BRITISH SCREEN FORUM

FRAME THE DEBATE

Submission to:

Department for Business, Energy & Industrial Strategy Consultation:

Draft Ecodesign And Energy Labelling Regulations (Lighting Products) 2021

January 2021

This paper was drafted in consultation with British Screen Forum Members and submitted to the Department for Business, Energy & Industrial Strategy on 26 January 2021

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A. ABOUT BRITISH SCREEN FORUM

This submission is being made by British Screen Forum, a membership organisation through which many of the best informed and most influential people in the UK screen sectors convene to interrogate issues of importance and influence policy and the thinking around policy.

We provide a unique and trusted space for key players from the screen sectors to come together to debate the implications of the evolving landscape and the policy and regulatory environment, and to gain unrivalled insight into emerging themes and innovative technologies.

Members are senior figures drawn from a wide range of businesses and organisations operating in the film, TV, video game and/or online sectors. We aim to cover the whole value chain as well as the full range of means of distribution, so include members who can speak for writers, technicians, independent producers, directors, studio operators, distributors, exhibitors, broadcasters, games publishers, games developers, pay TV platforms and online platforms. It is a unique cross-sectoral mix, with a balance of creative, policy and business specialists. Further details are available on our website[1].

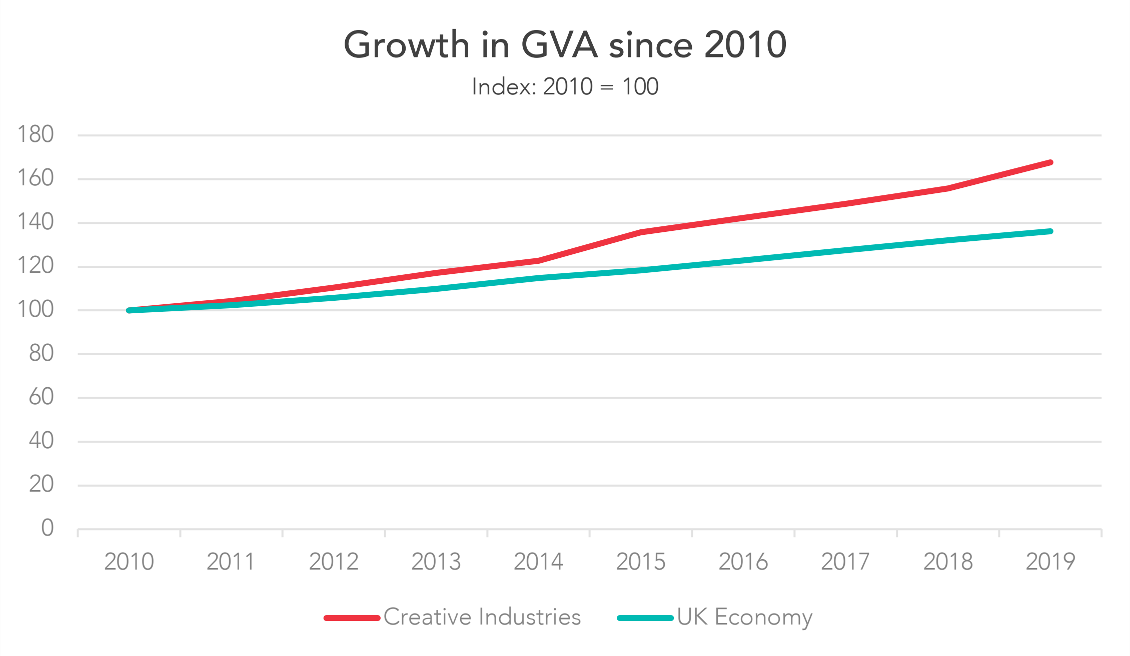
B. THE SCREEN SECTORS AND LIGHTING

We are making this submission because of the importance of light sources in the production of screen sector content. In essence, audiovisual content production is simply the capture of different types of light and sound in very particular combinations; the continuing availability of appropriate means of generating different light conditions is therefore fundamental to this sector in a manner which is not widely shared outside the Creative Industries. Within the Creative Industries, we understand that those involved in live performance and theatre, in particular, will have related concerns. Regulations which would prevent access to particular light sources before suitable alternatives are available would be very damaging, not just to the sector, but, given its importance, to the UK economy as a whole.

Together, the Creative Industries represent a global economic success story for the UK, contributing £115.9bn in 2019, accounting for 5.9% of UK GVA. The GVA of Creative Industries increased by 5.6% between 2018 and 2019 and by 43.6% between 2010 and 2019 in real terms[2], significantly outperforming the economy as a whole.

[1] https://britishscreenforum.co.uk/

[2] Source: DCMS Sectors Economic Estimates 2019 (Provisional): GVA, December 2020



Data source: DCMS

Much of this growth is export led, with exports growing to £35.6bn in 2018[3], more than doubling in value since 2010 and growing at twice the rate of services across the economy as a whole over that period (and accelerating particularly strongly since 2015).[4]

The Creative Industries have also delivered strong jobs growth, including for UK nationals. They employed 2.1m people in the UK in 2019, up 34.51% since 2011[5] – a growth rate more than three times the rate seen in the economy as a whole. This success has included employing 156,000 more UK nationals in 2019 than in 2015, an increase of 9.5% in the number of UK nationals employed compared with a national growth rate of 3.1% over the same period[6].

Much of this growth has been driven by the screen sectors and the UK has an exceptional record of success in creating filmed content for audiences at home and around the world. Consequently, it is a major centre of film and TV production activity for both domestic and international content creation companies, attracting 12%

[3] Source: DCMS Sectors Economic Estimates 2018 Trade In Services , page 7
[4] Creative Industries exports were worth £14.7bn in 2010 and had grown by 142% by 2018. Over the same period the total value of services exported by the UK rose by 71% (from £174.1bn to £297.4bn). Source: DCMS Sectors Economic Estimates 2017 Trade In Services, Table 1 and DCMS Sectors Economic Estimates 2018 Trade in Services, Table 2
[5] Creative Industries jobs grew by 34.51% between 2011-19, jobs in the wider economy by 11.36%. Source: DCMS Sectors Economic Estimates Employment 2018 and DCMS Sectors Economic Estimates Employment 2019
[6] Source: DCMS Sectors Economic Estimates Employment 2015 and DCMS Sectors Economic Estimates Employment 2019

($21bn) of all global screen production expenditure in 2019[7]. The majority of this expenditure, $15.8bn, represents inward investment from outside the UK, as major US studios and streaming companies in particular choose the UK as the place to film major feature films and TV series.

Such production activity is often highly mobile and there is intense international competition to attract it. If local prohibitions on light sources prevent creators of screen content from achieving in the UK the precise lighting conditions required for a project, that project is likely to be filmed in a competitor territory (outside both the UK and the EU). This would have very serious consequences on the ability of the sector to continue to deliver the strong economic growth seen over the past decade. As the activity would be displaced to other territories rather than discontinued, the economic loss to the UK would be suffered without any likely gains with respect to reducing global carbon emissions.

C. THE PROPOSED REGULATIONS

As the consultation document notes, the proposed regulations are essentially the same as those supported by the UK and agreed by the EU in late 2018, and which will begin to take effect in EU Member States from September 2021. As originally drafted, the EU regulations would have had a devastating impact on film and TV production throughout the EU as they would have outlawed certain light sources and related equipment which are vital to the production process before there was any realistic prospect of suitable alternatives being available.

We note that during the development of the EU regulations, there was no formal consultation with interested parties in the UK and vital amendments were only achieved at a very late stage in the process following significant concerns being expressed by British Screen Forum and others on behalf of screen sector, theatre and live entertainment companies.

Those late changes introduced and/or extended a range of exemptions and dealt with the vast majority of screen sector concerns. It is therefore our strong view that all those exemptions should be preserved intact, as is the stated intention, to avoid damaging a vital UK economic sector.

We observe that the expression of relevant definitions and exemptions differs in some respects from the EU regulation. Our preliminary view is that the differences appear merely to reflect the different drafting conventions of UK as opposed to EU legislation and that no material difference is intended. However, this is a highly technical matter, and we caution against the risk of unintended negative consequences. We therefore

[7] Source: Global Screen Production – The Impact of Film and Television Production on Economic Recovery from COVID-19, Olsberg•SPI, June 2020, page 13

encourage BEIS to engage directly with film and TV lighting specialists to ensure that the UK legislation cannot be interpreted in an unintended manner.

We note also that Part 3, Section 16, of the proposed legislation provides that the Secretary of State must before 1st September 2026 evaluate the regulations, taking into account the speed of technological progress, and report on whether the regulations should be amended. We would argue that any such evaluation must include an impact assessment which includes within its scope a specific analysis of the impact of any changes on the screen sectors, in particular, given the central importance of particular light sources to the film and TV production process. Given the related concerns, and the overlap between theatre/live events and the screen sectors, we would support including such activities within the scope of the impact assessment as well.

Such a sectoral impact analysis would help avoid the risk of unintended negative consequences resulting from future amendments to the legislation.

For more information, please see our website: www.britishscreenforum.com
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