



Broadcasting Services 2021

Key findings

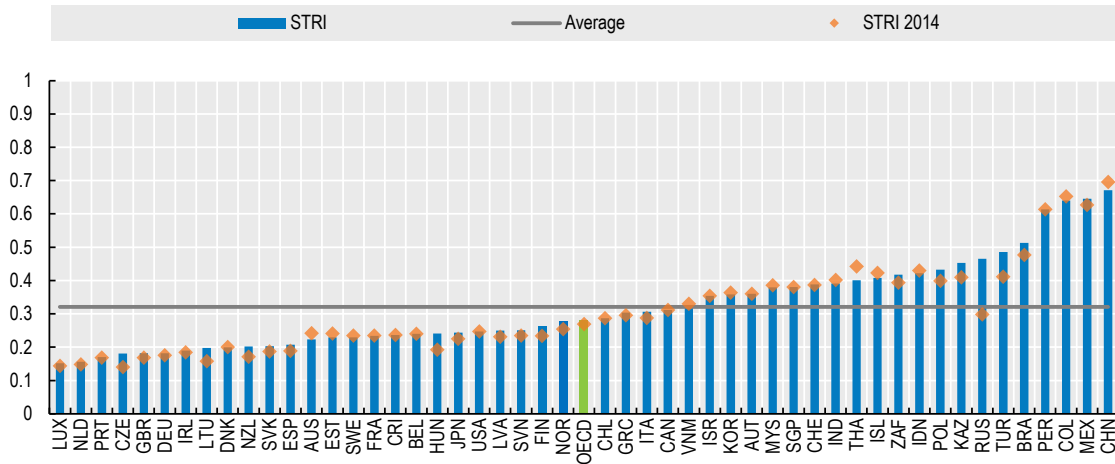
- The average 2021 STRI in the broadcasting sector is 0.32 out of a maximum of 1 (most trade restricted) indicating a relatively high overall level of restrictiveness. However, individual country scores diverge considerably, ranging between 0.15 and 0.67.
- The best performing countries in the sector are Luxembourg, the Netherlands and Portugal. Most regulatory changes in 2021 were recorded in Portugal, Czech Republic and Italy.
- Restriction on foreign entry are the main drivers of trade restrictiveness in the sector, amounting to 63% in OECD economies and 76% in non-OECD economies.

Television and broadcasting include television programming and broadcasting activities (ISIC Rev 4 code 591 and 602). Television services are increasingly bundled with telecommunications services in the marketplace. Telecommunications operators often offer Internet Protocol Television (IPTV) as part of so-called triple play or quadruple play packages (broadband, television and telephone; adding mobile for quadruple play), and in some cases broadcasters have become telecommunications operators. In addition to linear broadcasting, video on demand has become an increasingly important distributor of audio-visual content. Furthermore, there are a host of suppliers offering streaming or downloading on the Internet.

The 2021 STRIs in the broadcasting sector range between 0.15 and 0.67, with a sample average of 0.32 (Figure 1). There are 29 countries below and 21 countries above the average. The best performing countries in the sector are Luxembourg, Netherlands and Portugal. The sectoral average is relatively high; however, there are no countries that are fully closed to trade in this sector.

Several countries introduced regulatory changes affecting the STRIs in 2021 and more so since 2014 (Figure 2). In 2021, the STRIs in this sector saw the biggest changes in Portugal (12%), the Czech Republic (11%), Italy (6%), Australia (6%), Russian Federation (4%), and the United Kingdom (-6%). Since 2014, on the one hand, we have observed countries that have had the strongest restrictive trends such as Russian Federation (56%), the Czech Republic (29%) and Hungary (25%). On the other hand, we have strong liberalising trends in Estonia (-5%), Australia (-8%), and Thailand (-9%).

Figure 1. STRI in broadcasting services, 2021



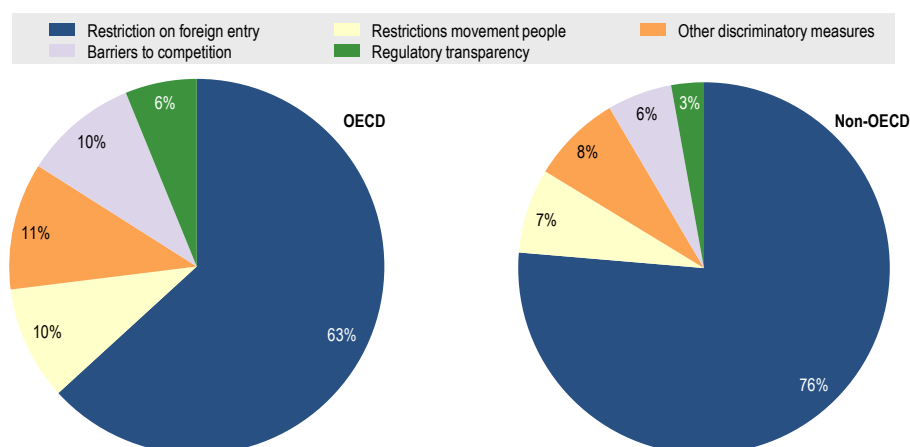
Note: The STRI indices take values between zero and one, one being the most restrictive. The indices are based on laws and regulations in force on 31 October 2021. The STRI regulatory database covers the 38 OECD countries, Brazil, China, India, Indonesia, Kazakhstan, Malaysia, Peru, Russian Federation, Singapore, South Africa, Thailand, and Viet Nam. The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law. Source: OECD STRI database (2021).

Figure 2. Change since 2014 and change in the last year, by country



Note: Selection criteria for Panel A was based on largest absolute changes since 2020. Panel B selection is the three largest increases, and the three largest decreases in the STRI since 2014. Source: OECD STRI database (2021).

Figure 3. STRI policy areas for broadcasting services by OECD and non-OECD economies, 2021



Source: OECD STRI database (2021).

The measures in the STRI database are organised under five policy areas (Figure 3). Restrictions on foreign entry include barriers related to establishing and operating companies such as foreign equity limits or requirements on board of directors and cross-border data flows. Restrictions on the movement of people cover barriers that affect the temporary entry of foreign services providers through quotas, labour market tests and short durations of stay. Other discriminatory measures include discrimination of foreign services suppliers as far as taxes, subsidies and public procurement are concerned. Barriers to competition include information on anti-trust policy, government ownership of major firms and the extent to which government-owned enterprises are exempt from competition laws. Regulatory transparency includes information on consultations and dissemination prior to laws and regulations entering into force. It also records information on obtaining a license or a visa. In this sector, barriers related to restriction on foreign entry are most prominent and amount to 63% in OECD economies and 76% in non-OECD economies.

Table 1 lists the most common restrictions identified in each policy area. Under restrictions on foreign entry, common impediments consist of limits to the proportion of shares that can be acquired by foreign investors in publicly controlled firms, investment screening mechanisms, barriers to the acquisition and use of land and real estate, and residency requirements for key personnel.

Broadcasters rely on information about their viewers' tastes and habits for advertising revenue and for building an audience. Consequently, cross-border broadcasting relies on cross-border data flows. Few countries have general limitations on cross-border data flows, but 42 countries have stricter conditions on the transfer of personal data than recommended in the OECD Guidelines for Protection of Privacy and Transborder Flow of Personal Data. Finally, foreign equity limits are also present but to a lesser degree: some countries limit equity caps to terrestrial broadcasting only while leaving cable and satellite TV open to foreign investment. Others treat all platforms equally.

Restrictions to the movement of people are relatively common across the board and include mostly labour market tests and short permitted durations of initial stay. Under other discriminatory measures, common restrictions relate to cultural tests for subsidies to audiovisual work. Indeed, many countries use subsidies as a means for pursuing cultural and educational objectives. Furthermore, barriers to accessing public procurement markets remain an important challenge for foreign tenderers in many jurisdictions.

As for barriers to competition, in almost all STRI countries the government controls at least one major TV channel. There are restrictions on advertising in 38 countries; general requirements related to minimum capital for new companies are present in 33 jurisdictions; and in more than half of the countries there is at

least one dominant broadcaster. Under barriers related to regulatory transparency, procedural hurdles related to business visas are the most common challenges in this sector. In addition, the public consultation process for new legislative instruments falls short of best practice in 11 countries while broadcasting licences are granted in a non-transparent manner only in four STRI countries.

Table 1. Top 5 most relevant measures by policy area, 2021

Policy area	Measure	Countries having a restriction ¹
Restrictions on foreign entry	There are limits to the proportion of shares that can be acquired by foreign investors in publicly-controlled firms	44
	Cross-border data flows: cross-border transfer of personal data is possible to countries with substantially similar privacy protection laws	42
	Screening exists without exclusion of economic interests	37
	Acquisition and use of land and real estate by foreigners is restricted	35
	Board of directors: at least one must be resident	31
Restrictions to movement of people	Labour market tests: intra-corporate transferees	39
	Limitation on duration of stay for contractual services suppliers (months)	38
	Labour market tests: contractual services suppliers	36
	Memo: Licence or authorisation is required to practice	12
	Other restrictions to movement of people	10
Other discriminatory measures	Public procurement: Procurement regulation explicitly prohibits discrimination of foreign suppliers	45
	Public procurement: The procurement process affects the conditions of competition in favour of local firms	34
	Public procurement: Explicit preferences for local suppliers	32
	Subsidies and tax breaks for audiovisual work are subject to cultural tests	29
	Memo: The procurement process below the value thresholds affects the conditions of competition in favour of local firms	19
	Barriers to competition	National, state or provincial government controls at least one major TV channel
	Restrictions on advertising	38
	Public TV channels are subject to rules that affect the competition with private broadcasters	34
	Minimum capital requirements	33
	Memo: There is at least one dominant broadcaster	29
Regulatory transparency	Visas on arrival or visa exemption are available for temporary entry/transit of crew	41
	Range of visa processing time (days)	28
	Number of documents needed to obtain a business visa	26
	There is an adequate public comment procedure open to interested persons, including foreign suppliers	11
	Broadcasting Licences are granted in a transparent manner	4

Notes

1. The count for “memo” type of measures, which are not scored in the STRI, indicate the number of positive answers recorded for that measure across the 50 countries covered

Top most relevant measures are selected on the basis of the following criteria: (1) most restricted horizontal measures (i.e. same answer across sectors), (2) most restricted sector-specific measures, (3) key measures or (4) memos affecting the score of other measures through hierarchy rules.

Source: OECD STRI database (2021).

More information

- » Access all country notes, sector notes, and interactive STRI tools at <http://oe.cd/stri>.
- » Read more about services trade policies and their impacts in [Services Trade Policies and the Global Economy](#).
- » Benz, S. and A. Jaax (2020), "The costs of regulatory barriers to trade in services: New estimates of *ad valorem* tariff equivalents", *OECD Trade Policy Papers*, No. 238, OECD Publishing, Paris, <https://doi.org/10.1787/bae97f98-en>.
- » Contact the OECD Trade and Agriculture Directorate with your questions at stri.contact@oecd.org.