

## JOINT STATEMENT OF EUROPEAN CREATORS AND PRODUCERS



## DIRECT INJECTION – RIGHTSHOLDERS’ CALL TO MEMBER STATES

Brussels, 11 April 2018

Dear Representatives of the Member States to the European Union,

As made clear in the attached communication, a wide cross-section of the European creative community hopes and expects the European institutions to agree on a meaningful solution to the very real and growing problem associated with Direct Injection (DI). We have been disappointed by the Council’s decision so far not to address the problem.

We are now distressed to learn that the Council may be considering to propose a “review clause” instead of a solution. This would be an unjust and unwarranted gift to the powerful broadcasters, and cable and other operators who benefit from this ongoing resource transfer at the expense of Europe’s creators. It would guarantee them a *carte blanche*, realistically for at least five years, by which time they will have established a new reality for using our content with a substantially lower return to creators and rightholders, if at all. In isolation, they will likely be in a position to block action on this issue indefinitely given their substantial power.

How can the European institutions justify such an unfair and economically uncalled for practice? Will they compensate those who suffer the losses?

Substantial evidence has been provided to justify action now.

- According to the independent Ampere Analysis survey, today in Europe only 22% of broadcasts are free over the air. 78% are DI, of which less than 10% are also transmitted over the air.

- Some €2 billion are at issue overall annually. This remuneration is already being eroded by broadcasters and distribution platforms. Failure to act now will only encourage the spreading of the problem.
- Solutions have been proposed. The Parliament has led the way and is to be congratulated for not taking the easy way out by trying to ignore the problem.
- The issue was brought to the attention of the Commission during the Impact Assessment process as were possible solutions.

We greatly appreciate the efforts of those in the Council who have supported us on this vital issue and emphasise the need for justice and fairness in conclusively resolving the question of Direct Injection now.

Yours sincerely,

**Signatories:**

**AGICOA** – Association of Audiovisual Producers and Producer Rights Management Organisations

**ECSA** – European Composer and Songwriter Alliance

**EUROKINEMA** – Association of Cinema and Television Producers

**EUROCOPYA** – European Organisation of Movie and Television Producers' Collecting Societies

**EVA** – European Visual Artists

**FERA** - The Federation of European Film Directors

**GESAC** – European Grouping of Societies of Authors and Composers

**SAA** – Society of Audiovisual Authors

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