

Consumer Interest in the Digital Single Market

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European consumers are a myriad of individuals who want different things, have different purchasing power, different cultures and different tastes or priorities. When we make policy for the Digital Single Market, this diversity must be fully acknowledged.

At the moment, the freedom to grant and acquire territorial exclusive rights in content licensing is at the heart of the European debate. Territoriality is not strictly a business interest. It is just as important for the consumers.

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European consumers want content services in their first language, packaged and delivered according to local preference, with a reasonable price that is calculated based on local demand and purchasing power. This is not restricted to locally produced content but also highly relevant to content with a Europe-wide appeal, such as sports.

Look at the example of the German football league, the Bundesliga. It is very popular with viewers in Poland, who pay around 5 Euros per month for their subscription, with commentary in Polish and a clear focus on Polish players. The same games are available for German viewers

in Germany for around 35 Euros per month, with German commentary and no special focus on players from neighbouring countries. Without territorial exclusive licensing, the Polish games would be available for German viewers at a fraction of the price.

It goes without saying that the Broadcasters would have to make adjustments to meet this new demand. Predictably, Bundesliga would be forced to licence on a pan-European basis with the consequence that the price for Polish subscriptions would rise to the German level.

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The same applies for TV series and audiovisual productions where territorial licensing is often the only way to create enough value to finance projects and programmes of quality, that meet the expectation of consumers. Such a development benefits no consumer. On the contrary, it is detrimental for them.

Moreover, the Portability Regulation (which enters into force in April 2018) has taken into account consumer interests to legally access premium content across borders. It enhances the possibilities for expats and linguistic minorities temporarily present in another Member State to enjoy the content and online music and TV services of their choice cross-border.

The discussion about the Digital Single Market has focused too much on an assumed demand for cross-border access and not enough on the consumer interest of locally tailored content. According to the European Commission's own research* merely 8% of consumers demand cross-border content, while two thirds of consumers only watch film and television in their own language. Let us take this perspective into consideration as we proceed to make decisions on the Digital Single Market in the upcoming votes.

We are saddened to point out that, following recognised and well-established steps in decision-making is an important principle in any policy development and not least in Europe. European Parliament votes on its mandate first, then the negotiations with the Council over the final text begins. Representatives of other institutions should not interfere with the European Parliaments votes, just as the members of European Parliament do not interfere with how the other institutions develop proposals or come to their trilogue positions. Respect for the independence of Institutions is a foundation of the European project.

Let's create a digital single market with consumer diversity in mind.

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Signed

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