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Policy statement on the Commission proposal concerning cross-border use of online content services

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The Cultural Affairs Committee and the European Affairs Committee of the Danish Parliament hereby submit a policy statement on the Commission proposal for a regulation on ensuring the cross-border portability of online content services in the internal market (COM (2015)627).

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The statement which was finally approved on 15 April 2016 is reproduced below.

The Committees support the intention of the proposal of enabling the citizens to use their legally purchased online content services when temporarily present in another Member State.

The Committees find it important to find balanced solutions to the problem concerning the use of legally purchased online content services when temporarily present in another Member State. Solutions that respect the way in which rights are distributed and take into account the special financing models used by the film industry. This is important in order to maintain the diversity of European film production.

The Committees find that the framework of the regulation should ensure sufficient flexibility for right holders, consumers and service providers to negotiate agreements on cross-border solutions.

The Committees recommend that certain aspects of the proposed regulation be made clearer. The proposed regulation seems unclear as to how online services will verify the subscriber's Member State of residence. At the same time, temporary presence is not clearly defined. With a view to preventing circumvention of the intentions of the proposed regulation to include *temporary* presence in other Member States in the understanding of the territoriality, the

proposed regulation should include a common understanding of temporary presence (including its duration) and Member State of residence.

In addition, the Committees find that in connection with the modernisation of copyright in the EU (the Infosoc Directive) allowance should be made for the special circumstances applicable in the television and film industry, including focus on voluntary agreements instead of legislation.

Yours sincerely



Orla Hav
Chairman of the Cultural
Affairs Committee

Mette Gjerskov
Chairman of the European
Affairs Committee