Licences for Europe - Structured Stakeholder Dialogue 2013

WG 1 Audiovisual Subgroup

Joint Statement on Cross-border Portability of lawfully-acquired Audiovisual Content

Recalling the active and constructive dialogue on cross border portability of audiovisual content in Working Group 1 Audiovisual Subgroup of the Licences for Europe Structured Stakeholder Dialogue;

Recalling the conclusions and observations made by the participants

Recalling the opportunities presented to take stock of market developments and to highlight the sustained level of competition and innovation in place to deliver high quality audiovisual services and enrich consumer experiences through multiple platforms and devices in Europe;
Recalling the important role territoriality and exclusivity in audiovisual rights’ licensing play in securing the funding necessary for the production, publishing and distribution of high-quality professional European content able to satisfy consumers’ expectations;

Recalling the pragmatic adaptation by the audiovisual industries to the cultural realities of a European Union comprising 28 countries with diverse national and regional cultures and market conditions, requiring culturally and linguistically specific approaches to distribution and marketing;

Recalling that market-led initiatives are already a reality in addressing demand for away-from-home consumption of different types of content, including a growing number of innovative consumer options;

Recalling that further services and options aimed at meeting viable demand, are under development and will continue to be launched given Europe’s fast-moving and open audiovisual media markets, including offers based on various forms of cross-border portability as well as other models;

Recalling the importance of the European Commission maintaining its commitment to an evidence-based approach to policy and regulatory initiatives relevant to the European audiovisual digital content market;

The undersigned organisations representing audiovisual creators, producers, publishers and distributors making content of all genres available to European citizens, across multiple distribution platforms and devices

Recall and affirm:

1. their continued interest in the development of cross-border portability of lawfully acquired audiovisual content through relevant services when travelling abroad and their willingness to continue to work towards its further development where economically sustainable, provided that content can be made secure and taking into account cultural diversity;

2. that successful developments in cross-border portability of lawfully acquired audiovisual content will depend on protecting and upholding the following:

   a. The need for a voluntary, market-led approach with requisite freedom for market operators to experiment with new business models taking into account the fast-moving evolution in digital EU marketplaces;

   b. The need for industry initiatives to depend on clear market signals, rooted in actual and demonstrable consumer demand as well as secure technology enabling and managing individual access by authorised users;

   c. The need for both commercial and contractual freedoms;

   d. The need for differentiated financing and distribution strategies for each type of audiovisual content and the importance of raising and maximising distribution revenues in order to maintain the sustainability and competitiveness of the audiovisual content industries in Europe;

   e. The need to ensure full compliance with EU competition law and principles governing consumer information.
3. And Propose:

to engage with the Commission at a mutually agreed time to continue the review of future market developments regarding cross-border portability of lawfully acquired audiovisual content.

13 November 2013

Signatories

ACT
CEPI
EUROPA DISTRIBUTION
EUROVOD
FERA
FIAD
FIAPF
IFTA
IVF
MPA
SAA
SROC