

Meeting with [REDACTED] (De Persgroep)

Scene setter

[REDACTED] is [REDACTED] of De Persgroep and, since November 2014, [REDACTED] (CV – see background). [REDACTED] the EU Media Futures Forum, organised at the request of Commissioner Neelie Kroes in 2012. The Forum produced 8 recommendations including the modernisation of EU copyright rules, better access to content across Europe, better reward to creators, the alignment of on-line and off-line VAT rates, etc. (see background).

Media company De Persgroep offers news media, magazines, television, radio, online services and telecom on the international, national and local levels. It has over 5,000 employees working in the Netherlands, Belgium and Denmark. The group is composed of De Persgroep Nederland, De Persgroep Publishing, Mediahuis, Qmusic, Mediahuis and Berlingske Media.

The European Publisher Council (EPC), founded in 1991, is a high-level group of Chairmen and CEOs of leading European media corporations. Members are the most senior representatives of European newspaper and magazine publishers. Their companies are involved in multimedia markets, including newspaper, magazine, book, journal, internet, online database publishers, as well as radio and TV broadcasters.

EPC's position on Copyright

- Regarding the current legislative process on copyright, EPC is mainly concerned by evolution of the discussions in the Parliament and Council on the Commission's proposal on **press publisher's rights**. EPC has been working on defending the Commission's proposal at the European Parliament.
- In the Council, two options amending the proposal have been put forward by the Estonian Presidency. **Option A** is based on the Commission's proposal but includes a clarification so that extracts of press publications are protected provided that they are the expression of the intellectual creation of their authors; EPC is very critical about this, as they claim that all extracts should be covered, as they are used by news aggregators and platforms, which make money out of them. To be noted that, among EPC members, German press publishers are the most critical about the exclusion of extracts, as they usually present the press publishers' rights are something which would mostly address uses by news aggregators (this comes from their national discussions on how to make Google and other news aggregators pay for the use of their content after the adoption of the German law on press publishers' rights – so-called ancillary right).
- **Option B** provides press publishers with a presumption of entitlement to license and enforce the rights in press publications. EPC has also criticised this proposal, on the basis of the lack of legal certainty and possible litigation it would give rise to. However, our recent contacts with EPC show that, due to the support from several MS in the Council, they will analyse it in order to decide whether this proposal could be a basis for discussion as a fall-back option in case the Commission's proposal does not get enough support. This meeting could be a good opportunity to better understand EPC's position in this respect.
- EPC will ask the Commission to keep strongly defending the press publisher's rights.

- [REDACTED]

*Out of
scope*

Proposal for the Regulation on Privacy in Electronic Communications (ePrivacy)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Copyright: On the Directive on copyright in the DSM

- The Commission's proposal is balanced and positive for press publishers. Discussions in the Council and the Parliament are in progress and are proving to be very difficult regarding some of the areas of interest to publishers (e.g. the publishers' right [REDACTED]). Therefore, EPC's support in the discussions will be important.

¹ See the full statement by EPC at: <http://epceurope.eu/europes-leading-publishers-regret-the-snap-outcome-of-the-e-privacy-regulation-in-the-european-parliament/>

- Regarding the **press publisher's rights**, the Commission keeps defending its proposal to grant exclusive rights to press publishers, which **we believe** is the **best** solution to solve the identified problems. We are in parallel analysing **whether** presumption-based solutions (such as in the so-called Option B of the Estonian Presidency draft proposal) address **all** the problems faced by press publishers in the digital environment, in term of both **licensing** and enforcement. We count on your support to **better** understand the pros and cons of all the options currently on the table.

[REDACTED]

*Out of
scope*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ePrivacy

- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]

*Out of
scope*

[illegible]

Platform to business (P2B) relations

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- We have received confidential evidence from the EPC, for which we are grateful and are analysis.
- [REDACTED]

- I [REDACTED]
[REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]

Intermediary liability

- I [REDACTED]
- I [REDACTED]

Background on intermediary liability:

- [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]

- [REDACTED]
- I [REDACTED]
- I [REDACTED]

[REDACTED]

[REDACTED]

*Out of
scope*

BACKGROUND

a) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b) State of play of the Copyright Directive

In the Council: the Estonian Presidency [REDACTED]
[REDACTED] This compromise text has been partially
discussed with Member States in the CWP of 6-7 November (except the Article on
publishers' right where two options have been maintained for discussions at political
level). Discussions will continue on 23 November and 4-5 December. [REDACTED]

[REDACTED]

[REDACTED]

*Out of
scope*

*Personal
Data -
Article 4(1)
(b)*

[illegible]

d) Main facts and figures about the situation of the press in Europe

The image consists of a 3x3 grid of squares. Each square contains a unique geometric pattern composed of black lines and dots on a white background. The patterns are as follows:

- Top-left square:** A single horizontal line segment in the upper half of the square.
- Top-middle square:** A single horizontal line segment in the lower half of the square.
- Top-right square:** A single horizontal line segment in the middle of the square.
- Middle-left square:** A single vertical line segment in the left half of the square.
- Middle-middle square:** A single vertical line segment in the right half of the square.
- Middle-right square:** A single vertical line segment in the middle of the square.
- Bottom-left square:** A single horizontal line segment in the upper half of the square, with a single dot centered below it.
- Bottom-middle square:** A single horizontal line segment in the lower half of the square, with a single dot centered above it.
- Bottom-right square:** A single horizontal line segment in the middle of the square, with a single dot centered below it.

2



[REDACTED]

*Out of
scope*

e) State of play of the legislative process regarding the proposal for the ePrivacy Regulation

*Out of
scope*

[REDACTED]

[REDACTED]

[REDACTED]

f) OBA self-regulatory initiative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹² Source: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Contact: [REDACTED] (DG CNECT, H1), tel. [REDACTED], [REDACTED], DG
CONNECT I.2., tel. [REDACTED], [REDACTED] (DG CNECT), tel.: [REDACTED]