

3 April 2013

Dear Vice-President Kroes, dear Commissioner Vassiliou, dear Commissioner Barnier,

Re: The scope of Working Group 1, Licences for Europe

The undersigned organisations welcome the willingness of the European Commission to undertake a discussion between stakeholders with the goal of improving access to content across Europe and embrace the opportunities that the Internet has to offer.

However we have significant doubts that it will be possible to address the existing problems within the current framing of the discussions.

The scope of Working Group 1 does not fully consider the issues at stake. It is unlikely that the problems of a weak and poorly serviced market in the EU can be addressed through licensing only. The existing barriers in the current legal framework are relevant problems that should also be included in this discussion.

In our view, concentrating on technical and commercial licence-based solutions will not lead to an inclusive and constructive dialogue. We strongly believe that any debate on licensing issues should include discussions about the obstacles facing licensing, and the barriers that prevent EU citizens from accessing content. The three focuses set up for Working Group 1 i.e. (i) the non-availability of cross-border access due to geo-blocking; (ii) the redirection to national portals and (iii) the portability of services, are limited to contractual and technical issues. We strongly urge the introduction of discussion on the current legal framework.

The lack of availability of content and of service portability cannot be solved through contracts and technology only. A large number of other factors outside the scope set by the Commission must be discussed to address the lack of choice and availability of content offered to EU citizens.

We strongly believe that a true dialogue should embrace the whole spectrum of the issues at stake including existing obstacles and opportunities generated by the current legal framework.

We also fear that the methodology to be followed in Working Group 1 to divide into sectoral approaches will not allow smaller stakeholders such as civil society to attend all discussions. Furthermore, sharing best practices without setting any goals that need to be reached by the end of the process is, in our opinion, unlikely to yield a worthwhile output. Also, during the first meeting, the Commission seemed to rule out the possibility of reaching standardisation for interoperability in the framework of this working group, which we believe further restricts the possibility of success.

Therefore, we urge the European Commission to broaden the scope of the discussion, without breaking the working group into different parts. The working group should work on identifying the main categories of restrictions and the reasons for their existence.

We would be very grateful if the European Commission could take our serious concerns into account and address them before the next meeting of Working Group 1.

Yours sincerely,



Klaus-Peter Böttger, President of EBLIDA
(European Bureau of Library, Information and
Documentation Associations)



Andreas Krisch, President of EDRI
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