

Consultation Document: Draft European Works Rules for Audiovisual On-Demand Media Services

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Deadline for response: 10th June 2026

This document contains a public consultation on Coimisiún na Meán's **Draft European Works Rules for Audiovisual On-Demand Media Services** (the "Draft Rules").

The Draft Rules are intended to provide clarity to providers of audiovisual on-demand media services ("VOD Providers") under Irish jurisdiction regarding:

- How the 30% European works share obligation will be assessed by Coimisiún na Meán; and
- What measures are expected to ensure the prominence of European works in each national catalogue.

Coimisiún na Meán welcomes the views of any interested person or organisation on the contents of the Draft Rules. You can submit your views in general or respond to the specific questions in section 3.2 of this document.

You can find information on how we use your personal data in section 3.5 of this document.

You can respond to the consultation:

1. by email, to consultation@cnam.ie;
2. by post, to: Coimisiún na Meán
1 Shelbourne Buildings
Shelbourne Road
Dublin 4,
D04 NP20,
Ireland

You may wish to refer to Coimisiún na Meán's [Consultation Guidelines](#) when making your submission.

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1 Summary

Coimisiún na Meán (“An Coimisiún”) is Ireland’s independent agency for developing and regulating a thriving, diverse, creative, safe, and trusted media landscape.

Part 10A of the Broadcasting Act 2009, as amended (the “Act”) transposes Ireland’s obligations on the promotion of European works on audiovisual on-demand media services, reflecting Article 13(1) of the Audiovisual Media Services Directive (AVMSD) (Directive 2010/13/EU, as amended by Directive (EU) 2018/1808).

Under the Act, a provider of audiovisual on-demand media service (“VOD service”) under the jurisdiction of the State is required to:

- Ensure that the share of European works in each catalogue of its service is not less than 30% (section 159B(1)); and
- Take steps specified in rules under section 159C(3) to ensure the prominence of European works in each catalogue of its service (section 159C(1)).

An Coimisiún is consulting on Draft Rules that set out:

- A title-based methodology for determining compliance with the 30% share obligation;
- A measurable, verifiable framework for prominence measures;
- Proposed criteria and thresholds for low turnover, low audience, and narrow subject matter exemptions; and
- Reporting, monitoring, and verification arrangements to support effective assessment of compliance with European works obligations.

An Coimisiún welcomes the views of any interested person or organisation on the Draft Rules. You can submit your views in general or respond to the specific questions in section 3.2 of this document.

2 Introduction and Background

2.1 Coimisiún na Meán

An Coimisiún is Ireland’s agency for developing and regulating a thriving, diverse, creative, safe and trusted media landscape. It was established on 15 March 2023.

In carrying out its statutory functions, An Coimisiún regulates audiovisual media services to ensure that audiences have access to a wide range of audiovisual content reflecting European cultures, languages, and perspectives. The regulatory framework must respond to technological and societal change and support the sustainability, visibility, and discoverability of European audiovisual works.

An Coimisiún Strategy Statement 2025 – 2027 (the “Strategy”) sets out its mission to regulate, support and develop a media landscape that fosters democratic, cultural and creative outcomes. The regulation and promotion of European works contribute directly to the strategic outcomes identified in the Strategy,

particularly those relating to supporting culture and media, promoting diversity and inclusion, and ensuring a sustainable media landscape.

European works obligations support the development, circulation, and discoverability of European audiovisual content by ensuring that such works are available and prominent on VOD services. Through its regulatory framework An Coimisiún supports the visibility and sustainability of European works, and holds regulated entities accountable for their obligations, ensuring that audiences can discover and engage with a diverse range of European audiovisual content.

2.2 European works and on-demand services

European works obligations are intended to support cultural diversity and the European audiovisual sector. In the on-demand environment, where users access content through catalogues, interfaces, search and recommendation tools, the AVMSD requires not only a minimum share of European works but also that such works are made appropriately prominent to users.

The Draft Rules are designed to be technologically neutral and proportionate, while enabling meaningful supervision and consistent application.

2.3 Why is An Coimisiún consulting on Draft Rules?

The Act requires VOD providers under Irish jurisdiction to meet the statutory obligations relating to:

- The share of European works; and
- The prominence of European works.

The Draft Rules are intended to:

- Provide clarity and certainty for regulated entities;
- Support consistent implementation across different types of VOD services;
- Provide proportionate and evidence-based approaches to exemptions; and
- Set out reporting and verification arrangements that minimise unnecessary administrative burden while supporting effective oversight.

In preparing the Draft Rules, An Coimisiún had regard to:

- The objective of cultural diversity;
- The desirability of providing European works to the widest possible audience;
- Technological developments;
- Developments in audiovisual on-demand media service markets;
- European Commission Guidelines pursuant to Article 13(7) of the AVMSD on the calculation of the share of European works in on-demand catalogues and on the definition of low audience and low turnover (2020/C 223/03)¹; and,
- Relevant reports prepared by the European Board for Media Services (EBMS) and its predecessor organisation, ERGA.

¹ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2020.223.01.0010.01.ENG&toc=OJ:C:2020:223:TOC

2.4 Rationale for the Draft Rules

In preparing the Draft European Works Rules, An Coimisiún considered the available legal framework, European level guidance, and evidence from regulatory practice across Member States. This section summarises the key factors that informed the approach to the quota, prominence, exemption provisions and the approach to monitoring and reporting.

- **Calculating the 30% European Works Share**

The Draft Rules adopt a title-based methodology for calculating the 30% European works share. This reflects:

- European Commission Guidelines (2020), which identify title-based counting as the standard and commonly applied approach for assessing catalogue share under Article 13(1).
- The prevailing practice across EU Member States, as noted in reports from the European Audiovisual Observatory (EAO), and the European Board for Media Services (EBMS), where title-based systems are regarded as transparent, verifiable, and comparably applied.
- The need for a proportionate and operationally practical method, given the diversity of VOD service models and catalogue structures.

A minutes-based methodology was not considered appropriate as it would introduce disproportionate technical and administrative complexity, especially in relation to episodic works and varying runtimes, and could distort outcomes by disproportionately favouring longform content. A title-based model ensures a balanced representation of works, reduces administrative burden and supports consistent, evidence-based monitoring.

- **Approach to the Application of the European Works Share at Service and Catalogue Level**

The 30% European works share shall be calculated for each individual VOD service. Where a VOD service has more than one catalogue, the calculation is on each catalogue of that service. A VOD service available across multiple jurisdictions can often provide a different catalogue of content in each country. The requirement that the 30% European works share be calculated at the level of each individual VOD service, and at the level of each catalogue within that service, reflects the underlying policy objective of Article 13(1) of the AVMSD. The European works obligation is designed to ensure that European content is meaningfully available and visible to audiences within each national offering of an on-demand service. It is therefore necessary to assess compliance at the level at which content is curated, presented, and consumed by users.

In practice, VOD services frequently organise and make available distinct catalogues across different jurisdictions, reflecting variations in licensing arrangements, audience targeting, and commercial strategy. The European Commission's 2020 guidelines on the calculation of the share of the European works recognise this, noting that the obligations should be assessed by reference to the catalogue offered to users in a given Member State. Calculating the share at catalogue level ensures that the policy objective of supporting the availability of European works to audiences in each Member State is effectively achieved.

Similarly, applying the obligation at the level of each individual VOD service, rather than permitting aggregation across multiple services operated by the same providers, is necessary to ensure consistency with the intent of the Directive. Allowing aggregation could enable providers to meet the quota across their overall portfolio while individual services fall below the required threshold, thereby undermining the objective of ensuring that European works are available within each service offering accessed by audiences. This approach also takes account of the evolving ways in which services are made available to users. In some cases, services may be packaged together or accessible through aggregator interfaces, while also being made available independently across a range of devices or platforms. In such circumstances, it is important that the assessment of compliance reflects the underlying service and its catalogue, rather than the particular interface through which it is accessed. This ensures that obligations are applied consistently and not circumvented by difference in how services are bundled, presented, or technically delivered. From a practical perspective, this approach aligns with the European Commission's reporting framework which requires data to be submitted on a service-by-service basis.

Overall, calculating the European works share at the level of each VOD service and each relevant catalogue ensures that the policy objectives of the AVMSD are delivered in a manner that is both effective and proportionate, while also providing clarity and consistency for providers in meeting their obligations.

- **Prominence of European Works**

The Draft Rules adopt a flexible, outcome-oriented framework for prominence, consistent with the AVMSD and current EU regulatory approaches. While the Directive requires that European works be “prominently displayed”, neither EU law nor national legislation prescribes a specific technological or interface-based method.

In line with European Commission guidance and EBMS report findings:

- Prominence can be achieved using a range of measures, including homepage sections, carousels, metadata tagging, curation, and discoverability tools;
- Member State practice varies widely, illustrating that there is no single mandated model for prominence; and
- Measurable, transparent, and proportionate mechanisms are more effective where there is significant diversity of VOD service types than prescriptive interface rules or mandatory algorithmic interventions.

Accordingly, the Draft Rules require providers to implement metadata tagging, and at least one other effective prominence measure. This ensures technological neutrality, avoids disproportionate obligations, and reflects the diversity of service design across the sector.

- **Exemptions: Low Turnover, Low Audience, and Narrow Subject Matter**

The Draft Rules include proposed thresholds and criteria for exemptions under section 159B(3)(b) and section 159I(1) of the Act. These are informed by:

- The European Commission Guidelines, which provides a microenterprise turnover threshold of €2 million per year as an appropriate benchmark and an audience share of 1% as a commonly used reference point;

- A need to ensure that obligations are proportionate for services with limited economic scale, niche catalogues, or highly specialised thematic content; and
- A consideration of the statutory remit of public service media.

The Draft Rules provide clear evidential requirements for exemption applications and adopt a case-by-case, evidence-led approach to considering exemptions to European works obligations. The approach is designed to ensure fairness and proportionality in regulatory arrangements, while maintaining the effectiveness of the European works framework.

- **Monitoring, Reporting and Verification**

The reporting and monitoring framework reflects:

- The prevailing EU approach, which relies on annual reporting, templates, and proportionate verification measures rather than requiring continuous formal reporting;
- EBMS report recommendations on the importance of transparency, accountability, and consistent data collection for European works compliance; and
- The practical need to maintain manageable reporting requirements for providers while ensuring that the obligations are upheld throughout the year.

The Draft Rules therefore establish a standardised annual reporting process, with the ability to require supplementary information, and to conduct spot checks, or audits where necessary to verify compliance.

3 Consultation

You may wish to refer to An Coimisiún's [Consultation Guidelines](#) when making your submissions.

3.1 Draft European works rules for on-demand audiovisual media services

The text of the proposed rules is set out in the Draft Rules document titled *Draft European Works Rules for On-demand Audiovisual Media Services*.

In summary the Draft Rules:

- specify a title-based methodology for calculating the 30% share of European works in each national catalogue;
- set out expected approaches to prominence including interface and discoverability measures;
- establish proposed criteria and thresholds for exemptions based on low turnover and low audience and narrow subject matter/nature or theme of the service;
- provide for annual reporting and requirements to demonstrate ongoing compliance; and
- describe monitoring, and verification procedures.

3.2 Consultation Questions

You may submit your views on the Draft Rules in general terms or respond to the specific questions below. You do not have to respond to all or any of the questions outlined.

- 1) Do you have any views on the overall approach taken in the Draft Rules to implementing section 159B and 159C of the Act?
- 2) Do you have any views on the proposed title-based methodology for calculating the 30% share of European works?
- 3) Do you have any views on the proposed limited circumstances in which individual episodes may be treated as standalone titles?
- 4) Do you have any views on the proposed prominence measures (including dedicated sections, metadata tagging, featured placement, etc.)?
- 5) Do you have any views on the requirement that at least one prominence measure must consist of systematic metadata tagging of European works?
- 6) Do you have any views on the proposed thresholds for low turnover (€2 million service-derived turnover) and low audience (below 1% of the relevant national market)?
- 7) Do you have any views on the proposed approach to exemptions based on the nature or general theme of a service (narrow subject matter), including the evidence required to support an application?
- 8) Do you have any views on the proposed reporting and monitoring framework?

3.3 How to respond

You can respond to this consultation:

- By email, to consultation@cnam.ie; or

- By post, to:

Coimisiún na Meán
1 Shelbourne Buildings
Shelbourne Road
Dublin 4,
D04 NP20,
Ireland

If you require any assistance with making a response, please contact Coimisiún na Meán:

- By email, to consultation@cnam.ie;
- By phone, at 01 963 7755; or
- By post, to the above address.

Coimisiún na Meán will normally consider written responses only and will not give respondents an opportunity to make submissions in other formats.

3.4 Timeframe for response

The consultation period ends at 17.00 on 10th June 2026

3.5 Use of Information

3.5.1 Publication of submissions

It is An Coimisiún's policy to publish all submissions to public consultations.

Submissions should be provided as non-confidential documents, with any information over which confidentiality is claimed (e.g. commercially sensitive information) supplied in a separate annex.

Alternatively, a redacted non-confidential version may be submitted along with the confidential version. Any documents marked confidential in this manner will not be published.

However, An Coimisiún will not be liable for any document that is subsequently disclosed pursuant to a request under the Freedom of Information Act 2014 or otherwise in accordance with the law.

3.5.2 Consultation Report

An Coimisiún will take account of the submissions made. However, it should be noted that the process is not equivalent to a voting exercise on proposals and An Coimisiún will exercise its judgement having considered the submissions made. An Coimisiún will form its own views independently of the views of any particular consultees.

An Coimisiún will publish a consultation report following each consultation process. It is recognised that there may be a wide range of stakeholders on any particular issue. An Coimisiún will set out the key issues emerging and the main points taken on board, as well as the main points that could not be taken

on board for practical, legal, or policy reasons. An Coimisiún may decide to adopt the measure consulted on, with or without amendment.

3.5.3 Personal Data

Coimisiún na Meán will comply with its obligations under the General Data Protection Regulation (“GDPR”), the Data Protection Act 2018 and any other applicable data privacy laws and regulations. An Coimisiún is obligated and committed to protecting all personal data submitted. Coimisiún na Meán has an appointed Data Protection Officer who is registered with the Data Protection Commission. You can find out more on how Coimisiún na Meán processes personal information in our published [policy](#).

As part of the consultation process, the name of the respondent to the consultation and the response provided will be made publicly available. However, Coimisiún na Meán will not make publicly available your contact details, such as your address, phone number, or email. The information collected will be used only for the purposes of this consultation process and where lawfully permitted.

3.5.4 Freedom of Information

Information held by Coimisiún na Meán is subject to its obligations under law, including under the Freedom of Information Act 2014. We will consult you about information you mark as confidential before deciding on any request made under the Freedom of Information Act, 2014