

## **WORKING GROUP PROPOSALS**

### **Improving the accessibility and the circulation of European films across the EU in the digital age** **Proposals from European organizations representing producers, sales agents, distributors and platforms**

The Working Group includes the following European organisations: European Producers Club (EPC) for the producers; Europa International (EI) for the sales agents; Europa Distribution (ED) for the independent distributors; and EuroVoD for VoD services.

The Working Group also includes the following observer European organisations: Society of Audiovisual Authors (SAA); Federation of European Film Directors (FERA); European Film Agency Directors (EFAD).

The objective of the Working Group has been to bring together industry representative organisations to discuss and propose recommendations for improving accessibility and circulation of European films in the framework of a Digital Single Market.

- 1. Piracy**
- 2. Discoverability**
- 3. Portability**
- 4. Promotion**
- 5. Education**
- 6. Subtitling**
- 7. Standards**
- 8. Transparency**
- 9. Fair market**
- 10. VAT**
- 11. Infrastructure**
- 12. Identification**

	<u>RECOMMENDATIONS</u>	<u>HOW TO ACHIEVE IT</u>	<u>LEVEL OF INTERVENTION</u>
<b>1. Piracy</b> A pre-requisite to any of the recommendations	<ul style="list-style-type: none"> <li>➤ Evolve and expand the scope of European antipiracy legislation</li> <li>➤ Enforce European Intellectual Property Rights policy</li> <li>➤ Improve the legal procedures to react to infringements</li> <li>➤ Identify and coordinate best practices to fight against piracy</li> </ul>	<ul style="list-style-type: none"> <li>- Obligation for online services to unlist the websites offering pirated content and to report illegal activity to the authorities</li> </ul>	Other industries: Internet Service Providers, Telcos, Online services, etc
		<ul style="list-style-type: none"> <li>- Review the European antipiracy and IPR policies:               <ul style="list-style-type: none"> <li>• To ensure the liability of other industries</li> <li>• To enforce on member states level</li> <li>• To fast track legal action</li> </ul> </li> <li>- Boosting <i>follow the money initiatives</i> at EU level tackling:               <ul style="list-style-type: none"> <li>• Commercial companies putting adds on illegal websites</li> <li>• Payment systems working with illegal websites</li> </ul> </li> </ul>	European Institutions Member States
		<ul style="list-style-type: none"> <li>- Identification and report of best practices on fight against piracy</li> <li>- Data collection and reporting of piracy figures and facts</li> </ul>	European Observatory on Infringement of Intellectual Property rights (OHIM)
<b>2. Discoverability</b> B2B initiatives B2C initiatives	<ul style="list-style-type: none"> <li>➤ Improve the identification of the legal offer</li> <li>➤ Improve the availability of the legal offer</li> <li>➤ Boost the discoverability of the legal offer</li> </ul>	<ul style="list-style-type: none"> <li>- Promotion and editorialisation of a specific platform content to help viewers to identify online platforms through branding</li> <li>- Support the creation of right holders' aggregator to manage EU catalogue for online offer</li> <li>- Improve industry awareness of digital players at international level</li> </ul>	Industry: Online platforms, Right holders
		<ul style="list-style-type: none"> <li>- Support the digitization of European films</li> <li>- Support the creation of a database of available vod rights, per</li> </ul>	Member States European institutions: Creative Europe MEDIA

		<p>film and per territory</p> <ul style="list-style-type: none"> <li>- Creation of a specialist search engines/sites that will help the user to find easily and legally for films</li> <li>- Setting up an EU aggregator of national databases of online offers</li> <li>- Reinforcement of the promotion and visibility of European works</li> </ul>	programme
<b>3. Portability</b>	<ul style="list-style-type: none"> <li>➤ Ensure portability of legally acquired content</li> </ul>	<ul style="list-style-type: none"> <li>- Private initiatives to develop portability solutions limited to paid subscription services, for identified subscribers and for a limited period of time, in the European Member States <ul style="list-style-type: none"> <li>• The decision to offer portability would be a decision of the platform, to avoid harming smaller players by forcing them to offer a service they can't afford (financial and technical issues)</li> <li>• Certainty on the consumer's country of residence is essential to avoid portability to become de facto cross-border access</li> <li>• The concept of legal fiction would be a useful tool to ease the process and support licensors and licensees to add portability in their contractual agreements</li> <li>• A fair transition period would be essential to allow licensors and licensees to adapt their contracts</li> </ul> </li> <li>- Public funding support to improve and develop technical solutions to increase portability of online services developed by independent European operators supporting European films</li> </ul>	Industry: Online platforms, Right holders, European institutions, Creative Europe
<b>4. Promotion</b>	<ul style="list-style-type: none"> <li>➤ Promote European films online and offline</li> </ul>	<ul style="list-style-type: none"> <li>- Investment in online marketing from the production to the exploitation stage of a film</li> </ul>	Industry: Right holders, Online platforms,

	<ul style="list-style-type: none"> <li>➤ Develop brand(s) online to ensure the promotion of EU films</li> <li>➤ Boost the promotion of European films in the world</li> </ul>	<ul style="list-style-type: none"> <li>- Use of well branded events and editorialization of the content to attract the local audience to a specific platform</li> <li>- Support the promotion and the distribution of European works in theaters, on linear and non linear audiovisual services</li> </ul>	<p>Festivals</p> <p>Member states: Governments &amp; Film agencies</p> <p>European institutions: European Commission, Creative Europe MEDIA programme, Eurimages</p>
<b>5. Education</b>	<ul style="list-style-type: none"> <li>➤ More film education initiatives</li> </ul>	<ul style="list-style-type: none"> <li>- Set up European scale projects aiming at taking kids to the cinema and create the audience of tomorrow, such as cinema initiation courses (such as « train the trainers » for teachers)</li> <li>- Set up of a European multilingual portal of educational files to help teachers to analyze and present a film to their pupils (for its subject, its style, etc.)</li> </ul>	Industry: Distributors, Theaters
		<ul style="list-style-type: none"> <li>- Development of national programmes of film literacy with clear objectives to be monitored on a yearly basis</li> </ul>	Member states: Governments & Film agencies
		<ul style="list-style-type: none"> <li>- More EU funding for European Film literacy projects</li> <li>- Support the set up of a European Foundation for Film Literacy for stimulating new projects and exchanging best practices</li> </ul>	European institutions: European Commission, Creative Europe MEDIA programme
<b>6. Subtitling</b>	<ul style="list-style-type: none"> <li>➤ Improve the availability of existing subtitled versions</li> <li>➤ Boost the creation of subtitles in different</li> </ul>	<ul style="list-style-type: none"> <li>- Participation in the set up of a European database of existing subtitles</li> </ul>	Industry: Right holders, Festivals, Online platforms
		<ul style="list-style-type: none"> <li>- Better financial support for high quality subtitles in foreign</li> </ul>	Member states

	<p>languages</p> <ul style="list-style-type: none"> <li>➤ Facilitate the access to existing subtitles for possible "re-use"</li> </ul>	<p>languages</p> <ul style="list-style-type: none"> <li>- Financing programs of subtitling made by professional translators</li> <li>- Creation of an European database of existing subtitles</li> </ul>	<p>European institutions: Creative Europe MEDIA programme</p>
<b>7. Standard</b>	<ul style="list-style-type: none"> <li>➤ Standardization of the files to avoid the multiplicity of electronic files and formats, and the costs related to it</li> </ul>	<ul style="list-style-type: none"> <li>- Harmonization of the deliveries requirements by establishing a digital file standard (as it has been done for the theaters with the DCI norm - Digital Cinema Initiatives - for the DCP – Digital Cinema Print)</li> </ul>	<p>Industry: Right holders, Online platforms</p>
		<ul style="list-style-type: none"> <li>- Support of additional costs related to the creation of the standard file in the production budget</li> </ul>	<p>Member states: Film agencies</p> <p>European institutions: Eurimages</p>
<b>8. Transparency</b>	<ul style="list-style-type: none"> <li>➤ Report of the figures publicly by all platforms on a mandatory basis</li> </ul>	<ul style="list-style-type: none"> <li>- Obligations for digital platforms to report about films performance (number of viewers, revenues generated), in order to have a clear and objective view on the online market</li> </ul>	<p>Member states European institutions</p>
<b>9. Fair market</b>	<ul style="list-style-type: none"> <li>➤ Enhance level playing field between online operators</li> </ul>	<ul style="list-style-type: none"> <li>- Equal treatment between all online players (including international ones) at European and national level through AVMSD based on an adjustment of the country of origin principle</li> </ul>	<p>Member states European institutions</p>
<b>10. VAT</b>	<ul style="list-style-type: none"> <li>➤ Harmonize VAT to ease the handling of sales on an international basis</li> </ul>	<ul style="list-style-type: none"> <li>- Implementation of a reduced and harmonized VAT rate for all audiovisual content in all member states</li> </ul>	<p>Member states European institutions</p>
<b>11. Infrastructure</b>	<ul style="list-style-type: none"> <li>➤ Enhance the investment in broadband infrastructures</li> </ul>	<ul style="list-style-type: none"> <li>- Identification of the areas where there is no broadband</li> <li>- Financing these infrastructures</li> </ul>	<p>Member States European institutions</p>
<b>12. Identification</b>	<ul style="list-style-type: none"> <li>➤ Simplify the identification of works</li> </ul>	<ul style="list-style-type: none"> <li>- Encourage systematic registration of new films with an international identifier (such as ISAN) to ease its exploitation</li> </ul>	<p>Industry: Right holders</p>

		<p>management</p> <ul style="list-style-type: none"><li>- Encourage the use of an ISAN number as a condition to access funding from the film agencies</li></ul>	<p>Member states: Film agencies</p>
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