

Portability of digital services across the EU: Council adopts new rules

The Council today adopted new rules to allow consumers who paid for online content services in their home country to access them when visiting another country within the EU.

"Europeans travelling within the EU will no longer be cut off from online services such as films, sporting broadcasts, music, e-books or games they have paid for back home. Together with the ending of roaming charges, this is important progress in creating a digital single market which benefits everyone."

Maltese Presidency

Access to subscriptions from abroad at no extra charge

The new regulation will improve competitiveness by encouraging innovation in online services and attracting more consumers. It is one of the objectives of the digital single market strategy to create a truly internal market for digital content and services.

It will apply to all online content services which are provided against payment of money. Free to air services, such as those provided by certain public broadcasters, will have the option of benefiting from the regulation provided that they verify the country of residence of their subscribers.

Current obstacles to cross-border portability of online services arise from the fact that the rights for the transmission of content protected by copyright such as audio-visual works as well as rights for premium sporting events are often licensed on a territorial basis. Online service providers may choose to serve specific markets only.

The provision of cross-border portability will not be subject to any additional charges.

Verification of member state of residence

The new measures will ensure equal access from abroad to content legally acquired or subscribed to in the member state of residence when on holidays, business trips or limited student stays.

To avoid abuses, service providers will verify the subscribers' member state of residence. The verifications will be carried out in compliance with EU data protection rules.

The provider will be authorised to cease the access to the online service when the subscriber cannot prove his/her member state of residence.

The means of verification will be reasonable, proportionate and effective. It will consist of using no more than two criteria from a list of verification means. These may include an identity card, a bank account or credit card; the address of installation of the device for the supply of services; the payment by the subscriber of a licence fee for other services; an official billing or postal address; etc.

But copyright holders will have the possibility of authorising the use of their content without the obligation to verify the subscriber's residence.

Entry into force

The new rules will start to apply in the first quarter of 2018 (nine months after its publication in the EU's Official Journal).

Today's decision follows an agreement reached on 7 February 2017 between the Maltese Presidency and the European Parliament. The Parliament voted its first reading position on 18 May 2017.

The regulation was adopted at a meeting of the Justice and Home Affairs Council, without discussion.

Background

The increased use of portable devices such as tablets and smartphones facilitates access to the use of online content services regardless of the consumers' location.

There is rapidly growing demand on the part of consumers for access to content and innovative online services not only in their own country but also when they are away from home. As a result, barriers that hamper access and use of online content services within the single market need to be eliminated.

[Regulation on cross-border portability of online content services in the internal market](#)

Press office - General Secretariat of the Council

Rue de la Loi 175 - B-1048 BRUSSELS - Tel.: +32 (0)2 281 6319

press.office@consilium.europa.eu - www.consilium.europa.eu/press