

Message from the Audiovisual Sector Coalition to the members of the Council IP Working Party

on the proposed Regulation extending the application of the Country of Origin principle



Brussels, 23 February 2017

Dear Member of the Council IP Working Party,

At the Council IP Working Party meeting of 18 October 2016 a discussion took place with the European Commission on the Impact Assessment accompanying the proposed Copyright Package.

We understand that a lot of Member States still had scrutiny reservations at that date and that the outcome of the discussion was not satisfactory, notably on the Proposal for a Regulation laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes (thereafter “the Proposal”). Some of the unresolved issues concerned:

- The lack of data in the Impact Assessment justifying the intervention, in particular regarding asserted high transaction costs for the acquisition of rights for broadcasters’ online services when they are offered across borders;
- The refusal of the European Commission to look at the Proposal in conjunction with ongoing competition investigations and thus the effects on the entire audiovisual value chain.

The audiovisual sector (see signatories in the attached documents) believes that the Proposal will negatively affect European audiovisual production and distribution and thus consumer choice. It will negatively impact jobs and growth, and inevitably erode cultural diversity. To date, neither Member States nor affected stakeholders in the audiovisual sector have not had any satisfactory responses from the Commission to the counterpoints raised above and in more detail in the attached Audiovisual Sector Coalition paper.

Also, in accordance with the Better Regulation Guidelines, the European Commission is required to consult stakeholders on the Proposal and the Impact Assessment and present the results to the Council (and European Parliament) with the aim of feeding into the legislative debate. Although the consultation closed on 29 November 2016, the European Commission has yet to report back to the Council on the feedback they received on the Impact Assessment.

With this in mind, we believe that the Working Party should not proceed with substantive discussions on the Proposal, without having a proper discussion with the European Commission on the validity of the impact assessment.

In addition, several Member States are still in the process of consulting at national level and/or formulating national positions. We therefore consider it entirely premature and inappropriate to conduct substantive discussions on the Proposal at this stage.

Thank you for your kind consideration of the above points and attached documents. We remain open to any further questions you may have on this issue.

Yours sincerely,

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