

Commercial Broadcasters in Europe welcome the adoption of the Portability Regulation and warn of SatCab dangers

The Association of Commercial Television in Europe (ACT) congratulates the Commission on shepherding the Portability Regulation to completion. ACT members look forward to its full implementation which will constitute a significant step for the Digital Single Market initiative, and attests to the fact that rights and access, when balanced effectively, have an impact on improving consumer welfare overall.

BRUSSELS, 18 MAY 2017. The Association of Commercial Television in Europe (ACT) welcomes the European Parliament's adoption of the proposal for a regulation on cross-border portability ("the Proposal"). Once in effect, the regulation will ensure that online content service subscribers in the Union, which are delivered on a portable basis, can receive these services when temporarily present in another Member State.

This initiative is a welcome step forward as it is:

- supportive of an increasingly mobile European population within a growing and prosperous internal market for goods and services;
- a balanced outcome that allows service providers to follow clear provisions on how "member state of residence" is verified so as to ensure portability is not abused; and,
- based on strong authentication so as to ensure the sustainability of the audiovisual model and Europe's world leading creative and cultural economy.

With the new measure in place, Europe will have addressed the vast majority of the demand for cross-border access from its citizens, which according to the Commission Impact Assessment primarily arises when consumers travel for business, leisure or education.

However, commercial broadcasters are clear that addressing small remaining pockets of demand with the proposed approach set out in the so-called Broadcasters' regulation (Regulation 2016/0284/COD) will harm consumer welfare overall. This is the case because it fails to recognise the significant harm to the public interest in maximising original EU content investment that will be caused in order to deliver the very modest public benefit from satisfying residual cross border demand for content which is not met through portability. With regards to consumer benefit, the Commission itself acknowledged that a majority of European viewers could benefit from portability but have no desire to access content across borders.

Grégoire Polad, Director General of the ACT, stated: "*Portability will allow subscribers to enjoy their favourite services anywhere in the EU. However SatCab (Broadcasters regulation) will limit the possibility of these same services to invest in and acquire content. The result could undermine portability and consumer choice and warp into an empty promise for EU viewers and a serious challenge for jobs and growth in our sector. The entire audio-visual value chain is therefore looking for the Commission to acknowledge these concerns and reconsider the Broadcasters regulation. The EU should first allow consumers to experience the benefits of portability before potentially undermining the sector*".

The message from the commercial broadcasting sector is clear: Yes to Portability. No to the Broadcasters regulation (aka SatCab).

This in line with the commercial broadcasting community's desire to work hand-in-hand with European legislators to deliver excellent content for European audiences, value for European content producers and future proof solutions for the European creative ecosystem.

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ABOUT THE ASSOCIATION OF COMMERCIAL TELEVISION IN EUROPE (ACT)

The ACT represents the interests of leading commercial broadcasters in Europe. The ACT member companies finance, produce, promote and distribute content and services benefiting millions of Europeans across all platforms. At ACT we believe that the healthy and sustainable commercial broadcasting sector has an important role to play in Europe’s economy, society and cultures. See ACT’s most recent communications [here](#). Current Member logos below.

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Commercial Television: central to the lives of Europe’s citizens as the motor of media plurality & cultural diversity

- Our TV channels reach over 200 million European households in 28 EU member states and beyond
- Our online TV services are available in over 150 million European homes connected to the internet and are central to Europe’s broadband story
- Our member companies deliver content to a range of devices and platforms in response to consumer demand, going from television to total vision

