

*European works & prominence:*

# How to assess the nationality of European audiovisual works?

50<sup>th</sup> EPRA Meeting, *Athens*, 24 October 2019

**Sophie Valais**

Legal Analyst

European Audiovisual Observatory



# Overview

- 1. Genesis and purpose of the EAO mapping on the nationality of European AV works**
- 2. Scope, methodology and main challenges**
- 3. The way forward**

# Overview

- 1. Genesis and purpose of the EAO mapping on the nationality of European AV works**
2. Scope, methodology and main challenges
3. The way forward

# 1.

## One step backward: before promotion, identification

### **Assessing nationality of European AV works is paramount for:**

- Producers and public film funds / access to public financing
- Service providers and regulators / fulfilling and monitoring of quotas and prominence obligations

### **Assessing nationality becomes even more crucial in the context of implementation of the revised AVMSD**

*But, difficulties arise in practice...*

# 1.

## Main difficulties in assessing the nationality of European AV works

- **Different definitions of the concept of ‘work’ across the EU-28**
  - ✓ E.g. it may refer to different categories of AV works
- **Different practical implementation of this concept in the EU-28**
  - ✓ E.g. regarding the assessment of the nationality of co-productions
- **Differences at national level among stakeholders:**
  - ✓ E.g. between public film (or AV) funds and regulators
- **Information on nationality disseminated:**
  - ✓ E.g. among many – mostly national - sources

# 1.

## The need for comparative data in the EU-28

### Need for comparative data and analysis of:

- ✓ The legal definitions, and
- ✓ The current practices
- ✓ ... in place in the EU-28 concerning the nationality of European AV work

### Project launched upon request from the European Commission

### Schedule:

- ✓ From March 2019 to May 2020

# Overview

1. Genesis and purpose of the EAO mapping on nationality of European AV works
- 2. Scope, methodology and main challenges**
3. The way forward

## 2. **Scope of the EAO mapping**

### **Mapping report of the legal frameworks and current practices in the EU-28 to define the nationality of AV works:**

- To map the legal framework and the current practices in the EU-28 relating to the national definitions of the nationality of AV works
- To identify the current resources available to assess the nationality of AV works
- To determine the needs of stakeholders and of the involved institutions
- Common or separate approaches to the assessment of the nationality of AV works by public funds/audiovisual funds and regulators.



## 2.

# Methodology

1.



### National experts

An expert for each of the EU-28, Iceland, Norway and Switzerland

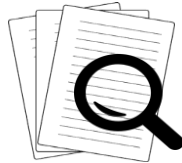
2.



### A questionnaire

filled in by national experts

3.



### National factsheets

cross-checked by EFADs

4.



### Comparative analysis

done by an expert selected by the EAO

## 2.

# State of play:

1.



### National experts

An expert for each of the EU-28, Iceland, Norway and Switzerland

2.



A questionnaire filled in by national experts

3.



National factsheets cross-checked by EFADs

4.



### Comparative analysis

done by an expert selected by the EAO

## 2.

# The questionnaire



- **Section 1** - Definitions of a 'work' adopted in each county, and identifying what categories of works are considered as AV works
- **Section 2** - How NRAs assesses that a work falls under one of situations covered by Article 1 paragraph 1 point (n) and Article 1 paragraphs 2 to 4 of the AVMS Directive (*European works*)
- **Section 3** - How the national film funds assess nationality of AV works
- and collection of information on relevant practices and legislation concerning the labelling in metadata of audiovisual content that qualifies as European works.

# Overview

1. Genesis and purpose of the EAO mapping on nationality of European works
2. Scope, methodology and main challenges
- 3. The way forward**

# 3.

## The deliverables

- 1. A mapping report, including comparative analysis and national fact sheets**
- 2. A workshop of industry stakeholders with the aim to:**
  - ✓ Present the findings of the mapping research
  - ✓ Identify possible follow-up actions through:
    - Sharing of best practices between film/audiovisual funds and regulators;
    - Understanding the methodologies put in place by the organisations already providing data on the nationality of AV works
    - Identifying the needs of film funds, regulators and the industry re. the assessment of the nationality of AV works

# THANK YOU!

*For any queries: [sophie.valais@coe.int](mailto:sophie.valais@coe.int)*



Observatoire européen de l'audiovisuel  
European Audiovisual Observatory  
Europäische Audiovisuelle Informationsstelle

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE