



Authors' Group recommendation for the Legal Affairs committee on the Copyright Directive

Time to put words into action!

Brussels, 18th June 2018

Dear Members of the Legal Affairs Committee,

We represent Europe's authors - more than half a million writers, composers, journalists, film directors, screenwriters and songwriters, the origin of authors' rights, the very heart of Europe's creativity.

We would like to provide the following recommendations to all JURI MEPs for the upcoming vote on the Copyright Directive on 20th June 2018.

The European Parliament has repeatedly 'called for improvements to **the contractual position of authors and performers**'¹. Chapter 3 Articles 14 to 16a are an important first step to bring more fairness in contracts of authors and performers.

The forthcoming vote represents a once in a decade opportunity to fulfill the EP promise to improve the systemic unbalance in contract negotiations between authors and their contractual counterparts.

Article -14a

However the current **compromise amendment 15** weakens the obligations set out in Articles 14, 15, 16 and 16a by 1) defining fairness through contractual relationships 2) replacing authors and performers by rightholders 3) deleting the term proportionate and 4) including a carve out ("where possible"). This would, in the view of Europe's authors, defeat the purpose of Articles 14 to 16.

- **As a result, we call on MEPs to reject Compromise Amendments 15 and 51 and support instead the alternative compromise amendment tabled by the Socialists and Democrats and ALDE.**

¹ Harmonisation of certain aspects of copyright and related rights (2017/C 265/14), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015IP0273>

Articles 14, 15, 16 and 16a

Articles 14, 15, 16, 16a are paramount to improve transparency and the remuneration of authors.

➤ **While the last version could be improved, the Author's Group strongly supports:**

- Compromise Amendment 16 on Article 14 and corresponding recital 52
- Compromise Amendment 17 on Article 15 and corresponding recital 53
- Compromise Amendment 19 on Article 16 and corresponding recital 54
- Compromise Amendment 18 on Article 16a and corresponding recital 55

Alternative Compromise Amendment creating a UGC exception

An original purpose of the directive was 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. A new 'User-Generated Content' exception (UGC exception) to authors' exclusive and moral rights, introduced without impact assessment, deviates from and totally changes the original intention of the Directive.

➤ **As a result, we call on MEPs to reject this Compromise Amendment.**

We respectfully call on you to ensure that the problem of the weak negotiating power of authors in respect of their contracts, identified by the Parliament as a roadblock in the achievement of a functioning marketplace for copyright in the Digital Age, is adequately addressed in the Directive.

With kind regards,

Alfons Karabuda and Marc du Moulin
European Composer & Songwriter Alliance

Mogens Blicher Bjerregård
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 27 European countries. With 57 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 45 European national organisations of professional writers and literary translators in all genres in 34 countries, writing altogether in 28 languages. EWC's members represent more than 160,000 authors in the text-sector.

Web: www.europeanwriterscouncil.eu

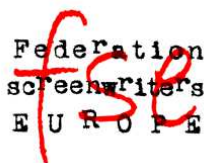
EU Transparency Register ID: 56788289570-24



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