

## Licences for Europe

### Working Group 1

#### EBU comments on Conclusions and Observations by the content industries' stakeholders on the portability of audiovisual content in the EU market

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We would like to thank the Commission for having organised this stakeholder dialogue. Despite its complexity and a certain lack of transparency, the EBU and members have actively and constructively participated in this exercise.

We have some comments regarding the conclusions and observations on the portability of audiovisual content in the EU market.

These conclusions, we understand, relate exclusively to subscription-based services, even if this has not been clarified in the title. However, the interest of European audiences to access content across borders certainly goes beyond subscription-based services. Since this wider aspect is not reflected in the conclusions we decided not to endorse them.

Nevertheless, the EBU is of course open for any further dialogue concerning cross-border access to Public Service Broadcasters' programmes and services on all platforms.

The EBU welcomes the European Commission's aim to achieve a digital single market. As public service broadcasters, our members believe in the free flow of information in Europe and its increasing importance. Cross-border access to free-to-air content offered by Public Service

Broadcasters has successfully been available for many years via cable and also via satellite. Various EBU members are also leading in developing innovative online services, making them available across borders if possible and via many platforms, including IPTV and mobile devices; some also offer portability when audiences travel.

Nonetheless, some participants of Working Group 1 have highlighted serious challenges to the smooth operation of licensing practices for mass-media content. Responding especially to user and also to the development of content transmission offers by the telecoms' sector, public service broadcasters are increasingly offering their services – linear and non-linear – on all platforms. Consequently, it doesn't make sense to differentiate between cable, wireless or other platforms. In order to make the legal environment future proof, have highlighted the need for a technologically neutral approach to the legal rules that are still limited to cable retransmission.

Alongside our members' experimentation with new business models to meet audience demands, legal certainty for the licensing of multi-platform and cross-border services, as was done 20 years ago for cable and satellite services, will foster ever more legal offers in the European market and provide for more consumer-friendly access to audiovisual content.

We therefore welcome the ongoing work of the 2<sup>nd</sup> pillar of the Licences for Europe initiative and look forward to further work on this issue in the context of the legal review and the upcoming consultation.