



The Consumer Voice in Europe

LICENSING FOR EUROPE DIALOGUE

Letter sent to Commissioner Barnier

L2013_038/MGO/KRO/rs – 27 February 2013

Contact:

Monique Goyens & Konstantinos Rossoglou – digital@beuc.eu

Ref.: X/2013/013 - 27/02/2013

Mr. Michel Barnier
Commissioner
European Commission
BERL 10/034

1049 Brussels

Ref.: L2013_038/MGO/KRO/rs

27 February 2013

RE: Licensing for Europe dialogue

Dear Commissioner Barnier,

I write on behalf of the European Consumer Organisation (BEUC) to inform you of our decision to step aside from the 'Licensing for Europe' stakeholder dialogue.

Our principal reason is our concern that the framing of the dialogue and its limited scope will not allow stakeholders to constructively discuss the real problems consumers face with regards to creative content and thereby achieve concrete results.

BEUC welcomed the orientation debate on the future of content in the Digital Economy held by the College on December 5th and the subsequent commitment by the European Commission to adapt copyright law to the digital environment.

However, our concern is such that our participation in this dialogue will legitimise a process which has been poorly designed from the outset as a form of political compromise rather than a platform to address real barriers. This is manifested in the imbalance of interests represented in the various working groups - only two civil society representatives participated at the working group on cross-border licenses and portability of services, countering over sixty stakeholders representing rights holders and commercial users.

Consumers and citizens should be considered equal partners in discussions on access to content. However, this has not been reflected in the composition of the groups.

Furthermore, the method of establishing sub-groups aims to make it impossible for consumers and citizens to be represented in them. The dialogue fails to meet the standards of openness and good governance which would allow us to constructively participate. It runs contrary to the commitment of Commissioner Šefčovič to ensure balanced representation of consumers and citizens in the groups established by the European Commission. Our request to reschedule the four working groups in order to allow BEUC to participate was not taken into account. As a result, BEUC could only participate in one group and, to our surprise, our absence from the other groups was misused by stakeholders to claim the issue at stake was unimportant for consumers. To our knowledge, the representative of your services did not explain the reasons for our absence.

.../...

.../...

2

We consider the scope of the dialogue to be too narrow and limited to exploring industry-driven solutions within the existing legal framework. It is regrettable that stakeholders will be expected to demonstrate whether there are problems which need tackling. The problems have been repeatedly identified by the European Commission itself during the numerous public consultations over the last five years and within a number of studies conducted using the subsidy of European citizens.

The real problems are due to a legal framework which has failed to keep pace with reality and the development of digital technologies. Licensing and technology cannot be the only solution. Reform of the copyright framework, including the Copyright Directive 2001/29 is urgently needed. The two issues cannot be addressed separately.

That is why the informal proposal of your services following the first meeting to finance the travel expenses of some national consumer representatives would only marginally address our concerns related to the usefulness of devoting our limited resources to this challenge.

Therefore, we are left with no choice but to step out of the dialogue. It is our strong belief that we should only participate in dialogues where we can indeed make a difference for consumers and where our views can be heard. This is not the case with Licensing for Europe and we do not wish to lend legitimacy to a process where consumer input does not receive the attention it deserves.

Yours sincerely,

Monique Goyens
Director General

C/c:

- Neelie Kroes, Vice-President of the European Commission, Digital Agenda;
- Androulla Vassiliou, Member of the European Commission;
- Pierre Delsaux, Deputy Director General DG Internal Market and Services;
- Xavier Prats Monne, Deputy Director General DG Education, Culture, Multilingualism and Youth;
- Roberto Viola, Deputy Director General DG Communications Networks, Content and Technology.