
EUROPEAN AUTHORS NEED A PRINCIPLE OF PROPORTIONATE REMUNERATION TO BE ENSHRINED IN THE COPYRIGHT DIRECTIVE (ARTICLE -14)

As the trilogue negotiations on the proposed Directive on Copyright in the Digital Single Market are drawing to a conclusion, now is your last opportunity to effectively ensure European authors benefit from the economic success of their works.

Today, screenwriters and directors in Europe are often disconnected from the success of the works they create: many of us do not receive royalties from the exploitation of their works, while these are essential to bring more stability to mostly freelance and self-employed professional lives. Weak bargaining power in individual contract negotiation and uneven implementation of collective rights management or collective bargaining solutions are important factors of this situation.

As global distribution players are emerging in the EU audiovisual market, we are becoming painfully aware of the contrast of our situation with that of our US screenwriters and directors' colleagues, who are compensated for the distribution of their work worldwide.

This unlevel playing field, both within the Digital Single Market and worldwide, must come to an end, and solutions fitting our authors' rights framework must urgently be found.

By establishing a fundamental principle of fair and proportionate remuneration for authors and performers in Europe, Article -14 ensures we are to be fairly remunerated for the success of our works: that is an essential step forward we fully support.

However, we are concerned that it will have no positive effect in practice if the following elements are missing:

- An explicit reference to "proportionate" remuneration is crucial, since it is the only way for us to receive a fair reward for the success of our work by receiving a proper share of the revenues our works generate.
- There should be a clear reference to the different collective mechanisms currently in place in various Member States in Art -14, i.e. collective bargaining agreements, collective management of rights and statutory remuneration mechanisms. Where they exist, these mechanisms provide authors with the support and the bargaining power we need to get paid for our work and its exploitation. They also provide producers and investors with the legal certainty they need to produce and license our works.
- The idea of a one-off lump-sum payment contradicts the idea of proportionate remuneration and the prospect of claiming additional payment under Article 15. Proportionate remuneration should be the rule and the recital should make clear that lump-sums, while technically possible, should be the exception.

In the so-called "Digital Single Market", we European audiovisual authors must be able to make a living from our craft and creativity.

With the above-mentioned improvements, Art -14 and Recital 39y, as part of Chapter 3, will ensure that all European countries respect this principle, by developing the mechanisms we need to be fairly rewarded for the actual success of our works.

European citizens' appetite for the films, TV series, documentaries we create is constantly growing: we call on your support to strengthen our creative community so that we can keep on developing new creative visions at the heart of our flourishing creative industries, to grow Europe's cultural diversity in the digital era.

Signatories

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