
STATUTORY INSTRUMENTS

2020 No. 1062

The Audiovisual Media Services Regulations 2020

PART 3

On-demand programme services

30. Before section 368D insert—

“368CB Quota for European works

(1) A person providing an on-demand programme service must secure that, in each year, on average at least 30% of the programmes included in the service are European works.

(2) A person providing an on-demand programme service must ensure the prominence of European works in the service.

(3) Subsections (1) and (2) do not apply to a person providing an on-demand programme service in relation to any period throughout which—

(a) the service has a low turnover or a low audience, or

(b) it is impracticable or unjustified for those subsections to apply because of the nature or theme of the service.

(4) An exemption under subsection (3)(b) is at the discretion of the appropriate regulatory authority.

(5) Where a person does not provide an on-demand programme service for a whole year, compliance with subsection (1) is to be assessed in relation to the period in that year during which the person does provide the service.

(6) In assessing a provider’s compliance with subsection (1), any period for which an exemption under subsection (3)(a) or (b) applies to the provider is to be discounted.

(7) In this section—

“European works” has the same meaning as in the Audiovisual Media Services Directive (see Article 1(1)(n), (2) and (3) of that Directive) and includes works deemed to be European works by Article 1(4) of that Directive;

“programmes” does not include advertisements, news programmes, sports events, games, teletext services or teleshopping.

(8) This section is to be interpreted in accordance with the Communication from the European Commission (2020/C223/03) “Guidelines pursuant to Article 13(7) of the Audiovisual Media Services Directive on the calculation of the share of European works in on-demand catalogues and on the definition of low audience and low turnover” published in Volume 63 of the Official Journal of the European Union on 7 July 2020(1).”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
