



## Commission takes first steps to broaden access to online content and outlines its vision to modernise EU copyright rules

Brussels, 9 December 2015

### Making EU copyright rules fit for the digital age

Delivering on its [Digital Single Market strategy](#), the Commission today presents a [proposal](#) to allow Europeans to travel with their online content and an [action plan](#) to modernise EU copyright rules.

At present, Europeans travelling within the EU may be cut off from online services providing films, sports broadcasts, music, e-books or games that they have paid for in their home country. Today's proposed **Regulation on the cross-border portability of online content services** addresses these restrictions in order to allow EU residents to travel with the digital content they have purchased or subscribed to at home. Cross-border portability, a new EU right for consumers, is expected to be a reality in 2017, the same year as the end of roaming charges in the EU ([press release](#)). Since it is a proposal for a Regulation, once adopted it will be directly applicable in all 28 EU Member States.

In addition, the Commission today outlines its **vision of a modern EU copyright framework**. This "political preview" will be translated into legislative proposals and policy initiatives in the next six months, taking into account all inputs from several public consultations.

Overall, the Commission wants to make sure that Europeans can access a wide legal offer of content, while ensuring that authors and other rights holders are better protected and fairly remunerated. The key sectors of education, culture, research and innovation will also benefit from a more modern and European framework.

Andrus **Ansip**, Vice-President for the [Digital Single Market](#), said: *"Seven months ago, we promised fast delivery of the Digital Single Market. Today we present our first proposals. We want to ensure the portability of content across borders. People who legally buy content – films, books, football matches, TV series – must be able to carry it with them anywhere they go in Europe. This is a real change, similar to what we did to end roaming charges. Today, we also set out our vision for a modern copyright regime in the EU – and the gradual steps to achieve it. Our aim is to widen people's access to cultural content online and support creators. We want to strengthen European R&D, using technologies like text and data mining. The Digital Single Market is the blueprint for Europe claiming its place in the digital era, today we start making it a reality".*

Günther H. **Oettinger**, Commissioner for the Digital Economy and Society, said: *"The Regulation proposed today is the first step of an ambitious reform. I count on the co-legislators to make sure that portability becomes reality for European consumers by 2017 so that they can enjoy their favourite content also when they travel in the EU – and without the fear of roaming charges, which will end by mid-2017. Our action plan gives the direction for further reform in spring next year: we want a copyright environment that is stimulating, fair, rewards investment in creativity and makes it easier for Europeans to access and use content legally. Our ongoing work on the role of platforms and online intermediaries will also help to translate our plan into concrete proposals."*

Today, the Commission also proposes new rules to improve the protection of European consumers when shopping online and to help businesses sell across borders ([press release](#)). Together, these are the first legislative proposals under the [Digital Single Market strategy](#) presented in May.

### A modern and more European copyright framework

The Commission's action plan is built on four complementary pillars of equal importance. It also sets out a long-term vision for copyright in the EU (see [factsheet on the communication](#) and [detailed Q&A](#)).

#### 1. Widening access to content across the EU

Today's rules on the content portability represent a first step towards improving access to cultural works. For example: a French user of the online service MyTF1 for films and series is not able to rent a new film while on business trip to the UK. A Dutch subscriber to Netflix travelling to Germany is only able to watch films offered by Netflix to German consumers. If he visits Poland, he is not able to watch films on Netflix as Netflix is not available in Poland. This will change. When travelling across the EU,

users will have access to their music, films and games as if they were at home (see [factsheet on the new rules](#)).

More will be proposed in spring next year. Our aims are to allow a better circulation of content, offer more choice to Europeans, to strengthen cultural diversity and provide more opportunities for the creative sector. The Commission intends to improve the cross-border distribution of television and radio programmes online (via the review of the Satellite and Cable Directive) and to facilitate the granting of licences for cross-border access to content. The Commission will also help give new life to works which are no longer commercialised.

The Commission will further use its [Creative Europe programme](#) to help European cinema to reach a broader audience. The action plan foresees the development of innovative tools, such as a "European aggregator" of online search portals and "licencing hubs" to foster the distribution of films which are only available in a few Member States.

## **2. Exceptions to copyright rules for an innovative and inclusive society**

The Commission intends to work on key EU exceptions to copyright. Exceptions allow for copyright-protected works to be used, in defined circumstances, without prior authorisation from the rights holders. The Commission will revise EU rules to make it easier for researchers to use "text and data mining" technologies to analyse large sets of data. Education is another priority. For example, teachers who give online courses should be subject to better and clearer rules, that work across Europe. Also, the Commission wants to help people with disabilities to access more works (this is the aim of the [Marrakesh Treaty](#)). The Commission will finally assess the need to reduce the legal uncertainty for internet users who upload their photos of buildings and public art works permanently located in public places (current exception for panorama).

## **3. Creating a fairer marketplace**

The Commission will assess if the online use of copyright-protected works, resulting from the investment of creators and creative industries, is properly authorised and remunerated through licences. In other words, we will assess whether the benefits of the online use of those works is fairly shared. In this context, the Commission will look at the role of news aggregation services. The Commission's approach will be proportionate: there is no intention to "tax" hyperlinks; i.e. users will not be asked to pay for copyright when they simply share a hyperlink to content protected by copyright. The Commission will also analyse whether solutions are needed at EU level to increase legal certainty, transparency and balance in the system that governs the remuneration of authors and performers in the EU, taking EU and national competences into account. The results of the ongoing public consultation on platforms and online intermediaries will contribute to this general reflection.

## **4. Fighting piracy**

Wider availability of content will help to fight piracy, given that 22% of Europeans believe that illegal downloads are acceptable if there is no legal alternative available in their country. The Commission will go beyond this by making sure that copyright is properly enforced across the EU as part of its comprehensive approach to improve enforcement of all types of intellectual property rights. In 2016, we will work on a European framework to "follow-the-money" and cut the financial flows to businesses which make money out of piracy. This will involve all relevant partners (rights holders, advertising and payment service providers, consumers associations, etc.) with the aim to reach agreements by spring 2016. The Commission intends to improve EU rules on the enforcement of intellectual property rights and, as a first step, has launched today a [public consultation](#) on the evaluation and modernisation of the existing legal framework. The Commission will also look at how to make the removal of illegal content by online intermediaries more efficient.

## **A long-term vision for copyright**

In the future, effective and uniform application of copyright legislation across the EU, by national legislators and the courts alike will be as important as the rules themselves. While today all conditions are not met to consider full alignment of copyright rules across the EU in the form of a single copyright code and single copyright title, this should remain an aspiration for the future.

## **Background**

Digital technologies have radically changed the way creative content is accessed, produced and distributed. 49% of EU internet users listen to music, watch videos and play games online. Many of them, especially the youngest ones, expect to do so while they travel in the EU. These trends are expected to grow as Europeans will pay less to access the internet on their mobile devices in other EU Member States from 2017, with the end of roaming charges in the EU ([press release](#)). European schools and universities are eager to engage in e-education, researchers want to use advanced content mining techniques, and cultural heritage institutions are willing to digitise their collections. Copyright-intensive industries (such as media, book publishers, sound recording companies, TV broadcasting)

represent more than 7 million jobs in the EU. It is essential that they can work in an environment that is ready to meet new challenges. However, most copyright rules date back to 2001, so there are some aspects that are not 'fit for purpose' when it comes to creating a Digital Single Market in the EU. This is why the Commission included EU copyright modernisation in its Digital Single Market strategy, as presented in May.

### **Making progress towards a Digital Single Market**

Today's new rules related to copyright and digital contracts ([press release](#)) are the first legislative proposals to be presented as part of the Digital Single Market strategy. Overall, 16 initiatives will be presented by the end of next year.

Today's proposals will complement recent major achievements to build a Digital Single Market: the agreements to end roaming charges by June 2017, to enshrine net neutrality into EU law ([press release](#)) and to strengthen cybersecurity in the EU ([press release](#)). The Commission is also working hard to reach a political deal by the end of this year on strengthening EU data protection rules.

### **For more information**

Documents adopted today:

[Regulation on ensuring the cross-border portability of online content services in the internal market](#)

[Impact assessment accompanying the Regulation](#)

[Communication – Towards a modern, more European copyright framework](#)

Q&A:

[Questions and answers on the modernisation of EU copyright rules](#)

Factsheets:

[Travel with your digital content across the EU](#)

[A European copyright fit for the digital age](#)

Other useful links:

[Webpage on the Digital Single Market \(#DigitalSingleMarket\)](#)

[A Digital Single Market for Europe: Commission sets out 16 initiatives to make it happen \(6 May 2015\)](#)

[Webpage of Vice-President for the Digital Single Market Andrus Ansip \(@Ansip\\_EU\)](#)

[Webpage of Commissioner for Digital Economy and Society Günther H. Oettinger \(@GOettingerEU\)](#)

[President Juncker's political guidelines](#)

[Commission Work Programme 2016](#)

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Attachments

[Factsheet 1 PORTABILITY FINAL.pdf](#)

[Factsheet 2 COMMUNICATION FINAL.pdf](#)