

DECLARATION  
*on the*  
EU DIGITAL SINGLE MARKET  
*and the*  
NECESSITY OF A FAIR MUSIC VALUE CHAIN

London, 1 October 2015

Preamble

*We, members of the European Composer and Songwriter Alliance representing music writers from all over Europe from all genres of music, came together in the framework of our General Assembly in order to address challenges in regards to author's right and the EU digital single market.*

*We take note of the European Commission's staff working document "A Digital Single Market Strategy for Europe – Analysis and Evidence", published on 6 May 2015 and*

*welcome the European Commission's study on the remuneration of authors and performers for the use of their works and the fixation of their performances, published on 24 July 2015*

*and in this respect bring to the attention of the European Parliament, the European Commission as well as the music and digital industries in general the following declaration:*

Reiterating that musical works start with the creative work of composers and songwriters, whose contributions to the building of national, regional and local cultures, the maintenance of those cultures and the development of Europe's cultural diversity is fundamental.

*We, composers and songwriters from all over Europe:*

Ask for a just, stable and transparent European legal framework for the benefit of all music writers, a framework that promotes rather than hinders the creative process and its exploitation,

Stress the importance of strong author's rights and unwaivable moral rights in order to sustain further creation and provide authors with a fair degree of control over the exploitation of their works,

Stress in this regard that any further exceptions introduced in the EU copyright acquis would only weaken the position of authors, which is by default impaired vis-à-vis commercial exploiters of authorial works,

Urge EU policy makers to examine the role and responsibilities of online intermediaries and to ensure that the networks and services they provide fairly respect the exclusive rights of authors whenever their works are exploited,

Call upon EU policy makers to ensure that the safe-harbour provisions of the EU e-commerce directive is not abused by online intermediaries to circumvent their responsibilities under the Infosoc directive and make unauthorised use of copyright works, thus ignoring the exclusive rights of authors and denying liability for licensing the works exploited,

View with concern that the weak bargaining position of individual authors is abused and unfair contracts are a growing practice in the music and media industries,

Urge the EU policy makers to follow the main recommendations of the EC study on fair remuneration of authors and performers for the use of their works and the fixation of their performances, published on 24 July 2015, as well as to implement the ECSA/FACDIM Resolution published in July 2015,

Emphasize in this regard the necessity to establish an un-waivable termination right for authors in the EU copyright acquis, similar to paragraph 203 of the US Copyright Act,

Urge EU policy makers to understand that authors and the concept of authorship are the moral centre of copyright law and that any harmonisation at EU level must first and foremost consider the impact it may have on authors and their audiences,

Applaud the fruitful collaboration with fellow European organisations representing authors in Europe and commit to an intensified co-operation,

Call upon the music industry and online streaming services to adopt a more transparent and ethical business practice, including less non-disclosure agreements and to better value musical works exploited on their networks,

Support in this regard an intensified collaboration with international partners, especially MCNA and CIAM, to set up the Fair Trade Music Certification Label, issued and governed by authors,

Stresses the importance to set up a globally connected database of musical works and encourages CISAC and all right holders to intensify their efforts to this end.

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