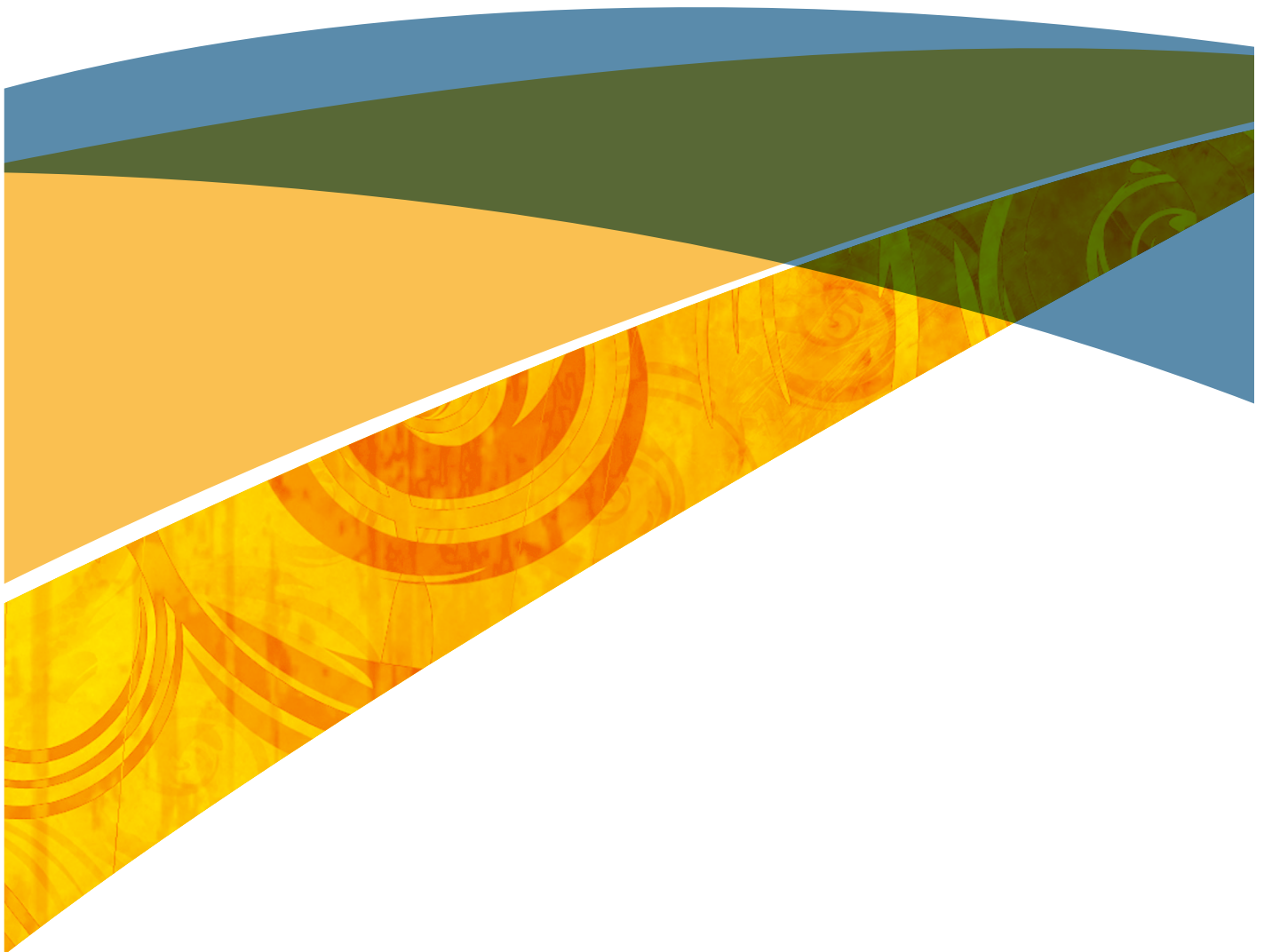




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# Call for Views on the European Commission's proposal for legislation on cross-border portability:

Ensuring that British consumers will be able to access digital subscriptions when travelling in other EU countries



## What is cross-border portability?

Sometimes when a person is away from home and travelling in the EU they find they are no longer able to access the online content services they have already paid for in their home country. For example, someone who lives in the United Kingdom who is on holiday in Spain may find that they are unable to access an online film or live sport service that they subscribe to at home. “Portable” digital services allow people to continue to use the online services they have subscribed to at home, while temporarily in another country.

## What has the European Commission proposed?

The European Commission has recently published draft legislation that is intended to ensure that all digital services are portable within the European Union. This would mean that a person who lives in the UK, and who subscribes to a digital content service there, would be able to be confident they can continue to access that service when they are elsewhere in the EU, provided they have the right level of internet connection.

The proposals include copyright changes that would make it easier for providers of online content to make their subscription services available in other EU countries, by allowing them to apply the laws of the subscriber’s home country. It is currently difficult to provide portability for some types of content because of territorial copyright agreements which govern where services can be accessed.

## Where can I read the Commission’s proposals?

The draft text of the [regulation](#), a [fact sheet](#) and [Q&A](#) are available on the European Commission’s website.

## Does the British Government support these proposals?

The Government supports cross-border portability, and the Prime Minister welcomed these proposals on the day of their launch ([you can read his comments here](#)). We will now be working with other European partners to negotiate the detail of the Regulations so that they deliver the best outcome for businesses and consumers.

## What are the next steps?

The text will now be negotiated and agreed by the EU’s Member States and the European Parliament. The British Government will take an active part in these negotiations and will be working closely with its European partners to get the detail right. The aim is for the portability regulation to come into force in 2017, this will include a transition period to allow business to implement any necessary changes.

## How can I feed in my views?

The Government is seeking views on the Regulation to ensure that they deliver the best outcome for businesses and consumers. We would welcome your views on the costs and benefits of these proposals, and suggestions for how the language of the proposed regulation can be improved.

In particular, we are seeking views from service providers, rights holder organisations, and consumers, in order to better understand how the proposals will affect them.

We would appreciate comments by 12 February 2016 to the following email address: [copyrightpolicy@ipo.gov.uk](mailto:copyrightpolicy@ipo.gov.uk)

Areas you may wish to consider as part of your response are listed below, but we also welcome comments on other aspects of these Regulations. You are not obliged to follow this structure.

Where at all possible, please support your comments with evidence and suggested amendments.

- **Consumer value:** the Regulation seeks to ensure that people from the UK and other EU states are able to access the same services they have subscribed to at home when they are travelling elsewhere in the EU. Do you agree that this is something consumers should be able to do, and does the Regulation meet consumer expectations?
- **Temporary access:** The portability Regulation seeks to permit temporary access to services while a person is in another EU country, for example on holiday or a business trip. Does the current definition of temporary achieve this effectively?
- **Limitation to subscription services:** the Regulation will apply only to paid subscription services and other subscription services which have mechanisms in place to allow verification of the subscriber's country of residence (for example, via a television licence). Is this the right scope for the Regulation?
- **Definitions:** Are the definitions of subscriber, consumer and member state of residence sufficient?
- **Verification:** Are required verification measures adequately defined? Is the requirement that they should be "reasonable" workable?
- **Localisation of copyright relevant acts:** Will the contract override provisions and the change so that copyright-related acts necessary to provide portability would be viewed as taking place in the home Member State sufficient to support the introduction of portability?
- **Application to existing contracts:** To simplify the introduction of portable services and avoid lengthy contract renegotiation, the Regulation applies to existing contracts and acquired rights. Are these provisions effective and how will they impact right holders and service providers?
- **Quality of service:** Is it practical that the provider of an online content service would need to inform subscribers about the quality of the service accessed outside the home Member State?
- **Delivery timescale:** Are there any issues (e.g. technical concerns) with the Commission's proposal that the regulation would come into force 6 months after agreement (predicted to be in 2017)?

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