



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0054/DK (Denmark)

Draft Bill for an Act on the contribution by certain media service providers to the promotion of Danish culture (Cultural Contribution Act) 10. References in the basic text: No basic text(s) are available 11. No 12. 13. No

Date received : 02/02/2024

End of Standstill : 06/05/2024

Message

Message 001

Communication from the Commission - TRIS/(2024) 0292

Directive (EU) 2015/1535

Notification: 2024/0054/DK

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahtuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20240292.EN

1. MSG 001 IND 2024 0054 DK EN 02-02-2024 DK NOTIF

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4. 2024/0054/DK - SERV30 - Media

5. Draft Bill for an Act on the contribution by certain media service providers to the promotion of Danish culture (Cultural Contribution Act)

6. On-demand audiovisual media services

7.

8. The Draft Bill aims at implementing article 13(2) of Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU (OJ L 303, 28.11.2018, p. 69–92) by introducing a cultural contribution scheme for on-demand audiovisual media service (AVMS) providers established in Denmark or another EU Member State targeting audiences in Denmark.

The scheme aims to provide a level playing field by focusing on the on-demand audiovisual media services as a means to address the gap in the contribution to the production and promotion of EU works between TV broadcasters and on-demand providers. The scheme thus covers all types of media service providers when providing an on-demand audiovisual media service regardless of business model (e.g. SVOD, TVOD, AVOD etc.).

To ensure a balanced and adequate impact of the cultural contribution scheme, the cultural contribution from the encompassed on-demand AVMS providers takes the form of a fee which can be partly offset by investing in Danish content. The contribution consists of two main elements.

Firstly, a basic fee set at 2 % of the streaming service provider's annual contributory turnover in Denmark. Secondly, in addition to the basic fee, the streaming service provider may choose one of two options: 1) the streaming service provider may opt to make direct investments in productions and co-productions in new Danish film, series and documentaries of 5 % or more of their annual Danish contributory turnover (the investment option), or 2) the streaming service providers who do not make direct investments in Danish content of 5 % or more of their annual Danish contributory turnover will instead be subjected to an additional fee of 3 % of this turnover, meaning that the total fee under this option will be 5 % (the additional fee). The measure is thus designed in such a way that streaming service providers can decide how to carry out the investment obligation as much as possible.

The proceeds of the cultural contribution scheme will be split 20/80 between the Danish Public Service pool and existing film aid schemes, with the aim to subsidize Danish film production. All on-demand AVMS providers contributing to the scheme, including AVMS providers based in other EU countries, will be eligible for support from the scheme for productions of film, series and documentaries.

9. The introduction of a cultural contribution fee takes place against a background of rapid technological developments, particularly within streaming services, which have challenged not only the existing financial basis but also the accessibility and distribution of Danish fiction, films and documentaries, which play a pivotal role in connecting Danes across the country, while also promoting cultural and linguistic diversity.

Under these circumstances, the Danish authorities wish to ensure that both national on-demand audiovisual media service providers (i.e. providers with a registered office or branch office in Denmark) and on-demand audiovisual media service providers located in other EU Member States targeting audiences in Denmark contribute to the production of Danish fiction, film etc. to ensure that Danish productions will also be represented on on-demand streaming services going forward.



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The cultural contribution will help to ensure financial sustainability of the Danish audiovisual production and increases the cultural diversity of the choice of works available to the Danish and European audiences. The cultural contribution does not go beyond what is necessary to achieve its objectives.

10. References in the basic text: No basic text(s) are available

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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