

Cross-border portability of online content services

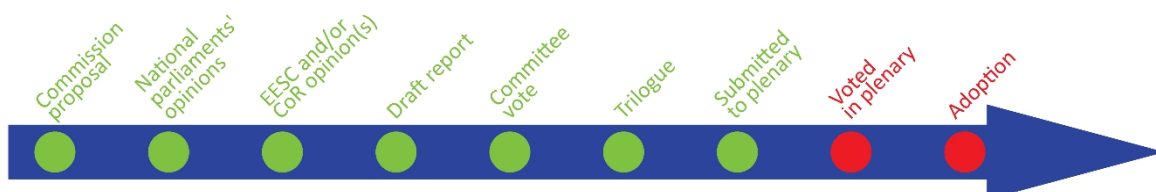
OVERVIEW

In February 2017, negotiators from the European Parliament, the Council and Commission reached a compromise on the proposal for a regulation on cross-border portability of online content services. The EP must now formally approve the new rules, enabling consumers to access their online subscriptions for content services when they travel across the EU and are temporarily outside their Member State of residence.

The compromise text amends the Commission's proposal in various ways. It clarifies that providers of free-of-charge online content services can also offer portability services to their subscribers. The notion of temporary presence in other Member States has been tightened and refers to a limited period of time. The concept of Member State of residence and its verification mechanism are also more explicitly defined. At the EP's request, some safeguards have been added to ensure data protection and privacy are respected (especially for IP address checks), and a waiver clause has been introduced which allows content providers to avoid verifying the residence of their customers when all the holders of copyright, related rights, or other rights in the content agree.

Proposal for a Regulation of the European Parliament and of the Council on ensuring the cross-border portability of online content services in the internal market

<i>Committee responsible:</i>	Legal Affairs (JURI)	COM(2015) 627 of 9.12.2015
<i>Rapporteur:</i>	Jean-Marie Cavada (ALDE, France)	2015/0284(COD)
<i>Next steps expected:</i>	First-reading vote in plenary	Ordinary legislative procedure



Introduction

On 9 December 2015, the European Commission adopted a [proposal](#) for a regulation on portability of online content services. The proposal aims to facilitate the cross-border portability of online content services so that users can access their online content services – such as audiovisual and music – whenever they travel across the EU. The new legislation would introduce a common approach in order to remove barriers to cross-border portability in the Union.

Context

Demand for cross-border access to online content

Technological developments and the growing use of portable devices such as tablets and smartphones have greatly facilitated access to online content services independently of the location of the users. Subscriptions to online content are growing fast ([International Video Federation](#), 2014). As a result, consumers increasingly want to access online content services not only in their home country but also when they travel or temporarily stay in another Member State ([Plum Consulting](#), 2012). Enhancing cross-border access to online content has therefore become central to fostering a favourable environment for e-commerce in the EU.

Surveys show that consumers are often prevented from using the content services that they have acquired in their home country when they cross an internal EU border (e.g. [Eurobarometer](#) survey, 2015). The European Commission [estimates](#) that at least **29 million people**, or **5.7 % of European consumers**, would potentially make use of cross-border portability of online services in the EU and that this percentage will grow in future (reaching **14 %** and around **72 million people by 2020**) given the increasing use of mobile devices and the trends amongst young customers towards cross-border online access. However some [stakeholders](#) and other studies ([European Audiovisual Observatory](#), 2015) indicate that demand for cross-border access to online content is more limited, and consider that less than **3 % of the EU population** are concerned.

Recent Commission initiatives for enhancing cross-border access to online content

Stakeholder dialogue 'Licences for Europe'

In 2013, the Commission launched a stakeholder dialogue, '[Licences for Europe](#)', in order, inter alia, to promote industry-led solutions for fostering cross-border access and portability of services in the EU. Representatives of the audiovisual sector issued a [joint statement](#) affirming their commitment to continue working towards the further development of cross-border portability. However, [according](#) to the Commission no tangible results or concrete industry follow-up have materialised yet.

Collective Rights Management Directive

The [Collective Rights Management Directive 2014/26/EU](#) (CRM) was adopted in order to improve the functioning of the organisations in charge of representing collectively the interests of the rights-holders in the EU. One of the key objectives of the Directive – which had to be transposed in all Member States by April 2016 – is to create the conditions for more effective licensing of online musical works in a cross-border context (i.e. multi-territorial licences). Scholars have however [stressed](#) that important legal questions regarding the implementation of the Directive still remain to be clarified.

Commission competition inquiry and antitrust proceedings

In parallel to the legislative initiatives the Commission also launched an [inquiry](#) into the e-commerce sector, to assess in particular the potential barriers erected by companies to cross-border online trade in goods and services.¹ On 15 September 2016, the Commission

published a [preliminary report](#) on the e-commerce sector inquiry setting out its initial findings and identifying certain business practices that may limit online competition. The final report is due in the first half of 2017. Furthermore, in 2015 the European Commission initiated formal [antitrust proceedings](#) against several film studios and broadcasters, accused of having put in place – in breach of EU competition law – some contractual restrictions preventing EU consumers located elsewhere to access, via satellite or online, pay-TV services available in the UK and Ireland. In this context, the Commission accepted the [commitments](#) offered by Paramount in order to limit the geo-blocking practice on its cross-border pay-TV services. However, the French broadcaster Canal Plus has already challenged the Commission's agreement with Paramount in the General Court ([Case T-873/16](#)).

Digital Single Market Strategy

The Juncker Commission has identified the completion of the [Digital Single Market](#) (DSM) as one of its political priorities, and has committed to adapting EU legislation to the digital era in its 2015 [work programme](#). Accordingly, one of the main objectives of the [Digital Single Market strategy](#) announced by the Commission on 6 May 2015 is to remove barriers to e-commerce and ensure better access for consumers and businesses to digital goods and services across Europe. To that end, a step-by-step approach was announced in the [Communication on the future of the European copyright framework](#), with a series of targeted legislative interventions to modernise copyright law and adapt it to technological challenges.

As a first step, the Commission adopted on 9 December 2015 a [legislative proposal on cross-border portability](#) in order to ensure that subscribers to online content services can continue using them while temporarily present in another Member State. This proposal will be followed in 2016 by other legislative initiatives targeting other barriers to e-commerce such as [geo-blocking](#), the obstacles to [online contracts](#) and the [review of the Satellite and Cable Directive](#) (i.e. for cross-border distribution of television and radio programmes online).

Existing situation

At the moment, there are no explicit provisions under EU law mandating cross-border portability of online content services. Territorial licensing and exclusivity, which usually characterise the provision of online content services in the EU, result in a lack of cross-border portability.

The **territoriality of copyright** and related rights enshrined in [Article 5 of the Berne Convention](#), and confirmed as a core principle of EU copyright law by the Court of Justice (CJEU) in its 2005 [Lagardère](#) ruling, means that each Member State grants and recognises copyright protection in its own territory by virtue of national legislation. As a result, copyrights are acquired and enforced country by country in the 28 Member States. A key issue in the on-going reform of EU copyright law is to mitigate the hindrance to the internal market caused by territorial protection of copyright.²

Territorial licensing and exclusive licensing

The provision of online content services such as films or music protected by copyright and related rights usually requires service providers to be licensed by rights-holders on a territorial basis, i.e. country-by-country. The [financing of film and television](#) productions – largely based on cultural and linguistic preferences – often depends on selling distribution rights to national distributors, based on exclusive rights to exploit the piece of work in a specific territory. Also, exclusive licensing enables rights-holders to collect

higher revenues, and broadcasting organisations and other service providers to maximise their advertising and subscription revenues. This model prevails in particular with regard rights to [broadcast sports](#).

Territorial distribution of rights

Territorial licensing is often the result of [commercial practices](#) by rights-holders and providers of services, even though creators grant worldwide rights to their publishers, collecting societies or producers. Country-by-country licensing still prevails in the audiovisual sector and also to a lesser degree in the music sector, despite the fact that multi-territorial licensing (i.e. through which rights-holders are granted a licence for several Member States) is possible. According to the Commission, service providers in the audiovisual sector (especially for [premium sport content](#)) may have no interest in acquiring multi-territorial licences, are not financially able to buy licences for a large territory, or face regulatory or technical constraints which may explain why they decide not to exploit the rights on a broad geographical scale.³

Lack of cross-border portability

Reasons for lack of cross-border portability

Three main reasons for the lack of cross-border portability can be identified:

- The territorial licensing of rights segments the market by territories, and restricts cross-border provision of services.
- Exclusive licensing practices have detrimental consequences on cross-border access to online content, since service providers are not able or have no incentive to acquire a licence for several territories and offer cross-border access to their content.
- The contractual clauses in licensing agreements between rights-holders and distributors and between distributors and end-users create an obstacle to cross-border portability.

Differences between industry sectors

The lack of cross-border portability varies from sector to sector. According to the [surveys](#) conducted by the Commission cross-border portability is already widely implemented for online music services and in the e-book and video game sectors, whereas in the audiovisual sector it is very limited (i.e. only partial portability, when service providers have exploitation rights in the visited Member State) if not excluded by contractual arrangements that ensure territorial exclusivity to service providers or distributors.

Barriers to the internal market

The European Commission is of the [opinion](#) that barriers to cross-border access to copyright-protected content services are still common in the Union.⁴ As result of the territorial licensing of rights and the commercial practices implemented, (i) consumers cannot always access the online content of their choice, and (ii) service providers sometimes cannot offer portable online content services. Therefore, the freedom to provide and to receive services is not ensured and the functioning of the internal market is impaired. On the industry side, some content providers [acknowledge](#) too that portability issues, i.e. the inability to transfer content across multiple devices and/or across borders, contribute to fragmentation of the single market. Furthermore, a [CEPS study](#) produced for EPRS has stressed that limited cross-border portability significantly harms EU consumers and also has an impact on content creators, rights-holders and commercial users insofar as transaction costs hamper the exploitation of cross-border business opportunities.⁵

The changes the proposal would bring

Scope and objectives of the proposed regulation

The primary [objective](#) of the proposed regulation is to remove the barriers to cross-border portability of online content services in the EU. To that end, the regulation would introduce a common approach to ensuring that subscribers to online content services in the EU can receive those services on a portable basis when they are temporarily present in another Member State. According to the [Commission](#), cross-border portability would also indirectly enhance access to cultural content, contribute to promoting the interests of consumers and limit online piracy.

Piracy in the context of cross-border online content access is a growing concern in the EU. According to a [2013 study](#) from the Office for Harmonization in the Internal Market, **42 %** of Europeans consider it is acceptable to download or access copyright-protected content illegally when it is **for personal use** and **22 %** consider this is acceptable **when there is no legal alternative in their country**. Also a [2015 study](#) from the European Audiovisual Observatory, stressed that the EU audiovisual industry suffers from high levels of piracy which has already had a very strong impact on the DVD film market. Against this background, [according](#) to the Commission, ensuring portability of content would **promote access to legally acquired content** and avoid end-users using technical means such as **virtual private networks (VPNs)** to bypass territorial restrictions created by licensing schemes. Scholars have [argued](#) that, while using VPNs to circumvent territorial restrictions constitutes both copyright infringement and a breach of licensing contracts, demand for cross-border access could be met by providing lawful options to subscribers willing to pay for such services.⁶ Furthermore, the question is posed of the legal responsibility of multi-territorial service providers to content owners. In this regard **Netflix** has recently decided to [ban](#) the use by its subscribers of VPN to view movies and TV programmes unavailable in the subscriber's country due to territorial restrictions.

Key provisions of the regulation

Legal basis

Removing the existing barriers to the portability of online content services requires adapting the way copyrights protecting online content services (and rights protecting other works such as sporting events) are exercised in the EU. The EU harmonised framework on the scope of copyright and related rights would be primarily affected. Therefore, the Commission proposes to rely on [Article 114 TFEU](#) – which confers on the EU the power to adopt measures which have as their object the establishment and functioning of the internal market – as the legal basis for the regulation. A regulation which applies directly in all Member States would guarantee uniform application of the cross-border portability rules and their entering into force at the same time.

Obligation to ensure portability of online content services

The portability obligation would require providers of online content services to enable their subscribers residing in a Member State to use their subscriptions and access the legal content they have purchased or rented, on the same range of devices and the same range of functionalities when they travel in the EU and are temporarily present in other Member States. For example, a UK TV channel would have to give its UK subscribers access to these services when they are on holiday in France.

The portability obligation would not require a separate licence or the renegotiation of existing licences between rights-holders and service providers. Instead, **a legal fiction** will be used, i.e. the service providers would be deemed to carry out the relevant acts of reproduction, communication to the public, making available of works, etc. on the basis

of the respective authorisations they have already received from the rights-holders for the country of residence.

According to [recitals 11 and 12](#), the objective of the regulation is to adapt the legal framework in order to ensure that the contractual licensing of rights no longer presents barriers to cross-border portability, and to comply with the [Murphy](#) ruling (2011) in which the CJEU held that certain restrictions to the provision of services cannot be justified in light of the objective of protecting intellectual property rights. To that end, the proposed regulation creates a **legal fiction** according to which the provision of copyright-protected content services is deemed to take place only in the country in which subscribers are permanent residents (and not where they are temporarily located). While this approach requires **amending EU copyright law** it does not explicitly question the traditional **principle of territorial protection of copyright**. Some scholars have already taken the view that the Murphy ruling must be interpreted under EU law as prohibiting **exclusive territorial licensing practices such as those restricting portability**.⁷ Following a comparable approach, the Commission proposes to introduce in EU law what amounts to a **limited expansion of the 'country of origin' principle**.⁸ The related question of whether the Murphy case provides the EU legislator with sufficient legal grounds for prohibiting **geo-blocking practices** – in spite of the principle of territorial protection of copyright – is disputed in the doctrine⁹ and will be addressed first in the context of the pending [antitrust investigations](#) and the on-going [inquiry](#) into the e-commerce sector.

Online content services concerned

The draft regulation would apply to content services – such as audiovisual, music and e-book services, sporting events and other TV broadcasts – offered online by way of streaming, downloading or other technical means and which are:

- (a) lawfully provided in the Member State of residence of the subscriber, i.e. after having obtained the relevant rights from the rights-holders;
- (b) provided on a portable basis, without being limited to a specific location;
- (c) provided to subscribers who have a contract for such service in the Member State of residence; and are
- (d) paid online services offered by commercial providers (e.g. Netflix); or
- (e) free-of-charge online services offered by providers (e.g. public broadcasters such as the BBC) who choose to introduce portable services and agree to verify their subscribers' Member State of residence.

Obligations not to restrict portability by contract

The regulation would prohibit any restrictions in contracts between rights-holders and service providers which would limit the cross-border portability of services. As a result, contractual terms designed to prohibit or limit the cross-border portability of online content services would be unenforceable.

Verification of the Member State of residence

The proposed regulation allows rights-holders to require service providers to put adequate measures in place in order to verify the habitual residence of the user, and ensure that only legitimate subscribers can access portable online content. However, only measures that do not go beyond what is necessary in order to achieve the purpose of verifying their residence are allowed. Information such as customer payment details, contract for internet or telephone connection, and IP address may serve as reasonable indicators to identify the subscriber's Member State of residence.

Retroactivity

An important element of the proposed regulation is the retroactive enforcement of the legislation, i.e. cross-border portability should be made possible in the EU by service

providers as soon as the regulation enters into force and would therefore apply to existing contracts and acquired rights (even for contracts concluded before the entry into force of the regulation). Retroactivity would, in the Commission's view, simplify the introduction of portable services and avoid lengthy contract renegotiation.

Quality control

The proposed regulation does not require providers to ensure quality of delivery of an online content service beyond the quality available via the local online access chosen by a subscriber while temporarily present in another Member State, since providers do not control delivery networks. Following the proportionality principle, providers would therefore not be obliged (unless they expressly committed to it) to ensure the provision of online content service with the same quality of service in the 'temporary' Member State as provided in the Member State of residence of the subscriber. Nevertheless, for more transparency, the provider would have to inform the subscriber of the quality of delivery of the online content service provided in a Member State different from their Member State of residence.

Entry into force

The Commission aims to remove these obstacles to cross-border portability as of 2017 (six months after the targeted adoption date and publication of the regulation). It wants to align the timing of implementation with the ban on mobile [roaming](#) charges (i.e. the extra fees currently charged by mobile operators to travellers within the EU) that will be removed as of 15 June 2017. The end of mobile roaming charges will, in the Commission's view, encourage consumers to use online content services more and thereby increase consumer demand for portable services.

Protection of personal data

The implementation of the proposed regulation would raise some issues with regard to personal data processing and privacy rules, especially when it comes to verification of the Member State of residence. The collection and processing of location data and the authentication of a subscriber should be carried out in compliance with the applicable EU legislation and in particular [Directives 95/46/EC](#) and [2002/58/EC](#).

The legislative proposal has an impact on several **fundamental rights** under the [European Charter of Fundamental Rights](#). In particular Article 17 (the **right to property**), Article 16 (the **freedom to conduct a business**), Articles 7 and 8 (the **right to respect for private and family life** and the **protection of personal data**) are concerned. According to the Commission, some restrictions are [justified](#) in light of the objective of **facilitating cross-border portability** of online content services for European consumers and because the initiative would only affect these freedoms in a **very limited manner** and under **very limited circumstances** and would have **no significant impact on the revenues** of either rights-holders or service providers or on business models based on territorial exclusivity. The proposed regulation leaves, in particular, service providers the freedom to implement appropriate and proportionate measures to verify the subscriber's Member State of residence. As a result, it has been stressed that service providers will bear the responsibility of selecting those **verification measures** which effectively respect the privacy of their subscribers.¹⁰

Preparation of the proposal

Two Green Papers on the [online distribution of audiovisual works](#) (2011) and on [preparing for a Fully Converged Audiovisual World](#) (2013) have addressed the issues of cross-border access and portability of services. A [public consultation](#) on the review of EU copyright rules – including the portability issue – was conducted in 2013-2014. The Commission

also held a series of stakeholder workshops (including the [stakeholder dialogue](#), Licences for Europe, from 2012 to 2013). Finally, [an impact assessment](#) was carried out for this proposal in 2015.

Stakeholders' views

Consumers

[BEUC](#), the European consumer association, welcomed the agreement reached in trilogue which will enable consumers to use their subscriptions without extra charges or time limits when they are abroad and stressed this is a step towards the achievement of a digital single market that delivers for consumers.

Content service and network providers

[EBU](#), the European Broadcasting Union supported the opt-in option under which free-to-air broadcasters would be able to offer portable services for national residents. Public service broadcasters are therefore free to decide whether or not to launch a portable service.

Authors and rights-holders

The [Society of Audiovisual Authors](#) (SAA) regretted that the final version of the Portability Regulation does not limit its scope to residents of one EU Member State travelling for a short time to another and stressed that, while the definitions of the 'Member State of residence' and of a 'temporary presence' in another Member State have been improved, some key points remain problematic. First, according to SAA, the list of means of verifying the Member State of residence includes means that do not guarantee residency on their own (such as a credit card). Second, given the market power of some service providers, SAA fears that many European right holders will be compelled to authorise the use of content without any verification of the Member State of residence.

Parliamentary analysis

In October 2015, the European Parliamentary Research Service (EPRS) published at the request of the Committee on Legal Affairs (JURI) a [European Implementation Assessment on the review of the EU copyright framework](#). The EPRS Members' Research Service also prepared a [briefing on EU copyright reform](#) addressing inter alia the policy and legal contexts of geo-blocking and cross-border portability of online content in the EU (September 2015). EPRS issued its [initial appraisal of the Commission's impact assessment](#) in March 2016. Furthermore, at the request of the JURI Committee, two academic analyses were produced.¹¹

Legislative process

The **Council** agreed on a [general approach](#) for the draft regulation aimed at ensuring the cross-border portability of online content services in the internal market on 26 May 2016. The Council's [text](#) amended the Commission's proposal on several important points.

- The Council proposed to restrict the scope of the portability obligation to online content services that are provided against payment of money (although free-to-air services such as public broadcasters would be able to benefit from the regulation, provided that they verify the country of residence of their subscribers).
- Furthermore, the Council's text clarified that 'temporarily present' means 'the presence of a subscriber in a Member State other than the Member State of residence for a limited period of time' (the Council did not limit the duration of the stay to a specific number of days or weeks).

- The Council also proposed to allow right holders to authorise portability of their content without verification, should there is an agreement between the provider and the subscriber to establish the subscriber's Member State of residence.

On 14 March 2016, the **European Parliament** appointed Jean-Marie Cavada (ALDE, France) as rapporteur on the proposal for a regulation of the European Parliament and of the Council on ensuring the cross-border portability of online content services in the internal market.

The Committee on Legal Affairs (JURI), which is the lead committee, [adopted](#) its [report](#) on 29 November 2016 and recommended that the European Parliament amends the Commission's draft text, including on the following points:

- The providers of free online content services should be excluded from the scope of the regulation unless they take all necessary measures to permit verification of the Member State of residence of their users.
- Online content service providers should be left free to use one or a combination of means of verification of their customers' residence, so that sufficient legal certainty is provided to rights-holders without preventing suppliers from choosing the verification criteria best suited to their market.
- The holders of copyright and related rights or those holding any other rights in the content of an online content service must be informed of the verification process used by a service provider to verify its subscribers' Member State of residence.
- Providers of online content services and holders of rights relevant for the provision of those services should not be allowed to circumvent the application of this Regulation by choosing the law of a third country as the law governing their contractual relationships.

Trilogue agreement

Trilogue negotiations began on 8 December 2016 and an agreement was reached by the European Parliament, the Commission and the Council on a first-reading compromise on 7 February 2017.¹²

The main points of the compromise concern:

- The **scope of the Regulation** is clarified. As matter of principle, portability applies to online content services (e.g. Netflix, Sky's Now TV, or Spotify), which are provided against payment of money. Providers of free-of-charge online content services (such as public service broadcasters) can, nevertheless, decide to offer portability services to their subscribers should they comply with the requirements regarding verification of the Member State of residence and inform their subscribers and the relevant right holders.
- The **notion of temporary presence** in other Member States has been tightened to mean '**for a limited period of time**' and cover situations such as leisure, travel business trips or learning mobility.¹³ The compromise intends to set some guidance for a 'fair use' of the content portability right. The principle of territoriality of copyright is maintained in full, as the Regulation should ensure cross-border portability without affecting the level of copyright guaranteed in the EU, without changing existing licensing models (especially the territorial models), and without affecting existing financing mechanisms (in particular in the cinema and audio-visual sectors).
- The **concept of Member State of residence** and its verification mechanism are also more explicitly defined. The Member State of residence implies that the subscriber has

actual and stable residence in this Member State.

- Providers must rely, as matter of principle, on a **limited set of criteria to verify the Member State of residence** (see box below). Providers must rely on two **means of verification** unless the Member State of residence can be verified with sufficient certainty on the basis of a single means of verification. Some **safeguards have been added to ensure data protection and privacy** are respected (especially for IP address checks).¹⁴
- A **much-debated waiver clause for verification** was added – at the request of the EP – in the last phase of the trilogue. When all the holders of copyright, related rights, or other rights in the content used by the provider decide to permit access to and use of their content without verification of the Member State of residence, then the verification obligation does not apply. Only the contract between the provider of and the subscriber to online services should be used to verify the subscriber's Member State of residence. To mitigate a potential imbalance in negotiating relationships between right holders and service providers, the Regulation envisages that right holders should not be restricted contractually to withdrawing the authorisation to avoid performing a residence verification check.¹⁵

According to Article 4, the **provider of online content must verify the subscriber's Member State of residence by using no more than two – reasonable, proportionate and effective – means of verification** in the following list: (a) an identity card, electronic means of identification, in particular notified eIDs, or any other valid identity document confirming the subscriber's Member State of residence; (b) payment details such as the bank account or credit or debit card number of the subscriber; (c) the place of installation of a set top box, a decoder or a similar device used for supply of services to the subscriber; (d) the payment by the subscriber of a licence fee for other services provided in the Member State, such as public service broadcasting; (e) an internet or telephone service supply contract or any similar type of contract linking the subscriber to the Member State; (f) registration on local electoral rolls, if the information concerned is publicly available; (g) the payment of local taxes, if the information concerned is publicly available; (h) a utility bill linking the subscriber to the Member State by name; (i) the billing address or the postal address of the subscriber; (j) a declaration by the subscriber confirming his or her address in the Member State; (k) internet protocol (IP) address check, to identify the Member State from where the subscriber accesses the online content service.

The Council's Committee of Permanent Representatives (Coreper) [endorsed](#) the agreement reached with the Commission and the European Parliament on 15 February 2017.

In the European Parliament, the JURI Committee approved the compromise text on 23 March 2017, and Parliament should vote on it in plenary at first reading in May 2017.

After formal approval of the regulation by the Council and the Parliament, the new rules should start to apply in the first half of 2018 (nine months after its publication in the EU's Official Journal).

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- ³ See [Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council to ensure the cross-border portability of online content services in the internal market](#), SWD(2015) 270 final, p. 16.
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- ⁵ See CEPS & Economisti Associati, [Ex-Post Impact Assessment on the implementation, application and effects of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society \(InfoSoc\) Directive and of its related instruments](#) in S. Reynolds (ed), Review of the EU Copyright Framework: European Implementation Assessment, EPRS, European Parliament, Brussels (2015), p. 283.
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- ¹² See Council, More portable digital services: EU ambassadors confirm agreement, [Press release](#), 15 February 2017.
- ¹³ See Article 2 and recital 1.
- ¹⁴ See article 4.
- ¹⁵ See Article 4 § 4 and 4 § 5.

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