

ANITA ZAWISZA

EUROPEAN CULTURE, EUROPEAN MARKET
AND EUROPEAN LAW.
THIRTY-PERCENT QUOTA ON THE POLISH MARKET
OF VIDEO-ON-DEMAND PLATFORMS.
A CASE STUDY OF SELECTED PLATFORMS

A b s t r a c t. European Union law places emphasis on Member States to promote European values on the market of expansively developing video-on-demand platforms. A number of guidelines created in recent years, as well as recommendations for their verification, impart dynamics to platform markets in EU Member States. The aim of this publication is to determine whether Art. 13(1) of the amendment to “Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018, amending Directive 2010/13/EU on the coordination of certain statutory provisions, secondary legislation and administrative provisions in the Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities”, has been implemented through the development of Video on Demand platforms on the Polish market. The publication presents a case study of two selected U.S. providers of VOD services, namely Netflix and Disney+ as well as the domestic platform VOD.TVP.PL. In order to achieve the goal adopted, the author employed the mixed-methods research approach combining document review, content analysis and descriptive quantitative data. The main documents forming the theoretical basis for the subject include, among others: the aforementioned amendment to Directive 2018/1808, the 2020 Communication from European Commission, the Act amending the Broadcasting Act and the Act on Cinematography of 2021, as well as the 2024 report of the National Broadcasting Council, which is the competent authority in matters concerning on-demand audiovisual media services.

Keywords: cultural diversity; video on demand; 30% quota; audiovisual directive; European culture

Dr ANITA ZAWISZA – University of Warsaw, Faculty of Journalism, Information and Book Studies; correspondence address: ul. Krakowskie Przedmieście 26/28, 00-927 Warszawa; e-mail: anita.zawisza@uw.edu.pl; ORCID: <https://orcid.org/0000-0001-7050-5889>.

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INTRODUCTION

Europe is the result of the cultural traditions of each Member State, hence its rich diversity of cultures (Jordan, 2022). Cultural diversity is one of the key values upon which the European Union is based. With regard to the objectives and mission of the EU, it plays a significant role in fostering social cohesion, democracy, and solidarity among the Member States. “In varietate concordia”, as the motto of the European Union proclaimed at the session of the European Parliament on 4 May 2000 (European Union, [n.d.]). The discussed diversity was also included in the “Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 on audiovisual media services”, which imposed on VOD service providers a number of new obligations concerning the relationships between users – recipients of content, users providing content, as well as the platforms themselves. In recent decades, cultural diversity has become a foundation in the development of policies related to culture and beyond (Ranaivoson, 2019). The implementation of this measure is noticeable, for instance, in the global film market, which has undergone significant changes in recent times. An example of this can be seen in specific measures implemented by Hollywood in relation to clearly defined criteria concerning diversity and minorities in films nominated for the Oscars (Stern and Yandoli, 2024). There is, however, no clearly agreed upon and specific definition of production or consumption diversity in the audiovisual sector for VOD platforms. The discussed cultural diversity of video-on-demand platforms is reflected in Andrew Stirling’s model (2007), which defines diversity as a combination of variety, balance, and disparity. According to this model of classification, the diversity of VOD platforms is seen in categorisation, where its elements (for example, feature films, television series) are grouped into categories (for instance, those based on film provenance). Once this categorisation has been carried out, diversity corresponds to the number of categories, while balance refers to the way in which elements are distributed across those categories (for example, the share of films released per nationality) (Ranaivoson, 2019). Similarly, the issue of promoting cultural diversity was included in the 2018 Audiovisual Media Services Directive, which will be discussed in more detail later in this article.

1. THE GLOBAL EXPANSION OF VOD PLATFORMS ON THE POLISH MARKET

There is no novelty value to the statement that the Polish video-on-demand platform market is dominated by American platforms, such as Apple TV+, Disney+, Hulu, MAX, Netflix, and Prime Video (Frączyk, 2024). In Poland, Netflix is the undisputed leader on the streaming market, holding a 29% market share more than twice that of Amazon Prime Video (14%) and significantly ahead of services such as Viaplay and SkyShowtime (each with 3%). Disney+ is ranked fourth with a score of 12% (Serafinowicz, 2025). The distribution of the percentage share in the VOD platform market in the first quarter of 2025 in Poland is presented in the diagram below.

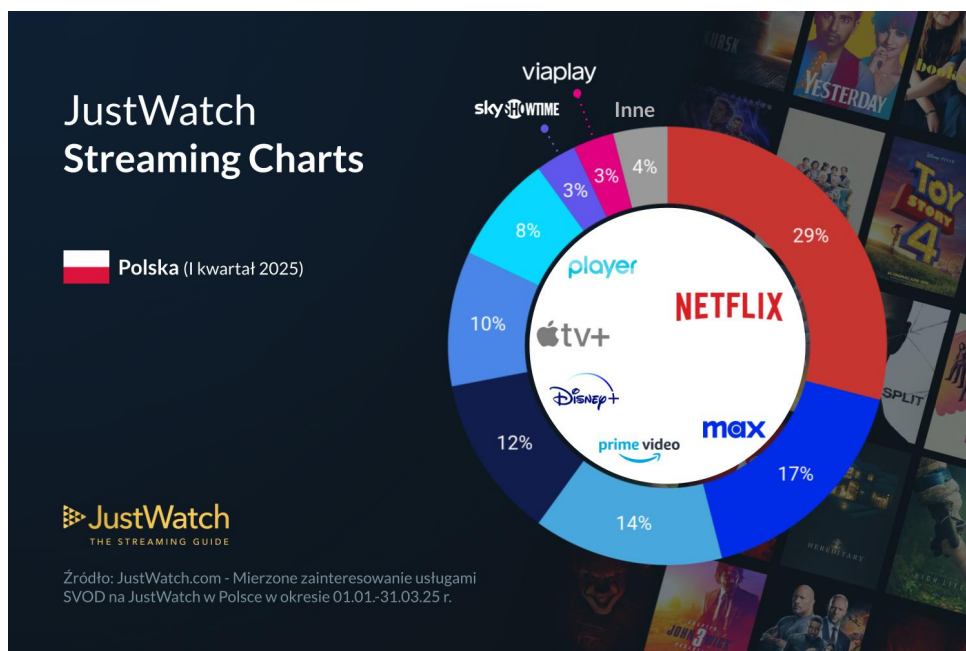


Figure 1. Diagram of streaming services. Poland, first quarter of 2025

Source: Serafinowicz, 2025.

Netflix

Netflix was officially launched in Poland in January 2016 as part of a global expansion that simultaneously covered over 130 countries. Initially, the offer was limited: there were no Polish subtitles or voice-over, little local content,

and the service interface was available only in English. However, a few months later, 80 percent of the content on the local version of the platform featured either Polish voice-over or subtitles, along with a fully Polish-language interface (*Polska wersja Netflix*, 2016). Over time, Netflix began investing in local content, which is part of its global strategy. The first Polish original series produced by the American giant was the title “1983” – a thriller from 2018 (Pązik, 2018). Subsequent Polish Netflix series productions represent further attempts to combine local themes with a global format. Examples include: “Sexify” (2021), “Krakowskie potwory” (Cracow Monsters) (2022), “Infamia” (Infamy) (2023), “Dziewczyna i kosmonauta” (A Girl and an Astronaut) (2023), and the most recent series “Idź przodem bracie” (Brother, Go Ahead) (2024).

Disney+

The Disney+ platform was launched on the Polish VOD market in June 2022 (press.disneyplus.com). In relation to other, foreign platforms expanding in Poland, this brand had already been well-known and successfully promoted on the domestic market, which can be evidenced by the above chart with leading platforms, where Disney+ ranks fourth, scoring 12%. According to the Statista.pl report: in December 2024, Disney+ had over 4.18 million of actual users in Poland (Puzio, 2025). The platform’s catalogue is divided into five groups, i.e. content produced by: Walt Disney Pictures, Pixar, Marvel Studios, Star Wars, and National Geographic. That is, all the companies that Disney+ has rights to. In 2019, they were joined by 21st Century Fox (Johnston, 2024). Moreover, Disney+ includes content of other streaming platforms, such as Hulu or the sports channel ESPN Plus (Sorrentino and Solsman, 2019).

VOD.TVP.PL

Another example included in this assessment is VOD.TVP.PL, a domestic streaming platform that was launched in 2010. The provider of the on-demand audiovisual media service called vod.tvp.pl is “Telewizja Polska” (TVP.PL). It is a product of the national broadcaster, the television station with the longest history and tradition on the Polish media market. VOD.TVP.PL, in its catalogues, includes broadcasts of its own productions from the current repertoire as well as from the archive (films, series, programs) (Jaska, 2019, p. 126). Moreover, this broadcast’s offer includes European and non-European productions (e.g. American ones) available in the financial model of paid subscription (SVOD), free of charge (AVOD), as well as transactional content rental (TVOD).

According to the data provided by wirtualnemedi.pl, as of March 2025, vod.tvp.pl is one of the most popular streaming platforms. The table below presents extensive results based on the following categories: participation in time, real users, average time and reach. In this case, the classification of streaming platforms is not surprising with regard to the top spot, which is held by Netflix. In turn, vod.tvp.pl looks promising, ranking third. As can be deduced from the table, in March 2025, the TVP platform was visited by 2.7 million computer, smartphone and tablet users (9.08% of the reach). Each visitor spent there an average of 4 hours, 3 minutes and 29 seconds, which resulted in a 7.69% share in the total time.

Czołowe platformy VoD i OTT w marcu 2025 r. (badanie Gemius/PBI) WIRTUALNEMEDIA.PL					
domena	audyt	udział w czasie	realni użytkownicy	średni czas	zasięg
NETFLIX (brand)	nie	45,90%	10 788 714	6:03:09	36,32%
MAX (brand)	nie	11,61%	4 069 926	4:03:30	13,70%
TVP (brand)	miks	7,69%	2 697 138	4:03:29	9,08%
DISNEY PLUS (brand)	nie	7,28%	5 321 376	1:56:50	17,91%
PRIME VIDEO (brand)	nie	4,81%	3 778 812	1:48:36	12,72%
CANAL PLUS (brand)	nie	4,74%	2 520 234	2:40:38	8,48%
PLAYER (brand)	tak	4,67%	2 329 884	2:50:56	7,84%
POLSAT BOX GO (brand)	miks	3,00%	1 902 852	2:14:46	6,41%
CDA (brand)	nie	2,65%	1 206 252	3:07:20	4,06%
WP (brand)	nie	1,77%	1 277 370	1:58:32	4,30%

Figure 2. Diagram of streaming services. Poland, first quarter of 2025

Source: Wojtas. 2025.

2. LEGAL ASPECTS OF THE AUDIOVISUAL SERVICES REGULATIONS AND THEIR IMPLEMENTATION IN POLAND

The scope of the audiovisual media market regulation in the European Union is imposed mainly by the Audiovisual Media Services Directive (AVMSD) of the European Commission, the evolution of which took place in several significant stages. Namely: the first version of the AVMSD 2007/65/EC of 2007, began to regulate audiovisual content on the Internet, including VOD (AVMSD, 2007).

In 2010, this media directive was amended by AVMSD 2010/13/EU9, which, among others, added provisions on the protection of minors, promotion of European content, information obligations, etc. Another amendment to the existing legislative act of the Directive, namely AVMSD 2018/1808/EU, concerned strengthening the provisions on the promotion of works created in Europe. This is of great significance as it obliges Member States to include 30% of European content in the VOD platforms' catalogues. According to Art. 13(1) of the discussed document: Member States shall ensure that media service providers of on-demand audiovisual media services under their jurisdiction secure at least a 30 % share of European works in their catalogues and ensure prominence of those works (AVMSD, 2018).

The AVMSD Directive 2018/1808/EU was enacted on 14 November 2018 and disseminated in the EU Official Journal on 28 November 2018. Member States had to transpose it into their national legislation within a period of 21 months, by 19 September 2020.

With regard to the changes introduced in the law on audiovisual services, and, above all, to the issue of the mandatory 30% share of European content, some doubts concerning the measurability and verifiability of a given regulation have arisen. Considering the dynamic changes taking place on VOD platforms, i.e. films and series being consistently published and removed from given platforms at different time intervals, this provision has given rise to many doubts, and, consequently, deviations from its implementation. Subsequently, the European Commission issued a document entitled "Communication from the Commission. Guidelines pursuant to Art. 13(7) of the Audiovisual Media Services Directive on the calculation of the share of European works in on-demand catalogues and on the definition of low audience and low turnover" of 2020, which contains an instruction on how to calculate the share on the basis of national titles and catalogues, explains what constitutes a title in a given catalogue and specifies the temporal dimension for measuring 30% share of European content. As we can read in the introduction to the European Commission's document: The essence of Art. 13(1) of the AVMSD is to ensure that VOD providers actively contribute to the objective of promoting cultural diversity within the Union by providing a minimum share of European works in their offers (Communication from the Commission, 2020). Moreover, the communication emphasizes that the obligation to verify and ensure compliance with the requirement to provide a specified share of European works in its catalogues rests with the Member State under whose jurisdiction a given VOD service provider remains (Communication from the Commission, 2020).

In that case, how can one measure the fulfillment of a given requirement stipulating European content on VOD platforms? We also find an answer to this question in the guidelines to the 2018 Audiovisual Media Services Directive: “in the case of VOD services, due to their characteristics, it is more appropriate to calculate the share of European works in catalogues based on titles and not on broadcasting (viewing) time. [...] Since calculating this share on the basis of titles is more neutral, it can facilitate the development of a more diverse offer of European works” (Communication from the Commission, 2020). This provision also applies to national catalogues, i.e. VOD providers operating in the Union and having multiple catalogues in EU countries, which include different works depending on the target national market (Member State). The repertoire of the same provider may differ across countries, partly due to agreements with producers regarding licensing rights for content distribution in a given territory (*Polska wersja Netflix*, 2016). One significant issue remains, which has been included in the EC guidelines, namely the temporal dimension of the 30% quota measurement. So, is there a specific, reliable period for collecting and obtaining results? The European Commission guidelines state: “Providers may be required to ensure compliance at every point in time or on average over a pre-determined period. The latter approach would allow temporary fluctuations to take place.” (Communication from the Commission, 2020). In light of the above guidelines issued at the European level, it is necessary to assess the practical implementation of Art. 13(1) of the Directive, based on the domestic VOD platform market.

3. SHARE OF EUROPEAN WORKS: CASE STUDY OF NETFLIX, DISNEY+ AND VOD.TVP.PL IN POLAND

In this part of the publication, a content assessment will be conducted using document analysis and film content databases, with a focus on how three selected video-on-demand platforms expanding their operations on the Polish market comply with Art. 13(1) of Directive 2018/1808/EU. A tool such as Lumiere VOD database is a catalogue of European works (films and TV content) available from on-demand services in Europe. The platform belongs to the European Audiovisual Observatory¹. Filmweb.pl, on the other hand, is Poland’s leading film database². Taking into account the dynamics and variability of VOD platforms,

1 See <https://lumierevod.obs.coe.int/>, [accessed: 26.04.2025].

2 See <https://www.filmweb.pl/help#1>, [accessed: 26.04.2025].

and therefore the fluctuation of content (both that added and removed from services), only European content – i.e., films and series – was taken into consideration in the content assessment. The search engines include a filter with all options under the name “Country of production”, i.e. all 27 EU countries as categories defining the content of platforms. When evaluating the content of the domestic video-on-demand platform, the author used data from the film and TV series database on Filmweb.pl, as the Lumiere VOD database does not include the vod.tvp.pl platform. In the case of the Polish website, the same filter was also applied; however, the values (categories) had to be entered separately for films and series, as well as individually for each of the 27 EU countries, due to issues with searching for multiple production countries simultaneously. The assessment of the content of the selected VOD platforms’ catalogues represents only a general overview rather than an in-depth content analysis, which could probably be carried out with specialised tools, as well as information from the providers themselves, who do not make statistical data on their catalogues publicly available.

Nevertheless, VOD providers are subject to control by the National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji = KRRiT), which publishes annual reports for the previous year. These reports include VOD reports that each of the 151 providers registered with the KRRiT is required to submit within a specified period. The 2024 report, issued in 2025, included significant issues regarding European catalogues, which are discussed in the article presented. The report states that: “in the case of 95 (out of 151) VOD catalogues, the provider declared that they are exempt from the obligation to promote European broadcasts. Most often, the reason for this was such that the scale of operations on the market was too small. The share of European broadcasts in other catalogues on average amounted to 83%. The obligation to promote European broadcasts was also fulfilled by marking the country of origin of the broadcasts (in 33 catalogues), providing the option to search for European works (in 36 catalogues), including additional materials promoting European broadcasts (in 36 catalogues), and highlighting European broadcasts in the catalogue (in 43 catalogues)” (KRRiT, 2025). From the above document, it can be concluded that 56 VOD platforms achieved an average of 83% European content in their catalogues, thereby meeting the statutory 30% quota requirement on the Polish VOD platform market. However, it should be noted that the Council’s report does not specify individual platform names or their percentage performance; instead, it provides a general average calculated for all platforms subject to the 30% quota obligation.

The above data issued by the National Broadcasting Council may be confronted with data from film and series databases, including Lumiere VOD, which the author used to provide an indicative assessment of the Netflix and Disney+ platforms, as well as Filmweb.pl, which serves as a reference point for evaluating European values for the domestic platform vod.tvp.pl. In search of European content, the total number of European titles on Netflix was 5059 (including productions from 2025). In turn, for Disney+ the count of European content reached 1112. The author also compared the availability of Polish productions in the current catalogues of these two foreign providers (as of the end of April 2025). And the difference obtained in such a way is striking. According to the Lumiere VOD directory, there are 378 Polish titles available on Netflix, while on Disney+ there are only 10. Compared to, for example, American productions, the numbers are as follows: on Netflix, according to the Lumiere VOD directory, there are 755 titles, while on Disney+, there are 319 programs. All the more so, the issue of the American company Disney+ not meeting the 30% quota requirement is truly puzzling. In mid-2022, on the official Disney+ website, there was information that the platform did not meet the requirement of 30% quota of European content (Palmer, 2022). More precisely, after the acquisition of Fox, Disney blocked access to this company's content on other platforms, including Netflix. Moreover, Disney's streaming services are now almost exclusively a source of original content produced by the American conglomerate, shutting down (Disney+) streaming services, a potential market for independent producers. The use of such practices, i.e. development through acquisitions in order to establish unparalleled strength on the labour market, makes Disney a so-called *gatekeeper* on the VOD platform market (*The New Gatekeepers*, 2023).

Polish platform vod.tvp.pl is, however, a completely different case as it already assumes the promotion and diversity of European content in the terms and conditions section of its website. According to the filmweb.pl database, vod.tvp.pl offers over 2000 domestic titles (films and series). Moreover, on vod.tvp.pl there is always a representative content item or items from every European country. According to the filmweb.pl, apart from domestic productions, the vod.tvp.pl website is also dominated by French titles, of which there are over 320 in the database.

CONCLUSIONS

The implementation of the Directive 2018/1808 by EU Member States was to be completed by 19 September 2020. However, the first draft of the amendment to the Broadcasting Act and the Act on Cinematography was prepared by the Ministry of Culture and National Heritage only on 7 September 2020, which delayed the implementation of this directive. In fact, the implementation process is still being continued.

The amendment of the Audiovisual Media Services Directive, in particular Art. 13(1), which stipulates the requirement of a 30% share of European content on VOD platforms in the European Union, has caused visible changes on the domestic market of VOD platforms. The European market, dominated by American video-on-demand giants, calls for the promotion of the works of European culture. Bearing in mind the way in which the provision of Directive 2018/1808 about the 30% quota is implemented into Polish law, it can be concluded that this provision was rationally prepared with the use of documents accompanying and expanding, at times, succinctly formulated points of the amendment to Directive 2018/1808. However, a detailed verification and transparent access to information about the providers (which are reported and described in a superficial way, for example, in the 2024 report of the National Broadcasting Council) remain a debatable issue. This matter is crucial, because the obligation to supervise VOD providers rests with the Member State in which the platforms conduct their activities. The Broadcasting Act also covers issues related to reporting on the implementation of statutory provisions (i.e.: protection of minors, promotion of European works and works originally produced in Polish as well as accommodations for people with disabilities³) and annual submission of the financial statements by the VOD platforms. Meanwhile, in the National Broadcasting Council's (KRRiT) report, it can be read that the video-on-demand providers act with conspicuous insubordination as: "by the end of 2024, due to the failure to submit the report for 2023, 340 VOD providers were requested to send explanations and 40 notices about the initiation of administrative proceedings aimed at imposing a financial penalty were sent" (KRRiT, 2025). Therefore, this procedure remains one of the key factors in terms of verifying and assessing compliance with the 30% quota requirement binding the VOD platforms which operate on the Polish market. In the era of volatile modernity and dynamically changing trends, media consumption styles and viewers' preferences, the assessment of the application of Art. 13(1) of the

3 This obligation results from Art. 47j of the Broadcasting Act

Audiovisual Media Services Directive is a long-term process which requires cooperation and reliable, transparent information flow between VOD providers and authorities operating at a national level (in this case, the National Broadcasting Council).

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EUROPEJSKI RYNEK, EUROPEJSKIE WARTOŚCI, EUROPEJSKIE PRAWO.
30% UDZIAŁ TREŚCI NA POLSKIM RYNKU PLATFORM VIDEO ON DEMAND.
STUDIUM PRZYPADKU WYBRANYCH PLATFORM

Streszczenie

Prawo Unii Europejskiej kładzie nacisk wobec państw członkowskich na promowanie wartości europejskich na rynku ekspansywnie rozwijających się platform Video on Demand. Szereg stworzonych wytycznych, jak i zalecenia ich weryfikacji dynamizują rynki platform w państwach UE. Publikacja ma na celu wykazanie, w jaki sposób artykuł 13(1) nowelizacji Dyrektywy Parlamentu Europejskiego i Rady (UE) 2018/1808 z dnia 14 listopada 2018 r. zmieniająca dyrektywę 2010/13/UE w sprawie koordynacji niektórych przepisów ustawowych, wykonawczych i administracyjnych państw członkowskich dotyczących świadczenia audiowizualnych usług medialnych (dyrektywa o audiowizualnych usługach medialnych) ze względu na zmianę sytuacji na rynku został zaimplementowany przez rozwijające się na polskim rynku platformy Video on Demand. Artykuł prezentuje studium przypadku dwóch wybranych amerykańskich dostawców usług: Netflix i Disney+ oraz rodzimej platformy VOD.TVP.PL. Do zrealizowania postawionego celu, autorka wykorzystwała podejście mieszanych metod, łącząc przegląd dokumentów, ocenę zawartości oraz opisowe dane ilościowe. Głównymi dokumentami, które stanowią podstawę teoretyczną, są m.in.: wspomniana nowelizacja dyrektywy 2018/1808 Komisji Europejskiej, ustawa o zmianie ustawy o radiofonii i telewizji oraz ustawy o kinematografii z 2021 r., jak również sprawozdania Krajowej Rady Radiofonii i Telewizji z 2024 r., jako organu właściwego w sprawach audiowizualnych usług medialnych.

Słowa kluczowe: różnorodność kulturowa; wideo na żądanie; 30% treści; dyrektywa o audiowizualnych usługach medialnych; kultura europejska