



Amendment 56 violates moral rights and threatens cultural heritage and democracy

Brussels, 07 March 2017

Dear Members of the CULT Committee,

The undersigned organisations represent more than half a million writers, composers, journalists, film directors, screenwriters and songwriters from all over Europe, who are the heart of Europe's cultural and creative sector and democracy. We write to you to express our deep concern with regards to the suggested amendment 56 of MEP Marc Joulaud's Draft Opinion on the proposal for a Directive on Copyright in the Digital Single Market for the Culture Committee.

Amendment 56, if adopted, would introduce a new 'User-Generated Content' exception (UGC exception) to authors' exclusive and moral rights into European Union law. The latter, not harmonized at EU level, is a key cornerstone of copyright legislation in EU Member States, frequently referred to in the respective acts even before economic exclusive rights. The vast majority of EU Member States grant authors very strong moral rights, providing for a right to attribution (indication of the author's name), a right to object to false attribution, a right to integrity (to object to any modification of the work), a right to protection of honor and reputation, as well as a right to withdraw the work from public access. In some countries, such as France, moral rights are perpetual; in all Member States moral rights are unwaivable (with the exception of the UK). Furthermore, EU Member States are also bound by international agreements to protect and respect the moral rights of authors.¹

Moral rights are of utmost importance for authors and artists and for society in general. There are good reasons why the European Commission wisely decided not to propose any exceptions to those rights, as the effect of such an UGC exception would be detrimental to culture, democracy and our societies. Moral rights not only constitute a direct link between the author and his or her work and therefore ensure for cultural heritage purposes that our society knows and honors the creator; moral rights also guarantee that the integrity of the work is maintained. In times of digital mass consumption of cultural works and the majority of consumers accessing cultural works on online platforms such as YouTube (and it must be anticipated that the tendency of cultural consumption on digital networks will only further increase), our society has a collective responsibility to ensure that

¹ The Berne Convention for the Protection of Literary and Artistic Works sets out international binding agreements of States to ensure that authors are granted unwaivable attribution and integrity as well as the right to object to any distortion or mutilation of his or her work.

future generations can also see, access and enjoy the original work of the creator, whether the works in question are of audio-visual, musical or literary character.

However, amendment 56 and its corresponding recital amendment 12, if turned into law – is also a threat to democracy. Since the wording is so broad and lacks a corresponding definition, any user – including those representing political parties or extreme religious views – can take extracts out of copyright protected works and transform them into a totally different context and purpose. In times of fake news, hoaxes, disinformation for entertainment or political purposes including foreign interference in political election campaigns, such an exception would not only strongly facilitate such practices but even worse, encourage them.

Finally, we regret that the UGC exception, introduced without impact assessment, deviates and totally changes the original purpose of the directive, namely to ensure that online services which play an active role in the making available of copyright protected works fairly share value with authors and right holders.

We therefore respectfully urge MEPs to withdraw the amendment and to maintain the original purpose of the directive.

With kind regards,

Patrick Ager

European Composer & Songwriter Alliance

Pamela Morinière

European Federation of Journalists

Myriam Diocaretz

European Writers Council

Pauline Durand-Vialle

Federation of European Film Directors

David Kavanagh

Federation of Screenwriters Europe



The European Composer and Songwriter Alliance (ECSA) represents over 30,000 professional composers and songwriters in 26 European countries. With 54 member organizations across Europe, the Alliance speaks for the interests of music creators of art & classical music (contemporary), film & audiovisual music, as well as popular music.

Web: www.composeralliance.org

EU Transparency Register ID: 71423433087-91



The European Federation of Journalists (EFJ) is the largest organization of journalists in Europe, representing over 320.000 journalists in 61 journalists' organizations across 40 countries. The EFJ fights for social and professional rights of journalists working in all sectors of the media through strong trade unions. It strives to maintain or create environments in which quality, journalistic independence, pluralism, public service values and decent work in the media exist.

Web: www.europeanjournalists.org

EU Transparency Register ID: 27471236588-39



EWC, founded in 1977 in Germany and newly constituted in 2006 in Brussels as an international non-profit organisation, the European Writers' Council is the federation of 50 European national organisations of professional writers and literary translators in all genres in 34 countries, writing altogether in 42 languages. EWC's members represent 433,000 individual creators, including more than 160,000 authors in the text-sector.

Web: www.europeanwriterscouncil.eu

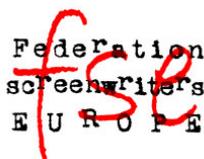
EU Transparency Register ID: 56788289570-24



The Federation of European Film Directors (FERA), founded in 1980, represents film and TV directors at European level, with 35 directors' associations as members from 29 countries. We speak for more than 20,000 European screen directors, representing their cultural, creative and economic interests.

Web: www.filmdirectors.eu

EU Transparency Register ID: 29280842236-21



The Federation of Screenwriters Europe is a network of national and regional associations, guilds and unions of writers for the screen in Europe, created in June 2001. It comprises 25 organisations from 19 countries, representing more than 7,000 screenwriters in Europe.

Web: www.scenaristes.org

EU Transparency Register ID: 642670217507-74