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Audiovisual Services: A Neglected Area of EU Competitiveness

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EXECUTIVE SUMMARY

Audiovisual services are a fast-growing part of EU services trade and constitute an area of EU competitiveness. Between 2006 and 2023, EU exports in audiovisual services rose by 271 percent, making the EU one of the world's largest exporters in the field. Unlike other digitally delivered services such as telecommunications or computer services, audiovisual services remain largely excluded from trade liberalisation at both multilateral and bilateral levels. Rooted in cultural protection policies and the EU's Audiovisual Media Services Directive, the exclusion of a big category of trade limits market access for EU firms and weakens the EU's hand in trade negotiations. Recent measures, such as Canada's levy on foreign streaming services, is a "canary in the coal mine": if the EU continues to carve out audiovisual services from trade agreements, other countries may take similar actions against EU economic interests. To boost its growing digital competitiveness, the EU should take a more constructive approach and discard its long-standing opposition to include cultural services in trade agreements. The review in 2026 of the EU's audiovisual regulation is an opportunity to change domestic policy, enabling Europe to make trade commitments in audiovisual services. A more liberal approach would strengthen the EU's position in digital trade and expand market opportunities for EU companies.

1. INTRODUCTION

Digitalisation of the economy has broadened the scope of international trade and, by extension, the rules and laws of international trade.[1] Defined by the OECD, WTO and IMF as "all trade that is digitally ordered and/or digitally delivered"[2], digital trade interacts with several domestic regulatory areas including data protection, cybersecurity and online consumer protection. To ensure that digital trade can flow as freely as possible while allowing for domestic regulation in such areas, some international regulatory cooperation regimes and digital trade agreements have been developed.[3] Given the importance of everything digital for the economy, these regimes are also important for general economic development.[4]

Despite growing efforts in bilateral and regional forums to develop digital cooperation, the regulatory framework remains fragmented.[5] As a result, there is uncertainty about market access for companies engaging in digital trade, not least those delivering digital services. The commitments countries have made on trade in different types of digitally delivered services – such as telecommunication, computer services and audiovisual services – often vary. Audiovisual services – the production, distribution, and transmission of motion pictures, video recordings, radio, and television programs, as well as related sound recording and projection services[6] – are one category of digitally delivered services where there are few commitments in trade agreements. As a result, these services could be harder to trade across borders.[7]

The scant coverage of audiovisual services in EU trade policy, multilateral as well as bilateral, is a result of domestic cultural regulation protecting domestic industries and preferences. That policy choice has always come with a cost, but that cost has likely increased substantially in the past decade as audiovisual services have grown very fast and created new trade opportunities. The European Commission[8] will soon start a review of its audiovisual services regulation, and this is a chance to re-position EU regulation and allow its growing audiovisual trade sector to expand.

This Policy Brief argues that the EU should revise its audiovisual services regulation to enable the European Commission to make new market-access commitments in audiovisual services in its trade agreements. A more liberal approach would strengthen the EU's position in digital

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1 Burri, M., & Chander, A. (2023). What are digital trade and digital trade law? AJIL Unbound, 117, 99–103. https://ssrn.com/abstract=4448664

2 OECD, World Trade Organization, & International Monetary Fund. (2023). Handbook on measuring digital trade (2nd ed.). Paris: OECD. https://www.oecd.org/en/publications/handbook-on-measuring-digital-trade-second-edition_ac99e6d3-en.html

3 Burri, M., Vásquez Callo-Müller, M., & Kholofelo, K. (2024). The evolution of digital trade law: Insights from TAPED. World Trade Review, 23, 190–207. https://doi.org/10.1017/S1474745623000472; Mishra, N. (2024). International trade law and global data governance. London: Bloomsbury Publishing. https://www.bloomsbury.com/us/international-trade-law-and-global-data-governance-9781509961696/

4 World Trade Organization. (2023). Digital trade for development. Geneva: WTO. https://www.wto.org/english/res_e/publications_e/dtd2023_e.htm

5 Burri, M., & Chander, A. (2023). What are digital trade and digital trade law? AJIL Unbound, 117, 99–103. https://ssrn.com/abstract=4448664

6 World Trade Organization. (1991). Services sectoral classification list. https://www.wto.org/english/tratop_e/serv_e/mtn_gns_w_120_e.doc

7 Burri, M. (2015a). The international economic law framework for digital trade. Zeitschrift für Schweizerisches Recht, 135, 10–72. https://ssrn.com/abstract=2602817

8 European Commission. (2025a). Commission work programme 2026. https://commission.europa.eu/strategy-and-policy/strategy-documents/commission-work-programme/commission-work-programme-2026_en

trade and expand market opportunities for EU companies. The Policy Brief begins by outlining the increasing importance of audiovisual services in the European economy, followed by an analysis of multilateral trade commitments in audiovisual services. The Policy Brief then takes stock of the EU's commitments in audiovisual services and considers how these commitments, in combination with a few developments around the world, impact the market access for EU companies. Finally, the Policy Brief ends with some policy recommendations.

2. DO AUDIOVISUAL SERVICES MATTER FOR THE EU?

According to the European Audiovisual Observatory, the sector in Europe continues to grow and now features a total of 12 955 audiovisual media services and video-sharing platforms (VSPs). Media services and VSPs are mostly privately owned: 91 per cent of the total is owned by private companies. These include TV channels and streaming companies such as Groupe Canal Plus/Vivendi, Viaplay, and Antenna group.[9] Using the WTO definition of audiovisual services trade, the sector also includes audio and video streaming companies, which covers exports from companies in audio streaming (e.g., Spotify, Deezer, SoundCloud), podcasts (e.g., Acast, RTL+, Podimo) and audiobooks (e.g., Storytel, Bookbeat).

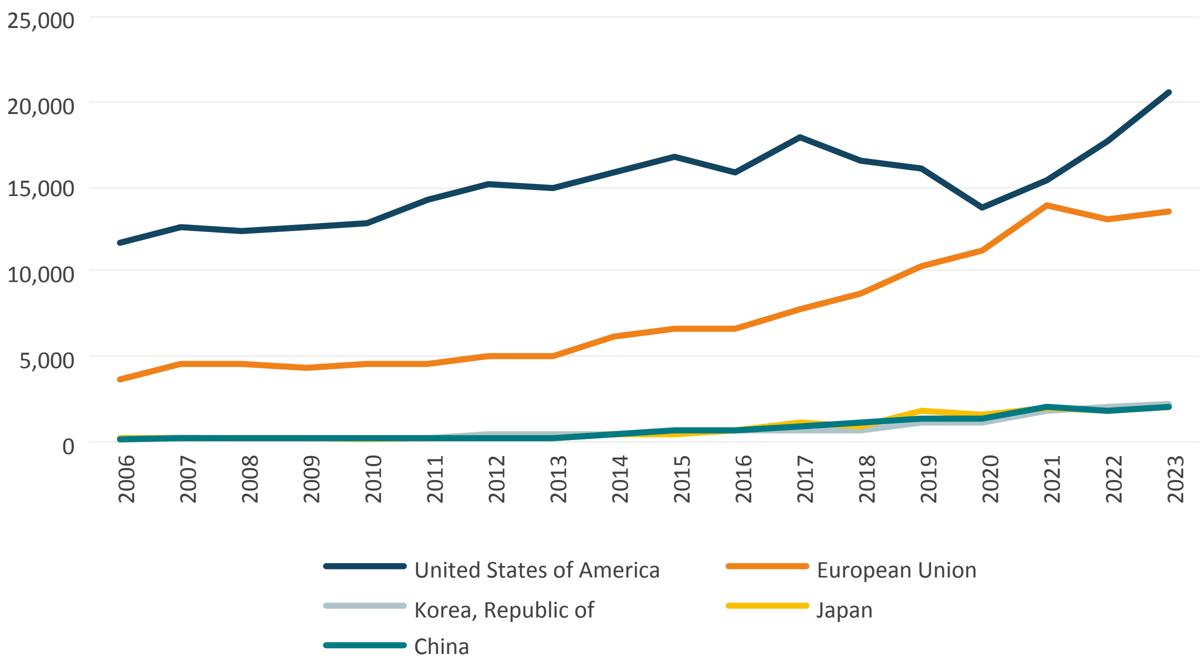
Audiovisual services increasingly matter for the EU economy. Between 2006 and 2023, EU external exports of audiovisual and related services grew by 271 per cent (see Table 1). That is nearly twice the growth rate that EU services exports in general experienced over the same time.[10]

As a result, the EU has largely caught up with the US and become one of the largest exporters of audiovisual and related services in the world (see Figure 1). Adding intra-EU trade to extra-EU trade, the EU is the single largest exporter of audiovisual services, making up 28 per cent of total global exports in the category in 2023 (see Figure 2). While audiovisual services remains one of the smaller categories of extra-EU exports, it has grown to overtake Information Services and is equal to roughly 70 per cent of the size of Telecommunications Services (see Figure 3).

[9] Tran, J.-A. (2025). Audiovisual media services in Europe – 2024 data. European Audiovisual Observatory. https://rm.coe.int/audiovisual-media-services-in-europe-2024-data-june-2025-j-a-tran-/1680b661f2

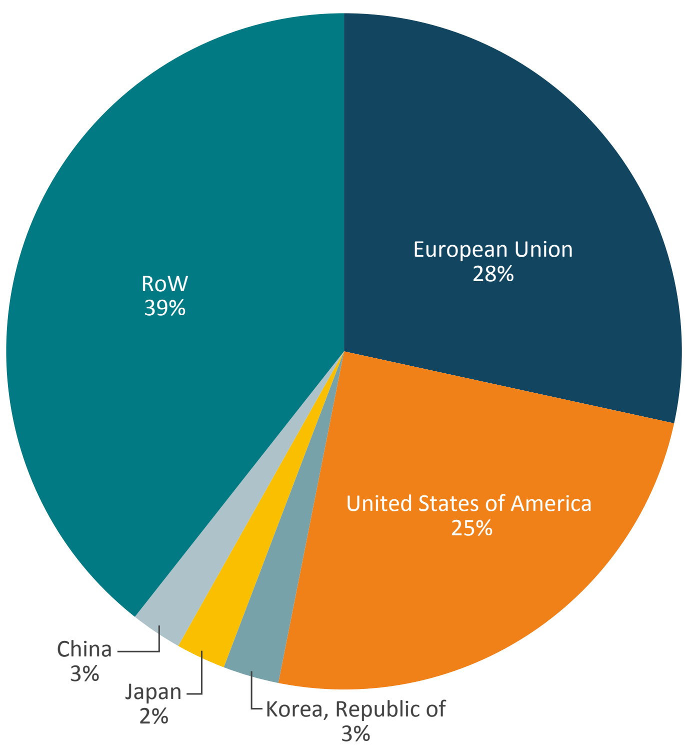
[10] World Trade Organization. (2025). Balanced trade in services dataset (BaTiS). WTO Stats. https://www.wto.org/english/res_e/statis_e/gstdh_batis_e.htm

FIGURE 1. GROWTH OF EXTRA-EU AUDIOVISUAL SERVICES EXPORTS OVER TIME (FOR EU: EXTRA-EU)



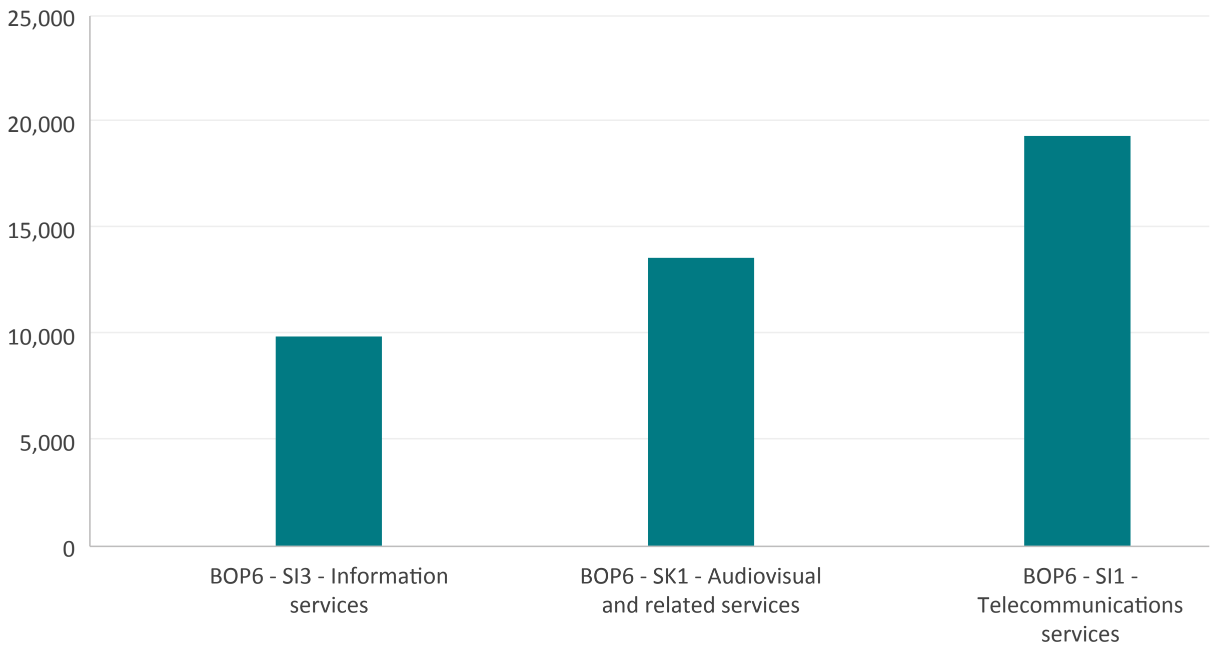
Source: Author's calculations using WTO (2025), BaTiS database.

FIGURE 2. EU SHARE OF AUDIOVISUAL SERVICES EXPORTS, INCLUDING INTRA-EU TRADE



Source: Author's calculations using WTO (2025), BaTiS database.

FIGURE 3. COMPARISON OF EXTRA-EU EXPORTS OF INFORMATION SERVICES, AUDIOVISUAL AND RELATED SERVICES, AND TELECOMMUNICATION SERVICES



Source: Author's calculations using WTO (2025), BaTiS database.

Take the case of Sweden. According to an estimate by The National Board of Trade of the country's Revealed Comparative Advantage in services, Sweden's strongest comparative advantage is in personal, cultural and recreational services. It is also the category where Sweden's comparative advantage has grown the most over the past 20 years.[11] Audiovisual services – a subset of personal, cultural and recreational services – makes up roughly 92 percent of Swedish exports of this category.[12]

Sweden is known for having leading companies in what could be understood as audiovisual services, including podcast, audiobooks, music streaming and video streaming. However, other EU countries have a relatively strong and growing competitiveness in this field too. For example, among other leading exporters of audiovisual services in the EU, Germany's exports grew by 259 percent between 2006 and 2023, while the Netherlands' exports increased by 114 percent, France's by 53 percent, Ireland's by 402 percent and Spain's by 428 percent (see Table 1).

[11] National Board of Trade. (2025). Sveriges tjänstehandel i internationell jämförelse. https://www.kommerskollegium.se/analyser-och-seminarier/publicerat/analys/2025/sveriges-tjanstehandel-i-internationell-jamforelse/

[12] World Trade Organization. (2025). Balanced trade in services dataset (BaTiS). WTO Stats. https://www.wto.org/english/res_e/statis_e/gstdh_batis_e.htm

TABLE 1. EU MEMBER STATES' TRADE IN AUDIOVISUAL SERVICES AND GROWTH 2006-2023

Reporter	Exports 2023	Export growth 2006-2023	Imports 2023	Import growth 2006-2023
EU (incl intra-EU)	23,668	251%	20,044	88%
EU (extra-EU)	13,631	271%	10,006	32%
Sweden	5,674	1,971%	1,580	545%
Germany	2,797	259%	4,525	37%
Netherlands	2,718	114%	2,078	221%
France	2,204	53%	2,474	51%
Ireland	1,726	402%	1,141	298%
Spain	1,558	428%	938	-6%
Luxembourg	1,225	219%	903	55%
Italy	748	235%	1225	47%
Belgium	646	100%	792	92%
Denmark	620	328%	1217	212%
Finland	519	1,266%	417	301%
Poland	502	458%	415	152%
Hungary	391	-18%	236	-23%
Cyprus	383	159%	77	43%
Austria	376	136%	625	155%
Czech Republic	348	231%	458	536%
Greece	238	441%	187	95%
Romania	180	246%	79	5%
Portugal	170	295%	200	90%
Malta	124	675%	142	3,450%
Croatia	107	463%	65	132%
Slovak Republic	92	318%	47	96%
Estonia	79	558%	31	675%
Bulgaria	77	413%	48	300%
Lithuania	77	863%	60	1,400%
Slovenia	50	355%	42	200%
Latvia	40	400%	42	500%

Source: Author's calculations using WTO (2025), BaTiS database.

3. MULTILATERAL TRADING RULES FOR AUDIOVISUAL SERVICES

The General Agreement on Trade in Services (GATS) was established with the objective of promoting non-discriminatory access and equitable competitive conditions for service suppliers across domestic markets. It also aspires to support the incremental liberalization of the global services economy. Despite its alignment with the principles underpinning the General Agreement on Tariffs and Trade (GATT), GATS diverges in both structure and regulatory approach due to the nature of services. Unlike the GATT, the GATS allows for some exemptions of MFN treatment of foreign providers. These exemptions were intended as a one-time opportunity available only at the WTO's entry into force or upon a new Member's accession. While nominally capped at ten years, many of these exemptions have remained well beyond the original deadline. This flexibility for domestic policy-makers is the result of a political bargain in the long and intensive battle between trade openness and political-cultural values and interests.[13] Audiovisual services have been the main casualty of the battle

The demand for cultural protection has had a lasting impact on the international regulation of audiovisual services. Despite the sector's economic potential, several WTO Members have refrained from making substantive commitments. While a few countries including the United States, Japan, and New Zealand have taken a more liberal approach, audiovisual services remains one of the least liberalised sectors under the GATS framework.[14]

In comparison, telecommunications services are much more covered by trade commitments. While the sector was inadequately liberalised in the Uruguay Round, rules and market access in telecommunication services were further developed in the Agreement on Basic Telecommunications and its annexed commitments, followed by the so-called Reference Paper that outlined a set of regulatory principles for basic telecommunications. As a result, telecommunication services are one of the best-covered sectors under the GATS. Rules do not only open key telecommunications markets to foreign services and services suppliers but also regulate important aspects of competition in the sector, seeking to ensure a level playing field. Likewise, WTO commitments on computer and related services are also comparatively far-reaching and liberalisation in this domain progressed with relatively little resistance when GATS was negotiated.[15]

4. THE EU'S APPROACH TO AUDIOVISUAL SERVICES IN EXTERNAL TRADE POLICY

Audiovisual services in the EU do not enjoy the relatively extensive trade liberalisation that can be found in the computer services sector. The EU rather consistently insists on excluding

[13] Burri, M. (2015a). The international economic law framework for digital trade. Zeitschrift für Schweizerisches Recht, 135, 10–72. https://ssrn.com/abstract=2602817

[14] Roy, M. (2005). Audiovisual services in the Doha Round: Dialogue de sourds, the sequel? Journal of World Investment & Trade, 6, 923–952.

[15] Burri, M. (2015a). The international economic law framework for digital trade. Zeitschrift für Schweizerisches Recht, 135, 10–72. https://ssrn.com/abstract=2602817

commitments in audiovisual services in all its Free Trade Agreements (FTAs). That position comes with a dual cost. First, and most obviously, European exporters and importers will not be able to trade under open and predictable market-access conditions. Second, EU trade negotiators often have to concede something else to "purchase" the exemption of audiovisual services from the trading partner they are negotiating with.

The systematic exclusion of audiovisual services comes from the EU's regulation of cultural sectors. Cultural services are largely a member state competence. For example, Article 6 of the Treaty on the Functioning of the European Union (TFEU) recognises that the EU's competences in the field of culture are to "carry out actions to support, coordinate or supplement the actions of the Member States".

However, there has been EU harmonisation of cultural services through the Audiovisual Media Services Directive (AVMSD). The directive, which was adopted in 2010 and last revised in 2018, covers TV broadcasting and video-on-demand services. Its rules establish, among other things, a minimum quota for broadcasting EU works.[16] Equally important for trade, the European Commission's authorisations and negotiating directives prohibit DG Trade from making FTA commitments for audiovisual services.[17]

The motivation for these restrictions lies in the dual character of cultural goods and services: while audiovisual services are tradable, they also embody and transmit cultural values and identities. Consequently, the policy discussion has sometimes been characterised as one of "trade versus culture". Reflecting the opinions of a few member states such as France, the EU has consistently advocated for the special treatment of cultural products, arguing for their exemption from the predominantly economic framework of WTO rules. In contrast, the United States has supported a market-driven approach, opposing carveouts and favouring the full inclusion of cultural goods and services under general WTO disciplines.[18]

Recently, the EU has started developing new approaches to trade policy to better facilitate digital services trade. However, cultural concerns remain a limitation as the EU continues to insist on a carve-out of audiovisual services in any FTA negotiation. That has practical implications for the EU's many successful companies delivering audiovisual services.[19]

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[16] European Commission. (2025b). Audiovisual Media Services Directive. https://digital-strategy.ec.europa.eu

[17] European Parliament. (2019). Answer given by Ms Malmström on behalf of the European Commission (E-002452/2019). https://www.europarl.europa.eu/doceo/document/E-9-2019-002452-ASW_EN.html

[18] Burri, M. (2008). Trade versus culture in the digital environment: An old conflict in need of a new definition. Journal of International Economic Law, 12(1), 17–62. https://ssrn.com/abstract=1265453; Burri, M. (2015b). The European Union, the World Trade Organization and cultural diversity. In E. Psychogiopoulou (Ed.), Cultural governance and the European Union (pp. 000–000). London: Palgrave Macmillan. https://doi.org/10.1057/9781137453754_15

[19] Burri, M. (2022). EU external trade policy in the digital age: Has culture been left behind? Trade Law 4.0 Working Paper No. 02/2022. In E. Psychogiopoulou & S. Schoenmaekers (Eds.), European Union economic law and culture. Cheltenham: Edward Elgar. http://dx.doi.org/10.2139/ssrn.4206008; Köhler-Suzuki, S. (2023). Mapping EU digital trade. Institut Jacques Delors. https://institutdelors.eu/wp-content/uploads/2023/08/PP293_Maping-EU-digital-trade_Kohler-Suzuki.pdf; Zhao, S. (2023). Challenges and possibilities for classifying digital cultural products in the WTO: A case study of video games. World Trade Review. KU Leuven. https://ghum.kuleuven.be/ggs/documents/wp232-zhao.pdf

5. A FEW RELEVANT CASE STUDIES ON AUDIOVISUAL SERVICES COMMITMENTS

One set of bilateral commitments worth exploring further is in the Comprehensive Economic and Trade Agreement (CETA) that the EU has signed with Canada. Despite deviating from its traditional approach to services commitments by employing a negative list methodology, the EU retained cultural policy exceptions – meaning the exclusion of audiovisual services. For Canada, the exception encompassed "cultural industries" defined broadly to include the publication, distribution, and sale of books, periodicals, and newspapers (in both print and digital form), film and video production and exhibition, audio and video music recordings, music publications, and all radio, television, cable broadcasting, and satellite programming intended for general public reception. Furthermore, CETA includes a dedicated annex to the services chapter that addresses the treatment of new services. According to this understanding, parties are obligated to notify each other of new services and, upon request, engage in negotiations to determine whether and how to include them within the scope of the agreement.[20]

In relation to the cautious liberalisation approach adopted in CETA, it can be noted that Canada has recently suggested laws perceived as discriminatory towards foreign firms. On 4 June 2024, the Canadian Radio and Television Commission (CRTC) announced its decision to impose a 5 per cent "base contribution" on online music streaming services that make 25 million Canadian Dollars (CAD) or more in annual revenues and that are not affiliated with a Canadian broadcaster. The contributions are intended to support Canadian and Indigenous content. This decision is part of the implementation of Canada's Online Streaming Act (Bill C-11).[21] The act is listed in the European Commission's[22] access-to-markets database and the EU-based audio streaming company Spotify – as well as other companies – has filed legal challenges against it.[23] It remains to be seen how this dispute will be resolved, but it may become an example of how the EU could benefit from being able to make FTA commitments for audiovisual services, which at least part of Spotify's exports should be counted as.

Another agreement that merits attention is the EU-South Korea Free Trade Agreement (EUKOR), which represents a rare attempt to reconcile trade and cultural objectives in an FTA involving a developed partner with a strong cultural sector. While the agreement broadly excludes audiovisual services from its core trade liberalisation commitments – thereby preserving EU and Korean regulatory autonomy – it also includes a dedicated Protocol on Cultural Cooperation (PCC). This protocol seeks to foster cultural exchanges and promote diversity in line with the 2005 UNESCO Convention on Cultural Diversity. Notably, the PCC allows for EU-Korean audiovisual co-productions to qualify as domestic works in both markets, granting preferential access.

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20 Burri, M. (2015a). The international economic law framework for digital trade. Zeitschrift für Schweizerisches Recht, 135, 10–72. https://ssrn.com/abstract=2602817

21 Parliament of Canada. (2024). An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts (Bill C-11). https://www.parl.ca/legisinfo/en/bill/44-1/c-11

22 European Commission. (2024). Access2Markets: Levy on foreign online music streaming services. https://trade.ec.europa.eu/access-to-markets/sv/barriers/details?barrier_id=18262

23 Tencer, D. (2024). Amazon, Apple, Spotify file legal challenge against Canada's music streaming tax. Music Business Worldwide. https://www.musicbusinessworldwide.com/amazon-apple-spotify-file-legal-challenge-against-canadas-music-streaming-tax/

However, the criteria for qualification are relatively stringent. The protocol also facilitates short-term mobility for artists and cultural professionals and promotes collaboration in publishing, heritage, and performing arts. Despite this innovative legal framework, implementation has remained limited and uptake is low due to administrative, financial, and political constraints, especially on the EU side. As such, EUKOR could be described as an important precedent in integrating cultural policy into trade law, but its impact on actual audiovisual market liberalisation and content flows has been limited.[24]

In contrast, the US, which has made further commitments for audiovisual services, has long disputed Korean screen quotas of movies as a discriminatory practice. As a result, the Korean government had an internal "trade versus culture" debate between its bureaucrats. On the one hand, the Ministry of Culture, Sports, and Tourism (formerly the Ministry of Culture and Tourism), tenaciously adhered to a preservation of the screen quotas. On the other hand, the Ministry of Foreign Affairs continuously questioned the policy as protectionist.[25] After Korea decided to halve the quotas in 2006, negotiations for the United States-Korea Free Trade Agreement (KORUS FTA) began. These negotiations were at the time opposed by parts of the South Korean film industry. Without comment on correlation or causality with regard to the Korean policy shift in 2006, it is clear that Korea has achieved much international success in the movie industry since then.[26]

Finally, it can be noted that more recently, US president Donald Trump has floated an idea of introducing a 100 percent tariff on movies.[27] In light of this potential development and the range of other discriminatory actions recently adopted by the US, EU companies may wish to diversify away from the US market and increase their revenue in other markets. It is therefore important for the EU to understand if the trade commitments it has with other trading partners can deliver sufficiently reliable market access. For example, it could entail improving access and terms for EU audiovisual services delivered to the Canadian and Korean markets. That is currently a goal that DG Trade cannot pursue, even as it is currently negotiating a digital trade chapter with Canada.
Conclusion

Digital services trade is becoming ever more important for the EU and it is now one of the world's leading exporters of audiovisual services. Audiovisual services is an area of strong and growing competitiveness for the EU. However, the EU has a relatively low degree of liberalisation for audiovisual services. Its trade policy for the audiovisual services sector is signified by exceptions rather than commitments in the GATS and in Free Trade Agreements. For example, the current EU position on audiovisual services requires DG Trade to insist on a blanket exception from any FTA commitments on audiovisual services.

[24] Burri, M. (2022). EU external trade policy in the digital age: Has culture been left behind? Trade Law 4.0 Working Paper No. 02/2022. In E. Psychogiopoulou & S. Schoenmaekers (Eds.), European Union economic law and culture. Cheltenham: Edward Elgar. http://dx.doi.org/10.2139/ssrn.4206008

[25] Chang, A. R. (2013). The effect of foreign pressure on liberal policy autonomy: The case of South Korea's screen quota system. Journal of Contemporary Asia, 44(3), 427–448. https://doi.org/10.1080/12294659.2014.887290

[26] Lee, S. (2022). South Korea's film rules need a reboot. Foreign Policy. https://foreignpolicy.com/2022/07/10/south-korea-film-movie-industry-screen-quota-protectionism-free-trade-covid/

[27] Hoskies, P., & Davies, M. (2025). Trump considering 100% tariffs on movies not made in the US. BBC News. https://www.bbc.com/news/articles/cjr7e2z1rxyo

The EU's stance on audiovisual services contrasts with its commitments in other digitally delivered services such as telecommunications and computer services. It also differs from recent developments in the general EU trade policy, which now includes more ambitious digital trade chapters. Behind this policy choice is a "trade versus culture" debate that draws attention to the dual character of cultural goods and services. While audiovisual services are tradable, they also embody and transmit cultural values and identities, and member states such as France tend to favour cultural protection.

The EU has recently faced what could be described as market access hurdles for audiovisual services in Canada. That should be seen as a "canary in the coalmine" for the EU and its position of not making FTA commitments in audiovisual services. Moreover, in the current environment of growing trade barriers in the US, the EU should pursue deeper integration with more trading partners, not least for digitally delivered services in which it has a competitive advantage.

Accordingly, in the politically sensitive debate between trade and culture, the EU has good reason to re-balance towards the trade interest. Therefore, it could use the 2026 review of audiovisual regulation to increase liberalisation and harmonisation across the single market. The revision should enable new authorisations and negotiating mandates that allow the European Commission to make FTA commitments in audiovisual services.

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