

European Authors' and Performers' Organisations Welcome Draft Report on Private Copying Levies

Brussels, October 10 2013. We, the undersigned European organisations, who give voice and visibility to the concerns of hundreds of thousands of professional authors and performers who make a living in the creative industries, warmly welcome the draft report by Ms Francoise Castex MEP on private copying levies.

This draft initiative report of the European Parliament comes a few months after Mr Vitorino's recommendations on the future of private copying. These were mainly based on the concerns of the importers of IT products subject to the payment of levies (all of which are made outside the EU, as there are no manufacturers in Europe anymore) and did not take into account the concerns of European authors and performers.

Ms Castex's approach rightly underlines that "culture and artistic creation form the bedrock of the European identity past and present" and that the "private copying system is a virtuous system that balances the right to copying for private use with fair remuneration to rightholders, and that it is a system worth preserving". Ms Castex therefore calls on Member States and the Commission to modernise the system and agree on common principles so that private copying levies can continue to provide an invaluable source of income for authors and performers, secure the freedom to copy for consumers and guarantee that those who benefit from the exception through the sales of copy-enabling products also contribute to cultural diversity.

We particularly welcome the report's assertion that "private copying levy should apply to all material, media and services whose value resides in their private recording and storage capacity". In addition, private copying compensation should also be payable vis-à-vis new online services such as cloud computing. We support Ms Castex's suggestion that the Commission be charged "to assess the impact on the private copying system of the use of cloud computing technology for the private recording and storage of protected works, so as to determine how these private copies of protected works should be taken into account by the private copying compensation mechanisms".

Ms Castex also clarifies two important points for European authors and performers:

- Levies should be paid by manufacturers and importers and not transferred to retailers, as it would render the system extremely costly and complex;
- Private copying levies cannot be replaced by licensing, including for online services, as contractual arrangements cannot override the exception and do not offer the same guarantees of fair remuneration to authors and performers.

Finally, we understand Ms Castex's concern to establish clear rules and avoid double payment of levies in cross border transactions. Nevertheless, we urge the European Parliament to support the implementation of the European Court of Justice's case-law in this respect, i.e. the principle of the "country of destination" which requires that the private copying compensation is levied in the country of the consumer (private user) who purchases the device subject to the levy, since this is where the prejudice takes place. Current refund mechanisms could be optimised or new procedures envisaged to levy cross-border equipment or media only once, in full compliance with this principle.

We look forward to the ongoing discussion of this milestone report and urge the European Parliament to support the long term remuneration of authors and performers in Europe by backing Ms Castex's draft report and private copying compensation schemes.

Signatories



AEPO-ARTIS – AEPO-ARTIS represents 34 European performers’ collective management organisations from 25 countries, 22 of which are established in the Member States of the European Union. The other countries represented are Norway, Serbia and Switzerland. The number of performers represented by the 34 member organisations can be estimated between 400,000 and 500,000.

ECA – Founded in 1995 the European Council of Artists represents the joint bodies of artists’ associations in 28 European nation states and autonomous territories. ECA is an interdisciplinary and democratic forum with clear representative structures and works for the interests of the professional artists in Europe – visual authors (writers, composers etc) and performers from all disciplines – and for cooperation between them. The purpose of ECA is to help professional artists influence European strategies concerning European artists/creators, particularly their social and economic situation. For more information: www.eca.dk

ECSA – ECSA is a professional alliance formed by over 40 associations of composers and songwriters from all over Europe. The main objective of the alliance is to defend and promote the rights of authors of music at the national, European and international level by any legal means. ECSA advocates for equitable commercial conditions for composers and songwriters and strives to improve social and economic development of music creation in Europe. www.composeralliance.org

EFJ – The European Federation of Journalists gathers 57 journalists’ unions and associations in Europe representing 320,000 journalists in forty one countries. The EFJ supports its affiliates to foster trade unions and to maintain or create environments in which quality, journalistic independence, pluralism, public service values and decent work in the media exist.

EVA – EVA represents 24 European collective management organisations for fine arts, photography, illustration, design and other visual works for close to 100,000 authors. They manage for authors primary uses, the resale right and they collect and distribute remuneration rights. For more information: www.eartists.org

EWC – Founded in 1977 in Germany and newly constituted in 2006 in Belgium, the European Writers’ Council is the federation of 50 national and transnational organisations of professional writers and literary translators in all genres in 34 countries including the EU as well as Belarus, Iceland, Norway, Switzerland, Turkey and Montenegro. EWC’s members represent 433,000 individual creators of which 150,200 are authors in the text-sector.

FERA – Founded in 1980, the Federation of European Film Directors represents 37 directors’ associations from 29 countries. FERA speaks for approximately 20,000 European screen directors, who work in all formats and genres, promoting and defending their cultural, creative and economic interests both at the European and at the national level. www.filmdirectors.eu

FIA – The International Federation of Actors (FIA) is an international non-governmental organisation representing performers’ trade unions, guilds and associations around the world. It voices the professional concerns and interests of actors (in film, television, radio, theatre and live performance), broadcast professionals, dancers, singers, variety and circus artists and others, with the exception of musicians and visual artists.

FIM – The International Federation of Musicians (FIM) is the international NGO representing musicians’ trade unions, guilds and associations globally, with members in about 70 countries covering all regions of the world. In the European Union, FIM counts 26 member unions in 21 EU Member States.

FSE – The Federation of Screenwriters in Europe (FSE) is the voice in Europe for more than 6,000 professional screenwriters working mainly in the film and television industry. It is a federation of currently 25 associations, guilds and unions of screenwriters in 20 countries.

GESAC – Founded in 1990, the European Grouping of Societies of Authors and Composers (GESAC) represents 33 of the main copyright management societies (authors ‘societies) in the European Union, Iceland, Norway and Switzerland, administering the rights and remuneration of almost 800,000 authors, composers and writers in a variety of sectors (music, audiovisual, literary and visual and graphic arts) and music publishers. More information www.authorsocieties.eu and www.gesac.org

SAA – The Society of Audiovisual Authors (SAA) is the grouping of European collective management organisations representing audiovisual authors. Its members (25 societies in 18 countries) manage the authors’ rights of over 120,000 film, television and multimedia screenwriters and directors. More information www.saa-authors.eu
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UNI Global Union – Media Entertainment & Arts (UNI MEI) – represents 170 national unions & guilds affiliating more than 375,000 creators, technicians and other workers in the media, entertainment and arts worldwide. More information at www.uniglobalunion.org/mei