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**The European Union facing Hollywood and Global VOD platforms: An international actor in a US-dominated Audiovisual Economy**[1]

## Introduction

The global audiovisual politics and economy are a strategic and relevant site for analysing the international cultural influence of the European Union (EU) and for understanding how the audiovisual sector could allow the EU to build the status of an internationally powerful actor in global cultural politics. The urgency of this topic is linked to a recent transformation: the arrival of large Video on Demand (VOD) platforms, which represent an unprecedented change in the production, distribution, broadcasting, and consumption of audiovisual content.[2] Thus, innovative US-based VOD services, such as Netflix, Amazon Prime Video, Disney+, Apple TV+, HBO Max, and Paramount+ have a major impact on the balance of power in the global audiovisual economy,[3] insofar as "platformisation entails the rise of the platform as the dominant infrastructural and/or economic model in the industry".[4]

Under such conditions, fundamental questions are raised about the EU's international actorness. The latter has been dominated by a major source of tension resulting from arguments about the *exceptionality* of cultural and audiovisual goods and services and their role in building a European identity on the one hand, and the potential of the audiovisual industry to make a major contribution to the EU's economic and social agenda on the other hand.[5] Indeed, audiovisual goods and services raise several major issues for the international cultural actorness of the European Union:[6]

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[2] David Nieborg and Thomas Poell, "The platformisation of cultural production: theorizing the contingent cultural commodity," *New Media & Society* 20, no. 11 (2018): 4275–4292; Robin Mansell, "Platforms of power", *Intermedia* 43.1 (2015): 21.
[3] Ramon Lobato, *Netflix Nations: the Geography of Digital Distribution* (New York University Press, 2018).
[4] Tom Evens and Karen Donders, *Platform Power and Policy in Transforming Television Markets* (Palgrave Macmillan, 2018), 4.
[5] Frédéric Depetris, *L'État et le cinéma en France: le moment de l'exception culturelle* (L'Harmattan, 2008); Antonios Vlassis, *Gouvernance mondiale et culture: de l'exception à la diversité* (Presses de l'Université de Liège, 2015).
[6] Antonios Vlassis, "European Commission, trade agreements and diversity of cultural expressions: between autonomy and influence," *European Journal of Communication* 31, no. 4 (2016): 446–461.

(i) economic issues because the audiovisual industries are a key sector in terms of growth, competitiveness, and employment for national economies. According to the UNESCO Institute for Statistics,[7] audiovisual services are increasingly becoming the most important cultural service in terms of trade exchanges;

(ii) political issues, given that audiovisual goods and services – seen as vehicles of shared ideas, values, and collective representations – are resources of the power of states and of their capacity to shape their international environment. In this respect, film is the sector in relation to which most of the export and import measures are put in place;[8]

(iii) finally, cultural and identity issues because audiovisual goods and services also have a distinct cultural value. Cultural expressions – distributed by the audiovisual industries – are usually components of national, regional, or local identities, and several actors are increasingly worried about the consequences of the dominance of non-European film.

This chapter is analytical, and its purpose is twofold: first, it takes the audiovisual and film sector as its case study to consider whether and how the EU has a strong influence on global cultural politics and economy. Second, it analyses whether the United States (US) continues to play a key role in global audiovisual content flows or whether its dominance is now challenged by the EU. The two research purposes are analysed in light of Hollywood as a major player in the global audiovisual politics and economy, as well as the rise of global VOD platforms, which are seen as the new dominant development in the audiovisual industry. In its contested position between national and supranational interests, the study of the position of the EU in the global audiovisual politics and economy can be seen to mirror a central debate related to the future of European project, “to negotiate and reconcile the desires of cultural specificity and national identity with the larger ideal of building a supranational community.[9]

To achieve its research purposes, the chapter deals with three interlinked factors[10] of the EU’s audiovisual policy and economy: European/internal audiovisual policies; market profile; and foreign audiovisual diplomacy. The first factor concerns the domestic regulatory framework for audiovisual industries within the EU. The second one refers to the distribution of economic resources among the audiovisual industries of its trading partners. The third one deals with the ability of the EU to promote European audiovisual content in the global marketplace and to disseminate European standards related to the audiovisual sector at a global scale. The article seeks to offer a multi-dimensional analysis for

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[7] UNESCO Institute for Statistics, *The Globalization of Cultural Trade: A Shift in Consumption: International flows of cultural goods and services 2004-2013* (Montreal: UNESCO-UIS, 2016), 11.

[8] Lydia Deloumeaux, “Persisting imbalances in the flow of cultural goods and services” in *Re-shaping Cultural Policies: Advancing creativity for development* (Paris: UNESCO, 2018), 136.

[9] Tim Bergfelder, “National, transnational, or supranational cinema? Rethinking European film studies,” *Media, Culture & Society* 27 (2005), 315.

[10] Hernan Galperin, “Cultural industries policy in regional trade agreements: the cases of NAFTA, the European Union and MERCOSUR,” *Media, Culture & Society* 21 (1999): 627–648.

understanding the influence of the EU in the global audiovisual politics and economy, paying special attention to Hollywood and the arrival of global VOD platforms.

To address these research purposes, the article primarily discusses the international role of the EU in the debate related to international economic integration and audiovisual goods and services. Then, it focuses on the European Audiovisual Media Services Directive's review and emphasises the ways in which the Directive's standards can be seen as a cross-national normative landmark in today's audio-visual governance. Finally, the chapter examines the competition that the EU faces in the global audiovisual economy, focusing notably on the US/Hollywood and on US-based VOD platforms.

## 1. The European Union as an international political actor and normative precursor

### From cultural exception to cultural diversity: a key moment of the EU international actorness

Since the early 1990s, the elimination of regulatory and financial measures in the audio-visual sector has been a major priority of US trade diplomacy as well as a stumbling block in the process of international and regional economic integration.[11] National government policies in support of film industries rely on two types of measures: those that attempt to restrict the entry of foreign competitors, such as tariffs and quotas, and those that provide preferential treatment to the domestic industry in the form of subsidies and tax credits.[12] In this context, "the US stands as the major exponent of a competition approach to the production and supply of audio-visual content".[13] The goal of the US administration, followed by several powerful industrial associations such as the Motion Pictures Association of America (MPAA), was to incorporate cultural and audio-visual goods and services in international trade negotiations. The most prominent examples are the last period of negotiations on the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO) in 1993, the negotiations on the Multilateral Agreement on Investment within the Organization for Economic Cooperation and Development, as well as the North American Free Trade Agreement (NAFTA) between the US, Canada, and Mexico in 1994. Meanwhile, since 2001 (the Doha Round) and the institutional crisis of the multilateral model of the WTO, the US administration has also opted for the plurilateral and bilateral pathway, concluding free trade agreements (FTAs) with economically developed and developing countries[14] and seeking to promote the liberalisation of audio-visual markets

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[11] Vlassis, *Gouvernance mondiale et culture: de l'exception à la diversité.*

[12] Dane Crane, "Cultural globalization and the dominance of the American film industry: cultural policies, national film industries and transnational film," *International Journal of Cultural Policy,* 20, no. 4 (2014): 8.

[13] Thomas Gibbons and Peter Humphreys, *Audiovisual Regulation under Pressure: Comparative cases from North America and Europe* (Routledge, 2012), 18.

[14] Australia, Bahrein, Chile, Colombia, Costa-Rica, Dominican Republic, Guatemala, Honduras, Jordan, Morocco, Nicaragua, Oman, Panama, Peru, Salvador, Singapore, South Korea, as well as the Trans-pacific partnership (TPP) between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, US, and Vietnam.

as a key norm.[15] The US position, based on the ‘free trade’ norm, was largely associated with the Washington consensus, which has gained ascension since the end of the Cold War and the collapse of the bipolar world order. The consensus asserts that global welfare is maximised by the liberalisation of trade, finance, and investment, and by restructuring national economies to provide an enabling environment for capital.[16]

At the same time, major concerns were raised about the implications of rapid financial globalisation, international and regional economic integration, and the liberalisation of trade exchanges on cultural identities, cultural sovereignty, and the survival of national cultural industries. As such, a coalition of actors, driven by France, Canada, several EU Member States (MS), and organisations of cultural professionals, promoted the cultural exception (*exception culturelle*) norm to exclude cultural and audiovisual goods and services from the agenda of trade negotiations. The cultural exception focuses on the specificity of cultural goods and services, which are not considered as simply commercial commodities bought and sold on markets but as having special value to human development and generating various externalities for society. Thus, the cultural exception favours the legitimacy of public intervention in cultural and audio-visual sectors, justifying the adoption of tariffs, quotas, and direct.[17] It is small wonder, then, that the Convention on the Protection and the Promotion of Diversity of Cultural Expressions (hereafter CDCE) – adopted by UNESCO in 2005 – was seen as a response to the threat towards cultural policies coming from international and regional economic integration.[18] As of June 2023, the CDCE has received the support of 152 MS and of the EU. It recognises the specificity of cultural goods and services and the importance of cultural policies for the protection and promotion of the diversity of cultural expressions. It also incorporates concrete provisions to link culture and sustainable development, aiming to strengthen international cultural cooperation through various tools.[19]

In 2003, the European Commission started being involved in establishing this international policy tool, producing the communication “Towards an International Instrument on Cultural Diversity”. Following a process of inter-institutional bargaining between the EU MSs, the European Parliament, and the Commission, the latter enjoyed the status of expanded observer at UNESCO for the first time, participating in the negotiations on the CDCE. As a result, the EU participated as a single entity within the intergovernmental UNESCO arena, speaking with two voices during the negotiations, as the Commission and as the Presidency of the Council.[20]

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[15] Gilbert Gagné, *The Trade and Culture Debate: Evidence from US Trade Agreements* (Lexington Books, 2016).
[16] David Harvey, *A Brief History of Neoliberalism* (Oxford University Press, 2005), 2.
[17] Vlassis, *Gouvernance mondiale et culture: de l’exception à la diversité.*
[18] Chirstoph B. Graber, “The New UNESCO Convention on Cultural Diversity: A Counterbalance to the WTO?,” *Journal of International Economic Law* 9, no. 3 (2006): 553–574.
[19] Antonios Vlassis, "La mise en œuvre de la Convention sur la diversité des expressions culturelles : portée et enjeux de l’interface ‘commerce-culture’," *Études internationales* 42, no. 4 (2011): 493–510.
[20] Evangelia Psychogiopoulou, “The external dimension of EU cultural action and free trade: Exploring and interface,” *Legal Issues of Economic Integration* 41, no. 1 (2014), 376.

Given the trade implications of the CDCE, the Commission's role was to ensure consistency between the CDCE and the body of the EU legislation and norms (the so-called *acquis communautaire*), maintaining the EU and MSs' capacity to define and implement their cultural and audio-visual policies to preserve their cultural diversity. In other terms, the protection of the internal cultural *acquis* allowed the Commission to attain external competences towards cultural affairs, insofar as an international normative development would have effects on the EU cultural and audio-visual policies. In this regard, the Commission was recognised as a leading actor in the CDCE's adoption, having an integrating effect on the EU MSs' interests.[21] As a result, since 2005, several EU initiatives have shown that the EU seeks to promote cultural norms as part of its international economic and cultural relations.[22] It is worth mentioning six types of action:

- in 2010, UNESCO and the Commission created an expert facility project, funded by the EU in order to implement the CDCE through the strengthening of the system of governance for cultural and audio-visual industries in developing countries;
- the inclusion of a "Protocol on cultural cooperation" in the trade agreements with CARIFORUM (2008), South Korea (2010), and Central America (2012);[23]
- the incorporation of references to the CDCE in the agreements with Ukraine, Moldova and Georgia, and in the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada;
- the protection of the capacity of the Union and its MSs to implement cultural and audio-visual policies, taking into account developments in the digital environment – evident in the Trade and Investment Partnership (TTIP) negotiations between the EU and the US and in the plurilateral negotiations on electronic commerce within the WTO, for instance, the recent EU trade agreements with Vietnam, Japan, and Singapore, which contain a cultural exception dealing with audio-visual services that is incorporated in Chapter 8 of the agreements devoted to "Trade in Services, Investment and E-Commerce";
- In 2017, the EU Council adopted the "Conclusions on an EU strategic approach to international cultural relations", making the promotion of the diversity of cultural expressions a guiding principle in EU external action.

However, despite having commonalities related to the audiovisual sector, these policy actions have so far developed to a significant extent independently from or in parallel to each other. In addition, by creating interlinkages between various industrial sectors, the development of digital technologies is generating strong challenges to the EU's ability to establish a common and consistent approach

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[21] Vlassis, *Gouvernance mondiale et culture: de l'exception à la diversité.*
[22] Vlassis, *European Commission, trade agreements and diversity of cultural expressions: between autonomy and influence.*
[23] Jan Loisen and Ferdi De Ville, "The EU-Korea protocol on cultural cooperation: Toward cultural diversity or cultural deficit?," *International Journal of Communication* 5 (2011): 254–271.

towards its external audiovisual relations and to protect and promote the diversity of cultural expressions in trade negotiations. The case of Artificial Intelligence (AI) is representative of these difficulties. According to a report drafted by the Institute for Information Law of the University of Amsterdam,[24] EU action to regulate AI could be constrained by the future plurilateral agreement on electronic commerce, which is currently under negotiation at the WTO. Specifically, the Digital Services Act seeks to improve transparent access to data about digital content supply and digital consumption – which has so far been treated as a trade secret by VOD streamers. This EU policy initiative risks being inconsistent with the WTO electronic commerce proposal "on source code, unless they neatly fit the GATS general exceptions".[25] The study concludes that "the source code clause within trade law indeed restricts the EU's right to regulate in the field of AI governance in several important ways".[26] According to the study, this clause would restrict access not only to computer and machine learning algorithms – which are expressed in source code – but also to the interfaces of an AI system. For instance, the EU's goal to mandate external audits on AI systems will be "confined to the policy space that is allowed under trade law".[27]

To conclude, global audiovisual politics are based on a normative dichotomy between free trade norms, which favour the breaking down of regulatory and financial measures in the audio-visual sector as prominent conditions of economic development for this industry on the one hand and, on the other hand, the cultural exception norm, which recognises the importance of cultural policies and the specificity of cultural goods and services. This dichotomy has been established beyond international political cleavages, such as North/South divide or West/the Rest. Today, the context of digitisation intensifies the existing political debate for the EU, insofar as VOD platforms offer innovative ways of providing audio-visual content over electronic networks, strongly challenging the cultural exception norm.

**The European Audio-visual Media Services Directive: normative precursor in the global governance towards VOD platforms**

The revision of the EU AVMSD, adopted in November 2018, is a unique policy process[28] seeking to legitimise public intervention on global VOD platforms and to generate new regulations, such as content quotas and investment obligations, towards streaming services across the EU. Two key goals of the AVMSD are to create a level playing field for emerging audio-visual media, such as VOD

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[24] Kristina Irion, *AI regulation in the European Union and Trade law,* Report, University of Amsterdam, 2021.
[25] EURACTIV, *EU Artificial Intelligence regulation at risk in WTO e-commerce deal, study say.,* https://www.euractiv.com/section/digital/news/eu-artificial-intelligence-regulation-at-risk-in-wto-e-commerce-deal-study-says/. 2023 (11 September 2023).
[26] Irion, *AI regulation in the European Union and Trade law*.
[27] Irion, *AI regulation in the European Union and Trade law*.
[28] Antonios Vlassis, "Platform governance and the politics of media regulation: the review of the European Audiovisual Media Services Directive, "*Journal of Digital Media and Policy* 14, no. 1 (2023): 29–46.

platforms, and to promote cultural diversity in the European audio-visual sector.[29] More specifically, by seeking to extend a cultural policy toolkit to non-EU online services,[30] the new text (Regulation EU, 2018/1808) includes obligations for providers of on-demand audio-visual services to secure at least a 30% share of European works in their catalogues and ensure their prominence. In addition, the reviewed AVMSD includes exceptions to the country-of-origin principle to tax non-domestic VOD players targeting a given Member State. According to the new AVMSD, where Member States require a linear broadcaster and a VOD provider to contribute financially to the production of European and national film content, they may require a linear broadcaster and a VOD provider, targeting audiences in their territories, but established in other Member States, to make such financial contribution. It's crucial to investigate in which ways the EU AVMSD can be seen as a normative landmark in audiovisual governance, affirming the legitimacy of public intervention towards VOD streamers and modelling new regulations in other countries.

After the AVMSD's adoption in 2018, several countries started discussing the possibility of establishing measures related to investment obligations and content quotas towards transnational online streamers.[31] Firstly, in 2022, the Australian Government[32] introduced a Streaming Services Reporting and Investment Scheme (hereafter "the scheme") to incentivise investment in Australian content by large streaming services. The scheme explicitly referred to the policy process of AVMSD's implementation, mentioning that "Australia is not alone in grappling with the challenge of safeguarding access to content with local cultural relevance in an increasingly globalised marketplace. Several countries – Belgium, Croatia, Denmark, France, Germany, Italy, Spain, Switzerland, Portugal, and Poland –have implemented regulations on streaming services to incentivise or require the provision of local programming".[33] The scheme recommended that a streaming service should invest 5% of its gross Australian revenue on new Australian content. However, the Australian Screen Industry Group warned of damage to the industry from delayed regulation, calling for a 20% Australian content expenditure requirement, closer to the investment obligation proposed by some EU countries, such as France.[34]

Secondly, Mexico and South Africa also started debating the adoption of content quotas towards VOD platforms. Both countries suggested establishing a 30% quota of national content in VOD catalogues, following the rate that is included in the AVMSD. In South Africa, the publication of the 2020 White Paper on Audio and Audio-visual content services policy framework proposed the

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[29] Luiz Albornoz, Trinidad García Leiva, "*Audio-visual industries and diversity: economics and policies in the digital era* (Routledge, 2019).
[30] Vlassis, *Platform governance and the politics of media regulation*.
[31] Antonios Vlassis, "Why to regulate Netflix: the cross-national politics of the audiovisual media governance in the light of streaming platforms," *Media, Culture & Society* (2023).
[32] Australian Government, *Streaming Services Reporting and Investment Scheme Discussion Paper* (Canberra, 2022).
[33] Australian Government, *Streaming Services Reporting and Investment Scheme Discussion Paper*.
[34] Financial Review, "Proposed local rules for Netflix, Disney 'weak', say screen producers" (2022).

introduction of a local content quota on streaming services. Public hearings on the White Paper were held between 10 May and 14 June 2021. The National Association of Broadcasters promoted the level-playing field argument, which was also strongly defended during the public consultation on the AVMSD draft,[35] stressing that "the proliferation of online content services has undermined the principle of regulatory parity and fair competition".[36] On its side, Netflix focused on the supposed incompatibility of AVMSD's provisions with other contexts, stating that "quotas imposed in regions like the EU may be wholly inappropriate for the South African context. The EU 30% local content quota, for example, is fulfilled by content from across Europe as a whole (serving 450 million people) rather than local content of only one Member State".[37]

Thirdly, in October 2021, in Switzerland, following a proposal by the government suggesting a review of the national audio-visual law, the two houses of Parliament came to an agreement to levy a tax on foreign streaming services. According to this financial obligation, several foreign streamers, such as Netflix, Amazon Prime, and Disney+, would have to invest 4% of their gross income earned in Swiss national film production. The proposed law would also oblige streaming platforms to have at least a 30% share of European films in their catalogues, as is the case under the AVMSD.

Fourthly, in Canada, the discussions on the regulation towards VOD platforms started at the same time as the negotiating process on the AVMSD's revision. However, the issue of regulation has been highly confrontational. The policy debate started during the 2015 legislative elections, when Stephen Harper, Conservative leader and Canadian prime minister from 2008 to 2015, expressed his explicit opposition to a so-called "Netflix tax" by generating, since then, strong political confrontation over the regulation of VOD streamers.[38] In March 2023, Canada adopted the Online Streaming Act – known as Bill C-11 – which aims to bring online audio-visual streamers under the same regulatory framework as traditional broadcasters. Unlike the AVMSD, Bill C-11 does not define a rate of investment obligations or content quotas.

Finally, whereas in the EU, the capacity of public authorities to intervene in the digital audio-visual market through content quotas and investment obligations included in the AVMSD is strongly protected and not threatened by EU trade commitments, the regional commitments of other national governments – such as the US-Mexico-Canada Agreement (USMCA) or the Australia-US Free Trade

[35] Antonios Vlassis, "The review of Audiovisual Media Services Directive: many political voices for one Digital Europe?," *Politique européenne* 56 (2017): 102–123.
[36] Public hearings, *Audio and audiovisual content policy*, https://www.ellipsis.co.za/audio-and-audiovisual-content-policy/. Department of Communications and Digital Technologies, South Africa, 2021. (11 September 2023).
[37] Public hearings, *Audio and audiovisual content policy.*
[38] Antonios Vlassis, *Why to regulate Netflix: the cross-national politics of the audiovisual media governance in the light of streaming platforms*.

Agreement (AUSFTA) – are expected to generate constraints for the development of new regulations towards VOD streamers.[39]

To conclude, the adoption and implementation of the European AVMSD's revision have changed the framework of possibilities for several public authorities across the globe, and a dynamic wave of new provisions towards VOD streamers in the audio-visual media sector is taking place across several liberal democratic regimes. Thus, the level-playing field is ensured by a transfer of policy instruments, such as investment obligations and/or quotas, from the analogue-broadcast age to the digital one. However, even though transnational VOD services represent disruptive new actors, creating industrial, technological, and institutional shocks for the EU and national audio-visual economies, this disruption does not lead to the same political issues cross-regionally.

## 2. The European Union in the global audio-visual economy: US-based dominance from Hollywood to VOD platforms

### European Union facing *Le fabuleux destin de* Hollywood

The balance of power in the global film market is characterised by a strong asymmetry in favour of the US. Inspired by the world system theory of the French historian Fernand Braudel, the economist Charles-Albert Michalet pointed out that since the 1980s, Hollywood has developed the "world-cinema" (*cinema-monde*) strategy based on three key mechanisms: the development of a world movie, understood as both global event and entertaining film; a global approach to the market; horizontal cooperation among companies centred on entertainment activities.

Altogether, "the world cinema reflects the economic forces that showed up in global capitalism, namely an economic system that can only be operating in a global dimension".[40] Hollywood's dominance in global trade in motion pictures is well established[41] and the following data adds further gloss to its worldwide market power. Despite the normative developments that were previously mentioned, during the period 1994-2024, the 25 most successful films worldwide were US-based productions (Table I). Twenty-four of these movies – except *Black Panther* (2018) – recorded more than half of their revenues within so-called 'international' cinema markets, that is, outside the US and Canada[42], showing Hollywood's dominance in terms of marketing capacity and worldwide

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[39] Antonios Vlassis, *Governance of culture and regulation of online platforms: cross-national issues*. https://plateu.irmo.hr/wp-content/uploads/2021/09/platEU-reflection-no.4.pdf. Global Watch on Culture and Digital Trade, 16, IRMO, 2021 (11 September 2023).

[40] Charles A Michalet, *Le drôle de drame du cinéma mondial* (La Découverte, 1987), 112.

[41] Allen Scott, *On Hollywood: The Place, the Industry* (Princeton University Press, 2005); Toby Miller et al., *Global Hollywood 2* (British Film Institute, 2005); Antonios Vlassis, 'European Union and online platforms in global audiovisual politics and economy: *Once Upon a Time in America*?' *International Communication Gazette,* 83, no. 6 (2021): 593–615.

[42] Author's research results based on MPAA and Mojo Box Office statistical data.

distribution. Moreover, Hollywood majors have a strong capacity for strategic adjustment to new technological forces and disruptive business models, such as VOD platforms. This is confirmed by four recent industrial alliances:

- The acquisition by the telecommunication company AT&T of entertainment conglomerate Time Warner – including film studio Warner Bros. and cable-satellite television network HBO. This acquisition resulted in the launch of the VOD platform HBO Max;
- the deal between Amazon and the Hollywood studio Metro Goldwyn Mayer-MGM in May 2021, which gave Amazon access to an extensive catalogue of more than 4 000 films and 17 000 TV shows, which will fill out its Amazon Prime video content catalogue;
- the acquisition by the Walt Disney Company of the film studio 20th Century Fox and of the VOD service Hulu, resulting in the launch of a new powerful global VOD platform: Disney+;
- in January 2019 and in August 2024, Netflix and Prime Video became respectively the first VOD platform companies to join the ranks of the trade association MPA.

These alliances show Hollywood's capacity to ensure an economic model in the global audio-visual industry that is based on an oligopoly of vertically integrated groups, which, through solid mergers and acquisitions, can expand and dominate the production, distribution, and exhibition of films (see also Section 2b).

At the same time, Table II on the top 25 EU (including the UK) produced movies worldwide in terms of revenues reveals that the European film industry is not trapped in a "self-confirming cycle of market failure and state intervention".[43] It is on the point of making successful movies with high production values and a strong appeal to global audiences, having the ability to penetrate well beyond its usual range of trade partnerships[44]. Based on this data, five findings should be highlighted:

- The list of successful EU movies in terms of revenues includes a diversified set of movies. Some of them, such as *King's Speech* (UK, 2010), *Slumdog Millionaire* (UK, 2008), *The Artist* (France, 2011), *Downfall* (2004), *The Girl with the Dragon Tattoo* (Sweden-Denmark-Germany, 2009) and *La vittà è bella* (Italy, 1998) were widely awarded and highly acclaimed by film critics, whereas other EU-based film productions, such as *The Fifth Element* (France, 1997), *Valerian and the City of a Thousand Planets* (France, 2018), *Resident Evil: Afterlife* (Germany, 2010), *Asterix & Obelix: Mission Cleopatra* (France, 2002), *The Impossible* (Spain-2012) *Lucy* (France-2014), and *Taken 1, 2, 3* belong to the category film blockbuster. Additionally, several successful EU-based movies are part of the category comedy, such as *Intouchables* (France, 2012), *The Full Monty* (UK, 1997), *Bean* (UK, 1997), and *Serial Bad*

[43] Marina Nicoli, *The rise and fall of the Italian film industry* (Routledge, 2017), 166.

[44] Table II includes exclusively movies which were entirely or mostly produced by EU-based companies. In contrast, it does not incorporate movies with high box-office revenues, - such as Mission Impossible: Fall Out, Dunkirk, Angry Birds, which were mostly produced by US-based companies and received a minor funding from EU-based companies.

*Weddings* (France, 2014). Finally, the list also includes one documentary (*March of the Penguins*) and two animation movies (*Paddington 1 & 2*);

- The COVID-19 pandemic had a strong impact on the European film industry, its production capacities and its international performance. All the important European movie successes were produced before the COVID-19 pandemic, whereas Table I includes six Hollywood movies released after the 2020 pandemic.
- All the movies were (co)produced by France, Germany, Spain, Italy or the UK;
- Seventeen of twenty-five movies are in English, four are in French (*Intouchables, Serial Bad Weddings, Asterix & Obelix: Mission Cleopatra, March of the Penguins*), one is in Italian (*La Vita è bella)*, one in Swedish (*The Girl with the Dragon Tattoo*), one in German (*Downfall*) and one is a silent film (*The Artist*);
- Seven movies were produced by the French producer and filmmaker Luc Besson, who since the 1990s has moved "towards popular genres and narratives previously considered the domain of Hollywood".[45]

To conclude, it can be said that the EU is among a restricted number of centres of motion picture production around the world, such as the US, China, India, South Korea and Japan that reach high levels of annual output.[46] Simultaneously, public financial and regulatory measures for the European film sector succeed in maintaining and promoting a thriving national film industry across several EU Member States such as France, Spain, Germany, and Italy, to provide a rich offer of cultural diversity, and to ensure diverse geographical performance of EU films worldwide. As Table II reveals, EU films can reach a wide audience in non-domestic markets, within the EU, and across the globe. Unlike the common belief of a commercially and culturally weak European film industry (Parc & Messerlin 2020), Table II clearly shows that the European Union can be seen as a global film power that meets at the same time the imperative of international economic competitiveness, the artistic quality and innovative storytelling of a cinema acclaimed by festivals and film critics, as well as the international promotion of a diversified film content, preserving the fundamental principle of the diversity of cultural expressions that is politically embraced by the European Union.

However, all these sites of film production – including the EU – fail to seriously challenge the dominance of Hollywood in terms of global visibility, unparalleled marketing capacity, and worldwide distribution.[47] As such, the comparative statistical data presented here also highlight the unprecedented soft power of Hollywood in terms of worldwide film attractiveness. These remarks lead straightly the discussion to the fact that the launch of disruptive US-based VOD services – such as Netflix, Amazon

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[45] Bergfelder, *National, transnational, or supranational cinema? Rethinking European film studies*.

[46] Vlassis, *European Union and online platforms in global audiovisual politics and economy: Once Upon a Time in America?*

[47] Crane, *Cultural globalization and the dominance of the American film industry: cultural policies, national film industries and transnational film*; Antonios Vlassis, Soft power, global governance of cultural industries and rising powers: the case of China, *International Journal of Cultural Policy,* 22, no. 4 (2016): 481–496.

Prime Video, HBO Max, Apple TV+, Paramount+ and Disney+ – and the attempt to export these services to global markets follow the mechanics of "world-cinema", revealing surprising continuity in a context of technological disruptive developments.

## B. US-based VOD platforms: *Everything, Everywhere, All at Once*

US-based VOD platforms have unequalled capacities to disseminate audiovisual content on a global scale and exercise strong influence over whether and how such content can be accessed.[48] In addition, the COVID-19 global pandemic had a key impact on the functioning of the audio-visual economy, transforming the relationship between consumers and content providers and increasing the pervasive impact of online platforms on the production, dissemination, and consumption of audio-visual content.[49] In July 2022, for the first time, US audiences spent more of their TV-viewing time streaming content than they did watching cable television.[50] Today, the only global VOD services are three US-based companies – Netflix, Amazon Prime Video, and Disney+ –that are available worldwide apart from some countries and territories, such as mainland China, Syria, and North Korea.

During the COVID-19 pandemic, in almost two and a half years, Netflix added more than 55 million subscribers. As of December 2022, the Californian platform had around 223.09 million subscribers worldwide compared to 167 million at the end of January 2020. Netflix's dominance has largely been challenged by Disney+. Whereas in January 2020 the Walt Disney Company had 28.6 million Disney+ paid subscribers, the new Disney VOD service got a spectacular boost and, in December 2022, jumped to 161.8 million subscribers, adding more than 130 million subscribers in almost three years.[51] Then, Walt Disney Company reported 234.7 million subscriptions worldwide for the streaming platforms Disney+, ESPN+ and Hulu – overtaking Netflix in the number of subscriptions. The struggle for subscribers from Netflix and Disney+ is also followed by other US-based transnational VOD platforms, such as Amazon Prime Video, HBO Max, Paramount+, and Apple TV+. Table III shows that among the ten most powerful VOD platforms in terms of paid subscribers, only three are not based in the US: iQIYI Baidu and Tencent Video are based in China and active in mainland China and in Southeast Asia, whereas Viu is based in Hong Kong and active in 16 Asian and Middle East markets. Key European VOD platforms, such as the Scandinavian Viaplay or the UK-based BritBox, struggle to compete with the unequalled capacities of US-based VOD platforms, reaching a limited number of paid subscribers (7.6 million for Viaplay, 3 million for BritBox).

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[48] Lobato, *Netflix Nations: the Geography of Digital Distribution,* 184.
[49] Antonios Vlassis, Global online platforms, COVID-19, and culture: the global pandemic an accelerator towards which direction? *Media, Culture & Society,* 43, no.5 (2021): 957-969.
[50] Sarah Krouse. *Streaming tops cable-TV viewing for the first time*. https://www.wsj.com/articles/americans-spent-more-time-streaming-than-watching-cable-tv-in-julya-first-11660827184. *Wall Street Journal*, 2022, 18 August (11 September 2023).
[51] Quartz. *Disney has finally surpassed Netflix in overall streaming subscriptions*. https://qz.com/disney-has-finally-surpassed-netflix-in-overall-streami-1849397848, 2022, 11 August (11 September 2023).

The global expansion of US-based VOD services is a consistent political, economic, and industrial process, putting into question the legitimacy and necessity of public intervention in the audiovisual industry and challenging the international attractiveness of the EU as an actor in the global audiovisual landscape.[52] Global US VOD services have established themselves as key players in various segments of the value chain through the multiplication of deals with regional and national operators. In 2021, Amazon spent 13 billion USD on video and music content, a two billion USD increase from 2020. As for Disney, it plans to spend around 33 billion USD on content in 2022, an eight billion USD increase from 2021. This amount includes streaming programming, linear programming, and sports content, which is expensive given long-term sports rights.[53] Netflix, which has not yet programmed live sports, spent 17 billion USD on content in 2021. Over the last ten years, global content spending almost doubled, from 128 billion USD to 243 billion USD, following investment from US-based streaming companies to feed worldwide user bases.[54] Given the worldwide ambitions of these VOD services, this strategy is not restricted to the US or to a specific region. Netflix has invested 175 million USD in film content production in South Africa, Nigeria, and Kenya since 2016. In South Africa alone, Netflix has invested in 173 licensed titles and commissioned 16 Netflix original series since launching in 2016. The strong capacities of US-based VOD services to disseminate audio-visual content cross-nationally led Reed Hastings, the founder of Netflix and its executive chairman, to stress that Netflix's ability to "attract viewers from one country to content from another" made it "the biggest builder of cross-European culture in the European Union", while all the other networks are "national networks who specialise in one language group".[55]

In addition, the business model of US-based platforms is strongly adjustable and flexible because of the creation of strategic alliances with existing key players in the audio-visual value chain. In this regard, Apple and Amazon are increasingly leaning into big-screen releases. The former plans to release its biggest movies in theatres one month before they appear on its streaming service, Apple TV+, and aims to spend one billion USD a year on exclusively theatrical releases. Amazon has also committed to putting around 15 new movies in theatres annually. As such, this move from Apple and

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[52] Marina. R Fernandes and Luis A. Albornoz, "Netflix as a policy actor: shaping policy debate in Latin America," *Journal of Digital Media and Policy* (2023) 249–268.

[53] The Hollywood Reporter. *Disney Plans to Spend 33 billion USD on Content Next Year.* https://www.hollywoodreporter.com/business/business-news/disney-streaming-content-spend-2022-1235052916/, 2022, November 24 (11 September 2023).

[54] Alex Barker. *Decade-long spending boom on original TV content expected to slow.* https://www.ft.com/content/d9a7cded-d43f-4d89-9271-44bf6516d476, *Financial Times,* 2023, January 3 (11 September 2023).

[55] Jesse Whittock. *Reed Hastings says Netflix is biggest builder of cross-European culture.* https://deadline.com/2023/03/reed-hastings-netflix-is-biggest-builder-of-cross-european-culture-1235280339/ *Deadline* (11 September 2023).

Amazon is “a way to promote their respective streaming services” and their own content, as well as to get incremental revenue compared to going straight to streaming.[56]

Finally, promoting strong relationships with culture professionals is a key component in the public diplomacy of US-based VOD platforms. During the COVID-19 outbreak, Netflix established a 100 million USD fund to help professionals facing hardship in the cultural industries. Furthermore, it provided 1 million USD to major public and private audio-visual agencies, such as the British Film Institute, the Italian Film Commission, the Brazilian Institute of Audio-visual Content, the Argentine and Mexican Academy of Film Arts and Sciences, the Instituto de la Cinematografía y de las Artes Audio-visuales and the Film Academy in Spain, as well as the Netherlands Film Fund (each). In a similar vein, Amazon Studios provided 1 million USD for the Jon&Vinny’s restaurant group to prepare and deliver meals to different associations, including the Motion Picture & Television Fund. It also set up a 6 million USD fund to support the recovery of the European audiovisual production community.[57] In February 2021, Netflix announced the creation of the Netflix Fund for Creative Equity (100 million USD) to support organisations that help underrepresented communities find jobs in television and film over the next five years. In January 2022, Netflix committed one million USD toward a scholarship fund for film and television students in the Sub-Saharan African region.

**Conclusion**

The analysis sheds light on the political dynamics of the EU's international audiovisual action and the policy challenges Hollywood and streaming services bring for such actorness within the global audiovisual politics and economy.

Firstly, the COVID-19 pandemic consolidated the dominant place of US-based VOD platforms in the global audiovisual market by giving an economic and technological advantage to these global players. The COVID-19 pandemic developed oligopolistic conditions of strong competition among a few US multinational firms in the VOD market, and it has strengthened the material and symbolic resources of these platforms to become irreplaceable global actors for culture professionals. Consequently, the ubiquitous action of US VOD platforms should become a key issue for the EU international cultural actorness insofar as their practices generate industrial and technological conditions, within which national cultural and media operators in Europe and beyond seek to adapt their agenda and develop their strategies.

Secondly, since the CDCE’s adoption, the EU international action has sought to include the diversity of cultural expressions among its priorities, especially using trade agreements as the main way to transpose cultural norms. Despite some political divisions, the EU has aimed to promote the

[56] Rebecca Rubin. *Apple and Amazon plan to spend billions on movies for the big screen. Will the pricey gamble pay off?*. https://variety.com/2023/film/news/apple-amazon-movie-theaters-1235562457/, Variety*,* 2023 (11 September 2023).
[57] Vlassis, *Why to regulate Netflix: the cross-national politics.*

'cultural exception' norm in trade agreements, taking account of developments in the digital environment. In addition, public financial and regulatory measures for the European film sector have succeeded in maintaining and promoting a thriving national film industry in several EU Member States, as well as providing a rich offer of cultural diversity and expanding the geographical reach of the EU film industry by ensuring good performance of EU films worldwide. However, despite these policy developments, Hollywood majors continue to play a dominant role in the global audiovisual economy, whereas financial and regulatory EU measures fail to challenge Hollywood's domination in terms of marketing capacity and worldwide distribution.

Thirdly, the chapter emphasised the potential diffusion of the European AVMSD provisions in Switzerland, Australia, Mexico, South Africa, and Canada. It argued that the revision of the AVMSD has changed the framework of possibilities for several public authorities in the audio-visual media sector and that today a dynamic wave of new provisions towards VOD streamers is taking place across several liberal democratic regimes. As such, there is an increasing cross-national policy interest in establishing a level playing field in the digital audiovisual economy and ensuring that large US-based VOD platforms promote the prominence of national audiovisual content on their online catalogues. The diffusion of the EU AVMSD's normative framework in other national contexts reveals that the EU's international action should promote common cross-national learning towards the crucial issue of the level-playing field in the audiovisual sector. At the same time, the chapter illustrated a key point for the future of the EU's international cultural actorness: even though transnational VOD services represent disruptive actors, creating industrial, technological, and institutional shocks, the latter does not lead to the same political issues cross-nationally.

Fourthly, following the revised AVMSD, the EU international cultural actorness should find a fair balance between competition and public interest, the circulation without frontiers of audiovisual digital content and the principles of cultural diversity and cultural exception. The unprecedented transformation in cultural production, distribution, and consumption due to the dominant business model of VOD platforms turns the effectiveness and the goals of the EU international action upside down. In this respect, the financing, distribution, and visibility of European cultural content should involve large online platforms. Besides, the COVID-19 global pandemic makes it necessary to develop policy measures which go beyond a path-dependence logic from the analogue-broadcast era to the digital one, attempting to explicitly boost the discoverability and visibility of local and national content in the streaming platforms' catalogues. A correlated aspect for the EU international cultural actorness is that VOD platforms treat data about content supply, exploitation, and consumption as a trade secret; as such, US-based streaming platforms handle vast amounts of data unavailable to institutes for cultural statistics, civil society organisations, researchers, and policymakers. The restricted access to data raises major issues in terms of transparency and accountability, establishing a level playing field in the digital audiovisual economy, as well as defining appropriate goals for the EU international cultural action and implementing relevant policy measures to handle social and economic conditions of creators and to promote diversity of cultural expressions in a post-COVID-19 context.

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**Table I: Top 25 movies worldwide in revenues and gross in domestic (US-Canada) and in international markets (1994–2024)**

| Movie (1994–2024) | Total Box-Office (in million USD) | (including) United States/Canada | Domestic Lifetime Gross in % | International Lifetime Gross in % |
|---|---|---|---|---|
| Avatar (2009) | 2 789.9 | 851.2 | 26.9 | 73.1 |
| Avengers: Endgame (2019) | 2 799.4 | 858.3 | 30.7 | 69.3 |
| Avatar (2022) | 2320.2 | 684.0 | 29.5 | 70.5 |
| Titanic (1997) | 2 264,7 | 674.2 | 29.8 | 70.2 |
| Star Wars: the Force Awakens (2015) | 2 071.3 | 936.6 | 45.2 | 54.8 |
| Avengers: Infinity War (2018) | 2 052.9 | 678.8 | 33.1 | 66.9 |
| Spider-Man: No Way Home (2021) | 1 921.8 | 814.1 | 42.4 | 57.6 |
| Inside Out 2 (2024) | 1 690.6 | 652.9 | 38.6 | 61.4 |
| Jurassic World (2015) | 1 671.5 | 653.4 | 39.1 | 60.9 |
| The Lion King (2019) | 1 663.0 | 543.6 | 32.7 | 67.3 |
| Marvel’s Avengers (2012) | 1 520.5 | 623.3 | 41 | 59 |
| Furious 7 (2015) | 1 515.0 | 353.0 | 23.3 | 76.7 |
| Top Gun Maverick (2022) | 1 493.4 | 718.7 | 48.1 | 51.9 |
| Frozen II (2019) | 1 453.6 | 477.3 | 32.8 | 67.2 |
| Barbie (2023) | 1 446.9 | 636.2 | 44 | 56 |
| Avengers: Age of Ultron (2015) | 1 405.4 | 459.0 | 32.7 | 67.3 |
| The Super Mario Bros. Movie (2023) | 1 360.3 | 574.9 | 42.3 | 57.7 |
| Black Panther (2018) | 1 349.9 | 700.0 | 51.9 | 48.1 |
| Harry Potter and the Deathly Hallows 2 (2011) | 1 342,3 | 381.4 | 28.4 | 71.6 |
| Star Wars: the Last Jedi (2017) | 1 334.8 | 620.1 | 46.5 | 53.5 |
| Deadpool & Wolverine (2024) | 1 326,6 | 631.9 | 47.6 | 52.4 |
| Jurassic World: Fallen Kingdom (2018) | 1 310.4 | 417.7 | 31.9 | 68.1 |
| Frozen (2013) | 1 284.5 | 400.9 | 31.2 | 68.8 |
| Beauty and the Beast (2017) | 1 266,1 | 504.4 | 39.8 | 60.1 |
| Incredibles 2 (2018) | 1 243,2 | 608,5 | 49 | 51 |

Source: Box Office Mojo website

**Table II: Top 25 EU-produced movies worldwide gross and gross in selected markets (1994–2024)**

| Movie (1994–2024) | Total Box-Office (in million USD) | (including) US/Canada | China | France | Germany | Australia | South Korea | Japan | Brazil |
|---|---|---|---|---|---|---|---|---|---|
| King's speech (UK, 2010) | 484.0 | 138.7 | - | 26.7 | 23.5 | 32.5 | 5.5 | 21.4 | 7.0 |
| Lucy (France-2014) | 469.0 | 126.6 | 44.7 | 43.7 | 16.8 | 24.0 | 15.9 | 9.3 | 9.3 |
| Intouchables (France, 2012) | 426.3 | 10.1 | - | 166.1 | 79.0 | 6.0 | 11.0 | 18.1 | 7.0 |
| Slumdog millionaire (UK, 2008) | 378.4 | 141.3 | 2.2 | 21.5 | 19.1 | 14.5 | 6.1 | 11.2 | 6.2 |
| Taken 2 (France, 2012) | 376.1 | 139.8 | - | 24.4 | 10.7 | 20.2 | 15.5 | 4.7 | 4.1 |
| Taken 3 (France, 2015) | 326.4 | 89.2 | 32.2 | 19.2 | 10.4 | 11.1 | 14.5 | 11.1 | 4.1 |
| Resident Evil: Afterlife (Germany, 2010) | 300.2 | 60.1 | 21.6 | 9.0 | 16.1 | 4.4 | 12.9 | 55.1 | 9.4 |
| Paddington (UK-France, 2014) | 282.4 | 76.2 | 16.7 | 24.8 | 16.9 | 9.9 | 2.1 | 6.1 | 1.4 |
| The fifth element (France, 1997) | 263.9 | 63.8 | No data available | 54.0 | No data available | No data available | No data available | No data available | |
| The Full Monty (UK, 1997) | 257.9 | 45.9 | - | 20.7 | 12.7 | 16.3 | 0.4 | 2.6 | 2.7 |
| Bean (UK, 1997) | 251.2 | 45.3 | - | 20.6 | 36.1 | 14.3 | 0.3 | 12.1 | 3.2 |
| Four Weddings and a Funeral (UK, 1994) | 245.7 | 52.7 | No data available | No data available | No data available | No data available | No data available | No data available | No data available |
| Resident Evil: Retribution (Germany, 2012) | 240,0 | 42.3 | 17.7 | 4.5 | 9.3 | 3.9 | 4.2 | 48.3 | 9.8 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| La vita è bella (Italy, 1998) | 229.1 | 57.5 | No data availabl e | No data availabl e | No data availabl e | No data availabl e | No data availabl e | No data availabl e | No data availa ble |
| Taken (France, 2008) | 226.8 | 145.0 | 2.0 | 9.4 | 3.9 | 6.2 | 15.4 | 3.9 | 0.9 |
| Paddington 2 (France, 2018) | 227.3 | 40.8 | 32.5 | 15.1 | 10.3 | 8.1 | 2.3 | 5.7 | 1.1 |
| Valerian and the City of a Thousand Planets (France, 2018) | 225.9 | 41.1 | 62.0 | 36.7 | 13.5 | 2.3 | 3.6 | - | 2.4 |
| The Others (Spain, France, 2001) | 209.9 | 96.5 | - | 7.6 | 3.7 | 5.4 | 6.2 | 10.6 | 4.2 |
| The Impossible (Spain, 2012) | 198,0 | 19,0 | 8,7 | 4,1 | 0,2 | 4,7 | 4,1 | - | 4,1 |
| Serial Bad Weddings (France 2014) | 176.4 | - | - | 104.6 | 35.1 | - | 1.2 | - | 0.3 |
| The Artist (2011, France) | 133.4 | 44.6 | - | 26.2 | 5.5 | 3.1 | | 3.2 | 2.1 |
| Asterix & Obelix: Mission Cleopatra (France, Germany, 2002) | 128.0 | 3.1 | - | 74.1 | 7.1 | - | 0.6 | - | 0.2 |
| March of the Penguins (2005, France) | 127.3 | 77.4 | - | 12.0 | 9.2 | 3.0 | 0.2 | 3.5 | - |
| The Girl with Dragon Tattoo (2009, Sweden, Denmark, Germany) | 104,4 | 10,0 | - | 10,1 | 7,4 | 4,8 | | | 0,1 |
| Downfall (2004, Germany) | 92,1 | 5,5 | - | 6,3 | 39,0 | 1,8 | - | - | 1,2 |

Source: Box Office Mojo website

**Table III: Number of subscribers of the top 10 video-on-demand platforms worldwide (early 2024)**

| SVOD platform | Launch year | Subscribers (in million) | Territories |
|---|---|---|---|
| Netflix (based in the US) | 2007 | 277.65 | Global (except mainland China, Syria, North Korea) |
| Amazon Prime Video (based in the US) | 2011 | 200[58] | Global (except mainland China, Syria, North Korea, Cuba, Iran) |
| Disney+ (based in the US) | 2020 | 153.6 | Global (except mainland China, Syria, North Korea, Cuba, Iran) |
| TencentVideo (based in China) | 2011 | 117 | China, selected territories in Southeast Asia |
| Discovery including HBO Max and Discovery+ (based in the US) | 2020 | 103 | Selected territories in Northern America, Latin America, Nordic countries, Asia) |
| iQIYI (Baidu based in China) | 2010 | 100.3 | China, selected territories in Southeast Asia |
| Hulu and ESPN+ (based in the US) | 2008 | 76 | United States only |
| Viu including Viu Premium (based in Hong-Kong) | 2015 | 75.4 | 25 Asian, African and Middle East markets |
| Apple TV including Apple TV+ (based in the US) | 2019 | 70 | Selected territories (around 100) |
| Paramount+ (based in the US) | 2014 | 68.4 | Selected territories (around 30 in Northern America, Latin America, Nordic countries, Australia, South Korea) |

[58] Data regarding Amazon Prime Video is from January 2024. Amazon Prime Video is included in Amazon Prime, the yearly subscription service for the e-commerce platform. Data concern the Amazon Prime subscribers, who (potentially) can use the Prime Video service.