



The European audiovisual industry in the time of COVID-19

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Francisco Javier Cabrera Blázquez, Maja Cappello, Léa Chochon, Gilles Fontaine, Julio Talavera Milla, Sophie Valais



Foreword

From Boccaccio's *Decameron* to Albert Camus' *The Plague* and Thomas Mann's *Death in Venice* (beautifully brought to the silver screen by Luchino Visconti) up to Steven Soderbergh's *Contagion* or Terry Gilliam's *12 Monkeys*, literature, cinema and TV have always been fond of narratives in which an epidemic crisis afflicts the world. Unfortunately, we are now living a dystopian virus story for real. The global health crisis induced by the COVID-19 pandemic risks becoming an economic disaster with a dramatic impact on the audiovisual sector if nothing is done to prevent it.

Fortunately, both the public and the private sector in Europe are stepping in to provide support measures that aim at allowing the audiovisual industry to bridge the crisis. The European Audiovisual Observatory has made its own small contribution to this effort by providing a tool to monitor the measures taken in the context of the COVID-19 crisis. This tool, which already contains more than 700 measures and is updated on an ongoing basis, is available here: <https://www.obs.coe.int/en/web/observatoire/covid-19-audiovisual-sector-measures>

The information collected in the EAO Tracker concerns specific national measures aimed at supporting and guiding the audiovisual sector in the 41 member states of the European Audiovisual Observatory. In addition, it includes measures introduced at the level of the European Union, as related, for example, to the European Commission's Creative Europe Programme, and the Council of Europe. Other measures adopted at supranational level by intergovernmental organisations are also included in the Tracker where they are relevant to the European audiovisual industry.

These measures may be specific to the film and audiovisual sector or more broadly target the cultural and creative industries. They include mechanisms such as public support, regulation, guidelines, industry agreements, and policy statements. When more general, overarching measures concerning cross-sectoral fields are taken, such as support measures for enterprises and SMEs or measures for workers and freelancers, we also track them insofar as they are particularly relevant to the audiovisual sector in times of crisis.

This Tracker is a useful tool for anybody wanting to find concrete measures taken at national or international level. It does not, however, provide an overview or an analysis of all the measures applied in Europe. This is a gap that we aim to fill with the present publication. This *IRIS Plus* organises the information contained in the Tracker in a comparative manner, helping the reader to understand the diversity of approaches, interests, and measures taken, but also the diversity of the bodies taking them. Through a comparative analysis of the different approaches taken by states, national film agencies, audiovisual regulators and industry stakeholders, this *IRIS Plus* gives the reader a better understanding of the diversity of the approaches that have been put in place in all branches of the film and audiovisual sector, from production, distribution, exhibition, festivals and events, to broadcasting and VOD services. It also provides some concrete examples of such measures, which range from creating new emergency funds to relaxing requirements for existing aid schemes, advancing support payments, supporting artists and creators, offering free services, and promoting standards and good practices for the

media, in particular in relation to the role of the public service mission and to information.

Moreover, this IRIS *Plus* makes some preliminary observations on the crisis and advances some hypotheses regarding its consequences.

The feeding and update of this Tracker has been made possible thanks to the active collaboration of the Executive Council of the European Audiovisual Observatory, formed by 41 state representatives from the audiovisual sector; the Advisory Committee of the Observatory, composed of representatives of the main industry organisations in Europe; the Observatory's unique network of legal correspondents in Europe; the European Film Agency Research Network (EFARN); and the European Platform of Regulatory Authorities (EPRA).

Stay safe and enjoy your read!

Strasbourg, June 2020

Maja Cappello

IRIS Coordinator

Head of the Department for Legal Information

European Audiovisual Observatory

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Executive summary

It is June 2020, and the European audiovisual sector is barely emerging from the COVID-19 crisis; although a full assessment of the short- and long-term effects of this crisis remains premature, a first set of observations can nevertheless be made. The immediate effects of the crisis have been diverse and have affected almost all the main branches of the audiovisual sector, ranging from the interruption of ongoing production projects to the shutdown of cinemas. Many emergency measures have been taken to deal with these immediate effects, but some of them, by their very nature, such as measures offering loans, are likely to be limited to deferring the impact.

In reaction to the pandemic, in March 2020, the European Audiovisual Observatory (EAO) launched a COVID-19 Tracker in order to collect the various measures taken at European and national level in its 41 member states to support, guide and target the film and audiovisual sector.

Chapter 1 of this publication sets the scene, providing first observations on the various impacts of the crisis on the audiovisual sector, and presents the EAO COVID-19 Tracker, detailing its scope, the sources that have been used and the categories of measures tracked.

At the supranational level, the COVID-19 crisis has elicited numerous responses from international organisations and the European Union. **Chapter 2** details these different reactions, focusing on their two main areas of intervention: the protection of freedom of expression and information, and support measures for the economy at large and the film and audiovisual sectors in particular. Regarding the first area, international organisations have all agreed on the importance of ensuring access to reliable sources and information on the nature of the threat posed by the crisis; they therefore propose key recommendations and tools to the member states of their respective organisations and to relevant stakeholders on how to “flatten the curve” of the COVID-19 disinfodemic, while safeguarding freedom of expression and information in a particular context where several measures affecting the rights and freedoms of individuals have been taken at national level to fight the effects of the pandemic. Interventions at supranational level have also taken the form of support measures, ranging from cross-sectoral economic support measures for businesses and workers to more targeted measures for the cultural, audiovisual and film sectors, such as the reaffirmation of the importance of these sectors from an economic and societal point of view; public consultations and studies on the impact of this crisis and the form of support measures required; and more concrete measures through the creation of emergency funds.



At national level, **Chapter 3** reveals the diversity that characterises the variety of responses to the crisis in terms of approaches, interests and bodies involved, with a general overview of these responses. Governments and parliaments, in a transversal or specifically targeted approach, have taken strong measures benefiting all branches of the audiovisual sector; this has happened mainly through support measures for enterprises and workers, either as part of a global package of measures or through the creation of a specific emergency fund targeting the audiovisual sector. National film funds have mobilised their efforts by reorganising their internal functioning in order to ensure the continuity of their operations, both by adapting existing schemes and creating new support schemes. Media regulators have also been very active in supporting broadcasters, namely by relaxing licensing and programming obligations, and encouraging them to adopt good practices to ensure the protection of the public against any form of misinformation. Finally, the collective management organisations, following a long tradition of providing support for artists and creators, have mainly focused on the creation of emergency funds and direct grants for their members, or the relaxation of requirements and deadlines in the field of copyright and related rights.

On the industry side, companies in the film and audiovisual industries have also had to adapt to this exceptional situation, and have reacted both individually and collectively through their industry associations to address the challenges caused by the pandemic. Supranational actions have focused on the areas of policymaking and support for freedom of expression and information, mainly through public calls emphasising the importance of the sector for the economy and the employment market, and calling for immediate interventions tailored to the specificities of the sector. For their part, national actions have focused on support for artists, creators and enterprises, for example through new emergency funds or grants, or the publication of operational guidelines and FAQs to provide information on existing support or to guide the resumption of activity in compliance with the new safety rules. **Chapter 4** explores, from a sectoral angle, the various responses and actions taken by industry.

In its concluding remarks, **Chapter 5** provides observations and ideas regarding the potential methodological approaches to assess the impact of this crisis on the different branches of the film and audiovisual sector for 2021, as well as forecasts, purely hypothetical at this stage, regarding possible paradigm shifts for the film and audiovisual industries.



1. Setting the scene: one crisis could conceal another

By June 2020 lockdown measures have only partially been alleviated (for example, cinemas are reopening under strict sanitary measures, and consumption, and therefore advertising, has not returned to its pre-crisis levels), and any full assessment of the impact of the COVID-19 pandemic is obviously premature. Still, a first set of observations on the crisis and a hypothesis regarding its consequences can be elaborated.

1.1. The pre-COVID-19 crisis European landscape

A fragile balance would probably be the most accurate way to describe the pre-COVID-19 crisis European audiovisual sector. Key characteristics include a stagnation of resources: TV advertising, although resisting better than print, is challenged by Internet advertising; Linear pay TV is challenged by SVOD; and a massive number of consumers switching from pay TV to SVOD may have the following impacts:

- On the one hand, SVOD prices are lower than the linear pay-TV prices: in particular, SVOD prices may be to some extent “subsidised” to sell other products and services (for example, mobile phones or delivery services); hence, subscribers switching from pay TV to SVOD may have a negative impact on the total revenues.
- On the other hand, the “programming mix” of SVOD services is not necessarily the same as linear pay-TV services (for example, no sports, or more TV series and less films), and public service broadcasters’ revenues rely (by more than 85%) on public funding (or licence fees) and, to a much lesser extent, on advertising; additionally, their revenues have, on average, been decreasing in real terms over the past few years. Cinema box-office revenues are stable, with annual fluctuations depending on individual blockbusters. Finally, home-video revenues are decreasing, as digital rental and purchase (transactional video on demand – TVOD) do not compensate for the losses of physical video.

As regards content production, even if comprehensive figures are lacking, the following trends seemed to work before the crisis: an increase in the number of films produced, but pressure on funding due to constraints on most players contributing to funding, and polarisation between high-budget films and low-budget films; more demand for high-end audiovisual fiction, boosted by the competition from new SVOD services and the need for legacy players to reallocate more resources to this genre, in particular



through more co-productions between TV channels; and an upward trend for sports rights, fuelled by new players (broadcasters but also Internet players) entering the market.

As regards the industry structure, the state of play before the COVID-19 crisis was characterised by the predominance of national players: only a few European audiovisual service companies are active at European level (RTL) or at regional level (Nent and Bonnier in Scandinavia). Other companies derive most of their revenues from their national market, even if they are active in another market (for instance, Mediaset and Canal+). By definition, public service broadcasters are active only in their domestic market. Some broadcasters (such as Italy Mediaset and Germany ProSiebenSat.1) explore the possibilities of mergers to build European broadcasting groups.

By contrast, the leading SVOD players are active globally in Europe. As regards film production, on the other hand, there is no European mini-major¹. The production landscape is mainly national, with a handful of mid-sized players (less than 10 films per year), often also active in distribution, and a myriad of small production companies. The internationalisation of the market is therefore primarily driven by international co-productions (with often excellent results in terms of festival awards, but with national box offices often favouring 100% national films²). The panorama is strikingly different as regards TV (and SVOD) production. A consolidation process is at work, in the form of production pure-players (Banijay-Endemol), or in the form of broadcasting companies (mostly private – RTL, ITV, etc.- but also public – BBC) and affiliated production groups working for all broadcasters.

1.2. The immediate effect of the crisis

The audiovisual sector end-market relies on five main resources:

- Advertising revenues,
- Public funding (mostly of public media services but also of film funds),
- consumers' subscriptions to pay services (linear pay television, subscription video on demand),
- Cinema box-office revenues, and
- Home video revenues (physical and digital rental and purchases of audiovisual works).

Initial figures suggest that two of these segments were severely hurt by the COVID-19 crisis. TV advertising dropped, despite increasing audiences, as advertising is not correlated with audiences but with general economic welfare. Initial figures suggest that the TV advertising market could decrease by 15% to 20% in 2020 compared to 2019.³ The cinema box office was obviously directly affected by the closure of cinemas and will

¹ Canal+'s StudioCanal or Bavaria Films are exceptions. EuropaCorp was another attempt.

² And, of course, US blockbusters.

³ Source: Ampere Analysis, Warc, Press.



remain affected by the limitations to their reopening. Initial figures suggest that box-office revenues might be cut by half in 2020 when compared with 2019⁴.

Two other segments have shown resilience: public funding is allocated on a yearly basis and no immediate massive cuts seem to have been enforced as of June 2020. Among pay-services subscriptions, linear pay TV may have been protected by one-year contracts and the bundle of television services with Internet access services. However, pay-TV operators had to discount their services to reflect the interruption of sport retransmissions. SVOD subscriptions, which were already strongly progressing before the crisis, seem to have developed even more, but probably not at the expense of the legacy pay-TV services.

Finally, the evolution of home-video revenues during the crisis is unclear. While physical rental and purchases may have been hurt by the closure of stores, the appetite for content during the lockdown may have boosted digital consumption.

Further up the value chain, the production and distribution sectors have been affected, regardless of the evolution of the revenues of their clients, the audiovisual services.

Ongoing production projects have been stopped and projects planned to be launched during the lockdown period were postponed; restarting these projects would trigger additional expenses which are not necessarily compatible with the work financing plan⁵. The interruption of production projects has obviously affected the artistic and technical crew involved, many of whom are precarious workers, as well as the technical service providers.

The shutdown of cinemas has affected cinema distributors, who are not likely to recoup the technical and marketing expenses invested for the cinema release of films. Provided that they owned the rights, several distributors have opted for a direct release of films on VOD, benefitting from a temporary relaxation of the exploitation windows. As for other films, re-releasing films whose cinema exploitation has been interrupted may imply reinvesting in marketing; releasing films whose release has been postponed may face a limited revenues potential, as cinema capacities will remain reduced, or a bottleneck in cinemas if postponed films are released at the same time.

Most production and distribution companies in Europe are small organisations who rely on the production or distribution of a limited number of audiovisual works. Lockdown and the months immediately following it might therefore result in a significant number of failures.

⁴ Source : UNIC data as of May 2020, Press.

⁵ £2m BFI COVID-19 Production Continuation Fund now open, BFI - 29 April 2020, www.bfi.org.uk/news-opinion/news-bfi/announcements/covid-19-production-continuation-fund.

Coronavirus is going to make film shoots more expensive. Here's how, Ryan Faughnder, Los Angeles Times - 19 May 2020, www.latimes.com/entertainment-arts/business/story/2020-05-19/coronavirus-raise-costs-movies-productions.



1.3. Emergency measures

Most of the emergency measures taken both by public organisations and industry players have tackled the short-term imperative to offset as much as possible the immediate effects of the COVID-19 crisis (for example, compensating for the loss of revenues of freelancers and relaxing the rules for the use of public subsidies).

Some of them will, however, only defer the impact when they take the form of loans with deferred payment. A more limited number of measures aim to help the sector's recovery, that is to say, getting the sector back to a normal level of activity (for instance, funding the extra costs of interrupted projects). However, the "back to normal" strategy may be insufficient if the COVID-19 crisis generates long-lasting impacts on the audiovisual sector.

1.4. Deferred effects of the COVID-19 crisis

The COVID-19 crisis may have a series of deferred effects. For instance, a significant proportion of linear pay-TV subscribers are bound by one-year contracts. The cancellation of subscriptions may therefore be postponed until the renewal date. The media service providers' public resources are defined on a yearly basis. Even if short-term budget cuts cannot be totally discarded, austerity measures on the PSMs' budgets may take place in 2021. The film funds' levies and taxes may be based on the previous year's revenues, therefore deferring the impact of the COVID-19 crisis by one year. Hence, even in the (optimistic) hypothesis of a fast "rebound" after the end of the lockdown, the effects of the COVID-19 crisis are still likely to be felt well into 2021.

1.5. The risk of a systemic crisis

In the context of the fragile balance of the European audiovisual sector, all market segments, apart from SVOD, seem vulnerable. Smaller cinemas seem at risk, and the theatrical exploitation of independent art house films may turn out to be more difficult. Some analysts forecast that cinemas will focus more on the exploitation of European and US "blockbuster" films, and that European art house film will increasingly rely on funding from the major SVOD platforms.⁶ This trend would be aggravated by broadcasters investing less in films, and by decreasing resources from film funds.

TV advertising also seems at risk. Should Internet advertising recover better and sooner than TV advertising, the audiovisual sector would suffer a major loss of revenues,

⁶ Ce que le XXe siècle nous enseigne sur Netflix, Jean-Marc Quinton, Slate – 26 January 2020, www.slate.fr/story/186512/tribune-xxe-siecle-histoire-cinema-television-films-series-vod-plateformes-streaming-netflix



as online advertising key players only invest marginally in content. Advertising-funded broadcasters would therefore suffer new limitations when it comes to investing in high-end TV fiction at a time when the genre is key in the competition with SVOD platforms.

To mitigate this shortage in resources, broadcasters may opt for investing more in TV series and less in films. Post-COVID-19 austerity measures may also particularly impact media service providers and their key role in the production of high-end content (film and TV).

Finally, consumers' subscription expenses also seem at stake: the COVID-19 pandemic has probably introduced many consumers to SVOD services, who may make a trade-off between their pay-TV and SVOD subscriptions in a second step. More SVOD subscriptions and less pay-TV subscriptions could result in consumers spending less for subscription services.

The previous risks would result in the risk of a decrease in the volume and diversity of European high-end programmes (film and TV series), as SVOD-funded programmes may probably not compensate for the decrease in investments by legacy players.

1.6. The EAO Tracker on COVID-19 Audiovisual Sector Measures

1.6.1. Scope of the project

In March 2020, in response to the COVID-19 pandemic, the European Audiovisual Observatory launched a COVID-19 tracker to collect the different measures taken at national and European levels to support and guide the film and audiovisual sector through this crisis in the 41 member states that form part of its Executive Council (hereinafter the "EAO Tracker").⁷ In addition, the EAO Tracker has collected measures with a direct impact on the sector, initiated at the supranational level by intergovernmental organisations and industry stakeholder groups.

The measures collected are specific to the audiovisual sector and the cultural and creative industries; they include mechanisms such as direct public support, regulation, guidelines, industry agreements and policy statements. Where more general and comprehensive sets of measures concerning cross-sector areas are taken, such as support measures for enterprise and SMEs or measures in favour of workers, they are also monitored to the extent that they are particularly relevant for the audiovisual sector in times of crisis.

⁷ <https://rm.coe.int/covid-final-tracker/16809e17d4>.



The measures are presented (and so may be sorted) by geographical area (EU27 or other European countries for example), by the country that initiated the measure, and by the organisation type and name that created the measure.

1.6.2. Information sources

In order to compile this data rapidly and to ensure its reliable and trustworthy nature, the European Audiovisual Observatory has been making use of its virtually unparalleled network of professional and institutional information sources throughout Europe:

- Its Executive Council
- Its Advisory Committee
- Its network of legal correspondents
- EFARN (The European Film Agency Research Network)
- EPRA (The European Platform of Regulatory Authorities)

The information supplied by these networks has been supplemented by the desk research of the European Audiovisual Observatory. The raw information has been processed and collated in the form of a publicly available datasheet downloadable from the EAO's webpage.



2. Measures taken by international organisations and the EU

At supranational level, the COVID-19 crisis has elicited a number of responses from international organisations and the European Union. Although the interventions of these organisations have been diverse and relate to their specific mission, they can be classified into two categories: 1) actions concerning freedom of expression and information, and 2) support measures for the economy at large and the film and audiovisual sectors in particular.

2.1. Freedom of expression and information

2.1.1. United Nations

2.1.1.1. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

In a health crisis such as the one brought about by the COVID-19 pandemic, having access to trustworthy information is of paramount importance. This was recognised, for example, in a joint statement by the monitors for freedom of expression and freedom of the media for the United Nations, the Inter-American Commission for Human Rights, and the Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE),⁸ in which they stressed the importance of access to accurate information about the nature of the threats posed by COVID-19 and the means to protect oneself, one's family and one's community. According to the signatories, the right to freedom of expression applies to everyone everywhere, and may only be subject to narrow restrictions; they urge governments to:

⁸ Mr David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Mr Harlem Désir, OSCE Representative on Freedom of the Media; and Mr Edison Lanza, IACHR Special Rapporteur for Freedom of Expression, "COVID-19: Governments must promote and protect access to and free flow of information during pandemic", 19 March 2020, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E.



- Provide truthful information about the nature of the threat posed by the coronavirus;
- Refrain from blocking Internet access;
- Make exceptional efforts to protect the work of journalists;
- Address disinformation (together with Internet companies) by providing reliable information and resorting to restrictive measures, such as content takedowns and censorship, only where they meet the standards of necessity and proportionality;
- Use surveillance technology tools to a limited extent, both in terms of purpose and time, and rigorously protect individual rights to privacy, non-discrimination, the protection of journalistic sources and other freedoms. States must also protect the personal information of patients.

Furthermore, the Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression submitted to the UN Human Rights Council⁹ registers alarm that some efforts to combat the coronavirus disease (COVID-19) pandemic may be failing to meet the standards of legality, necessity and proportionality. The Special Rapporteur highlights five areas of concern (access to information held by public authorities, access to the Internet, protection and promotion of independent media, public health disinformation, and public health surveillance), showing that access to information, independent media and other free expression rights are critical to meeting the challenges of a pandemic.

2.1.1.2. UNESCO

The United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to build peace through international cooperation in Education, the Sciences and Culture. According to UNESCO, the COVID-19 pandemic is, among other things, a stark reminder of the importance of high-quality, reliable information at a time when rumours are flourishing. It also talks about the power of culture and knowledge to strengthen human fabric and solidarity at a time when so many people around the world must practise social distancing and stay at home.

According to UNESCO, gatekeepers of information, such as international organisations and the media, need to renew their focus on countering disinformation and encouraging research in the social, economic and environmental spheres, to allow for effective and sustainable post-pandemic recovery.¹⁰

UNESCO is responding to the pandemic by promoting expanded access to information through a range of activities that include:

⁹ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, "Disease pandemics and the freedom of opinion and expression", 23 April 2020, <https://undocs.org/A/HRC/44/49>.

¹⁰ <https://en.unesco.org/news/access-information-more-vital-ever>.



- The publication entitled *Journalism, 'Fake News' and Disinformation*, available in multiple languages, which assists journalists and other stakeholders to identify and deal with false information;¹¹
- The COVID-19 Universal REsource gateway (CURE), which aggregates verified, openly-licensed information on the pandemic from different sources;¹² and
- The #DontGoViral online campaign which harnesses the creativity and influence of innovators and artists by crowdsourcing and amplifying crucial and accurate information.¹³

On 24 April 2020, UNESCO published two policy briefs offering critical insights into the fast-growing COVID-19-related disinformation that is impeding access to trustworthy sources and reliable information.¹⁴ Policy Brief 1, entitled *Disinfodemic: Deciphering COVID-19 disinformation*,¹⁵ assesses the typology of coronavirus disinformation. Policy Brief 2, *Disinfodemic: Dissecting responses to COVID-19 disinformation*,¹⁶ focuses on the responses to the viral spread of COVID-19 disinformation. These Policy Briefs assess nine types of disinformation across four format modes and identify ten categories of responses being mobilised around the world, often with implications for freedom of expression.

The Policy Briefs invite UNESCO member states, Internet communications companies, news publishers, service providers and regulators, journalists, civil society organisations and other key stakeholders to help “flatten the curve” of the COVID-19 “disinfodemic”. The focus is on four goals designed to:

- Effectively contain and counter dangerous falsehoods caused by misinformation and disinformation;
- Assist UNESCO member states to align their disinfodemic responses with international human rights standards on freedom of expression, access to information, and privacy;
- Empower citizens through media and information literacy skills;
- Support quality independent journalism to provide verifiable and reliable information.

The Policy Briefs propose possible solutions for tackling the COVID-19 disinfodemic, with a focus on new opportunities:

¹¹ <https://en.unesco.org/fightfakenews>.

¹² <https://drtc.isibang.ac.in/okp/>.

¹³ <https://en.unesco.org/news/dontgoviral-unesco-and-i4policy-launch-campaign-crowdsource-local-content-combat-infodemic>.

¹⁴ <https://en.unesco.org/news/new-unesco-policy-briefs-launched-assessing-covid-19-disinfodemic-0>

¹⁵ Posetti J., Bontcheva K., *Disinfodemic: Deciphering COVID-19 disinformation*, https://en.unesco.org/sites/default/files/disinfodemic_deciphering_covid19_disinformation.pdf.

¹⁶ Posetti J., Bontcheva K., *Disinfodemic: Dissecting responses to COVID-19 disinformation*, https://en.unesco.org/sites/default/files/disinfodemic_dissecting_responses_covid19_disinformation.pdf.



1. For the identification, monitoring and investigation of disinformation and the networks that propel it, along with normative, educational and credibility-labelling steps;
2. For “sunset” clauses on emergency provisions that weaken and may normalise infringements on privacy, freedom of expression, access to information and other human rights norms;
3. For Internet communications companies to put multi-stakeholder engagement into top gear, demonstrating their goodwill to improve policy and practices in support of access to quality information, including independent journalism, transparency on their monitoring of content and redress mechanisms;
4. For governments, Internet communications companies and other donors to support core funding for independent news media and fact checking efforts, with “no strings attached”;
5. For policymakers and institutions to promote open data that contain provisions and due safeguards for privacy, especially with reference to surveillance and health data gathering;
6. For states to commit to transparency on strategies to combat the pandemic and recover from it, including public spending on pandemics and economic recovery plans, as a means to counter false information; and
7. For Internet communications companies to monitor and report on automated algorithmic responses to combat the disinfodemic, while addressing automation errors in the absence of human content moderators and the dilution of a robust appeal and correction method during the crisis.

2.1.2. Council of Europe

The COVID-19 crisis has led many Council of Europe member states to introduce measures interfering with the rights and freedoms of individuals, notably their freedom of movement. Ten member states have already informed the Secretary General of the Council of Europe that, because of the sanitary crisis, they intend to derogate from the provisions of the European Convention of Human Rights pursuant to Article 15 of the Convention.¹⁷

¹⁷ www.coe.int/en/web/cdcj/covid-19.

2.1.3. Guidance on COVID-19 and media freedom

The Council of Europe has released a guidance document based on the Council of Europe standards, “Mitigating a global health crisis while maintaining freedom of expression and information”,¹⁸ in which the following points are stressed:¹⁹

- Freedom of expression and information and media freedom are crucial for the functioning of a truly democratic society and continue to be so in times of crisis. The provision of timely information about public health risks is a critical element in crisis response.
- Special attention should be paid to the communication and dissemination of information relating to the virus and its circulation, the risks of contamination and the number of illnesses/deaths, as well as to those measures which have a more remote connection with the policy of social distancing/isolation. The related restrictions on the freedom of expression introduced in some states are potentially worrying.
- Media play a key role, coupled with increased responsibility, in providing accurate, reliable information to the public, but also in preventing panic and fostering people’s understanding of and cooperation with necessary restrictions. Media organisations and journalists should adhere to the highest professional and ethical standards, give priority to authoritative messages regarding the crisis, and refrain from publishing, and thus amplifying, unverified stories.
- Rumours, misinformation and disinformation are more likely to cause harm to public order and health safety. As exceptional measures are required in exceptional circumstances (to avoid spreading conspiracy theories, false alerts, etc.), some restrictions may be needed and justified. However, states should avoid implementing measures which derogate from the guarantees of Article 15 ECHR that are broadly and vaguely worded, lack foreseeability and/or are likely to lead to overcriminalisation. In turn, professional journalists should be careful to verify information coming from non-official sources before publishing it, and refrain from publishing implausible/sensationalist materials that could cause panic.
- States should regularly and promptly inform the public about the dimensions and implications of the crisis and the governments’ measures, engaging in an open communication that promotes the trust and cooperation of every individual. However, the flow of information about the pandemic should not be reduced to official communications. This would lead to the censorship and suppression of legitimate concerns.
- Journalists and the media, along with medical professionals, civil society activists and members of the general public, should have the right to criticise the authorities and scrutinise their response to the crisis. This is particularly important now, when other checks and balances on government actions have been removed

¹⁸ Mitigating a global health crisis while maintaining freedom of expression and information, <https://rm.coe.int/en-mitigating-a-global-health-crisis-while-maintaining-freedom-of-expr/16809e2d1e>.

¹⁹ www.coe.int/en/web/freedom-expression/freedom-of-expression-and-information-in-times-of-crisis



or eased, especially under emergency measures, or even in a state of emergency in some states. The heroic story of Li Wenliang, the Chinese whistle-blower doctor, shows the danger of suppressing the free flow of information of vital importance. Likewise, it is unacceptable to use the epidemic as a pretext to silence the political opponents of the current government.

- Finally, there is hardly any justification for the prior censorship of certain topics, the closure of media outlets or the outright blocking of access to online communication platforms. The malicious spreading of disinformation may be tackled with *ex post* targeted sanctions and governmental information campaigns. States should work together with online platforms and the media to prevent the manipulation of public opinion, as well as to give greater prominence to generally trusted sources of news and information, notably those communicated by public health authorities.
- While it is natural to limit physical public gatherings, online forms of civic and communal life must not only be preserved but actively supported by the state.

The Council of Europe has also published a toolkit for member states on respecting human rights, democracy and the rule of law during the COVID-19 sanitary crisis.²⁰

2.1.3.1. MSI-REF's statement about the role of independent media

The Council of Europe's Committee of experts on media environment and reform (MSI-REF) issued a "Statement on Freedom of expression and information in times of crisis",²¹ in which it is stressed the crucial role of independent media in this time of great public concern.

According to the Statement, freedom of expression, media independence and open deliberation, rather than information control, are the core principles underlying European democracy which will allow us to surmount the great challenges facing our countries. Reliable journalism based on the standards of professional ethics is needed more than ever to keep the public informed, to scrutinise the measures taken in response to the COVID-19 crisis, and in particular to counter rumours and disinformation that could lead to panic. This could be facilitated by creating forums for dialogue among governments and media stakeholders. Moreover, following the Council of Europe Guidelines on protecting freedom of expression and information in times of crisis,²² the Statement affirms that this crisis situation should not be used as a pretext for restricting the public's

²⁰ Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis - A toolkit for member states, SG/Inf(2020)11, 7 April 2020, <https://rm.coe.int/sg-inf-2020-11-respecting-democracy-rule-of-law-and-human-rights-in-th/16809e1f40>.

²¹ www.coe.int/en/web/freedom-expression/statement-on-freedom-of-expression-and-information-in-times-of-crisis-by-the-council-of-europe-s-committee-of-experts-on-media-environment-and-reform-msi-ref

²² Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis (Adopted by the Committee of Ministers on 26 September 2007 at the 1005th meeting of the Ministers' Deputies), https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805ae60e.



access to information, nor should states introduce any restrictions on media freedom beyond the limitations allowed by Article 10 of the European Convention on Human Rights.

The Statement also encourages member states, together with all media stakeholders, to ensure a favourable environment for quality journalism, in line with the standards set out by the upcoming Council of Europe Recommendation.²³ In these circumstances, special attention should be given to ensuring appropriate working conditions for journalists, including medical protection for any work-related coronavirus risks.

2.1.3.2. Parliamentary Assembly

On 9 April 2020, the President of the Parliamentary Assembly (PACE), Rik Daems, commenting on the development of innovative track-and-trace devices using personal mobile phones and Bluetooth-based proximity sensors, stated that these initiatives have “huge privacy implications and will need very careful regulation to ensure respect for human rights and the rule of law.” According to the PACE President, “[e]xceptional crises justify exceptional measures, but they must be limited to the objective in scope and time and comply with fundamental rights. In defeating one evil, we must not open the door to an Orwellian future of constant personal surveillance, following our every move for unknown and unaccountable purposes.”²⁴

2.1.3.3. Commissioner for Human Rights

On 3 April 2020, the Commissioner for Human Rights, Dunja Mijatović, urged all Council of Europe member states “to preserve press and media freedom and ensure that measures to combat disinformation are necessary, proportionate and subject to regular oversight, including by Parliament and national human rights institutions. Measures to combat disinformation must never prevent journalists and media actors from carrying out their work or lead to content being unduly blocked on the Internet. Those countries which have introduced restrictions that do not meet these standards must repeal them as a matter of urgency.”²⁵

²³ www.coe.int/en/web/freedom-expression/msi-jog.

²⁴ Declaration of the PACE President, 9 April 2020, <https://pace.coe.int/en/news/7851/covid-19-in-defeating-the-evil-of-coronavirus-we-must-not-open-the-door-to-an-orwellian-future-of-personal-surveillance-president-says>.

²⁵ Statement of the Commissioner for Human Rights, 4 April 2020, www.coe.int/en/web/commissioner/-/press-freedom-must-not-be-undermined-by-measures-to-counter-disinformation-about-covid-19.



2.1.4. Organization for Security and Co-operation in Europe (OSCE)²⁶

On 2 May 2020, on the occasion of World Press Freedom Day, the OSCE Representative on Freedom of the Media,²⁷ Harlem Désir, called on participating states throughout the OSCE region to let journalists work without fear or favour, especially during the COVID-19 crisis, ensuring them access to information and supporting those media that are financially struggling because of the pandemic.²⁸ He stressed the necessity of a free media that provides us with reliable information about the health situation and informs us on a daily basis about governmental decisions and health measures. Moreover, he stated that the media has a key role to play in combatting the spread of false information, but criticised governmental measures that restrict media freedom and limit the ability of journalists to report on the pandemic.

2.1.5. European Union

The European Union and its member states are determined to counter efforts by actors who attempt to exploit the crisis and put citizens' lives at risk, or who spread propaganda and hate narratives. This has been stressed most recently by the Council of the European Union in its meeting of 26 May 2020, in which it adopted, among other things, conclusions on media literacy in an ever-changing world.²⁹ They recognise the importance of media literacy given the growing exposure of citizens to a large amount of disinformation, in particular during global crises such as the current COVID-19 outbreak. Member states were invited thereby to undertake various measures, such as developing lifelong-learning approaches to media literacy for all ages. The crucial importance of quality journalism and the need to identify more effective solutions in the fight against disinformation, while protecting freedom of expression, are among the aspects tackled by these conclusions. Furthermore, in its Resolution of 17 April 2020³⁰, the European Parliament urged the European Union to establish a European information source, in all the official languages, to ensure that all citizens have access to accurate and verified information, and called on social media companies to proactively take the necessary measures to stop disinformation and hate speech regarding COVID-19.

²⁶ For more information on the OSCE, see: www.osce.org/whatistheosce.

²⁷ The OSCE Representative on Freedom of the Media observes media developments in all 57 OSCE participating states. He provides early warning on violations of freedom of expression and media freedom and promotes full compliance with OSCE media freedom commitments. See www.osce.org/fom.

²⁸ The video message by the Representative is available at: www.osce.org/representative-on-freedom-of-media/451294.

²⁹ www.consilium.europa.eu/en/press/press-releases/2020/05/26/culture-and-audiovisual-the-council-adopts-conclusions-on-risk-management-in-the-area-of-cultural-heritage-media-literacy-and-the-amendment-of-the-work-plan-for-culture-2019-2022/.

³⁰ EP resolution of 17 April 2020, see *supra*.



Concerning the fight against disinformation during the COVID-19 crisis, the European Union has the following five main objectives:³¹

- protect public health and the well-being of citizens in the context of the coronavirus,
- promote verified information and authoritative content,
- counter coronavirus-related fraud,
- improve the accountability and responsibility of online platforms, and
- analyse and expose disinformation, including coordinated campaigns.

The EU response to disinformation about the COVID-19 crisis follows the Action Plan against Disinformation,³² and President von der Leyen has called for more action to tackle disinformation under the future European Democracy Action Plan. It is based on the following tools:

- A Rapid Alert System,³³ bringing together warnings, analyses and responses,
- The Code of Practice on Disinformation,³⁴ which allows platforms, on a voluntary basis, to fight disinformation by scrutinising ads,
- The deployment of transparency measures, the deletion of fake accounts and fighting the malicious use of bots,
- The European External Action Service's EUvsDisinfo³⁵ project, which analyses and exposes disinformation from actors from outside the European Union,
- The Commission and the European External Action Service are also in close contact with international partners such as the G7 and NATO to share information and insights.

The European Commission has started new actions since the coronavirus outbreak:

- Ensuring verified information by launching a dedicated coronavirus response website³⁶ and promoting authoritative content from the World Health Organisation, the national health authorities and the European Centre for Disease Prevention and Control. The EEAS Strategic Communication Task Forces are monitoring and exposing attempts by state actors from outside the European Union to spread disinformation about the coronavirus. The European Union also supports fact-checking and academic communities.

³¹ European Commission, "Tackling Coronavirus Disinformation", 29 April 2020, https://ec.europa.eu/info/sites/info/files/corona_fighting_disinformation.pdf.

³² Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, Action Plan against Disinformation, 5 December 2018, JOIN(2018) 36 final, https://eeas.europa.eu/sites/eeas/files/action_plan_against_disinformation.pdf.

³³ https://eeas.europa.eu/headquarters/headquarters-homepage_en/59644/Factsheet:%20Rapid%20Alert%20System.

³⁴ <https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>.

³⁵ <https://euvsdisinfo.eu>.

³⁶ https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response_en.



- Working with social media platforms to increase the promotion of authoritative content, take decisive action on false or misleading content, in particular that could cause serious harm, and take down illegal content. The Commission has urged companies to share relevant data with the research and fact-checking community, as well as to work together with authorities in all member states.
- Debunking myths by launching a special page on fighting disinformation³⁷ around the coronavirus outbreak.
- Protecting consumers by working with member states to tackle coronavirus-related scams and unfair business practices. The Commission also invited Allegro, Amazon, AliExpress, Bing, CDiscount, Ebay, Facebook, Google, Rakuten, Wish and Yahoo to cooperate with consumer authorities and take proactive measures to counter coronavirus-related scams, including price gouging.
- Working with member states, and by generally being in close contact with member states' authorities as well as with international partners such as the G7 and NATO in order to share information and insights. The Rapid Alert System allows for close cooperation to detect and assess disinformation campaigns from external sources and to coordinate strategic communications efforts among EU institutions and member states. Valuable experience has also been gained through coordination with member states' authorities at national and European level, including through dedicated cooperation networks. The European External Action Service works on proactive communication on risks linked to disinformation and cooperates with partners in the European Union's neighbourhood.

2.1.6. European Regulators Group for Audiovisual Media Services (ERGA)

According to the European Regulators Group for Audiovisual Media Services (ERGA),³⁸ the COVID-19 crisis has made us more dependent than ever on quality media coverage and digital communications. However, the economic effects of the crisis have hit audiovisual media companies hardest, and the restrictions on movement and other control measures decided by national authorities in order to contain a further spread of the virus also complicate the functioning of media outlets.³⁹

On 6 April 2020, ERGA decided, in concertation with the European Commission, to extend its current work on Disinformation by conducting an assessment on how platforms react to the challenges posed by the 'infodemic' accompanying the pandemic. In addition, ERGA will form an Action Group to exchange experience of and information about the

³⁷ https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/fighting-disinformation_en.

³⁸ The European Regulators Group for Audiovisual Media Services brings together heads or high-level representatives of national independent regulatory bodies in the field of audiovisual services, to advise the Commission on the implementation of the EU's Audiovisual Media Services Directive (AVMSD).
<https://erga-online.eu>.

³⁹ https://erga-online.eu/wp-content/uploads/2020/04/ERGA_Corona_PressRelease_final_6-Apr-2020.pdf



crisis' impact on the economic conditions for the audiovisual media sector in the member states. ERGA also called upon the European Commission to take into consideration measures to reduce the impact of COVID-19 on the media sector and the European Single Market.⁴⁰

On 29 April 2020, ERGA adopted the “ERGA Report on disinformation: Assessment of the implementation of the Code of Practice”,⁴¹ which summarises ERGA’s 2019 work of monitoring the implementation of the commitments made by the signatories to the Code of Practice on Disinformation. The Report presents the results of ERGA’s monitoring of the implementation of the Code of Practice on Disinformation and identifies a number of weaknesses which would justify a shift from the current self-regulatory approach to a co-regulatory one.

ERGA makes the following recommendations:

- There is a need for greater transparency, including much more detailed data (especially country-specific data) about how the signatories are implementing the Code; furthermore, some of the measures under the Code are too general in nature and are not uniformly enacted by all signatories.
- The number of signatories of the Code is limited and does not include some important platforms, information and communication services, and actors from the advertising industry that are active in the European Union.
- The current self-regulatory model proved to be an important and necessary first step, but there is a need to be more effective to counter disinformation online.

2.2. Support measures

2.2.1. UNESCO

2.2.1.1. A call to support the cultural sector

On 23 April 2020, over 130 Ministers and Vice-Ministers of Culture joined an online meeting convened by UNESCO to discuss actions to support the cultural sector in light of the COVID-19 pandemic.⁴² The discussion revolved around the current crisis affecting tourism, museums, cultural production and artists, and the measures taken to mitigate the impact of the crisis on these sectors. They reaffirmed their commitment to

⁴⁰ ERGA, “The systemic importance of the media in times of crisis – Extension of the remit of Subgroup 2 and creation of an ERGA Action Group”, https://erga-online.eu/wp-content/uploads/2020/04/ERGA_Corona_Note-on-proposed-measures_final_6-Apr-2020.pdf

⁴¹ <https://erga-online.eu/?p=732>.

⁴² <https://en.unesco.org/news/more-130-ministers-call-support-culture-sector-covid-19-crisis-response>.



intergovernmental dialogue and international solidarity in order to strengthen and unite their efforts.

Given the social and economic benefits brought by the culture sector in their countries, ministers agreed on the urgent need to invest in the sector during and following the crisis. Measures taken by governments in order to contain the pandemic have drastically curbed access to culture in the short term and, according to the ministers, could weaken the entire cultural ecosystem for generations to come if action is not taken in this regard.

It was highlighted that artists and creative professionals have been among the hardest hit in this crisis due to the fragility of the sector, with many being self-employed, employed in small and medium-sized enterprises and, in some cases, working in the informal sector.⁴³ The collapse of cultural life and production was also having a direct impact on the tourism sector – which, in some countries, corresponds to more than half of the country's economic activity.

Many countries have already begun to undertake impact assessments to address not only the short-term impact but also to devise strategies in the longer term. Whilst the expansion of digital technologies was considered to be a major part of the strategy, it was argued that culture is also a collective experience of our shared humanity and it will be important to revitalise human contact when it is safe to do so.

The need for international solidarity at this time was stressed during the meeting. Several member states called for a strengthened platform for dialogue in order to share good practices among states, while others highlighted the need for international financial mechanisms to support the countries least able to reinforce their cultural sectors. The enhancement of UNESCO normative instruments was also cited as a long-term goal.⁴⁴

2.2.1.2. ResiliArt

On 15 April 2020, UNESCO launched ResiliArt,⁴⁵ a global movement consisting of a series of virtual debates with key industry professionals and artists – both renowned and unknown – that raises awareness of the far-reaching impact of the current confinement measures on the culture sector. It aims to support member states in the development of policies and financial mechanisms that can help creative individuals and communities overcome the current crisis.

ResiliArt aims to:

- Raise awareness about the impact of COVID-19 on the culture sector and the livelihoods of culture professionals

⁴³ www.ilo.org/global/about-the-ilo/multimedia/video/video-news-releases/WCMS_074529/lang--en/index.htm.

⁴⁴ For more information, see <https://en.unesco.org/covid19/cultureresponse> and <https://en.unesco.org/covid19/initiatives>.

⁴⁵ <https://en.unesco.org/news/resiliart-artists-and-creativity-beyond-crisis>.



- Give visibility to artists worldwide – established and emerging – and ensure their voices are heard at the policy level to address existing gaps and needs
- Contribute to the decision-making processes of member states during the development of policies and financial mechanisms aimed at empowering artists

The first ResiliArt Debate was launched in partnership with the International Confederation of Societies of Authors and Composers (CISAC) on 15 April 2020, World Art Day. However, the purpose of this initiative is to replicate the debate format across all regions by following publicly available guidelines to ensure that all voices are heard. The key issues and concerns that will emerge from this movement will be shared with UNESCO member states and city decision-makers through the UNESCO Creative Cities Network in order to inform their decision-making processes and help them better support the creative sector in times of crisis and post-crisis.

2.2.2. Organisation for Economic Co-operation and Development (OECD)⁴⁶

According to the OECD, the importance of culture and creativity for society is clear, and sustainable business models during and after the initial crisis are imperative for the sector's survival. The current challenge is, therefore, to design public supports that alleviate the negative impacts in the short term and help identify new opportunities in the medium term for different public, private and non-profit actors engaged in cultural and creative production.

The OECD has organised a series of discussions followed by targeted training for policymakers and practitioners on the COVID-19 crisis and the cultural and creative sectors.⁴⁷

2.2.3. Council of Europe

Eurimages, the cultural support fund of the Council of Europe, has taken a number of special measures in the light of the COVID-19 pandemic.⁴⁸ The meeting of the Eurimages Board of Management due to take place from 17 to 20 March 2020 in Zagreb was cancelled. The Working Group meetings due to take place in March were held by video conference and their recommendations will be put forward to the Board of Management. At the time of writing, Eurimages was still working on a solution for the Board of Management to take decisions on their recommendations using exceptional procedures.

⁴⁶ For more information on the OECD, see: www.oecd.org/about.

⁴⁷ www.oecd.org/cfe/leed/culture-webinars.htm.

⁴⁸ www.coe.int/en/web/eurimages/covid-19.



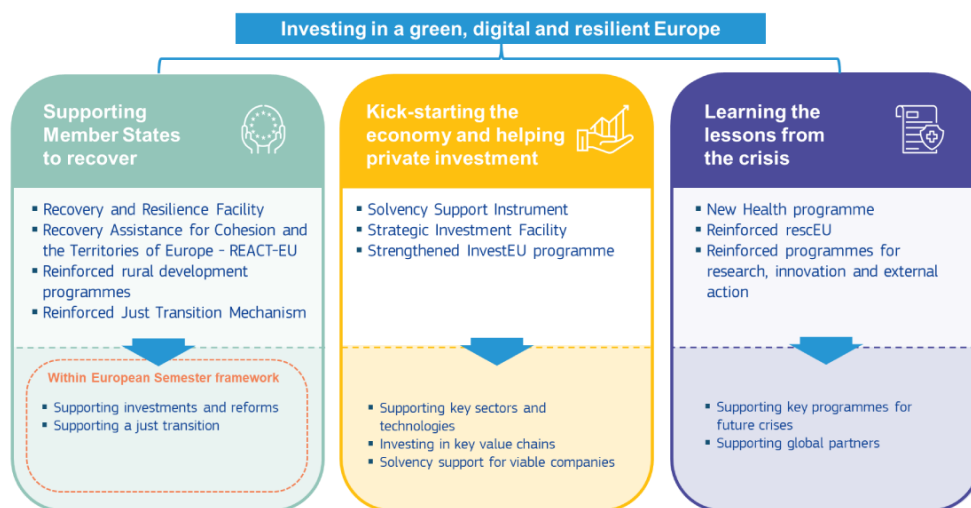
Concerning the signing of Eurimages' Support Agreements and other contractual documents, the secretariat was working on alternative means of signing to replace the circulation of hard copies, as previously required. In the case of projects supported by Eurimages and whose theatrical release has been cancelled or indefinitely postponed due to the closure of cinemas, the 'force majeure' clauses of the Support Agreement signed with Eurimages apply. In such cases, Eurimages will accept other forms of presentation to the public, such as VOD, TVOD or d-cinema, in both majority and minority co-producing countries. Furthermore, the start of shooting will trigger the release of the first payment of the Fund's support, which can be made on presentation of a declaration, the interruption of shooting being considered as falling under the 'force majeure' clause of the Eurimages Support Agreement.

2.2.4. European Union

2.2.4.1. Most recent proposals (not yet adopted at the time of writing)

On 27 May 2020, the European Commission proposed a long-term EU budget⁴⁹ boosted by Next Generation EU, an emergency temporary recovery instrument, to help repair the immediate economic and social damage brought on by the coronavirus pandemic, to kickstart the recovery process, and to prepare for a better future for the next generation.

This proposal builds on the Commission's 2018 proposal⁵⁰ and on the progress that has already been made in the European Parliament and the Council. The Commission is mobilising a variety of instruments, organised around three pillars:



Source: https://ec.europa.eu/info/strategy/eu-budget/eu-long-term-budget/2021-2027_en

⁴⁹ https://ec.europa.eu/info/strategy/eu-budget/eu-long-term-budget/2021-2027_en.

⁵⁰ https://ec.europa.eu/commission/future-europe/eu-budget-future_en.



The timeline for the adoption of this EU long-term budget as foreseen by the Commission is the following:

- May 2020: Commission proposal for the revised Multiannual Financial Framework 2014-2020 & 2021-2027 (of which Creative Europe is part) and Own Resources Decision + sectoral legislation.
- By July 2020: European Council: Political agreement on Multiannual Financial Framework 2014-2020 & 2021-2027 and Own Resources Decision.
- By summer 2020: European Parliament's consultation on Own Resources Decision.
- Early autumn 2020: Adoption of the revised Multiannual Financial Framework 2014-2020 + corresponding sectoral legislation.
- October 2020: European Council.
- December 2020: Adoption of the revised Multiannual Financial Framework 2021-2027 (European Parliament's consent) Adoption of the Own Resources Decision (Ratification by all member states in line with their constitutional requirements).
- January 2021: Multiannual Financial Framework 2021-2027 implementation starts.

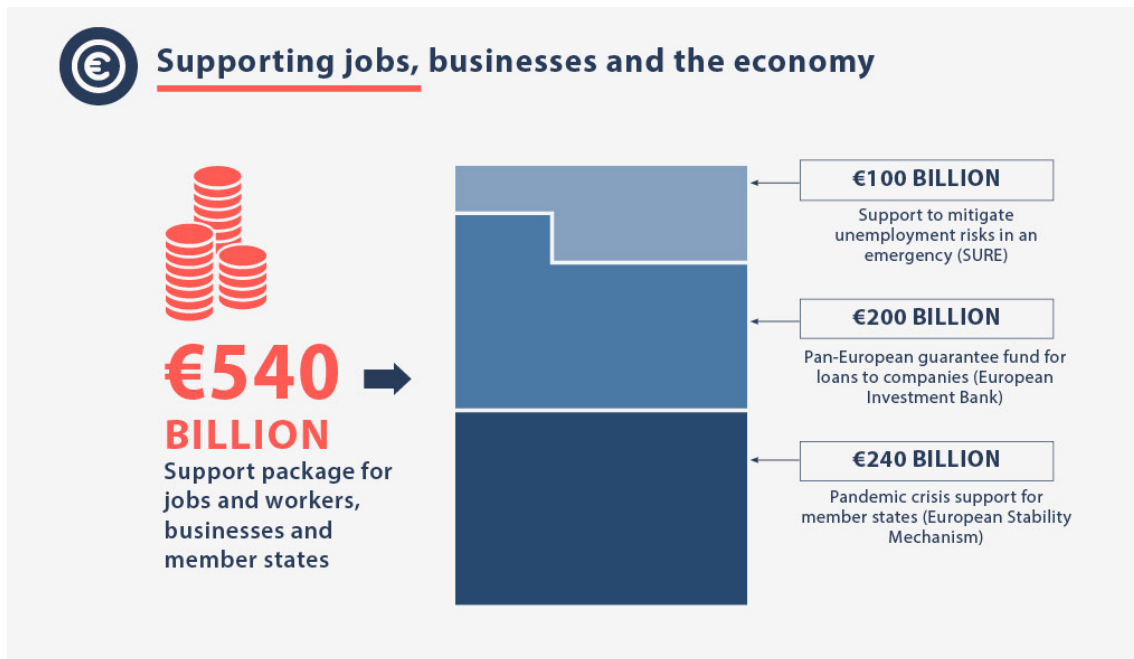
2.2.4.2. General measures adopted (as of May 2020)

The European Union's general response to the COVID-19 outbreak⁵¹ has focused so far on four priorities:

- limiting the spread of the virus
- ensuring the provision of medical equipment
- promoting research for treatments and vaccines
- supporting jobs, businesses and the economy

On 23 April 2020, EU leaders endorsed a EUR 540 billion package of three safety nets for workers, businesses and member states, and called for the package to be operational by 1 June 2020. They also agreed to work towards establishing a recovery fund.

⁵¹ www.consilium.europa.eu/en/policies/covid-19-coronavirus-outbreak-and-the-eu-s-response.



Source: <https://www.consilium.europa.eu/en/infographics/covid-19-eu-emergency-response/>

2.2.4.2.1. Jobs and workers

The European Union is putting forward temporary support to mitigate unemployment risks in an emergency (SURE)⁵² to help people keep their jobs during the crisis. On 19 May 2020, the Council of the European Union adopted SURE, a temporary scheme which can provide member states with up to EUR 100 billion worth of loans on favourable terms. The instrument enables member states, as of 1 February 2020, to request EU financial support to help finance the sudden and severe increases in national public expenditure related to national short-time work schemes and similar measures, including for self-employed persons, or to some health-related measures, in particular in the workplace, in response to the crisis.

In order to provide the requesting member states with financial assistance on favourable terms, the Commission will raise funds on international capital markets on behalf of the European Union. SURE loans will be backed by the EU budget and guarantees will be provided by member states according to their share in the European Union's Gross National Income. The total amount of guarantees will be EUR 25 billion.

While all member states will be able to make use of the instrument, SURE will act as a particularly important safety net for workers in the hardest-hit economies. Formally, the financial assistance will be granted by a decision adopted by the Council on a proposal from the Commission.

⁵² https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/financial-assistance-eu/funding-mechanisms-and-facilities/sure_en.



SURE will become available after all member states have provided their guarantees. The instrument will then be operational until 31 December 2022. On the proposal of the Commission, the Council may decide to extend the period of availability of the instrument, each time for a further 6-month period, if the severe economic disturbances caused by the COVID-19 outbreak persist.

2.2.4.2.2. Businesses

The European Investment Bank (EIB) Group has created a pan-European guarantee fund⁵³: loans of up to EUR 200 billion for companies with a focus on small and medium-sized enterprises (SMEs) throughout the European Union. This comes on top of the EUR 40 billion already leveraged to bridge the short-term financing needs of SMEs.

2.2.4.2.3. Member states

The European Stability Mechanism set up Pandemic Crisis Support⁵⁴ based on an existing precautionary credit line, which was adjusted in light of the COVID-19 crisis: loans available to all euro area member states up to 2% of their GDP (worth EUR 240 billion).

2.2.4.2.4. EU recovery fund

On 23 April 2020, EU leaders also agreed to work towards establishing a recovery fund. They tasked the European Commission to analyse the exact needs and to urgently come up with a proposal.⁵⁵

2.2.4.2.5. Use of the EU budget

The European Union has amended its budget for 2020⁵⁶, adding EUR 3.1 billion to respond to the COVID-19 crisis. The additional funds will be used to:

- purchase and distribute medical supplies, including protective gear and ventilators
- boost the production of testing kits
- build field hospitals
- transfer patients for treatment to other member states
- repatriate EU citizens stranded abroad

⁵³ www.eib.org/en/press/all/2020-126-eib-board-approves-eur-25-billion-pan-european-guarantee-fund-to-respond-to-covid-19-crisis.htm.

⁵⁴ www.esm.europa.eu/content/europe-response-corona-crisis.

⁵⁵ After the writing of this publication, on 27 May 2020 the European Commission issued its proposal for a recovery fund and the EU's long-term budget, the Multiannual Financial Framework (MFF) for 2021-2027, www.consilium.europa.eu/en/policies/coronavirus.

⁵⁶ www.consilium.europa.eu/en/press/press-releases/2020/04/14/tackling-covid-19-council-adopts-amended-eu-budget-for-2020.



The EU has quickly redirected EU funds to help member states tackle the COVID-19 crisis:

- EUR 37 billion from the EU budget available to support healthcare systems, small and medium-sized enterprises (SMEs) and labour markets via the Coronavirus Response Investment Initiative;
- up to EUR 28 billion from structural funds; from 2014 to 2020, national envelopes not yet allocated to projects are eligible for crisis response;
- up to EUR 800 million from the EU Solidarity Fund,⁵⁷ directed at the countries hardest hit thanks to an extension of the scope of the fund to public health crises.

The EU has also adopted measures to ensure additional flexibility in the use of structural funds. Thanks to the so-called Coronavirus Response Investment Initiative Plus⁵⁸:

- member states can transfer money between different funds to meet their needs
- resources can be redirected to the most affected regions thanks to a suspension of the conditions on which regions are entitled to funding
- member states can request up to 100% financing from the EU budget between 1 July 2020 and 30 June 2021 for programmes dealing with the impact of the pandemic
- The initiative also includes support for fishermen and farmers and a revision of the Fund for European Aid to the Most Deprived (FEAD).⁵⁹

The Horizon 2020-funded European Institute of Innovation and Technology (EIT)⁶⁰ has also launched a crisis response initiative. The institute will provide EUR 60 million of additional funding to innovators powering high-impact solutions that help tackle social and economic challenges.

2.2.4.2.6. Flexibility in EU rules

The European Union has enabled⁶¹ maximum flexibility in the application of EU rules on:

- State aid measures to support businesses and workers
- Public finances and fiscal policies, for example to accommodate exceptional spending
- State aid: to preserve jobs and businesses, the European Union has adopted temporary state aid rules that allow member states to financially support companies and citizens who are struggling due to the COVID-19 economic fallout.

⁵⁷ www.europarl.europa.eu/news/en/headlines/priorities/eu-response-to-coronavirus/20200323STO75625/coronavirus-eu-countries-to-get-help-from-solidarity-fund.

⁵⁸ https://ec.europa.eu/regional_policy/en/newsroom/news/2020/04/04-02-2020-coronavirus-response-investment-initiative-plus-new-actions-to-mobilise-essential-investments-and-resources.

⁵⁹ <https://ec.europa.eu/social/main.jsp?catId=1089&langId=en>.

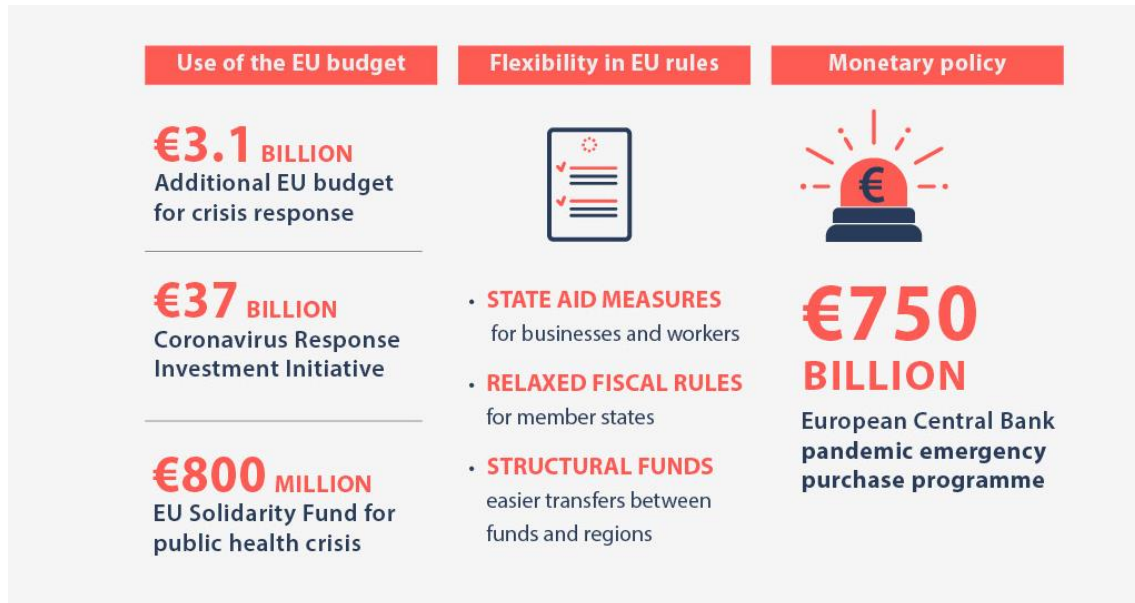
⁶⁰ <https://eit.europa.eu>.

⁶¹ See 2.2.5.2.1.



2.2.4.2.7. Monetary policy

In addition, the European Central Bank announced a EUR 750 billion pandemic emergency purchase programme.⁶²



Source: <https://www.consilium.europa.eu/en/infographics/covid-19-eu-emergency-response/>

2.2.5. Specific measures regarding the film and audiovisual sectors

The first thing to remember is that the actions of the European Union in the field of culture are governed by the principles of conferral, subsidiarity and proportionality, as enshrined in Article 5 of the Treaty on European Union (TEU).⁶³ Under Article 2.5 and Article 6(c) of the Treaty on the Functioning of the European Union (TFEU), the European Union has competence to carry out actions to support, coordinate or supplement the actions of the member states in the field of culture. According to Article 167 TFEU, the European Union contributes “to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.”

⁶² www.ecb.europa.eu/mopo/implement/pepp/html/index.en.html.

⁶³ Consolidated versions of the Treaty on European Union and of the Treaty on the Functioning of the European Union, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2010.083.01.0001.01.ENG&toc=OJ:C:2010:083:FULL.



2.2.5.1. European Parliament

The European Parliament has, at different levels, spoken up for supporting the creative sectors during the COVID-19 crisis. As early as March 2020, the Chair of the European Parliament's Committee on Culture and Education, Sabine Verheyen, warned that the cultural and creative sectors had been ravaged by the impact of stringent public health measures.⁶⁴ Commenting on the approval by the European Parliament on 26 March 2020 of the Coronavirus Response Investment Initiative,⁶⁵ Ms Verheyen stated that the Structural Funds used under the Coronavirus Response Investment Initiative should also be made immediately available for businesses and individuals in the cultural and creative sector. She also welcomed the Commission's responses to member state requests for derogations from state aid rules to support struggling businesses.

On 17 April 2020, the European Parliament adopted a Resolution on EU coordinated action to combat the COVID-19 pandemic and its consequences,⁶⁶ in which it underlined the impact of the crisis on the cultural and creative sectors in member states due to the closure of cinemas, theatres and music venues and the sudden stopping of ticket sales, highlighting the fact that, as these sectors have high numbers of freelance and self-employed workers, many of whom were struggling well before the outbreak, the effects are particularly dire for creative professionals, whose income streams have been unexpectedly reduced to zero and who now have little or no support from the social system. It therefore called for the European Union and the member states to provide support to the cultural and creative sectors, as they play an important role for our economy and our social life and are severely affected by the current crisis. Moreover, the Resolution stressed the particularly acute and worsening financial situation in the media, especially news media across the European Union, due to the abrupt reduction or complete loss of advertising revenues, highlighting the especially dire state of local and regional news media as well as those operating in small markets.

Some days later, on 21 April 2020, members of the European Parliament's Culture and Education Committee called for further action by the European Union to ensure support for the media and culture sectors.⁶⁷ In particular, they asked that the European Commission explore the possibility of an emergency support fund to support the media and press sector, drawing on funds that cannot be spent under other programmes because of the COVID-19 pandemic. Moreover, to make sure EU funds reach the cultural and

⁶⁴ Press release of the Chair of the Committee on Culture and Education of the European Parliament, "COVID-19 impact on culture: new funds must reach creative sectors immediately", 27 March 2020, www.europarl.europa.eu/news/en/press-room/20200326IPR75912/covid-19-impact-on-culture-new-funds-must-reach-creative-sectors-immediately.

⁶⁵ www.europarl.europa.eu/news/en/press-room/20200325IPR75811/covid-19-parliament-approves-crucial-eu-support-measures. For a description of the Corona Response Investment initiative see *supra*.

⁶⁶ European Parliament Resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences (2020/2616(RSP)), www.europarl.europa.eu/doceo/document/TA-9-2020-0054_EN.pdf

⁶⁷ Press release of the Committee on Culture and Education of the European Parliament, "EU funds must reach media and creative sector, say MEPs", 21 April 2020, www.europarl.europa.eu/news/en/press-room/20200420IPR77419/eu-funds-must-reach-media-and-creative-sector-say-meps.



creative sector, MEPs asked the Commission to consider increasing the Cultural and Creative Sectors Guarantee Facility (Creative Europe programme) by topping it up from the 2021 budget, or by transferring funds from the European Fund for Strategic Investments. It also proposed the creation of an ad hoc financial instrument under the European Investment Fund to channel funds to the sector. According to Sabine Verheyen, the changes to the Structural Funds rules could help unlock additional financing. This money should reach the cultural and creative and media sectors quickly by responding to their specific business models and their particular needs. Therefore, the Committee on Culture and Education called on the Commission and the member states to ensure that support schemes reach all those who need them, stressing thereby the need to do more at EU level to provide tailored support to the sectors as well as to provide credit and access to finance for the cultural and creative sector.

2.2.5.2. European Commission

2.2.5.2.1. State aid rules

On 19 March 2020, the European Commission adopted a Temporary Framework to enable member states to use the full flexibility foreseen under State aid rules to support the economy in the context of the COVID-19 crisis.⁶⁸ This Temporary Framework complements the possibilities that allow member states to design measures according to existing EU State aid rules, as set out in the Communication on a Coordinated economic response to the COVID-19 outbreak of 13 March 2020.⁶⁹ For example, member states can make generally applicable changes in favour of businesses that fall outside state aid rules (for instance, deferring taxes or subsidising short-time work across all sectors). They can also grant compensation to companies for damage suffered due to and directly caused by the COVID-19 outbreak. This can be useful to support particularly impacted sectors, such as transport, tourism, hospitality and retail.

The Temporary Framework is based on Article 107(3)(b) of the Treaty on the Functioning of the European Union and provides for five types of aid:

1. Direct grants, selective tax advantages and advance payments: member states will be able to set up schemes to grant up to EUR 800 000 to a company to address its urgent liquidity needs;
2. State guarantees for bank loans taken out by companies: member states will be able to provide state guarantees to ensure that banks keep providing loans to the customers who need them;

⁶⁸ European Parliament Resolution of 17 April, see above.

See https://ec.europa.eu/commission/presscorner/detail/en/IP_20_496.

⁶⁹ Communication from the Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Investment Bank and the Eurogroup - Coordinated economic response to the COVID-19 Outbreak, 13 March 2020 COM(2020) 112 final, https://ec.europa.eu/info/sites/info/files/communication-coordinated-economic-response-covid19-march-2020_en.pdf.



3. Subsidised public loans to companies: member states will be able to grant loans with favourable interest rates to companies. These loans can help businesses cover immediate working capital and investment needs;
4. Safeguards for banks that channel state aid to the real economy: some member states plan to build on banks' existing lending capacities and use them as a channel for support to businesses – in particular to small and medium-sized companies. The Framework makes it clear that such aid is considered as direct aid to the banks' customers, not to the banks themselves, and gives guidance on how to ensure minimal distortion of competition between banks;
5. Short-term export credit insurance: the Framework introduces additional flexibility on how to demonstrate that certain countries are non-marketable risks, thereby enabling short-term export credit insurance to be provided by the state where needed.

The Temporary Framework includes a number of safeguards. For example, it links the subsidised loans or guarantees to businesses to the scale of their economic activity, by reference to their wage bill, turnover, or liquidity needs, and to the use of the public support for working or investment capital.

The Commission has amended the Temporary Framework twice: first, on 3 April 2020, to enable member states to accelerate the research, testing and production of coronavirus relevant products, to protect jobs and to further support the economy in the context of the coronavirus outbreak⁷⁰; and second, on 8 May 2020, to extend the scope of the Temporary Framework.⁷¹

The Framework will be in place until the end of December 2020. As solvency issues may materialise only at a later stage as this crisis evolves, the Commission has extended this period until the end of June 2021 for recapitalisation measures only. With a view to ensuring legal certainty, the Commission will assess before that date if it needs to be extended.⁷²

2.2.5.2.2. Creative Europe

Creative Europe, the European Commission's framework programme for support to the culture and audiovisual sectors, supports European film and other audiovisual industries

⁷⁰ Communication from the Commission - Amendment to the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, 3 April 2020 C(2020) 2215 final, https://ec.europa.eu/competition/state_aid/what_is_new/sa_covid19_1st_amendment_temporary_framework_en.pdf. See also https://ec.europa.eu/commission/presscorner/detail/en/ip_20_570.

⁷¹ Communication from the Commission - Amendment to the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, 8 May 2020 C(2020) 3156 final, https://ec.europa.eu/competition/state_aid/what_is_new/sa_covid19_2nd_amendment_temporary_framework_en.pdf. See also https://ec.europa.eu/commission/presscorner/detail/en/ip_20_838.

⁷² For further information and updates see https://ec.europa.eu/competition/state_aid/what_is_new/covid_19.html.



through the MEDIA Sub-programme, which provides funding for the development, promotion and distribution of European works within Europe and beyond.

On 8 April 2020, EU Ministers of Culture held an informal video meeting organised on the initiative of Croatian Presidency and presided by Nina Obuljen Koržinek, Croatian minister of culture, with the participation of Věra Jourová, Vice President of the European Commission for Values and Transparency, Mariya Gabriel, Commissioner for Innovation, Research, Culture, Education and Youth and Thierry Breton, Commissioner for the Internal Market. During a press conference following the video conference, Ms. Gabriel explained the measures being put in place concerning the COVID-19 crisis:⁷³

- Maximum flexibility within the existing guidelines for ongoing and planned Creative Europe activity;⁷⁴
- Further deadline extensions to allow more time for finalising applications;
- Clear instructions to Creative Europe Desk teams on how the force majeure clause will be invoked;
- Special support measures for the cinemas hardest hit by lockdown via EUR 5 million in the form of vouchers;
- A EUR 2 million call published in May 2020 redirecting work for the support scheme of the cross-border dimension of the performing arts works for digital culture and virtual mobility. This fund will reach creative and cultural sectors as soon as possible;
- Speeding up the selection procedure for the last Literary Translations call, with additional funding for book translations;
- Speeding up the evaluation of the 2020 Cooperation Projects call;
- Exploring how to adapt the Creative and Cultural financial Guarantee Facility to mitigate the effects of the crisis;
- Creating a platform for member states and the sector itself to put forward their own proposals for solutions to the crisis.

After this video meeting, the European Commission published a document called “Questions and Answers concerning Creative Europe activities in light of the COVID-19 pandemic”.⁷⁵ According to the document, the exceptional situation caused by the COVID-19 crisis justifies the application of the principle of force majeure, that is, any unforeseeable and insuperable event affecting the carrying out of the project by one or more Parties, which is an exception to liability in cases of failure to perform or delay in

⁷³ <https://video.consilium.europa.eu/en/webcast/f8d36201-be4b-46df-9163-4992b6f10ceb>.

See also www.creativeeuropeuk.eu/news/eu-outlines-creative-europe-support-measures-covid-19-crisis.

⁷⁴ In its video meeting of 19 May 2020, the EU Ministers of Culture, among other things, emphasised the need to come up with a joint European approach which will respond to the requirements of the sectors and to apply maximum flexibility in the implementation of the Creative Europe programme and its future in the next seven-year period, related to its implementation and financing, especially in view of a level playing field. See <https://eu2020.hr/Home/OneNews?id=294>.

⁷⁵ Questions and Answers concerning Creative Europe activities in light of the COVID-19 pandemic, April 2020 (regularly updated), <https://ec.europa.eu/programmes/creative-europe/sites/creative-europe/files/creative-europe-covid19-qa2-11-04-20.pdf>.



performing obligations under a contract related to Creative Europe.⁷⁶ The Commission explains that it will continue to adapt its response to this unprecedented situation as it evolves, clarifying and simplifying the application of rules and procedures where necessary, in cooperation with the Education, Audiovisual and Culture Executive Agency (EACEA)⁷⁷ and counting on the support of Creative Europe Desks.

Among other issues, the document provides the following answers:

- The Commission extended the deadline for applications for a number of Creative Europe calls for proposals;⁷⁸
- Additional or exceptional costs, such as those linked to an extra flight ticket to get home early with Creative Europe funds, can be considered as “eligible” as long as the overall project budget covered by the grant agreement in question is not exceeded, and that incurred costs cannot be reimbursed from other sources;
- In cases where some Creative Europe activities foreseen in the funded project are cancelled, costs directly and exclusively linked to cancelled activities may be considered as eligible under an EU grant, provided that it can be demonstrated that the costs could not have been avoided and that the cancelled activities could not be reimbursed from other sources;
- Beneficiaries whose project implementation is impaired or prevented by the COVID-19 situation may use the following options:
 - Extension of the project duration and/or modification of the content of the project activities;
 - Suspension of the project implementation;
 - Postponement of the start of the action;
 - Termination of the grant agreement;
 - Incurred expenses for cancelled activities, directly and exclusively linked to these activities, which fulfil the eligibility conditions and that cannot be reimbursed from other sources, may be considered as eligible under the grant;
 - Where the execution of contracts is impeded because of COVID-19, EACEA may accept replacement activities;
 - EACEA may also accept delayed performance if justified;
 - If a beneficiary is facing significant losses and has incurred costs for postponed or cancelled events, they cannot apply for additional funding to mitigate losses and support the rescheduling of events where appropriate;
 - Budget variations can be implemented within the conditions specified in the grant agreement. If the changes are more significant, they can be acknowledged via an amendment to the grant agreement. In any case, the total budget and grant cannot be increased;
 - Delays are allowed in submitting deliverables and submitting final reports;

⁷⁶ See, for example,

www.creativeeurope.be/sites/creativeeurope/files/media/cooperation_agreement_template_pca.pdf.

⁷⁷ https://eacea.ec.europa.eu/homepage_en.

⁷⁸ The new deadlines can be found here: https://ec.europa.eu/programmes/creative-europe/content/coronavirus-deadline-applications-extended_en



- All mandatory elements of final reports should be delivered. If deliverables related directly and exclusively to cancelled activities cannot be provided, this can be accepted if clearly explained and justified in the final report.



3. Overview of national measures

3.1. General overview

3.1.1. A wide variety of responses by type of organisation

As described in Chapter 1 of this publication, the spread of the COVID-19 pandemic and the ensuing general containment measures have severely affected the film and audiovisual sector, with the immediate freezing of hundreds of projects in the shooting phase, the cancellation of festivals and events, disruptions in cash flow, etc., pushing some enterprises in the audiovisual sector to the edge of bankruptcy.⁷⁹ In the media sector, the containment period has raised many questions in relation to the role of journalism and to fundamental rights, such as freedom of expression and its related right of freedom of information, and it has shed some new light on the role of broadcasters and public service media.

Governments and stakeholders across Europe have reacted promptly to offset the consequences of the crisis for the film and audiovisual sector. Measures vary greatly depending on whether they have been taken by a government or parliament, a film agency, a media regulatory body, a collective management organisation (CMO), a financial institution or an industry stakeholder organisation. They can range from national regulations to sectoral guidelines and take the form of concrete initiatives or policy statements.⁸⁰

3.1.1.1. Measures by governments/parliaments

At government/parliament level, a large majority of countries have adopted packages of measures aimed at supporting the economy by providing specific support to enterprises and workers on a cross-sectoral basis. These measures have been highly relevant for the film and audiovisual sector, which is characterised by a large number of SMEs, self-employed and seasonal workers, and often precarious contracts, and which has been heavily hit by the crisis. In most countries, ministries of culture/media have created

⁷⁹ For more details about the impact on the industry, please see Chapter 1 of this publication.

⁸⁰ This section only analyses measures taken at national level; it excludes measures taken by international organisations and European institutions, which are analysed in Chapter 2 of this publication.



special webpages informing actors from the cultural and audiovisual sector about such measures and detailing all the relevant formalities and eligibility criteria to be able to benefit from them; in some cases, they have adopted specific legislative acts to this end. This is often the case for the first series of measures that were adopted at government/parliament level as a response to the crisis. The amounts involved may vary greatly among countries.

On top of these cross-sectoral measures, most of the countries examined have also taken specific measures to address the particular needs of the cultural and creative industries. Some countries have provided specific support to artists and creators, who form part of a particularly vulnerable group of stakeholders, through new emergency funds or by relaxing conditions of access to unemployment benefits.

Furthermore, within the cultural and creative industries, the film and audiovisual sector is facing specific challenges when it comes to coping with the COVID-19 crisis. Indeed, the crisis has had different effects and required different responses depending on whether one is a television or film producer, distributor, exhibitor, film festival, broadcaster or VOD service.

Other sectors related to the audiovisual industry were also concerned by measures at government/parliament level in some countries, such as the telecommunications sector (for example, measures related to the availability and connectivity of networks) or video-sharing platforms and social media (for example, measures aimed at tackling disinformation).

3.1.1.2. Measures by film agencies

In addition to governmental/parliamentary support, national film and audiovisual funds throughout Europe have been mobilised to take measures to mitigate the negative consequences of the COVID-19 pandemic for the various branches of the film and audiovisual sector. They have reorganised their operations and internal procedures so that they can continue to operate and grant aid, adapting existing schemes to introduce more flexibility or creating specific schemes to deal with the difficulties facing the sector.

Some of the measures taken by film agencies concerned the film and audiovisual sector as a whole, whereas others targeted specific sub-sectors, namely production, distribution and exhibition, as well as events and festivals. A wide and varied range of measures were taken, from creating new emergency funds to relaxing the conditions of access to support, increasing financial support, setting up ancillary services, etc.

3.1.1.3. Measures by national regulatory authorities

On the broadcasting side, national regulatory authorities (NRAs) have been particularly active in promoting standards and good practices with a view to ensuring that the public is protected against any kind of abuse through the media. The role of the media to inform the public and to ensure that everyone has access to a varied and high-quality programme

offer takes on particular importance in times of crisis. The role of journalism is particularly sensitive, and NRAs have reacted swiftly across Europe on different fronts:

- To promote measures to combat misinformation;
- To ensure that the public service role of the media is properly fulfilled;
- To guarantee access to education and media literacy for all.

Some measures were also taken to support broadcasters, for example, the relaxing of obligations related to licensees and fees, content and programming.

3.1.1.4. Measures by collective management organisations

On the creators' side, the cancellation of creative projects, performances, festivals and other live acts has put an end to the activities of artists and creators and undermined their income. The mandatory closure of bars, restaurants, theatres and other cultural venues will have a knock-on effect on the royalty payments that creators would normally receive in the short and medium-term. The COVID-19 crisis is having an unprecedented economic impact both on Europe's cultural life and on the well-being of its creative community; its consequences are not only immediate but will last well into next year for creators.

Collective management organisations (CMOs) across Europe, building on their long tradition of solidarity with their members, have intervened through a series of measures and initiatives for their benefit, the variety of which reflects the numerous repercussions the crisis has had on artists and creators. These measures range from creating new emergency funds and relaxing the requirements and deadlines linked to the distribution of royalties to granting ancillary services and solidarity aid to rightsholders.

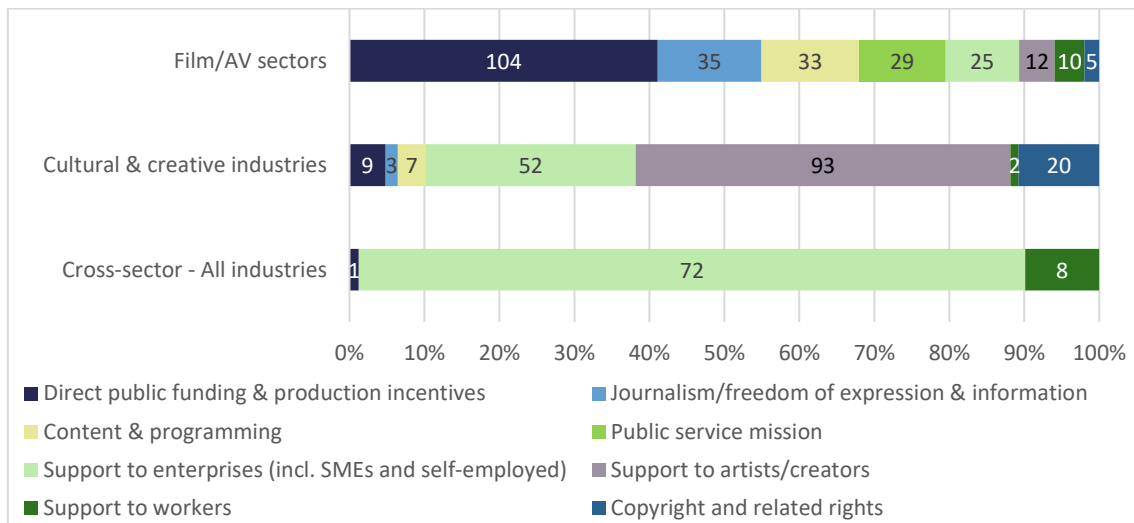
3.1.2. Main types of measures per area concerned

3.1.2.1. Main area concerned

As seen in the previous section, the measures taken at national level have focused in particular on several specific areas, starting with the support given to enterprises and workers in a sector characterised by a high number of SMEs and freelancers. However, national measures have also concerned other areas, such as direct public funding and production incentives, support to artists and creators, content and programming, journalism and freedom of expression and information, copyright and related rights, among the main ones.

The following figure shows a breakdown of the main areas concerned by the measures per sector, based on a sample of 635 measures tracked in 41 countries between mid-March and mid-May 2020 (Figure 1):

Figure 1. Breakdown of the main area concerned per sector⁸¹ (in number of measures and as a percentage)



Figures based on a sample of 635 measures tracked by the EAO in 41 countries between mid-March and mid-May 2020

A large majority of the measures tracked at national level are related to the support given to enterprises (including SMEs and the self-employed), followed by measures related to direct public funding and production incentives and support for artists and creators.

Looking more specifically at each sector concerned, Figure 1 indicates that a large proportion of the measures tracked for the film and audiovisual sector are related to direct public funding and production incentives. The area of support for cultural and creative industries that more directly concerned the film and audiovisual sector related to the support for artists and creators.

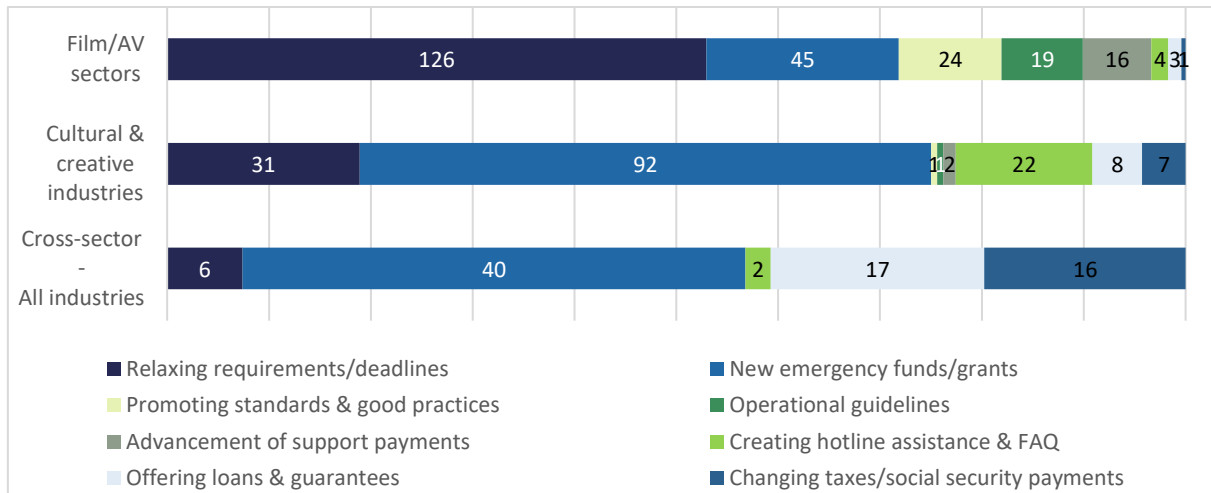
3.1.2.2. Main types of measures

As indicated in the previous section, different types of measures and initiatives have been taken at national level depending on the type of organisation initiating the measure and the branch of industry concerned.

Figure 2 below shows a breakdown of the main types of measures tracked per sector targeted based on the same sample as explained above.

⁸¹ For the calculation of this figure, only the most targeted areas impacted by sector were included.

Figure 2. Breakdown of main type of measure per sector (in number of measures)



Figures based on a sample of 635 measures tracked by the EAO in 41 countries between mid-March and mid-May 2020

Figure 2 indicates that two types of measures were taken particularly frequently in the cultural and creative sector, including the film and audiovisual sector, namely the relaxation of requirements and deadlines, and the creation of new emergency funds, followed, to a lesser extent, by the granting of loans and guarantees.

As concerns more specifically the media sector, another set of measures commonly found relates to the promotion of standards and good practices. These measures were taken most of the time by NRAs with a view to ensuring that the public has access to reliable sources of information on television and in order to prevent disinformation on audiovisual media services and video-sharing platforms. Other types of measures by NRAs concerned public access to a varied and high-quality programme offer, as well as access to education and media literacy for all in times of containment.

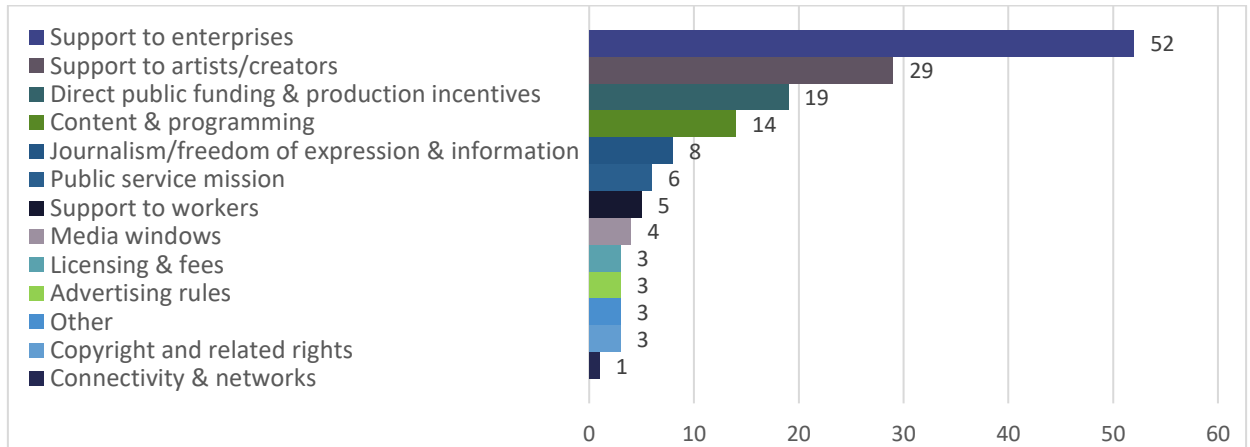
Broadcasters have adapted their programme offer and assumed their public information mission. Some measures have also been taken to support them during the crisis, in particular with regard to the payment of licences and fees, and in some cases with regard to content and programming obligations.

Sectoral measures have also been taken to protect creators and artists. Support has been granted at government level in some countries, and more generally through CMOs, to support their members who are going through difficult times, namely by bringing forward the payment of royalties or creating emergency and solidarity funds for their most vulnerable members.

It is also interesting to note that a whole range of measures have emerged in all areas to provide the public, businesses and professionals with free services, such as the creation of information platforms on available aid, free advice or training, telephone assistance and FAQs, etc. Moreover, the industry itself has called public authorities to support the sector by asking for concrete actions and has sometimes even intervened directly through financial support.

Figure 3 below indicates the areas that were impacted first and foremost by measures at government/parliament level, based on the same sample as above:

Figure 3. Breakdown of areas concerned per number of measures taken by governments/parliaments (in number of measures)

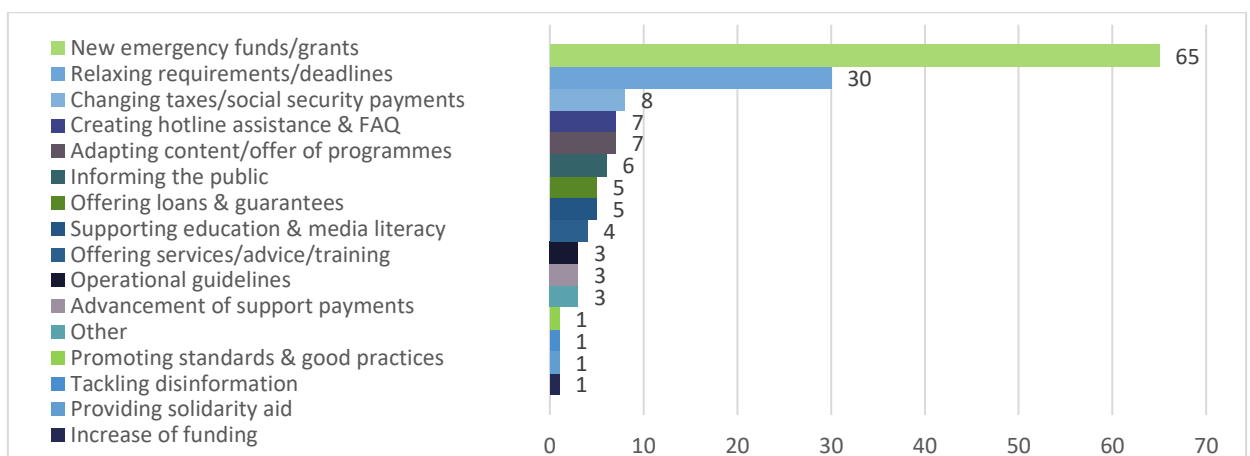


Figures based on a sample of 635 measures tracked by the EAO in 41 countries between mid-March and mid-May 2020

Figure 3 shows that a large proportion of the measures taken by national governments/parliaments for the audiovisual sector concerned support to enterprises (including SMEs and the self-employed), often through measures of a general scope, as well as support to artists and creators and direct public funding/production incentives.

Within these areas, Figure 4 below shows which type of measures were given priority:

Figure 4. Breakdown of governmental and parliamentary measures by type of measures taken (in number of measures)



Figures based on a sample of 635 measures tracked by the EAO in 41 countries between mid-March and mid-May 2020

Figure 4 shows that a large proportion of the measures concerned consisted in creating new emergency funds or grants and relaxing requirements and/or deadlines.

3.1.3. Support to artists and creators

Some national governments/parliaments decided to provide specific support for artists and creators, who form part of a particularly vulnerable group of stakeholders. Most countries did so through the creation of new emergency funds or grants.

For example, in Switzerland, the Confederation has provided immediate support for artists through non-repayable emergency aid of up to CHF 196 per day (approximately EUR 182) for their immediate vital needs.⁸² In Spain, a Royal Decree established that artists (intermittent workers) could have exceptional access to unemployment benefits for a period of up to 180 days.⁸³ In Finland, Finnish foundations, the Ministry of Education and Culture and Arts Promotion Centre Finland jointly opened a new emergency fund to grant swift assistance to arts and culture professionals, with a budget allocation totalling approximately EUR 1.5 million.⁸⁴ With regard to artists, the Ministry of Labour and the Ministry of Culture proposed that requirements and applicable deadlines be relaxed by neutralising the period from 15 March 2020 until the end of the containment period for the calculation and payment of unemployment insurance benefits for intermittent workers and other employees in the cultural sector. In France, the government announced a “blank year” for intermittent entertainment workers, which consists in extending the rights of intermittent artists and technicians for one year beyond the 6 months when their activity will have been impossible or very degraded, that is, until the end of August 2021.

These are just a few examples – many other initiatives have been launched, some of which consist in promoting new forms of access to content. For example, in Romania, the Ministry of Culture launched the ACCES Online 2020 financing project exclusively dedicated to the private sector, a financial support tool for cultural projects which can be disseminated exclusively in the online environment. The project was designed to support artists who cannot carry out their cultural activities with the public during this period.⁸⁵ Other measures proposed at government level have facilitated the access for professionals in the cultural sector to all relevant information about forthcoming extraordinary support measures, as in Portugal, where the Ministry of Culture has launched a website to that end.⁸⁶

⁸² www.news.admin.ch/newsd/message/attachments/60732.pdf

⁸³ www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4832.

⁸⁴ www.taika.fi/en/newsitem/-/news/1307164.

⁸⁵ www.cultura.ro/ministerul-culturii-lanseaza-programul-acces-online-2020.

⁸⁶ www.culturacovid19.gov.pt/eu-tenho-uma-estrutura.



3.1.4. Support to festivals and cinema venues

Some national governments/parliaments in Europe have taken measures to support cultural events and festivals that were cancelled or postponed due to the COVID-19 crisis. Denmark, for example, granted compensation for organisers who had to cancel or postpone events with more than one thousand participants and events of less than 1 000 participants that targeted specific COVID-19 risk groups, for instance the elderly or people who are particularly vulnerable due to health issues.⁸⁷ In France, a special 2020 Festivals Support Unit was created by the Ministry of Culture that allows for support to festival organisers on a case-by-case basis.⁸⁸ In the Netherlands, thanks to a voucher system, the state granted the reimbursement of tickets purchased in the culture and events sector for events that are permanently cancelled.⁸⁹

As for cinema venues, Spain, for example, has adopted a package of measures through Royal Decree 17/2020 which includes an Extraordinary Social Fund of EUR 13 252 000 to support cinematographic exhibition in film theatres and compensate losses. Among the costs covered by the aid are the incidental costs generated as a result of the health measures adopted and the costs linked to the re-opening campaigns and the return of the public to theatres. In Greece, the government has introduced emergency financial aid targeting independent cinema owners.⁹⁰

3.1.5. Other types of measures

The range of initiatives taken in Europe at governmental/parliamentary levels to support the cultural and creative industries is extremely broad and cannot, of course, be presented here in all its diversity. It touches upon all branches of the film and audiovisual industries, from production, through distribution and exhibition, to broadcasting and VOD services.

Some of these measures consisted in the creation of new emergency funds and anti-crisis packages for the sector. For example, the Polish Government announced a set of anti-crisis measures for the film and audiovisual production sector which includes the promotion of creativity on the Internet and the creation of new grants for the development of digital forms of artistic presentation, as well as financial support for audiovisual productions.⁹¹ In the media field, the Norwegian Government has increased the subsidy for the production of news and information media from 40 million to 358 million Norwegian krone (NOK) (from approximately EUR 3.8 million to EUR 34 million) in

⁸⁷ https://virksomhedsguiden.dk/erhvervsfremme/content/temaer/coronavirus_og_din_virksomhed/artikler/kompensation-til-arrangoerer/7ffd1f8d-fcbd-4b95-a6f1-a3e2b4b0fa92/.

⁸⁸ www.culture.gouv.fr/Presse/Communiqués-de-presse/Le-ministre-de-la-Culture-cree-une-cellule-d-accompagnement-des-festivals-2020-pour-faire-face-a-la-crise-sanitaire-du-Covid-19.

⁸⁹ www.saveyourticket.nl/.

⁹⁰ www.unic-cinemas.org/fileadmin/user_upload/Publications/Public_-_UNIC_research_-_Coronavirus_impact_on_the_cinema_industry_v8.pdf.

⁹¹ www.gov.pl/web/kultura/mkidn-tarcza-antykryzysowa-obejmie-ludzi-i-instytucje-kultury2.



the state budget for 2020 as a way for the media authority to speed up the payment of production subsidies to media and newspapers, as well as to small local media.⁹² In Spain, Royal Decree 17/2020 aims to attract more international productions and shooting through a number of tax deductions for expenses incurred in Spain, thereby promoting co-productions and increasing the activity of the audiovisual industry in Spain.⁹³

Some of these measures were adopted at government/parliament levels and administered at the level of film agencies and NRAs.⁹⁴ Other types of measures relate to content and programming, for example through the support given to education and media literacy, which is particularly important in times of lockdowns of audiences. In France, for example, the Ministry of Culture, along with several partners, set up an online platform, *#Culturechezvous*, which centralises different cultural offers online, including audiovisual content from French public service media for the general public as well as special content for children and parents.⁹⁵ In relation to education, an initiative was launched, *Nation apprenante*, in collaboration with the public broadcasters France Télévisions, Radio France and Arte, aimed at providing teachers, students and their families with quality programmes linked to the school curriculum.

Some measures cannot exactly be described as support measures, but rather as accompanying measures, as they may, for example, create new obligations for certain stakeholders or prevent increased risks due to the crisis. This is for example the case with measures taken in relation to journalism, freedom of expression and freedom of information. Many countries have enacted rules in this area to protect journalism, ensure good practices with regard to the information given to the public and prevent misinformation. Thus, for example, in Germany, guidelines were issued at states' level as of March 2020 so that journalists and media representatives may be considered as "critical infrastructure", bringing them under a special derogatory regime.⁹⁶ In Iceland, the National Commissioner of Police added media staff at news agencies to the Civil Defence Department's list of frontline staff, giving them priority access to elementary school and kindergarten, leisure and day-care services in the context of the COVID-19 crisis.⁹⁷ In Romania, a Decree was enacted in March to require public institutions and authorities, as well as private operators, to contribute to the information campaign in a correct and objective way in order to inform the public about the measures taken at national level and the evolution of the health crisis. To this end, and in order to combat the spread of "fake news", hosting service providers and content providers can be required, by decision of the National Authority for Communications Administration and Regulation, to

⁹² www.regjeringen.no/no/tema/kultur-idrett-og-frivillighet/innsiktsartikler/sviktende-inntekter-i-kulturlivet-idretten-og-frivillig-sektor-pa-grunn-av-koronavirus.-hvilke-tiltak-finnes-og-hvor-kan-du-henvende-deg/id2694776/?utm_source=Suomen+Lehdist%C3%B6&utm_campaign=a0e86ef320-EMAIL_CAMPAIGN_2020_04_07_07_17&utm_medium=email&utm_term=0_bab22434fb-a0e86ef320-166233709.

⁹³ www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4832.

⁹⁴ See more details in section 3.3 of this Chapter.

⁹⁵ www.culture.gouv.fr/Culturechezvous.

⁹⁶ www.vau.net/berichterstattungsfreiheit/content/corona-bundeslaender-bessern-halten-journalisten-systemrelevant.

⁹⁷ <https://fjolmidlanefnd.is/2020/04/17/hid-mikilvaega-hlutverk-fjolmidla-i-samkomubanni/>.



immediately stop the transmission of fake news in an electronic communications network or the storage of such content in order to eliminate it at its source, or to immediately block access to it by Romanian users.⁹⁸ In Sweden, the government proposed a permanent increase of 200 million Swedish krona (SEK) (approximately EUR 19.1 million) per year in media support in order to temporarily support the distribution of printed newspapers and ensure full journalistic coverage at national level.⁹⁹

Some countries have also adopted measures in relation to the advertising sector in the context of the COVID-19 crisis. These may refer to the anticipated loss of advertising revenues due to the crisis, like in Denmark, where the government introduced a new compensation aid scheme with a budget of around 180 million Danish krone (DKK) (approximately EUR 24.1 million) for the media to cover the loss of advertising income during the period from 9 March to 8 June 2020. The aid is intended for print and digital news media, periodicals and magazines, and commercial radio stations; each category will be compensated for up to 60% of the loss of income if advertising income has decreased by 30-50%, and up to 80% if they have lost 50-100% of their advertising income.¹⁰⁰ Measures can also consist in the promotion of standards and good practices for advertisers. Thus, for example, Spain has taken measures restricting commercial communications by entities carrying out a gambling activity, by prohibiting commercial communications which, implicitly or expressly, refer to the exceptional situation resulting from COVID-19 or call for the consumption of gambling activities.¹⁰¹ Measures can also consist in changing the existing rules for calculating advertising time, as in Sweden, where, in April, the government proposed that the rules for the broadcasting of television advertising be changed to calculate the time allowed for advertising on the basis of a longer time interval.¹⁰²

In the telecommunications sectors, certain measures have been taken to ensure connectivity and the availability of networks during the COVID-19 crisis. For example, in Denmark, the Minister of Culture has proposed amendments to the Radio and Television Act in order to postpone the planned transition to a new antenna TV signal from 31 March 2020 to 2 June 2020.¹⁰³ In Spain, a Royal Decree adopted in March provides that DTT broadcasters will receive "temporary compensation for certain costs of compulsory population coverage" in the form of a EUR 15 million grant provided by the government.

Regarding licensing and fees, a certain number of measures were also taken at government level. Thus, for example, in Poland, the Cinematography Act was amended to introduce a new fee on on-demand audiovisual media service providers amounting to 1.5% of the revenues derived from fees for accessing on-demand, publicly available

⁹⁸ <http://legislatie.just.ro/Public/DetaliuDocument/223831>.

⁹⁹ www.regeringen.se/pressmeddelanden/2020/04/stod-till-medierna-med-anledning-av-coronaviruset-spridning/.

¹⁰⁰ <https://kum.dk/nyheder-og-presse/pressemeddelelser/nyheder/hjaelp-paa-vej-til-danske-medier/1/1/>.

¹⁰¹ Article 37(3) Royal Decree, www.boe.es/diario_boe/txt.php?id=BOE-A-2020-4208.

¹⁰² www.regeringen.se/pressmeddelanden/2020/04/stod-till-medierna-med-anledning-av-coronaviruset-spridning/.

¹⁰³ <https://kum.dk/covid-19/hjaelpepakker-og-initiativer/udskydelse-af-overgang-til-nyt-antenne-tv-signal/>

audiovisual media services or from the broadcasting of commercial communications, whichever is higher in a given billing period (April 2020).¹⁰⁴

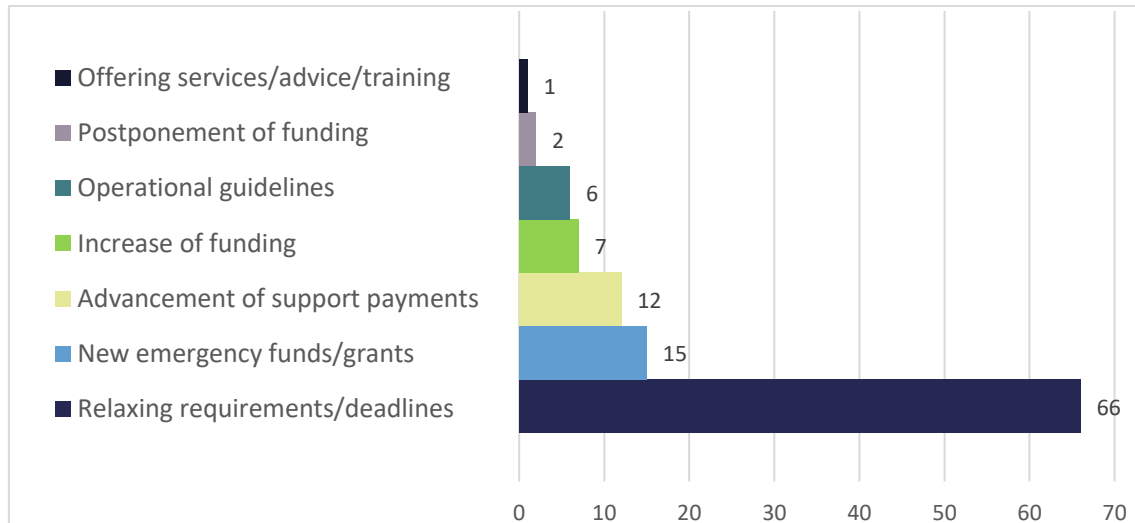
These are only a few examples of measures taken in some fields of the film and audiovisual sector that represent the range of intervention of governments and parliaments in Europe during the crisis. Many more may be found in the EAO Tracker, sorted by country.

3.2. National examples of measures by film agencies

In the vast majority of cases, the measures taken by film agencies to support the film and audiovisual sector concerned direct public funding/production incentives. Film agencies have intervened to support the film and audiovisual sector through a diverse and varied range of measures, from creating new emergency funds, to relaxing requirements and deadlines for existing aid and programmes, advancing support payments, offering free services, training, etc.

Figure 5 below shows a breakdown of measures taken by film agencies according to the type of measures considered, based on the same sample as mentioned earlier:

Figure 5. Breakdown of film agency measures by type of measures (in number of measures)



Figures based on a sample of 635 measures tracked by the EAO in 41 countries between mid-March and mid-May 2020

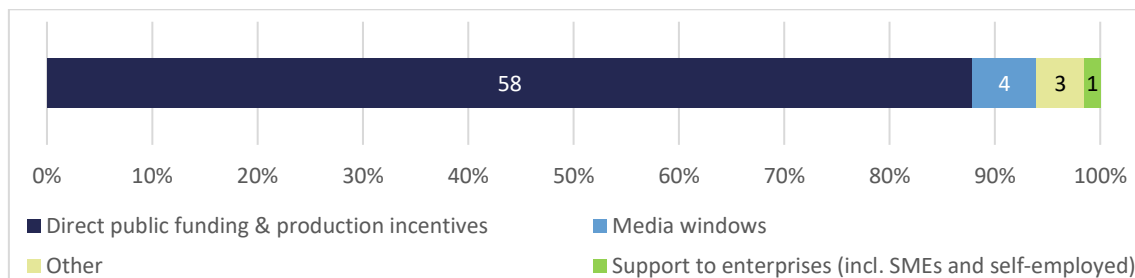
As shown in Figure 5, the vast majority of the measures taken by film agencies have consisted in relaxing requirements or deadlines. Among these, many subcategories can be identified, as follows:

¹⁰⁴ www.sgae.es/en-en/SitePages/EstaPasandoDetalleActualidad.aspx?i=6445&s=0&p=1.

- Relaxing administrative/guideline requirements;
- No repayment required/grants still allocated;
- Indulgence measure: flexibility with regard to obligations;
- Relaxing requirements related to the circulation/distribution of audiovisual works;
- Deferral of due repayment;
- Deadline extended;
- Additional support.

If we look at the figures by area, we can see that these measures concerned, first and foremost, direct public funding/production incentives, as shown in Figure 6 below:

Figure 6. Relaxing requirements/deadlines measures - breakdown per area concerned (in number of measures and percentages)



Figures based on a sample of 635 measures tracked by the EAO in 41 countries between mid-March and mid-May 2020

If we look at the figures by sector, the large majority of measures taken in the production sector concerned direct public funding and production incentives, most often through the relaxation of requirements/deadlines or by allowing aid to be paid in advance.

At the time of writing this publication, in mid-May 2020, another type of measure began to appear in connection with the appearance of the first deconfinement measures, namely operational guidelines, which consist of recommendations or mandatory rules on how to resume filming during the crisis. These measures allow the production sector to gradually resume its activity while adapting to the health requirements still in force in order to guarantee the safety of the film teams. In the first countries that have taken such measures, most of these guidelines come from the film agencies themselves, on the basis of the general national recommendations in force, while in others they are the result of initiatives by the industry or directly by governments.

3.2.1. Support to the film and audiovisual sector (non-specific)

One of the main sectors of intervention by film agencies, after production, concerned the film and audiovisual sector as a whole, without addressing any specific branch in particular. In this field too, most of the measures related to the relaxation of requirements



associated with direct public funding and production incentives, followed by the creation of new emergency funds.

For example, in Germany, the FFA (*Filmförderungsanstalt*), regional funds and the BKM (*Beauftragte der Bundesregierung für Kultur und Medien*) jointly set up a new EUR 7.5 million fund to cover additional costs related to COVID-19 (up to 30% of original production costs, up to 50% of original distribution costs and up to 30% of original physical video costs).¹⁰⁵ In Hungary, the National Film Institute (NFI) created an Emergency Fund with a HUF 50 million donation ((approximately EUR 140 000); it will be operated by the Hungarian Film Academy. The fund will provide short-term support to active workers and freelancers who have been directly affected by the closure of productions across the country.¹⁰⁶ For its part, the Moroccan Cinema Centre (*Centre Cinématographique Marocain - CCM*) announced that it would allocate one million Moroccan dirham (MAD) (approximately EUR 90 000) to the new COVID-19 emergency fund; the CCM's General Director and General Secretary announced that they would donate one month's salary to the fund, and the Association for Social Works of the CCM will provide another MAD 1 million.¹⁰⁷

Some agencies announced that they would increase available funding. For example, at Screen Ireland, the amount of the Strategic State Development Fund, which focuses on diversity and inclusion, was increased to EUR 3 million as a result of the pandemic, in support of production companies.¹⁰⁸ Likewise, the Lithuanian Film Centre, following the government's decision to provide additional funding for the film sector in order to address the problems caused by the COVID-19 pandemic, increased the funding for preparatory and production projects for the second year's tender by an additional EUR 800 000.¹⁰⁹

3.2.2. Support to enterprises and workers

As already mentioned, the majority of measures taken by governments and parliaments in the creative sector related to providing support for enterprises and workers. In most cases, this support was part of a global package of measures, including many different types of innovative initiatives.¹¹⁰

Thus, for example, in March 2020, the German Federal Government adopted a new emergency fund for the creative and cultural sector, Help for Artists and Creators (*Hilfen für Künstler und Kreative*),¹¹¹ which includes an aid package for freelancers, self-employed persons and micro-enterprises, totalling up to EUR 50 billion in federal funding. This fund

¹⁰⁵ www.ffa.de/download.php?f=c546f1fad78dea1cdca6cbdb6d8eb7e4&target=0.

¹⁰⁶ <https://nfi.hu/en/news/emergency-measures-to-support-hungarys-screen-industry>.

¹⁰⁷ www.ccm.ma/actualite.php?id=1733.

¹⁰⁸ www.screenireland.ie/funding/development-loans/strategic-slate-development-fund.

¹⁰⁹ www.lkc.lt/2020/04/lietuvos-kino-centras-paskirstys-didesni-finansavima-naujam-turiniui-kurti.

¹¹⁰ For a full description of national measures, please refer to the EAO Tracker.

¹¹¹ www.bundesregierung.de/breg-de/themen/coronavirus/hilfen-fuer-kuenstler-und-kreative-1732438.



provides immediate financial assistance, through grants, to secure the economic existence of the applicants and to bridge acute liquidity bottlenecks. Another emergency fund at federal level (*Rettungsschirm für den Kulturbereich*) provides emergency financial aid in the form of grants to enterprises from the creative sector with immediate operating costs, such as the rental of cinemas or artist studios, as well as loans for business premises or leasing instalments, along with COVID-19 emergency aid for self-employed persons and small businesses.¹¹²

In April 2020, the Italian Government adopted a Decree-Law of urgent measures, which includes provisions on access to credit and tax obligations for companies.¹¹³ Furthermore, the government decided to suspend withholding tax payments, social security and welfare contributions and compulsory insurance premiums for those entities that manage or organise venues such as cinemas, museums and recreational equipment.¹¹⁴ With respect to workers from the cultural and creative sector, the government allocated EUR 130 million to a new Live Show, Cinema and Audiovisual Emergency Fund for the support of cultural workers.¹¹⁵ In addition, a Law-Decree was adopted in March 2020, *Cura Italia*, which creates two new funds to support companies, families and workers from the entertainment, cinematographic and audiovisual industry. The Law-Decree also contains specific measures for the press, local radio stations, and television broadcasters, including a special scheme to access tax credit for advertising investments.¹¹⁶ Extraordinary allowances have also been introduced for workers in the tourism, culture, entertainment, film and AV sectors.¹¹⁷

In France, the government announced in April 2020 that it had established an aid package to support businesses and workers, with the creation of a solidarity fund to support small businesses, and that it would support French business loans by delaying payments and facilitating agreements from banks.¹¹⁸ Support to enterprises also included the relaxing of requirements and/or deadlines, for example through the deferral of contributions, including social security contributions, for companies, the self-employed and micro-entrepreneurs.¹¹⁹ In relation to the film and audiovisual sector, the government announced the future creation of a compensation fund of more than EUR 50 million for

¹¹² www.bundesregierung.de/breg-de/aktuelles/bundesregierung-beschliesst-soforthilfe-gruetters-rettungsschirm-fuer-den-kulturbereich--1733612.

¹¹³ www.gazzettaufficiale.it/eli/gu/2020/04/08/94/sg/pdf.

¹¹⁴ <https://www.beniculturali.it/comunicato/avviso-pubblico-fondo-emergenza-covid-2020-spettacolo-concessione-contributi-art-89-d-l-17-marzo-2020-nr-18-d-m-23-aprile-2020>.

¹¹⁵ <https://www.beniculturali.it/comunicato/avviso-pubblico-fondo-emergenza-covid-2020-spettacolo-concessione-contributi-art-89-d-l-17-marzo-2020-nr-18-d-m-23-aprile-2020>.

¹¹⁶ www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sq.

¹¹⁷ <https://www.beniculturali.it/comunicato/avviso-pubblico-fondo-emergenza-covid-2020-spettacolo-concessione-contributi-art-89-d-l-17-marzo-2020-nr-18-d-m-23-aprile-2020>.

¹¹⁸ www.economie.gouv.fr/coronavirus-soutien-entreprises.

¹¹⁹ www.economie.gouv.fr/covid19-soutien-entreprises/prolongement-report-cotisations-contributions-sociales-mois-mai#.



film shooting in order to resolve the problem of insurance and encourage the resumption of filming.¹²⁰

In the United Kingdom, specific support targeting micro-enterprises, artists, the self-employed and workers from the cultural and creative sector was created. The newly created Self-Employment Income Support Scheme allows those who are self-employed to claim a taxable, non-repayable grant equivalent to 80% of their average monthly trading profits.¹²¹ Other examples of support given to enterprises at cross-sector level include the Coronavirus Business Interruption Loan Scheme (CBILS), which helps SMEs to access loans and other kinds of financial aid up to GBP 5 million (approximately EUR 5.6 million). The government guarantees the lender 80% of the funds and pays the respective interest and any fees for the first 12 months.¹²² The Bounce Back Loan Scheme (BBLs), for its part, helps SMEs to borrow between GBP 2 000 (EUR 2 245) and up to 25% of their turnover, with the government guaranteeing 100% of the loan and no fees or interest to pay for the first 12 months.¹²³

In Austria, the government enacted a Federal Act establishing a COVID-19 Crisis Management Fund (*COVID-19-Fonds*), with a EUR 4 billion allocation to help companies from all sectors affected by the crisis. The fund offers loan guarantees and direct payments for the self-employed and SMEs and provides for the deferral of advance payments on income tax and social security contributions.¹²⁴ In addition, a new Hardship-Fund emergency aid of EUR 2 billion was created, offering grants of up to EUR 6 000 per person/company to self-employed persons, micro-enterprises and artists from the cultural and creative sector.¹²⁵ With regard to workers from the cultural and creative industries, the Austrian Social Insurance Institutions (SVS) offer them the possibility of deferring social security contributions and reducing their contribution base.¹²⁶ On the social side of things, a special Social Protection Package has been set up at federal level which facilitates access to basic social security benefits for cultural and media companies and which has adjusted child allowance to the COVID-19-related containment situation.

3.2.3. Support to production

The national film agencies were quick to mobilise their efforts to support the production sector in response to the COVID-19 crisis, mainly by taking measures to relax the

¹²⁰ www.lefilmfrancais.com/cinema/146776/culture-emmanuel-macron-annonce-une-annee-blanche-pour-les-intermittents-un-fonds-dindemnisation-pour-les-tournages-et-la-transposition-rapide-de-la-directive-sma.

¹²¹ www.gov.uk/guidance/claim-a-grant-through-the-coronavirus-covid-19-self-employment-income-support-scheme.

¹²² www.gov.uk/guidance/apply-for-the-coronavirus-business-interruption-loan-scheme.

¹²³ www.gov.uk/guidance/apply-for-a-coronavirus-bounce-back-loan.

¹²⁴ www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2020_I_12/BGBLA_2020_I_12.html; www.bmf.gv.at/public/top-themen/corona-hilfspaket-faq.html.

¹²⁵ www.wko.at/service/haertefall-fonds-epu-kleinunternehmen.html.

¹²⁶ www.bmkoes.gv.at/Themen/Corona/Corona-Kunst-und-Kultur.html.



conditions attached to the public funding schemes they manage. These measures have often taken the form of greater flexibility in the conditions of access to funding.

For example, the Flanders Audiovisual Fund (VAF) in Belgium has eased reporting obligations related to grants; provided greater flexibility in changing financing plans; extended contractual deadlines until the end of 2020; adjusted payment schemes; and allowed greater latitude in spending obligations and deliverables.¹²⁷ Other film agencies, such as the Federal Office of Culture in Switzerland, have facilitated the granting of additional funds in the event of the postponement of filming or increased costs incurred due to cancelled filming.¹²⁸ The German FFA has granted a deferral of repayments. Thus, in the event of a local or temporary interruption or cancellation of production due to the pandemic, subsidies already paid out will not be claimed back if they have been used in accordance with the agreed conditions of the grant; in the event of a local or temporary interruption of production, approved grants may be claimed at a later date, and increased costs due to the pandemic will be paid on a pro-rata basis, up to a maximum of 30% of the previously calculated production costs.¹²⁹

Other film funds, such as the Swedish Film Institute (SFI) and the Norwegian Film Institute (NFI), have extended all deadlines related to funding procedures due to the COVID-19 crisis and have made it known that support granted for projects and activities that could not compete or be completed would not have to be reimbursed as far as costs already accumulated are concerned.¹³⁰ In addition, the NFI announced that it would reallocate its film subsidies to increase development funding for all formats (new films, games and drama series) and increase script development by an additional NOK 14 million (approximately EUR 1.3 million).¹³¹

In Denmark, the Danish Film Institute (DFI) has announced that it would support the completion of cancelled and postponed productions. The DFI has also adapted its aid to the circumstances of the crisis by providing immediate grants of up to DKK 150 000 (approximately EUR 20 000) exclusively for script development. As in Denmark, the Netherlands Film Fund (NFF) has adapted its funding to provide for a special contribution to cover additional (pre-)production costs directly related to COVID-19 for productions abroad (approximately EUR 25 000 for cinema documentaries and minority co-production, EUR 50 000 for feature films and up to EUR 75 000 for international co-productions).¹³² In addition to these provisions, the NFF has provided for the relaxation of the conditions and

¹²⁷ www.vaf.be/nieuws/coronamaatregelen-projecten-creatie-vaffilmfonds-vafmediafonds-en-vafgamefonds.

¹²⁸ <https://europeanfilmagencies.eu/news-publications/our-press-releases/241-measures-by-efad-members-to-mitigate-the-consequences-of-the-covid-19-outbreak>.

¹²⁹ www.ffa.de/download.php?f=c546f1fad78dea1cdca6cbdb6d8eb7e4&target=0.

¹³⁰ filminstitutet.pmembered.com/pressrelease/view/svenska-filminstitutet-vidtar-sarskilda-atgarder-for-svensk-filmbransch-17714 and https://europeanfilmagencies.eu/images/press_release/NOK_14_million_extra_for_development_25.3.2020.doc

¹³¹ https://europeanfilmagencies.eu/images/press_release/NOK_14_million_extra_for_development_25.3.2020.doc

¹³² www.filmfonds.nl/page/8569/covid-19-outbreak-support-measures-by-the-netherlands-film-fund%E2%80%A8.



obligations related to subsidies (an extension for film productions with regard to delivery and screening requirements).¹³³

Another type of measure taken by film agencies for the production sector in response to the COVID-19 crisis consists in advancing support payments related to direct public funding and production incentives. For example, the French National Centre of Cinematography and the moving image (*Centre National du Cinéma et de l'Image Animée* - CNC) exceptionally authorised the earlier use of automatic support to producers and gave instructions to the tax administration to accelerate the reimbursement of the 2019 production incentives.¹³⁴ In a similar vein, Screen Ireland announced the 90% upfront funding of all development loans to Irish screenwriters and production companies until 31 May 2020.¹³⁵ In Portugal, the Portuguese Film and Audiovisual Institute (*Instituto do Cinema e do Audiovisual* - ICA) made amendments to the regulations of support schemes in order to increase their flexibility and adapt to the COVID-19 crisis. For example, the first payments of writing and development support, corresponding to the signing of the contract, have been increased from 30% to 50% for 2020; as for the automatic support programme, the beneficiary has been given the option of choosing to apply for the support to be allocated to new production projects (as currently provided for in the regulations) or to new writing and development projects.¹³⁶

New emergency funds have also been specifically created for production in response to the crisis. For example, the British Film Institute (BFI) has set up a Film Continuation Fund, with up to GBP 2 million (approximately EUR 2.2 million) to be made available to independent UK productions interrupted by the COVID-19 crisis to help cover unexpected additional production costs and ensure that productions are in the best possible position to resume production when practicable.¹³⁷ The Greek Film Centre has taken a similar approach, creating a Special Programme of Support for the Film Community totalling EUR 1.8 million for the development of animation, documentary and short-film projects.¹³⁸

It should also be mentioned that some film agencies have created specific emergency grants to support workers from the film and audiovisual sector. For example, the BFI has made GBP 800 000 (approximately EUR 897 948) available for current BFI-funded film productions that were interrupted due to COVID-19 restrictions in order to ensure that, as contracts were abruptly terminated, those employed were paid two weeks' notice.¹³⁹ In some countries, support for workers and crews was made possible thanks to an innovative approach involving the collaboration of the VOD industry. Thus, for example, in Spain, Netflix made available EUR 1 million to be jointly administered by the Spanish film agency ICAA (*Instituto de la Cinematografía y de las Artes Audiovisuales*), the

¹³³ www.filmfonds.nl/page/8569/covid-19-outbreak-support-measures-by-the-netherlands-film-fund%E2%80%A8.

¹³⁴ www.cnc.fr/professionnels/actualites/covid-19--information-du-cnc_1139648.

¹³⁵ www.screenireland.ie/news/fis-eireann-screen-ireland-commits-to-initial-range-of-measures-to-support.

¹³⁶ https://europeanfilmagencies.eu/images/press_release/Amendments_to_the_regulations_ICA.docx.

¹³⁷ www.bfi.org.uk/news-opinion/news-bfi/announcements/package-support-uk-industry-covid-19.

¹³⁸ www.gfc.gr/images/files/oroiprogram.pdf.

¹³⁹ www.bfi.org.uk/news-opinion/news-bfi/announcements/package-support-uk-industry-covid-19.



Film Academy (Academia del Cine), and the ACE (*Acción Cultural Española*) through a new emergency fund aimed at providing short-term support to the workers and crews of the Spanish audiovisual industry directly affected by the COVID-19 crisis.¹⁴⁰ The same collaboration was launched in the Netherlands between Netflix and the Netherlands Film Fund.¹⁴¹

As previously mentioned, a new type of measure appeared as of May 2020, qualified as operational guidelines and consisting of all kinds of operational self-regulatory guidelines, recommendations and good practices aimed at helping the future restart of filming. When these guidelines are issued by film agencies, they are, for the most part, non-binding and take the form of a detailed, industry-specific guide of recommendations. The recommendations incorporate the general health and safety measures in force in the territory and adapt them to the production sector. In a nutshell, the recommendations can be summarised in the following categories:

- Physical distance measures: this rule must be applied at all times and in all possible contexts and is usually around two metres apart.
- No mass gatherings: rules limiting the number of people from the artistic/technical/production teams who can be present at the same time on the shooting location, all teams combined (artistic, technical and production team). These rules may be expressed as a maximum number of people in a given area, depending on the area in question, or expressed as a general minimum space per person (for example: 4m² per person).
- Encouraging remote activities: as far as possible, all activities related to the production of a film that can be carried out remotely should be carried out remotely (for example online casting), and face-to-face meetings (outside of filming) should be avoided as much as possible.
- Ensure a safe and healthy working environment: create a totally healthy environment on set and in the base camp by ensuring that filming locations and all equipment used are frequently disinfected.
- Health protection equipment must be provided by the production team and worn by all persons involved in all contexts where such protection is necessary and possible (some exceptions may apply, for example for performers who can perform without a mask when facing the camera while respecting the rules of physical distance).
- Provide information on the measures in place: by putting up information boards at the filming location/film studio or appointing a contact person to inform the crews and ensure that sanitary measures are properly applied.
- Filming locations: filming in a public space is subject to compliance with all applicable official guidelines. Filming in confined spaces (for instance stairs or elevators) in a private/public space should be avoided.

¹⁴⁰ www.culturaydeporte.gob.es/actualidad/2020/04/200415-ayudas-audiovisual.html.

¹⁴¹ www.filmfonds.nl/page/8647/netflix-en-nederlands-filmfonds-richten-een-steunfonds-op-voor.



- Catering: should be provided in a location where appropriate social distancing can be maintained; in small groups at different times; and meals should be individually wrapped and distributed.

Among the film agencies that have issued such operational guidelines from mid-May 2020 are, for example, Screen Brussels in Belgium¹⁴² and the Czech Film Commission, who also issued basic safety rules to eliminate the risk of COVID-19 infection during both the pre-production and production stages;¹⁴³ the ICAA¹⁴⁴ in Spain; the Moroccan Cinema Centre, which recommended a maximum number of 30 people during shootings;¹⁴⁵ the Portugal Film Commission;¹⁴⁶ the Nordisk Film & TV Fond, which adopted official measures to go back to filming safely in the Nordics under COVID-19, including plans for foreign shoots.¹⁴⁷

3.2.4. Support to distribution

Film agencies have provided specific support to the distribution sector, mainly through the relaxation of the requirements and deadlines attached to aid as well as those associated with the release windows system.

As far as aid is concerned, some film agencies, such as the Austrian Film Institute, have indicated that they would accept receipts and other exploitation reports up to six months after the scheduled date for films released in cinemas in 2019.¹⁴⁸ In Germany, the FFA has provided that in the event of a time shift in the distribution of works, the increase in distribution costs due to the pandemic would be paid out on a pro-rata basis, up to a limit of 50% of the distribution costs.¹⁴⁹ In addition, the payment of refunds due by the distributor in the event of the cancellation or time shift of the distribution of a film will be deferred, and subsidies already paid will not be reclaimed under certain conditions.¹⁵⁰ Furthermore, in the event of a time shift in the distribution of works, grants may be claimed at a later date when the work is distributed.¹⁵¹ Similarly, the French CNC has amended its guidelines to allow the payment of selective support to distributors to be brought forward for 2020 and to authorise the early use of automatic support to distributors.¹⁵² Screen Ireland, on the other hand, has decided to provide additional

¹⁴² <https://screen.brussels/en/film-commission-fund/news/good-practices-filming-restart-small-crews>;

¹⁴³ <https://filmcommission.cz/en/self-regulatory-recommendations-samoregulacni-opatreni/>;

¹⁴⁴ www.culturaydeporte.gob.es/actualidad/2020/05/200515-icaa-bpractic.html;

¹⁴⁵ www.ccm.ma/actualite.php?id=1732.

¹⁴⁶ www.picportugal.com/images/news_2020/Filming_in_Portugal_COVID19.pdf.

¹⁴⁷ www.nordiskfilmogtvfond.com/news/stories/no-kissing-among-rules-as-nordic-productions-resume-filming.

¹⁴⁸ <https://filminstitut.at/foerderung/richtlinien>.

¹⁴⁹ www.ffa.de/download.php?f=c546f1fad78dea1cdca6cbdb6d8eb7e4&target=0;

¹⁵⁰ www.ffa.de/download.php?f=c546f1fad78dea1cdca6cbdb6d8eb7e4&target=0;

¹⁵¹ www.ffa.de/download.php?f=c546f1fad78dea1cdca6cbdb6d8eb7e4&target=0;

¹⁵² www.cnc.fr/professionnels/actualites/covid-19--information-du-cnc_1139648;



marketing and distribution support to upcoming Irish films and TV releases during the COVID-19 crisis.¹⁵³ Likewise, the Netherlands Film Fund has provided for an additional distribution grant to support the redistribution and marketing of majority Dutch feature films and cinema documentaries (from EUR 10 000 to EUR 25 000).¹⁵⁴

Other film agencies have provided for online distribution support as a temporary alternative to physical distribution. Thus, in Belgium, the Center for Film and Audiovisual Arts of the French Community of Belgium (*Centre du Cinéma et de l'Audiovisuel de la Fédération Wallonie-Bruxelles*) has adapted its theatrical support scheme to cover the costs of online distribution and has announced that cinema theatres would be able to release films after the crisis, if there is still an interest.¹⁵⁵ In the same vein, the Norwegian Film Institute announced that it would give grants to help companies launch their films on transaction-based platforms and to support the promotion of films at digital markets and international festivals, where such platforms are alternatives to the cancelled film festivals and film markets.¹⁵⁶ The Danish Film Institute, for its part, has provided for small marketing grants for films released directly on digital platforms.¹⁵⁷

As mentioned above, due to the impossibility of releasing films in cinemas during the confinement period in most European countries, some film agencies have taken steps to relax certain requirements related to the applicable rules with regard to media windows. In France, for example, the CNC has authorised the shortening of media windows for films already in exploitation as of 14 March 2020, and inter-professional discussions have taken place to organise the release of certain films directly on VOD.¹⁵⁸ In a rather different approach, the Polish Film Institute has promoted the amendment of the Cinematography Act in order to change the definition of the term “film” – a film can now also be defined as a work that has not been screened in the cinema due to unrelated circumstances.¹⁵⁹ In Belgium, French-language Belgian films that were due to be released in cinemas, or films whose release was suddenly interrupted by the closure of cinemas, will go directly to the local TVOD services (Proximus, BeTV, etc.). A promotional campaign led by the National Film Fund (CCA), *Le Cinéma belge à la maison* (Belgian Cinema at Home), has been launched to promote these releases as well as to inform the public about where to find Belgian content on all Belgian platforms.¹⁶⁰ In Portugal, the ICA has also foreseen in its guidelines the possibility for cinematographic works to be initially aired on television or on-demand audiovisual media services in these exceptional circumstances.¹⁶¹

¹⁵³ www.screenireland.ie/news/fis-eireann-screen-ireland-commits-to-initial-range-of-measures-to-support.

¹⁵⁴ www.filmfonds.nl/page/8569/covid-19-outbreak-support-measures-by-the-netherlands-film-fund%E2%80%A8.

¹⁵⁵ <https://audiovisuel.cfwb.be/fr/nc/actualite/news/le-cinema-belge-a-la-maison/>.

¹⁵⁶ https://europeanfilmagencies.eu/images/press_release/NOK_14_million_extra_for_development_25.3.2020.doc.

¹⁵⁷ www.cineuropa.org/fr/newsdetail/387199.

¹⁵⁸ www.senat.fr/rap/l19-381/l19-38110.html;

¹⁵⁹ <https://pisf.pl/aktualnosci/raport-z-prac-zespolu-ds-kryzysu-w-branzy-kinematograficznej/>.

¹⁶⁰ <https://audiovisuel.cfwb.be/fr/nc/actualite/news/le-cinema-belge-a-la-maison/>.

¹⁶¹ www.ica-ip.pt/pt/comunicados/medidas-excepcionais-a-serem-aplicadas-por-periodo-transitorio-no-setor-do-cinema-e-do-audiovisual-em-resultado-da-declarada-pandemia-covid-19/.



3.2.5. Support to exhibition

While people were confined to their homes and all cinemas were closed, exhibitors were the first to be affected in the face of the crisis. Many film agencies took immediate action to support the branch. Some of these measures consisted in relaxing the obligations and requirements imposed on exhibitors. For example, in Portugal, as of the month of March and until further notice, the ICA suspended the obligation on exhibitors to retain 7.5% of the sale price of cinema tickets to the public.¹⁶² The Polish Film Institute announced, for its part, that it would not expect cinema theatres to perform the statutory box office reporting obligation, at least not for the period during which cinema theatres were closed.

Other film agencies have provided for an increase in funding available for exhibitors. Thus, for example, the Slovak Audiovisual Fund has provided for the possibility, on a case-by-case basis, of increasing the subsidy for or granting specific short-term loans to small cinemas that have been forced by the state to close/cancel/suspend their activities.¹⁶³

Another approach adopted at national level by film agencies has been to advance support payments to help exhibitors to cope with the immediate effects of the crisis. For example, in Germany, the FFA has authorised the earlier payment of and higher advances on approved grants.¹⁶⁴ In France, the CNC has brought forward the payment of 2020 subsidies to art house cinemas and authorised the use of the automatic support to exhibitors ahead of time.¹⁶⁵ The Swedish Film Institute has approved the earlier payment of support to cinemas.¹⁶⁶

Specific emergency funds have also been created in some film agencies in order to support exhibitors during the COVID-19 crisis. Thus, for example, the BFI in the United Kingdom has repurposed the BFI Film Audience Network's National Lottery activity funding to offer critical relief to exhibitors across the whole of the United Kingdom. A new BFI FAN COVID-19 Resilience Fund (GBP 1.3 million, or approximately EUR 1.4 million) was created to support small and medium-sized exhibitors and festivals that have faced immediate closure and cancellations, putting them at risk of permanent closure and staff cuts.¹⁶⁷

¹⁶² www.ica-ip.pt/pt/comunicados/medidas-excepcionais-a-serem-aplicadas-por-periodo-transitorio-no-setor-do-cinema-e-do-audiovisual-em-resultado-da-declarada-pandemia-covid-19/.

¹⁶³ www.avf.sk/news/17-03-2020/D%C3%B4le%C5%BEit%C3%A9_inform%C3%A1cie_pre_%C5%BEiadate%C4%BEov.aspx.

¹⁶⁴ www.ffa.de/download.php?f=c546f1fad78dea1cdca6cddb6d8eb7e4&target=0.

¹⁶⁵ www.cnc.fr/professionnels/actualites/covid-19--information-du-cnc_1139648.

¹⁶⁶ <https://filminstitutet.pmembedded.com/pressrelease/view/svenska-filminstitutet-vidtar-sarskilda-atgarder-for-svensk-filmbransch-17714>.

¹⁶⁷ www.bfi.org.uk/news-opinion/news-bfi/announcements/package-support-uk-industry-covid-19.



3.2.6. Support to events and festivals

As events such as film markets and festivals have been cancelled due to the crisis, many European countries have taken measures to support the sector, either at government level, at the initiative of ministries of culture, or through film agencies, by relaxing the requirements for the direct public funding of such events and festivals.

In Belgium, for example, the VAF has decided to accept non-refundable costs that have already been incurred in connection with supported events, workshops, etc. that have been cancelled.¹⁶⁸ In Switzerland, the Federal Office of Culture will continue to support festivals, whether or not they are cancelled. If film festivals are cancelled, the Federal Office will not respect the performance obligations normally linked to grant conditions. The Federal Office has also announced that it would examine cases where additional support is needed for festival organisations whose survival is at risk due to a loss of revenue.¹⁶⁹

Similarly, in Denmark, no refund will be requested by the Danish Film Institute for cancelled events.¹⁷⁰ In Portugal, the ICA foresees the possibility of relaxing the support rules for the realisation of film festivals on the national territory. As regards ongoing support, the ICA will accept the reprogramming of festival activities, that is, the possibility of extending the programming in terms of time and also allowing payments linked to the action of organising the festival, even when it has been cancelled.¹⁷¹ The Slovak Audiovisual Fund has envisaged that, when it comes to events, it would decide to cover certain expenses on a case-by-case basis, even when an event is cancelled or rescheduled, or to postpone payment obligations for loans or levies.¹⁷²

3.3. National examples of measures by NRAs

In times of crisis, the media are more than ever critical to society – we need them not only to disseminate accurate and crucial information, but also to fight against information disorder, that is, misinformation, disinformation and mal-information. At the same time, the crisis is having a serious impact on media service providers' resources (financial, legal, technical and human) and could lead to a restriction of freedom of expression. In order to highlight the vital role that the media play in the crisis, a number of European NRAs have developed a series of initiatives.

¹⁶⁸ www.vaf.be/nieuws/coronamaatregelen-projecten-creatie-vaffilmfonds-vafmediafonds-en-vafgamefonds.

¹⁶⁹ <https://europeanfilmagencies.eu/news-publications/our-press-releases/241-measures-by-efad-members-to-mitigate-the-consequences-of-the-covid-19-outbreak>.

¹⁷⁰ www.cineuropa.org/fr/newsdetail/387199.

¹⁷¹ www.ica-ip.pt/pt/comunicados/medidas-excepcionais-a-serem-aplicadas-por-periodo-transitorio-no-setor-do-cinema-e-do-audiovisual-em-resultado-da-declarada-pandemia-covid-19/.

¹⁷² www.avf.sk/news/17-03-

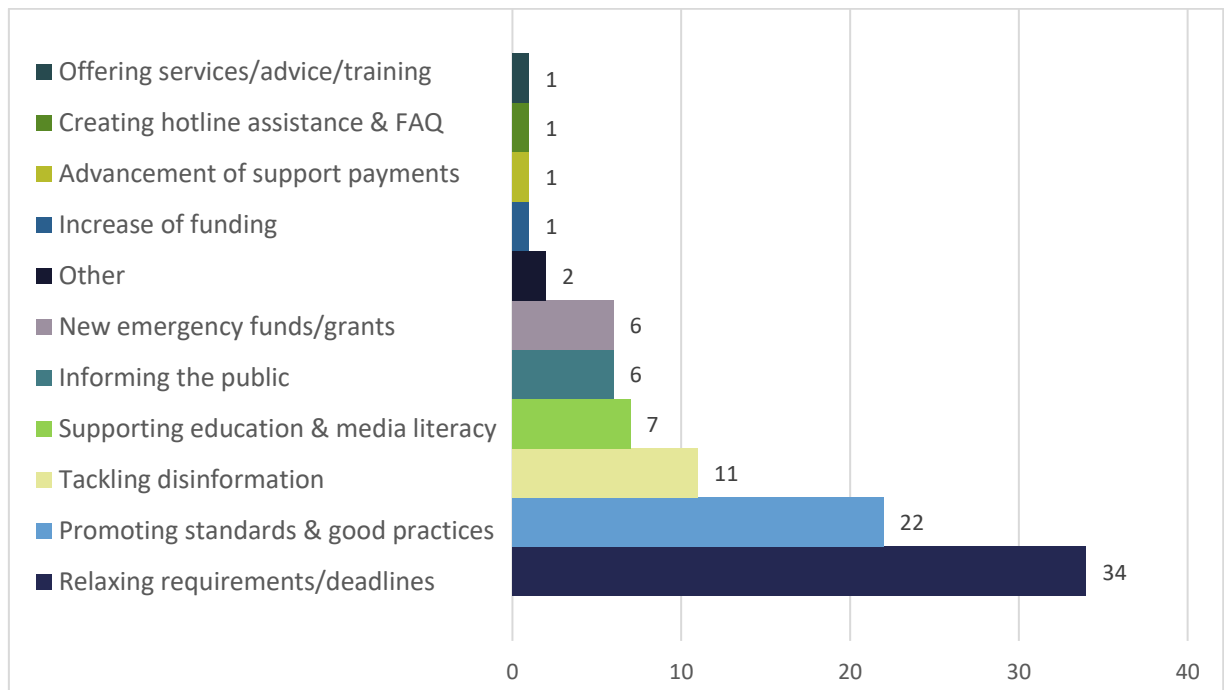
[2020/D%C3%B4le%C5%BEit%C3%A9_inform%C3%A1cie_pre_%C5%BEiadate%C4%BEov.aspx](http://www.avf.sk/news/17-03-2020/D%C3%B4le%C5%BEit%C3%A9_inform%C3%A1cie_pre_%C5%BEiadate%C4%BEov.aspx).



The European Platform of Regulatory Authorities (EPRA), the largest network of media regulators in Europe, bringing together 53 NRAs from 47 countries, collaborated with the European Audiovisual Observatory project to monitor the measures taken by its members in response to the COVID-19 crisis. Its Board invited its members to share information on how their authority is engaging with citizens and stakeholders in relation to the COVID-19 crisis and this input was incorporated into the EAO Tracker.

Figure 7 below shows the type of intervention taken by NRAs across Europe, based on a sample of 92 measures taken as of 20 May 2020:

Figure 7. Breakdown of NRA's measures per type of intervention (in number of measures)



Figures based on a sample of 635 measures tracked by the EAO in 41 countries between mid-March and mid-May 2020

This figure shows that, in most cases, NRAs have intervened by taking measures related to the relaxing of requirements and/or deadlines, followed by measures aimed at promoting standards and good practices and tackling disinformation. In practice, these last two types of measures were often mixed together. In general, this type of intervention covers many different types of measures and takes the following forms:

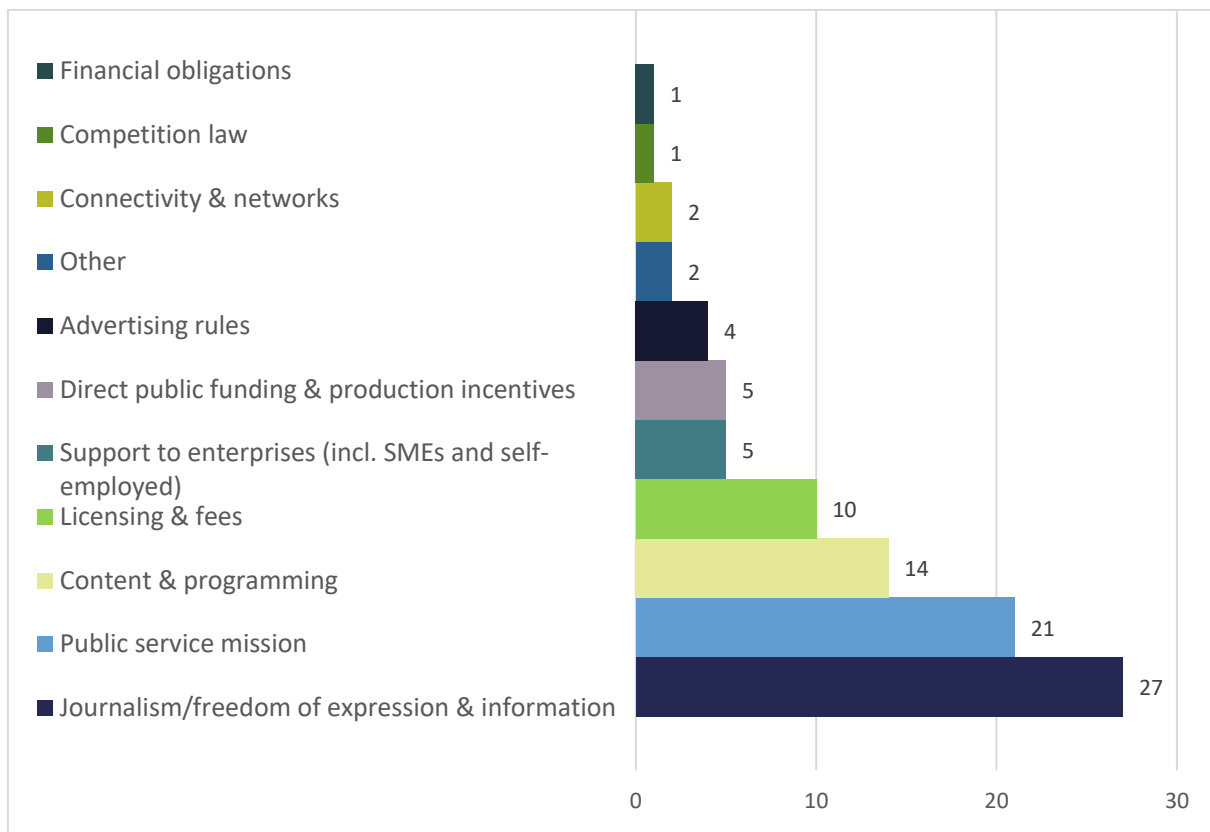
- General call for caution and accuracy in reporting the crisis to all operators concerned (broadcasters, telecommunications, audience);
- Reminder of the crucial role of journalists in times of crisis;
- Non-binding recommendation specific to broadcasters on how to disseminate information in an accurate and inclusive way;
- Binding rules and/or individual sanctions against broadcasters for disseminating false information;
- Creation of prevention campaigns against misinformation linked to crises;



- Setting up follow-up studies and reports on how broadcasters provide information, how audience receive it, etc.

Figure 8 below shows the type of measures taken by area impacted, based on the same sample as above. It shows that NRAs have intervened first and foremost with regard to journalism and freedom of expression and information; the public service mission; content and programming; and licences and fees.

Figure 8. Breakdown of NRA's measures per area concerned (per number of measures)



Figures based on a sample of 635 measures tracked by the EAO in 41 countries between mid-March and mid-May 2020

3.3.1. Relaxing requirements/deadlines

The first type of measure frequently encountered concerns the relaxation of requirements and/or deadlines. This can refer, for example, to the relaxing of the obligations upon broadcasters in relation to content and programming.

Thus, for instance, the French regulatory authority, (*Conseil Supérieur de l'Audiovisuel*, CSA) announced that it would adopt a flexible approach in the application of the regulatory framework, and in particular as regards the compliance of audiovisual media services with production and distribution obligations, taking particular account of



the nature of the service, the types of obligations and the difficulties encountered.¹⁷³ In the United Kingdom, the regulator for the communications service, Ofcom, has provided for delays in the implementation of new obligations, where needed.¹⁷⁴ In Croatia, the Agency for Electronic Media (AEM) informed TV and radio broadcasters of the temporary relaxation of programming quota obligations.¹⁷⁵

Conditions and obligations related to licences and fees have also been subject to relaxation measures by some NRAs. For example, in Italy, the communications authority, (*Autorità per le Garanzie nelle Comunicazioni*, AGCOM), decided that, due to the exceptional circumstances caused by the COVID-19 epidemiological emergency, it would defer the terms for the payment of the licence to 15 June 2020 for companies whose turnover is equal to or less than EUR 50 million.¹⁷⁶ In Montenegro, the Agency for Electronic Media (*Agencija za elektronske medije*, AEM) decided to release commercial and public broadcasters from the obligation to pay fees for the next three months.¹⁷⁷ The Agency for Communication Networks and Services of the Republic of Slovenia (*Agencija za komunikacijska omrežja in storitve Republike Slovenije*, AKOS), announced that certain derogations from the rules of administrative operation would apply in the context of the crisis.¹⁷⁸

As mentioned in the previous section, NRAs have been particularly active in promoting standards and good practice during the crisis, particularly with a view to ensuring quality journalism and the fulfilment of the public service mission by broadcasters in times of epidemic.

For example, in Cyprus, the Cyprus Radio-Television Authority (CRTA), issued recommendations on how to inform the public in such a way as to avoid panic and the spread of misinformation.¹⁷⁹ The Icelandic Media Commission (*Fjölmiðlanefnd*, IMC), for its part, stressed the important role of the media in times of crisis and recalled the importance of guaranteeing that media have the financial capacity to continue their operations and that journalists are protected.¹⁸⁰ In Morocco, the High Authority of Audiovisual Communication (*Haute Autorité de la communication audiovisuelle*, HACA) recommended that public communication put in place to combat the spread of COVID-19 should be as inclusive as possible and that the messages disseminated should be accessible to all citizens, while welcoming the mobilisation of public and private audiovisual operators and acknowledging their efforts to communicate and raise awareness.¹⁸¹ The HACA also issued recommendations relating to young audiences'

¹⁷³ www.csa.fr/Informer/Espace-presse/Communiqués-de-presse/Courrier-de-Roch-Olivier-Maistre-aux-editeurs-de-services-et-aux-syndicats-de-radios-et-televvisions.

¹⁷⁴ www.ofcom.org.uk/about-ofcom/policies-and-guidelines/coronavirus-information.

¹⁷⁵ www.aem.hr/vijesti/informacija-za-nakladnike-radija-i-televizija-vezana-uz-programske-obaveze/.

¹⁷⁶ www.agcom.it/emergenza-covid-19-tavoli-tecnici-con-gli-operatori;

¹⁷⁷ <https://aemcg.org/obavjestenja/agencija-donirala-30-000-za-nabavku-medicinske-opreme-i-elektronske-medije-oslobodila-obaveze-placanja-naknade-za-3-mjeseca/>.

¹⁷⁸ www.akos-rs.si/medijsko-sredisce/sporocila-za-javnost/novica/poslovanje-agencije-v-casu-izrednih-ukrepov.

¹⁷⁹ www.crtat.org.cy/default.asp?id=312.

¹⁸⁰ <https://fjolmidlanefnd.is/2020/04/17/hid-mikilvaega-hlutverk-fjolmidla-i-samkomubanni/>.

¹⁸¹ www.haca.ma/fr/node/5939.



exposure to and consumption of the media during the epidemic.¹⁸² In North Macedonia, the regulatory authority (Agency for Audio and Audiovisual Media Services, AAAMMS) recommended that the media adhere to the Guidelines for Safe and Professional Reporting on the Coronavirus (COVID-19), as prepared by the Association of Journalists and the Council of Media Ethics of North Macedonia, which provide practical instructions on how to maintain a high level of professionalism in one's work, as well as on how to ensure protection and safety for media workers.¹⁸³

During the crisis, Many NRAs put some extra effort into tackling the increased risks of disinformation. The Italian AGCOM, for example, issued a Resolution (*Delibera*) which provides for the obligation for media service providers and video-sharing platforms to comply with the principles in force to protect the accuracy of information with regard to the COVID-19 topic.¹⁸⁴ In Norway, the Norwegian Media Authority (*Medietilsynet*, NMA) has launched an information campaign in cooperation with national newspapers and supported by Facebook on how to detect false news. To this end, the Media Authority has set up a special page with tips on how to spot misinformation and false news and how to avoid spreading it.¹⁸⁵

3.3.2. Supporting education and media literacy

At a time when millions of citizens all over Europe have been forced to stay at home for weeks in order to contain the COVID-19-related health crisis, the issue of access to education for children and access for all to a varied programme offer has become a priority for many media regulators. A wide range of initiatives have been taken in this respect by NRAs in Europe in the field of education and media literacy.

Some of these initiatives, such as the one launched by the French CSA which foresees the creation of a pedagogical kit for instructors, are directed at parents and teachers by making available online resources covering topics related to media and information literacy, media education and media use. In addition, the CSA contributed to the "Press and Media Week at Home" initiative – which this year replaces the traditional "Press and Media Week at School" initiative – organised by the Centre for Media and Information Literacy (*Le Centre de liaison de l'enseignement et des médias d'information* – CLEMI).¹⁸⁶ Others focus on positive contents, such as "Think positive", an initiative launched by the Belgian regulatory authority (*Conseil Supérieur de l'Audiovisuel*, CSA), which consists in publishing a non-exhaustive list of positive initiatives from local and

¹⁸² www.haca.ma/fr/actualites/consommation-m%C3%A9diatique-de-l%E2%80%99enfant-pendant-la-p%C3%A9riode-de-confinement-le-conseil.

¹⁸³ <https://avmu.mk/en/2020/03/20/media-should-adhere-to-the-reporting-guidelines-and-obligations-stipulated-by-the-aaavms/>.

¹⁸⁴ www.agcom.it/documents/10179/17914778/Delibera+129-20-CONS/2d750507-644c-44f4-8abf-1a93322daef4?version=1.0.

¹⁸⁵ https://medietilsynet.no/mediebildet/slik-avslorer-du-falske-nyheter/#anchor_9228.

¹⁸⁶ www.csa.fr/Informer/Toutes-les-actualites/Actualites/Semaine-de-la-presse-et-des-medias-2020-Le-CSA-propose-des-ressources-en-ligne-pour-les-parents-et-les-enseignants.



national media, allowing the public to watch audiovisual and cultural content from home in times of crisis.¹⁸⁷ In the United Kingdom, Ofcom has created a webpage, “Cutting Through the COVID-19 Confusion”, that provides, among other things, useful tools to navigate news and information about COVID-19; it also helps people to “share” information responsibly, and includes a section for families, to help parents support their children’s critical understanding during this time.¹⁸⁸ In Hungary, the National Media and Communications Authority (*Nemzeti Média- és Hírközlési Hatóság – Médiatanács*, NMHH) has set up *Médiaszertár*, a Facebook group created to support teachers by conducting media literacy training on an interactive platform.

These are only a few examples of the numerous types of measures taken by NRAs during the crisis. In many countries, they also reminded broadcasters of their role in informing the public about the pandemic. For instance, by way of an amendment to the Cabinet of Ministers’ Decree 103 on the Declaration of Emergency Situation, the National Electronic Mass Media Council (*Nacionālā elektronisko plašsaziņas līdzekļu padome*, NEPLP) in Latvia was allowed to broadcast in exceptional circumstances news and informative analytical programmes produced and broadcast by the Latvian public media for use by other electronic media for the benefit of the public.¹⁸⁹ In Portugal, the Portuguese regulatory authority for the media (*Entidade Reguladora para a Comunicação Social*, ERC) called on media providers to ensure that communications from the Directorate-General for Health were made accessible to audiences with special needs, where practicable.¹⁹⁰ In Romania, the National Audiovisual Council (*Consiliul National al Audiovizualului*, CNA) recommended that during the state of emergency, broadcasters support the broadcast of the audiovisual spot for the public information campaign “I am only a man”, carried out by the Ministry of Culture.¹⁹¹

3.4. National examples of measures by CMOs

Figure 9 below shows the different types of measures taken by CMOs across Europe, based on a sample of 79 measures collected between mid-March and mid-May 2020.

¹⁸⁷ www.csa.be/think-positive/.

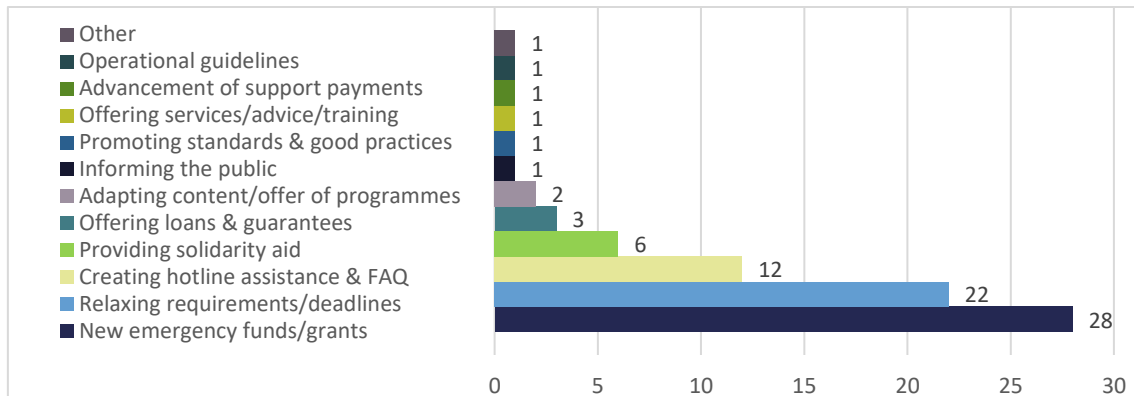
¹⁸⁸ www.ofcom.org.uk/research-and-data/media-literacy-research/coronavirus-resources.

¹⁸⁹ www.neplpadome.lv/lv/sakums/padome/padomes-sedes/sedes-sadalas/neplp-lai-ierobezotu-koronavirusa-latvijas-sabiedribai-savlaicigi-jasanem.html.

¹⁹⁰ www.erc.pt/pt/noticias/erc-sensibiliza-televisoes-a-emitirem-mensagens-da-protecao-civil-e-da-dgs-acessiveis-aos-publicos-com-necessidades-especiais.

¹⁹¹ www.cna.ro/Recomandarea-CNA-nr-10-din-06-04.html.

Figure 9. Breakdown of CMO's measures per type of measure



Figures based on a sample of 635 measures tracked by the EAO in 41 countries between mid-March and mid-May 2020

As we can see from Figure 9, the type of measure favoured by the CMOs is the creation of new emergency funds/grants, which were primarily intended to support artists, creators and enterprises, closely followed by the relaxing of requirements and deadlines, mainly in the area of copyright and related rights; the creation of hotline assistance and FAQs; and the granting of solidarity aid.

3.4.1. New emergency funds and grants

This is by far the type of support most favoured by the CMOs, and it generally acts as a complement to the general support measures put in place by governments when those appear insufficient to cover the needs of artists and creators. Some CMOs will put in place an extraordinary long-term support plan, benefiting all their members, in order to compensate for the losses caused by the crisis and to help future recovery. This is the case in Italy, where the Italian Society of Authors and Publishers, SIAE, has established an Extraordinary Support Fund for 2020 and 2021, with EUR 60 million to support its members over the next two years.¹⁹²

This type of support fund can also be less general and focus on the short term by setting aside a temporary emergency fund to assist members facing imminent financial pressure due to the health crisis. Typically, to be eligible for this type of assistance, the applicant must demonstrate that they have suffered a certain percentage loss of their net income due to the health crisis. For instance, in France, the SACD (Society of Dramatic Authors and Composers), with financial support from the National Film Centre (Centre National du Cinéma et de l'Image Animée, CNC), has set up an emergency fund intended to provide authors of audiovisual, film, animation and web creations who do not benefit from aid under the National Solidarity Fund or from a sufficient measure of partial

¹⁹² www.siae.it/it/iniziativa-e-news/emergenza-covid-19-le-misure-adottate-dal-consiglio-di-gestione-siae-favore-degli.



unemployment, with emergency financial support amounting to EUR 1 500 per month for March, April and May 2020.¹⁹³ In Austria, the collective management organisation for authors, composers and music publishers (*AKM & austro mehana*) and the Austrian performers' society (*Österreichische Interpretengesellschaft, OESTIG*) have established a cultural disaster fund of EUR 1 million which is exclusively reserved for music authors experiencing financial difficulty due to significant copyright or royalty losses.¹⁹⁴ Additionally, some support programmes can be dedicated specifically to the most vulnerable people. In Spain, the collective management society representing actors and performers (*Artistas Intérpretes, Sociedad de Gestión, AISGE*) has created Programme for the Elderly, a social and financial support project consisting of a monthly allowance ranging from EUR 100 to EUR 590 per month for beneficiaries over 65 years old.¹⁹⁵

3.4.2. Relaxing requirements/deadlines and advancing support payment

Most of the relaxation measures concern the possibility for CMO members to request an advance on their royalty payments, which are usually set on a trimester or semester basis. Several CMOs have exceptionally modified the terms of payment of advances on copyright and increased their usual thresholds. In Slovakia, each member of the collective management society SOZA¹⁹⁶ may request the advance payment of royalties – up to 50% of the remuneration due from the previous year – by 30 June 2020 if the royalties for the use of works on the territory of the Slovak Republic have reached at least EUR 200.¹⁹⁷ In Bulgaria, from April, the society for collective management of neighbouring rights in music, PROPHON will pay performers and producers 70% of their annual remuneration in advance in order to help them mitigate the losses they have suffered as a result of the state of emergency. And in Belgium, the Association of Authors, Composers and Publishers, Sabam, is making EUR 18 million available to its member authors by allowing them to make an early withdrawal from the social fund reserves that they have built up during their career (and which they cannot normally withdraw before the age of 60).¹⁹⁸

These relaxation measures also benefit users of protected works. Due to the closure of bars, restaurants and other establishments open to the public, several CMOs have waived the charging of licence fees for the use of protected works for the relevant period of confinement. This is the case in Slovenia, where both the Slovenian Authors' Society (ZAMP)¹⁹⁹ and the CMO for the protection and promotion of musical authors'

¹⁹³ www.sacd.fr/le-fonds-durgence-audiovisuel-cinema-animation-web.

¹⁹⁴ www.akm.at/blog/2020/03/13/kultur-katastrophenfonds-fuer-musikschaffende.

¹⁹⁵ www.aisge.es/programa-de-ayudas-sociales-de-la-fundacion-aisge-en-2020-ante-la-pandemia-del-covid-19.

¹⁹⁶ Slovak Performing and Mechanical Rights Society.

¹⁹⁷ www.soza.sk/aktuality/289/pomoc-%C4%8Dlenom-soza-v-mimoriadnej-situacii-sposobenej-pandemiou-covid-19.

¹⁹⁸ www.sabam.be/fr/news/la-sabam-libere-18-millions-deuros-pour-ses-auteurs.

¹⁹⁹ www.zamp-zdruzenje.si/aktualno/novice/obvestilo-uporabnikom-glede-zaprtja-lokalov.html.



rights, SAZAS,²⁰⁰ announced that they would not charge users for the costs related to the use of protected works for the period during which public gatherings and public spaces are closed. In Ireland, the Irish Music Rights Organisation (IMRO) has committed to a moratorium on any payments due to IMRO before 30 April 2020 from any business that has been forced to close by the government due to the coronavirus.²⁰¹ In addition, the CMOs have also eased the conditions for the granting and use of funds to take account of the situation generated by the health crisis. In Switzerland, MPLC SWITZERLAND (*Motion Picture Licensing Company*) has informed licence owners that licences already issued and invoiced for events or bookings can be extended on request until 30 June 2020.²⁰² In Finland, the Composers' Copyright Society Teosto has temporarily decided that all music licences purchased for free consumer events shall also include a licence for live broadcasting, with the possibility of cancelling or modifying licences at a later date.²⁰³

3.4.3. Creating hotline assistance and FAQ

Another very common, non-financial form of support set up by the CMOs has been the creation of information pages, hotline assistance and FAQs. Their primary purpose is to inform CMO members about the support measures available to them, which is done by way of a special dedicated page or a guide on the organisation's website listing all the programmes at their disposal, those provided directly by the organisation as well as those made available at national or regional level by the authorities and other public or private organisations. This information is often supplemented by advice on how to apply for the support programme, with hotline assistance to accompany them. For instance, in Belgium, SABAM has a FAQ as well as a hotline to inform its members of the existing support measures available to them.²⁰⁴ In France, the SACD has set up a guide which summarises the assistance available to authors in difficulty during the COVID-19 health crisis and the steps to be taken to obtain it. In Portugal, SPAutores (*Sociedade Portuguesa de Autores*) has created the information platform *Tudo Pelos Autores* (Everything for the Authors), which informs its members about all the mechanisms already in place to support artistic and cultural creators.²⁰⁵

²⁰⁰ www.sazas.org/Aktualno/Novice-in-sporo%C4%8Dila-za-javnost/posebno-obvestilo-uporabnikom-glasbe.

²⁰¹ www.imro.ie/industry-news/customer-notice-from-the-irish-music-rights-organisation-imro-in-relation-to-covid-19.

²⁰² www.mplc.ch/index/news.

²⁰³ www.teosto.fi/en/teosto/news/covid-19-impact-teosto-and-finnish-music-industry.

²⁰⁴ www.sabam.be/fr/news/coronavirus-la-sabam-se-tient-prete-pour-ses-auteurs.

²⁰⁵ www.spautores.pt/comunicacao/noticias/a-spa-combativa-envia-carta-ao-poder-local-e-cria-plataforma-de-informacao-aos-autores.



4. Industry-driven initiatives

As has been the case for most companies directly affected by the pandemic, film and audiovisual companies have also needed to adapt to the current exceptional situation and come up with a plan for the challenges ahead. In fact, audiovisual industries have particularly suffered from social distancing requirements (for instance, shootings had to come to a halt or be postponed), and the very nature of the means of distribution of some of the works produced has not allowed for their commercialisation (specifically, cinema theatres have temporarily pulled down their shutters during the crisis and are unlikely to be able to reopen at full capacity in the near future in many countries). Companies in the film and audiovisual industries have reacted to these challenges both individually and collectively, through their industry associations, by calling for *ad hoc* policies, funding and subsidies as well as requiring the relaxation of obligations (from taxation to social security contributions), the extension of deadlines and the issuing of guidelines.

In the tracker on COVID-19 audiovisual sector measures elaborated by the European Audiovisual Observatory,²⁰⁶ there were circa 80 industry measures or initiatives directly related to the crisis taken at supranational level by sectorial associations, organisations and private companies in 18 European countries. Supranational actions, mostly through pan-European industry associations and umbrella organisations, have focused on the areas of policymaking and support for freedom of expression and information, with their most frequent measures being calls for public action. In turn, industry actions at national level have put the accent on supporting artists, creators and companies, with special attention being given to SMEs and self-employed workers, via new emergency funds or grants, as well as on issuing operational guidelines and FAQs, relaxing requirements and deadlines, and creating assistance hotlines for companies and workers.

4.1. Cross-sector initiatives

More than 110 companies and pan-European and national associations signed a Joint Film and Audiovisual Sector COVID-19 Statement²⁰⁷ on 23 April 2020 urging the European Union and its member states to take immediate action in the form of financial support so

²⁰⁶ www.obs.coe.int/en/web/observatoire/covid-19-audiovisual-sector-measures

²⁰⁷ www.unic-cinemas.org/fileadmin/user_upload/Policy/FINAL_23_April_2020_Film_AV_Sector_COVID-19_Statement_1_.pdf



as to safeguard the eco-system and the future of the sector, given that the effects of the crisis will span beyond the duration of the confinement.

The statement also emphasises the importance of the sector for the economy and the employment market and the significant role it can play in the “healing and recovery process” in the time to come. It also highlights certain sector specificities which should be taken into account when tailoring measures for it, such as its irregular business cycles or the large number of SMEs and freelancers involved at different levels.

The statement was signed, among others, by European industry associations such as ACT (Association of Commercial Television in Europe), EPC (European Producer’s Club), FERA (Federation of European Films Directors), FIAPF (International Federation of Film Producers’ Associations), MPA (Motion Picture Association) and UNIC (International Union of Cinemas); national associations and institutions, including producers associations (PROCIREP, VOFTP, etc.), directors associations (DSR, Directors UK or LKS) and writers associations (Writers Guild of Ireland and Sweden); collective management organisations such as SGAE, SACD and Kopioisto; and private companies such as MediaPro, Kaleidoscope Home Entertainment and Premier League.

Later, on 5 May 2020, 78 European cultural organisations and associations (comprising all cultural sectors, not only the audiovisual sector) signed Europe’s Cultural and Creative Sectors Call for Ambitious EU Budgetary Measures to get through the COVID-19 Crisis.²⁰⁸ Highlighting the importance of the cultural industries within the European Union (they contribute EUR 509 billion to the GDP and account for 7.5 % of its workforce), the signatories concentrate on two aspects of the issue: on the one hand, securing the livelihood of creators and workers in the creative and cultural sectors (regardless of their type of contract), and on the other hand, guaranteeing that the existing and planned EU programmes and measures take particular account of their sector. To this end, they call for an increase in the budget for the Creative Europe Programme 2021-2027, considering that the European Parliament’s proposal of EUR 2.8 billion²⁰⁹ (twice as much as for the previous programme) should be regarded as the very minimum in these times of crisis. Moreover, they call for cultural and creative sectors to be included as priority sectors in the planned Recovery Fund and ask that a strong budget be secured for the newly created cluster “culture, creativity and inclusive society” within Horizon Europe,²¹⁰ the European Union’s research and innovation framework programme with a proposed endowment of EUR 100 billion. Equally, they demand a higher endowment and greater flexibility in respect of the loan guarantee facility for the cultural and creative sectors under the future Invest EU Programme (which will bring together the European Fund for Strategic

²⁰⁸https://c922e546-fb09-40aa-980c-37284c45d3a2.filesusr.com/ugd/5cfc73_62957f74606e49adb164bb53d8c8c9da.pdf.

²⁰⁹ Draft European Parliament Legislative Resolution on the proposal for a regulation of the European Parliament and of the Council establishing the Creative Europe programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013 (COM(2018)0366 – C8-0237/2018 – 2018/0190(COD)), www.europarl.europa.eu/doceo/document/A-8-2019-0156_EN.html.

²¹⁰ Horizon Europe, European Commission, https://ec.europa.eu/info/horizon-europe-next-research-and-innovation-framework-programme_en#proposal.



Investments and 13 other existing EU financial instruments) and that structural funds reach the cultural and creative sectors appropriately.

Many national measures have taken the form of new funds or schemes devoted to compensating for losses due to the crisis. In some cases, they comprise the wider cultural industries, as is the case with the Austrian *COVID 19 Fonds* for artists and cultural managers set up by the *Künstler-Sozialversicherungsfond* (Social Security Fund for Artists) and endowed with EUR 5 million to support artists and cultural mediators, with up to EUR 1 000 in a first stage.²¹¹ A similar line was taken by Arts Council England, which has set up a support fund with a budget of GBP 20 million (EUR 22.3 million) for cultural sector workers (from the music sector to theatre to visual arts), including artists, creative practitioners and the self-employed, with individual grants of up to GBP 2 500 (EUR 2 780) per person.²¹²

Several film institutes and organisations, such as the Italian Film Commission or *Audiens*,²¹³ the main French social security group for workers in the media, communication and cultural sector, have, with the contribution of Netflix, created emergency schemes for industry employees and freelancers (see 4.6).

4.2. Film and TV production sector

Eight international associations in the field of film and TV production released a statement entitled “Fighting the Global COVID-19 Crisis in the Film and TV Production Sector”.²¹⁴ In it, CEPI (European Audiovisual Production association), FIA (International Federation of Actors), Animation in Europe (Federation of Animation Producers Association), Eurocinema, FIAPF, FERA, FSE (Federation Screenwriters Europe) and UniMei (representing media, entertainment and art workers) call on international organisations, national governments and funding bodies to take action to respond to the COVID-19 crisis by supporting businesses and workers in the industry.

Although recognising the importance of solidarity within the sector and praising the prompt response of both private and public stakeholders, the signatories urge governments at all geographical levels to include sector-specific measures among the array of relief measures to be approved. This would include, among other things, adapting the tax regime for companies and workers; postponing social security contributions; backing up insurance claims related to interrupted shootings and damages related to any exceptional safety measures; adapting public funding rules and strategies to the new reality; and providing compensation for the shutdown of the theatrical circuits.

²¹¹ www.ksvf.at/covid-19.html

²¹² www.artscouncil.org.uk/funding/financial-support-artists-creative-practitioners-and-freelancers#section-1.

²¹³ <https://www.audiens.org/actu/crise-du-coronavirus-audiens-se-mobilise.html>.

²¹⁴ www.filmdirectors.eu/wp-content/uploads/2020/04/EN-Fighting-the-global-COVID-19-crisis-in-the-film-and-TV-production-sector-1.pdf.



The associations who signed the statement also call for measures related to labour, indicating that these should cover all types of employment within the sector, including freelance and self-employed workers (with special funds to guarantee that these kinds of workers are not left behind). Additionally, they request that leave entitlements not be deducted as a result of the confinement, and that unemployment and social benefits be extended to withstand the length of the crisis. More importantly, the document recommends that short-term labour measures be tailored to reduce COVID-19-related unemployment to a minimum.

Moreover, the European Producers Club (EPC) proposed a 10-point contingency plan²¹⁵ for the European film and audiovisual industries, with actions devoted to projects depending on the stage they were at when the crisis started (completed but unreleased works, interrupted shootings and projects in development). The proposals include, among other things, schemes to offset box office, pre-sales and advertising losses; a relaxation of the rules related to release windows; the postponement of contractual obligations in respect of stakeholders, taxes, and social security contributions; and making available public funds and interest-free loans to allow companies to pay employees and suppliers.

In preparation of the resumption of shooting, industry associations and film agencies in several countries have issued guidelines on safety recommendations during filming. The European Film Commissions Network (EUFNCN), along with the European Institute for Health and Safety in Film Industry, published guidelines on Risk Protection Against Contagion of SARS-COV-2 During Filming – Basic Safety Rules²¹⁶ and has kept track of the protocols adopted by different film agencies in Europe.²¹⁷

EUFNCN's guidelines recommend that personal protective equipment (PPE) such as masks and gloves, as well as COVID-19 tests, be made available for all the cast and crew members. The secure disposal of used safety materials should be taken into account in the arrangement of waste disposal. Moreover, means for personal disinfection should be provided and disinfection points organised. The production should consider separating key cast and crew from other staff and sets and locations should be secured so that only authorised personnel can access them. The catering should be arranged in a take-away fashion, also considering the need for space during meals to respect physical distancing rules. Each production should have a risk assessment and implementation plan, including appropriate communication to all cast and crew members of the safety rules (briefings, information panels, etc.). Equally, measures to secure possible contagions should be coordinated by a film safety specialist or a health and safety manager.

Although their resources are less frequent and more modest than those channelled for the wider industry through national umbrella organisations, film funds and other institutions, including national institutions specifically devoted to film and audiovisual production, have also launched relief schemes, as did the Romanian Film Development Association (ADFR), which provides micro-grants of EUR 500 to support

²¹⁵ www.europeanproducersclub.org/.

²¹⁶ https://eufcn.com/wp-content/uploads/2020/05/RISK-PROTECTION-AGAINST-CONTAGION-OF-SARS-COV-2-DURING-FILMING_EUFNCN.pdf.

²¹⁷ <https://eufcn.com/guidelines-production-during-covid-19>.



emerging independent, Romanian talent affected by the pandemic.²¹⁸ Similarly, the Directors Charitable Foundation in the United Kingdom launched the Directors Support Scheme, which offers emergency help (GBP 500, or EUR 556) to directors in acute need. Some associations also provide advice and guidance to companies and professionals via hotlines and email or by publishing FAQs devoted to COVID-19-related measures and schemes, as is the case with the German Producers' Alliance (*Allianz Deutscher Produzenten*).²¹⁹

4.3. Distribution

In a press note released on 20 April 2020,²²⁰ the main European theatrical distribution associations FIAD (International Federation of Film Distributors' Associations) and Europa Distribution stress how the lockdown has particularly struck their sector, with theatres forced to close, leading to the postponement of releases. This has not only had an economic impact, but could also affect diversity when films have to compete in the foreseeable, post-crisis, overcrowded market which, they believe, may put at risk cultural diversity as a whole.

Along with measures devoted to preserving the European ecosystem of film and audiovisual industries, the distributors' organisations demand specific measures at both national and European level. The national measures suggested are based on those already implemented by some countries and perceived as examples of best practices; they would include an increase in and earlier payment of subsidies for distribution companies; additional support to offset the losses caused by the postponement of releases; government-backed access to credit; the postponement of fiscal and social security obligations; labour market support – particularly for furloughed workers; flexibility with regard to the release windows system; and reinforced anti-piracy measures.

At European level, the distributors' associations call for flexibility in public funding rules and demand an increase in the budget for Creative Europe 2021-2027. In their view, fighting online piracy through legal regulation should be given priority.

Some national associations, such as the French Independent Distributors Union (*Syndicat de Distributeurs Indépendants*, SDI) and UniversCiné, have teamed up to release theatrical films on VOD, relaxing the release window schedule rules.²²¹

²¹⁸ <https://romfilmdevelopment.org/ro/micro-granturileadfrsurvival>.

²¹⁹ www.produzentenallianz.de/coronavirus.

²²⁰ www.fiad.eu/single-post/2020/04/20/Covid-19-European-Distributors-call-for-support.

²²¹ www.universcine.com/corner/sdi.



4.4. Exhibition

The theatrical exhibition sector is affected not only by economic losses, but also very specifically by the possible disengagement of audiences due to the sustained closure of theatres, and the implications this may have should the current release windows system be reviewed.

A manifesto²²² released on 25 May 2020 by UNIC (the International Union of Cinemas), representing the European cinema trade associations and operators, stated the size and importance of the European exhibition sector, which generated EUR 8.5 billion (1.35 million admissions) in 2019 through its 42 000 screens. The vast majority of these theatres were forced to close due to the crisis. Apart from highlighting some of the proposals targeting all film and audiovisual industries listed in the Joint Statement of 23 April 2020 (see 4.1), UNIC proposed some measures specific to the exhibition sector. Among others, it requested an acceleration in the payment of public funding yet to be received and, where applicable, the suspension of any levy or contribution that theatres are due to pay to film funds, along with the deferral of the payment of any outstanding amounts to collective management societies generated during the closure. UNIC also called for joint collaboration within the theatrical exhibition sector to generate audience engagement and launch reopening campaigns. Moreover, later that month, UNIC released a note²²³ stating that direct-to-VOD releases were an exceptional measure that could be justified within the context of the confinement and physical distancing obligations which prevented cinema theatres from opening, but that they should not lead to long-standing changes in the release windows system after the crisis.

Claude-Eric Poiroux, the General Director of Europa Cinemas, an EU-funded network of more than 1 200 cinema theatres focused on the promotion of European films, published an article²²⁴ in *Le Film Français* analysing the measures taken by some members and the challenges for the sector, the main one being how to keep audiences engaged. The key measures taken by cinema theatres, individually or in a group – sometimes through new ventures and partnerships – can be broken down into three typologies, sometimes interconnected: first, measures aiming to engage with audiences, for instance, keeping in contact with them through online conferences and webinars around film; running short film competitions; making recorded past events available online; or interacting with cinemagoers via social networks – for instance by creating polls and rankings or asking them which films they would like to see in theatres when they can reopen. Secondly, measures targeting young audiences; for instance, using social media to organise games and competitions around film that children can do at home, or making the usual school screenings as well as educational materials available online. Lastly, there have been some endeavours to find an alternative for unreleased films: virtual cinemas and e-cinema screenings have proliferated, and drive-in cinemas have been able to

²²² www.unic-cinemas.org/en/news/news-blog/detail/support-european-cinemas/.

²²³ www.unic-cinemas.org/en/news/news-blog/detail/circumstances-around-trolls-world-tour-do-not-justify-wholesale-changes-to-the-business-model/.

²²⁴ www.europa-cinemas.org/en/news/network-highlights/closed-but-open.



continue operations. More importantly, several theatres have teamed up with online platforms (such as Filmin in Spain, La Toile in France, Curzon Artificial Eye in the UK, MioCinema in Italy, Picl in the Netherlands and Nettkino in Norway) so that films can reach their audiences. Moreover, there have been some audience-led initiatives, such as crowdfunding and voucher schemes, to support venues in a particularly difficult situation.

4.5. Film festivals and awards

Like many other social events all around the world, several film festivals and markets due to take place in the months after lockdown measures kicked off had to adjust to the new reality. In some cases, they were cancelled, in others, they were postponed, and sometimes intermediary solutions were found.

The first major event scheduled to take place soon after physical distancing rules entered into force in most European countries was the Cannes Film Festival. After considering several alternatives, including postponing it or finding alternative ways to celebrate it, the organisation announced that the 73rd edition of the festival would be cancelled.²²⁵ Nevertheless, the film line-up was announced in early June,²²⁶ and the Cannes Film Market, which runs in parallel to the festival, was postponed and will take place online from 22 to 26 June,²²⁷ with virtual meetings, virtual booths and online screenings. Some events were postponed, as was the Moscow International Film Festival, which was rescheduled from April to October.²²⁸ Others, such as the Vilnius International Film Festival, went fully digital; following the government's decision to ban mass gatherings, the organisation moved the event from cinemas to streaming platforms, making the necessary arrangements with film distributors and streaming platforms for on-demand viewing.²²⁹ At the time of publishing, there is no indication that the next major film festivals scheduled in Europe (such as those in Venice and San Sebastian) may not take place.

In turn, other events have been launched as a response to the crisis. For instance, Tribeca Enterprises, the organiser of the Tribeca Film Festival, launched We Are One: A Global Film Festival²³⁰ which, in cooperation with YouTube, will show feature and short films (including panel discussions) for free from 29 May until 7 June. The online event will include works programmed by 20 major international festivals such as Berlin, Cannes, Sundance, Toronto, Tribeca and Venice.

²²⁵ www.festival-cannes.com/en/infos-communiqués/communiqué/articles/cannes-2020-official-press-release.

²²⁶ www.festival-cannes.com/en/infos-communiqués/communiqué/articles/the-films-of-the-official-selection-2020

²²⁷ <https://marchedufilm.online/>.

²²⁸ <http://moscowfilmfestival.ru/miff41/eng/theme/?id=190>.

²²⁹ <https://kinopavasaris.lt/en/news-en/digital-edition-of-vilnius-iff-a-success>.

²³⁰ <https://variety.com/2020/digital/news/youtube-free-film-festival-cannes-tribeca-sundance-1234590501>.



The European Film Academy (EFA) has extended the submission deadline for the European Film Awards.²³¹ Normally, a film's first official screening (at a festival or in a theatre) should have taken place between 1 June 2019 and 31 May 2020 in order to be eligible. However, films that were scheduled for release by the end of May whose screening could not take place due to the crisis will still be eligible if they premiere (theatrically or online) by the end of November 2020.

4.6. VOD services

If empty cinema theatres and closed box offices are the epitome of the consequences of the COVID-19 crisis for the sector, VOD services are on the flip side of the same coin, with subscriptions and transactions skyrocketing since the confinement.

For instance, in the United Kingdom 4.6 million households²³² signed up to SVOD services during the confinement, with Netflix and Amazon Prime combined accounting for slightly less than 20 million subscriptions. Disney+, which was launched one day before the United Kingdom went into lockdown, has certainly seen subscriptions hike as a result.

Many services have offered free upgrades to current subscribers, prolonged trial periods or even free services under certain conditions in order to attract new sign-ups. For instance, Amazon Prime was offered free of charge in the so-called 'red zone' in northern Italy during the first days of confinement, before being extended to the entire country.²³³ The French-German broadcaster ARTE has made available a variety of cultural content for free on its VOD platform during the confinement, including documentaries, live concerts and dance.

In a letter to its shareholders²³⁴ in April, the current market leader, Netflix, reported a hike in subscriptions beyond its expectations. The SVOD provider saw a net sign-ups surge worldwide compared to the same period the year before (from 9.6 million by the end of the first quarter of 2019 to 15.8 million by the end of the first quarter of 2020), amounting to a total of 182.8 million subscriptions overall.

In March, Netflix announced the creation of a USD 100 million (EUR 88.6 million) fund to support crews and workers involved in its productions, with the goal of bridging the period until government support can be implemented. Furthermore, it donated USD 30 million (EUR 26.6 million) to support cast and crews across the broader film and audiovisual industry in countries where the company has a relevant production base. These donations were distributed among established hardship funds, and where no such

²³¹ www.europeanfilmacademy.org/News-detail.155.0.html?&tx_ttnews%5Btt_news%5D=780&cHash=eb14a75ed8c0b06eae897b1993873c75.

²³² www.theguardian.com/media/2020/may/15/streaming-services-uk-netflix-amazon-prime-video-disney-subscribers-coronavirus.

²³³ <https://variety.com/2020/digital/global/vod-platforms-offer-free-content-amid-global-coronavirus-pandemic-1203538841/>.

²³⁴ https://s22.q4cdn.com/959853165/files/doc_financials/2020/q1/updated/FINAL-Q1-20-Shareholder-Letter.pdf.



funds existed, it helped to set them up, like in Spain (EUR 1 million) with the Ministry of Culture, *Acción Cultural Española* and the Film Academy; in France (EUR 1 million) with *Audiens*; in the United Kingdom (GBP 1 million) with the British Film Institute; and in Italy (EUR 1 million) with the Italian Film Commission.

4.7. Broadcasting sector

Be it free-to-air or pay TV, public or private broadcasters, the broadcasting sector has experienced a viewership increase, however, this contrasts with the plummeting advertising revenues (see chapter 1).

4.7.1. Initiatives by public broadcasters

According to the EBU (European Broadcasting Union),²³⁵ the COVID-19 crisis has brought audiences back to national public broadcasters while also increasing the trust ratings of these services with regard to news and journalistic programmes. Breaking news related to COVID-19 has doubled the EBU members' news bulletins and tripled the reach of online news services.²³⁶

Freedom of expression, freedom of the media and the free circulation of news and information has been one of the EBU's main concerns during the crisis; it has been calling on national governments not to use emergency measures to restrict these rights. Furthermore, the EBU has been paying special attention to fake news and disinformation.

Moreover, the EBU's Media Intelligence Unit has produced a series of reports and analyses concerning the COVID-19 crisis. The report *COVID-19 Crisis: Impact on the Media Market*²³⁷ analyses changes in media consumption habits, the decline in advertising revenues and the potential impact of recession on the income and budget of public service media. The report *COVID-19 Crisis: Impact on Digital Media Consumption*²³⁸ measures how audiences have turned to digital media during the lockdown. In addition, the EBU has assembled practices and learnings related to the practical operational consequences of the crisis for PSM.²³⁹ However, these materials are only available to EBU members.

²³⁵ www.ebu.ch/news/2020/05/challenges-and-opportunities-for-the-ebu-and-psm-can-coronavirus-give-us-back-our-audiences.

²³⁶ www.ebu.ch/news/2020/04/coronavirus-crisis---ebu-calls-on-governments-to-uphold-independence-of-public-service-media.

²³⁷ www.ebu.ch/publications/research/membersonly/report/covid-19-crisis-impact-on-media-market.

²³⁸ www.ebu.ch/events/2020/05/covid19-crisis-psm-audience-performance-and-digital-media-consumption-webinar.

²³⁹ www.ebu.ch/covid-19.



Some national broadcasters have relaxed their requirements, advanced payments and kept contracts with their usual suppliers of content in order to help SMEs in the sector to survive; such is the case for the Portuguese public broadcaster RTP.²⁴⁰

4.7.2. Initiatives by commercial broadcasters

The Association of Commercial Television in Europe (ACT), which represents leading commercial broadcasters in 37 European countries, issued a statement²⁴¹ in which it lists the array of actions carried out by its members; these include giving priority to news programmes and the broadcasting of official recommendations, donation requests and public health information. However, ACT regrets that disinformation as well as conspiracy and fear campaigns online have proven to be a challenge for them, and calls for further regulation of the Internet. When it comes to their audiences, ACT reports that some members have lowered subscription costs and offered additional content. On the technical side, they have focused on preventing network congestion.

In spite of the hike in viewership and subscriptions, advertising revenues have dropped – by as much as 80% in April in some markets. Likewise, the lockdown has also affected the programming grids; not only are there no live events (like sports events) to be broadcast, but many productions had to be interrupted (and in some cases it is unclear whether they will be able to resume), while others experienced delivery delays.

Therefore, ACT suggests a series of measures to be implemented in the short term at EU level:

- A relaxation of EU state aid rules, so that member states can support their national broadcasters via direct support and tax incentives for advertising investment;
- A reorientation of Creative Europe’s MEDIA Sub-programme “to ensure better access for operators most suited to restart productions across Europe”;
- European regulators along with the European Commission should compensate for the lack of a level playing field with the online sector by enacting liberalisation and leniency measures (such as standstill periods for quota obligations).

However, ACT also demands that the European Commission take far-reaching, long-term measures to tackle their perceived “unfair market conditions in the digital environment”, which already existed before the crisis. This should be done via the Digital Services Act,²⁴² the Audiovisual Action Plan and the Democracy Action Plan. Among other things, its demands include better protection and enforcement of intellectual property rights and greater efforts in the fight against online disinformation.

²⁴⁰ www.culturacovid19.gov.pt/rtp-lanca-pacote-de-apoio-a-producao-independente-audiovisual.

²⁴¹ <https://advanced-television.com/2020/04/16/euro-broadcasters-call-for-strong-sustainability-measures/>.

²⁴² <https://ec.europa.eu/digital-single-market/en/new-eu-rules-e-commerce>.



When it comes to individual initiatives, Sky in the United Kingdom launched a GBP 1 million fund to support up to one hundred SMEs with TV advertising campaigns worth GBP 10 000,²⁴³ a measure of solidarity with small businesses which can also be understood within the current context of plummeting advertising revenues.

4.8. Collective Management Organisations

When it comes to collective management organisations (CMOs) at pan-European level, their main task has been to compile information on the measures and incentives proposed or implemented by their national member organisations. GESAC (European Grouping of Societies of Authors and Composers) published a mapping of the authors' societies' responses to COVID-19.²⁴⁴

In the case of CISAC (the International Confederation of Societies of Authors and Composers), its president at the time Jean-Michel Jarre, along with its four vice-presidents, published an open letter²⁴⁵ calling on governments to help creators. After stating the fragile position of creators (as most of them are self-employed) and their reliance on royalties to make a living, the letter goes on to highlight the fact that they will be affected by the lack of concerts, festivals and exhibitions. Therefore, it demands governmental support for creative workers in the form of funding, emergency payments or tax and social security exemptions.

²⁴³ www.skygroup.sky/en-gb/article/sky-announces-sme100.

²⁴⁴ <https://authorsocieties.eu/covid-19-response>.

²⁴⁵ www.cisac.org/Newsroom/News-Releases/Calling-on-governments-for-global-action-to-help-creators.

5. Concluding remarks

At a time when most European countries are coming out of confinement and the first battle against the virus seems to have been won, it is time for the film and audiovisual sector to count its losses, and they seem to be significant. The extent to which the sector will be affected differs in the various branches and sub-sectors of the industry, as well as in the individual parts of the value chain, which include artists and creative people, producers, and distribution companies responsible for the commercialisation of film and audiovisual works.

Some countries have started examining the impact of COVID-19 on their national audiovisual market. In Germany, for example, the government already anticipates that film and TV production and cinema theatres will be among the severely impacted sectors. According to a report on the impact of the COVID-19 crisis on the cultural and creative industries in Germany, an immediate “back to normal” cannot be expected after the end of the crisis and losses due to lacking revenue pay-outs from the exploitations of rights will be extended until 2021, with the related effects on workers and the self-employed in the sector.²⁴⁶

Other countries have analysed the impact of extraordinary government measures on the cultural and creative sector in order to plan for the future of the sector. Thus, in the Czech Republic, a questionnaire was addressed to representatives of umbrella organisations, professional associations and individuals and a first mapping on the impact of these measures on the independent arts sector was published. The findings can be divided into the following categories: the relaxing of requirements in respect of classic grants and public funding schemes; grants allocated by the state or cities; indirect instruments such as relaxing taxes and social security contributions, loans and guarantees; other compensation and financial support in connection with cancelled activities and loss of incomes; and other types of solidarity measures. The assessment will be used to prepare a functional crisis plan for the future.²⁴⁷ In Ireland, the same approach of measuring the impact in order to support the arts sectors through the current crisis and plan into the future has been prioritised.²⁴⁸

In the media sector, the time has also come to assess the situation, and the results are not always pessimistic in all areas. Thus, a Belgian CSA report shows that the health crisis has generated record-breaking audiences for Belgian French-speaking audiovisual

²⁴⁶ https://kreativ-bund.de/wp-content/uploads/2020/05/Short_paper_Impact_Report_COVID_191.pdf.

²⁴⁷ www.idu.cz/en/news-and-current-events/news/1490-mapping-the-impact-of-the-ministry-of-health-s-extraordinary-measures-on-the-czech-independent-arts-sector-a-summary

²⁴⁸ www.cultureireland.ie/news/article/culture-ireland-covid-19-update.



media, especially news programmes. It also shows that publishers have made remarkable efforts in covering the crisis, despite reduced staff numbers and containment measures that complicate the fieldwork. It also shows that the media were very much in demand by audiences and that interaction with the public has never been more sustained.²⁴⁹ The French CSA has also published a barometer on the effects of the sanitary crisis on the audiences of audiovisual groups and on the advertising market.²⁵⁰ It shows that the public has increasingly turned to the media (television, radio, press, social networks, video-on-demand services, etc.) both to meet a constant need for information and to satisfy a need for entertainment during the lockdown period. For some, these media have also contributed to maintaining academic and school continuity through their programme offerings. Audiovisual actors are faced with a paradox: many have never before been at such a high level of audience, but are facing serious economic difficulties, potentially beyond the crisis period, linked to the contraction of advertising investments.

The list of COVID-19-related national and European measures and initiatives is already a long one and the EAO Tracker will continue to cover them as new ones are announced to accompany the resumption of activities and businesses. In the meantime, the Observatory is also working on the development of a modelling tool to assess, at macro-economic level, the systemic impact of the COVID-19 crisis. Beyond 2020, it is anticipated that COVID-19 will have a continuing impact on the audiovisual sector, and specific resources will be dedicated to systematically reviewing the impact of the crisis on each of the industry's sub-segments.

²⁴⁹ www.csa.be/102126/resultats-de-lenquete-sectorielle-du-csa-relative-a-limpact-des-mesures-de-confinement-sur-les-services-de-medias-audiovisuels-belges/.

²⁵⁰ www.csa.fr/Informer/Espace-presse/Communique-de-presse/Publication-d-un-barometre-bimensuel-sur-les-effets-de-la-crise-sanitaire-sur-les-audiences-des-groupes-audiovisuels-et-sur-le-marche-publicitaire

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