

**Ewelina D. Sage, *European Audiovisual Sector –
Where business meets society’s needs*,
Wydawnictwo Naukowe Wydziału Zarządzania
Uniwersytetu Warszawskiego, Warszawa 2011, 284 p.**

The Centre for Antitrust and Regulatory Studies (CARS), responsible for this yearbook, also prepares the publication of textbooks and monographs. An English-language textbook *European Audiovisual Sector: Where business meets society’s needs* written by Dr. Ewelina D. Sage is one of the latest publication in this series.

I was asked to review the book so I have read it with a mixture of interest and curiosity because the sector covered and the issues raised so far have not entered the mainstream of legal publishing in Poland. In fact, Dr Sage’s book appears to fill a gap in the Polish legal literature regarding the European Audiovisual Sector. This also means that the author is far from standing on the shoulders of giants; on the contrary, she takes on the unenviable task of charting uncharted waters. This is more so for an English-language book which appears to take the concept of a narrative textbook closer to the case book model of common-law countries, such as the UK and the US.

In this context, what strikes the reader first, is that the book is thoughtfully structured, and carefully developed along three main pillars: socio-economic goals, external dimension and internal competitiveness aspects, including antitrust, mergers and State aid rules. It gives a bird’s eye view on different areas, seldom presented together. In doing so, the author uniquely mixes areas of the EU’s core competence with those where harmonisation efforts have so far been limited. The resulting book lays down in barely 230 pages of descriptive text (plus various annexes) all the key concepts, developments and tensions in the sector which affects, directly or indirectly, the lives of us all (the latest data confirms that Europeans watch – on average - some 3–4 hours of linear television broadcast a day and that, while new media and consumption methods have strongly entered our lives and living rooms, traditional TV consumption is on the increase and radio is coping well with new challenges).

To the reader, whether new to the subject or relatively experienced, the book offers an overall perspective on the current EU regulatory framework and key decisions affecting the EUR multi-billion audiovisual services industry (the audiovisual media services part of the editorial content sector generates around EUR 80 billion in turnover). It should prove itself of interest to a wide audience, from students to academics to practitioners and, possibly, also lawmakers. Readers should not be discouraged by the great level of detail and the variety of issues raised by the

author; rather, they should use this book as a comprehensive snapshot of the current patchwork of binding and non-binding, general and specific, rules and regulations. A basic knowledge of EU law is likely to be helpful, but it is not essential, as the author walks readers through basic concepts and notions before embarking on intricate issues specific to the audiovisual sector.

New readers and students are likely to particularly appreciate several elements that facilitate navigating through the EU maze, such as numerous charts, summaries and graphs. These visuals enliven what would otherwise remain a dry legal text. For didactic and, possibly, self-learning purposes, following a style typical for common law textbooks, the author also proposes short revision questions which help to absorb the key elements in each chapter.

Dr. Sage takes particular interest, and shows great acumen, in summarising key individual decisions and judgements - instruments which play an important role in developing the audiovisual sector and making it part of the internal market. Several of these developments have taken place very recently, including the second half of 2011. For example, the author timely flags important issues of principle, arising, in particular, from the Court of Justice's ruling in the *Premier League* case (Joined Cases C-403/08 and C-429/08). In the coming years, academia will certainly review the ruling (and the Court of Justice's growing jurisprudence on copyright and free movement/competition rules) in more detail while its full impact on content licensing practices becomes clearer.

When reading the book, it appears that, following the completion of the single market for goods, the free provision of services, in particular audiovisual services, could be considered a possible target for further harmonisation efforts. This is already the case with the Services Directive. However, instant, borderless and secure access to content, including satellite and online broadcasts, is key for a large number of Europeans living and working abroad, and current largely national rules do not provide such access in a manner suitable for the digital economy.

The need for further harmonisation also arises as regards music rights essential for many audiovisual services. Access to music rights is complex and their licensing, traditionally, in the hands of national collecting societies, often accused of operating in a non-transparent manner and in breach of the competition rules (see, e.g. various decisions adopted by UOKiK concerning ZAiKS and the Commission's *CISAC* case). It is therefore relevant and may be further reflected in future editions of the book that, in July 2012, the Commission adopted a long-awaited proposal for a framework directive on collective rights management, aimed at improving governance and transparency of collecting societies and facilitating cross-border licensing of online music rights.

Taking into account progress in the area to date, the book is likely to serve its purpose for a while; however, even if efforts to progress towards a true European policy for audiovisual services were to gain further momentum, the book can be seen as an important reference for the state of play at the end of 2011. It should facilitate learning and understanding the audiovisual maze; it will also hopefully make readers question some well-established concepts, beyond the revision boxes. One of

such questions could be whether the audiovisual sector is indeed ‘where business meets society’s needs’ or, rather, ‘where society’s needs meet powerful businesses (or business interests)’.

In sum, I am happy to recommend Ms Sage’s book to lay and professional readers who want to understand the legal and regulatory concepts underpinning the importance of the European Audiovisual Sector. I should also praise the efforts of Dr. Sage to prepare an original, timely and attractive textbook in a language to prepare new generations that will, hopefully, also partake in the discussions about the future shape of this sector.

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