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FAEP

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FREEDOM OF EXPRESSION

Information to patients on prescription drugs and treatments – also in magazines

DE Die Europäische Kommission legte am 10. Dezember einen Gesetzesvorschlag zur Patienteninformation vor, der es Pharmaunternehmen ermöglichen soll in gesundheitsbezogenen Publikationen, Informationen zu verschreibungspflichtigen Medikamenten und Therapien zu veröffentlichen.

FR Le 10 décembre 2008, la Commission européenne a présenté une proposition de directive sur l'information aux patients qui envisagent de nouveaux canaux de diffusion de l'information non-promotionnelle sur les médicaments soumis à prescription, dont notamment la presse spécialisée.

Today's patients find it difficult to get reliable information on prescriptive drugs and treatments. The reason is simple: EU law relating to medicinal products for human use bans the public provision of any such information. Therefore online information from outside Europe, mostly non-serious websites, provide a range of information generally in English, but often misleading, wrong and irritating for people seeking trusted information about a disease and possible treatments.

On 10 December 2008 the European Commission tabled a legislative proposal for a Directive on patient information. This proposal aims to meet the increasing demands of patients to get information on prescription drugs and treatments they can rely on. The draft law suggests ways of disseminating non-promotional patient information while recognising the role of print media for



German MEP Dr. Jorgo Chatzimarkakis (ALDE) hosts the March conference on a healthy society, supported by FAEP members..

carrying such information and indicates that patient information should be published in "health related publications". The definition of such media is left to the Member States. But before the draft law is adopted, the European Parliament and the Council of Ministers will have to have their say. Publishers will continue to promote the key role of magazines for enlightening patients and promoting a healthy society. As magazines have a close relationship with their readers, patients would naturally expect to find this kind of information in their trusted magazine. This is why FAEP members support a conference titled "Turning Europe into the Healthiest Society" on March 4th in the European Parliament in Brussels. Well trusted magazine brands that are perceived as an intimate friend by the readers play a key role in this process.

“Equal treatment” conflicts with fundamental rights

The Commission's proposal for an Equal Treatment Directive, referring to advertising in media, and user generated content in magazines' online blogs seems to conflict with the fundamental right of a publisher and editor to reject attempts that interfere with the appropriate editorial environment of a magazine. The publications' freedom of expression is at stake.

Amendments to Medina report on copyright

While overall the draft report is positive as it underlines the necessity to protect copyright and not to review the 2001 copyright directive, a reference to contract relations between journalist and editor was not very helpful. FAEP and ENPA worked in close cooperation to withdraw this reference but unfortunately, no MEP agreed to table this amendment. The adoption of the report in the Legal Affairs Committee will take place mid January.

First discussions on the Consumer rights directive

The first debate on the Commission proposal took place in the Parliament beginning of December 2008. The UK socialist rapporteur, Arlene McCarthy, presented the methodology to be followed to have a first reading by April 2009. As from January, the Parliament will work in close cooperation with the Council and the Commission within a specific working group in order to meet the ambitious deadline of the rapporteur.

ROME II under review

Following the completion of the consultants' study on cross-border defamation and personality rights at the end of December, DG Justice and Home Affairs will assess in the first half of 2009 whether it is necessary to re-introduce a proposal to regulate such cases in any future revision of the ROME II Regulation, foreseen for the end of 2009.

Hope for reduced VAT rates online recede

DE Im November 2008 erklärte sich der Steuerkommissars Laszlo Kovacs gegenüber FAEP bereit, einen reduzierten Steuersatz für Onlinepublikationen zu erwägen. Nun teilte er mit, dass er keine Möglichkeit für einen solchen Schritt sehe. FAEP hakt erneut bei der Europäischen Kommission nach.

FR En décembre 2008, une communication du cabinet de Monsieur Kovacs, Commissaire européen a signifié aux éditeurs européens qu'une adaptation de la législation visant à réduire le taux de TVA pour certaines offres de presse en ligne était inenvisageable à l'heure actuelle.

Further to the November 2008 eMag, in which it was reported that reduced VAT rates for certain online press offerings might be considered by the EU, it has now been confirmed that such a possibility is not achievable in the near future. In October 2008, the responsible Commissioner, Laszlo Kovacs, gave some hope to publishers at a meeting of FAEP's corporate affairs group (CAG) when he stated that "technical adaptations" might be able to be made to tax dossiers currently under discussion by fi-

nance ministers which could allow for reduced VAT rates to be applied to press offerings delivered online as long as the content was in large part similar to the printed edition.

However, in a follow-up communication from Mr. Kovacs' office from December, the Commission said that it was not possible to introduce such technical adaptations at this stage of the discussions and that, in any event, most member states were opposed to the mere idea of extending reduced rates to areas that do not currently benefit from such rates. It is to be remembered that any EU tax-related legislation requires unanimous decision by the 27 member governments. The Commission did, however, indicate that such a proposal could be re-made in the future, when the member states have delivered a clearer verdict on their future thinking for VAT rates in general.



Tax Commissioner Laszlo Kovacs doesn't see a possibility for a reduced VAT rate for online publications

Online piracy – any action foreseen?

DE Die Kultusminister der EU Mitgliedsstaaten können sich nicht auf ein einheitliches Vorgehen zum Schutz vor Missbrauch legaler Onlineinhalte einigen. Die Europäische Kommission wird dennoch Handlungsempfehlungen geben.

FR Les conclusions du Conseil Education, Jeunesse et Culture de fin novembre 2008 souligne la nécessité de développer l'offre légale de contenus en ligne ainsi que de lutter contre le piratage sans toutefois demander des actions concrètes au niveau européen.

At the end of November, the Education, Youth and Culture ministers adopted "Conclusions on the Development of Legal Offers of Online Cultural and Creative Content" and the prevention and combating of piracy in the digital environment. Without any surprise, it notes that the creation and development of a legal offer of on-

line content combined with the prevention and combating of piracy is necessary for the information society and that revenue for right holders should be guaranteed to foster creation and cultural diversity.

Considering that a fair balance needs to be maintained between fundamental rights, it invites the Member States to launch or encourage concerted approaches to prevent and combat piracy. The Commission's role should be to improve the knowledge of the digital cultural economy and to make a report within 18 months on the various initiatives taken at national level.

Moreover, Member States and the Commission should improve consumer information on the use of content and copyright.

We note that these very vague conclusions show there is no agreement amongst Member States to act at European level yet. Nonetheless, FAEP will continue to monitor the discussions.

Publishers lunch with Commissioner Reding

DE Medienkommissarin Reding sichert den Präsidenten der europäischen Verlegerverbände bei einem gemeinsamen Mittagessen Ende Dezember 2008 ihre volle Unterstützung im Kampf gegen Werbeverbote und -einschränkungen zu. Dahingegen sieht sie die Erwartungen der Verleger beim Onlinedatenschutz (e-privacy) skeptisch.

FR Le 18 décembre, la Commissaire Reding a réaffirmé lors d'un déjeuner informel avec une dizaine de représentants du secteur de l'édition, son soutien à ce secteur et son opposition à toutes restrictions en matière de publicité. Elle a néanmoins rappelé que l'usage des cookies ne serait pas défendu sauf si les données personnelles sont correctement protégées.

On 18th December, ten representatives of the different publishing sectors (magazines,

newspapers, books and directories) had an end-of-year, informal lunch with Commissioner Reding and senior members of her staff. The aim of the lunch was to reflect on the cooperation to date and to discuss future collaboration in light of the uncertainty over when a new Commission will be appointed. Mrs. Reding recalled her firm support for publishers and her opposition to any EU-level advertising restrictions or bans. However, she stated that publishers could not necessarily rely on her support for the continued use of cookies, unless personal data was properly protected.

Due to the administrative uncertainties arising from the fact that the Lisbon Treaty is not yet adopted, Mrs. Reding stated that a new Commission would probably not be in place until early 2010, so that the publishing sector could continue to rely on her support for another year.

EU POLICY

The Czech Presidency – limited objectives **EU2009.CZ**

DE Die Tschechische Republik hat am 1. Januar 2009 die Ratspräsidentschaft der Europäischen Union von Frankreich übernommen. Das Programm der Tschechen sieht keine medienpolitischen Initiativen vor. Dennoch werden unter tschechischer Moderation relevante Dossiers zwischen den Mitgliedsstaaten verhandelt, so zum Beispiel Patienteninformation und Autowerbung.

FR Depuis le 1er janvier, la République Tchèque a pris la Présidence de l'Union européenne. Le programme reste limité étant donné les changements institutionnels à venir en 2009 et la situation politique interne de la République. Néanmoins, les actions à développer par la Présidence devraient se concentrer sur le thème de la compétitivité.

On January 1st, the Czech Presidency took over the EU Presidency from France, at a time of both uncertainty for the EU, the global economy and for the Czech Republic itself. The six-month presidency programme is necessarily limited, due to a number of institutional considerations, such as the European Parliament elections in June and

the fact that the Lisbon Treaty has not entered into force. Together, this means that the parliament will not devote any time to current legislative proposals after March, as MEPs focus on re-election campaigns, nor will the Commission propose any new legislation, waiting both for the election of a new parliament as well as the appointment of a new Commission, which might not take place until early 2010.

At the same time, a domestic political crisis in Prague means that the Czech government - currently facing strong calls for resignation - does not have the political will to chair an ambitious presidency programme. Nonetheless, the Czechs have presented some themes for their presidency, namely to foster competitiveness at this time of global financial crisis.

FAEP members met with several members of the Czech government during the December meetings in Prague and were assured that publishers' interests would be considered in the five legal initiatives that will be discussed under the Czech presidency: car advertising requirements; patient information; consumer rights; e-Privacy and equal treatment of persons.



Prof. Dr. Hans-Gert Pöttering, EPP/Germany

President of the European Parliament, Prof. Dr. Hans-Gert Pöttering (EPP / Germany), addresses the key challenges for Europe and European media in the months to come.

The year 2009 will be a year of decision in the European Union: the European citizens in 27 member states will have the opportunity to make their choice for their representatives in the European Parliament. Taking into account the influence of the European Parliament as co-legislator on European legislation, the composition of Parliament will have an important influence on future decisions to take in the European Union. Democracy needs citizens making their choice, but only informed citizens are likely to make their choice and participate in elections. Therefore, the media will play a crucial role in informing citizens that the European elections will take place between 4 and 7 June and in fostering a lively debate on European policy issues.

Secondly, the Irish citizens will be called to express their view in a second referendum on the future of Europe, a crucial vote affecting the lives of all Europeans. In fact the question is whether the European Union will be able to act efficiently, to defend our common values and interests in a globalised world. 20 years after the breakdown of communism and the unification of Europe this is a key question for our common future. Again, informing citizens about the issues at stake is essential for them to express themselves and clearly the media will play a very important role in this process as well.

Last but not least, we hope that the fight against climate change will make real progress not only in the European Union, but also on the international level. The UN Climate Change Conference in Copenhagen from 7 to 18 December 2009 could be a milestone in deciding to secure the future of coming generations.

FAEP and ENPA strengthen publishers' interests together

DE Die Sekretariate von FAEP und ENPA (Europäischer Verband der Zeitungsverleger) teilen sich seit Mitte Dezember 2008 Büroräume in unmittelbarer Nähe der EU Institutionen in Brüssel. Mit diesem Schritt sollen Synergien genutzt werden und durch eine effizientere Kooperation wird die Sichtbarkeit der Lobbyinteressen der europäischen Verleger verbessert.

FR Les secrétariats de FAEP et ENPA ont emménagés dans des bureaux communs à la fin du mois de décembre. Ce rapprochement devrait permettre un meilleur partage des informations ainsi que plus d'actions de lobbying communes.

The FAEP and ENPA (European Newspaper Publishers Association) Secretariats moved into a shared office space in the last weeks of December, aiming to both save on costs and to generate synergies in the daily lobby work.

The new offices, situated within walking distance of the EU Institutions, will allow for decreased operating costs, with joint overheads and shared meeting, IT and storage facilities at the same time as maintaining the separate identities of each organisation.

Secretariat staffs are mere meters away from each other and information sharing as well as joint lobbying activities will be intensified. More regular meetings on dossiers of mutual concern will take place, hopefully leading to better lobby impact on the EU decision-makers.

FAEP President, David J. Hanger, lauded the move stating that he believed "such a venture



FAEP President David Hanger expects "a new dimension for publishers' lobbying success"



ENPA President Valdo Lehari Jr. welcomes "the very positive step in the direction of having a more coordinated press voice in Brussels"

was logical and timely, and will lead to a new dimension for publishers' lobbying success". ENPA President, Valdo Lehari Jr. welcomed the move as a "very positive step in the direction of having a more coordinated Press voice in Brussels, all the more necessary in these times of regulatory and economic uncertainty".

Health matters

FAEP members support the conference "Turning Europe into the Healthiest Society", initiated and hosted by German MEP Chatzimarkakis, to take place on March 4th in the European Parliament in Brussels. Highlighting the role of magazines in this debate is one aspect of this conference.

FAEP welcomes 3 new Members

We are very happy to welcome three new FAEP members as from January 2009: The Catalanian Association of the Periodical Press (APPEC) based in Barcelona joined FAEP as well as new Corporate Member Heise Zeitschriftenverlag active in Germany, UK and Poland. We also welcome the Swiss based international federation Distripress, an association for the promotion of the international circulation of the press, as Associate Member.

FAEP met Czech EU Presidency

In December 2008 the FAEP Board met with representatives of the Czech government in Prague in order to address the most relevant legislative issues for magazines at EU level. The Prague meetings were prepared and hosted by FAEP's Czech member Unie vydavatelů.

AGENDA

3 MARCH 2009 / BRUSSELS

FAEP quarterly meetings (Legal Affairs and Publishing & Advertising Committees)

4 MARCH 2009 / BRUSSELS

Patient information conference at European Parliament

4/5 MARCH 2009 / BRUSSELS

Corporate Advisory Group Meeting

28/29 MAY 2009 / BRUSSELS

FAEP quarterly meetings (AGM, Board, Legal Affairs and Publishing & Advertising Committees)

7 OCTOBER 2009 / BRUSSELS

FAEP Annual Gala Dinner

VDZ

Verband Deutscher
Zeitschriftenverlegeremedia^{sf}

CeBIT



Digital Innovators` Summit

Inspiring ideas for your digital media business

Deutsche Telekom Conference Center, 3 - 4 March 2009, Berlin

Digital media ideas are the driving factor for the future success of publishers.

The „Digital Innovators Summit“ will bring together 30 dynamic companies from two major innovation hot spots, the USA and Israel, to present their digital media concepts and offerings.

Detailed information and registration is available at www.innovators-summit.com

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