

Message 001

Communication from the Commission - TRIS/(2026) 1179

Directive (EU) 2015/1535

Notification: 2026/0212/FI

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 - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία 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: 20261179.EN

1. MSG 001 IND 2026 0212 FI EN 23-04-2026 FI NOTIF

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4. 2026/0212/FI - SERV30 - Media

5. Government proposal to Parliament for an act on an investment obligation for audiovisual on-demand services

6. The proposed provisions apply to providers of subscription on-demand services. The proposal also applies to European audiovisual content. The purpose of the proposal is to implement Article 13(2) of the AVMS Directive (EU 2018/1808).

7.

8. Under the proposal, subscription on-demand service providers established in Finland would be obliged to contribute financially to the production of European audiovisual content in Finland. The obligation would also apply to providers of on-demand services established in another EU Member State who make a subscription on-demand service available to the public within Finland. The act would not apply to providers of subscription on-demand services whose annual turnover in Finland does not exceed EUR 2 million, or whose subscriber base accounts for less than one per cent of the total number of subscribers to subscription on-demand services in Finland, or whose service is thematic in nature and focuses on a single subject area such as sports. The financing obligation would not apply to linear services provided by television companies or to video-sharing platform services. The obligation would not apply to the Finnish Broadcasting Company (Yle), whose on-demand service Yle Areena is financed by tax.

Under the obligation, providers of subscription on-demand services must invest five (5) per cent of the turnover they generated in Finland during the previous financial year in European works in Finland. The obligation could be fulfilled by investing in the production of new audiovisual content, paying a parafiscal tax or combining the investment and the tax. The investment should be allocated to the acquisition of performance rights or the production or co-production of new audiovisual content. Audiovisual content would refer to films, series or documentary programmes. More than half of the total investment in new audiovisual content should be allocated to the acquisition of performance rights for or the production or co-production of scripted films, documentaries or drama series. This would support the Directive's objective of promoting European cultural and linguistic diversity and strengthening European content production.

More than half of the content of a work considered to be new audiovisual content, or of a work for which performance rights are being acquired, should be in Finnish, Swedish or Sámi. The content should also be closely linked to Finnish history, culture or society. The requirements apply to audiovisual content that is the subject of an approved investment, not to the provider of the on-demand service, and they should not be used to restrict market access or the provision of services. At the same time, the conditions would be consistent for all providers of subscription on-demand services and pay attention to the smooth functioning of the internal market and the promotion of fair competition. The conditions could therefore be considered to be proportionate and non-discriminatory.

If providers of subscription on-demand services fulfil the financing obligation by making a financial contribution, this contribution is a parafiscal tax. Compliance with the obligation would be monitored by the Transport and Communications Agency. The funds collected through the financing obligation would be awarded as government grants by the Finnish Film Foundation for the production of scripted films, documentaries or drama series. The Finnish Film Foundation could award government grants if the production of a scripted film, documentary or drama series and the resulting work would meet at least three of the following conditions: 1. the manuscript or another written basis of the work was originally written in Finnish, Swedish or Sámi; 2. more than half of the work is in Finnish, Swedish or Sámi; 3. the work is closely

linked to Finnish history, culture or society; 4. more than half of the work is filmed within the territory of Finland; 5. the work and its production involve a significant contribution from Finnish creators and performing artists or those permanently resident in Finland, and the share of the production's remuneration costs accounted for by the wages and fees paid to them is significant. The government grants awarded would be notified annually to the Commission as aid for cultural products within the meaning of Article 54(2) of the General Block Exemption Regulation.

9. The objective of the measure is to promote the production of Finnish audiovisual content and to enhance its visibility and availability in on-demand services, thereby safeguarding the competitiveness of Finnish content on the audiovisual market. The promotion of the production of European works in the national languages and those linked to Finnish culture is important for preserving Finland's cultural diversity, particularly with regard to the Finnish, Swedish and Sámi languages. International on-demand services are relatively popular in Finland, but their investment in European works in Finland has been fairly limited, as has the proportion of such works in the libraries of these services. In line with the European trend, television companies have traditionally been responsible for funding domestic audiovisual productions in Finland, but their capacity to invest has declined as competition has intensified. Subscription on-demand services generate revenue from Finnish viewers mainly through their international content. The measure is also designed in such a way that providers of subscription on-demand services can fairly flexibly choose how to carry out the compulsory investments. In addition, service providers are given the option of fulfilling their obligation by making a financial contribution if they are unwilling to make direct investments in the Finnish audiovisual sector for commercial reasons, for example.

Directive (EU) 2018/1808 allows, by way of derogation from the country of origin principle, the targeting of the investment obligation to audiovisual media service providers established in another Member State. The design of the measure takes the framework set out in the Directive into account; the measure is proportionate and non-discriminatory. Providers established in other Member States (and whose services focus on audience in Finland) are treated in the same way as providers based in Finland. By calculating the compulsory investment solely based on the turnover generated from the provision of subscription on-demand services in Finland, duplication with obligations imposed by other Member States is avoided.

The measure imposes obligations on providers of subscription on-demand services operating on the Finnish audiovisual market, regardless of their location within the EU. The measure also extends the concept of European production to include the Finnish cultural sector's audiovisual products. This may be directly or indirectly relevant to parties operating on the audiovisual production market. As a result, the measure may have restrictive effects on the free movement of services. This is justified by the public interest in strengthening cultural and linguistic diversity. The measure also aims to promote access to Finland's audiovisual cultural heritage as part of the range of European audiovisual content on offer. The measure is suitable for this purpose because it directly encourages investment in audiovisual works related to Finnish history, culture or society, and produced in Finnish, Swedish or Sámi. The measure does not go beyond what is necessary to achieve the objective. The compulsory investment is limited to a part (5 %) of the turnover generated in Finland. The definition of audiovisual content under the proposed act is flexible in relation to the various forms of audiovisual production, all of which can be considered to promote cultural diversity.

10. Basic text references: No basic text available

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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