

Press release

PRINT MEDIA DISTRIBUTION

Arcep publishes an opinion on the new technical, pricing and contractual terms and conditions planned by MLP

Paris, 1st June 2021

Since the Opinion that Arcep issued on 12 November 2020, on the technical, pricing and contractual terms and conditions set by Messageries Lyonnaises de Presse (MLP) for 2021, the company has made several changes to its price schedules. Arcep thus requested that it be notified of MLP's new terms and conditions. Following a referral from MLP on 24 March 2021, today Arcep is publishing its opinion on the new technical, pricing and contractual terms and conditions (incl. VAT) the company plans to apply in 2021.

MLP must provide publishers with a transitional phase for the application of the new contract cancellation terms

The new contract cancellation process designed by MLP gives publishers the ability to cancel their contract on 1 January of each year, provided they give advance notice of the termination, either between 1 April and 30 June or between 1 July and 30 September of the previous year, depending on the number of copies involved.

However, applying these new terms and conditions as of April 2021, as MLP plans to do, would make it impossible for the publishers whose products it currently distributes to sign with a competing distributor before 1 January 2022, without them having received prior notification.

As a result, Arcep is requesting that, as a transitional measure, any publisher wanting to take advantage of the new terms of cancellation set forth by MLP in September 2020, have until 30 July 2021 to do so.

Formulations regarding annual discounts need to be clarified

Arcep is asking MLP to revise the wording of the conditions for giving "title" discounts to the titles transferred over the course of the year, as it had committed to do, in a way that makes clear that these discounts are calculated based on the revenue earned by the publisher up until said transfer.

Arcep is also asking that – within two weeks of having been notified of this opinion – the distributor clarify the formulation of the discount given for increased revenue, to make it absolutely clear that the year used to calculate the revenue increase is a full year of distribution by MLP.

Should it fail to provide sufficient evidence to justify giving publisher-specific discounts, MLP must eliminate these discounts by 1 January 2022 at the latest, and apply a rate that reflects them.

Some of the discount calculation methods proposed by MLP are tantamount to billing the publisher. This includes:

- the minimum price mechanism for the basic intervention cost;
- discounts on issue handling fees;
- discounts on newsagents' service fees;
- discounts on unsold copy recovery fees.

These pricing mechanisms penalise the smallest publishers (particularly those with only a small number of titles), without the pricing differences being justified by objective, notably cost-based elements.

This is why, in the absence of any new arguments, Arcep is requesting that MLP apply prices based on these rate components, by 1 January 2022 at the latest, and recalls that a referral must be made to the Authority two months before these news technical, pricing and contractual terms and conditions come into effect.

Associated documents:

[Arcep Opinion No. 2021-0958 of 20 May 2021 on MLP's technical, pricing and contractual terms and conditions.](#)

[Press release on the previous opinion](#)

Arcep at a glance

The Regulatory Authority for Electronic Communications, Postal Affairs and Print Media Distribution (Arcep), a neutral and expert arbitrator with the status of independent administrative authority (IAA), is the architect and guardian of internet, fixed and mobile communications and postal networks in France.