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Europe's Audiovisual Framework Has a Blind Spot: An Open Letter to the European Commission

Across Europe, viewers increasingly turn to streaming services built around specific editorial choices: from genre-focused and culturally specific programming to linguistically targeted and community-driven content. These services are defined by curatorial focus. Yet they remain largely invisible in Europe's regulatory conversation.

Beyond Mainstream: A Global Streaming Alliance represents many of these services. Our members operate across global markets, including the European Union, curating content centred on specific genres, languages, communities and cultural expressions. We welcome the Commission's evaluation of the Audiovisual Media Services Directive (AVMSD) and write to draw attention to a structural gap in how the framework accounts for, and risks disadvantaging, specialised streaming services.

The streaming landscape has changed. The policy lens has not.

Since the AVMSD's last revision, the streaming landscape has continued to diversify well beyond the binary of traditional broadcasters and large multi-genre platforms. Video-sharing platforms and user-generated content have reshaped how content is distributed and consumed. Importantly, specialised streaming services have grown in number, reach and market presence, with carefully curated catalogues and strong editorial identities.

These services expand the type of content European audiences can access. They give visibility to works and voices that rarely surface on mainstream platforms. They widen the range of programming available to viewers across Europe, strengthening media pluralism and audience choice.

Yet regulatory and policy discussions continue to be framed around large multi-genre platforms. The result is a blind spot, not in the AVMSD's text, but in how it is applied.

The Directive provides for flexibility. National implementation has not delivered it.

Across the European Union, on-demand services must ensure that at least 30% of their catalogue consists of European works, with some Member States setting higher thresholds. A growing number have also introduced financial contribution obligations

under the framework the AVMSD provides, each setting their own thresholds, scope and exemptions.

Specialised streaming services are defined by editorial identity, not the breadth of their catalogue. Audiences subscribe precisely because of focused, highly curated programming strategies. These obligations may be workable for large multi-genre platforms operating at global scale, but they create structural barriers when applied to services built around specific editorial lines and specialised audiences.

When obligations designed for broad-catalogue platforms are applied uniformly to a service with a focused editorial identity, the effect is not proportionate regulation. It is a structural penalty on editorial focus.

The AVMSD acknowledges this need for balance. It recognises that investment and financial obligations should be applied proportionately and provides two forms of flexibility. The first exempts services with low turnover or low audience from both quota and financial contribution obligations. The second allows Member States to waive obligations where they would be impracticable or unjustified given the nature or theme of a service, or where market impact is limited.

Similar implementation challenges arise with accessibility and localisation obligations. The AVMSD establishes an EU framework for disability accessibility (Article 7) and cultural diversity (Articles 13, 16-17), yet national transpositions vary considerably and frequently exceed these minimum standards, including through mandatory dubbing, extended subtitling obligations, audio description quotas, and prescriptive technical specifications. For specialised streaming services with niche catalogues and limited scale, these cumulative requirements create disproportionate cost burdens, particularly when driven by regulatory mandate rather than demonstrated audience demand.

The challenge, therefore, lies in implementation.

Across Member States, flexibility provisions are applied unevenly, and accessibility and localisation requirements vary substantially. A specialised service may qualify for an exemption in one Member State while facing disproportionate obligations in another for the identical catalogue. The consequences are predictable: compliance costs multiply, legal certainty erodes and market-entry becomes harder. The result is fewer services, less innovation and less choice for European audiences.

Ultimately, this fragmentation undermines the coherence of the Digital Single Market and the diversity of content offered to Europeans.

What we are asking for

Beyond Mainstream is not seeking deregulation. We are asking the Commission to ensure that the AVMSD's existing proportionality mechanisms work as intended.

Specifically, we encourage the Commission to:

1. **Acknowledge specialised streaming services as a distinct category** in the evaluation, rather than treating all on-demand services as variations of the same model.
2. **Issue interpretive guidance** on the application of the low-audience/low-turnover exemptions, to reduce the current fragmentation in national implementation.
3. **Ensure that thematic exemptions are applied consistently and systematically across all Member States**, mirroring the mandatory character of the low audience and low turnover exemption. The absence of any Commission guidance on thematic exemptions, in contrast to the 2020 guidelines on low audience and turnover thresholds, has left this provision largely unused despite its clear legislative intent.
4. **Establish a structured dialogue** with specialised services during the evaluation process. The consultation would benefit from hearing directly from services that experience regulatory friction at the boundaries of the framework, not only from the large platforms that typically dominate these processes.

At a time when Europe is seeking to reinforce media pluralism and broaden the range of content available to its audiences, ensuring that regulation does not inadvertently disadvantage the services that deliver that choice is not a secondary concern. It is a prerequisite.

Beyond Mainstream stands ready to contribute operational expertise, market evidence and case studies to this process.

Sincerely,

Beyond Mainstream: A Global Streaming Alliance