

# **COMMUNIA submission: Geo-blocking Regulation evaluation**

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MARCH 2025

COMMUNIA is an international association incorporated under Belgian law that advocates for policies that expand the Public Domain and increase access to and reuse of culture and knowledge. It acts as a network of like-minded activists, researchers and practitioners based in Europe and the United States who seek to limit the scope of exclusive copyright to sensible proportions that do not place unnecessary restrictions on access and use.

Our contribution addresses only the exception for audiovisual services and its consequences for the provision of access to and use of copyright protected works or other protected subject matter.

The exception for audiovisual services in the Geo-blocking Regulation is at odds with the core principles of the Common Market and the European idea. It also contradicts the European Commission's own stated aim "to empower European citizens to enjoy

seamless and interactive experiences, letting them access any content from anywhere in Europe.”<sup>1</sup>

In the current market, the vast majority of audiovisual content produced within the EU remains unavailable to most EU citizens. As reported in the first short term review of the Regulation, as of 2020, European consumers on average had access to only 14% of the films available online in the EU. In some Member States, these numbers were much lower, with consumers in Greece only having access to 1.3% of all the titles in all Member States.<sup>2</sup>

This is problematic for a number of reasons:

- Access to audiovisual content produced within the EU varies markedly from member state to member state, which goes against the “shop-like-a-local” principle and raises concerns with regard to freedom of expression and information.
- It punishes European citizens who make use of their freedom of movement and permanently live in another Member State, as they are often cut off from a considerable proportion of the cultural production of their country of origin.
- Where public funding is involved in the production or distribution of a work – European funding in particular – it is particularly hard to justify why this content will not be available to all EU citizens under similar conditions.
- The status quo prevents creators from reaching their entire potential audience.

Article 9(2) of the Geo-blocking Regulation states that the evaluation of the legislation should particularly focus on the question of its application “to electronically supplied services the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter [...]”

Therefore, in the upcoming review, the Commission should consider broadening the scope of the regulation to include audiovisual services for the provision of works, such as news and current affairs programmes, audiovisual and radio productions as well cinematographic works.

At a minimum, the Commission should consider broadening the application of the regulation to works that were fully or partially funded by the public. Works that have received European funding in particular should be made as widely available as possible, and there should be no discrimination based on the place of residence or establishment of the customer.

By the same token, audiovisual productions funded or co-funded by the Creative

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<sup>1</sup> European Commission. 2024. Supporting media and digital culture. <https://digital-strategy.ec.europa.eu/en/policies/supporting-media-and-culture>.

<sup>2</sup> European Commission. 2020. Report on the first short-term review of the Geo-blocking Regulation. [https://ec.europa.eu/newsroom/dae/document.cfm?doc\\_id=71398](https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=71398).

Europe MEDIA programme should not be subject to geo-blocking, as requested by the IMCO Committee at the end of the last term.<sup>3</sup>

Finally, the Commission should consider implementing pilot projects from the stakeholder dialogue to improve cross-border access to audiovisual works. In September 2022, we had put forward a proposal to set up a fallback transactional video on demand (TVOD) service for publicly funded audiovisual works.<sup>4</sup> Such a platform would be a first step towards improving access to audiovisual content for European consumers without any harm to the existing territorial licensing model.

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<sup>3</sup> European Parliament. 2024. Report on the implementation of the 2018 Geo-blocking Regulation in the digital single market. [https://www.europarl.europa.eu/doceo/document/A-9-2023-0335\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2023-0335_EN.html).

<sup>4</sup> Our proposal is available on our website: <https://communia-association.org/wp-content/uploads/2022/09/220923Proposal-for-a-fallback-TVOD-service.pdf>.


## About COMMUNIA

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For more information on COMMUNIA visit our website:  
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