

**Questionnaire on the tools used in the application of Article 13 AVMSD**  
**(Promotion of European works in on-demand services)**

1. Since your Member State notified its measures to the Commission related to the implementation of Article 13 AVMSD, has there been any modification to the legislation or the other notified measures? In the case you have not yet notified such measures to us, please indicate if you have adopted any such (implementing) measures in the meantime? Please indicate also any additional co- or self-regulatory initiatives in this field and any other similar measures that have not been notified. Please provide specific details about the form and content of such measures.

**Answer:** On 19 April 2013, Sweden reported the Swedish Film Agreement 2013-2015 as an implementation measure.

2-4 [Questions about various aspects of the use of obligatory share of European works in catalogues, obligations related to the use of prominence tools, and obligations related to a financial contribution.]

**Answer:** Sweden does not apply any of the measures listed in questions 2-4. However, when the Swedish Broadcasting Authority requests reports from on demand service providers, in accordance with the Swedish Radio and Television Act, they follow the Commission's instructions, based on the examples of promoting measures mentioned in article 13.

5. If you use a different method for the promotion of European works in on-line services in the framework of Article 13 apart from the methods listed (financial contribution/share in the catalogue/prominence tools), please provide more detailed information regarding that method.

**Answer:**

**The Film Agreement 2013-2015**

Funding for the production of Swedish films and drama series is financed through the Film Agreement between the Swedish state and representatives of the film and television industries. The Agreement applies under the period 2013 – 2015 and has been approved by the European Commission. Under the Film Agreement, several major television companies contribute financially to the Film Agreement. These contributions amount to a total of SEK 62.5 million for 2013 and are adjusted upwards by two per cent each year. In 2013, the combined contributions from the state and the film and television industries are expected to amount to approximately SEK 417 million.

The production funding concerns films that are screened at cinemas or shown via, for example, on-demand television services (and linear television broadcasts) and drama series shown via, for example, linear television broadcasts and on-demand television services.

Furthermore, under the Agreement the television companies guarantee that they will use funds for co-production, co-financing and licence fees for new Swedish feature films and new Swedish short and

documentary films. The guaranteed amount totals SEK 66.6 million for 2013 and is adjusted upwards by two per cent each year.

The television companies that are parties to the Film Agreement (which is voluntary) are Sveriges Television AB, TV4 AB, C More Entertainment AB, Modern Times Group MTG AB and SBS TV AB. These television companies are leaders in the Swedish market and offer both linear television broadcasts and on-demand television services.

Under the Agreement, a film is considered to be Swedish if its producer is Swedish and if the participation of Swedish artists is of substantial importance. A film that does not have a Swedish producer will still be considered Swedish if the film satisfies the requirements laid down in the European Convention on Cinematographic Co-Production.

Subsidies for film and drama are allocated by the Swedish Film Institute, which also monitors compliance with the Agreement.

### **Other measures**

Alongside the funding regulated by the Film Agreement, the Swedish Film Institute also distributes state funding for the release of imported quality films. Support is allocated to the theatrical release of films that after being shown in cinemas usually also are distributed on DVD and in on-demand television services. Most of the films that receive funding are non-national European films. Starting in 2013 there is also title funding which include release directly via on-demand television services of imported quality films that have not premiered at cinemas in Sweden.

In 2011, the Act on Copyright in Literary and Artistic Works (1960:729) introduced a provision on extended collective licences which simplifies arrangements for rights clearance for the re-use of material included in the works of radio and television companies. This makes it easier for television companies and others to make material available via the internet for example.

In addition, in 2012 the Swedish public service companies were allocated a total of SEK 100 million in extra funding to digitise and make archive material available via the internet. Most of the funding concerns the accessibility of television programmes.

### **6. Regarding the different methods mentioned above, which of them do you consider as most efficient?**

**Answer:** The most efficient way to promote European works is to support the funding of European works (see also the Swedish Broadcasting Authority's answer in February 2013 to the Commission's previous questionnaire on Article 13).

### **7. Which one of the listed three methods do you consider as most burdensome for operators / which one imposes the lightest burden?**

**Answer:** *Obligatory share of European works in catalogues.* It should be stressed that Article 13 does not contain an obligation to reserve a proportion for European works.

*Obligations related to the use of prominence tools.* It should be for the service providers to determine how they will promote the content they offer, for example by the use of prominence tools.

*Obligations related to a financial contribution.* Financial commitments should generally be voluntary.

**8. According to your experience in monitoring the fulfilment of such obligations, are there special difficulties regarding monitoring?**

**Answer:** Since Sweden does not apply any of the methods listed, we are unable to answer the question. However, we may add that there are no special difficulties in monitoring the Film Agreement. The fact that the Agreement is voluntary facilitates monitoring.

**9. Please provide information regarding the view of VoD providers regarding such obligations. (What are their experiences in that regard / which do they consider as most efficient in their practice / which do they favour / do they have specific practical problems in implementing them?) Please do not hesitate to forward this questionnaire also to VoD providers and integrate their potential views in your answers to the questionnaire.**

**Answer:** Since Sweden does not apply any of the methods listed, we are unable to answer the question. However, we know from previous experience that service providers are against requirements that do not only impose administrative burdens but also affect their editorial freedom (see also the Swedish Broadcasting Authority's answer in February 2013).

**10. Please indicate whether you agree to share your answers to this questionnaire with other Members of the Regulators Group.**

**Answer:** We agree to share.