

GUIDE

HOW TO PROMOTE
EUROPEAN WORKS
IN BROADCASTING
AND AUDIOVISUAL
MEDIA SERVICES

:MAR5: 2016



Medietilsynet
NORWEGIAN MEDIA AUTHORITY

About the guidelines

One of the objectives in European and Norwegian media policy is to promote European works. Promoting European works will contribute to protect European content production as well as strengthen European culture and identity.

In this guide, you will find examples on what television broadcasters and providers of audiovisual media services can do to comply with the broadcasting rules regarding European works.

How to promote European works

- Financing production of European works: Broadcasters and providers of audiovisual media services may fully or partially finance such production in Norway or in other European countries.
- Earmarking funds to buy European works: Broadcasters and providers of audiovisual media services may allocate a certain amount in their program budget on an annual basis.
- Making the European titles visible: Providers of audiovisual media services may ensure that for instance at least half of the titles promoted on the front page are dedicated to European works.
- Prominent placing and visible labeling of European works: Broadcasters and providers of audiovisual media services may explicitly identify and accentuate European works in their program catalogues and on their websites, in order to help the viewers to find them. It is also possible to accentuate productions from a single country or a region in Europe using tags as for instance: "Drama from the Nordic countries", "Films from Eastern Europe," "Our Spanish series for youth, " British documentaries," "Today's French film recommendation " or " Norwegian short films".
- Broadcasters and providers of audiovisual media services may tag European productions with country of origin in order to make a search function more user friendly when viewers want to find content from a specific country or region.
- Broadcasters and providers of audiovisual media services may also provide information about country of origin in program catalogues and in other program information.

The obligations

According to the Norwegian broadcasting regulation television broadcasters and providers of audiovisual media services are obliged to promote production of European works and access to European content.

National television broadcasters are obliged to make sure that at least 50 percent of their broadcasting time is dedicated to European works. This includes all types of content. News, sports events, entertainment programs with competitive elements, advertising and teletext are exempted.

Providers of audiovisual media services are obliged to promote the production of and access to European works when practicable and with appropriate means.



Broadcasters and providers of audiovisual media services shall keep statistics on the percentage of European works and report the statistics to the Norwegian Media Authority.

Television broadcasters shall report the statistics within 1 March each year.

Providers of audiovisual media services shall report the statistics within 1 April every fourth years. The first reporting was in 2015. In addition to the statistics, the report shall include information on what the providers have done to promote the production of and access to European works.

The Broadcasting rules

The Directive on Audiovisual Media Services (AVMS-directive) has rules regarding European works. The Directive is implemented in the Norwegian Broadcasting Act and the Norwegian Broadcasting Regulation. You can find the rules below. On www.medietilsynet.no you will find a form you can use for reporting the statistics.

In the Broadcasting Regulation, you can find more detailed information regarding what type of productions that shall be considered as European works. All EU and EFTA countries have rules regarding European works. Works from countries which are part of the Council of Europe Convention on Transfrontier Television, such as Albania, Serbia, Turkey and Ukraine are also included.

Please contact the Norwegian Media Authority for more information.

The Broadcasting Act¹:

Section 2-6. European television programme material and audiovisual on-demand services

The King can issue further rules concerning broadcasters' use of European programme material on television and audiovisual on-demand services, including rules on programme categories to which the rules apply, the definition of European programme material and the implementation of such rules.

The Broadcasting regulation²:

Section 2-1. Proportion of European programmes on television

The broadcaster shall ensure that at least 50 per cent of its television transmission time, excluding the time appointed to news, sporting events, entertainment programmes with competitive elements, advertising or teletext services, is reserved for broadcasts of European works, cf. Section 2-3.

The Ministry may issue further rules concerning implementation of the provision of the first paragraph, including transitional provisions.

This section does not apply to television broadcasts intended for local viewers, provided that such broadcasts do not form part of a nationwide network.

Section 2-1a. Proportion of European programmes in audiovisual on-demand services

Providers of audiovisual on-demand services must promote the production of and access to European works when practicable and with appropriate means.

Providers of audiovisual on-demand services must keep statistics showing the proportion of European works in their programme catalogues. The statistics, together with an account of how the provider has promoted the production of and access to European works, must be submitted to the Norwegian Media Authority by 1 April 2015 and then by 1 April every fourth year.

Section 2-2. Television programmes produced by independent producers

At least 10 per cent of the television transmission time, excluding the time appointed to news, sport, entertainment programmes with competitive elements, advertising or teletext services, shall be reserved for broadcasts of European works produced by producers who are independent of the television company. An appropriate proportion of transmission time shall be reserved for programmes transmitted no more than five years after they were produced.

Section 2-1 second and third paragraphs apply correspondingly.

A producer is to be regarded as an independent producer in relation to the first paragraph if:

a) A broadcaster does not own shares or interests in the production company representing more than 25 per cent of the votes in the company. Where several broadcasters are coowners of a production company, the broadcasters' shares must not constitute more than 50

per cent of the votes in the production company. The same applies where a production company owns shares or interests in a broadcaster.

¹ Act 4. december 1992 no. 127 relating to broadcasting and audiovisual media services

² Regulation 28. february 1997 no. 153 relating to broadcasting and audiovisual media services

b) The producer does not sell more than 90 per cent of its production over a three-year period to a single broadcaster, unless the producer produces only one programme or a series in the course of this period.

c) The producer holds secondary rights to its productions.

Section 2-3. Definition of European works

European works means works originating in States party to the EEA Agreement or in States party to the Council of Europe's Convention on Transfrontier Television. The works must be produced with the participation of authors and workers residing in one or more of the said States.

Furthermore, the works must meet at least one of the following three conditions:

a) they must be produced by one or more producers established in the said States, or b) production must be actually monitored and controlled by one or more producers established in the said States, or c) co-producers in the said States must supply a majority share of the total cost of the coproduction. The co-production shall not be controlled by one or more producers established outside the territory of the said States.

Works mainly produced with the assistance of originators and workers residing in one or more States party to the EEA Agreement, but to which the first and second paragraphs do not apply, shall be regarded as European works to an extent corresponding to the proportion of the contribution of co-producers in the States party to the EEA Agreement to the total production costs.

"European works" also means works originating in European States other than States party to the EEA Agreement or the Council of Europe's Convention on Transfrontier Television. For such works it is a condition that the works are mainly produced with the assistance of originators or workers residing in one or more European States and that:

d) the works are either exclusively produced by or in co-production with producers established in one or more of the States party to the EEA Agreement, or e) the works are produced by producers established in other European states and the necessary agreements have been concluded between States party to the EEA Agreement and the state in question.

The first to fourth paragraphs apply on the condition that works originating in States party to the EEA Agreement are not subjected to discriminatory measures in the European third States in question.

Works produced within the framework of bilateral agreements on co-production concluded by States party to the EEA Agreement and other States, but to which the preceding paragraphs do not apply, shall be deemed to be European works provided that co-producers in States party to the EEA Agreement supply a majority share of the total production costs, and that production is not controlled by one or more producers established outside the member States' territories.

Section 2-4. Statistics on European works

Broadcasters shall keep annual statistics showing the proportion of European works televised, including recent productions, cf. Sections 2-1, 2-2 and 2-3.

Annual statistics shall be sent to the Norwegian Media Authority by 1 March of the following year.

The Ministry may issue further provisions concerning the compilation of statistics.