

The logo for The Authority for Television On Demand (ATVOD) consists of the letters 'ATVOD' in a bold, white, sans-serif font, centered within a solid black rectangular background.

THE AUTHORITY FOR TELEVISION **ON DEMAND**

Provision of European Works on Video on Demand Services in 2012

**A report on the scale of provision of programmes
meeting the definition of a 'European work' on On
Demand Programme Services during the period
1st January 2012 to 31st December 2012**

Introduction

As the appropriate regulatory authority designated by Ofcom, ATVOD has a statutory duty under section 368C of the Communications Act 2003 (“the Act”) to ensure that providers of on-demand programme services (“ODPS”) promote, where practicable and by appropriate means, production of and access to European works. In consultation with the regulated industry, ATVOD has developed a plan for discharging its ‘European works duty’. This plan, along with guidance on the definition of a ‘European work’ is published on the ATVOD website at: <http://www.atvod.co.uk/regulated-services>. In accordance with that plan, ATVOD actively encourages providers of ODPS to promote, where practicable and by appropriate means, production of and access to European works in order to further the objective of cultural diversity.

In addition, under Article 13 of the Audiovisual Media Services Directive (“the AVMS Directive”) UK Government is required to report on this matter to the European Commission every four years. ATVOD collects and provides to Ofcom certain data as part of that reporting process. The data collection takes place once every two years and this report provides a brief summary of the aggregate figures obtained for the 2012 calendar year.

The data collection process

The data was collected from providers of ODPS using ATVOD’s power to demand information under s368O(3) of the Act. This provides for ATVOD to require the provision of information for the purpose of securing compliance with the reporting obligations of the United Kingdom under the AVMS Directive. In accordance with section 368O(4) of the Act, service providers were given an opportunity to make representations to ATVOD about the matters appearing to them to provide grounds for making the request.

Demands for information were issued to providers of ODPS in July 2013. Providers of ODPS were required to provide the following data by 30th September 2013:

- Hours of ‘European works’ made available*
- Percentage of total hours of programming comprising ‘European works’**

* Total number of hours provided over the period 1 January 2012 – 31 December 2012.

** Percentage of catalogue as an average on the basis of total hours over the period 1 January 2012 – 31 December 2012.

Summary of data collected

Data was provided in relation to the 83 ODPS which had operated during a significant proportion of 2012 and which were still in operation at the time of the data collection. In eight cases, the service provider made clear that the data was estimated or part-estimated.

- Aggregate number of hours of programming¹: 538,633 hours
- Aggregate number of hours of European works: 306,840 hours
- Percentage of programmes which were European works: 57%

The extent to which European works were provided varied significantly, however for most services the proportion of the catalogue which met the definition of a European work exceeded 60% and for almost half of all services it exceeded 70%:

% of catalogue which were European works	Number of ODPS
91%-100%	29
81% - 90%	8
71% - 80%	4
61% - 70%	4
51% - 60%	3
41% - 50%	3
31% - 40%	11
21% - 30%	7
11% - 20%	8
0% - 10%	6

Future data collection

In accordance with our European Works Plan, during 2015 ATVOD will collect data relating to the year 1st January 2014 to 31st December 2014.

¹ Excludes two services for which figures for total programming hours could not be ascertained from data provided - these services are not considered to be large enough to have a significant impact on the figures.

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