

More portable digital services: EU ambassadors confirm agreement

EU ambassadors today endorsed 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.

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

Today's decision confirms the provisional agreement reached on 7 February 2017 between the Maltese Presidency and European Parliament representatives.

After formal approval of the regulation by the Council and the Parliament, the new rules will start to apply in the first semester of 2018 (nine months after its publication in the EU's Official Journal).

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.

[Portability of digital content services: EU Presidency-Parliament agreement](#)

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