

EUROPEAN COMPOSER AND SONGWRITER ALLIANCE

RESOLUTION ON
THE MANAGEMENT OF AUTHORS' RIGHTS

Bilbao, 9th of JUNE 2010

PREAMBLE

We, the representatives of composer and songwriter organisations from twenty-eight European countries, working together in the European Composer and Songwriter Alliance (ECSA), have met for an extraordinary General Assembly in Bilbao on 9th of June 2010 in order to address challenges related to collective management of authors' rights and digital distribution of music in Europe.

We welcome the interest of the European Commission and the proposed directive in this respect and bring to its attention the following recommendations.

RESOLUTION ON THE MANAGEMENT OF AUTHORS' RIGHTS

1. Noting the importance of interest representatives' involvement in the EU as called for in the 2005 European Transparency Initiative,
2. Recalling the Glasgow Declaration of the European Composers' Forum, representing the composers of art and classical music,
3. Reiterating that musical works start with the creators, whose contribution to the building of national, regional and local cultures, the maintenance of those cultures and the development of Europe's cultural diversity is fundamental,

4. Emphasising the economic contribution of creators' work to Europe's overall GDP and recognising that the work of Authors is the source of the economic value chain,
5. Deeply concerned that twenty-first century professional composers and songwriters find it increasingly difficult to sustain a living,

The European Composer and Songwriter Alliance:

6. Urges fair conditions for the protection of Intellectual Property and the administration of Rights,
7. Strongly recommends that any legislation regarding collective management of authors' rights must ensure freedom of choice for those authors in the administration of their rights,
8. Asks for a just, stable and transparent European legal framework for the benefit of all creators, a framework that promotes rather than hinders the creative process and its exploitation,
9. Stresses the vital role and the importance of Authors' Rights Management Societies to creators as they provide
 - a. transparency - as such societies are run on a not for profit basis and all income (less the necessary costs) is distributed according to rules and auditing procedures which are open to all,
 - b. equality and non-discriminatory treatment for all members,
 - c. certainty of repertoire,
 - d. protection of Authors' Rights / copyright,
 - e. cultural diversity,

10. Notes the importance of the re-aggregation of rights into Authors' Societies to facilitate both pan-European and domestic online licensing,
11. Notes the need to improve transparency rules in Authors' Rights Management Societies particularly in relation to 1] the flow of revenue and how it is distributed, and 2] aspects of governance and supervision,
12. Calls therefore upon the European Union to set minimum standards for the constitution and governance of, and the representation of authors within, Authors' Rights Management Societies, as well as minimum standards to qualify as such,
13. Encourages the European Union to harmonize and simplify rules relating to the oversight of Authors' Rights Management Societies, including rate-setting tribunals, adopting best practices from member countries to ensure that the rate-setting process is speedy, certain, financially viable and guarantees adequate remuneration,
14. Strongly urges the maintenance of the exclusive assignment of rights to Authors' Rights Management Societies by writers, and draws attention to the fact that if exclusive assignment is lost the result will be:
 - a. a lack of transparency,
 - b. a lack of control and choice,
 - c. a rights grab,
 - d. a decline of collective management of rights,
 - e. further fragmentation of repertoire and
 - f. increased domination of the Anglo-US repertoire and a concomitant diminution of cultural diversity.