

# Your opinion on the Single Market Act

## Meta Informations

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## intro

### Please provide us with some information about yourself

Are you replying as:

Organisation

Type of organisation

Other

Is your organisation registered in the [Commission's Interest Representative Register](#) ?

No

Name of the organisation you represent

Creative Bussiness Media Alliance (CMBA)

Country

Belgium

E-mail

nikolas.moschakis@europe-analytica.com

## Questions

**1. What is your overall assessment of the [Single Market Act](#)?**

Positive

Additional explanation

The members of the CMBA are companies and associations that represent one of the key driving forces of the European economy and generate, through their sustained investment in creative content - be that music, newspapers, magazines, books, games, film or TV programmes - growth and employment opportunities. Our goals are to help discover new talent, encourage creation, produce and deliver our content to audiences through as many means as possible, including across multiple digital platforms and devices. The content industry caters to the needs of millions of Europeans by addressing the particularities of each market in terms of consumption patterns, language, cultural characteristics etc. We respect national differences, adapt content to local audiences, support and promote linguistic diversity.

**2. The Single Market Act proposes [50 actions](#): please indicate the actions you**

2. Copyright  
3. Counterfeit and piracy  
5. Electronic commerce

<b>consider to be the most important</b> (up to 10 choices possible)	20. VAT 47. National transposition of EU rules
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**If you wish, you can state the reason for your choice**

2. Copyright (priorities) Priorities in the area of copyright have already been announced in the Digital Agenda, the 2020 Strategy and the Single Market Act. The CMBA encourages both a practical and a targeted approach, i.e. each sector should be addressed depending on its specificities, which need to be properly assessed. In general though we recommend that practical solutions around the management of copyright are given priority over new legislative initiatives. The announced legislative initiative on collective rights management should be focused on delivering a solid instrument with respect to governance and transparency of collecting societies and should look into licensing, if and where necessary, in the music sector. The audiovisual sector will be dealt by the upcoming Green Paper on Audiovisual content. Moreover, any initiative should leave flexibility to the market to develop its own business models. 3. Counterfeit and Piracy CMBA welcomes the Commission’s upcoming action plan to tackle counterfeiting and piracy with legislative and non-legislative measures, which make it clear that to support innovation, creativity and jobs in Europe, more must be done to protect rights holders, legitimate business and raise awareness of the public. In particular, the CMBA will follow closely the Commission’s plan to introduce a legislative framework designed to address piracy and counterfeiting. 5. e-Commerce In order for the cultural and creative industries to continue to innovate and prosper in the future and the Single Market to grow further, policy makers need to look more holistically into the challenges facing the various content and service providers in the e-Commerce market. The CMBA would welcome an in-depth analysis of some of the unintended outcomes arising from lack of compliance and enforcement in certain areas as well as lack of clarity of certain rules. In this context, the launch of infringement proceedings should be considered. A wide range of issues would need to be taken into consideration in parallel in terms of both market and technology developments as well as combined regulatory impact of several Directives. 20. VAT The current VAT system does not allow for the application of existing zero or reduced rates for certain cultural products and services to their equivalents online. For instance, Member States may apply zero or reduced VAT rates to as e-books and newspapers but a standard rate applies to comparable on-line services.. This situation which leads to excessively high rates for cultural products online is detrimental to the development of the Digital Single Market and could undermine the success of the Digital Agenda for Europe. Transposition into the digital environment of the zero or reduced rates existing for goods would be a logical and fair solution as well as introducing the possibility of applying reduced VAT rates to content on digital media and/or delivered electronically in general. In an environment where professionally produced content competes with content made available for free, often without the permission of the content owners, application of the zero or reduced rates for certain cultural and media products would boost the uptake of revenue-generating electronic commerce in digital content. This would also provide an incentive for consumers to shop online for legal services (as per the targets set out by the European Digital Agenda). 47. National transposition of EU rules The CMBA supports swift action from the EU to ensure that Member States properly and quickly transpose the Directives on copyright in the information society (2001/29/EC), on the enforcement of intellectual property rights (2004/48/EC), and the Directive on eCommerce (2000/31/EC), as we are aware that some Member States have not yet implemented or have incorrectly implemented these Directives on a number of points.

<b>3. Does the Single Market Act propose appropriate measures to address the issues/challenges that are identified?</b>	Partly
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**Additional explanation**

CMBA welcomes the fact the Single Market Act proposes specific measures to address the issue of counterfeiting and online piracy (Proposal n°3). We would also like to encourage the European Commission to strengthen the application of existing rules by Member States and step up enforcement efforts at the European level. More coordination is needed at the European level to address issues such as rogue sites/ operators located in or taking advantage of multiple jurisdictions in Europe. The future Digital Single Market will not be sustainable if the rule of law is not respected all across the EU, and the Commission can play a crucial role in protecting intellectual property online.

<b>4. Are there any other issues you consider should be addressed in the Single Market Act in the chapter on "Strong, sustainable and equitable growth for business"?</b>	Yes
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**Which ones?**

A number of EU policy initiatives developed in the context of the European Digital Agenda tend to focus primarily on access and dissemination of content. CMBA strongly believes future policy developments should also provide the right incentives for long term investment in the production of high-quality original content, which would ultimately benefit European consumers. The circle of investment, return on investment and reinvestment of revenue (the life cycle of all healthy businesses) is the ultimate safeguard for serving consumers of tomorrow with the best quality products. We therefore like to encourage the European Commission to take into account this critical aspect of the value chain in future developments affecting our respective industries.

