

**FRENCH REPUBLIC**

Ministry of Culture

**Decree No \_\_\_\_ of \_\_\_\_**

**amending Decree No 2021-793 of 22 June 2021 concerning on-demand audiovisual media services**

NOR: MICE2517034D

**Public concerned:** *publishers of on-demand audiovisual media services.*

**Subject:** *amendment of the regime applicable to on-demand audiovisual media services.*

**Entry into force:** *the text shall enter into force on 1 January 2026.*

**Note:** *this Decree makes a threefold amendment to Decree No 2021-793 of 22 June 2021 concerning on-demand audiovisual media services. It first requires the share of expenditure devoted to animation, creative documentary and recordings or recreations of live shows to be set to a minimum of 20 % of the contribution to the production of audiovisual works, after a three-year increase. For services with a net annual turnover of more than EUR 50 million, it then requires that 75 % of that share be devoted, for each of those genres of works, to new works. Finally, for animated works, it limits the degree to which rights acquired for foreign territories are taken into account, as is the case with the applicable regime for cinematographic works.*

**References:** *the Decree is issued pursuant to Articles 27 and 33-2 of Law No 86-1067 of 30 September 1986 on freedom of communication. This Decree and the Decree that it amends may be consulted on the Légifrance website (<https://www.legifrance.gouv.fr>).*

**The Prime Minister,**

On the report of the Minister for Culture,

Having regard to the European Convention on Transfrontier Television, opened for signature on 5 May 1989;

Having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive);

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, as well as Notification No° \_\_\_\_\_ ;

Having regard to the Agreement on the European Economic Area of 2 May 1992;

Having regard to Law No 86-1067 of 30 September 1986 on freedom of communication, as amended, particularly Articles 27, 28, 33-2 and 33-3 thereof;

Decree No 2021-793 of 22 June 2021 concerning on-demand audiovisual media services;

Having regard to the opinion of the Regulatory Authority for Audiovisual and Digital Communication (ARCOM) dated \_\_\_\_\_ ;

Having heard the Council of State (interior section),

### **Hereby decrees:**

#### **Article 1**

The above-mentioned Decree of 22 June 2021 is amended as follows:

1. Article 15 is amended as follows:

- a) In the first sentence of the first subparagraph, after the words ‘cinematographic works’, the words ‘and animated audiovisual works’ are inserted;
- b) In the second subparagraph, after the words ‘devoted to’, the word ‘other’ is inserted;

2. Article 18 is amended as follows:

- a) The last subparagraph of Article 18 is supplemented by two sentences worded as follows: ‘Expenditure devoted to animation, creative documentary and recordings or recreations of live shows shall represent at least 20 % of the share of the contribution devoted to audiovisual works. For services with a net annual turnover of more than EUR 50 million, the minimum share provided for in Article 17(1) shall apply to each of these genres of works.’;
- b) It is supplemented by a subparagraph worded as follows: ‘For the first application of the provisions of the second sentence of the preceding subparagraph to a service publisher, the proportion of 20 % shall be reduced to 12 % in the first year and 16 % in the second year.’.

3. The first subparagraph of Article 40 is replaced by the following provisions:

‘The provisions of this Decree as amended by Decree No \_\_\_ of \_\_\_ amending Decree

No 2021-793 of 22 June 2021 concerning on-demand audiovisual media services shall apply in New Caledonia, French Polynesia, Wallis and Futuna and the French Southern and Antarctic Territories.’;

## **Article 2**

This Decree shall enter into force on 1 January 2026.

The provisions of Article 1(1) shall apply to exploitation rights purchase contracts concluded after a period of 6 months from the entry into force of this Decree.

Agreements already in force on 1 January 2026 shall be adapted, as necessary, to the provisions of this Decree by 1 July 2026 at the latest.

Within the same time frame, the Regulatory Authority for Audiovisual and Digital Communication shall adapt the obligations that it determines pursuant to the second subparagraph of Article 9 of the above-mentioned Decree of 22 June 2021 vis-à-vis the service publishers referred to in that Article who do not wish to conclude an agreement.

For the purposes of application of Article 1(2)(b), service publishers who are subject to Chapter II of the above-mentioned Decree of 22 June 2021 on 1 January 2026 shall be regarded as applying the provisions of this point (b) for the first year in 2026 and for the second year in 2027.

## **Article 3**

The provisions of Article 2 of this Decree shall apply in New Caledonia, French Polynesia, Wallis and Futuna and the French Southern and Antarctic Lands.

## **Article 4**

The Minister for Overseas France and the Minister for Culture shall be responsible, within the scope of their respective competences, for the implementation of this Decree, which shall be published in the Official Journal of the French Republic.

Done on

By the Prime Minister:

The Minister for Overseas France,

The Minister for Culture,