



Brussels, 18 January, 2008

Draft Report on Cultural industries in the context of the Lisbon strategy

Dear Members of the European Parliament,

The undersigned organisations represent the interests of hundreds of thousands of Europe's creative talents, including writers, screenwriters, directors, journalists, photographers, visual artists, performers and other creators.

We would like to draw your attention to the draft report on "Cultural industries in the context of the Lisbon Strategy", prepared by Mr Guy Bono, for which amendments have been tabled and will be voted in the Committee on Culture and Education on 20-21 January 2008.

We welcome the ambition of the report to recognise the role of cultural industries in the fulfillment of the individual and society, as well as their importance for economic growth, employment and social cohesion.

We also welcome a structured policy for developing European creative industries, and ensuring that culture and the cultural sector are taken into account in all Community policies. In this respect, we think that the setting up of a task force representing all parties involved is essential to enhance dialogue and work across existing barriers.

However, we are still very concerned about the wording of paragraph 9 of the report, urging the Commission to "rethink the critical issue of intellectual property" and some of the numerous amendments made to paragraph 9. We believe paragraph 9 as it stands, as well as some of these amendments, could weaken the IP system in the future and fail to enhance the central role of creators.

The publishing, visual arts, audiovisual and entertainment industries, are at the core of the cultural sector. Their economics rely heavily on an adequate and efficient protection of authors' rights (copyright) and related rights. This is for creators an essential tool to

obtain economic reward for their creative efforts and for the commercial exploitation of their works.

The continental European model, in which rights in created works pertain to the individual creator, also offers important guarantees to the “consumer” of culture about the works’ authenticity and the authors’ and performers’ responsibility for it. These guarantees are missing or ineffective in the Anglo-American copyright system, under which cultural products are simply considered commodities. We believe that this continental European system of “Authors’ Rights” will play an important part in the clarification of “a European view of culture” called for in point 2 of the report.

The “acquis communautaire” offers a potentially high degree of protection to authors and performers within the EU. However, this protection still lacks a sufficient level of harmonisation and is still weakened by many shortfalls. The latter are a matter of concern for creators, who, in addition to this, are all too often exposed to unfair contractual arrangements with other stakeholders, and also see their current level of protection increasingly challenged by the ICT industry and the *copyleft* lobbies.

We therefore call on the European Parliament to seize the opportunity of this debate on cultural industries to restate the importance of authors’ and performers’ IP rights as part of the economy of culture, and to acknowledge the necessity for copyright and related rights protection to be upheld and remain primarily creator-oriented.

To fulfill these objectives we recommend the adoption of the following amendments to Mr Guy Bono’s report:

Amendment 16 by Marianne Mikko
Recital D

Whereas the cultural industries produce and disseminate a wide range of content to inform, educate and entertain the public, *(deletion)* on which the European Union should play its part as regulator, ***guaranteeing that just and adequate economic rewards accrue to the creators of original contents through ensuring adequate and efficient protection of copyright and related rights, thereby securing the sustainability of European cultural industries,***

Justification: A fair reward for creators is a just return for their personal investment in producing cultural content and a *sine qua non* condition to sustain a strong European culture. It is essential to ensure that this remuneration is not challenged by unfair contractual terms

Amendment 22 by Henri Weber
Recital E

Ea. whereas appropriate and effective protection of copyright and related rights is an essential instrument for creators in terms of enabling them to be fairly remunerated for their creative efforts, and within the context of the commercial exploitation of their works, and whereas this protection is therefore indispensable to the survival of the cultural industries,

Justification: A fair reward for creators is a just return for their personal investment in producing cultural content and a *sine qua non* condition for maintaining a strong European culture. It is essential to ensure that this remuneration is not challenged by unfair contractual terms

Amendment 33 by Guy Bono
Recital I

Whereas state aid and subsidies for the creative sector should be seen as an investment and not a luxury, *in particular because they protect and promote creators and their works,*

Justification: State aid and subsidies contribute to maintaining life for a diverse range of creators thus sustaining culture in Europe. They significantly contribute to achieving the objectives set for the EU at the Lisbon European Council in 2000.

Amendment 69 by Henri Weber
Paragraph 9

Calls on the Commission to *ensure that the acquis communautaire in the field of copyright and related rights is preserved and that it continues to be primarily oriented towards creators;*

Justification:

The “acquis communautaire” offers a potentially high degree of protection to authors and performers within the EU. A reinforcement of creators’ rights in the acquis communautaire is crucial to avoid their current level of protection being increasingly challenged by the ICT industry and the *copyleft* lobbies.

Yours sincerely,

The undersigned European organisations of Creators.

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