



Geo-blocking Regulation - Call for evidence

The European Video on Demand Coalition (the “**Coalition**”) welcomes the opportunity to provide input to the European Commission’s call for evidence on the Geo-blocking Regulation. The Coalition represents Video on Demand (“**VOD**”) and digital entertainment companies of all sizes who invest in and distribute audiovisual content as their core commercial activity in the European Union. Our members are committed to promoting high-quality, diverse European content to wider global audiences and believe in supporting an innovative and sustainable European audiovisual sector, while also providing consumers with a wide range of curated content choices and subscription models.

The Coalition strongly urges the European Commission to maintain the exclusion for **copyright-protected content, including audiovisual (“AV”) content from the scope of the Geo-blocking Regulation**. Removing this exemption would have significant negative consequences for both European competitiveness, consumers and the sustainability of the audiovisual industry.

1. Preserving Investment in European Content Production

The financing of European film and television content relies on an exclusive territorial licensing model, where rights are sold on a country-by-country basis. This model ensures that local broadcasters, distributors, and VOD services can invest in European productions with the assurance of exclusivity in their respective territories and the ability to adapt the offer to market specificities. Without geo-blocking, the AV industry’s funding streams and fundamental business model would be seriously jeopardised. Ultimately, this would reduce investment in European content creation, more content would be produced for a pan-European audience, leading to higher prices for consumers.

2. Ensuring Diverse and Localised Content Availability

VOD services invest heavily in curating and tailoring their content libraries to local territories, ensuring linguistic and cultural relevance. As mentioned above, territorial exclusivity is a key factor in maintaining the diversity of content produced and the range of distribution models deployed, ultimately benefiting European consumers. It enables the pre-sales of content and preserves the value of future distribution rights, which are critical for the financing of new film and AV content production in the Europe. The removal of geo-blocking restrictions would disrupt the ability of VOD services to commission or acquire region-specific rights and deliver appropriately localised content to European consumers. Instead of increasing access to diverse content, removing the exemption could result in the homogenisation of content across territories, reducing cultural representation and limiting consumer choice.



Additionally, European consumers benefit from content portability, enabling them to access their home subscription VOD service when they travel throughout the European Union, thanks to the implementation of the Portability Regulation¹ by commercial VOD providers.

3. Legal and Licensing Complexities

Eliminating geo-blocking would create significant legal uncertainties regarding rights agreements, regulatory obligations, and content exclusivity. Many content contracts currently in place would become unenforceable, leading to renegotiations, potential legal disputes, and an overall disruption in the market. These complexities would impose additional costs on VOD services, limiting their ability to offer competitive services to European consumers.

In 2023, the European Parliament worked on an Own-Initiative Report on the implementation of the 2018 Geo-Blocking Regulation². It is worth noting that the Parliament voted down all the paragraphs in the report that sought for the inclusion of the AV sector in the scope of the Geo-Blocking Regulation. Given the Parliament's political support for the audiovisual sector's territorial licensing model, including the subject in the review of the Geo-Blocking Regulation is not necessary.

Considering the above, we strongly recommend that the European Commission **maintain the current exemption for copyright-protected content, including audiovisual (AV) content from the scope of the Geo-blocking Regulation**. Doing so will ensure continued investment in European creative industries, maintain consumer choice, uphold market fairness, and prevent unnecessary legal and financial disruptions.

¹ <https://eur-lex.europa.eu/eli/reg/2017/1128/oj/eng>

² https://www.europarl.europa.eu/doceo/document/A-9-2023-0335_EN.html