

Position Paper

Proposal for a Directive of the European Parliament and of the Council on Copyright in the Digital Single Market – Trilogue between the European Commission, European Parliament and the Council of the European Union

Principle of fair and proportionate remuneration for the online exploitation of artistic works protected by copyright

We, the undersigned, stand fully united behind the Austrian authors, filmmakers and musicians, rejecting any dilution of Articles -14 to 16 of the Directive's Proposal adopted by the European Parliament on September 12th 2018, especially opposing the mitigation of the essential provision of Article -14.

Article -14 provides for a general principle of fair and proportionate (!) remuneration for all creatives – including online revenues.

It establishes the fundamental principle that authors and performers must be paid fairly and that their remuneration must be proportionate to the potential and actual value of each of the transferred licensed rights: authors and performers must get a fair share of the revenues generated by their work.

Recently, however, the term "*proportionate* remuneration" was put under massive pressure at the trilogue meetings between the European Parliament, the Council of the European Union and the European Commission, to be replaced by the notion of "fair and appropriate remuneration".

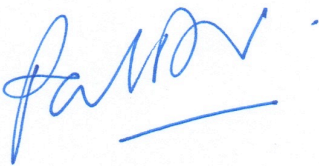
The notion of "appropriate reward for the use of their work" set out in Directive 2001/29/EC has not brought any improvement to the situation of authors, due to their systemic lack of bargaining power in negotiating their contracts, which Chapter 3 of the proposed Directive seeks to rebalance.

In our strong opinion, the notion of “proportionate remuneration“ is essential, as it brings stability to unstable creative careers by (i) allowing authors to invest in the development of future projects before a new contract is signed, and (ii) compensating for their lack of social benefits (unemployment, pensions, health care).

Moreover, the implementation of the principle of proportionate remuneration cannot be considered only through individual contracts, as proportionate remuneration is ensured through different existing mechanisms in various Member States, including collective bargaining, collective management, statutory right remuneration.

Authors’ contractual counterparts are in a systemic dominant position over freelance individuals which are grossly underpaid for their work and can barely sustain a living as freelancers with an irregular workflow, despite a strong regulatory environment supporting the business activities of Creative and Cultural Industries (CCIs). The Copyright Directive represents a once in a decade opportunity to improve the situation of authors, thereby strengthening the European creative community and our cultural wealth in the digital era.

Authors’ remuneration is not an adjustment variable for the CCIs’ business model, but an investment in the creativity from which stems the very value of the copyright licensing system.



FERA
(Federation of European Film Directors)



IMAGO
(European Federation of Cinematographers)

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On invitation of INTERFACE FILM

(Division of EU XXL Film/Organiser of the VIENNA DOCUMENTS)