

## APPENDIX “D”

### International Regulation of OTT Services

State	Relevant Act(s)	Definition	Regulatory Mechanisms	Regulatory/Policy Obligations			
				Quotas	Prominence	Financial Contribution	Other
European Union	<a href="#"><u>Audiovisual Media Services Directive</u></a>	<p>'On-demand audiovisual media service' (i.e., a non-linear audiovisual media service) means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider.</p> <p>Does not include non-commercial and private user-generated content.</p> <p>Does not include media service providers with a</p>	<p>Self-regulation through Codes of Conduct.</p> <p>Each Member State shall designate one of more national regulatory authorities who shall ensure compliance with the Directive.</p> <p>Creates the European Regulators Group for Audiovisual media Services (ERGA), responsible for monitoring</p>	30%	<p>On-demand service providers shall give prominence to European works.</p> <p>Possible means include: dedicated section for European works, possibility of searching European works, featuring European works in</p>	<p>Member States shall impose financial obligations on OTT Services.</p> <p>Possible means include: direct contributions to the production of European works, acquisition of rights, levies.</p> <p>Financial contribution obligations can be</p>	

		low turnover or a low audience.	Member States' application of the Directive.		promotional campaigns, banners or other tools.	imposed on foreign OTT Services targeting audiences in Member States.	
Belgium	<a href="#"><u>Le décret du 14 juin 2018 modifiant le décret sur les services de Médias Audiovisuels coordonné le 26 mars 2009</u></a>	Non-linear service: an audiovisual media service whose programs are intended to be received on-demand and at the moment chosen by the user, on the basis of a program catalog drawn up by a publisher of audiovisual media services.	OTT Services must make a declaration to the "Collège d'autorisation et de contrôle" prior to the commencement of operations.  The College can adopt or oppose the proposed activities.		OTT Services must give prominence to European works, including works by authors from the French community, by highlighting the list of available European works in an attractive way.	Audiovisual media service editors must contribute:  - 0% of gross revenues where revenues are between 0 and 300.000 euros;  - 1,4% of gross revenues of revenues are between 300.000 euros and 5 million euros;  - 1,6% of gross revenues if revenues are	The Act also provides a complaint mechanisms, infractions, and administrative monetary penalty regime.

						<p>between 5 and 10 million euros;</p> <p>- 1,8% of gross revenues if revenues are between 10 and 15 million euros;</p> <p>- 2% of gross revenues if revenues are between 15 and 20 million euros ;</p> <p>- 2,2% of gross revenues where revenues exceed 20 million euros.</p> <p>On-demand service providers can enter into agreements with the regulatory</p>	
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						authority and associations for producers, authors and performers	
France	<p><a href="#"><u>Loi No 86-1067 du 30 septembre 1986 relative à la liberté de communication</u></a></p> <p><a href="#"><u>Décret No 2010-1379 du 12 novembre 2010 relatif aux services audiovisuels à la demande</u></a></p>	<p>'On-demand audiovisual media service' means any service for communication to the public by electronic means allowing the viewing of programs at the moment chosen by the user and at his request, from a catalogue of programs whose selection and organization are controlled by the editor of the service.</p> <p>Excludes non-commercial and private user-generated content.</p>	<p>OTT Services must make a declaration to the “Conseil supérieur de l’audiovisuel” prior to the commencement of operations.</p> <p>The Conseil can adopt or oppose the proposed activities.</p> <p>Authorizations are granted for a period of no more than 10 years.</p>	<p>60%, of which 40% must be dedicated to works of original French expression</p> <p>Does not apply to OTT Services offering less than 20 long cinematographic works or audiovisual works</p>	<p>On-demand service providers must dedicate a substantial portion of works on its homepage to European works and works of original French expression</p>	<p>Subscription-based services must contribute:</p> <ul style="list-style-type: none"> <li>- between 26% and 22% when they offer at least 10 long cinematographic works within a period of less than 22 months after their theatrical release in France annually;</li> <li>- Between 21% and 17% when they offer at least 10 long cinematographic works in a</li> </ul>	

						<p>period of less than 36 months and at least 22 months after their theatrical release in France annually;</p> <p>- between 15% and 12% in every other case.</p> <p>For-fee services must contribute:</p> <p>- at least 15% of annual revenues generated from cinematographic works to the production of European cinematographic works, of which 12% must be reserved for works of</p>	
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						<p>original French expression;</p> <p>- at least 15% of annual revenues generated from audiovisual works to the production of European audiovisual works, of which 12% must be reserved for works of original French expression</p> <p>Contributions can take the form of pre-purchase of rights, purchase of rights, direct investments in production, or adaptation of works for</p>	
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						persons suffering from visual or hearing impairment	
Italy	<a href="#"><u>Single Text for Audiovisual and Radio Services (legislative decree No 177 of July 31, 2005)</u></a>	'Non-linear audiovisual media service,' or 'on-demand audiovisual media service' means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider.	On-demand and streaming services are subject to the general authorization scheme applicable to all audiovisual media services	30%, of which 50% shall be reserved for works of original Italian expression		20%, of which 50% shall be reserved for works of original Italian expression	
Spain	<a href="#"><u>General Law No 7/2010 of 31 March on Audiovisual Media</u></a>	'On-demand audiovisual media service' means an audiovisual serving which lends itself to the viewing of programs and content at the moment chosen by the user at his individual request on the basis of a catalog of programs selected by the service provider.	On-demand services must establish Codes of Conduct to ensure compliance with their obligations, which must be approved by the regulatory authority	30%, of which 50% shall be reserved for works in one of the official languages of Spain		5%, of which 60% shall be reserved for works in one of the official languages of Spain  Contributions can take the form of direct investment in	

		Excludes non-commercial and private user-generated content, and services not intended for a significant part of the public and not competing for the same audience as television broadcasts				production or acquisition of rights  On-demand service providers can enter into agreements with the regulatory authority and associations for producers, authors and performers	
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