010)
Are the changes in format based commissioning budgets particularly pronounced in one or more genres?

Format Genre	**Grown (+), shrunk (-) or stayed the same (><)**
Entertainment	
Fiction	
Factual magazine programmes (e.g. DIY/makeover)	
Factual entertainment/reality	
Games	
Other	
Total spend on formats	**100%**

[74] A **format** may cover a number of genres, the "format" box should be used to identify whether, in general terms, there has been a change in the use of "format" based programming, irrespective of their genre.

2.9 Your comments

Do you want to add any comments or explanation to the answers given above? Are there any important factors influencing the commissioning of new programmes that we have omitted?

3. FINANCING OF NEW PROGRAMMES

Note: this section mainly concerns the funding of TV programmes. If you also fund films for theatrical release, please also answer question 3.8.

3.1 Contribution to funding of entertainment programmes
What are the sources of funding for entertainment programmes you commission?

Sources of funding	**Percentage of total production**
Primary broadcaster[75] (that is, your contribution to production)	
Co-production	
Secondary broadcaster[76] (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Total	**100%**

3.2 Contribution to funding of fiction programmes
What are the sources of funding for fiction programmes you commission?

Sources of funding	**Percentage of total production**
Primary broadcaster (that is, your contribution to production)	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Total	**100%**

[75] Main commissioning broadcaster, typically holding the first transmission rights
[76] Secondary commissioning broadcaster, typically holding rights for a pay TV or a delayed free to air window for a smaller amount of financing than the primary broadcaster

3.3 Contribution to funding of documentary programmes

What are the sources of funding for documentary programmes you commission?

Sources of funding	**Percentage of total production**
Primary broadcaster (that is, your contribution to production)	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Total	**100%**

3.4 Contribution to funding of factual magazine programmes

What are the sources of funding for factual magazine programmes you commission?

Sources of funding	**Percentage of total production**
Primary broadcaster (that is, your contribution to production)	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Total	**100%**

3.5 Contribution to funding of games programmes

What are the sources of funding for games programmes you commission?

Sources of funding	**Percentage of total production**
Primary broadcaster (that is, your contribution to production)	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Total	**100%**

3.6 Contribution to funding of news programmes

What are the sources of funding for news programmes you commission?

Sources of funding	**Percentage of total production**
Primary broadcaster (that is, your contribution to production)	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Total	**100%**

3.7 Contribution to funding of sport programmes

What are the sources of funding for sport programmes you commission?

Sources of funding	**Percentage of total production**
Primary broadcaster (that is, your contribution to production)	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Total	**100%**

3.8 Contribution to funding of cinema film programmes

What are the sources of funding for the production of films for theatrical release you fund?

Sources of funding	**Percentage of total production**
Primary broadcaster (that is, your contribution to production)	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Domestic cinema distributor	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Total	**100%**

3.9 Your comments

Do you want to add any comments or explanation to the answers given above? Are there any important factors influencing the financing of new programmes that we have omitted?

4. CO-PRODUCTIONS

4.1 Do you co-produce new programmes?

Do you "co-produce" programmes (that is, make joint commissioning decisions and fund the production of a new programme) with another party?

1 = Yes
0 = No

Answer:	

4.2 Co-productions by genre[77]

If you answered "yes" to question 4.1, please indicate which genres you mainly co-produce:

Genre	Please tick
Entertainment	
Fiction	
Cinema film	
Documentaries	
Factual magazine programmes	
News	
Sport (including rights)	
Games	

4.3 Domestic and international co-productions

If you answered "yes" to question 4.1, please tell us the regions where the broadcasters with whom you co-produce are located. Rank the regions according to the highest number of co-productions (so if you do most co-productions with US and then with Canadian partners, US = 1, Canada = 2 etc).

Location of broadcaster co-funding production	Rank
Domestic	
Other European[78]	
Multi-country European co-productions e.g. through EBU	
US	
Canada	
Latin America	
Other [please state]	

[77] For a complete list of genre definitions, please see 1.1.
[78] Including other non-domestic EU, EEA and other European countries

4.4 Your comments

Do you want to add any comments or explanation to the answers given above? Are there any important factors influencing co-production that we have omitted?

5. RIGHTS OWNERSHIP

5.1 Rights ownership

What exclusive rights do you seek to obtain when you commission programmes from external producers (please tick)?

Rights	**Tick**
First showing on terrestrial TV in domestic market	
Repeat showing(s) on terrestrial TV in domestic market	
Repeat showings on secondary channels in domestic market	
Internet and/or other new media rights	
First showing on terrestrial TV in overseas markets	
Repeat showing(s) on terrestrial TV in overseas markets	
Repeat showings on secondary channels in overseas markets	
Ancillary rights in domestic market (licensing, merchandising etc)	
Ancillary rights in overseas markets	

5.2 Independent producers and rights

Are the terms of agreements you negotiate with independent producers more favourable to you, less favourable or about the same as agreements for other programmes commissioned externally from non-independent producers, for example in terms of the length of agreement or the share of revenue (please tick)?

Terms of agreement	**Please tick**
More favourable to me	
About the same	
Less favourable to me	

5.3 Your comments

Do you want to add any comments or explanation to the answers given above? Are there any important factors regarding programme rights that we have omitted?

6. PROGRAMME ACQUISITIONS

6.1 Programme acquisitions by genre[79]

What percentage of your spending on programme acquisitions was spent on each genre:

Category of programme	Genre	Percentage of total acquisitions
Programme acquisitions	Entertainment	
	Fiction	
	Cinema film	
	Documentaries	
	Factual magazine programmes	
	News	
	Sport (including rights)	
	Games	
Total acquired programmes		**100%**

6.2 Recency of programme acquisitions

What percentage of your 2010 spend on programme acquisitions was spent on programmes that are less than 5 years old?

Genre	Spend on acquisitions **less than** 5 years old (%)	Spend on acquisitions **more than** 5 years old (%)	Total acquired programmes
Entertainment			100%
Fiction			100%
Cinema film			100%
Documentaries			100%
Factual magazine programmes			100%
News			100%
Sport (including rights)			100%
Games			100%
Total acquired programmes			100%

[79] For a complete list of genre definitions, please see 1.1.

6.3 Sources of acquired programmes

What percentage of the ready-made programmes you acquire do you purchase from the following sources?

Programme origination	**Percentage of total acquisitions**
Other domestic broadcasters	
Domestic producers	
Broadcasters or producers in another European country[80]	
US broadcasters or producers	
Broadcasters or producers outside Europe and the US	
Total	**100%**

6.4 Your comments

Do you want to add any comments or explanation to the answers given above? Are there any important factors influencing programme acquisitions that we have omitted?

[80] Including other non-domestic EU, EEA and other European countries

Part II: On-demand audiovisual media services

The Television Without Frontiers Directive was amended by Directive 2007/65/EC of 11 December 2007. The new name for the Directive is the "Audiovisual Media Services Directive".

Article 13 of the Audiovisual Media Services Directive is a new provision, aimed at promoting European works in on-demand services:

> ***"Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works. Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service."***

We are interested in your activities regarding on-demand (including mobile) audiovisual media services that may fall under Article 13.

It consists of 6 main sections:

7. Regulation of Article 13
8. Provision of on-demand services
9. Programme spend and supply
10. Promotion of European works
11. Catch-up services
12. On-demand archive services

7. REGULATION

In this section, we are interested to understand your thoughts on how Article 13 of the new "AVMS" Directive should be applied in your own market.

7.1 Awareness of the Audiovisual Media Services Directive

Prior to receiving this questionnaire, were you aware that Article 13 of the Audiovisual Media Services Directive requires that "*Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works. Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service*"?

1 = Yes
2 = No

Answer:	

7.2 Methods for monitoring Article 13 of the "AVMS" Directive

Below we have detailed a selection of possible alternative methods for monitoring compliance with Article 13. We would like to assess which method you believe would be most feasible. Please rank each method from 1 to 6 (with 1 being 'least suitable' and 6 being 'most suitable'), without giving two methods the same ranking (e.g. not giving two methods a score of '6'). It would also be very helpful if you could give some detail about why you have given each method its rank (e.g. why you have chosen to rank a method as '6' – the highest rank).

Method for monitoring Article 3i	Rank	Reason behind ranking?
Using **title-level data** (e.g. title name by country of origin) to monitor the proportion of an on-demand catalogue that is European.		
Using data on **total hours of available content** (e.g. total hours of on-demand content, by country of origin) to monitor the proportion of an on-demand catalogue that is European.		
Using **consumption data for number of titles viewed** (e.g. how many titles actually viewed, split by country of origin) to monitor the proportion of on-demand catalogue consumption that is European.		
Using **consumption data for number of hours viewed** (e.g. how many hours of on-demand content is actually viewed, split by country of origin) to monitor the proportion of on-demand catalogue consumption that is European.		
Monitoring **prominence** of European titles in the on-demand service (e.g. checking a service to see how clear the nationality of a piece of content is to a user, or how easy it is to search for content by country of origin).		
P*roviding evidence of to the **financial contribution** to the production and/or rights acquisition of European works.*		

If there are any alternative methods for monitoring Article 13 that you believe have not been detailed above, please provide more details in the text box below.

7.3 Monitoring Article 13 – your views

We would also be interested to know you views on the following issues regarding the future monitoring of Article 13 of the AVMS Directive. Please give your answers in the text boxes below each question.

If confidentiality is ensured would you agree to share internal figures about on-demand services with a public body (for example a regulator)? If not, why, and if yes, which internal figures would you share and under what conditions?

In order to monitor Article 13 in the future, do you believe that an external, independent body is required to collect and analyse data? If not, why not, and if yes, what form do you see this independent body taking?

Do you believe that declarations from on-demand services regarding European works will be an appropriate method to monitor Article 13? If not, do you believe there is a more appropriate alternative?

7.4 Your comments

If you wish to add any comments or explanation to the answers given above, please do so here. We are particularly interested in other ways in which European content could be promoted on your on-demand service, and how this could be monitored.

8. PROVISION OF ON-DEMAND SERVICES

8.1 Own on-demand audiovisual media service (on-demand service)
Do you have an own on-demand service?

1 = Yes
2 = No

Answer:	

If yes, please specify what it is:

8.2 Contribution towards other on-demand service
Do you contribute towards a 3rd party on-demand service?

1 = Yes
2 = No

Answer:	

If yes, please specify what it is:

8.3 User generated content
Do you have any user-generated content on your on-demand service?

1=Yes
2=No

Answer	

If yes, please specify what it is:

8.4 Type of access to on-demand service

If you own or contribute towards a 3rd party on-demand service, what type of access does it use?

1 = Yes
0 = No

Type of access	Please indicate "1" or "0"
Open access[81]	
Closed access[82]	

8.5 Transmission mode of on-demand service
How is the on-demand service distributed?

Type	Tick box
Internet	
Cable	
Satellite	
DTT	
Mobile	
Other (please specify)	

8.6 Type of on-demand service
What type of programming is offered on the on-demand service?

Type	Tick box
Catch-up	
On-demand TV archive[83]	
On-demand specifically produced programmes	
Other (please specify)	

[81] Open access refers to services that are available free-of-charge (sometimes involving a short registration) and using non-proprietary access technology – typically via the internet, usually to a PC.
[82] Closed access refers to services that are only available in an encoded fashion, usually via proprietary access technologies, and that cost money to access, often via a subscription – typically via a cable or IPTV system.
[83] On-demand TV archive includes older archive programmes and recent films and TV programmes broadcast on linear TV, not included in a catch-up service window.

9. SPEND AND SOURCING OF ON-DEMAND SERVICES

9.1 Programme spend on on-demand service in 2010

What proportion of total programme spend was apportioned to on-demand services?

Business area	**Percentage of spend**
Traditional linear TV business	
Catch-up	
On-demand services	
Total programme spend	**100%**

9.2 Spend on programme types on on-demand services in 2010

What percentage of your programme budget for on-demand programmes was spent on each of the following categories of programme:

Production category	**Catch-up**	**On-demand**	**Total on-demand incl catch-up**
Commissioned programmes produced in-house			
Commissioned programmes produced externally			
Acquired programmes			
Total programme spend	**100%**	**100%**	**100%**

9.3 Sources of commissioned and acquired programmes in 2010

What proportion of your programme budget for on-demand programmes was spent on the following sources?

Programme origination	**Catch-up**	**On-demand**	**Total on-demand incl catch-up**
National commissions			
European, non-national commissions			
Non-European commissions			
National acquisitions			
European, non-national acquisitions			
Non-European acquisitions			
Total	**100%**	**100%**	**100%**

9.4 Programme spend by genre on on-demand service in 2010

How is the programme spend (including costs based on pre-defined fees and revenue sharing) on on-demand programmes distributed by genre?

Genre	**Catch-up**	**On-demand**	**Total on-demand incl catch-up**
Entertainment			
Fiction			
Cinema film			
Documentaries			
Factual magazine programmes			
News			
Sport			
Games			
Other (please specify)			
Total programme spend	**100%**	**100%**	**100%**

9.5 Funding of on-demand service

How is the on-demand service funded?

Funding (please tick box)	**Catch-up**	**On-demand**
Adverts within programmes		
Adverts at beginning/end of programmes		
Subscription fee		
Public subsidy		
Other (please specify)		

9.6 Programme rights covering on-demand services

Do you purchase additional rights to programmes to be able to show them on-demand?

Purchase of on-demand rights (please tick box)	**Catch-up**	**On-demand**
Yes, as a stand-alone rights fee		
Yes, as an add-on to TV rights fee		
No, included in TV rights		
Other (please specify)		

9.7 Rights supply deals

Are rights fees predominantly fixed or per view/download? If per view, does the supplier ask for a minimum number of views guarantee?

Rights fee structure (please tick box)	**Catch-up**	**On-demand**
Fixed rights fee		
Per view/download fee		
Minimum view guarantee fee required by supplier		
Other (please specify)		

10. PROMOTION OF EUROPEAN WORKS ON ON-DEMAND SERVICES

10.1 Prominence of programming

Do any factors influence decisions to give certain programming prominence, (for example rights cost/ minimum view guarantee, consumer taste, legislation etc)?

10.2 Publicity (prominence) for European works

Do you publicise European works on your on-demand service? (For example, do you enable users to search by country of origin or is European content particularly prominent on your on-demand service in any way?)

10.3 Specific promotions for European works on your on-demand service

If you have had specific promotions for European works on your on-demand service, please detail below how these worked, and why you decided to promote European works in this fashion.

10.4 Marketing spend

If possible, could you please indicate below whether your marketing spend varies by country-of-origin (for example, is relatively more marketing money spent promoting European works, domestic/in-house productions, US acquisitions,)?

11. CATCH-UP SERVICES

11.1 What is available on your catch-up service?

Availability of schedule	**Tick box**
All of the schedule	
Domestic programmes and some international programmes	
Domestic/own productions only	
Other (please specify)[84]	

11.2 What period does your catch-up service window cover?

Period programmes are available on catch-up	**Tick box**
7 days	
14 days	
30 days	
Other (please specify)	

11.3 Genres on catch-up service
Which of the following genres are offered on the catch-up service?

Genre[85]	**Tick box**
Entertainment	
Fiction	
Cinema film	
Documentaries	
Factual magazine programmes	
News	
Sport	
Games	
Other (please specify)	

11.4 What types of programmes are available on your catch-up service?

Type of programmes	**Tick box**
Own productions	
National commissions	
Other commissions	
Original broadcast acquisitions	
Archive/library acquisitions	
Other (please specify)	

[84] For "Other", in addition to type, please also indicate the origin of the programmes, e.g. if it includes archive programmes outside your traditional catch-up window, please state whether it is domestic/foreign acquisitions, own productions etc.
[85] For a complete list of genre definitions, please see 1.1.

11.5 Size of programme catalogue of your catch-up service

Please estimate the amount of programmes typically available at any given time in your catch-up catalogue. (If possible, please indicate both the number of titles and the total hours)

Any Genre	**Total number of available titles**	**Total amount of available hours**
Total catalogue		

11.6 Size of European catalogue of your catch-up service

Please estimate the size of the European catalogue of programmes of your catch-up service. (If possible, please indicate both the number of titles and total hours.)

Any Genre	**Total number of European titles**	**Total amount of European hours**
Total catalogue		

11.7 Composition of programme catalogue of your catch-up service

Please estimate, by genre, the composition of the programmes in your catch-up catalogue. (If possible, please indicate the share both in terms of number of titles and total hours)

Genre	**Percentage of titles**	**Percentage of available hours**
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport		
Games		
Other (please specify)		
Total catalogue	**100%**	**100%**

11.8 Consumption of programme catalogue of your catch-up service

Please estimate, by genre, how the consumption of programmes on your catch-up service is distributed. (If possible, please indicate the share both in terms of number of titles and total hours)

Genre	**Percentage of titles**	**Percentage of consumed hours**
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport		
Games		
Other (please specify)		
Total output	**100%**	**100%**

11.9 Proportion of European programmes on your catch-up service

Please estimate, by genre, the proportion of your catch-up catalogue that is European programmes (works). (If possible, please indicate the share both expressed in terms of number of titles and total hours).

Programme Genre	Percentage of all titles that are European	Percentage of all hours that are European
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport (including rights)		
Games		
Other (please specify)		
Total catalogue	**100%**	**100%**

11.10 Consumption of European programmes on your catch-up service

Please estimate, by genre, the proportion of the total consumption of your catch-up programming that is made up by European programming (works). (If possible, please indicate the share both expressed in terms of number of titles and total hours).

Programme Genre	Percentage of all titles that are European	Percentage of all hours consumed that are European
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport (including rights)		
Games		
Other (please specify)		
Total output	**100%**	**100%**

11.11 Sources of commissioned and acquired programmes in 2010

Where do your catch-up programmes originate from?

Programme origination	Percentage of titles	Percentage of available hours
National commissions		
European, non-national commissions		
Non-European commissions		
National acquisitions		
European, non-national acquisitions		
Non-European acquisitions		
Total	**100%**	**100%**

12. ON-DEMAND ARCHIVE SERVICES

12.1 Genres on your on-demand service

Which of the following genres are offered on the on-demand service?

Genre[86]	Tick box
Entertainment	
Fiction	
Cinema film	
Documentaries	
Factual magazine programmes	
News	
Sport	
Games	
Other (please specify)	

12.2 What types of programmes are available on your on-demand service?

Type of programmes	Tick box
Own productions	
National commissions	
Other commissions	
Original broadcast acquisitions	
Archive/library acquisitions	
Other (please specify)	

12.3 Size of programme catalogue of your on-demand service

Please estimate the size of the on-demand programmes typically available at any given time in your on-demand catalogue. (If possible, please indicate both the number of titles and the total hours).

Any Genre	Total number of available titles	Total amount of available hours
Total catalogue		

12.4 Size of European catalogue of your on-demand service

Please estimate the size of the European catalogue of programmes of your on-demand service. (If possible, please indicate both the number of titles and total hours).

Any Genre	Total number of European titles	Total amount of European hours
Total catalogue		

[86] For a complete list of genre definitions, please see 1.1.

12.5 Composition of programme catalogue of your on-demand service

Please estimate, by genre, the composition of the on-demand programmes in your catalogue. (If possible, please indicate the share both in terms of number of titles and total hours).

Genre	**Percentage of titles**	**Percentage of available hours**
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport		
Games		
Other (please specify)		
Total catalogue	**100%**	**100%**

12.6 Consumption of programme catalogue of your on-demand service

Please estimate, by genre, how the consumption of on-demand programmes is distributed. (If possible, please indicate the share both in terms of number of titles and total hours).

Genre	**Percentage of titles**	**Percentage of consumed hours**
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport		
Games		
Other (please specify)		
Total output	**100%**	**100%**

12.7 Proportion of European programmes on on-demand service

Please estimate, by genre, the proportion of your on-demand catalogue that is European programmes (works). (If possible, please indicate the share both expressed in terms of number of titles and total hours).

Programme Genre	Percentage of all titles that are European	Percentage of all hours that are European
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport (including rights)		
Games		
Other (please specify)		
Total catalogue	**100%**	**100%**

12.8 Consumption of European programmes on on-demand service

Please estimate, by genre, the proportion of the total consumption of your on-demand programming that is made up by European programming (works). (If possible, please indicate the share both expressed in terms of number of titles and total hours).

Programme Genre	Percentage of all titles that are European	Percentage of all hours consumed that are European
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport (including rights)		
Games		
Other (please specify)		
Total output	**100%**	**100%**

12.9 Sources of commissioned and acquired programmes in 2010

Where do your on-demand programmes originate from?

Programme origination	Percentage of titles	Percentage of available hours
National commissions		
European, non-national commissions		
Non-European commissions		
National acquisitions		
European, non-national acquisitions		
Non-European acquisitions		
Total	**100%**	**100%**

Appendix X: Questionnaire for on-demand service providers

Study on the implementation of the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services (including television programmes and on-demand services)

Questionnaire for broadcasters

Information on respondent

Contact information
Country
Organisation
Contact person
Address
Email address
Telephone

FOREWORD

The European Commission launched a new ***Study on the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services***.

This study is designed to investigate the application of rules governing the promotion of the production and access to European works on linear and non-linear services, as set out in the recently adopted Audiovisual Media Services (AVMS) Directive. It will be conducted during 2011 by a consortium comprising Attentional, Headway International, Oliver & Ohlbaum and Gide Loyrette Nouel.

This questionnaire is intended to help the European Commission understand both the linear and non-linear programming policies of European broadcasters and media service providers. It consists of two parts: Part I focuses on linear audiovisual media services, and Part II on on-demand audiovisual media services. Other works will be conducted regarding the regulatory, economic and editorial aspects of the study, whose preliminary conclusions will be presented at a public workshop in Brussels on September 22 2011.

It is very important that European market players seize the opportunity of this independent study to provide the necessary information and views for the European Commission to properly evaluate regulatory measures in light of the market realities and needs. Nonetheless, we are aware that some of the questions may be difficult to answer due to the confidentiality or unavailability of the data needed.

To allow an easier involvement of market players, 3 measures are proposed:

1. All information provided as part of this questionnaire will be anonymised and treated in strict confidentiality. A formal non-disclosure agreement is available to respondents upon request to ensure that confidentiality is legally ensured.
2. Questions from the questionnaire for which data are difficult to accurately gather can be filled-in using your best estimates, especially where monitoring techniques have generally not yet been put in place.
3. Questions from the questionnaire for which the gathering of data is time-consuming can be filled-in using the help of our researchers (for example, data about the composition of catalogues by genres and origin of production can be estimated by ourselves as soon as you can provide us with the necessary raw information to complete this task for you).

We thank you in advance for your involvement and support and we remain available for any help we may provide you.

1. ON-DEMAND SERVICES

In this section, we are interested in your on-demand audiovisual media services in terms of the technology used and the business models applied. We are only interested in the on-demand services that you “own and operate”, meaning those for which you decide the contents and conditions of service (i.e. for which you have editorial responsibility).

1.1 Type of on-demand service

What type(s) of on-demand video service(s) do you own?

Please tick box.

Answer	Tick box
Open access[87]	
Closed access[88]	

1.2 Transmission mode of on-demand service

How is the on-demand service distributed?

Type	Tick box
Internet	
Cable	
Satellite	
DTT	
Mobile	
Other (please specify)	

1.3 Content of on-demand service

What type(s) of programming is offered on your on-demand service(s)?

Type	Tick box
Catch-up	
On-demand TV archive[89]	
On-demand specifically produced programmes	
Other (please specify)	

[87] Open access refers to services that are available free-of-charge (sometimes involving a short registration) and using non-proprietary access technology.

[88] Closed access refers to services that are only available in an encoded fashion, usually via proprietary access technologies, and that cost money to access, often via a subscription.

[89] On-demand TV archive includes older archive programmes and recent films and TV programmes broadcast on linear TV, not included in a catch-up service window.

1.4 Funding of on-demand service
How do you fund your on-demand service(s)?

Funding	Tick box
Adverts within programmes	
Adverts at beginning/end of programmes	
Subscription fee	
Public subsidy	
Other (please specify)	

1.5 User-generated content
Do you have any user-generated content on your on-demand service?

1=Yes
2=No

Answer	

1.6 Further details on your own on-demand services

If you own several on-demand services which you could not describe in enough detail in the above questions, please provide with further comments here:

IF YOU OWN AND OPERATE SEVERAL ON-DEMAND SERVICES, WE WOULD LIKE YOU FROM NOW ON TO FOCUS ONLY ON YOUR MAIN SERVICE. PLEASE INDICATE WHAT THIS WILL BE BELOW:

From now on, I will focus on the following on-demand service:

2. Programming Policies

In this section, we are interested in the types of content offered and consumed on your **MAIN** on-demand video services.

2.1 Genres offered on your main on-demand service[90]

Which genres were offered on your main on-demand service as of the end of 2010?

Programme Genre	Tick box
Entertainment	
Fiction	
Cinema film	
Documentaries	
Factual magazine programmes	
News	
Sport (including rights)	

[90] **Entertainment**
This includes talk shows and studio-based comedies, but not sitcoms (which are included under fiction) or quiz shows/game shows, which are included under "Games". These are 'stock' programmes with repeat value.
Fiction
This includes soaps, drama series/serials, single dramas, situation comedies, TV movies and animation created for TV. These are 'stock' programmes.
Cinema Film
All films that have had a cinematic release (not TV movies, which should be included under Fiction). Animation for cinematic release is also included in this genre. These are 'stock' programmes.
Documentaries
Programmes consisting mainly (i.e. more than 50%) of documentary footage. These are 'stock' programmes.
Factual magazine programmes
Factual programmes containing less than 50% documentary footage. The remaining time may be studio-based links, discussion etc. Most Current Affairs programmes fall in this category. These are 'flow' programmes with no or little repeat value.
News
Separate programmes containing reports of the most important recent events in summary form. Feature programmes, Current Affairs programmes and even News magazines, which look at stories "behind the news" should not be included. These are 'flow' programmes.
Sports Events
Live or recorded sporting events or significant parts of such events, but not magazine programmes about sports, even though such a programme may well contain excerpts of live events. These are 'Flow' programmes.
Games
TV shows focusing primarily on participants competing for a prize. These are 'Flow' programmes.
Examples: *Big Brother, Who Wants To Be A Millionaire?, The Weakest Link, Survivor, Pop Idol*
Children's
Children's programmes are to be included in the genres above according to their relevant sub genres.

Games	
Other (please specify)	

2.2 Size of programme catalogue of your main on-demand service

Please estimate the size of the on-demand programmes in your catalogue. (If possible, please indicate both the number of titles and the total hours)

Any Genre	**Total number of available titles**	**Total amount of available hours**
Total catalogue		

2.3 Sources of commissioned and acquired programmes in 2010

Where do your on-demand programmes originate from?

Programme origination	**Percentage of titles**	**Percentage of available hours**
National commissions		
European, non-national commissions		
Non-European commissions		
National acquisitions		
European, non-national acquisitions		
Non-European acquisitions		
Total	**100%**	**100%**

2.4 Composition of programme catalogue of your main on-demand service

Please estimate, by genre, the composition of the on-demand programmes in your catalogue. (If possible, please indicate the share both in terms of number of titles and total hours)

Programme Genre	**Percentage of titles**	**Percentage of available hours**
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport		
Games		
Other (please specify)		
Total catalogue	**100%**	**100%**

2.5 Consumption of programme catalogue of your main on-demand service
Please estimate, by genre, how the consumption of on-demand programmes is distributed. (If possible, please indicate the share both in terms of number of titles and total hours)

Programme Genre	**Percentage of titles**	**Percentage of consumed hours**
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport (including rights)		
Games		
Other (please specify)		
Total catalogue	**100%**	**100%**

2.6 Rights supply deals
Are rights fees predominantly fixed or per view/download? If per view, does the supplier ask for a minimum number of views guarantee?

Rights fee structure	**(please tick box)**
Fixed rights fee	
Per view/download fee	
Minimum view guarantee fee required by supplier	
Other (please specify)	

2.7 What was your total programme budget in 2010 in your local currency? (please include personnel costs related to production) ___________ million

2.8 Programme spend as a proportion of turnover in 2010
What proportion did programme spend comprise of turnover in 2010?

Programme origination	**Percentage of total turnover**
Total programme spend of turnover	
Spend on national and other European commissions of turnover	
Spend on national and other European acquisitions of turnover	

2.9 Programme spend by source on your main on-demand service in 2010
How is the programme spend (including costs based on pre-defined fees and revenue sharing) on on-demand programmes distributed by source?

Programme origination	**Percentage of total programme spending**
National commissions	
European, non-national commissions	
Non-European commissions	
National acquisitions	
European, non-national acquisitions	
Non-European acquisitions	
Total spend	**100%**

2.10 Programme spend by genre on your main on-demand service in 2010
How is the programme spend (including costs based on pre-defined fees and revenue sharing) on on-demand programmes distributed by genre and type of programme?

Programme Genre	**Percentage of total spending on commissions**	**Percentage of total spending on acquisitions**	**Percentage of total programme spending**
Entertainment			
Fiction			
Cinema film			
Documentaries			
Factual magazine programmes			
News			
Sport (including rights)			
Games			
Other (please specify)			
Total catalogue	**100%**	**100%**	**100%**

2.11 Specific production or commissioning of programmes for your main on-demand service
If you have ever commissioned[91], produced or co-produced[92] programmes for your on-demand catalogue, can you please give further information to describe your production activities (for example, details on specific programmes produced, strategic objectives behind the projects, perspectives of development of your production policy)?

[91] Commissioned refers to a situation where the on-demand service has paid a third-party producer to create audiovisual content for their on-demand service.
[92] By producing or co-producing, we mean upfront participation in a programme project, editorially and/or financially, as opposed to programme acquisitions.

2.12 Type of rights acquired for your main on-demand service

Can you please give some general information on the type of rights you are seeking to acquire for your on-demand service (exclusive or non-exclusive rights, variations depending on windows, genres, origin of productions).

2.13 Your comments

If you wish to add any comments or explanation to the answers given above, please do so here:

3. European Programming

In this section, we are interested to understand how important European programmes are to your on-demand programming policy.

3.1 Size of European catalogue in your main on-demand service

Please estimate the size of the European catalogue of programmes in you on-demand service. (If possible, please indicate the number of titles and total hours.)

Any Genre	Total number of European titles	Total amount of European hours
Total catalogue		

3.2 Composition of European programmes in your main on-demand service

Please estimate, by genre, the proportion of your on-demand catalogue that are European programmes. (If possible, please indicate the share both in terms of number of titles and total hours.)

Programme Genre	Percentage of all titles that are European	Percentage of all hours that are European
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport (including rights)		
Games		
Other (please specify)		
Total catalogue	**100%**	**100%**

3.3 Consumption of European programmes in your main on-demand service

Please estimate, by genre, the proportion of the total consumption of your on-demand programming that is made up by European programming. (If possible, please indicate the share both in terms of number of titles and total hours.)

Programme Genre	Percentage of all titles that are European	Percentage of all hours consumed that are European
Entertainment		
Fiction		
Cinema film		
Documentaries		
Factual magazine programmes		
News		
Sport (including rights)		
Games		
Other (please specify)		
Total catalogue	**100%**	**100%**

3.4 Financial contribution to the production and acquisition of European works by genre[93]

Please estimate, by genre, the proportion of your programme production and acquisition budget for your main on-demand service that has been spent on European works

Programme Genre	Percentage of programme spend on European commissions	Percentage of programme spend on European acquisitions	Percentage of total programme spend for European works
Entertainment			
Fiction			
Cinema film			
Documentaries			
Factual magazine programmes			
News			
Sport (including rights)			
Games			
Total programme spend on European works	**100%**	**100%**	**100%**

[93] For a complete list of genre definitions, please see question 2.1

4. Programming Strategies

In this section, we are interested to understand the factors that drive your programming decisions today and in the future, in particular with regards to European programming.

4.1 Influences on programme decisions today

Please state whether the factors below influence which type of programmes you prefer to acquire today to feed your on-demand catalogue.

Please tick

Programming decisions today	Fully agree	Rather agree	Rather disagree	Strongly disagree	Don't know
Programmes must be well-known to consumers due to success and promotion on other windows.					
Programmes must be recent so there is a higher probability that consumers have not seen them already.					
Programmes must be exclusive so consumers can only see them on my platform but not on competitors.					
Programmes must be affordable because my revenue, and thus programming budget, is still very limited.					
Programmes must be sold on a revenue sharing basis because this is my main acquisitions policy.					
Programmes must help me achieve my regulatory obligations.					
Other					

4.2 Influences on programme decisions in the medium term

Please state how the factors influencing the type of programmes you prefer to acquire to feed your on-demand catalogue will evolve over the next few years.
Please tick

Programming decisions in the medium term	Will grow (+), shrink (-) or stay the same (><)
Programmes must be well-known to consumers due to success and promotion on other windows.	
Programmes must be recent so there is a better probability that consumers have not seen them already.	
Programmes must be exclusive so consumers can only see them on my platform but not on competitors.	
Programmes must be affordable because my revenue, and thus programming budget, is still very limited.	
Programmes must be sold on revenue sharing basis because this is my main acquisitions policy.	
Programmes must help me achieve my regulatory obligations.	
Other	

4.3 Your view on the importance of European programming today

Please indicate the reasons why European programming, relative to non-European programming, is important or not to the success of your main on-demand service today.

Please tick

European programming today	Fully agree	Rather agree	Rather disagree	Strongly disagree	Don't know
European programming is the best way to attract European audiences.					
European programming is more affordable and thus enables a higher profit.					
European programming is easier to acquire because we are European.					
European programming is all-in-all a very good option for my service.					
European programming ensures compliance with national obligations (and thus will help me to comply with the AVMS in the future).					

4.4 Your view on the importance of European programming in the medium term

Please indicate how the reasons why European programming, relative to non-European programming, is important or not to the success of your main on-demand service will evolve over the next few years.

Please tick

European programming in the medium term	Will grow (+), shrink (-) or stay the same (><)
European programming is the best way to attract European audiences.	
European programming is more affordable and thus enables a higher profit.	
European programming is easier to acquire because we are European.	
European programming is all-in-all a very good option for my service.	
European programming ensures compliance with the AVMS Directive	

4.5 Prominence of programming

Do any factors influence decisions to give certain programming prominence, (for example rights cost/ minimum view guarantee, consumer taste, legislation etc)?

4.6 Publicity (prominence) for European works

Please explain below how you publicise any European works on your on-demand service. (For example, do you enable users to search by country of origin? Is European content prominent on your on-demand service in any way?) Do you use any other methods to ensure attractive presentation of European works?

4.7 Specific promotions for European works on your on-demand service

If you have had specific promotions for European works on your on-demand service, please detail below how these worked, and why you decided to promote European works in this fashion.

4.8 Marketing spend

If possible, could you please indicate below whether your marketing spend varies by country-of-origin (for example, is relatively more marketing money spent promoting European works?)

4.9 Further comments

If you wish to add any comments or explanation to the answers given above, please do so here:

5. Regulation

In this section, we are interested to understand your thoughts on how Article 13 of the new "AVMS" Directive should be applied in your own market.

5.1 Awareness of the Audiovisual Media Services Directive

Prior to receiving this questionnaire, were you aware that Article 13 of the Audiovisual Media Services Directive requires that "*Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works. Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service*"?

1 = Yes
2 = No

Answer:	

5.2 Methods for monitoring Article 13 of the “AVMS” Directive

Below we have detailed a selection of possible alternative methods for monitoring compliance with Article 13. We would like to assess which method you believe would be most feasible. Please rank each method from 1 to 6 (with 1 being ‘least suitable’ and 6 being ‘most suitable’), without giving two methods the same ranking (e.g. not giving two methods a score of ‘6’). It would also be very helpful if you could give some detail about why you have given each method its rank (e.g. why you have chosen to rank a method as ‘6’ – the highest rank).

Method for monitoring Article 3i	Rank	Reason behind ranking?
Using **title-level data** (e.g. title name by country of origin) to monitor the proportion of an on-demand catalogue that is European.		
Using data on **total hours of available content** (e.g. total hours of on-demand content, by country of origin) to monitor the proportion of an on-demand catalogue that is European.		
Using **consumption data for number of titles viewed** (e.g. how many titles actually viewed, split by country of origin) to monitor the proportion of on-demand catalogue consumption that is European.		
Using **consumption data for number of hours viewed** (e.g. how many hours of on-demand content is actually viewed, split by country of origin) to monitor the proportion of on-demand catalogue consumption that is European.		
Monitoring **prominence** of European titles in the on-demand service (e.g. checking a service to see how clear the nationality of a piece of content is to a user, or how easy it is to search for content by country of origin).		
P*roviding evidence of to the **financial contribution** to the production and/or rights acquisition of European works.*		

If there are any alternative methods for monitoring Article 13 that you believe have not been detailed above, please provide more details in the text box below.

5.3. Monitoring Article 13 – your views

We would also be interested to know you views on the following issues regarding the future monitoring of Article 13 of the AVMS Directive. Please give your answers in the text boxes below each question.

If confidentiality is ensured would you agree to share internal figures about on-demand services with a public body (for example a regulator)? If not, why, and if yes, which internal figures would you share and under what conditions?

In order to monitor Article 13 in the future, do you believe that an external, independent body is required to collect and analyse data? If not, why not, and if yes, what form do you see this independent body taking?

Do you believe that declarations from on-demand services regarding European works will be an appropriate method to monitor Article 13? If not, do you believe there is a more appropriate alternative?

5.4. Your comments

If you wish to add any comments or explanation to the answers given above, please do so here. We are particularly interested in other ways in which European content could be promoted on your on-demand service, and how this could be monitored.

Appendix XI: Questionnaire producers

Study on the implementation of the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services (including television programmes and on-demand services)

Questionnaire for producers

Information on respondent

Contact information
Country
Organisation
Contact person
Address
Email address
Telephone

FOREWORD

The European Commission launched a new ***Study on the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services***.

This study is designed to investigate the application of rules governing the promotion of the production and access to European works on linear and non-linear services, as set out in the recently adopted Audiovisual Media Services (AVMS) Directive. It will be conducted during 2011 by a consortium comprising Attentional, Headway International, Oliver & Ohlbaum and Gide Loyrette Nouel.

This questionnaire is intended to help the European Commission understand both the linear and non-linear programming policies of European broadcasters and media service providers. It consists of two parts: Part I focuses on linear audiovisual media services, and Part II on on-demand audiovisual media services. Other works will be conducted regarding the regulatory, economic and editorial aspects of the study, whose preliminary conclusions will be presented at a public workshop in Brussels on September 22 2011.

It is very important that European market players seize the opportunity of this independent study to provide the necessary information and views for the European Commission to properly evaluate regulatory measures in light of the market realities and needs. Nonetheless, we are aware that some of the questions may be difficult to answer due to the confidentiality or unavailability of the data needed.

To allow an easier involvement of market players, 3 measures are proposed:

1. All information provided as part of this questionnaire will be anonymised and treated in strict confidentiality. A formal non-disclosure agreement is available to respondents upon request to ensure that confidentiality is legally ensured.
2. Questions for which data are difficult to accurately gather can be filled in using your best estimates.
3. Questions for which the gathering of data is time-consuming can be filled-in using the help of our researchers as soon as you can provide us with the necessary raw information to complete this task for you.

We thank you in advance for your involvement and support and we remain available for any help we may provide you.

Part I: Linear audiovisual media services

This part of the questionnaire focuses on traditional linear audiovisual services that mainly fall under Articles 16 and 17 of the AVMS Directive.

Article 16 of the Audiovisual Media Services Directive is an old provision, aimed at promoting European works in linear services:

> ***"Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria."***

Article 17 of the Audiovisual Media Services Directive is an old provision, aimed at promoting European works in linear services:

> ***"Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production."***

Part I consists of 7 sections:

1. About your Company
2. Broadcasters' Programming Budgets
3. Programme Funding
4. Co-Productions
5. Rights Ownership
6. Trade in Programmes by Genre
7. Cinema Film

Part I: Television Broadcasting

1. ABOUT YOUR COMPANY

1.1 Turnover and profit

What was your turnover, earnings before interest, tax, depreciation and amortisation (EBITDA) and return on capital employed in 2004, 2006, 2008 and 2010?

	2004	2006	2008	2010
State currency:				
Turnover				
EBITDA				

1.2 Trade

What percentage of your 2010 turnover is from:

Destination of sales	% of turnover
Sales in home market	
Sales to other European markets	
Sales outside Europe	
Total sales	100%

1.3 Employees

How many people did you employ in 2004, 2006, 2008 and 2010?

	2004	2006	2008	2010
Employees				

1.4 Competitors

In your estimation, has the number of independent production companies in your domestic market grown, shrunk or stayed the same between 2002 and 2007?

Number of independent production companies	Tick one box
Grown	
Shrunk	
Stayed the same	

If the number of competitors has grown or shrunk, please tell us why. If your company is active outside of your own domestic market please also comment on the situation beyond your domestic market:

1.5 2010 Revenue by genre[94]

What percentage of your 2010 revenue from programme making came from the following genres:

Programme Genre	**Percentage of total revenue from programme making**
Entertainment	
Fiction	
Cinema film	
Documentaries	
Factual magazine programmes	
News	
Sport (including rights)	
Games	
Total revenue from programme making	**100%**
Whereof proportion of total revenue from formats[95]	**/100%**

[94] **Entertainment**
This includes talk shows and studio-based comedies, but not sitcoms (which are included under fiction) or quiz shows/game shows, which are included under "Games". These are 'stock' programmes with repeat value.
Fiction
This includes soaps, drama series/serials, single dramas, situation comedies, TV movies and animation created for TV. These are 'stock' programmes.
Cinema Film
All films that have had a cinematic release (not TV movies, which should be included under Fiction). Animation for cinematic release is also included in this genre. These are 'stock' programmes.
Documentaries
Programmes consisting mainly (i.e. more than 50%) of documentary footage. These are 'stock' programmes.
Factual magazine programmes
Factual programmes containing less than 50% documentary footage. The remaining time may be studio-based links, discussion etc. Most Current Affairs programmes fall in this category. These are 'flow' programmes with no or little repeat value.
News
Separate programmes containing reports of the most important recent events in summary form. Feature programmes, Current Affairs programmes and even News magazines, which look at stories "behind the news" should not be included. These are 'flow' programmes.
Sports Events
Live or recorded sporting events or significant parts of such events, but not magazine programmes about sports, even though such a programme may well contain excerpts of live events. These are 'Flow' programmes.
Games
TV shows focusing primarily on participants competing for a prize. These are 'Flow' programmes.
Examples: *Big Brother, Who Wants To Be A Millionaire?, The Weakest Link, Survivor, Pop Idol*
Children's
Children's programmes are to be included in the genres above according to their relevant sub genres.

2. BROADCASTERS' PROGRAMMING BUDGETS

2.1 Changes in broadcaster programme budget allocations over the last five years (2005-2010)

In your experience, has the percentage of their total programming budget that broadcasters spend on the following categories of programme grown, shrunk or stayed over the last five years:

Programme category	**Grown (+), shrunk (-) or stayed the same (><)**
Commissioned programmes produced In-house	
Commissioned programmes produced by another broadcaster or broadcaster-owned or controlled producer	
Commissioned programmes produced by an independent producer	
Acquired programmes	
News	
Sport (including rights)	
Games	
Locally produced formats[96]	

[95] A **format** is defined as any programme locally adapted for broadcast in at least one other market than the market of origin and for which a licensing fee is payable, e.g. *Who Wants to Be a Millionaire, Betty la Fea*.

[96] A **format** is defined as any programme locally adapted for broadcast in at least one other market than the market of origin and for which a licensing fee is payable, e.g. *Who Wants to Be a Millionaire, Betty la Fea*.

3. PROGRAMME FUNDING

Please answer for all commissioned programmes excluding cinema film (treated separately – please see section 7).

3.1 Funding of entertainment programmes[97]

What are the sources of funding for entertainment programmes you produce?

Sources of funding	Percentage of total production
Primary broadcaster[98]	
Co-production	
Secondary broadcaster[99] (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Self-funded (e.g. bank loan etc)	
Total	**100%**

3.2 Funding of fiction programmes

What are the sources of funding for fiction programmes you produce?

Sources of funding	Percentage of total production
Primary broadcaster	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public subsidy	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Self-funded (e.g. bank loan etc)	
Total	**100%**

[97] For a complete list of genre definitions, please see 1.5.
[98] Main commissioning broadcaster, typically holding the first transmission rights
[99] Secondary commissioning broadcaster, typically holding rights for a pay TV or a delayed free to air window for a smaller amount of financing than the primary broadcaster

3.3 Funding of documentary programmes

What are the sources of funding for documentary programmes you produce?

Sources of funding	**Percentage of total production**
Primary broadcaster	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public subsidy	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Self-funded (e.g. bank loan etc)	
Total	**100%**

3.4 Funding of factual magazine programmes

What are the sources of funding for factual magazine programmes you produce?

Sources of funding	**Percentage of total production**
Primary broadcaster	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public subsidy	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Self-funded (e.g. bank loan etc)	
Total	**100%**

3.5 Funding of games programmes

What are the sources of funding for games programmes you produce?

Sources of funding	**Percentage of total production**
Primary broadcaster	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public subsidy	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Self-funded (e.g. bank loan etc)	
Total	**100%**

3.6 Funding of news programmes

What are the sources of funding for news programmes you produce?

Sources of funding	Percentage of total production
Primary broadcaster	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public subsidy	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Self-funded (e.g. bank loan etc)	
Total	**100%**

3.7 Funding of sport programmes

What are the sources of funding for sport programmes you produce?

Sources of funding	Percentage of total production
Primary broadcaster	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Distributor for non-domestic rights	
Advances against merchandising	
Public subsidy	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Self-funded (e.g. bank loan etc)	
Total	**100%**

3.8 Your comments

Do you want to add any comments or explanation to the answers given above? Are there any important factors influencing the funding of new programmes that we have omitted?

4. CO-PRODUCTIONS

4.1 Do you co-produce new programmes?

Do you co-produce programmes with other production companies?

1 = Yes
0 = No

Answer	

4.2 Domestic and international co-productions

If you answered "yes" to question 4.1, please tell us the regions where the production company with whom you co-produce is located. Rank the regions according to the highest number of co-productions (so if you do most co-productions with US and then with Canadian partners, US = 1, Canada = 2 etc).

Location of co-producer	
Domestic	
Other European[100]	
US	
Canada	
Latin America	
Other [please state]	

[100] Including other non-domestic EU, EEA and other European countries

4.3 European co-productions

If you identified “Other European” as the location of a co-production company, please specify up to three countries where the producer(s) with whom you do most co-funded production are located. Rank the top three countries according to the highest number of co-productions.

Location of party co-funding production	
Austria	
Belgium	
Bulgaria	
Cyprus	
Czech Republic	
Denmark	
Estonia	
Finland	
France	
Germany	
Greece	
Hungary	
Iceland	
Ireland	
Italy	
Latvia	
Liechtenstein	
Lithuania	
Luxembourg	
Malta	
Netherlands	
Norway	
Poland	
Portugal	
Romania	
Slovakia	
Slovenia	
Spain	
Sweden	
United Kingdom	
Other European	

4.4 Co-productions by genre[101]

What percentage of your co-productions with domestic or other European co-producers are in each of the following genres:

Genre	**Percentage of co-productions**
Entertainment	
Fiction	
Cinema film	
Documentaries	
Factual magazine programmes	
News	
Sport (including rights)	
Games	
Total co-productions with domestic or other European co-producers	**100%**

[101] For a complete list of genre definitions, please see 1.5.

5. RIGHTS OWNERSHIP

5.1 Broadcaster rights

For what period do you assign to a broadcaster the rights to a programme it has funded?

Rights	**Period (Specify years or number of showings)**
Primary rights	
Secondary rights in the domestic market	
Secondary rights in overseas markets	
Ancillary rights (licensing, merchandising etc)	
New media rights (internet, etc)	

5.2 Full value for rights

Does the payment you receive for the rights exceed the value that you could create from them yourself over the same period?

1 = Yes
0 = No

Answer	

5.3 Retention of Rights

Do you retain more rights to programmes you have produced than you did five years ago?

2 = Yes, we retain more rights than five years ago
1 = About the same
0 = No, we retain fewer rights than five years ago

Answer	

If you answer “Yes” or “No”, please explain the changes.

5.4 Margins earned on programme rights

Has the price you obtain in exchange for programme rights (i.e. the margin you earn on the rights) grown, shrunk, or stayed about the same over the last five years?

2 = Grown
1 = About the same
0 = Shrunk

Answer	

5.5 Retention of rights

Would you like to see a statutory limit on the period that a broadcaster can have exclusive use of primary rights to a programme it has funded?
1 = Yes
0 = No

Answer	

If you answer "yes", please explain your answer, including under which conditions a broadcaster could have exclusive use of primary rights (e.g. lower funding from broadcasters in return for more rights retained by yourself) and how you think various alternatives would impact your profitability?

6. TRADE IN PROGRAMMES BY GENRE

6.1. Changes in trade in programmes over the last five years (2005-2010)

Please tell us whether the trade in programmes within each programme category has grown, shrunk or stayed the same over the last five years:

Production category	**Grown (+), shrunk (-) or stayed the same (><)**
Ready tape programmes[102]	
Format licences	
Other (please specify)	

6.2 Genres that make successful exports in Europe[103]

Please tell us whether the trade in programmes within each genre has grown, shrunk or stayed the same over the last five years:

Genre	**Grown (+), shrunk (-) or stayed the same (><)**
Documentaries	
Factual magazines	
Entertainment	
Fiction	
Feature films	
News	
Sport (including rights)	
Games	

6.3 Formats that make successful exports in Europe[104]

Please tell us whether the trade in programmes within each genre has grown, shrunk or stayed the same over the last five years:

Genre	**Grown (+), shrunk (-) or stayed the same (><)**
Entertainment	
Fiction	
Factual magazine programmes (e.g. DIY/makeover)	
Factual entertainment/reality	
Games	
Other	

[102] Ready tape includes formats not produced locally in the country of broadcast, e.g. American Idol broadcast outside the US

[103] For a complete list of genre definitions, please see 1.5.

[104] A **format** is defined as any programme locally adapted for broadcast in at least one other market than the market of origin and for which a licensing fee is payable, e.g. *Who Wants to Be a Millionaire, Betty la Fea*.

6.4 Destination of exported programmes in Europe

Please rank the countries in Europe to which you export (1, 2, 3 etc).

Destination of exported programmes in Europe	
Austria	
Belgium	
Bulgaria	
Cyprus	
Czech Republic	
Denmark	
Estonia	
Finland	
France	
Germany	
Greece	
Hungary	
Iceland	
Ireland	
Italy	
Latvia	
Liechtenstein	
Lithuania	
Luxembourg	
Malta	
Netherlands	
Norway	
Poland	
Portugal	
Romania	
Slovakia	
Slovenia	
Spain	
Sweden	
United Kingdom	
Other European	

6.5 Genres that make successful exports outside Europe

Please tell us whether the trade in programmes within each genre has grown, shrunk or stayed the same over the last five years:

Genre	**Grown (+), shrunk (-) or stayed the same (><)**
Documentaries	
Factual magazines	
Entertainment	
Fiction	
Feature films	
News	
Sport (including rights)	
Games	

6.6 Formats that make successful exports outside of Europe

Please tell us whether the trade in programmes within each genre has grown, shrunk or stayed the same over the last five years:

Genre[105]	**Grown (+), shrunk (-) or stayed the same (><)**
Entertainment	
Fiction	
Factual magazine programmes (e.g. DIY/makeover)	
Factual entertainment/reality	
Games	
Other	

6.7 Destination of exported programmes outside Europe

Please rank the countries outside Europe to which you export (1, 2, 3 etc).

Destination for programme exports outside Europe	
US	
Canada	
Latin America	
Other [please state]	

[105] Format genre categories vary slightly from the genres used for overall commissioned programmes. This is to reflect typical sub genres within formats.

6.8. Influences of on-demand

Is on-demand potential of programmes an important factor when evaluating a programme's potential for trade across borders?

1 = Yes
0 = No

Answer	

If you answer "yes", please explain your answer.

7. CINEMA FILM

7.1 Do you make cinema film?

1 = Yes
0 = No

Answer	

7.2 Contribution to funding

If yes, what are the sources of funding for the production of films for theatrical release you produce?

Funder	**Percentage of total production**
Primary broadcaster	
Co-production	
Secondary broadcaster (e.g. for pay TV rights)	
Domestic cinema distributor	
Distributor for non-domestic rights	
Advances against merchandising	
Public funding body	
Private funding linked to tax breaks	
New media rights and advances on revenues (other than on-demand)	
On-demand rights and advances on revenues	
Self-funded (e.g. bank loan)	
Total	**100%**

7.3 Broadcaster rights

For what period do you assign to a broadcaster the rights to a cinema film it has funded?

Rights	**Period (Specify years or number of showings)**
Primary rights	
Secondary rights in the domestic market	
Secondary rights in overseas markets	
Ancillary rights (licensing, merchandising etc)	
On-demand rights	
Other new media rights (internet, computer games etc)	

7.4 Full value for rights

Does the payment you receive for the rights exceed the value that you could create from them yourself over the same period?

1 = Yes
0 = No

Answer	

7.5 Retention of rights

Would you like to see a statutory limit on the period that a broadcaster can have exclusive use of primary rights to a cinema film it has funded?

1 = Yes
0 = No

Answer	

If you answer "yes", please explain your answer.

Part II: On-demand audiovisual media services

The Television Without Frontiers Directive was amended by Directive 2007/65/EC of 11 December 2007. The new name for the Directive is the "Audiovisual Media Services Directive".

Article 13 of the Audiovisual Media Services Directive is a new provision, aimed at promoting European works in on-demand services:

> ***"Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works. Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service."***

We are interested in your activities regarding on-demand (including mobile) audiovisual media services that may fall under Article 13.

It consists of 2 main sections:

8. Regulation of Article 13
9. Content for on-demand services

8. REGULATION

In this section, we are interested to understand your thoughts on how Article 13 of the new "AVMS" Directive should be applied in your own market.

8.1 Awareness of the Audiovisual Media Services Directive

Prior to receiving this questionnaire, were you aware that Article 13 of the Audiovisual Media Services Directive requires that "*Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works. Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service*"?

1 = Yes
2 = No

Answer:	

8.2 Methods for monitoring Article 13 of the "AVMS" Directive

Below we have detailed a selection of possible alternative methods for monitoring compliance with Article 13. We would like to assess which method you believe would be most feasible. Please rank each method from 1 to 6 (with 1 being 'least suitable' and 6 being 'most suitable'), without giving two methods the same ranking (e.g. not giving two methods a score of '6'). It would also be very helpful if you could give some detail about why you have given each method its rank (e.g. why you have chosen to rank a method as '6' – the highest rank).

Method for monitoring Article 3i	Rank	Reason behind ranking?
Using **title-level data** (e.g. title name by country of origin) to monitor the proportion of an on-demand catalogue that is European.		
Using data on **total hours of available content** (e.g. total hours of on-demand content, by country of origin) to monitor the proportion of an on-demand catalogue that is European.		
Using **consumption data for number of titles viewed** (e.g. how many titles actually viewed, split by country of origin) to monitor the proportion of on-demand catalogue consumption that is European.		
Using **consumption data for number of hours viewed** (e.g. how many hours of on-demand content is actually viewed, split by country of origin) to monitor the proportion of on-demand catalogue consumption that is European.		
Monitoring **prominence** of European titles in the on-demand service (e.g. checking a service to see how clear the nationality of a piece of content is to a user, or how easy it is to search for content by country of origin).		
Providing evidence of to the financial contribution to the production and/or rights acquisition of European works.		

If there are any alternative methods for monitoring Article 13 that you believe have not been detailed above, please provide more details in the text box below.

8.3 Monitoring Article 13 – your views

We would also be interested to know you views on the following issues regarding the future monitoring of Article 13 of the AVMS Directive. Please give your answers in the text boxes below each question.

If confidentiality is ensured would you agree to share internal figures about on-demand services with a public body (for example a regulator)? If not, why, and if yes, which internal figures would you share and under what conditions?

In order to monitor Article 13 in the future, do you believe that an external, independent body is required to collect and analyse data? If not, why not, and if yes, what form do you see this independent body taking?

Do you believe that declarations from on-demand services regarding European works will be an appropriate method to monitor Article 13? If not, do you believe there is a more appropriate alternative?

8.4 Your comments

If you wish to add any comments or explanation to the answers given above, please do so here. We are particularly interested in other ways in which European content could be promoted on your on-demand service, and how this could be monitored.

9. CONTENT FOR ON-DEMAND SERVICES

9.1 On-demand services

Do you supply content for on-demand services?

1 = Yes
2 = No

Answer:	

If yes, please specify what it is:

9.2 Genres on on-demand service

Which of the following genres do you supply to the on-demand service?

Genre[106]	**Tick box**
Entertainment	
Fiction	
Cinema film	
Documentaries	
Factual magazine programmes	
News	
Sport	
Games	
Other (please specify)	

9.3 Format of content for on-demand service

Is the content you supply specifically produced for on-demand?

1 = Yes
2 = No

Answer:	

If yes, please specify what it is:

[106] For a complete list of genre definitions, please see 1.5.

9.4 Revenue generated from on-demand programmes in 2010
What proportion of total revenue was generated from on-demand programmes?

Business area	Percentage of revenue
Programmes for traditional linear TV	
Programmes for catch-up window	
Programmes for on-demand services	
Other	
Total revenue	**100%**

9.5 Revenue generated from on-demand services by genre in 2010
How is the revenue generated from on-demand programmes distributed by genre?

Genre	Catch-up	On-demand	Total on-demand incl catch-up
Entertainment			
Fiction			
Cinema film			
Documentaries			
Factual magazine programmes			
News			
Sport			
Games			
Other (please specify)			
Total programme spend	**100%**	**100%**	**100%**

9.6 Programme rights covering on-demand services
Do you obtain additional rights fees for programmes supplied for on-demand?

Purchase of on-demand rights (please tick box)	Catch-up	On-demand
Yes, as a stand-alone rights fee		
Yes, as an add-on to TV rights fee		
No, included in TV rights		
Other (please specify)		

9.7 Rights supply deals

Are rights fees predominantly fixed or per view/download? If per view, do you obtain a minimum number of views guarantee?

Rights fee structure (please tick box)	**Catch-up**	**On-demand**
Fixed rights fee		
Per view/download fee		
Minimum view guarantee fee		
Other (please specify)		

9.8 Impact of on-demand services

What effect do you anticipate on-demand services will have on content distribution in the medium term (i.e. five years hence)?

Appendix XII: Contributions

1. ACT (Association of Commercial Television in Europe)

Thank you for the opportunity to comment. In the time available to us we will not reiterate in any detail our overall view on the utility of harmonised quotas at European level. We have, since at least the early 1990s, consistently argued that normal commercial imperatives will drive broadcasters to invest in local content far more effectively than any regulatory intervention. We're aware that previous consultancy studies for the European Commission have provided strong supporting evidence on this point. Coupled with the significant intrusion into broadcasters' scheduling freedom represented by harmonised EU quotas, we would hope that these factors will produce an objective appraisal of the utility of retaining EU quotas at the next revision of the AVMS directive.

But rather than repeat these familiar arguments, we will restrict ourselves to two specific comments: on the definition of an independent producer, and on transfrontier distribution of content

Definition of an Independent Producer

Although this question appears to be raised regularly in EU consultations, it is increasingly difficult to see that harmonisation of this definition will be a realistic policy option. The difficulties in definition of "independence" (and indeed of "broadcaster") are already becoming increasingly common and will become more complex as European media markets, already very distinctive and heterogamous, develop in different directions and at different speeds. The significant variations which already exist between large/small markets, between widely/lesser-spoken languages, levels of funding for public broadcasters, etc may only become wider as broadcasting evolves towards a genuinely fully converged model; with hybrid TV models likely to take off at different times in different markets.

Any attempt to "harmonise MS definitions" would, we believe, be an purely legalistic exercise which would do nothing to encourage broadcasters to achieve greater plurality in sourcing programmes. Indeed, it is instructive to note that a proposal during the drafting of the 2003 UK for a single definition of an independent producer in national primary legislation was rejected as it would have been insufficiently future-proof, and that this matter was best left to secondary legislation. If a definition is difficult to find in national legislation, we feel it is even more so at EU level and therefore oppose any attempt to find a single definition.

Transfrontier Distribution of Content

The second point on which we would like to comment is the idea of adapting the EU quota so as to encourage greater transfrontier distribution of content. While we understand the political importance to the European Commission of this objective, we do not accept that there is significant, or growing, market failure here which would justify regulatory intervention. Our experience – and it would be interesting to see how far this can be borne out by independent research – is that more content is crossing frontiers than ever before. The exact method by which content circulates in Europe will vary, not least as a function of the genre of programming:

- Pan-European distribution: is particularly suitable for news programmes, which are produced in-house and are underpinned by a relatively simple set of rights. It also works for some sports deals, where the rightsholders find a single pan-European deal the optimal way to maximise revenue;
- Distribution into targeted markets: Here, rather than a blanket pan-European deal, broadcasters will seek redistribution via cable and satellite in territories where there is a strong demand for their content. This is likely to be the case in neighbouring markets with a common language or cultural affinities (UK/Ireland, Germany/Austria, Scandinavia). But also to diaspora populations. Commercial broadcasters offer such services aimed at Romanian, Turkish, Polish, Greek and Ukrainian communities in selected territories in Europe and beyond. These channels are usually characterised on the supply side by a high proportion of in-house content and by a clearly defined diaspora population which is concentrated in specific national or regional markets. Nor is this a purely European phenomenon, with over 60 non-UK channels carried on the BSkyB platform and several hundred international channels available on TV Vlaanderen in the Belgian market.

  In a variation of this model, many European public broadcasters have satellite versions of their main channel/s available via satellite outside their home market.
- Content reformatted for national tastes: International format sales were almost unknown until the late 1990s. This is now a booming section of the audiovisual market worth €9.3 billion annually and, unusually for the film and TV business, one in which Europe is a significant net exporter. The UK and the Netherlands each export more global formats than the US. Today's European teenagers are the first generation to have a common cross-border television vocabulary, with many of the great successes of the recent years in talent shows, entertainment, soap operas, reality TV and factual being reversioned for local consumption.
- Overseas sales: Perhaps the simplest way for a programme to cross frontiers – when the right to show a successful programme from one country is sold abroad. In as far as one can generalise, fiction programming is particularly suited to overseas sales, as the narrative can be dubbed or subtitled as a movie would be for cinema release, while genres such as entertainment work better when it is the format

right which is sold overseas, allowing for adaptation to include local contestants and presenters.

- Sport: The most popular sporting events are truly international: there can be few, if any territories in the world where the Olympics, Formula One, UEFA Champions League etc are not broadcast. This is also the case for national competitions such as the FA Premier League or the Bundesliga which are broadcast in more than 200 territories internationally. In the broadcast market, this has allowed niche offers to be packaged for the consumer, see for example the prominence given in the marketing of the start-up Belgian platform Be TV to its acquisition of the Belgian rights to the five biggest European leagues.

Even if a market failure can be demonstrated in international content distribution, the tools to rectify market failure such as introduction of obligations to broadcast non-national material are a matter for public service broadcasters, whose mission is, under EU law, to be defined at national rather than European level.

2. CSA (Conseil Supérieur de l'Audiovisuel - Belgium)

Belgian CSA provided with several contributions which are all presented below.

General comment

Objet: contribution à l'audition sur l'étude: Study on the implementation of the provisions of the Audiovisual Media Service Directive concerning the promotion of European works in audiovisual media services

Monsieur,

Lors de l'audition du 14 septembre dernier concernant l'étude dont question ci-dessus, il a été convenu que les parties intéressées pouvaient communiquer leurs observations par écrit.

Veuillez trouver ci-après une contribution du Conseil supérieur de l'audiovisuel de la Communauté française de Belgique qui concerne principalement la mise en œuvre des dispositions de la directive pour **les services à la demande,** au centre des actuels enjeux.

D'entrée de jeu, nous souhaitons indiquer que nous avons accueilli cette étude avec grand intérêt et estimons qu'elle intervient à un moment crucial de la réflexion.

OBSERVATIONS GENERALES CONCERNANT LA REGULATION DE LA PROMOTION DES ŒUVRES EUOPEENNES DANS LES SERVICES A LA DEMANDE

Lors d'échanges préparatoires à votre étude, les services du CSA ont eu l'occasion de communiquer aux équipes de chercheurs les initiatives menées par le CSA, dans le cadre d'une consultation étroite avec différentes parties prenantes du secteur.

Pour rappel, du point de vue du législateur national, les services à la demande ne devaient, par nature, pas rencontrer de quotas de catalogue. En effet, ces derniers n'auraient en rien garanti l'accessibilité des œuvres européennes au grand public. Les obligations quantitatives ont dès lors été remplacées par des obligations qualitatives pour ces services, qui doivent assurer une **mise en valeur particulière des œuvres européennes présentes dans leur catalogue**, en mettant en évidence par une présentation attrayante la liste de ces œuvres disponibles.

En collaboration avec les principaux éditeurs de services non linéaires, le CSA a entrepris de donner corps à ces principes dans le cadre d'une **recommandation** et de **deux évaluations**, l'une consacrée à l'existence de procédés de mise en valeur des œuvres éligibles sur les services de VOD, l'autre – toujours en cours - aux effets concrets de cette mise en valeur sur la visibilité de ces œuvres pour le grand public. Ces documents sont disponibles sur le site du CSA, à l'adresse ci-après : http://www.csa.be/documents/1313 et http://www.csa.be/documents/1493. Ils sont également joints, pour votre facilité, à ce courrier.

En suivi des développements et prospectives de votre étude nous voudrions compléter notre coopération à vos travaux :

- en vous communiquant ci-joint une note qui établit les termes de références de nos travaux, argumentant les raisons pour lesquelles il apparaît indispensable d'agir avec détermination sur cette question ;
- en constatant que nous rejoignons plusieurs de vos réflexions prospectives, figurant au chapitre 8.2.2., notamment en matière de contribution – mesurée et progressive – à la production d'œuvres, de promotion des œuvres sur les nouvelles plates-formes et leurs supports de communication associés, d'accessibilité des œuvres européennes par les différents outils de navigation et de marketing ;
- en vous proposant enfin d'élargir ces perspectives aux méthodes de régulation. En effet, l'étude fait certes œuvre utile en analysant comparativement les transpositions opérées par les états membres dans leur droit national, mais dans le même temps semble quelque peu sévère sur les marge d'interprétation qu'ils s'autorisent. Il paraît nécessaire de tenir compte du fait que derrière ce cadre général, des autorités de régulation nationales ont la charge de faire appliquer ces dispositions au plus près de la réalité des opérateurs, avec le double souci d'assurer un contrôle de l'application adéquate des politiques publiques et de promouvoir la diversité culturelle et le potentiel créatif et économique du secteur. Au titre de perspective supplémentaire, nous vous engageons donc à ajouter à la réflexion de ce dernier chapitre les méthodes de régulation. Et en particulier : la marge de manœuvre à laisser aux ARN pour tester les mesures adéquates, tenant compte de situations nationales mais également en interaction étroite entre régulateurs européens ; la responsabilisation encadrée des opérateurs, par le biais d'outils de « corégulation », permettant aux ARN d'assurer un réglage fin de la régulation des politiques publiques.
- en vous proposant de recommander aux instances européennes d'assurer un suivi plus soutenu de cette problématique. En effet, la progression dans les derniers mois du marché des services à la demande et des outils de distribution témoigne de la nécessité de suivre attentivement leurs développements et leur impact sur la promotion des œuvres européennes, au-delà de la périodicité d'un reporting tous les 4 ans, tels qu'il est proposé dans la directive SMA.

OBSERVATIONS PARTICULIERES CONCERNANT CERTAINS CHAPITRES DE L'ETUDE

Nous souhaitons par ailleurs apporter quelques commentaires et questionnements sur certains chapitres de l'étude.

1. Caractère strict des mesures (« Stricter measures » chapitre 3.5, page 52)

(Directive SMA, Article 3 decies)

Les États membres veillent à ce que les sma à la demande (…) promeuvent, lorsque cela est réalisable et par des moyens appropriés, la production d'oeuvres européennes ainsi que l'accès à ces dernières.
Cette promotion pourrait notamment se traduire par :
- la contribution financière apportée par ces services à la production d'œuvres européennes et à l'acquisition de droits pour ces œuvres,
- ou la part et/ou la place importante réservée aux œuvres européennes dans le catalogue de programmes proposés par le service de médias audiovisuels à la demande ».

(Directive SMA, considérant 48, extrait)
… Ce soutien aux œuvres européennes pourrait par exemple prendre la forme de …la présentation attrayante des œuvres européennes dans les guides électroniques des programmes

L'article et le considérant précités de la directive SMA identifient différentes mesures aptes à promouvoir la production et l'accès aux œuvres audiovisuelles sur les services à la demande : contribution financière à la production ou l'acquisition de droits, quotas de catalogues, « par exemple » mise en valeur des œuvres dans les guides électroniques des programmes.

En présentant au chapitre 3.5 comme des mesures plus strictes des dispositions qui sont explicitement prévues par la directive, d'ailleurs précédées d'un « notamment » tandis que d'autres sont citées « par exemple », l'étude apporte une interprétation inadéquate du dispositif de la directive. Ce point devrait être éclairci et rectifié.

2. Qualification (« flexible » / prescriptive ») du mode de mise en œuvre (chapitre 3,7, pages 58 à 61)

A son chapitre 3.7 « Implementation modes », l'étude se propose de qualifier le mode de mise en œuvre de la directive par les différents états.
L'explicitation et la pondération des « indices » posent différentes questions (page 58) :
- Column 2 : en quoi la part/proéminence des œuvres européennes dans le catalogue (pondérée d'un indice 2) doit-elle être considérée comme plus prescriptive que « l'équivalent à la directive » (pondérée d'un indice 1), alors que la même directive prévoit elle-même cette mesure ? Cette pondération devrait être ajustée et la référence à la directive retirée.
- Column 5 : en quoi le nombre de sanctions est il indicatif du caractère prescriptif de l'approche ? Un éventail varié et progressif de différentes

mesures ne permet-il pas justement de rendre des décisions au plus juste des situations rencontrées ? Cette appréciation devrait être fortement nuancée.

Plus loin, dans le tableau 24, l'étude classe les Etats membres en quatre catégories de mise en œuvre croisées des dispositions applicables aux services linéaires (art 16) et non linéaires (art 13).
Il apparaît que cette qualification « flexible/prescriptive » est elle-même retirée des critères figurant notamment à la page 58 pour les services non linéaires. Le groupe de pays figurant dans le coin dessous/gauche du tableau est présenté comme assurant une approche flexible tant pour les services linéaires que non linéaires.
Mais il est aussi commenté en page 60 que ces pays ont simplement mis en œuvre le libellé de la directive, sans mesures additionnelles.
Se faisant, l'étude semble établir le fait qu'une mise en œuvre adéquate de la directive implique une approche d'autant plus flexible qu'il n'y aurait lieu de prévoir qu'un faible nombre de mesures (bien que plusieurs sont prévues dans la directive), un faible monitoring des résultats (bien que des rapports chiffrés des Etats membres viennent d'être sollicités par la Commission) et un dispositif peu nombreux (et donc en conséquence peu varié) de sanctions.

Là aussi, les références en différents endroits de ce qui serait plus ou moins conforme à la directive apparaissent inadéquates et devraient être retirées. Sans contester l'intérêt d'une analyse comparative des dispositifs nationaux, nous nous devons d'émettre les plus fortes réserves à l'endroit de ce qui apparaît (ou apparaîtra au lecteur de cette étude) comme un jugement normatif sur la politique menée par les Etats membres, où l'application du texte et de l'esprit de la directive est présentée comme une couche (ou des couches) régulatoire additionnelle.

3. Analyse de contenu des services non linéaires (chapitre 6, pages 143 et suivantes)

Le choix de l'échantillon des services non linéaires pour ce qui concerne le marché de la Communauté française de Belgique ne manque pas d'étonner : Revoir (RTBF), Cinémalink et Universciné.
Les acteurs essentiels de VOD en plate-forme câblée et IPTV (Belgacom « A la demande » et « VOD » de Voo) sont absents de l'échantillon, tandis que « Cinémalink » n'apparaît pas relever de la compétence territoriale de la Communauté française de Belgique, en sorte qu'il apparaît hasardeux de tirer des conclusions quand les acteurs importants sont absents, autant que sur l'efficacité de la régulation à l'endroit d'un opérateur qui ne relève pas de la compétence nationale.

Note on perspectives and stakes (English)

PROMOTION OF EUROPEAN WORKS IN NON-LINEAR SERVICES

WHAT IS AT STAKES?

By Prof. Michel Gyory, Member of the CSA

The European Audiovisual Media Services Directive requires non-linear television service providers to showcase the European works in their catalogue. Showcasing these works is not an end in itself; the aim is to ensure that European works are actually available in their home market and that consumers enjoy freedom of choice.

This freedom of choice, which is at the heart of all audiovisual ambitions, is worthy of consideration.

The film and broadcasting sectors, like other cultural industries, are supply-driven industries. There is no pre-existing demand, as in the case of the food or clothing sectors, for instance.

A European consumer who decides to buy a chicken that has been imported from China rather than other products because that chicken is on special offer will not behave in the same way where cultural goods are concerned. They will not spurn their favourite music group and choose a recording of Chinese music instead simply because that recording is on special offer. In the cultural goods sector, the consumer either consumes or does not consume, depending on what is offered to them.

This difference in attitudes is due to the criteria that form the basis of consumer choice.

Most economic choices are made on the basis of comparison. The consumer, assisted by advertising and marketing campaigns, usually compares the price and quality of various similar products and services before making their decision. However, the decision to watch a film, to listen to a piece of music, or to read a book is not based on a comparative choice, but on the interest that the work arouses in the consumer. That interest is linked to the individual's own frame of reference, which is established on the basis of their culture, their education and their experience.

This is the reason why it is easier to convince a Belgian housewife to buy a Chinese chicken than to go and see a Chinese film, since, whilst the supply of food products meets a pre-existing demand, the supply of cultural products must create that demand.

It is only when that demand exists for several works at the same time that the question of comparative choice arises. In the film sector, that choice, as exercised today, is unusual in that it is not influenced by price, and that it depends mainly on the qualities that the consumer attributes to a work that they have not seen. This is where the art of film marketing comes fully into play, sometimes with the help of commercial practices aimed at controlling supply.

In order to find its audience, a film will have to go through two very different stages.

The first stage consists in generating demand. In order to do so, the film's content must "speak" to its audience, and that audience must be aware of the film's existence. The film's producer, director and script-writer are responsible for its contents, while the distributor is usually responsible for advertising and promoting it, as part of the film-screening business. Where on-demand services are concerned, part of the responsibility for promoting a film to the public is transferred to the provider.

The second stage, which involves both the distributor and the (cinema venue or VOD) "operator", consists in "positioning" a work that has succeeded in attracting the public's interest, when the consumer – who is interested in several works – finds themselves faced with a comparative choice.

Showcasing European works therefore implies that non-linear service providers adopt an active, two-pronged approach. They are responsible for creating demand, alongside the film's authors and distributors, and they are also responsible for "positioning" the work within the selection that they offer to the public when that demand has been created.

These two responsibilities are different, in that the first is shared, while the second is not.

During the first stage (creating demand), showcasing European production implies that the service providers adopt a publicity and promotion strategy that is quantitatively and qualitatively suited to the goal they are seeking to achieve, namely enabling the film to connect with its audience, while taking the specific features of the film, the target audience, and the screening method into account.

During the second stage (positioning works within the context of the consumer's comparative choice), showcasing European works does not just consist in publicising or presenting them in an "attractive" way, which has already been accomplished as part of the first stage.

The date when a film is first released to the public, knowing whether the publicity campaign started before that date and how long it lasted, the quality of the publicity campaign, and the length of time the film will be available are key considerations when assessing strategies for showcasing European films.

These few considerations are provided as an example based on past experience. We now know why European films, which experienced a significant audience decline in the European market in the 1970s and 1980s, suffered this fate.

The reason for that audience decline can be briefly summarised as follows:

− The growth of television resulted in a substantial fall in cinema audiences from the late 1950s onwards.

− This situation had a significant impact on the financial position of cinemas venues. Even if some countries were able to mitigate the impact of the fall in admissions up until the early 1970s through a significant increase in ticket prices in real terms (excluding inflation), many cinema venues disappeared.

− The fall in admissions and the increase in ticket prices in real terms led to a change in consumers' selection criteria: since outings to the cinema had become less frequent and more expensive, curiosity (which might potentially be disappointed) gave way to the desire to "get one's money's worth".

− The US and European film industries reacted differently when faced with this situation: From the mid-1970s onwards, the US film industry (which had gone through a very severe crisis in the 1960s), developed a "blockbuster" strategy, i.e. very high-budget films aimed at attracting huge audiences, and supported by substantial marketing campaigns. This was an appropriate response to changes in the marketplace, which took consumers' changing selection criteria into account. The European response (up until the spurt created by the launch of the MEDIA Programme), consisted mainly in increasing public subsidies for the production of films for which the audience had declined significantly.

− The blockbuster strategy in the 1970s and 1980s had two very important effects:

- it enabled the US film industry to maintain its audience levels (the number of cinema-goers who went to see US films remained relatively stable at a time when world-wide admissions were falling);

- it created a high concentration of admissions on a small number of (blockbuster) films. Conversely, a growing number of films experienced increasingly disappointing financial results.

− The blockbuster strategy was not just an appropriate response to changes in audience psychology, it also responded to the economic crisis that cinemas venues were experiencing, by guaranteeing them relatively stable audiences. From that point onwards, cinema venues' survival was dependent on a few heavyweight films that were likely to attract massive audiences.

– This situation led to most cinema venues becoming dependent on an oligopoly of distributors, who were thus able to impose their own conditions, i.e. bundled sales and screen-time availability. For cinema venue operators, bundled sales consist in making operators "buy" (although they actually rent) "packages" of films that are bundled with highly profitable titles. In addition, operators were required to screen some films on dates that were set in advance, which explains why other films had to be withdrawn, sometimes despite excellent box-office results, in order to make way for films for which the screen had been booked. Finally, it was noted that two blockbusters were usually not released at the same time, and therefore did not compete with one another.

What we need to take away from this historical summary is:

− the fact that the cards are reshuffled when a crisis arises;

− that although we cannot criticise any company for adapting more rapidly than its competitors, we need to make sure that the rules of competition are complied with, and avoid the situation turning into an opportunity for some companies to control supply;

− that it is therefore important to identify the factors that enable supply to be controlled and to take them into account when analysing the market's development.

The considerations discussed above played a part in shaping the theatrical release market, and will probably have an impact on the on-demand services market. However, unlike the theatrical release market, the current shape of which is the result of events in the 1960s and 1970s, the on-demand services market is still a work-in-progress. It is like a block of marble that a sculptor has just started working on. A wide variety of shapes can still be given to the final work. However, the number of options will dwindle quickly, and one day, the detailed outlines will have been defined. It will then be hard to make more than minor changes for a period of time.

3. Federation of Wallonia-Brussels

A ce stade de présentation du rapport, la Fédération Wallonie-Bruxelles se limitera à formuler des remarques d'ordres techniques et méthodologiques.

1.1.1. De l'appréciation de la sévérité des dispositions

Les chapitres 1, 2 et 3 de l'étude ont pour objet d'examiner la façon dont les Etats membres ont transposé les articles 13, 16 et 17 de la directive SMA.

Cet examen consiste essentiellement à évaluer, sur la base d'un certain nombre d'indices, si la directive a été transposée de manière sévère ou de manière souple. Dans ce cadre, la sévérité d'une disposition est automatiquement associée à son caractère prescriptif.

Or, le fait de considérer qu'une disposition prescriptive est nécessairement sévère pose question.

En effet, il est tout à fait concevable de rédiger avec précision une obligation sans que pour autant ces précisions renforcent le caractère contraignant de l'obligation.

En ce sens, ce n'est pas parce que les dispositions de la directive font l'objet de précisions dans le cadre de leur transposition que la transposition est plus sévère que la directive elle-même.

D'un point de vue méthodologique, il est donc erroné de considérer que le caractère prescriptif (détaillé) d'une obligation est automatiquement plus sévère que l'obligation elle-même.

On ne peut pas non plus systématiquement considérer qu'une transposition dite souple (comprise comme étant une reprise mot à mot d'une disposition de la directive) sera souple dans le cadre de sa mise en œuvre concrète.

Ainsi par exemple (voir page 15 et 50 de l'étude), le fait d'avoir repris dans la législation les termes « lorsque cela est réalisable » (plutôt que d'avoir précisé ce que recouvrent ces termes) ne préjuge aucunement de la manière dont les autorités nationales vont appliquer et interpréter concrètement cette notion. Ce manque de précision provoque d'ailleurs de l'insécurité juridique. Dans ce cas, l'analyse ne doit donc pas porter uniquement sur le contenu de la législation mais sur la manière dont elle est mise en œuvre afin de déterminer s'il existe réellement une certaine souplesse.

De la même manière, en page 49 de l'étude, il nous semble erroné et prématuré de considérer que les pays ayant pris des mesures précises pour les services non linéaires, ont adopté une approche plus stricte que les pays qui se sont pour l'instant contentés de reprendre in extenso l'article 13 de la directive.

On soulignera également que la Commission (dans son questionnaire relatif à la transposition de la directive) a considéré que les conditions d'exemption à la règle des quotas d'oeuvres européennes (pour les services linéaires) reprises dans la législation de la Fédération Wallonie-Bruxelles semblaient plus larges que la possibilité d'exemption offerte par les articles 16 et 17 de la directive lorsqu'elle utilise les termes « lorsque cela est réalisable ». En d'autres termes, la Commission a a priori estimé que le fait d'inclure des conditions d'acceptation de quotas moins élevés était plus souple que de reprendre les termes « lorsque cela est réalisable ». Cette appréciation est en totale contradiction avec ce qui est dit dans l'étude à la page 16 : les exemptions spécifiques étant considérées comme moins souples qu'une transposition pure et simple des termes « lorsque cela est réalisable ».

Quelle est alors la bonne appréciation ? Ceci démontre en tous cas que la critériologie de l'étude est sans doute utilisée de manière trop mécanique.

A cet égard, nous nous demandons également si l'indice de « surveillance » (ou le « degré de vérification ») est un élément adéquat pour juger de la souplesse ou de la sévérité de la transposition de l'article 13 (voir p. 58 de l'étude). L'important n'est pas tellement de savoir si la disposition est souple ou sévère mais plutôt de s'assurer que les Etats vérifient le respect des règles de promotion d'œuvres européennes par les services non linéaires. En effet, le fait de n'exercer aucune vérification de l'application de l'article 13 ne devrait pas être qualifié de « mise en œuvre souple » alors que l'article 13 exige lui-même que les Etats membres fassent rapport de sa mise en œuvre. Ne pas prévoir de vérification, c'est tout simplement ne pas transposer correctement la directive.

Dans la même logique, nous ne voyons pas en quoi le fait d'avoir une ou plusieurs sanctions peut être un élément d'appréciation de sévérité. Un Etat membre pourrait très bien avoir prévu une seule sanction très sévère alors qu'un autre Etat aurait par contre à sa disposition tout un panel de sanctions plutôt légères.

De façon générale et en guise de conclusion, nous regrettons donc que l'étude laisse implicitement transparaître le fait que les Etats qui auraient transposé la directive de manière « souple » seraient ceux à l'avoir transposée de la meilleure manière.

Nous estimons que préciser, si nécessaire, une disposition européenne (sans pour autant la rendre plus sévère) dans le droit national (ou via d'autres mécanismes régulatoires) est en général de nature à la rendre plus efficace et à favoriser ainsi la réalisation de l'objectif poursuivi.

1.1.2. Des erreurs d'appréciation

A la page 16 de l'étude (tableau 2), il est considéré que la Fédération Wallonie-Bruxelles n'est pas flexible dès lors que sa législation ne contient aucune forme de qualification ou de limitation des quotas. Ceci est une erreur puisque l'article 44, §3 du décret sur les services de médias audiovisuels coordonné le 26 mars 2009 comprend des dérogations aux quotas si l'éditeur de services répond à certaines conditions. Selon la méthodologie de l'étude, la Fédération Wallonie-Bruxelles devrait donc être classée dans les « semi-flexibles ».

A la page 44 de l'étude (tableau 14), nous notons que la Fédération Wallonie-Bruxelles est identifiée comme étant dans une position équivalente à celle de

2008. Or, dans le cadre de la dernière transposition de la directive SMA, elle a justement introduit une nouvelle disposition qui crée des conditions d'exemption aux quotas (ce qui n'était pas le cas antérieurement). En ce sens, la tendance actuelle de la législation est d'être un peu moins restrictive par rapport à 2008.

1.1.3. Du choix de l'échantillon

Après lecture des pages 144 et 145 de l'étude (tableau 57), nous nous interrogeons sur la pertinence d'avoir retenus les services VOD « Universciné » et « Cinemalink » comme échantillon représentatif de la VOD en Fédération Wallonie-Bruxelles. Il s'agit en effet de services dont le développement est encore relativement confidentiel, surtout en ce qui concerne « Cinémalink » qui est uniquement une plateforme internet. De plus, ce service n'est pas encore reconnu (déclaré) comme éditeur de services de la Fédération Wallonie-Bruxelles.

Par ailleurs, il convient de souligner que « Universciné » est un service VOD essentiellement dédié au cinéma européen et qu'il est d'ailleurs soutenu en ce sens par la Fédération Wallonie-Bruxelles. On peut donc s'attendre à ce que ce service promeuvent de manière significative les œuvres européennes et ceci sans qu'il s'agisse d'un effet de la mise en œuvre de l'article 13 de la directive.

Il aurait donc sans doute été plus parlant de se référer aux deux grands services VOD actuellement proposés au public francophone par câble ou en IPTV : « Belgacom à la demande » et « VOD de Voo ».

Ce sont d'ailleurs ces deux principaux services qui font actuellement l'objet d'une évaluation de la mise en œuvre de l'article 13 par le Conseil supérieur de l'audiovisuel.

4. French Minitry of Culture and Communication

Ce rapport englobe bien les enjeux à venir de la distribution et de la promotion des œuvres audiovisuelles européennes sur les nouvelles plateformes numériques et nous vous remercions pour ce travail.

Cependant, il nous semble important de vous faire part de notre étonnement à la vue du tableau (d'ailleurs commenté en ce sens par le CSA belge lors de l'audition) 12 qui figure en page 39, et du tableau 22 en page 59.

En effet, la qualification du mode de transposition (flexible /prescriptive) nous parait peu adéquate compte tenu de la rédaction de l'article 13 de la directive SMA qui laisse les États libres de définir les moyens à mettre en œuvre et de juger si ces mesures sont appropriées. La situation de la France sur ces tableaux donnent alors l'impression que l'aide et le soutien à l'industrie audiovisuelle européenne sont des actions prescriptives et ainsi assimilées négativement par les lecteurs de ces tableaux.

5. SACD (Société des Auteurs et Compositeurs Dramatiques – France)

La SACD, Société des auteurs et compositeurs dramatiques, assure la gestion et la répartition des droits des plus de 50000 auteurs de l'audiovisuel et du spectacle vivant qu'elle représente en France, en Belgique et au Canada. Plus largement, sa mission consiste à défendre leurs intérêts et à remplir une mission sociale et culturelle.

La SACD remercie la Commission européenne d'organiser une consultation de la société civile sur ce sujet très important pour la culture et la diversité culturelle européenne.

Les commentaires ci-après viseront à assurer la défense et la promotion de la création et la diversité culturelle européenne.

2.1.1. Commentaires portant sur les chapitres relatifs à la transposition de la directive[107]

La SACD considère que la terminologie employée pour qualifier la transposition des différents aspects de la directive sur les services de médias audiovisuels (ci-après directive SMA), objets de cette étude est inappropriée car elle comporte un jugement de valeur en faveur de dispositions juridiques nationales ne transposant qu'imparfaitement la directive SMA.

Ainsi, les transpositions danoise et hongroise relatives à la définition des « heures qualifiantes » c'est-à-dire des heures de programmes pouvant entrer dans le décompte des oeuvres européennes, est qualifiée de « less restrictive » (p.14) alors même que ces deux Etats membres ne respectent pas l'article 16 de la directive SMA en adoptant une définition extensive des oeuvres qualifiantes, incluant notamment la publicité et le téléachat.

De même, l'étude donne ce qualificatif aux législations slovaque et lettone en ce qui concerne les mesures de promotion de l'article 13 de la directive (p. 50) alors même que la transposition dans ces deux Etats est très imparfaite, voire inexistante, la première se limitant à une obligation pour les service de vidéo à la demande (ci-après services VàD) de rapporter à leurs autorités la proportion d'oeuvres européennes incluses dans leurs catalogues, la deuxième précisant simplement que ces catalogues doivent inclure des oeuvres européennes.

L'exemple se retrouve également au niveau de l'évaluation générale des transpositions (p.60 et 61), le qualificatif de « flexible » étant attribué aux législations nationales ne respectant pas le droit européen, celui de « prescriptive » étant donné aux législations transposant les mesures de la directive ou qui, conformément à l'article 4 de la directive, vont plus loin que ce qui est prévu dans cette dernière.

Cette remarque, si elle peut paraître pointilleuse, est en fait très importante au regard de la tendance actuelle de « détricotage » de la directive SMA opérée

[107] Chapitre 2 et 3 relatifs respectivement à la transposition des articles 16-17 de la directive et à l'article 13 de la directive SMA dans sa version consolidée.

par la Commission européenne qui a accepté récemment que les Etats membres puissent éviter de demander aux radiodiffuseurs dont l'audience est inférieure à 0.3 % de rapporter à leurs autorités nationales sur leurs obligations de promotion d'oeuvres européennes (art. 16) et d'oeuvres de producteurs indépendants (art.17), ce qui conduira avec quasi-certitude au non-respect de ces règles par ces opérateurs.

La SACD considère que certains éléments de la directive tels que « à chaque fois que cela est réalisable » contribuent déjà à amoindrir sa portée alors que cette directive est indispensable à la promotion des oeuvres européennes sur tous les supports. La décision récente de la Commission ne fera que renforcer cette tendance.

Nous vous suggérons donc, dans une approche plus respectueuse de la directive et de l'objectif de cette étude qui est celui de permettre d'évaluer de manière objective la transposition des dispositions de la directive relative à la promotion des oeuvres européennes, d'adopter des termes neutres tels que « transposition incomplète ou transposition plus détaillée » et qui permettrait à la Commission européenne et aux professionnels du secteur d'avoir une idée précise des réglementations respectueuses ou non de la promotion des oeuvres européennes telles que prévues aux articles 13, 16 et 17 de la directive SMA.

2.1.2. Commentaires portant sur la partie prospective de l'étude

La dernière partie de l'étude fait état de possibles débats qui pourraient avoir lieu dans le contexte de l'adaptation de la directive à l'environnement numérique afin que cette dernière réponde mieux aux objectifs à la fois économiques et culturels qui lui sont assignés.

Ces suggestions appellent les commentaires suivants de notre part.

a) L'élargissement de la définition des oeuvres européennes « qualifiantes »

La SACD est formellement opposée à la suggestion d'étendre la définition des oeuvres européennes qualifiantes aux informations, au sport, aux émissions de télé-réalité, etc.

L'intégration de tels programmes dans le décompte des oeuvres européennes contribuerait sans aucun doute à favoriser ce type de programmes plus rentables au dépend de la diffusion d'oeuvres cinématographiques et audiovisuelles.

Or, il incombe à la directive SMA, afin d'atteindre l'objectif culturel qui lui est assigné, de soutenir des programmes qui contribuent à représenter la diversité de la création et la diversité des expressions culturelles européennes mais qui, sans intervention publique ne seraient pas diffusés en raison de la très forte concurrence des programmes ou oeuvres extra-communautaires, notamment américaines, à laquelle ils sont soumis, ou ne seraient même pas produits en raison de leur difficulté à trouver sur le marché les investissements nécessaires.

A l'évidence, contrairement aux oeuvres cinématographiques et audiovisuelles, les émissions de télé-réalité, de téléachat ou encore les informations ne remplissent pas ces conditions et ne peuvent donc prétendre à bénéficier d'une réglementation publique en faveur d'un objectif d'intérêt général.

Ainsi, nous considérons que l'élargissement de la définition des oeuvres européennes qualifiantes affaiblirait considérablement la directive SMA et la politique audiovisuelle européenne. A l'inverse, il nous paraîtrait indispensable que la Commission, en tant que gardienne des traités, renforce son contrôle sur les législations nationales transposant imparfaitement cette disposition (cf. supra).

b) L'élargissement des services couverts par la directive

La SACD partage le point de vue de l'étude relatif à la nécessité de faire contribuer au financement de la création européenne les acteurs de l'Internet qui tirent de manière indirecte des revenus des oeuvres audiovisuelles diffusées en ligne (moteurs de recherche par exemple). La problématique mérite d'être posée au niveau européen tout en tenant compte du fait que la domiciliation de certains de ces acteurs hors du sol européen pourrait limiter l'impact d'une réglementation européenne en la matière. En l'absence de responsabilité éditoriale de ces services, il n'est pas évident que la directive SMA soit la mieux à même de répondre à cette problématique.

c) Le développement de règles plus efficaces en faveur de la promotion des oeuvres européennes

La SACD se félicite des propositions de l'étude relatives à la mise en place des mesures qui permettrait d'atteindre plus efficacement l'objectif de promotion des oeuvres européennes de la directive :

→ en ce qui concerne les services linéaires, la proposition d'accompagner le quota de diffusion d'oeuvres européennes, d'une obligation de participation financière à la production des oeuvres ;

→ en ce qui concerne les services à la demande (SMAd), la proposition de renforcer la promotion et l'accessibilité aux oeuvres européennes.

Le critère de l'article 13 relatif à la « part importante réservée aux oeuvres européennes dans le catalogue de programmes proposés par le service de médias audiovisuels à la demande », copie pour les SMAd de l'obligation de quotas de diffusion, est insuffisant pour permettre aux oeuvres européennes d'atteindre leur public.

Face à la multitude d'offres des services de média audiovisuel, il est nécessaire de mettre en valeur les oeuvres européennes (ce que l'étude nomme « passive prominence ») ainsi que de donner la possibilité aux citoyens qui recherchent des oeuvres européennes ou produites dans certains Etats membres, d'y avoir accès via un moteur de recherche intégré (ce que l'étude nomme « active prominence »).

Il est regrettable de constater que ce critère de « place importante consacrée aux oeuvres européennes dans les catalogues des SMAd » (ou prominence) de l'article 13 de la directive n'a été transposé que dans deux pays : la France et la Communauté française de Belgique.

→ la proposition de prévoir des mesures en faveur des oeuvres européennes non nationales.

Eu égard au faible pourcentage d'oeuvres européennes non nationales (8.1% en 2010 sur les services linéaires[108]), une telle réglementation pourrait permettre de renforcer la circulation des oeuvres européennes en Europe. Il s'agit là d'un problème central de la politique audiovisuelle européenne qui mériterait d'être pris en compte via la directive SMA.

[108] Cf page 144 de l'étude.

6. VPRT (Verband Privater Rundfunk und Telemedien - Germany)

First remarks on the Preliminary Final Study Report on the "Study on the implementation of the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services"

The Association of Commercial Broadcasters and Audiovisual Services in Germany, VPRT, represents approximately 140 commercial radio and television broadcasters, as well as companies offering telemedia services in Germany. We welcome the opportunity to comment on the Preliminary Study Report on the "Study on the implementation of the provisions of the Audiovisual Media Services Directive concerning the promotion of European works in audiovisual media services".

We understand that input, in particular, was asked with regards to chapter 8[109]. Since this chapter raises a wide range of questions and considerations we would like to limit our comments to some initial remarks on this occasion. However, we would welcome the opportunity to comment on the study again at a later stage.

When considering the report's findings with regards to the promotion of European works of linear or non-linear audiovisual media services as well as the distribution of independent works we do not see a need for further regulatory safeguards.

Not only does the report show that the current provisions on European and independent works are largely met or often even being over-fulfilled by Audiovisual Media Services Providers but it is also stated that a correlation between the modes of regulatory implementation and the level of European works has not been found and that European works "seem to thrive independently of measures".

(Preliminary Final Report, page 200/201).

This, in our point of view, shows that regulatory measures are not an effective way to promote European and independent works, but that it depends on the consumer's demand and taste, which allow European works and independent works to succeed. Therefore we also do not see the need for additional regulatory measures, for example, on the circulation of works, non-domestic works or independent works. In our point of view consumers demand and taste should be respected as well as the programme orientation and special-interest nature of each channel (a.i. niche channels).

[109] This comment was concerning Section 8 of the Preliminary Draft Final Report of the Study, which was shared with the delegates to the Study Workshop of 14 September 2011. In the final report, this section has become Section 9 in a revised version.