

Digital Single Market

On May 6th, the European Commission published its Digital Single Market Communication¹, setting its strategy to remove obstacles and create a Digital Single Market that will boost growth and jobs in Europe – the European Commission's current 2nd top priority. Amongst the areas to be tackled by this strategy are copyright, spectrum management and telecommunications rules, data protection and content rules. This will entail reviews of the following pieces of EU legislation: 2001 Copyright Framework Directive in 2015Q4, Cable and Satellite Directive in 2016, Telecom Package in 2016Q1 and Audiovisual Media Services Directive in 2016Q1, and e-Privacy Directive in 2016.

AVMS Consultation

On July 6th, the European Commission launched a public consultation on the Audiovisual Media Services Directive (AVMS)². The consultation is open until September 30th. This is part of an assessment of the text, to see if it is still fit for purpose. AER will take part in this consultation based on its renewed position adopted on June 11th.

Copyright: meeting with EC

AER greeted the European Commission at its Executive Committee June meeting to exchange on its position on the upcoming copyright reviews. AER welcomed the acknowledgement of commercial radios' issues regarding online licensing. AER recalled that commercial radios need to obtain blanket licensing covering all of radios' activities from one-stop-shops – cleared at national level for the rest of Europe, as on average, 6 to 8% of total listening of radio done online in Europe. Out of this, the listening done abroad is minimal. Another important point: AER explained that a link or an embedding using the "fram-

ing" technique, whereby a website appropriates the content of third parties systematically as a business model, should be subject to the authorisation of the rightholder. This is summed up in the AER position paper on copyright adopted at the beginning of July.

Copyright: EP Reda Report

On July 9th, the European Parliament Plenary adopted the Report prepared by MEP Julia Reda (Greens / EFA, Germany) on the implementation of Directive 2001/29/EC of May 22nd, 2001 on the harmonisation of certain aspects of copyright and related rights in the information society³. This document, non-legally binding, presents the position of the European Parliament on the important upcoming copyright reviews – *inter alia*, it recalls the importance of copyright and that the EU creative and cultural industries employ more than 7 million people and generate more than 4,2 % of EU GDP.

Spectrum: Wider Spectrum Group

In May, the Wider Spectrum Group, a coalition in which AER is taking part, published a press release⁴ regarding the Digital Single Market's provisions on spectrum management and sent a related letter⁵ to the European Commission. This group represents the interests of workers and businesses in the field of AV, radio, programme making and special events. This group presents a common view on the need to ensure European and national policies on frequency allocation preserving the potential for EU growth, innovation and sustainable employment.

Spectrum: Band L no longer for radio

On May 8th, the European Commission published an implementing Decision on the harmonisation of the 1452-1492 MHz band for terrestrial systems capable of providing elec-

tronic communications services in the EU⁶: band L is no longer reserved to radio.

Spectrum / Net Neutrality: Telecom Single Market / Connected Continent

On July 8th, the Council, the European Parliament and the European Commission came to an agreement on the Telecom Single Market Regulation articles⁷. The recitals are still being discussed. After positive modification of the text for radio regarding spectrum management at the European Parliament thanks to the work undertaken by AER together with other organisations, the Council went one step further and deleted all provisions related to this issue. As for net neutrality, the aim was to protect the open internet and allow specialised services, which provide enhanced quality of service infrastructure for specific content (against payment). Although the text voted by the European Parliament was more detailed, the agreed provisions seem satisfactory. This text still needs to be formally adopted by the EU institutions this Autumn. In view of the upcoming Telecom Package review, AER renewed its position on radio's infrastructure access on June 11th.

Advertising: terms and conditions

The AER Advertising Terms and Conditions (Ts&Cs) Task Force met in June with the European Commission DG JUST to introduce RAB UK studies showing why Ts&Cs don't work in radio⁸, the difficult situation encountered by *inter alia* Ireland regarding financial Ts&Cs and the AER position⁹ on this issue. The aim of the meeting was to show that there should be no more warning messages imposed by EU regulation and, possibly, see if current rules could be relaxed. The meeting raised the awareness of the DG and will be followed by meetings with other relevant officials of the European Commission.

Data Protection

On June 15th, the Council reached a general approach on the General Data Protection Regulation¹⁰ establishing rules adapted to the digital era. The twin aims of this text are to enhance the level of personal data protection for individuals and to increase business op-

portunities in the Digital Single Market. This means that the Council has adopted its position on this text and informal negotiations, "trilogues", can start with the European Parliament and the European Commission, with an aim to adopt a text by the end of 2015.

EU Budget 2016

On June 23rd, the European Parliament Legal Affairs Committee adopted a Report on the mandate for the trilogue on the EU 2016 draft budget¹¹, mentioning the positive role of EuranetPlus, element highlighted by AER.

Radio still the most trusted medium in the EU

Published in Spring, the European Commission's Standard Eurobarometer 82 on "Media Use in the European Union", with data from November 2014, states that radio is yet again the most trusted medium in the EU¹².

Public consultation on online purchase

On June 12th, the European Commission published a consultation on contract rules for online purchases of digital content and tangible goods¹³. Its purpose is to collect interested parties' views on the possible ways forward to remove contract law obstacles related to the online purchases of digital content and tangible goods. It does not aim at addressing copyrights related issues, but contains questions on digital content. Deadline to take part in is on September 3rd.

E-commerce sector inquiry

On May 6th, the European Commission launched a sector inquiry in the e-commerce sector, focusing particularly on potential barriers erected by companies to cross-border online trade in goods and services where e-commerce is most widespread such as electronics, clothing and shoes, as well as digital content (i.e. on pay-TV, video- and audio-on-demand). Knowledge gained through the sector inquiry will contribute to better enforcement of competition law in the e-commerce sector and will form a basis for further debate on cross-border access to content. This inquiry, led by the European Commission DG

Competition consists in direct investigations to specific companies.

Internal News

AER greeted a **new Member** at the AER meetings on June 11th: European Hit Radio¹⁴, most popular radio amongst 12-49 in Latvia.

Past Events

On May 20th, AER took part in an event organised by **WorldDMB on digital radio in the car**, in Brussels, at the Autoworld¹⁵.

On June 9th, the AER Director Regulatory Affairs was invited to Madrid to present **AER's most recent initiatives** to its Spanish Member: AERC.

On June 11th, AER held its second **Executive Committee meeting** of the year at the AER office in Brussels.

On June 18th, AER attended a **RadioDNS webinar**¹⁶ on Project Logo. Actively supported by AER, it aims at securing a place for radio in the car and in screen-based devices.

On July 7th, the AER Director Regulatory Affairs presented the **AER position on copyright** at the **Universidad Complutense** "Curso de Verano", at El Escorial¹⁷.

Future Events

AER will take part in the next **Radiodays Europe**¹⁸ **conference committee** meeting in Paris on **September 22nd**. AER Members should feed in AER with suggestions by the beginning of September!

The next **Future Media Lounge**¹⁹ will take place on **September 29th**, at the European Parliament in Brussels: "Digital Platforms: Helping or Hurting Media Pluralism?"

On **October 9th**, AER will hold its third 2015 **Executive Committee meeting**, in **Vienna**.

On **November 3rd and 4th**, **WorldDMB** is organising its **General Assembly**²⁰ in **London**. The first AER Member to request it can benefit from a free entrance. Next ones will have to pay 150£. Non-AER Members pay 300£.

While main references are given below, more information is available upon request – if the links below do not work, please copy and paste them into your browser:

¹http://ec.europa.eu/priorities/digital-single-market/docs/dsm-communication_en.pdf

²<https://ec.europa.eu/digital-agenda/en/news/public-consultation-directive-201013eu-audiovisual-media-services-avmsd-media-framework-21st>

³<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2015-0273+0+DOC+PDF+V0//EN>

⁴<http://static1.squarespace.com/static/54dedbace4b0ba8a736a2f1d/t/5549eb0ae4b05d45b28e82f3/1430907658135/May+6+2015+-+Press+Release+-+Wider+Spectrum+Group+asks+Commission+for+greater+clarity+on+and+alignment+of+spectrum+policy+approach+following+DSM+strategy+publications.pdf>

⁵<http://static1.squarespace.com/static/54dedbace4b0ba8a736a2f1d/t/55479296e4b04bf77e488952/1430753942225/WSG+letter+to+President+Jean-Claude+Juncker+-+FINAL.pdf>

⁶http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1431416821549&uri=OJ:JOL_2015_119_R_0006

⁷<http://www.consilium.europa.eu/en/press/press-releases/2015/07/08-roaming-charges/>

⁸<http://www.radiocentre.org/advertising/research/whitepapers/>

⁹<http://www.aereurope.org/aer-position-on-advertising-2015/>

¹⁰<http://www.consilium.europa.eu/en/press/press-releases/2015/06/15-jha-data-protection/>

¹¹<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A8-2015-0217+0+DOC+PDF+V0//EN>

¹²http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_media_en.pdf

¹³http://ec.europa.eu/justice/newsroom/contract/opinion/150609_en.htm

¹⁴<http://europeanhitradio.com/>

¹⁵<https://www.worlddab.org/events/detail/387>

¹⁶<https://www.youtube.com/watch?v=XA6Fs3SPhao> or <https://radiodns.org/>

¹⁷<http://www.ucm.es/cursosdeverano>

¹⁸<http://www.radiodayseurope.com/>

¹⁹<http://www.futuremedialab.info/events/upcoming-events/>

²⁰<https://www.worlddab.org/events/detail/386>