



European Coordination of Independent Producers  
Co-ordination Européenne des Producteurs Indépendants

Newsletter

January 2010

**CEPI  
NEWS**

Dear Members,

Happy New Year!

The European Audiovisual Observatory has now added a Facebook page to its communication strategy.

<http://www.facebook.com/home.php?#/pages/European-Audiovisual-Observatory-Observatoire-europeen-de-laudiovisuel/88982773381?ref=ts> – you can now become a “Facebook-Fan” of the Observatory and thereby receive all their latest information (such as, for example, press releases or conference announcements).

You will be pleased to hear that, as of 1<sup>st</sup> February, Joseph Johnston will join the CEPI Secretariat as European Affairs Consultant.

The CEPI Team

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## Europe NEWS

### 1. UPDATE ON PARLIAMENTARY INTERGROUPS

On 19th January in Strasbourg, the leading MEPs decided that Mr Cavada (France, EPP-ED) would be the Chair of the Intergroup on Media (which will deal, amongst other issues, with digitization, new technologies, copyright and intellectual property, digital libraries, the audiovisual sector and freedom of the press) and that the Vice-Chairs would be the representatives of the political groups: Slovenian MEP Tanja Fajon (S&D/SD), German MEP Jorgo Chatzimarkakis (ALDE), German MEP Helga Trüpel (Greens) and French MEP Patrick Le Hyaric (GUE). They are currently sending out messages to all MEPs to join the Intergroup and they will meet on 10 February from 5pm to 7pm in Strasbourg to decide on upcoming priorities.

For more information contact MEP Cavada's spokesperson: Julie Messier: [juliemessier@jeanmariecavada.eu](mailto:juliemessier@jeanmariecavada.eu) +33 (0)6 19 57 90 81

The intergroup on New Media should be chaired by Dutch MEP Marietje Schaake (ALDE).

Intergroups are informal bodies of MEPs from different political groups. While intergroups are not considered organs of the European Parliament (as its committees and delegations are), officially recognised intergroups are resourced by the Parliament with meeting space and translation facilities. Most of their meetings take place in Strasbourg Plenary week and are open to the public. They usually

invite high level speakers, produce policy documents, prepare Parliamentary reports and resolutions and organise events.

Find below the full list of Parliamentary intergroups to date (some seem a bit random!):

- SME "SMALL AND MEDIUM-SIZED ENTERPRISE"
- WAYS OF SAINT JAMES / CAMINO DE SANTIAGO
- FAMILY AND THE RIGHT OF THE CHILD & BIOETHICS
- SKY AND SPACE / CIEL ET ESPACE
- YOUTH ISSUES / JEUNESSE
- URBAN
- MOUNTAINOUS, ISLAND and SPARSELY POPULATED REGIONS & R.U.P (Régions Ultrapériphériques)
- SOCIAL ECONOMY / ECONOMIE SOCIALE
- SUSTAINABLE HUNTING, BIODIVERSITY, COUNTRYSIDE ACTIVITIES and FORESTS
- EXTREME POVERTY & HUMAN RIGHTS FOURTH WORLD EUROPEAN COMMITTEE
- DISABILITY
- TIBET
- CLIMATE CHANGE & BIO DIVERSITY & SUSTAINABLE DEVELOPMENT
- WATER / WASSER
- BALTIC EUROPE
- MEDIA**
- AGEING AND INTERGENERATIONAL SOLIDARITY
- SEAS AND COASTAL AFFAIRS / MER ET ZONES CÔTIÈRES
- WELFARE & CONSERVATION OF ANIMALS
- TRADE UNION COORDINATION GROUP
- NEW MEDIA, FREE SOFTWARE AND OPEN INFORMATION SOCIETY**
- TRADITIONAL NATIONAL MINORITIES, CONSTITUTIONAL REGIONS AND REGIONAL LANGUAGES
- LESBIAN, GAY, BISEXUAL&TRANSGENDER RIGHTS - LGBT
- PUBLIC SERVICES
- WESTERN SAHARA
- ANTI-RACISM & DIVERSITY (Roma included)
- WINE, FRUITS AND VEGETABLES, TRADITION AND QUALITY FOOD

## 2. COMMISSIONERS HEARINGS

### **Barnier – Internal Market and Financial Services**

On 13th January, at IMCO committee, the Commissioner Designate for Internal Market and Financial Services, Michel Barnier, told MEPs that he will not compromise on the rights of creative artists whose content is distributed online, and will embark on an overhaul of copyright rules to adapt them to an online world.

The promotion of creation and innovation would be one of his key priorities: "There are estimates that the EU has lost 2.5 million jobs to counterfeiting and I won't compromise on the protection of copyright for European creative artists on their own works," he said. "But in a digital world, knowledge and content becomes more accessible. We have to adapt the copyright framework to these challenges, and better manage internet rights, including orphan works." Rules should be "attractive and accessible, to discourage 'looting practices.'" This attitude seems very much in line with his predecessor's, McCreevy, adapting copyright to the online market, enforcing it correctly, collecting royalties, and clearing rights.

When replying to Latvian Christian Democrat Sandra Kalniete on an EU-wide action

against piracy, Barnier said "there are those who are well-disposed. I don't think we should be indulgent to piracy at all," he said, adding "as far as I am concerned, we have to uphold people's rights on the net. "Of course there is a need to have material in a teaching function for children, but creators need proper remuneration, within a model we want creators to make a living." He said he would be working with Ms. Reding to strike a balance between the freedom of information and the rights of creative artists.

The French conservative politician said he will aim at tackling the fragmentation of the Internal Market and to bring back confidence to European integration.

Barnier outlined his priorities: ensuring confidence and the security of the internal market, developing creativity and innovation and placing consumers at the heart of the European market by creating a "social business act" to encourage businesses that are keen on social aspects.

Mr Barnier's nomination was fully supported by MEPs who did not ask him uncomfortable or detailed questions, despite his vague and general answers. His knowledge of the internal market doesn't seem to be as deep as it should be, which might mean that the Director General, who will be British, will have more impact on policy developments or that Paris will try to control key decisions.

Barnier's **cabinet** will be composed as following:

- Head of Cabinet: Olivier Guersent (French). Previously head of DG Competition's Cartels Directorate and worked in cabinets of former Competition Commissioners Nelly Kroes and Karel Van Miert.
- Deputy Head: Kerstin Jorna (German). Previously head of cabinet for former Justice Commissioner Jacques Barrot, and worked for Barnier when he was regional affairs commissioner.
- Spokeswoman: Chantal Hughes (dual British/French nationality). Detached British civil servant, spent a year at Ecole Normale d'Administration. Currently spokeswoman for employment and social affairs.
- Other Members:
  - Bertrand Dumont (French, from Cabinet Lagarde)
  - Paulina Dejmek (Swedish)
  - Georg Riekeles (Norwegian former member of cabinet in Agriculture)
  - Gregoire Schöller (Belgian, lawyer)
  - François Arbault (French, former cabinet Barrot)

## **Reding - Justice, Fundamental Rights and Citizenship**

On 12th January, the Parliament held the hearing for Commissioner Designate for Justice, Fundamental Rights and Citizenship, Viviane Reding. Previously Ms. Reding was the EU Commissioner for Information Society and Media. During her hearing, Ms. Reding reiterated her main priorities including data protection, privacy and consumer rights and how things have greatly changed since 1st December when the Fundamental Rights Charter became binding under the Lisbon Treaty. Questioning committees were LIBE, JURI and FEMM.

In her introduction to the LIBE Committee, Ms. Reding said she was proud to stand as the first ever Commissioner for Justice, Fundamental Rights and Citizenship, especially now that the Fundamental Rights Charter is legally binding. Her 3 priority areas are as follows:

53. Protecting citizens' privacy
54. Strengthening the right of citizens to move freely within the EU.
55. Ensuring that the accused and suspected have clear rights.

Regarding the Consumer Rights Directive, Ms. Reding assured the audience that she is in favour of fully harmonizing consumer protection rules, which should encourage businesses to sell more across borders. However, she did suggest that the quality of the text will need to be revised for better results.

The second hearing was by the JURI Committee and the main issues discussed were copyright, intellectual property rights and consumer rights. Mrs Reding in her introduction said there is a need to bring contract law and consumer rights in balance. She said minimum harmonization is not the way to build a single market. She is for full harmonization regarding consumer protection.

In terms of other judicial priorities, Ms Reding said she would look into the design of new EU-wide copyright-protection measures.

MEP Lidia Odenberg (Poland, S&D) asked how she would ensure the balance between copyright protection and freedom of speech. Ms. Reding supported Article 138 on the internet freedom provision. She said a new modern way to protect IP rights is needed, and the three-strikes law will never become part of EU law. Answering a question from MEP Christian Engstrom (Sweden, Greens) on her plans for copyright and whether her initiative will replace IPRED II discussions in Council, Mrs Reding said we need to look for new legal systems for downloads and she had put a proposal with Commissioner McCreevy on copyright. This is now up to Commissioner designate Neelie Kroes and Michel Barnier.

Unlike other proposed Commissioners, Ms. Reding's performance did not leave much room for doubt that she will be confirmed by the Parliament in her new role.

Her **Cabinet** will be composed as following:

- Head of Cabinet: Martin Selmayr (German). The 40-year-old lawyer is currently Reding's information society spokesman. Has worked at the European Central Bank and the International Monetary Fund. Headed international media company Bertelsmann's Brussels office.
- Deputy Head: Viviane Hoffmann (Luxembourgish). Remains in post already occupied for ten years.
- Spokesman: TBC

### **Kroes - Digital Agenda**

On 14th January, the ITRE Committee held the hearing for Commissioner-designate for the Digital Agenda, Dutch Liberal, Neelie Kroes.

MEPs criticised Ms Kroes for her lack of concrete answers. In her introductory remarks Ms. Kroes highlighted the importance of ICT and she said she will work with both industry and stakeholders to come up with innovative additions to the digital agenda – for which she foresees six building blocks:

- 1) Research and innovation – to improve people's lives.
- 2) Infrastructure – investing in broadband networks and better wireless applications.
- 3) Trust and security – protecting citizens' privacy.
- 4) Businesses and citizens should be ICT literate.
- 5) Developing open standards and interoperability in the public sector.
- 6) Online single market- defragmenting the EU online single market for the sake of consumers and businesses.

Ms. Kroes repeatedly said that she will bring industry and other interested parties together to find solutions to policy challenges, but offered little substance on her actual programme.

MEP Angelika Niebler, Andreas Schwab and Doris Pack, all German conservatives, were only a few of many Parliamentarians to express dissatisfaction with her inconclusive answers on net neutrality, protection of intellectual property rights online, distribution of the digital dividend, media pluralism, de-fragmenting the online single market, telecoms, mobile telephony, personal Internet freedoms and tackling anti-competitive players in the digital market. MEP Niebler said she felt the Commissioner designate did not know what direction she wanted to go in.

British Conservative Malcolm Harbour, criticised Kroes for not showing enough zeal to tackle abuses on the telecoms market: "I thought you would be more challenging, given your reputation".

French MEP Jean-Marie Cavada especially asked Ms. Kroes to look more carefully into the fair remuneration of copyright holders, for it is the basis of the (digital) cultural economy.

MEP Jorgo Chatzimarkakis (Germany, ALDE) asked whether she saw media pluralism in danger and what she planned to do about it. The Commissioner designate said media pluralism must be protected however there should be a balance between freedom of expression and other fundamental values such as protection of minors. British MEP Honeyball (S&D) was also concerned about losing media diversity and asked what concrete actions would be taken on media pluralism, but Ms. Kroes gave a rather vague answer.

Ms. Kroes was asked by several MEPs, such as Marita Ulvskog (S&D, Sweden), Lena Ek (ALDE, Sweden) and Philippe Lamberts (Greens/EFA, Belgium) about net neutrality. The Commissioner-designate said net neutrality should be supported and protected. ISPs "shouldn't be allowed to limit the access to service or content out of commercial motivation but only in cases of security issues and spamming". The recently adopted Telecoms package provides for this and will both strengthen market forces and transparency for the consumer.

MEP Antonio Cancian (EPP, Italy) raised the issue of digitalisation of books and protection for copyright. Ms. Kroes stated: "copyright is important for economy and culture, people deserve its protection, but no proper action is possible while there is no single market" and said she would cooperate with her colleague Barnier to create a copyright framework that is fair to consumers in the first place. When asked by MEP Marielle Gallo's (France, EPP) how to create a digital market for creative content online, she said there should be a balance between what's offered and what has to be paid.

Spanish MEP Pilar del Castillo Vera (EPP) questioned Ms. Kroes on her priorities in setting up the single online market, to which she replied: "it is not a goal in itself, but the means to make changes". By bringing together different stakeholders - industry, users and regulators - she hopes it will be achieved by the end of her mandate.

Regarding internet piracy, MEP Catherine Trautmann (France, S&D) expressed her concerns on parallel talks at the Anti-Counterfeiting Trade Agreement (ACTA), a trilateral forum involving the US, Japan and the Commission, which might give governments the basis to cut off users without a due process. Ms. Kroes said she would champion fundamental rights first and reassured Trautman that ACTA had not yet agreed a text. "The objective of ACTA negotiations is to provide the same safeguards as the EU did in the telecoms package," Kroes added. "So we stick to our line and that's it."

Swedish MEP Gunnar Hökmark (EPP) asked her about the allocation of the radio-frequency spectrum after the switch from analogue to digital TV broadcasting in 2012. Ms Kroes sees the digital dividend as an opportunity "to push development, single market and harmonisation, providing better quality and more choice." Following her first disappointing hearing, Ms. Kroes wrote to the ITRE committee in an attempt to eliminate doubts over whether she is sufficiently prepared for the job, a spokesperson said. Ms. Kroes faced a second, successful hearing on 19th January, in Strasbourg in camera, with only the spokesmen for each political group in the ITRE committee being about to put questions to her.

German liberal MEP Jorgo Chatzimarkakis stated: "we have to take up the fight for the protection of intellectual property now. Neelie Kroes is the right person for this job".

Her **Cabinet** will be formed as follows:

- Head of Cabinet: Anthony Whelan (Irish). Remains in current position with Kroes. A lawyer, he has worked in the Commission's Legal Service and represented it against Microsoft before the Court of First Instance.
- Deputy Head: Lorena Boix Alonso (Spanish). Remains in the same position.
- Spokesman: Jonathan Todd (British). Former journalist (Europolitics and Sunday Times).
- Previously spokesman for internal market. Now competition spokesman.

The appointment of the new European Commission will be held on 9th February rather than on 26th January, as initially planned. The postponement is due to the resignation of Bulgarian candidate Rumiana Jeleva (EPP) on 19th January in Strasbourg, following accusations concerning her statement of financial interests and her "incompetence". Commission President José Manuel Barroso met the new Bulgarian candidate, Ms. Kristalina Georgeieva, shortly after. The new hearing will then take place on 3rd February in Brussels and the vote on the College of Commissioners on 9th February in Strasbourg.

### ***3. EU: COMMISSION WARNS STATES FAILING TO RESPOND TO MEDIA DIRECTIVE***

On 21st December, the Commission warned several Member States which have failed to meet the deadline to implement the Audiovisual Media Services Directive that they must act soon or face possible fines. Few Member States (Belgium, Romania and Slovakia fully, and Austria, Germany, Ireland, Malta and the Netherlands partly) have fully implemented the new rules, which allow, for example, for split-screen advertising and product placement in a limited range of programmes. Under the Directive, product placement is prohibited in news and current affairs programmes, children's programmes, documentaries and programmes providing advice, and signals must appear when a programme containing product placement starts, when it ends and after commercial breaks. Member states can still choose to have a ban on product placement. However, countries which fail to apply the changes relating to product placement could face legal action from companies based in other TV jurisdictions.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1983&format=HTML&aged=0&language=EN&guiLanguage=en>

### ***4. LEVIES FORUM REACHED A HALT***

Since July 2008 a stakeholders platform has been trying to reach an agreement on private copying levies. On 7th January, ICT companies opted out of the talks designed to bring private copying levies in line with the demands of digital reproduction. Collecting societies, industry representatives and consumer organisations could not agree on which products should have copyright levies and how they should be priced.

GESAC, the umbrella organisation for 34 European collecting societies, said it was surprised by the sudden halt and the ICT industry's decision to end talks.

Digital Europe, an advocacy group with members such as Sony, IBM and Oracle, together with the consumer association BEUC, call on the incoming commissioners for the internal market Michel Barnier and the digital agenda Neelie Kroes to establish criteria on which products are levied and at what price.

To read more, click here:

[http://www.digitaleurope.org/index.php?id=32&id\\_article=404](http://www.digitaleurope.org/index.php?id=32&id_article=404)

## **5. IP CHAPTER IN THE EU-KOREA FREE TRADE FACES SHARP CRITICISM**

The Foundation for a Free Information Infrastructure (FFII) has requested the EU to remove the intellectual property rights chapter from the EU - Korea Free Trade Agreement (FTA). The FFII claims that the FTA, which is awaiting EU Parliament and member state approval, poses a threat to software companies, companies that use software, and free software projects; and undermines innovation, competitiveness and legal certainty. The FFII commented that the strong provisions on patent infringement could have

EU - Korea Free Trade Agreement (15.10.2009)  
<http://trade.ec.europa.eu/doclib/press/index.cfm?id=443>

FFII analysis (7.01.2010)  
<http://action.ffii.org/acta/korea>

## **6. EUROPE: ANTI PIRACY UPDATE**

In the **UK**, ISPs have complained about the proposed anti-piracy measures in the UK Bill, claiming that the costs will be up to £500m per year – some £25 for every broadband subscription. In a report released this week, Lords Communications Committee has opted to back cinema industry calls to criminalise the recording of films in cinemas. The Lords' report states "We recommend that the Government reconsider the case for specific legislation to make it a criminal offence to record a film in a cinema by camcorder." On the digital transition of cinemas, the Lords stated: "We urge the Government, the UK Film Council and the organisations representing the exhibition sector to find a way of completing the digital equipping of cinemas in the UK which, as necessary, provides help to smaller independent cinemas to purchase or lease digital equipment."

In **France**, plans to clamp down on file-sharers with the "3 strike law" seem likely to be delayed by several months. The law has been delayed by National Commission on Informatics and Liberties (CNIL) which oversees laws affecting citizens' personal data.

According to a recent survey by YouGov Zaper, one in six **Danes** aged between 20 and 65 regularly download or exchange films illegally. The survey, which was commissioned by Danish cable operator YouSee, estimated the total value of the illegal market to be between DKK0.25bn (€33.6bn) and DKK0.5bn a year.

According to a recent IFPI study in **Sweden**, music sales grew 10.2% in 2009, owing to a 98.6% increase in digital revenues, which now account for 16.3% of all sales. Sweden was one of Spotify's launch territories and the Swedish government also took anti privacy measures in 2009. Swedish Internet Service Provider (ISP) Telia Sonera is using the EU Data Directive to appeal a conviction by the Stockholm Regional Court, claiming that the directive protecting the privacy of the individual has precedence over IPRED legislation. The court had ruled in favour of Swedish film companies who wanted access to the personal details of file sharing users.

As of the 8th January, **Spain** is among the countries which have taken up new stronger measures against illegal file sharing. The Spanish Government passed the Law for Sustainable Economy which involves the creation of an Intellectual Property Commission (IPC). The new legislation, which allows to shut down file-sharing websites, faces strong criticism from public and freedom activists, even though it states that websites cannot be shut down without a judicial decision. A newly established group of journalists, bloggers, professionals and creators published its "manifesto" stating that "Copyright should not be placed above citizens' fundamental

rights to privacy, security, presumption of innocence, effective judicial protection and freedom of expression." Another group of activists created a new platform for defending Internet liberties called Red Sostenible.

[http://www.hollywoodreporter.com/hr/content\\_display/film/news/e3if944e88734e00a\\_a3358cfd1b6d614e92](http://www.hollywoodreporter.com/hr/content_display/film/news/e3if944e88734e00a_a3358cfd1b6d614e92)

## **7. COMMISSION TO ASSESS VIRGIN MEDIA PLANS FOR MONITORING PIRACY**

The European Commission is to investigate the legality and privacy implications of software which ISP Virgin Media plans to use to identify illegal traffic on its network, following a complaint from Human rights watchdog Privacy International. The software is called CView and uses deep packet inspection to reveal actual file names of traffic.

<http://news.bbc.co.uk/2/hi/technology/8480699.stm>

## **8. COMMENTS TO THE COMMISSION REFLECTION PAPER**

The Commission received over 180 responses to its Reflection Paper on online content. Stakeholders's views on copyright reform are very diverse from one another although they all agree something should be done as soon as possible, submitting each proposal to a consultation process and impact assessment. Quite a few responses also pointed out that the Commission failed to use appropriate specific terminology in its text, which led to uncertainty over what the proposal in question would actually entail.

Most of stakeholders seemed to agree on the link between the **mechanical and reproduction rights** of a piece of copyright-protected material. The European Digital Media Association EDiMA stated that "Where multiple rights in a work co-exist in a single exploitation (in particular the reproduction/mechanical and performing right in online downloads), the rights should be licensed as a bundle to the commercial user from the same source". The association of collecting societies, GESAC, said that the Commission was responsible for this split and that it was possible for collecting societies and publishers to merge the separate licences for performance and mechanical reproduction rights into a single licence, if the two rightholders negotiated such an agreement. ISPs said that "separate clearance through different licences with each right holder is complex, and becomes more so if such clearance must be carried out on a country-by-country basis. Rights owners should be able to choose a route to market, weighing up the practicalities of direct licensing versus the benefits and related costs of licensing through a collecting society."

Responses from the creative industry lamented the lack of proposals to crack down on **online piracy**, and most suggested enforcement measures such as the three-strikes approach, implementation of IPRED directive, or cooperation with ISPs. ISPs associations totally opposed their members to have a "law enforcement role". European consumer association BEUC said that piracy was a symptom of the lack of legitimate offers.

On **private copy levies**, the mobile phone association, ISPs associations and digital media don't believe that levies achieve their intended aim, and they are not suited to the modern electronic environment. BEUC went as far as saying that "there is currently little or no correlation between the impact of private copying and the subsequent economic harm and the levies collected, while in some cases the amounts collected are far above the economic harm caused by acts of legal private copying." Conversely, Swedish collecting society STIM said "currently private copy

levies are not extended into sufficient areas to cover their intended function. [...] As mainstream media consumption becomes ever more centred around digital delivery methods the broadening of Private Copy levies merit review in Stims opinion." Online freedom activist group La Quadrature du Net also favours a flat fee imposed by ISPs so that users can freely distribute content.

Regarding collective licensing and **one-stop-shop** for rights clearance, some stakeholders suggested that it would make it easier for online content distributors to clear rights, whereas others suggested that this system would lead to anticompetitive behaviour by collecting societies and inappropriate pricing for content. CIAM, the international council of creators of music stated: "it seems contradictory of the commission to shoehorn rights holders into one pan-European entity whilst at the same time objecting to the allegedly 'monopolistic' power of smaller, national [collecting management organisations]. In addition, although a big pan-European super society may be suited to dealing with large commercial users, they are much less likely to provide the service level and approachability necessary for ensuring lawful and easily accessible licensing for local smaller users. These smaller users are vital to the maintenance of European identity and cultural diversity."

There appeared to be little support for the creation of a **pan-European copyright** title. The Hungarian Government opposed this idea "according to our opinion there is no legal basis for this idea in the Treaty of the European Union (TEU), we definitely refuse the further examination of this possibility". Other stakeholders, who were attracted by the idea, also acknowledged it would not work in practice. Besides, current legislation already allows licensing content on a pan-European level voluntarily.

Another unwelcomed idea was to **extend the provisions in the Cable and Satellite** directive (to cover digital distribution platforms) allowing satellite operators to broadcast TV in various member states under a single licence.

To see all the responses, click here:

[http://ec.europa.eu/avpolicy/other\\_actions/content\\_online/consultation\\_2009/index\\_en.htm](http://ec.europa.eu/avpolicy/other_actions/content_online/consultation_2009/index_en.htm)

## **9. DIGITAL INTERNAL MARKET A SPANISH PRESIDENCY PRIORITY**

Spanish Prime Minister Jose Luis Rodriguez Zapatero announced in the European Parliament this week that creating an EU Digital Internal Market will be a priority of the Spanish Presidency. Zapatero stated that e-trade and IT sectors accounted for 40% of the overall EU growth.

His announcement was reinforced by recently released figures from Eurostat, which show that in 2008, e-Commerce accounted for 12% of the total economic turnover in the 27 EU Member States. 73% of e-commerce orders came from the national level however.

For an extract of the report please [click here](#).

**10. FERA CONFERENCE "IMAGINING CINEMA IN THE DIGITAL AGE: CREATIVITY AND NEW WAYS OF DISTRIBUTION"**

FERA - the Federation of European Film Directors representing 37 professionals' organisations in 29 countries - organised a conference on 28 January at the European Parliament in Brussels called "Imagining Cinema in the Digital Age: Creativity and New Ways of Distribution"

European audiovisual directors, experts in the audiovisual field and representatives of the European Parliament and the European Commission had the opportunity of exchanging views on topics such as the role of film directors in the digital age, new technological tools, in particular 3D, and new opportunities for online distribution, as well as how to secure the necessary legal framework and financial support in a changing audiovisual environment.

FERA advocated that Europe must invest in the creativity behind the content, not just in the technology. The European institutions should take bold steps to strengthen the position of creators in order to ensure them the means to live from the product of their labour as a basis for further creative production - a goal surely in the interests of audiences and society as a whole. For European directors, all online distribution opportunities for their works which respect the artistic integrity of the work and their rights as creators (both moral and economic) are valuable to help them reach new audiences. But in order to secure the continuous production of new audiovisual works, all platforms and service providers that benefit from films should also contribute to finance production in the digital single market.

The conference was hosted under the patronage of Helga Trüpel, Vice-chairwoman of the Committee on Cultural and Education and Isabelle Durant, Vice-president of the European Parliament. Speakers included Fridrik Thor Fridriksson (film director), Ben Stassen (film director), Chantal Richard (film director), Wendy Everett (University of Bath, UK), Cay Wesnigk (film director, Online Film), Michel Peters (Content Republic), Cecile Despringre (SAA), Gerhard Pfennig (Bild-Kunst), and Aviva Silver (Media Programme).

Ms. Silver said that the aims of the MEDIA programmes are to increase circulation, improve competitiveness, and safeguard and promote cultural diversity. Slowly though new technologies have become a transversal priority. Pilot projects were always intended to give space to new technologies, despite many technologies not succeeding as foreseen and had to be put aside. With other phenomena, such as VOD, the pilot project became a more "proper" project, supporting training, distribution, digital costs, etc.

There is much more recognition now for the need of digital content, as the Eurimages demonstrates: up until this January, it was an almost automatic procedure for applicants, now there are more requests.

**The new MEDIA Programme needs to meet the needs of professionals as far as possible. New technologies and new business opportunities should be reflected in shape of the new MEDIA – which should also be complementary to national schemes.**

**The Commission will start an impact assessment on this programme later this year and this will involve TV too, not only cinema and CEPI jhas asked to be involved in the preparation of the new programme.**

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## **11. ICT INDUSTRY PRIORITIES**

On 18th January, representatives of the European ICT industry presented a report including their recommendations for the Spanish Presidency Digital Europe Strategy and the new Digital Agenda of the European Commission at a meeting organised by the Spanish State Secretariat for Telecom and InfoSoc.

The Chair was Dr. Enrique Barón Crespo, former President of the European Parliament. Amongst participants were the Business Software Alliance (BSA), Cable Europe, DIGITALEUROPE, the European Digital Media Association (EDIMA), the European Competitive Telecommunications Association (ECTA), the European Satellite Operators Association (ESOA), the European Telecommunications Network Operators' Association (ETNO), the European association of European Internet Services Providers Associations (EuroISPA) and the Global System for Mobile Communications Association (GSMA).

The Industry Declaration also refers to the "Creative Content in the Digital World", and the ICT industry's priorities are:

- Developing a more efficient and holistic copyright clearance system to reduce transaction and management costs and enable one-stop clearance of all content exploitation forms both on the horizontal (i.e. multi-territory) and vertical (i.e. one negotiation partner only in the value chain) level
- Offering all repertoires in a licence and the licence authorises all uses permitted by the digital services they license
- Ensuring that the practices of national and multinational content licensing bodies enable multiterritory licensing
- Developing EU-wide mechanisms to promote greater transparency, equity, coherence, and legal clarity in the imposition, collection and distribution of all copyright fees, levies and other digital revenues by collecting societies, to ensure that creators are fairly compensated and that digital innovators and consumers are equitably treated
- Deploying technology to enable more transparent, timely, and accurate collection and distribution of digital revenues to artists and copyright holders

There is also a section in international trade on page 58: "The Commission should resist third-country ICT policies, for example standards mandating non-market terms, non-transparent subsidies and procurement preferences intended to promote domestic industry, to the extent that they prevent level playing field, effective and fair competition and market participation by European ICT providers."

To access the report, please click here:

<http://www.mityc.es/telecomunicaciones/Presidencia/actos/18enero/Documents/Fin al%20Report.pdf>

## **12. UPDATE ON THE TERM OF PROTECTION**

The Spanish Presidency (main supporter of the extension of the terms of protection) has confirmed that this remains a priority but they decided not to table the proposal on the 13<sup>th</sup> January IP working group (or any working group during their presidency), as little progress can be made given that the opposition is to the overall political objective and not to specific parts of the text.

Should Spain manage to break the blocking minority by working behind the scenes, the proposal will be tabled at Coreper (ambassador/political level) in April for formal adoption by the Competitiveness Council in May. It appears that France and the UK are helping Spain in achieving this and countries such as Romania and Austria could be easily convinced.

Denmark and Finland are also two of the unconvinced countries of the blocking minority – which requires 91 Council votes:

Austria	10
Belgium	12
Czech Republic	12
Denmark	7
Finland	7
Netherlands	13
Romania	14
Slovakia	7
Slovenia	4
Sweden	10

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Following Spain, the other two countries which form the new trio of presidencies are Belgium (which is against) and Poland (which is lukewarm).

### **13. PARLIAMENTARY REPORT ON ENFORCING IPRS**

MEP Gallo's report on Enforcement of IPRs in the Internal Market should be adopted in JURI on 22<sup>nd</sup> March and in Plenary in April.

This non-legislative own-initiative report falls within the core competence of the JURI Committee for intellectual property law as provided for in Annex VII of the Parliament's Rules of Procedure. The report takes as its starting point the Communication from the Commission "Enhancing the enforcement of intellectual property rights in the internal market". At its meeting on 5-6 October 2009, the Communication was presented to JURI by Margot Fröhlinger, Director of Directorate 'Knowledge-based economy', DG MARKT and followed by an exchange of views.

### **14. GREEN PAPER ON CULTURAL INDUSTRIES OUT SOON**

It has come to CEPI's attention that a Green Paper on Cultural Industries is due to be published in May this year. We are told that it will cover issues "linked with the further development of cultural and other creative industries in Europe".

The Paper will be managed by DG EAC.

A few other papers will feed into the EC Green Paper on cultural industries:

- The Study on the Entrepreneurial Dimension of Creative and Cultural Industries, commissioned by the Education, Audiovisual and Culture Executive Agency of the Commission, (EACEA), carried out by the University of Utrecht, due to be out in April.
- The Recommendation of the Cultural Platform (June 2008-September 2009), of which CEPI has been a member since October 2009, and which was then sent to the Commission and the Member States (as they are carrying out parallel activities at national level)
- The results of the national expert groups.
- (possibly) another study on cultural and creative industries carried out by KEA consultancy.

Anytime between July 2010 and October 2010 the Commission will come up with a Communication on Cultural Industries, which at the moment appears to be vague and not very concrete. CEPI will contribute to the discussion by informing the Commission about our agenda.

For more information visit:

[http://ec.europa.eu/information\\_society/newsroom/cf/itemdetail.cfm?item\\_id=4351](http://ec.europa.eu/information_society/newsroom/cf/itemdetail.cfm?item_id=4351)  
[http://ec.europa.eu/culture/our-policy-development/doc/platform\\_CCI\\_paper.pdf](http://ec.europa.eu/culture/our-policy-development/doc/platform_CCI_paper.pdf)

**CEPI's members are encouraged to answer an online questionnaire to contribute to the study on entrepreneurial dimension of Cultural and Creative Industries.**

Here is the link: <http://cci.eurokleis.com>

## **15. TV ARCHIVE PROJECT TO SUPPLY EUROPEANA**

EUscreen is a new 3 year project that will supply TV archive footage to Europeana. It is funded by the eContentplus programme of the Commission. Over 30,000 items that capture Europe's television heritage (videos, photographs, articles) will be channelled into Europeana. EUscreen will also develop its own multilingual portal specialised in information about TV archives and television research.

The portal will be launched in 2011 and will be directly connected to Europeana. The EUscreen consortium is coordinated by the University of Utrecht and consists of 27 partners (audiovisual archives, research institutions, technology providers and Europeana) from 19 European countries.

For further information contact Wietske van den Heuvel: [wvdheuvel@beeldengeluid.nl](mailto:wvdheuvel@beeldengeluid.nl) or click here: [www.euscreen.eu](http://www.euscreen.eu)

## **16. REPORT ON DIGITAL AGENDA MENTIONS EU © BLANKET**

The draft report by MEP Del Castillo on "Defining a New Digital Agenda for Europe: from i2010 to digital.eu", contains some worrying points on a European copyright blanket and very little on the need to protect content.

Below are some extracts:

*Emphasises the need to develop the free circulation of content and knowledge and to achieve, by 2015, a simple, consumer-friendly legal framework for accessing digital content in Europe, which would give certainty to consumers and ensure robust solutions that are balanced and attractive for users and rights-holders; urges the EU to accelerate the debate on copyright and to establish an EU copyright title under Article 118 of the Treaty on the Functioning of the EU by 2013;*

...

*Developing the Fifth Freedom: free circulation of content and knowledge When it comes to the provision of digital content, Europe cannot claim to be the largest marketplace in the world, it is 27 separate markets. Providers of content are confronted with overly complex and nationally based licensing systems, which make it more difficult for digital businesses to provide compelling legal content offers. This not only limits the availability of legal content online, but also stifles the development of new media services. These issues are part of a difficult and urgent debate, but illustrate in any case that a fundamental revision of the current state of online copyright is becoming necessary. We need to accelerate this debate to ensure robust solutions that are balanced and attractive for users and right holders.*

...

*Policy goals:*

- A simple, consumer friendly legal framework for accessing digital content in Europe by 2015.

*Policy actions:*

- Establishment of an EU copyright title under Article 118 of the TFEU by 2013.
- Develop common EU-wide standards and rules for online payment methods (i.e. 'm-cash') by 2012.

It should be voted in the ITRE committee on 17th March and in Plenary on 19th-22nd April. Draft opinion by CULT committee (MEP Catalin Sorin Ivan Ivan) is also not very friendly towards creative industries.

On 25th January, CULT discussed the draft opinion on the EU Digital Competitiveness Report and the main achievements of the i2010 strategy 2005-2009.

On i2010, MEP Ivan noted the need for a renewed strategy which should be comprehensive and focussed on citizens, with information security a key topic. He identified three key areas: ICT training / education for young people, the Europeana project (it is important for EU heritage, and should not be seen as a competitor to Google Books), and the creation of an EU portal giving access to video, film and books to all European citizens.

MEPs asked questions on copyright and piracy regarding this portal. MEP and Vice Chair-woman of the Committee Helga Trupel (Germany, Greens) questioned whether it would be public or private and voiced concern over copyright and film access. MEP Ivan confirmed the public nature of the EU Portal and that Member States should consider promoting their culture, adding "...indeed we need to think about copyright and managing access, it cannot be free of charge." Regarding e-commerce, he suggested promoting technology at the EU level and raising consumer awareness to increase confidence in data security.

MEP and Vice-Chairman of the Committee Morten Lokkegard (Denmark, EPP-ED) commented that the committee should deal with piracy and copyright, despite the sensitivity of these issues, adding that artists deserve to have their income protected. Chairwoman Doris Pack agreed on this. MEP Lokkegard added that the committee should address the growth of e-commerce the lack of consumer confidence in this area. The Commission representative said that they will take Parliament's input into account and add it to the digital agenda.

The vote will be on 22 February 2010.

## **17. SPANISH PRESIDENCY PRIORITIES TO CULT**

On 26th January, CULT hosted a presentation of the priorities of the Spanish Presidency by Ms. Angeles Gonzalez-Sinde, Minister of Culture (and who is a script writer!)

The Chair, MEP Doris PACK (Germany, EPP), said that the presentation will be complementary to the one CULT had the day before by the minister of Education. The focus also was on:

1. The European Heritage Label, a topic that the Commission will come with concrete proposals;
2. Support of the creative industries –digitisation of cinema;
3. Conferences on cultural issues;

The Minister said that their cultural agenda was an ambitious plan, set after rigorous analysis and based on political principles. Culture is in the heart of the Spanish priorities and Europe; is a sustainable response to the world's economic crisis and affirming democratic values.

Below are some key points:

- Europe should expand and become the continent of Digital economy, innovation and social cohesion. Key to achieve this is the 2020 strategy (post-Lisbon Strategy).
  - It is very important to reconcile two rights, the rights of all workers in the sphere of culture to be respected fairly with the rights of all citizens to access to culture.
  - Boost the culture industries as they are a clear source of quality employment. Support spread of digitalisation of cultural material.
  - The 3 main priorities are:
1. **Harvest the potential of culture in local and regional development.** The communication from the Commission will have as a goal the promotion of shared history among Europe, the fostering of an EU identity and the improvement of the attractiveness of regions through cultural tourism. She said that the Commission will come soon with a legislative proposal on the issues above. The Council will have a meeting on May and Spain will be a strong supporter of this initiative. On April 19-21 an expert's level meeting will take place in Cáceres.
  2. **Consolidate culture for economic growth and social cohesion.** The talent industry absorbed a lot of the financial crisis, but recovered the fastest. On 29-30 March in Barcelona, the 2nd Forum on Economy and Culture will take place, complemented by an informal meeting of the ministers of culture. On May 10-11th will come the Green Paper on Cultural industries. On May 25th meeting with the people of Arts and discuss about artists mobility.
  3. **Development and dissemination of digital culture material.** There are 3 issues:
    - i. **Online digitisation of cultural creations:** This topic will lead the changes. On April 12-13th Conference in Madrid about digital libraries and copyright. We have to wait for the Commission to prepare the results of last November's consultation.
    - ii. **Europeana:** The Council will adopt conclusions about the evolution of Europeana. It will support the boost of digitisation and increase of the project's financial stability.  
**Digitisation of film projection:** There are 2 new challenges, including the transition to digital technology: How new films will be produced, distributed and played? How can we reach the balance to ensure cultural diversity? Protect the cinemas in small areas.

On March 5-6th Conference in Barcelona about digital film. There are 2 tasks that arose: i) The fight against discrimination; access to culture for all citizens – contribute equally to their creation and entrepreneurship. ii) Protecting artistic cultural diversity. Protecting all the European languages and each of us can address EU institutions in their mother tongue.

And below are some highlights from the Q&As session:

- **BADIA i CUTCHET, Maria (S&D, SP)** supported especially the second priority by saying that “it is the most intelligent thing we can do” and asked the Minister how the sector of creative industries can be strengthened.
- **FISAS AYXELA, Santiago (EPP, SP)** supported the role of tourism in communicating cultural heritage.
- **COSTA, Silvia (S&D, IT)** said that additional to the label question, the project of the European roots as the Santiago de Compostela is also important (maybe referring to the Intergroup on this issue). The digitisation of films, cultural products and the role of the industry are important as well. For the moment, governments support the digitisation of the equipment of small movie theatres. She wondered if it is the time to look at this not as a state aid, but as a necessary step.
- **PAPANIKOLAOU, Georgios (EPP, GR)** stressed the importance of the network of stolen work of Art and archaeological artefacts and asked if there are plans to promote more those efforts. The Minister replied that touches upon the competences of the Interior Ministers, but it remains an important issue that ministers of culture should cooperate with.
- **BISKY, Lothar (GLN, DE)** was pleased to see the cultural industries as a priority and especially the cinema as it is part of Europe's shared culture. He

spoke for an opportunity to link the transposition in digital cinema with a promotion of European films. Also proposed the creation of a Cinema Training Centre, where the best will come to teach and study together.

- TRÜPEL, Helga (Greens, Germany) was pleased about the discussions on digital cinema and advertised the conference that will take place on the topic this Thursday on 9:00. Pleased to see interest about the Europeana and underlined the issue of financial stability. The renewal of the Lisbon Strategy budget can feed the digitisation efforts of Europeana, she said. She also spoke about ease of access on the internet, but also the problems with copyright. We should be careful about the direction we should take, she said.
- BORYS, Piotr (EPP, PL) asked if there are plans for the program to expand accessibility of digital cinema. He also asked about possible funding for cinema, as for example in some countries there is support for young film makers. In her reply, the Minister said that European, copyright and digitisation are very important issues and high priorities for the Spanish Presidency. She said that Zapatero himself addressed those issues and ranked them as priorities for the Information Society. "Protecting Copyright is something that we have to respond in a short term (!) we should tackle initiatives as Google Books, Europeana, but also the digitisation of cultural heritage". All ministers are concerned about digitisation, but also about access. We should try to tackle the fragmentation. We should try to work with member states and the Commission in order to reconcile rights. We should promote industries and new business models. There is need for an operational framework.
- Matters that cut across many different bodies should be dealt with by an ad-hoc Committee that will deal with European Heritage. It is important to have a European identity/Brand. We have to move forward and not simply try to catch up with technology. The ad-hoc Committee should analyse the way that we should move forward.
- ENARAB-ATTOU, Malika (Greens, FR) spoke about the risks for the small independent movie theatres that help promote European identity. The cost of digitisation is tremendous – will you support the financing through a fund? She also spoke about choosing a digital standard as there are a lot of formats in the market. There is cost if one chooses one format and then another one is chosen. Need to act fast on the issue.
- HONEYBALL, Mary (S&D, UK) was pleased with the creation of an ad hoc Committee. She was concerned about the protection of rights of the people working in the creative industries as they are fragmented. She asked more details how Spain will act on this and also about the access of the citizens.
- PALIADELI, Chrysoula (S&D, GR) asked the minister if is the modern culture or the antiquities that the presidency is interested. Any projects on conservation of archaeological sites?
- Regarding films, she said that we are flooded by US programs, often of low or bad quality. How can we combat this?
- PACK, Doris (EPP, DE), the chairwoman, agreed with the observation of Mrs. Paliadeli and said that this is an issue of external relations and the new External Action Service that is under formation should take this perspective into account.

In her closing remarks, the Minister agreed that Europe should try to export to the rest of the world films and culture. For this reason they will try to work with Lady Ashton as there is always scope for culture.

She expressed her concern about the small independent movie theatres that are the ones that show alternative movies from Europe as well as from other parts of the world like the Middle East etc. She is also concerned about the fragmentation of rights and how they can be compatible. In some countries even copyright faces transformation, she said and acknowledged that this is an important matter for the UK.

She also underlined that she will not leave digitisation to dominate the cultural agenda. She believes that access on internet to copyright material is possible as there are different models across Europe. “What we need is to reconcile them without missing the ball of the Internet”. It is always crucial that we have access to cultural material.

**18. SPAIN REDUCES ADVERTISING TIME DUE TO STRONG CRITICISM**

In response to mounting pressure, the Spanish government has agreed to amend the General Media Law, reducing the time allowed for “telepromotion” from 12 to 2 minutes in an hour. Telepromotion is the practice of a presenter promoting a product or service during the course of the programme. The World Federation of Advertisers (WFA) had written to European Information Society Commissioner, Viviane Reding, strongly of the government’s interpretation of the Audiovisual Media Services (AVMS) Directive, which set out a limit of 12 minutes total advertising time in an hour.

Congress’ official release can be found here  
The law in its latest form can be viewed here  
The amendments to the law can be viewed here  
The WFA’s letter to Viviane Reding can be found here

**19. UK: GOVERNMENT FACES STRONG CRITICISMS ON PRODUCT PLACEMENT PLANS**

In the UK, a government consultation on allowing product placement is being met with strong opposition from medical groups, teaching unions and children’s charities, who say the move will undermine efforts to curb childhood obesity, alcohol abuse and gambling, as well as confusing the line between editorial content and advertising. Culture Secretary Ben Bradshaw has indicated that he wishes to offer broadcasters the possibility to bolster their finances with this form of advertising, but he is likely to face opposition from other Ministers.

**20. NEW COMMISSION STUDY ABOUT FILM HERITAGE INSTITUTIONS IS EXPECTED**

A new study about film heritage is expected to be launched in 2010 by the Commission. A prior information notice was published last December presenting the context and the targets of the expected analysis. In addition, the new study will provide policy options for EU action, as well as a comparison with the situation in the US.

[http://ec.europa.eu/avpolicy/reg/cinema/news/index\\_en.htm](http://ec.europa.eu/avpolicy/reg/cinema/news/index_en.htm)

**21. FILM HERITAGE RECOMMENDATIONS: MEMBER STATES REPORTS AVAILABLE**

Member States’ second reports on the application of the Film Heritage Recommendations are now online, the majority of them already translated into English.

Reports can be found here:

**22. FRENCH TAXES PROPOSED TO SEARCH ENGINES AND ISPS FOR ONLINE ADVERTISING**

The French government has proposed taxing online advertising in order to support the cultural work in the digital context. The new proposal, entitled as Zelnik report, includes 22 measures (such as taxing the revenues obtained by search engines and portals from online advertising) with the aim of improving the sale of online content. The report also proposes the creation of a 50% music/film voucher for people between 15 and 24, and the obligation on music or video streaming sites such as YouTube and Daily Motion to pay for a license to operate.

<http://euobserver.com/9/29228>

**23. FRENCH GOVERNMENT RELEASES REPORT ON THE DIGITISATION OF BOOKS**

The Tessier report on "the digitisation of literature", presented Tuesday, January 12 the Minister of Culture, following the controversy surrounding discussions between the National Library of France (BNF) and Google on the digitisation of books. The report, which aims to increase the visibility of French literature, criticises the deals made between Google and French libraries, but suggests three remedies. First, Gallica, a French library tool, secondly public private partnerships without exclusivity, and thirdly supporting projects such as the European public library Europeana.

<http://www.culture.gouv.fr/mcc/Actualites/A-la-une/Mission-sur-la-numerisation-du-patrimoine-ecrit>

**24. MEDIA PRODUCTION GUARANTEE FUND: EUROPEAN COMMISSION CALL FOR EXPRESSION OF INTEREST**

On January 2nd 2010, the Commission published a call for expressions of interest for the setting up of a loan guarantee mechanism in the framework of the MEDIA 2007 Programme. This MEDIA Production Guarantee Fund will be aimed at supporting and facilitating the access of European audiovisual companies to bank credits.

Proposals can be submitted to the European Commission until March 15th 2010.

Contact: Ms Aviva Silver [info-a2@ec.europa.eu](mailto:info-a2@ec.europa.eu) European Commission, DG Information Society and MEDIAMEDIA Programme and Media Literacy

[http://ec.europa.eu/information\\_society/media/overview/funding/index\\_en.htm](http://ec.europa.eu/information_society/media/overview/funding/index_en.htm)

**25. GERMAN SOCIALIST PARTY CALLS FOR ADVERTISING BAN ON PUBLIC TV CHANNELS**

The opposition German socialist party SPD, has called for a removal of advertising on public TV channels, substituting it with an increase in the licence fees. The party

claims that the plan could in place by 2013. The liberal party FDP has criticised the idea.

**26. YOUTUBE 10 TIMES MORE POPULAR THAN COMPETITORS**

YouTube, the Google-owned online video source, is 10 times more popular than its nearest online competitor. According to statistics, the average user spends about 15 minutes a day on YouTube, and five hours in front of the television. YouTube is not yet profitable, but Google sees great potential in its search facility, with over 20 hours of video uploaded to the site every minute.

**27. GREECE WILL HOLD THE PRESIDENCY OF EUROPEAN AUDIOVISUAL OBSERVATORY FOR 2010**

The European Audiovisual Observatory announced on 11th January that Mr Rodolfo Moronis, Executive Director of the Hellenic Audiovisual Institute (IOM) will be its President for 2010. In his first statement as President Moronis claimed that the EAO would continue to expand in order to cover fields such as new technologies and tax law. His deputy will be Mr Konstantinos Papavassilopoulos, Head of the New Technologies Department at the IOM, who said that the EAO's facts and figures are needed more than ever in order to make sense of the rapid evolutions and he added that EAO's expertise could be applied to geographical areas outside Europe.

[http://www.obs.coe.int/about/oea/pr/exco\\_presidency\\_2010.html](http://www.obs.coe.int/about/oea/pr/exco_presidency_2010.html)

**28. GROWTH IN NUMBER OF TV CHANNELS AND MULTI-CHANNEL PLATFORMS ACROSS EUROPE DESPITE DOWNTURN**

In 2009, more than 245 new channels were launched in Europe; bringing the total of European television channels to around 7200. More than 730 TV channels are currently transmitted digitally in Europe, and DTT services have been launched in 24 of the 29 countries (EU 27 + two candidate countries, Croatia and Turkey). The number of IPTV, satellite and mobile TV operators continues to increase, while the cable market is consolidating. Cinema (and fiction) and sport channels represent the two most predominant channel genres in Europe, (excluding local and regional channels), with 496 and 419 channels, respectively.

[http://www.obs.coe.int/about/oea/pr/mavise\\_end2009.html](http://www.obs.coe.int/about/oea/pr/mavise_end2009.html)

**29. EU: BRUSSELS REMINDS MEMBER STATES TO 'TUNE TV RULES TO DIGITAL AGE'**

Only three countries have officially notified the European Commission of measures to implement the Audiovisual Media Services Directive (AVMS Directive) - Belgium, Romania and Slovakia. The Directive was intended to create a single market for all audiovisual media services, and provide legal certainty for businesses and protection for consumers. The deadlines for the implementing the Directive, which includes rules modernising EU TV and removing unnecessary restrictions on online digital TV, video on demand and mobile TV, was 19 December 2009.

The AVMS Directive can be found at:  
[http://ec.europa.eu/avpolicy/reg/avms/index\\_en.htm](http://ec.europa.eu/avpolicy/reg/avms/index_en.htm)

Annex:  
State of play on the implementation of the new Directive in EU Member States

Description	Details
Pre-legislative stage	<p>LU: draft law to be submitted to Council of Government.            PL: guiding rules for the draft law published in July 2000. Inter service consultations on the draft law were finalised on 25 November 2009. It should be adopted by the Council of beginning 2010. Adoption by the Parliament no sooner than the 2 nd quarter of 2010            SI</p>
Public consultation on draft legislation	<p>AT: second part of legislation (rules other than advertising) drafted + submitted to public consultation. Delay because of recent state aid compromise with Commission which led to amendments, especially the supervision of broadcasters. (" Umsetzung betreffend ORF und Anpassung aller anderen Regelungen (außer Fernsehwerbung und Teleshopping) seit 18.11.2009 in Begutachtung ")            DE:            - Federal level: Telemediengesetz and preliminary Tabakgesetz will be submitted to the new Government, then to federal Parliament            EE: Draft text will be submitted to the Government beginning of January 2010. A new regulatory structure including a completely new licensing procedure shall be introduced.            EL: public consultation ended 25/07/09.            IE: public consultation on the Broadcasting Act 2009 - Targeted consultation on the Statutory Instrument to transpose elements not covered by the Broadcasting Act (non-linear services) also completed.            IT: The general law authorising the government to issue a legislative decree implementing the Directive was adopted mid-July. The draft of the decree is currently elaborated by the government and shall be adopted in January 2010.            SE: public consultation ended late March 09 - Government decision on legislative proposal to be taken in November 09            PT: Law will soon be submitted before the Parliament. Adoption foreseen in 2010.</p>
Text before Parliament	<p>BG: Text before the first chamber. Vote expected on 16 December. Adoption before the 2 nd chamber expected before the end of December 2009            CY: 2 different draft laws, one for public service broadcasters and one for commercial broadcasters were submitted to Parliament. They are with the legal department of the Government since 8 December 2009. After examination they will be forwarded to Parliament for final discussion and voting.            CZ: draft law approved by the government, before the Parliament, vote in plenary expected in February 2010.            DE: - Länder level: Interstate Broadcasting Treaty adopted by Länder Ministers on 28 October 2009, will now be ratified by the 16 Länder parliaments.            ES: since October 16            FI: adoption scheduled beginning of 2010            HU: The text was submitted to the Parliament but it was not put on the agenda since it did not get the sufficient amount of votes. Unclear when Parliament will continue.            LT : draft law awaiting adoption in Parliament by special procedure.            LV: The draft Law on Electronic Media was adopted by Government on 8 October 2009. First reading in parliament has taken place, amendments will be submitted to 2 nd reading.            MT: Adoption foreseen for the 3 rd week of December 2009            UK: Separate product placement on TV regulations expected to be before Parliament in early 2010 (current UK legislation prohibits TV product placement).            Television Product Placement legislation expected to come into force late March 2010.</p>
Legislation adopted	<p>AT : 1 st part of rules concerning advertising ( Regelungen zu Fernsehwerbung und Teleshopping für Private seit 1. März 2009 im Privatfernsehgesetz umgesetzt )            DE: only definition of linear and non-linear services            DK: Law adopted on 10/12/2009            IE: Broadcasting Bill (covering large part of AVMSD) adopted on 12/07/09.            NL: law adopted by the Parliament, signature by the Queen and publication expected in the coming days, notification will happen in the coming week</p>

Notifications

Final notifications :

DK  
 FR (main legislation notably on scope, general rules, public service broadcasters and advertising rules)  
 LU (liberalisation rules on TV advertising)  
 UK (main legislation)  
 Complete notifications :  
 BE  
 RO  
 SK

### **30. EU COMMISSION AND INDUSTRY CONCERN OVER ITALIAN AVMS INTERPRETATION**

The Commission and a wide range of industry representatives in Italy have voiced their concern over a draft Italian law which would require video-sharing platforms such as YouTube to check the legality of all user-generated content prior to posting it, effectively requiring consent from the Communications Ministry in the same way as television broadcasters. Commenting at an opposition press conference held in the Parliament on 14 January 2010, Paolo Gentiloni stated “The decree subjects the transmission of images on the Web to rules typical of television and requires prior ministerial authorization, with an incredible limitation on the way the Internet currently functions”.

The legislation, the purpose of which the Italian government claims is to implement the EU Audiovisual Media Services (AVMS) Directive, runs contrary to the E-Commerce Directive and many fear that it could spur other EU countries to impose similar restrictions. Service providers claim that the requirement to preview all uploaded content represents an unrealistic bureaucratic burden.

Representatives have expressed deep concern regarding film and television production quotas. The draft legislation would annul Law 122, which obliges broadcasters to produce and invest in Europeans film and television.

- <http://www.euractiv.com/en/infosociety/youtube-eu-commerce-rules-threat/article-189261>
- <http://cineuropa.org/newsdetail.aspx?lang=en&documentID=134426>
- <http://www.aiip.it/page.php?id=935>

### **31. EU TENDER: “CHALLENGES OF THE DIGITAL ERA FOR FILM HERITAGE INSTITUTIONS”**

The aim of this study is to describe the challenges that digital production or distribution of cinematographic works present to film heritage institutions, identifying changes which should be introduced. The study will analyse the situation of film heritage institutions in US, and propose policy options to European production companies for preservation of their digital films.

[http://ec.europa.eu/avpolicy/info\\_centre/tenders/index\\_en.htm#herit](http://ec.europa.eu/avpolicy/info_centre/tenders/index_en.htm#herit)

Prior information notice: available in all languages on OJ S 247-353250 of 23/12/2009

**32. EU TENDER: "IMPLEMENTATION OF THE PROVISIONS CONTAINED IN ARTICLE 3(I) (13 OF CODIFIED VERSION) OF THE AUDIOVISUAL MEDIA SERVICES DIRECTIVE CONCERNING THE PROMOTION OF AND ACCESS TO EUROPEAN WORKS IN ON-DEMAND AUDIOVISUAL MEDIA SERVICES"**

This is a study into the implementation of the AVMS Directive on promotion of and access to European works in on-demand services.

[http://ec.europa.eu/avpolicy/info\\_centre/tenders/index\\_en.htm#herit](http://ec.europa.eu/avpolicy/info_centre/tenders/index_en.htm#herit)

Prior information notice: available in all languages on OJ S 247-353250 of 23/12/2009

**33. SPANISH MINISTERS OUTLINE COUNCIL PRESIDENCY PRIORITIES**

Spanish Presidency ministers have outlined their EU Council Presidency priorities to a range of parliamentary committees, responding to MEP questions.

Strengthening protection of citizens' fundamental rights was one of the priorities mentioned by Spain's **Justice** minister Francisco Caamaño Domínguez. When asked WIFT, Domínguez, "it is impossible to postpone the agreement's entry into force, because it would be a unilateral decision" by the EU. "We have nine months to reflect on the exchange of information with the United States and on data protection, from a broader perspective", he said. Better protecting intellectual property rights in the EU was one of the priorities outlined by Spain's **Justice** minister Caamaño Domínguez to the JURI Committee. The minister also listed as priorities enhanced co-operation in the context of the Rome II regulation (law applicable to non-contractual obligations) and the reform of Brussels I regulation (jurisdiction, recognition and enforcement of judgments in civil and commercial matters).

Secretary-general for social policy and **Consumer protection** Francisco Moza Zapatero said that the future directive on consumer rights currently before Parliament is a flagship project, but one which raises the issue of how far national laws in this area can or should be harmonised. Mr Zapatero voiced support for "mixed" rather than the "maximum" harmonisation suggested by the European Commission, and "great flexibility" to arrive at an all-party agreement.

On **Industry, Energy and Telecommunications**, the Presidency plans to develop a new 2010-2014 strategy for creating a single digital market, said Spanish minister for industry, trade and tourism Miguel Sebastián, adding that this "Granada strategy" will aim to improve cross-border e-commerce, inter alia by guaranteeing the interoperability of different payment systems.

Promoting the "European heritage" label and supporting creative industries and the digitalisation of cultural content are the **Presidency's cultural priorities**, Spain's minister of culture Ms González-Sinde. Investing in culture can contribute significantly to Europe's recovery from economic crisis, she said. Ms González-Sinde promised to strengthen access to cultural content on the internet and pursue the "Europeana" digital library project. It was feasible to widen online access to cultural works while protecting their copyright, the minister said in a reply to Helga Trüpel (Greens/EFA, DE). While backing Spain's plans to foster cinema digitalisation, many MEPs stressed the need to promote European cinema in general, e.g. by establishing a European actor training centre (Lothar Bisky,

GUE/NGL, DE), or providing financial support for young filmmakers (Piotr Borys, EPP, PL). Ms González-Sinde promised to take the MEPs' proposals into account, while not forgetting more traditional cultural activities, such as concerts, theatres or circuses. "We have been flooded with cheap American cinema products. Can we combat that?" asked Chrysoula Paliadeli (S&D, EL). Committee chair Doris Pack (EPP, DE), suggested that the EU diplomatic service should help spread European culture. Ms González-Sinde agreed, promising to discuss this with the High Representative for Foreign Affairs and Security Policy Catherine Ashton.

On **Economic and monetary affairs**, Ms. Salgado said that EU priorities will be geared towards "creating a solid base from which to make progress and avoid futures crises". On **Education**, Spanish education minister Angel Gabilondo said that new funding for fresh projects will be considered only if education is among the priorities for the 2020 EU strategy.

Regarding **Gender Equality**, Spanish minister for equality Aído Almagro mentioned specific projects such as a European Observatory on Gender Equality and a European Protection Order.

**34. "TRANSCULTURAL COMMUNICATION – INTERCULTURAL COMPARISONS" – CALL FOR PAPERS**

On the occasion of the 3rd European Communication Conference (12-15 October 2010), the Television Studies Section of the European Communication Research and Education Association (ECEA) calls for research papers in the TV and communication analysis issues. More specifically, the organisers welcome proposals in all fields of communication and media studies, but particularly invite conceptual, empirical, and methodological proposals on inter- and transcultural communication phenomena and/or on comparative research. The paper proposals must be submitted through the conference website by 28th February 2010.

[http://www.ecrea2010hamburg.eu/frontend/index.php?ses\\_id=1fb4e27e7ba5aceab858c7ed8eebfab1&cs=13&page\\_id=162](http://www.ecrea2010hamburg.eu/frontend/index.php?ses_id=1fb4e27e7ba5aceab858c7ed8eebfab1&cs=13&page_id=162)

**35. RECORD INDUSTRY: 'PIRACY DESTROYING LOCAL MUSIC'**

The record industry has increased pressure on governments to take action against piracy in a new report from the International Federation of Phonographic Industries (Ifpi). The report welcomes growing levels of legal digital music downloads, which now represent 27% of revenues for record companies, but warns that local music is paying the price for high levels of piracy, which it says governments are not doing enough to prevent. The report notes that where online piracy is rife, there is a sharply reduced interest in non-Anglophone and local music. In Spain, for example, sales of albums by local artists have fallen by 65% in the last five years. Rob Wells, Senior Vice President at Universal Music Group, commented that "Spain runs the risk of turning into a cultural desert".

<http://news.bbc.co.uk/2/hi/technology/8471290.stm>

**36. PARLIAMENT REPORT ON EUROPEANA**

CULT committee should adopt MEP Trueper's non-legislative initiative report "Europeana - the next steps" on 22nd February. The Plenary should vote on it in April 2010.

The Parliament has already highlighted the importance of Europeana, Europe's online library, museum and archive in its resolution on 'i2010, towards a European digital library' of 27 September 2007.

On 28 August 2009 the Commission issued a Communication on "Europeana - next steps", which looks into the future of this project. The main upcoming challenges will be enriching Europeana's content with both public domain and in-copyright material of the highest quality and relevance to users, and a sustainable financing and governance model.

JURI committee is also giving an opinion on the draft report, focusing mainly on orphan works, where it calls on the Commission to present a legislative proposal on the digitisation, preservation and dissemination of orphan works.

*Point 2: Calls on the Commission to introduce a legislative proposal on the digitisation, preservation and dissemination of orphan works which would put an end to the current legal uncertainty, in accordance with the requirement for diligent search for, and remuneration of, rightsholders;*

*Point 5: Stresses the need to consider ways of encouraging cultural institutions, once they have drafted a digitisation plan, to conclude agreements with rights-holders to make works accessible on a multi-territorial basis, thus helping to spread Europe's cultural heritage throughout the continent;*

### **37. PROCEEDINGS FROM THE 'STATE OF PLAY OF ITALIAN CINEMA' AVAILABLE FOR DOWNLOAD**

The outcome of the State of Play of Italian Cinema - 'Gli Stati Generali del Cinema Italiano' - (20-22 October 2009), part of the International Film Festival in Rome (15-23 October 2009), is now available. The European Commission (DG Competition and DG Information Society) also cooperated in the event.

La Promozione del Cinema Italiano (download)  
La Rivoluzione del Cinema Digitale in Sala (download)  
Il Cinema delle Regioni (download)

### **38. OFFLINE PIRACY IN THE UK**

The Strategic Advisory Board for Intellectual Property Policy's new report "Changing Attitudes and Behaviour in the 'Non-Internet' Digital World and their Implications for Intellectual Property" was launched on 15th January.

The complete report is also available to download at [www.sabip.org.uk](http://www.sabip.org.uk)

### **39. NEW EUROPEAN STANDARDS ON THE INTEROPERABILITY OF FILM DATABASES**

The second European standards for the improvement of the interoperability of film databases "Film Identification – Enhancing interoperability of metadata – Element sets and structures" will be voted on 11th March 2010 by the CEN Formal Vote. If the draft proposal will be voted, the CEN National Members have responsibility to implement these European Standards as national standards. Film heritage institutions which will to participate in the vote should contact their national standardization body. <http://www.cen.eu/cenorm/members/index.asp>

#### **40. EU TO INFLUENCE NEW ROUND OF ACTA NEGOTIATIONS**

The focus of the new round of negotiations on ACTA (Anti-Counterfeiting Trade Agreement), taking place from 26 to 29 January 2010 in Guadalajara, Mexico, will be civil enforcement, border measures and enforcement procedures in the digital environment. Transparency is also on the agenda, but not as a priority. It is reported that the EU aims to have ACTA reflect its own legislation in the area. FFII (Foundation for a Free Information Infrastructure) commenting that ACTA may contain similarly strong anti-counterfeiting measures against patent infringements as the recent EU-Korea free trade agreement.

European Union's Comments to the US Proposal Special Requirements Related to the Enforcements of IPRs in the Digital Environment (29.10.2009)  
<http://blog.die-linke.de/digitalelinke/wp-content/uploads/674b-09.pdf>

ACTA Agenda - Round 7 (26-29.01.2010)  
<http://www.mfat.govt.nz/Trade-and-Economic-Relations/Trade-Agreements/Anti-Counterfeiting/0-ACTAagendaroundseven.php>

Consumers International: Joint Declaration on ACTA <http://a2knetwork.org/joint-declaration-acta>

Written Question by Alexander Alvaro (ALDE) to the Commission (22.01.2010)  
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2010-0147+0+DOC+XML+V0//EN&language=EN>

Written Question by Britta Thomsen (S&D) to the Council (21.01.2010)  
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2010-0091+0+DOC+XML+V0//EN&language=EN>

#### **41. DUTCH STATE AID: COMMISSION CLEARS ANNUAL FINANCING REGIME FOR PSBs AFTER AMENDMENTS**

The Commission has approved under EU state aid rules the annual financing regime for the Dutch PSBs in light of amendments made to the financing regime and formal commitments submitted by the Dutch authorities. The implementation of the commitments will clarify the definition of the public service remit and the entrustment of new media services and will limit the financing to what is necessary to fulfil the broadcasters' public service tasks. The Commission has concluded that the commitments are a suitable means to ensure compliance with EU state aid rules.

Since 2002 the Commission has been receiving complaints against various aspects of the financing regime for the Dutch PSBs from several commercial broadcasters, such as the entrustment and lack of a precise definition of the public service task, including the financing of online activities, and about the proportionality of the financing. In March 2005 the Commission had opened a preliminary investigation and expressed concerns on a number of points, such as the definition of the public service remit especially for new AV services, the entrustment of new AV services, and the proportionality of the financing both as regards adequate mechanisms to prevent overcompensation for public service activities and the respect of market principles (see IP/05/250 ). A new media act entered into force in December 2008. Following further discussions between the Commission and the Dutch authorities, the Netherlands submitted in November 2009 commitments to amend the new financing regime to ensure its compliance with the state aid rules.

The Dutch authorities:

- Undertook to clarify in advance and in sufficient detail the scope of the public service task which will be entrusted to the PSBs
- committed that new AV services, including pay services, will be subject to a prior evaluation before being entrusted to PSB
- will ensure that the prior evaluation process will take place in a transparent way (interested parties will be consulted and the market effects of new AV services will be assessed and balanced against the benefits of the new service for the Dutch society).
- Will amend the financing mechanism, limiting the compensation of public service broadcasters to ensure that the public funding does not exceed what is necessary to fulfil the public service tasks, including the control of overcompensation.

The Commission will monitor the implementation of the commitments at national level.

The non-confidential version of the decision will be made available under the case number E 5/2005 in the State Aid Register on the DG Competition website once any confidentiality issues have been resolved. New publications of state aid decisions on the internet and in the Official Journal are listed in the State Aid Weekly e-News .

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/52&format=HTML&aged=0&language=EN&guiLanguage=en>

#### **42. ROME INDEPENDENT FILM FESTIVAL 'CELEBRATES YOUNG PRODUCERS'**

The annual Rome Independent Film Festival (RIFF) will be taking place from March 11th until the 18th and will celebrate the achievements of young international filmmakers. The event will include awards and "special events designed to stimulate enthusiasm and create discussion: retrospectives, seminars and workshops on various aspects of cinema, as well as exhibitions, collaborations with theatre, dance, fashion and music concerts".

<http://movies.einnews.com/247pr/134485>

#### **43. NEW COMMISSIONER FOR TRADE SAYS KOREA WAS "GOOD DEAL"**

On 12th January, Karel De Gucht, the Belgian Commissioner-designate for trade, was questioned about the Doha development talks, free trade agreements and non-tariff trade barriers during his hearing.

"Free trade must be a tool to generate prosperity, stability and development", said Mr De Gucht in his opening statement, calling himself a "longstanding supporter" of "open markets backed up by a rules-based international trading system", which, however, should not be "goals in themselves". He stressed that unfair trade practices or protectionism by trading partners should not be accepted and that trade must serve the EU's broader policy goals.

He said his priorities were to deepen trade and investment links, in particular with India, Canada, Ukraine, Latin America and Euromed; to take to a higher level the economic cooperation with the US and China; to successfully conclude the Economic Partnership Agreements with ACP countries; and to ensure that European companies were treated fairly and given opportunities to expand their

businesses. He described the FTA with South Korea as a "good deal" that would benefit EU's economy.

In order to combat counterfeiting, he promised to do everything possible to conclude a good Anti-Counterfeiting Trade Agreement.

[http://www.europarl.europa.eu/news/expert/infopress\\_page/008-67120-011-01-03-901-20100111IPR67119-11-01-2010-2010-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/008-67120-011-01-03-901-20100111IPR67119-11-01-2010-2010-false/default_en.htm)

#### **44. EU: COMMISSION APPROVES €576 MILLION SPANISH FILM SUPPORT SCHEME**

The European Commission has authorised a €576 million Spanish film support scheme until 31 December 2015. The scheme will support Spanish arthouse film production and distribution, with the aim of preserving linguistic and cultural diversity, encouraging film production rooted in Spanish / European culture. In 2008, US films accounted for 71.5% of the Spanish market.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/57&format=HTML&aged=0&language=EN&guiLanguage=en>

#### **45. OFCOM CONSIDERS EASING UK ADVERTISING RULES**

UK communications regulator Ofcom plans to review the UK TV advertising rules with a view to further relaxing some of the regulations, including the Airtime Sales Rules, which comprises advertising minutage and break patterns for public service and other channels. Ofcom chief executive Ed Richards noted that 'if regulations have no public interest then they should be removed'. The rules require ITV1, Channel 4 and Five (public service broadcasters) to sell all of their advertising minutes, which means that as they are unable to limit the amount of available slots, they cannot raise prices.

Ofcom is running its consultation on the draft Annual Plan until 17 February 2010.

If changes are made, they should be published in autumn 2010 and brought into effect from 1 January 2011.

The draft plan can be found here

#### **46. SPAIN BANS 'CULT OF THE BODY' TV ADVERTISING**

Spain has banned the advertisement on TV of plastic surgery, slimming products and certain beauty treatments before 10pm, in a clamp down on what it calls 'cult of the body' advertising. According to the Spanish government, these adverts and products can provoke eating disorders such as anorexia and bulimia, and pose greater dangers to health than, for example, alcohol. The ban is part of a broadcasting law that is currently being ratified.

<http://www.guardian.co.uk/media/2010/jan/18/spain-television-advertising>

**47. EU: CIP ICT-PSP DIGITAL LIBRARIES, 2010  
CALL FOR PROPOSALS INFORMATION DAY**

The Commission has organised an information day on the Competitiveness and Innovation Framework Programme (CIP) / Information and Communication Technologies Policy Support Programme (ICT-PSP) on 4 February 2010 in Luxembourg. Topics will include the coordination of Europeana.

More information and registration available on  
[http://ec.europa.eu/information\\_society/activities/econtentplus/events/cip\\_infoday\\_2010/index\\_en.htm](http://ec.europa.eu/information_society/activities/econtentplus/events/cip_infoday_2010/index_en.htm)

**48. PANEL ON DIGITAL BOOKS AND COPYRIGHT**

On 12th January, the Valencian Regional Office in Brussels organized a panel discussion on digital books and copyright.

Amongst participants there were European publishers as well as key Commission civil servants, such as Tilman Lueder, Head of Copyright and Knowledge based economy Unit – DG MARKT and Xavier Troussard, Head of Culture Policy and Intercultural Dialogue Unit, DG CULT.

Tilman Lueder urged the audience that if they wanted to learn more about Copyright they should listen to what Ms. Reding will say about it in the EP at her hearing. Replying to earlier comments on the need of leaving the copyright directive as it is, he said that the Commission is there to maintain the balance, not necessarily the status quo. He asked whether it is necessary to have incremental legislation to achieve that balance. He expressed his satisfaction in learning that a digital single market for e-books is not an issue for publishers as it is in the music sector.

He believes that fighting the online piracy is linked to availability of legal offers. He also made an out of the ordinary comment, expressing his personal opinion: people respect the effort and the creativity of a written text. They feel that something is wrong if they just take it - the same can be said for films (!). It is not however the case with music as it has been commoditised.

Xavier Troussard said that culture plays a role even in the EU's External Relations (our diversity is a tool), however he was not as optimistic as Lueder about piracy. He called for a quick move towards a European response: designing a framework that can effectively deliver an EU market for books.

In his closing comments, and based on the discussion that followed, Tilman Lueder made his own 5 recommendations:

1. Avoid trench warfare.
2. Do not make a debate on ideologies, exceptions and limitations (tendency of the EP).
3. Mobilise MEPs, member states governments and other actors to a true debate.
4. Look at the challenge forward looking and not at what Google is doing.
5. Do not litigate any single issue on Copyright. Everybody will hate it even more.

**49. MEDIA LITERACY EXPERT MEETING**

On 12th January, the 9th Media Literacy Expert Group meeting took place in Brussels. As you may know, "EAVI is coordinating the Study of the Assessment Criteria of Media Literacy Levels in Europe. The Study is produced for the European Commission, DG Information Society and covers 27 EU Member States. It aims to

provide a comprehensive analysis of media literacy and a recommendation for how levels of media literacy should be assessed in Europe. The core objectives of the study were to:

- **Provide the Commission with a set of criteria to measure media literacy levels.** This includes the conceptualisation of media literacy, the proposal of measurable criteria, the development of a Tool for the application of these criteria, and an evaluation of the impact of the current levels of media literacy on Member States.
- **Provide a preliminary assessment of the media literacy levels in the EU27.** This includes an application of the assessment criteria, and an analysis and evaluation of different policy measures and choices related to media literacy, taking into account existing policies and practices in Member States and including an impact assessment of possible scenarios of media literacy policies.
- **Propose possible policy measures at the European level to support Member State actions.** This includes an analysis of the necessity at the Community level for action in the field of media literacy with regard to the subsidiary principle, the scope of appropriate community level action and an analysis of which community values would link to media literacy."

The study can be found here:

[http://www.eavi.eu/images/stories/ML\\_Study/eavi\\_study\\_on\\_assessment\\_criteria\\_for\\_media\\_literacy\\_levels\\_in\\_europe\\_last.pdf](http://www.eavi.eu/images/stories/ML_Study/eavi_study_on_assessment_criteria_for_media_literacy_levels_in_europe_last.pdf)

Page 7, 8 and 9 give a good overview, and the pyramid demonstrates the issues quite clearly. The lead scientist, José Manuel Perez Tornero, of EAVI, was very vocal throughout the day and emphasised critical understanding as a key factor in media literacy, which also links in with the theme of the 'Amnesia' programme (see below). The presenters of both the above studies emphasised the general point of consumer awareness and the critical capacity, which is a sensible argument, and of course led on to media education. José Manuel said that no European government was able to respond to the question of how many hours were spent training teachers on media skills.

Interestingly in the context of this debate, diet was also raised by participants, pointing out that young people spend an average of 5 hours of a day connected (unclear whether this included television), exposed to adverts for junk food etc and at the same time getting no exercise. Spain has recently taken strong measures against this in a new audiovisual law earlier this month. Scandinavian and Northern European countries were found to have highest levels of media literacy, with Eastern European countries having the worst. It was noted however that language plays an important role here, e.g Scandinavian countries don't dub their films thus their English / foreign languages are better, whereas the Spanish have even dubbed Argentinean programmes!

**50. NEW PUBLICATION: "COPYRIGHT AND CULTURAL INSTITUTIONS: GUIDELINES FOR DIGITIZATION FOR U.S. LIBRARIES, ARCHIVES, AND MUSEUMS"**

Authors: Peter B Hirtle, Emily Hudson and Andrew T Kenyon.

This publication aims to enhance understanding and compliance with copyright law across libraries, archives and museums. It deals with the exclusive rights of copyright owners, the major exemptions used by cultural heritage institutions, and risk assessments related to potential digitisation projects.

It can be downloaded for free here:  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1495365](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1495365)

**51. CALL FOR PAPERS – PROMOTION OF THE EUROPEAN STANDARDS ON THE INTEROPERABILITY OF FILM DATABASES**

The Commission accepted the proposal for the promotion of the use of European Standards on the Interoperability of Film databases within the Framework of the ICT 2009 Standardization Work Programme. A project team in the field of film archives and cinematographic work metadata has been set up to raise awareness about cinematographic works standards, to delineate strategies for adopting the cinematographic works standards and to provide a test bed for any additional usage.

[https://www.eid-stork.eu/dmdocuments/public/eBIF16-04\\_ECwp.pdf](https://www.eid-stork.eu/dmdocuments/public/eBIF16-04_ECwp.pdf)

**52. NEW HEAD OF GAMING FOR BBC WORLDWIDE**

Robert Nashak has been appointed executive VP of digital entertainment at the BBC, heading gaming strategy worldwide. He will be based in Los Angeles and will be leading the development of digital entertainment and gaming initiatives at the BBC.

**CEPI  
 Agenda**

**CEPI MEETINGS & SAVE-THE-DATE EVENTS:**

- ❖ 1-3 February: **Madrid La Televisión por Internet (TVIP y VOD) - Compartir, Comunicar, Educar**  
[http://www.e-television.es/index.php?option=com\\_content&view=article&id=164&Itemid=127](http://www.e-television.es/index.php?option=com_content&view=article&id=164&Itemid=127)
- ❖ 4-6 February: **Sat Expo Europe 2010**, Fiera di Roma, Italy,  
[www.satexpo.it/en/](http://www.satexpo.it/en/)
- ❖ 10 February: **Boosting Broadband in the Region – What are the Critical Drivers?** Qatar, [www.iicom.org](http://www.iicom.org)
- ❖ 10 February: **New Commissioners** take up their posts
- ❖ 17-21 February : **Digitalization of cinemas - training organized by MEDIA Salles**, Helsinki, Finland, [www.mediasalles.it/training/training.htm](http://www.mediasalles.it/training/training.htm)
- ❖ 17<sup>th</sup> February: **“Keep Calm and Carry On”: New Perspectives on British Cinema and Television**, Norwich, UK
- ❖ 18 February, **US Google Books decision**, New York
- ❖ 22 February: **European Parliament: “Combating counterfeit, contraband and organised crime”**, Brussels, Belgium
- ❖ 26 February: **Intellectual Property and the Information Society in the EU**, Barcelona, Spain, <http://www.era.int/cgi->

[bin/cms? SID=2e1138bf28e7d83e50b9196dcd8fdbd9db1d3e2b00041552337508& sprache=en& persistant variant=/Our%20programme/Browse%20all%20events& bereich=artikel& aktion=detail&idartikel=121012](http://bin/cms? SID=2e1138bf28e7d83e50b9196dcd8fdbd9db1d3e2b00041552337508& sprache=en& persistant variant=/Our%20programme/Browse%20all%20events& bereich=artikel& aktion=detail&idartikel=121012)

- ❖ 5-6 March: **Digital cinema**, Barcelona, Spain,  
<http://www.eu2010.es/en/agenda/seminarioscongresosyconf/evento53.html>
- ❖ 5-6 March: Seminar "**The impact of digital technology on film exhibition, particularly in independent cinemas**", Barcelona, Spain,  
<http://en.www.mcu.es/MC/PresidenciaUE2010/Conferencias/ImpactoTecnologia.html>
- ❖ 10 March: **Public service content - funding and the changing scope of the PSBs**, London, UK,  
<http://www.westminsterforumprojects.co.uk/mediaforum/events.html>
- ❖ 16 March: **Social TV Forum 2010**, London, UK,  
<http://www.bima.co.uk/events/137/social-tv-forum-2010/>
- ❖ 29-30 March: **European Forum for Cultural Industries**, Barcelona, Spain,  
<http://en.www.mcu.es/MC/PresidenciaUE2010/Conferencias/ForoEuroIndCultu.html>
- ❖ 31 March: **Informal Meeting of the Ministers of Culture**, Barcelona, Spain
- ❖ 12-13 April: **Digital content digitisation - Digital libraries and copyrights**, Madrid,  
<http://www.eu2010.es/en/agenda/grupostrabajoycomites/evento52.html>
- ❖ 19-21 April: **Sharing cultural heritage**, Cáceres, Spain
- ❖ 2-8 May: **FIAF Congress**, Oslo, Norway,  
<http://www.fiafcongress.org/2010/en/index.html>
- ❖ 4-6 May: **Seminar on Culture and Development**, Gerona, Spain,  
<http://en.www.mcu.es/MC/PresidenciaUE2010/Conferencias/CulturaDesarrollo.html>
- ❖ 5-7 May: **Second International Meeting of CIMA - "Women in the audiovisual world: a view of the future"**, Santiago de Compostela,  
<http://en.www.mcu.es/MC/PresidenciaUE2010/Actividades/EncuentroIntCIMA.html>
- ❖ 25 May: **Meeting on artists' mobility for Directors General and those responsible for the stage arts and music**, Madrid, Spain
- ❖ 4 June: **The Europeanness of European Cinema**, London, UK,  
<http://kcl.ac.uk/schools/humanities/depts/film/news/conference.html>
- ❖ 7-8 June: **Audiovisual heritage preservation and diffusion**, Madrid,  
<http://www.eu2010.es/en/agenda/grupostrabajoycomites/evento59.html>
- ❖ 18-22 July: **'Communication and Citizenship: Rethinking Crisis and Change'**, IAMCR's Working Group on European Public Broadcasting Policies, Braga, Portugal,  
<http://www.iamcr2010portugal.com/content.asp?startAt=2&categoryID=983>
- ❖ 18 - 22 September: **Rose d'Or Festival**, Lucerne, Switzerland,  
[www.rosedor.com](http://www.rosedor.com)