



The European VOD Coalition

The European VOD Coalition (the **“Coalition”**) welcomes the opportunity to respond to the European Commission’s review of the Portability Regulation (the **“Regulation”**).

The Coalition encompasses many different companies active across the entire EU with a range of business models focused on investment in content and distribution. Therefore, it is not possible to answer individual questions, given each company has a different approach to the provision of video on demand services. Therefore, the Coalition would like to focus on a few horizontal elements.

As a rule, our members all implemented the Regulation. It took adjustments to contracts and relationships with both licensees and licensors, but the nature of the instrument and the “legal fiction” allowed for a full and speedy application. There were significant costs to set up new systems and checks and make changes to software. Members have chosen different verification methods depending on their countries, the types of services they offer and the form of relationship they have with the consumer. Customers were generally happy with the new addition to their service, even if many did not use it regularly. While the Regulation is not perfect and there could be improvements made, these are relatively minor from a business perspective and given the current context. From a consumer perspective, we did not experience noticeable complaints at any point.

Our overall conclusion is that the Regulation is successful, has achieved its aim of making content more portable without damaging the territorial nature of copyright and without weakening the European audiovisual media and content sectors. Even before the COVID crisis, which has resulted in an increased demand for the daily usage of Coalition members’ services, portability of subscription video on demand services was a positive feature for customers, yet a feature that was never substantially taken up. Our members advertised the feature and provided significant information to customers, but the take-up was relatively minor. Given the past year where travel was limited, portability has been rarely used across the EU. Brexit unfortunately means that Portability to or from the UK can no longer be offered. We support the review process of the Regulation, but do not believe there is any evidence or need to re-open a successful Regulation that achieved its goals very quickly and is a great example of a successful EU initiative.

For more information about the Coalition, please visit our website:

<https://www.europeanvodcoalition.com/>