



EWC-FAEE AISBL

NEWSLETTER I – JULY – 2008

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**European Writers' Council
La Fédération des associations européennes d'écrivains**

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WELCOME TO THE EWC-FAEE AISBL NEWSLETTER I - JULY 2008

We hope that the information contained in these pages is of interest to you and your constituency, as well as to our allied and partners, to authors (writers and translators), creators, to cultural organisations, and interested individuals at large. Dissemination is encouraged for translation and reproduction without restrictions other than those safeguarding the integrity of the text and the attribution to the source and to the authors.

The EWC-FAEE Secretariat welcomes Members' and cultural organizations' issues, reports and statements that can be of interest to or may require the support from authors and its associations. Please contact directly m.diocaretz@inter.nl.net

Your feedback is most welcome!

Editor: Myriam Diocaretz

“EWC-FAEE AISBL” ANNUAL GENERAL MEETING — Sunday 29 June 2008

The AGM was held as planned at the City Conference Centre (CCC), Folkets Hus, Stockholm, Sweden, with the President's Address, and the Assembly's approval of the 2007 Minutes, of the Annual Activity Report 2007, of the 2007 accounts and the budget for 2008, respectively. The hosts were The Swedish Writers' Union and their special international event WALTIC 2008.

“EWC-FAEE AISBL” New Members' Ratification

The 2008 Assembly ratified and welcomed three new associations, all members of the original EWC for many years:

1. The National Society of Greek Authors, Greece.
2. The Hellenic Society of Translators of Literature, Greece.
3. The Authors' Licensing and Collecting Society (ALCS), UK [Associate member].

The “EWC-FAEE AISBL” changes name to The “European Writers' Council”

Following a members' consultation which started in the AGM in Trieste 2007, the Board presented the rationale for the change of the federation's name in English, as established thirty-one years ago: The “European Writers' Congress”. The Assembly voted unanimously in favour of adopting the word “Council” instead of the original “Congress,” while the French name “Fédération des Associations Européennes d'Ecrivains” and its official acronym remain unchanged: «EWC FAEE A.I.S.B.L.» The change is meant to reflect the new era of the federation as a European umbrella association based in Brussels.

In Memoriam Anthony P. Quinn

Anthony Paschal Quinn:

B.Comm., MA, FCI Arb., Dip.Arb.Law, Dip.Intl.Arb., FCIS, *born June 13th, 1932; died April 28th, 2008.*

The EWC President addressed the Assembly in memory of Anthony P. Quinn, and all shared a moment of silence in his honour. He was a delegate who was active for many years at AGMs and authors' meetings. The writer, barrister and credit union activist died recently at the age of 75. Tony Quinn pursued a diverse number of careers and authored several notable monographs but it was his voluntary work on behalf of Irish writers that will be his most enduring legacy. As a member of the executive of the Irish Writers' Union, and as its chair 2004 – 5, Tony was dogged in pursuit of the right of authors to be paid when their books are borrowed through the library system. He regularly represented the IWU in Europe and it was through the European Writers' Congress and the resulting legal pressure on non-compliant states that the argument for the introduction of PLR to Ireland was finally won.

Jim Parker, Registrar of the UK PLR scheme, paid tribute to Tony's successful work in the area. 'The passing of the Irish PLR legislation in November last year was a personal triumph for Tony Quinn. From his attendance at his first PLR conference in 1995 he made it his mission to achieve an Irish PLR system. 'Tony encountered many obstacles along the way and for years had no progress to report at the regular international PLR meetings which he attended on behalf of the IWU and where he became a well known and much liked figure. The lack of progress at home must have been disheartening as he watched newer EU member states taking steps to introduce PLR systems. But Tony stuck to his task, taking his campaign to the media, government officials and anyone else he felt could support the cause. In the end, his efforts were rewarded with the government's decision to set up an Irish PLR system.' The day that Irish writers receive their first payment from a PLR scheme here will be a celebratory one and it will also be a day to remember Tony's determined efforts on behalf of Irish writers, the results of which he was justly proud.

He is survived by his wife, Ann; brother, John; by children Bláithín, Jeannette, Anthony and Paul; and by grandchildren Maya, Ruarí, Anú and Tegan.

The AGM PROGRAMME

The event continued with “Public Lending Right in Europe: An Update” by Trond Andreassen, Past President of the EWC-FAEE. It was then followed by two sections, from which we present the statements and proposals related to **Authors' Rights**. “Strengthening the Authors' Rights - How to Go Forward,” was presented by EWC-FAEE President John Erik Forslund, who gave the floor to Anna Menyhért and Tiziana Colusso, Wim Jurg, Anna Dünnebie, Eva Kampmann and Nicole Pfister Fetz.

Dialogues on the Freedom of Expression - Dialogues sur la liberté d'expression **Anna Menyhért and Tiziana Colusso, EWC Board Members**

A proposal by Anna Menyhért (EWC Vice-president, Hungary) and Tiziana Colusso (EWC Board Member, Italy), presented at the EWC General Assembly and in the WALTIC section “Best practices”, in Stockholm.

Dear Colleagues,

since the very beginning of its history, in the 1970s, the European Writers' Congress [‘Council’] has been aware that the core aims and objectives of a writers' association are both to foster the authors' rights AND to increase the awareness of writers about the importance of their role as “witness of their time”. Since 1978 the European Writers' Congress set out Resolutions on Freedom of Expression, campaigning for such authors as Vaclav Havel, Rachid Boujedra, Musa Anter, Salman Rushdie, Ismail Besikci, and others.

We all know that freedom of expression is one of the core issues of our world as a whole. For writers, the workers who use thoughts and words as professional tools, freedom of expression is the most important condition of their existence. The Internet Era has enlarged the issue also to digital communications, internet blogs, and so on.

Amongst the “fair conditions” we ask for our work, the freedom of expression is the main one. Of course in Europe and in the most so-called “advanced” countries freedom of expression is more or less granted, and the only blind censor that writers have to face is the Market, that sometimes can be a cruel tyrant. But there are still countries, and situations, in which the freedom of expression is not granted, or not always granted, or not granted to all. As long as such situations exist, writers as a whole will be under a grey menacing cloud.

For this reason, and in coherence with what we have already said about this at our General Assembly in Trieste, we want to submit to you –expecting your feedback – the idea of a project about the persecuted writers, or writers that are in some manner “*inconvenient* witnesses of their time.”

We are planning to have a fresh and original approach: we want to organize the project as a mosaic of Dialogues between writers. We can consider such approach a sort of “twinning” frame. The idea is to ask some authors (of different kinds, famous or not, young or elder etc.) to choose each a “twin author” from a list of the LIVING “persecuted” writers or writers that are an “inconvenient witness of their time”. The authors would work on their “twins” writings, translate some of their texts, and if possible contact the authors themselves, or collect informations and opinions on their lives and thoughts. It would also be good to collect the experiences of formerly persecuted writers, who have lived in crucial periods of history.

At the end of this period of research the authors will add to the material collected an essay/novel/poem about this experience, and the collection of all these texts and materials will form a book to be presented, if possible, at the next Mare Nostrum conference in France, or in other EWC meetings.

It is important to stress the DIALOGIC SPIRIT in this project. Dialogue, as you know, is an ancient philosophical method, and also a vivid approach: it is more interesting to create real contact between real and living writers than writing a cold and distant essay on the theme of

persecuted writers. Of course an historical essay will be necessary as an introduction in the book, to set the issue in the course of centuries.

If you, who are the delegates of our member associations, are interested in the project and think that the EWC can put it in its program for the next year, we can begin to list participants, between us (our organizations) or between single writers in each country. We can consider to have one or two writers from every European country.

The success of the project of course depends also on the financial resources that the EWC can provide for it, via applying for grants to spend some funds for this ethic purpose.

Competition and the European Union

Wim Jurg, Vereniging van Schrijvers en Vertalers (VSenV)

In the last few years we, the Dutch Association of Writers and Translators (VSenV), informed you about our big fight with the Dutch Competition Authority that wanted to forbid us, under threat of huge fines, to have or negotiate any standard contracts with the publishers, the public broadcasting organization or the theatre companies. That is, to forbid not the contracts themselves, but any mention of minimum royalties or tariffs which constitute, needless to say, the heart of the contracts. Any mention of advisable or minimum royalties would be considered as a softcore breach of competition law, and any mention of minimum tariffs would be a hardcore breach; I'm not making this up. Last year we could tell you that we, and we in this case is the publishers and us together, reached a compromise with the Competition Authority which we could live with: all the royalties stay in, in our current standard contracts and possible new ones, and for minimum tariffs we can show writers and translators what according to us and the publishers is considered as normal in the market, and those tariffs can rise with inflation as they did in the old times.

So far so good, but this is a temporary situation. The only real solution in the long term is a new law that explicitly rules that collective negotiations in the cultural field are legal and not forbidden by competition law. As it is with collective negotiations between employees and employers; or, a different kind of example, like the law on the fixed book price which we already have in the Netherlands. Artists, writers, translators, may be entrepreneurs in the fiscal sense, but they are not big companies and should not be treated as such. That would be nonsense. So now we're lobbying as much as we can to promote such a new law. And we know that in Europe we're not alone in this. There's actually progress, but it's in no way certain that we'll succeed. Both a problem and a possible help is the European Union. For now, it is a problem. It's not so much that the EU is in reality blocking this kind of law making, but politicians keep saying that. Even when we refer to the existing German law as a good example that something like this is possible, some Dutch politicians, not all, say that this German law is in conflict with EU regulations. We're so sorry, some people tell us, that we have to treat you like big companies that have to compete with each other severely, we're aware that it may harm cultural life, but "Europe" forces us to.

It would be a very good thing if the European Union or one of its institutions would clearly state that it is not promoting that the cultural field be governed by competition law. In the Treaty of Maastricht "culture" was kept out of the fields for which the EU would be making

regulations. It would be left to the national states. Of course, this works only to a certain extent. New copyright law may be meant for big industrial issues, copyright is also the life and blood for writers and translators. Fiscality affects authors as well. If alone for this, by the way, it is so important that we have EWC, and that it has its office in Brussels where it is happening. Yes, I know we have respected members in non-EU countries, there are more good reasons for EWC, I only hope that those outside of the EU don't have these competition problems, but if one day they have them imported from the EU, they may also benefit from actions within the EU the other way around.

My question to this General Assembly is as follows: is it possible for EWC to move the EU to make clear that it is not EU policy that the cultural field be subjected to competition law. To make clear that, if Member States want to adopt national laws that give artists, writers, translators who work independently the right of collective negotiating, the EU will not block such national laws. It would be a great help. Thank you.

The writer's position as contracting party

German Legislation on Copyright and Author's Rights
Anna Dünnebier, EWC Board Member

I shall focus on a special aspect of the new German Copyright law: the right of author's associations to negotiate with the associations of the exploiters or distributors about a "common agreement on royalties" ("Gemeinsame Vergütungsregelung" in German). The new copyright law went into effect in 2002. In contrast to the old one it establishes not only the moral rights of the authors but also the right to an equitable remuneration. I cite the text: "The copyright law protects the author in his intellectual and personal relation to his work and its exploitation. It serves at the same time to secure an equitable compensation for the exploitation of the work."

Remember, the EWC since 1995 has claimed the "unwaivable right to equitable remuneration" for all European Authors. And the German Writers' Union fought a long struggle and did much lobbying to obtain this regulation. In the early 90s our president was a lawyer himself (and writer of film scripts) and could convince the minister of justice how important the contractual right would be for authors.

The new law guarantees each author an "equitable remuneration" ("angemessene Vergütung"), and it stipulates: "To establish what is an equitable remuneration the associations of authors draw up with the associations of exploiters or with individual exploiters a common agreement on royalties." For us authors this means: our writers' union is to work out with a publishers' union or with a single publishing house these common agreements. The law not only gives us the right but requires us to do it.

The law foresees that negotiations can fail. It orders that there has to be an arbitration if both parties cannot agree—just like tariff-negotiations and arbitration between employers and workers' unions. For the arbitration committee each party appoints a person of its confidence, and these two then appoint a neutral chairperson. Such arbitration can take place at the request of one of the two parties, authors or publishers, in three circumstances: if a party requests negotiations and the other party has not reacted within three months if negotiations

have not produced a result after one year—if one of the parties declares the negotiations as failed.

So far, it all sounds quite ideal. This law strengthens the position of authors and their associations in relation to the publishing houses. The authors are no longer single individuals face to face with their contract partners. For the first time in the history of German trade unions freelance or self-employed workers have become capable to be tariff partners. For decades we have tried to work out standard contracts with the publishers. Only very few smaller houses have agreed. It was not binding for anyone. Now negotiations and arbitration are prescribed by law. But it is not as ideal as it could be. The draft of the new law promised more. It was elaborated on orders of the minister of justice by five well-known professors of copyright law. This so called “professors’ proposal” would have made the decision of the arbitration committee binding for both parties. And it would have made Buy-out-contracts illegal. These two items are missing in the final law.

Between the draft and the passing of the law there were vehement protests by the creative industries, intensive lobby work, and the newspaper publishers used their massive power to influence public opinion. Of course we too undertook many actions, we talked with deputies, the minister, the chancellor. Nevertheless, these two important points of the draft were changed. For us, most importantly: the law no longer makes the arbitration binding. Each party can say no within three months, can simply not accept. Then the whole arbitration is annulled. So the publishers can block each agreement. But on their side too they should be interested in a settlement with us. As long as there isn’t one, we authors have the right to check in court whether the payment agreed to in the contract is equitable. If the court considers it too low the contract has to be adjusted and the payment subsequently increased. That has in fact happened already several times, especially with contracts of translators who so far had been paid extraordinarily poorly. With an agreement the publishers have a secure basis for calculation.

As soon as the law was passed we tried to realise its stipulations. We had very difficult negotiations, first with an association that after a year dissolved itself, then with nine publishing houses. In the field of fiction books, we came to a result only after three years and after arbitration. The result was not splendid. It fixed more or less the existing standards: 10 percent of the retail price for hardcover books, 5 percent for paperbacks, an increase of percentage with increasing editions, payment of an advance. Many exceptions in special cases were conceded. Yet we accepted the meager result, as we see that in many contracts these standards have been increasingly reduced. We hope, at least, to prevent this for the future.

What is important: This result is compulsive not only for the contracting partners, but also for the courts of justice. They have to rely upon the “common agreement on royalties”, when they have to judge what is an “equitable remuneration” in an individual case. So it binds also those publishers who did not agree. This may also be a danger. Better paid authors fear that publishers may offer them worse contracts than they used to have, referring to the common agreement.

In the field of translators the negotiations were even more difficult. The translators for the last decades had been notoriously underpaid and so they had to ask for much more than the existing standards. The publishers blocked it. Some publishers even compiled black lists of translators that had gone to court for equitable remuneration and declared that they would

never cooperate with them in the future! It is only now that there might be a result which mainly contains a better percentage of the retail price. The translators will decide on it in a members' assembly.

A Model Contract

Eva Kampmann, Sindacato Nazionale Scrittori SNS Italy

As a beginner in this forum I'm here to ask you for advice, suggestions, comments, ideas on what we think is our biggest problem: the lack of a model contract agreed by the parties, that is, the representatives of translators' associations and those of the publishers. The agreements we sign are mainly buy-out contracts by which we yield ALL rights, primary and secondary, to the publisher for twenty years, the maximum term fixed by law. This is possible because our copyright law, although stating expressly that it applies to literary translation, with the clause "unless otherwise agreed" allows the publishers to get the upper hand. Obviously, the lack of a bilateral agreement and the translators' poor negotiation power always lead to buy-out contracts: we usually receive a one-off payment. We don't receive any money for any edition following the first one, or when the translation is transferred to another publisher, or when it is used in film or in audiovisual or electronic format, nor do we receive, as a rule, any percentage on sales. On an individual plan, this means that our working conditions are getting harder and harder for every day and a general dumping phenomenon is spreading. Many publishers offer 7-8 Euro before tax (for literary translations there is a deduction at source of 20% of 80%) per 2,000-character page, and it often happens that beginners accept even lower fees.

The Translators' Section of SNS has drafted a model contract, based on the best existing European model contracts, but it is very unlikely that this may lead to a bilateral agreement in the foreseeable future. The publishers' attitude is too rigid and the translators' negotiation power too little to be optimistic. All this considered, we think that the only possible hope in better working conditions is trying the European way. The only time something regarding our conditions has changed in Italy it has been through EU directives (reprography and PLR). Therefore we hope that it will be possible to join forces with the other European countries and put pressure on the relevant EU institutions to obtain a recommendation or anything that would support the adoption of a model contract agreed by the representatives of translators and publishers in each member state.

We wish to underline that we are not referring to the contents of such an agreement, as these would be decided on a national plan. We would be contented with a European directive simply stating the recommendation for each country to adopt such a contract agreed by BOTH PARTIES, so that we can finally emerge from the impasse that today compels us to accept unfair terms. Tackling the issue in these terms we think that we should be supported both by the other countries that have the same problem, and by the more privileged ones that already have such an agreement, because they would not have any reason to feel threatened by a downward levelling regarding what they have attained with great efforts.

**Alliance for Fair publishing Companies - Aktionsbündnis für faire Verlage (Ak Fairlag)
Anna Dünnebier, German Writers Union and EWC Board member and
Nicole Pfister Fetz, AdS (Swiss authors' association)**

22 literary groups and associations from Germany, Austria and Switzerland launched on World Book Day (23 April 2008) an initiative against “Bezahlverlage”, “Vanity Press”: pseudo-publishing houses that publish manuscripts if the author pays a great amount of money. These books usually appear neither in bookshops nor in reviews. Young or unexperienced authors lose a lot of money and do not gain literary reputation, very much the contrary. We published a manifesto with the title “Fairlag” (which sounds like Verlag, publishing house, and has the notion of fair in it), warning that the standards of authors rights and of literary quality could be jeopardized by such practice. Press and radio gave a broad coverage to the manifesto. anna.duennebier@netcologne.de, npfister@a-d-s.ch
www.aktionsbuendnis-faire-verlage.com (only in German language)



Aktionsbündnis für faire Verlage (Ak Fairlag) / Alliance for fair publishing companies

22 authors' associations from Germany, Austria and Switzerland have constituted a joint initiative for more fairness by the publishing companies on World Book Day (23 April 2008). They have started the “Aktionsbündnis für faire Verlage (Ak Fairlag)” [Alliance for fair publishing companies].

In this way, the associations are drawing attention to the misconduct of certain publishing companies (the so-called vanity press). This misconduct comes unilaterally at the expense of young authors. “Fairlag” is a play on words, combining “fair” with the German word for “publishing company”: “Verlag”.

The main issue of the alliance is laid down in the “Fairlag” declaration about unfair business practices by the Vanity Press. This declaration was also signed by a huge number of other literature facilities from the whole German-speaking area. These institutions are thus underlining their sympathies for the commitment of the author's associations. The “Alliance for fair publishing companies” demands fair treatment of authors by publishing companies.

They work directly against such dubious publishers who turn upside down all publishing principles by placing the full entrepreneurial risk away the company and unilaterally upon the authors. Having such a publisher as a “partner” is extremely disadvantageous for authors: just to publish a single book, authors have to pay up to twenty thousands Euros at a vanity press company.

A frequent complaint is also insufficient editorial work. A German vanity press publisher even accepted a manuscript that was “created” by an online poem generator (see German television (ZDF) broadcasting “WISO” on 19 December 2006, weblink in German:

www.zdf.de/ZDFmediathek/content/WISO_ermittelt_Teure_Veroeffentlichung/66042). The entirely unacceptable manuscript was classified as "unambiguously recommendable" by the vanity press editorial board (accompanied by detailed invoice for the publication costs).

The books published in such companies are hardly ever entering the regular book trade. The publications themselves are mostly dull and rarely laid out in bookstores. What's more, serious newspapers normally have no interest in reviewing them. And authors who exclusively publish with vanity press companies cannot become members in a lot of authors' associations. Of course, the vanity press publishers do not educate their clients (the would-be authors) about those facts. Finally, the publishing contracts are often characterised by really outrageous clauses.

Between the Association of German authors (Verband deutscher Schriftsteller in ver.di) and the German Publishers & Booksellers Association (Börsenverein des deutschen Buchhandels) an agreement for authors and publishers was made that provides some orientation for more fairness in publishing contract law. A similar agreement is also in existence for the Swiss Authors' Association (Autorinnen Autoren der Schweiz, AdS). But the vanity press ignores such principles.

The signatories of the declaration would like to point out that an author's being published with a vanity press company is completely unrelated to the literary quality of his or her texts. On the contrary, the declaration says quite clearly *that "nobody who publishes with such a company is by definition a bad author. However, the publishing companies we criticise are exploiting the publication wish of authors to their own profit. This is a practice we want to strongly condemn."*

This criticism must necessarily be made loud and clearly, because meanwhile some vanity press companies have created organisational contexts that further their schemes. Thus authors are being recommended to those vanity press publishers by seemingly independent facilities. The *Fairlag* declaration comments as follows:

"The situation is even more problematical when there is an organisational context (see a decision by the Frankfurt/Main District Court from 17 May 2005, file number: 2-03 O 730/04) that approaches young and inexperienced authors to recommend them a costly publication with such publishing companies. In a similar vein, there is a so-called 'free internet portal for authors' which promotes self-financed publications with vanity press companies but this portal belongs, as it turns out, to the very owner of the publishing houses it promotes. Of course, it is difficult for young authors who are new to the literature business to appraise, for instance, the true intentions of an allegedly independent authors' association that advertises in several leading German newspapers offering free consultation in copyright and contract questions for "new authors". However, this association, another facility owned by a vanity press publisher, has hardly any members in comparison to established authors' associations."

The undersigned authors' associations regard it as their duty to draw the attention of young and inexperienced authors to these machinations. They aim at provoking a public debate about the big problem inherent in the vanity press market. They condemn the current commercial methods of these publishing companies. Outspoken critics of vanity press publishers have already been driven into financial ruin or publicly disparaged by defamatory

statements. All this is in no way acceptable. The undersigned authors' associations warn authors explicitly from spending any of their own money on publications of their books, making the point quite clearly:

“The good relations of authors to their publishers and readers and the great achievements of authors' rights and publishing rights as well as of professional publishing work must not be unhinged by the speculative gambling of vanity press companies that are basing their business model on nothing but the inexperience of their authors.”

In the meantime, many more authors' associations have signed the Fairlag declaration and entered the alliance. Two well-known vanity press companies have already lodged complaints against the initiative of authors' associations to found the alliance. However, these threats will not be tolerated.

The responsible authors' associations of the *Fairlag* initiative are:

AdS Autorinnen & Autoren der Schweiz, Konradstrasse 61, 8031 Zürich / Switzerland, Tel. +41 44 350 04 60, Fax +41 44 350 04 61, www.a-d-s.ch

Bundesverband junger Autoren und Autorinnen e.V. (BVjA), Postfach 20 03 03, 53133 Bonn / Germany, www.bvja-online.de

IG Autorinnen Autoren, Seidengasse 13, A-1070 Wien / Austria, Tel: 0043-1-526 20 44-13 Fax: 0043-1-526 20 44-55

Verband deutscher Schriftsteller (VS) in ver.di, Bundesvorstand, Paula-Thiede-Ufer 10 10179 Berlin / Germany, Telefon: +49 30 6956-2327, Telefax: +49 30 6956-3656, vs.verdi.de

The **EWC AISBL 2008 AGM** closed with the announcement of the **2009 Annual General Assembly**, to be held in Marseille in June, with the joint organisation of French member the **Société des Gens de Lettres / SGDL** and proceeded with the **WALTIC** Inauguration.

WALTIC — June 29 - 2 July 2008

WALTIC 2010

The Writers' and Literary Translators' International Congress, WALTIC, The Value of Words was successfully carried out and concluded with the WALTIC Resolution. The Swedish Writers' Union is now planning a new congress for 2010. During June 29 and July 2nd 2008, 600 authors and scholars, translators and activists from 90 countries, gathered to manifest the value of words. “WALTIC 2008 is the first congress of its kind. We all agree that we authors and translators must continue to meet and create public opinion. No decision has yet been made as to where WALTIC 2010 will be held. I've had many proposals from different parts of the world,” says Mats Söderlund, president of The Swedish Writers' Union, the founder and host of WALTIC. During the congress, 120 authors from all over the world have spoken, equal numbers of women and men. The equality reflected in the speakers' list gave a point of departure for a discussion about women's conditions as authors. Women's specific conditions and needs may be the focus of WALTIC 2010. Taslima Nasrim,

Dubravca Ugrešić and others have taken an initiative to a spontaneous meeting, at which an authors' network, "WALTIC gender workshop" was established. Until WALTIC 2010, The Swedish Writers' Union and its sister organisations will contribute to Save the Children's work to increase literacy and secure education for children in areas of war and conflict. "The fact that so many WALTIC participants have signed the resolution to increase literacy, safeguard freedom of speech, and strengthen authors' rights shows that authors and their literature have an important role to play. A book can give readers new perspectives and help us to understand each other. A book can also change the world," says Mats Söderlund.

The EWC in WALTIC

The European Writers' Council participated in the **Best Practice Programme** of WALTIC, on 30 June 2008, in a special session devoted to strengthen authors' organisations throughout the world. EWC Board member Tiziana Colusso presented the theme of Freedom of Expression and the EWC plans to be carried out in this direction [the full text: p.6]. Trond Andreassen (EWC President 2005-2007) spoke on the "Conglomerisation of the publishing and media industries and its effects on Freedom of Expression." Anna Duennebieer, EWC Board member, referred to "the German Experience" on strengthening authors' rights [the full text: p.8]. Myriam Diocaretz (EWC Secretary General) addressed the theme of "Authors' Rights and the Digital Challenges." We are pleased to include here the Introduction to the Best Practice session for authors by the EWC President:

Core Aims and Objectives of a Writers' Association

John Erik Forslund

The European Writers' Council (EWC), is the federation of more than 50 writers' associations in 30 countries of Europe, representing some 58 000 individual authors and literary translators. The EWC wants to share its experiences concerning what we see as core aims and objectives of the work of a writers' association. The EWC stresses the importance of writers' own independent associations where writers can discuss their experiences as literary craftsmen and take a stand on important professional issues. We put forward two priorities:

A. Authors' Rights

Today it is recognized also outside the circles of writers' associations that it is the individual author who is the weaker contracting party in dealing with commercial companies. There is a need for authors to become stronger contracting parties with publishers and producers of different kinds. To obtain better support of authors' rights, better copyright legislation is essential. The German so called Professors proposal of 2001 is perhaps the most striking effort in this direction. The legislation that came out of the proposal will be commented. In Sweden a state commission has recently been given the task of investigating the possibilities of the author as a contracting party. Attention should also be drawn to the influence of digitalization and on how authors' rights can or should be used and structured in the digital arena. Here the EU flagship project Digital Libraries Initiative is an important political initiative which will be commented; it aims at making the European cultural heritage available at the click of a mouse.

B. Freedom of Expression

Writers' associations try to cover many principal and practical aspects:

How do we best support and protect the writer who by exercising his/her profession is getting into trouble with the authorities?

The conglomerization of publishing and media industries, nationally and internationally and –adding the ownership integration of production and distribution facilities– how do these tendencies affect the availability of books and reading?

Which are our hopes and expectations concerning this freedom when making use of the Internet?

How fast is the impact of this freedom gaining ground in practice, for instance, in our new European democracies – are there problems and if so of what kind?

Which are the possibilities of our so called small languages to assert themselves when the English language is establishing itself as “our” lingua franca – does this affect freedom of expression?

A starting point is that authors' rights are indispensable prerequisites for the liberal and clear legislation concerning the right of freedom of expression to be worthy of the status of a basic right.

The WALTIC Resolution

Writers' and Literary Translators' International Congress 2008, Stockholm, Sweden

Literature is a source of knowledge with the strength to empower entire populations. WALTIC underlines the Value of Words by stating the fact that human rights are profoundly associated with the growth of literacy and to the creation and dissemination of literature of all kinds.

Literacy, freedom of expression and authors' rights are keys to the never-ending pursuit of truth, for the development of societies based on democratic and humanitarian values as well as for the individual aspiring to express his or her unique knowledge and experience. The Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations on December 10th, 1948, states that:

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 26 (1): Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

Article 27 (2): Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Increasing literacy is essential to improvement of welfare and democratic processes, and to the safeguarding of human rights. The right to education and access to a rich flora of literature for children are important tools in the struggle against illiteracy. WALTIC urges all the countries of the world to initiate and support national and international efforts to increase literacy.

Safeguarding freedom of expression makes it possible for both the ordinary citizen and decision makers to better understand the world around them and thus to make informed decisions. WALTIC demands that writers and translators, in carrying out their professions, must be actively protected by national and international law.

Strengthening authors' rights in the digitalized world is a new challenge. Digital tools provide writers and translators with the means to overcome censorship and to find new ways of making their literature available. In order to make it possible for the free and independent author to remain in control of his or her text, WALTIC demands that authors' rights be upheld and developed nationally and internationally.

We demand of ourselves and everyone, including organizations, institutions, enterprises, authorities and governments, to take an active stand to:

Increase literacy | Safeguard freedom of expression | Strengthen authors' rights
Let us make the tale of the world available to all.

Contact and information: Mats Söderlund's assistant Amanda Mogensen, phone number: +46 709 72 14 16 - E-mail: press@waltic.com www.waltic.com

PUBLICATIONS

The EWC FORUM MARE NOSTRUM IV Book

The proceedings of the **Forum MARE NOSTRUM IV** have been published, edited by EWC Board member Tiziana Colusso. The papers are centered on the main theme of the event held on 26-27 October 2007, in Trieste, Italy: "*Trieste, its Macro-region and Europe: a Multicultural Tradition and a Contribution to an Intercultural European Future.*" The first copies were distributed in the Annual General Assembly in Stockholm (June 2008) and also during the WALTIC I event.

For a printed copy (free of cost), please write to:
EWC-Secretariat, EWC AISBL, Rue du Prince Royal 87, 1050 BE Brussels Belgium.

We will mail a copy to your national/local library if you send us the library address and name of the librarian or contact person.

Open Access: Opportunities and Challenges — A Handbook (July 2008)

A joint publication of the European Commission and the German Commission for UNESCO entitled "Open Access: Opportunities and Challenges — A Handbook" has been published in printed form and is available online. The term "Open Access" refers to free access to scientific information, in particular to scientific publications resulting from publicly funded research. Open access is much debated. While the research and library communities underline its importance for the future of research and education, academic publishing houses

emphasise the virtues of the current publishing system and stress that it might be put at risk by Open Access.

Both the European Commission and UNESCO believe that modern knowledge societies must take into account the social, cultural, ethical and legal issues raised by the rapid development of new information and communication technologies. The debate on Open Access is part of the larger question of access to and dissemination of knowledge, and should therefore be as broad and inclusive as possible.

This joint publication of the European Commission's Science in Society Programme and the German Commission for UNESCO is an important contribution to this debate. The idea for the present handbook, first published in German in 2007, goes back to a workshop, organised by the German Commission for UNESCO and hosted in Berlin in January 2007 by the Federal Foreign Office of Germany during the German EU Council presidency. Copies can be ordered by printing to: rtd-publications@ec.europa.eu.

The electronic version of the publication can be downloaded from:
http://ec.europa.eu/research/science-society/document_library/pdf_06/open-access-handbook_en.pdf

FORTHCOMING

European Public Lending Right (PLR) Conference, Bucharest, 19-21 September 2008

This year's PLR conference for authors will be held in Bucharest instead of Dubrovnik as originally planned. The conference will be the fourth in a series of such meetings held over the last five years. It will aim to bring together delegates from the host country, Romania, and over 20 EU Member States to discuss the progress in the EU in establishing PLR systems as required by the Directive. PLR is now establishing itself as an important right for authors across Europe and the number of countries with PLR systems has grown dramatically in the last ten years. As in the past, a representative of the European Commission has been invited (DG Internal Market, Copyright Unit) to update delegates on the lending right aspects of the 1992 Directive on Rental and Lending and their implementation by Member States and on the Commission's current policy in this area.

These conferences provide an opportunity for delegates from European authors' organisations and other bodies to present updates and reports on PLR progress in their own countries, to receive advice on best practice from administrators in well-established PLR nations, and to hear from prominent figures in the PLR field on the latest PLR policy developments internationally. The conferences have proved very successful in the past and have played an important role in furthering the development of PLR systems in Member States.

The conference is being organised with administrative support from the European Writers' Council and is being generously funded by the Norwegian organisations Kopinor and NFF

(Norwegian Non-Fiction and Translators Association). The conference will be hosted by the Romanian Writers' Union.

The report on implementation of the Directive presented by Danièle Muffat-Jeandet from the Commission at the PLR Budapest conference in April 2007 was published in the online proceedings of the conference edited by Dr. M. Diocaretz, and was widely circulated.

Jim Parker

For information about the event:

Dr. Jim Parker, registrar of PLR (UK) and Co-ordinator of the International PLR Network

Email: jim.parker@plr.uk.com

Neo-censorship Symposium

International Symposium on Neo-censorship: Threats to the Open Book

18-20 September, Amsterdam

'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'

Article 19, Universal Declaration of Human Rights.

The Board of Amsterdam World Book Capital has the pleasure of inviting you to the International Symposium on Neo-censorship that will take place from September 18-20, 2008. This symposium is one of the highlights in the year that the city of Amsterdam is granted with the title World Book Capital. UNESCO's decision to honour Amsterdam with this prestigious title provides the city a unique opportunity to reaffirm its international reputation as a place of refuge for free speech and the written word. This reputation ties in with the guiding theme of Amsterdam World Book Capital which is 'Open Book'. Amsterdam World Book Capital wants to inspire and propagate dialogue, linking books with the social realities of the present, in the Netherlands and around the world.

The main objective of this symposium is to examine on an international level the erosion of free expression. The concept of neo-censorship refers to a type of censorship that is not imposed by any state authority but by private parties. It is becoming increasingly evident that there are growing threats to the freedom of expression and the free dissemination of ideas and texts, which are being kept on a tight rein or even deterred by censorship-like phenomena. These include self-censorship, market censorship and silent repression and threats to writers, journalists and publishers.

The censorship-like phenomena of recent times could in the longer term have a stifling impact on free expression and the freedom of information, and thus on the overall quality of society, with drastic consequences for the whole province of writing and publishing. That is why there is an urgent need for authors, publishers, librarians and booksellers to take stock of neo-censorship's rise and determine what they can do to counter it.

The symposium will be attended by authors, publishers, librarians and booksellers from all

over the world and is organised in collaboration with the Index on Censorship and Amnesty International. The issue of neo-censorship will be discussed in four different sessions:

- ✚ Censorship, freedom of expression and multiculturalism
- ✚ Censorship and national security
- ✚ Censorship and public morality
- ✚ Censorship and China: a case study following the Olympic Games

On the eve of the symposium, at the opening ceremony on Thursday September 18th the **IPA Freedom to Publish Prize** will be presented. The official language of the symposium is English.

For additional information and registration:

<http://www.amsterdamworldbookcapital.com/index.cfm?page=Neo-censorship%20symposium>

W O R D S: One Path to Peace and Understanding

The DSV (Du store verden! network) is proud to announce its first **international literature festival in Oslo, Norway September 18 – 20 2008**, for book authors, publishers, editors and translators of fine arts literature (poetry, novellas, novels, essays etc.). The main part of the festival will take place in a huge tent in the center of Oslo, and in close proximity to major publishing houses, bookstores, the House of Literature, the National Library etc. The program includes invited speakers and experts from Norway and the greater world, who will speak and debate on such questions as:

1. writing and publishing in another language than the mother tongue of the country of residence – challenges for publishers, translators, authors and bookstores, and should everything be translated ... or not?
2. bilingualism and multilingualism in fine arts literature – history, challenges and benefits to writing and publishing bilingually today
3. international trends in publishing today, and visions for the future – the influence of electronic publishing on today's and tomorrow's world, and how can small presses and independent publishers, bookstores, libraries meet these challenges?
4. young writers / tomorrow's authors: is there a place for urban dialect and cyber language in today's literature?

The international speakers include: Dr. Santosh Kumar (India), Albert Russo (Belgium/France/Congo), Fabio Croce (Italy), Pradip Choudhuri (India), Dr. Amitabh Mitra (South Africa), Elias Poorgholam (Norway/Iran), Adam Donaldson Powell (Norway/USA) and Erling Kittelsen (Norway). There will be stands, performances (of literature, music, etc.), lectures, interviews, book promotion and sales, and many possibilities for networking with publishers, bookstore managers, libraries, translators, other authors and the general public. Major supporters and cooperative partners include (among others): Arts Council Norway, the Freedom of Expression Foundation – Oslo, the City of Oslo, the Oslo public library system, literary associations and cultural institutions.

Entrance to the festival's events is free. Information regarding registration for the festival can soon be found on Du-store-verden's website: <http://www.du-store-verden.no/>

Towards Better Book Culture Statistics and Reliable Indicators: Expert Meeting on Book and Library Statistics - Amsterdam, 7 November 2008

The European expert meeting on the harmonisation of Book and Library Statistics will be held in Amsterdam on 7 November 2008 in the framework of *Amsterdam World Book Capital 2008/2009*. The meeting is being coordinated by Laurens van Krevelen, of the Dr. P. A. Tiele-Foundation, and will be chaired by Prof. Paul Schnabel, Director of SCP, the national Dutch institute for social and cultural research.

The key aim is to discuss the importance of standardised data from different perspectives: the book trade, the library world, academic book studies, statistical offices, and EU policy-making. There is consensus that current statistical data exists in so many different forms that its usefulness has been put into question; another aspect is that in some sectors and fields, statistics are scarce or do not exist, especially for reading, writing, etc. Therefore, the expert meeting is also aimed at identifying topics that deserve standardisation. An important source is the statistics infrastructure at national level, which can help to do a mapping of which data exists on which topics, and collected by which institutions.

Given that there is a related initiative organised by UNESCO (Paris), together with the International Federation of Library Associations and Institutions (IFLA), the International Publishers' Association (IPA), and The International Booksellers Federation (IBF), with a view to improve the international book culture statistics and create reliable indicators that can be applied worldwide, a close collaboration between both projects has been established. As stated by Mr. Laurens van Krevelen, "While the EU-project aims at a more detailed and extensive grid of statistical data, UNESCO will first develop a basic programme of statistics. However, both approaches will need to be compatible, and be based on the same data definitions."

A Study on the Role of Culture and Cultural Industries in Stimulating Creativity

European Commission has entrusted KEA European Affairs with a study on the role of culture and cultural industries in stimulating creativity. The study will focus on ways to promote the specific role of creators and creative industries in fostering innovation at both social and economic level. The kick off meeting with the European Commission (DG EAC) took place in April. KEA will manage the project which includes as subcontractors other research consultancies on culture and the creative industries in the UK; Prof. Roberto Travaglini, specialist in cognitive studies and psychopedagogy at the University of Urbino (Italy), and Mr. Mikkel Rasmussen, managing partner at ReD Associates (Denmark) and specialist in innovation management and cultural economics.

Announcing the study earlier this year, European Commissioner for Education, Training, Youth and Culture, Mr. Ján Figel, stated: "Innovation and creativity are fundamental to the process of economic growth, and they also boost social development. In our increasingly

competitive, globalising world, policy makers in the Member States and the EU need to develop better, tailor-made policies for the creative industries so that they can contribute their full potential to boosting Europe's long term economic growth."

The report, which will include policy recommendations, is due in February 2009, in the context of the European Year of Creativity and Innovation. KEA European Affairs is a Brussels-based strategic consultancy specialising in providing advice, support and research in relation to the creative industries, cultural, entertainment, media and sport sectors. The firm specialises in the legal and policy aspects of culture at EU level, with particular attention to the cultural industries. KEA is the author of the landmark study "The Economy of Culture in Europe", the first attempt to measure the impact of the cultural and creative sector on Europe's economy, and to assess its contribution to the EU's Lisbon strategy for growth and employment. www.keanet.eu

EUROPEAN POLICY NEWS

Intellectual Property: Commission Adopts Forward-looking Package Press Release IP/08/1156 Brussels, 16 July 2008

The European Commission today adopted two initiatives in the area of copyright. First, the Commission proposes to align the copyright term for performers with that applicable to authors, in this way bridging the income gap that performers face toward the end of their lives. Secondly, the Commission proposes to fully harmonise the copyright term that applies to co-written musical compositions. In parallel, the Commission also adopted a Green Paper on Copyright in the Knowledge Economy. The consultation document focuses on topics that appear relevant for the development of a modern economy, driven by the rapid dissemination of knowledge and information. Both of these initiatives comprise a unique mix of social, economic and cultural measures aimed at maintaining Europe as a prime location for cultural creators in the entertainment and knowledge sectors.

Internal Market and Services Commissioner Charlie McCreevy said: "*The copyright measures adopted today should underline that we take a holistic approach when it comes to intellectual property. The proposal on term extension has a strong social component and the Green Paper is deeply embedded in the overall societal and knowledge context*". "*I am committed to concentrate all necessary efforts to ensure that performers have a decent income and that there will be a European-based music industry in the years to come,*" the Commissioner continued specifically in relation to the term proposal.

Term of protection

The proposal on term extension envisages extending the term of protection for recorded performances and the record itself from 50 to 95 years. In this way, the proposal would benefit both the performer and the record producer. It also signals that Europe values their creative contribution.

The extended term would benefit performers who could continue earning money over an additional period. A 95-year term would bridge the income gap that performers face when they turn 70, just as their early performances recorded in their 20s would lose protection. They will continue to be eligible for broadcast remuneration, remuneration for performances in public places, such as bars and discotheques, and compensation payments for private copying of their performances.

The extended term would also benefit the record producers. It would generate additional revenue from the sale of records in shops and on the Internet. This should allow producers to adapt to the rapidly changing business environment which is characterised by a fast decline in physical sales (- 30% over the past five years) and the comparatively slow growth of online sales revenue. In addition, when it concerns a musical composition, which contains the contributions of several authors, the Commission proposes a uniform way of calculating the term of protection. Music is overwhelmingly co-written. For example, in an opera, there are often different authors to the music and to the lyrics. Moreover, in musical genres such as jazz, rock and pop music, the creative process is often collaborative in nature. According to the proposed rule the term of protection of a musical composition shall expire 70 years after the death of the last surviving author, be it the author of the lyrics or the composer of the music.

Green Paper on Copyright in the Knowledge Economy

In its review of the Single Market¹ the Commission highlighted the need to promote free movement of knowledge and innovation as the "Fifth freedom" in the single market. The Green Paper will now focus on how research, science and educational materials are disseminated to the public and whether knowledge is circulating freely in the internal market. The consultation document will also look at the issue of whether the current copyright framework is sufficiently robust to protect knowledge products and whether authors and publishers are sufficiently encouraged to create and disseminate electronic versions of these products. This consultation is targeted at everyone who wants to advance their knowledge and educational levels by using the Internet. Wide dissemination of knowledge contributes to more inclusive and cohesive societies, fosters equal opportunities in line with the priorities of the renewed Social Agenda.

With this Green Paper, the Commission plans to have a structured debate on the long-term future of copyright policy in the knowledge intensive areas. In particular, the Green Paper is an attempt to structure the copyright debate as it relates to scientific publishing, the digital preservation of Europe's cultural heritage, orphan works, consumer access to protected works and the special needs for the disabled to participate in the information society. The Green Paper points to future challenges in the fields of scientific and scholarly publishing, search engines and special derogations for libraries, researchers and disabled people.

The Green paper focuses not only on the dissemination of knowledge for research, science and education but also on the current legal framework in the area of copyright and the possibilities it can currently offer to a variety of users (social institutions, museums, search engines, disabled people, teaching establishments).

Source: the European Commission

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1156&format=HTML&aged=0&language=EN&guiLanguage=en>

¹ COM 2007 724 final of 20.11.2007 - A single market for 21st century Europe

More information on Intellectual Property is available at:
http://ec.europa.eu/internal_market/copyright/term-protection/term-protection_en.htm
http://ec.europa.eu/internal_market/copyright/copyright-infso/copyright-infso_en.htm
[MEMO/08/508](http://ec.europa.eu/internal_market/copyright/docs/copyright-infso/greenpaper_en.pdf)

The Green Paper is available at the Commission's web page:
http://ec.europa.eu/internal_market/copyright/docs/copyright-infso/greenpaper_en.pdf

Meeting between the European Commission – Copyright Unit, IFRRO, EVA, EWC and FEP – 18 July 2008

Background to the meeting

IFRRO on behalf of EVA, EWC, FEP and IFRRO had requested a meeting with Ms. Margot Fröhlinger, European Commission Director of DG Markt, Directorate D, Knowledge-based economy to discuss the then upcoming Green Paper on Copyright in the Knowledge Economy. The meeting was finally fixed for 18 July, just after the Green Paper was published. Ms. Fröhlinger was prevented from attending and we met with Dr. Tilman Lüder, Head of the Copyright Unit and Ms. Klara Kanska from the same Unit who is also the main draft person of the document. It was made clear that if we were to discuss the content of Green Paper we had to meet the Unit of Tilman Lüder.

The IFRRO member representatives were as follows:

Ms Carola Streul (European Visual Artists/EVA)

Ms Myriam Diocaretz (European Writers' Council/EWC)

Ms Anne Bergman-Tahon (Federation of European Publishers/FEP)

Mr Olav Stokkmo (International Federation of Reproduction Rights Organisations/ IFRRO)

Mr James Boyd (IFRRO)

(ENPA, FAEP and IFJ had also been invited to join but as the newspaper sector currently had other priorities, the delegation had been limited to the book and journal sector).

Purpose of the meeting

The main purposes of the meeting included enabling the Commission to meet jointly with the organisations that represent the book and journal sector (authors, visual artists, publishers, RROs); to demonstrate that, albeit having differences of opinion on some issues, they also communicate the same messages in respect of key issues, for instance in relation to those discussed in the Green paper. The meeting did not intend to discuss the Green paper as such, rather it focused on the procedures on how the paper would be further dealt with.

Discussion

EVA/EWC/FEP/IFRRO welcomed some positive statements in the Green paper such as the Commission's acknowledgement that "a high level of copyright protection is crucial for intellectual creation" and that "A rigorous and effective system for the protection of copyright and related rights is necessary to provide authors and producers with a reward for their creative efforts and to encourage producers and publishers to invest in creative works".

These organisations also pointed out that clarification was needed on other statements, on which they would come back to in their submissions. In particular they would aim at showing how user needs currently can be adequately and comprehensively met by individual, direct and collective licensing. In this respect it is crucial to find mechanisms to identify the needs and requirements of the consumers in order to assess whether and, if so, how they could be addressed. Answering questions in a Green paper may not be the appropriate way or sufficient to do this. Rather one could build on the positive experience from e.g. the i2010 digital libraries initiative that had shown the benefits of a problem-solving oriented approach combined with voluntary consensus among the stakeholders. A similar collaborative approach was under way with the visually impaired community.

Tilman Lüder agreed that the Green paper should have made it clear that the reproduction of text books cannot be covered by an exception for “illustration for teaching”. He also agreed that it could have been useful to make a distinction between “teaching material”, normally acquired through purchase or licensing (individual and collective), and “illustration for teaching”. *Lüder* further explained that the term “dissemination” had been chosen when describing the scope of the Green paper instead of “access” because “Access” was so often associated by some to mean free access.

“Transient copying” had been deliberately left out of the Green paper as it was considered to be a non-issue. The other items had been selected on the basis of being either of “public interest” or linked to the Knowledge Economy.

The Way Forward

Lüder explained that the Commission intended to set up a public consultation meeting in advance of 30 November deadline for comments so that there could be free discussion before positions became set in stone and with the view to mapping out, clarifying and discuss stakeholder needs and requirements. He foresaw 4 panels of around 5 experts each:

- Teaching/research
- Libraries
- Disabled
- Distribution of monies

Lüder invited EVA/EWC/FEP/IFRRO to help in preparing the panels and it was suggested that the meeting could be held in Brussels around the 8 or 9 October. In conclusion, *Lüder* said that he would welcome the help of the IFRRO delegation in ensuring that the October Open Meeting would be a success and confirmed that there would not be any new legislation coming from the Green Paper within the life of the present Commission.

Reported by James Boyd, IFRRO 22 July 2008

Launching of the Formal Stakeholders' Forum at the Public Hearing on Private Copying Levies

Brussels, May 27 2008 European Commission, DG Internal Market and Services

Earlier in the year the Copyright and the Knowledge-based Economy Unit launched a stakeholder **Copyright Levies Stakeholder Consultation**. All stakeholders were invited to comment on the key issues identified by the EC. As a follow-up of the consultation that lasted from 14 February 2008 through 18 April 2008, the DG Internal Market and Services organised a Public Hearing on Private Copying Levies. The background paper states that the purpose of the consultation is not to get rid of the levies but to find a way to harmonise them. This approach is different from the one that the Commission chose during the “copyright levy reform” work in 2006.

The Programme started with Opening Remarks by Charlie McCreevy, Commissioner for the DG Internal Market and Services and Miroslav Adamiš, Head of Cabinet of Commissioner Ján Figel. The core themes were addressed in three panels:

- ✚ PANEL 1 The role and impact of private copying levies in the digital environment.
- ✚ PANEL 2 Member States' experience with private copying levies.
- ✚ PANEL 3 Private copying levies – what direction should future policy take?

The final part in which the EC established a **formal stakeholders' forum** was moderated by Tilman Lüder, Head of Copyright Unit, European Commission. The meeting produced the expected results by creating the consultative forum with the participation of “rightsholders and the industry”, which will be facilitated by the Commission. The first meeting will take place in mid-September, after the preparatory session in July.

Reported by Myriam Diocaretz, EWC

IFRRO Report on the May 27 Public Hearing

“At the public consultation meeting on private copying levies in Brussels, Commissioner McCreevy affirmed that levies were a valuable component to ensure that artists could be fairly compensated. [...] Recognizing that the operation of levies was an emotive subject, the Commissioner proposed a new Forum to facilitate discussions between collecting societies, industry and consumer representatives. The Forum would be jointly chaired by DG Internal Market and Services and DG Education, Training, Culture and Youth.

The Forum will be made up of a total of 15 rightsholders, industry and consumer representatives and, initially, will concentrate on the less controversial issues:

- Clamping down on free-riders and the so-called grey market
- Improving practical modalities of refunds once a piece of equipment is exported
- Agreeing broad principles for calculating levies which will take into account future technological development.
- Combatting Piracy.

Other issues that have been identified as meriting early discussion include methodology and compliance with the levy systems. The Forum would not be making binding decisions on its members but a first report to the Commission services would be made after six months.

The case for the levies was made from the podium by M. Jacques Toubon (MEP), M Thierry Desurmont (SDRM and SACEM) and Isabelle Feldman (ADAMI). They argued that there was no evidence of a negative impact of the levies on the market and that, on the contrary, they were vital for the proper reimbursement of rightsholders and also as a component of the public/private financing of cultural diversity. M. Toubon raised the spectre of only “financially privileged” or soviet-style state sponsored creativity being able to survive without the levies.

Other MEPs came to different conclusions. While supporting the principle of fairly rewarding creators for their efforts, Sharon Bowles and Piia-Noora Kauppi, stressed the need for proportionality, transparency and legal certainty. They argued that the levies had gone beyond the original purposes for which they had been devised and now acted as a break on innovation and a burden to European industry. This view was shared by industry representatives –among them Mark MacGann (EICTA), Joseph V. Gote (Imation) and Irena Bednarich (HP)– and by Marco Pierani (BEUC), who emphasized that “actual harm” should be a key consideration.

Member States’ representatives from Belgium, Estonia, France, Germany, the Netherlands and Spain gave varied descriptions of how the levies worked in their countries. Both France and Belgium were undertaking studies on the actual use and impact of the levies. Germany reported on the legal challenges that had taken place and Spain voiced frustration at the failure of negotiations between industry and collecting societies. Estonia stressed the need for proportionality and the Netherlands saw a possible way forward through a mixture of dialogue, amendment of the Directive and possibly an interpretive document from the Commission.

The need and willingness for dialogue was the principle point of agreement to come out of the consultation meeting and led to the acceptance of the Commission proposal for a new forum. IFRRO will discuss with Brussels-based member organisations how it shall be represented at the Forum and how we plan to involve members concerned in the planning of IFRRO's participation and positions at the Forum.”

James Boyd, Communication and Product Development, IFFRO (15/06/2008)

Latest EWC update: The Preparatory meeting for the Levies Working Group was held in Brussels on July 9 2008, with the attendance of industry and rightsholder representatives. The Commission was present through the following: Margot Fröhlinger (Director, DG Internal Market), Joint Chair, Vladimir Šucha (Director, DG Education and Culture), Joint Chair; Tilman Lueder (DG Internal Market), David Baervoets (DG Internal Market), and Xavier Troussard (DG Education and Culture). The main purpose of the preparatory meeting was to confirm the topics to be discussed (of which the four original ones were kept), the order in which they will be discussed, the methodology, the composition of the working group and the schedule. It was agreed that the first two topics (“Clamping down on free-riders and the so-called grey market,” and “Improving practical modalities of refunds once a piece of equipment is exported”), will be discussed on 17 September and 23 September respectively.

Copyright Subgroup's Final Report on Orphan Works and Out-of-Print Works

Endorsed by the European Commission - European i2010 Digital Libraries initiative

The Final report of the Copyright Subgroup was endorsed by the High Level Expert Group (HLEG) on digital libraries on 4 June 2008 at its 5th Meeting in Brussels. The HLEG adopted the "Final Report on Digital Preservation, Orphan Works and Out-of-Print Works," which includes the "Model Agreement for a Licence on Digitisation of Out-of-Print Works" in closed networks (Annex 3); the "Model Agreement for a Licence on Digitisation of Out-of-Print Works with option to online accessibility" (Annex 4); "i2010 Digital Libraries Copyright Subgroup's Recommended Key Principles for Rights Clearance Centres and Databases for Orphan Works" (Annex 6); and the "i2010 Digital Libraries Copyright Subgroup's Recommended Key Principles for Rights Clearance Centres and Databases for Out-of-Print Works" (Annex 7). The Final Report concludes the work done by the Copyright Subgroup since it was established in 2006. The results are a **full set of solutions** for cultural bodies to digitise and give access to orphan works and out-of-print works by complying with relevant copyright issues.

Additionally, the HLEG adopted the "Sector-specific Guidelines on Due Diligence Criteria for Orphan Works. Joint Report" formulated as a result of the multi-stakeholders' working groups, and the "Final Report on Public Private Partnerships" (PPP) which includes a set of recommendations for PPPs. The HLEG also reviewed ongoing areas of cooperation on scientific information and recent developments in Europe and the US on access to scientific publications.

Also on 4 June the Commission held the signature ceremony of the Memorandum of Understanding on orphan works. The ceremony took place in the Berlaymont building, in an exclusive gathering of the stakeholders' representatives as signatories and the High Level Expert Group, with an introductory speech by Ms Koskinen-Olsson, coordinator of the stakeholders working groups, and a speech by Commissioner Viviane Reding.

Report by Myriam Diocaretz, EWC

The EC Press release:

http://ec.europa.eu/information_society/newsroom/cf/itemlongdetail.cfm?item_id=4145

For more information and to access the reports, please visit the EC's digital libraries pages:

The HLG page:

http://ec.europa.eu/information_society/activities/digital_libraries/hleg/hleg_meetings/index_en.htm

The Final report:

http://ec.europa.eu/information_society/activities/digital_libraries/doc/hleg_minutes/copyright/copysub_final.pdf

The Final Report's 7 Annexes (Model agreements, etc.):

http://ec.europa.eu/information_society/activities/digital_libraries/hleg/hleg_meetings/index_en.htm

The Three Platforms for the European Agenda for Culture- Involving Civil Society

In February 2008 the European Commission organised an information session "**the European agenda for culture: involving civil society**" to explain their plan to involve civil society in the cultural policy dialogue and to launch the **Open Method of Coordination (OMC)** for culture as a more structured system of cooperation among the Member States and the EU institutions. The participants had the opportunity to find out more about the OMC in the area of culture as well as on the ways which are open to the European cultural sector – ranging from individual artists and performers to creative and cultural industries – to contribute to this new policy strategy for culture. The 'open method of coordination' [OMC] had already been successfully used to structure the collaboration of Member States and EU in the areas of education and training, youth and social protection. The OMC calls for the greater involvement of the cultural sector in the process, and has been announced as a voluntary instrument for intergovernmental cooperation amongst the Member States.

The Commission subsequently announced its plan to facilitate the formation of three key platforms as new instruments for European cultural policy. Thus, DG Culture opted for the endorsement or support of the first platform, using the experience of the **Civil Society Platform for Intercultural Dialogue** (the Rainbow Platform), initiated in 2006 by The European Forum for the Arts and Heritage (EFAH) and the European Cultural Foundation ECF, in which the Secretary General of the European Writers' Congress has served as member of the steering group. The second platform is on "**Access to Culture**" and the third, on the "**Potential of the Creative/Cultural Industries**" with a focus that should include the small and medium enterprises (SMEs). Therefore, the next step was the March Call for Expressions of interest on the establishment of the new "Culture Civil Society Platforms". This call was intended to give organisations from the culture sector the opportunity to express their interest in participating in the structured dialogue with the European Commission. The first meetings to establish how these platforms will function, which organisations will take an active and leading role, and to jointly decide on the platform's governance, were held on June 4 (Civil Society Platform for Intercultural Dialogue), June 5 (Access to Culture) and June 6 (the Creative/Cultural Industries).

An excerpt from the text of the EC Call provides the rationale for the three platforms: "The Commission proposes that civil society should concentrate its work on three topics of the European Agenda for culture: **intercultural dialogue, access to culture and cultural and creative industries**. On the question of intercultural dialogue, there is already a well-functioning civil society platform. This platform, set up jointly by the European Forum for the Arts and Heritage and the European Cultural Foundation, meets regularly and produces concrete, policy oriented results, such as the Rainbow Paper process. As the aim is not to duplicate existing fora, but to encourage the convergence of all efforts in the same direction, it is suggested that this platform keeps on working as part of the structured dialogue.

The Commission proposes therefore that civil society sets up two new complementary platforms on the other two topics:

- **Access to culture²**

Many ways can be explored to foster a wider access to and participation in cultural activities: promotion of cultural heritage with a view to improving public access to different forms of cultural and linguistic expressions, increased synergies between culture and education (in particular art education), wider digitization of cultural content and the use of Internet, reinforcement of cultural tourism, promotion of the access of youngsters or the search for new audiences, implementation of various projects aiming to boost the demand such as free access, vouchers, etc. These are just examples; the list is by no way exhaustive.

- **Potential of cultural and creative industries**

It is essential to better understand how culture and creativity can lead to the development of creative solutions in existing structures and environments such as schools/the workplace, or to the emergence of new services and products, in particular for SMEs, as well as better understand the type of environment which is conducive to the development of creative and cultural industries. In this regard, the **European Year of Innovation and Creativity Year in 2009** will provide, inter alia, an opportunity to explore how to reinforce the cultural and creative industries in Europe, in particular SMEs, as a force for both economic growth and cultural diversity. Moreover, it is worth noting that the European Commission will present a Green Paper on cultural and creative industries in 2009.

Platforms should be open to cultural organisations (e.g. networks, foundations, professional organisations, etc.) with a trans-national or European-wide dimension and willing to commit themselves to trans-sectoral exchanges of views. The platforms are intended for organisations of civil society only. Public authorities, whether national, regional or local, are not invited to participate. They will be offered other channels for contributing to the European Agenda.” Each platform has been responsible for defining its work programme during a constitutive meeting in Brussels in June. The Commission will act as a facilitator.

More information in the Platform’s web page:

<http://www.efah.org/index.php?id=153&pagelang=en&pagemode=site>

For the report on the constitutive meeting and the programme of the Civil Society Platform for Intercultural Dialogue, please visit the Culture Action Europe/EFAH’s website:

<http://www.efah.org/components/docs/4th%20June%20RP%20meeting%20report.pdf>

For a link to the Platform Recommendations Rainbow Paper II:

<http://www.efah.org/components/docs/RPIIApril21.pdf>

The EC page on involving civil society:

http://ec.europa.eu/culture/our-policy-development/doc1199_en.htm

Background

Last November, the Culture Ministers of the EU Member States endorsed the European Agenda for Culture on the basis of the Communication presented by the Commission in May 2007. ([Resolution of the Council of 16 November 2007](#)) This first-ever Agenda for Culture in

² Favouring a wider access to and participation in cultural activities for all groups of the population independently of the geographical, physical, social, educational or economic obstacles they may encounter is a key objective of policies at national level. At Community level, it also means giving all citizens access to the cultures of other countries as part as an endeavour to promote cultural diversity and intercultural dialogue.

Europe launches a new era in the way Member States, European institutions and cultural stakeholders work together in order to respond to some of the major challenges faced by the cultural sector.

Three major objectives for the common work of these stakeholders have been identified:

- The promotion of cultural diversity and intercultural dialogue.
- The promotion of culture as catalyst for creativity in the framework of the Lisbon Strategy.
- The promotion of culture as a vital element in EU external relations.

A web streaming of the February event, which includes the statement by Sabine Frank, EFAH Deputy Secretary General and coordinator of the Civil Society Platform for Intercultural Dialogue is available at:

<http://webstream.ec.europa.eu/scic/eac/080219/day1en-1.wmv>

To read a briefing on the Open Method of Coordination:

<http://www.efah.org/index.php?id=147&pagelang=en>

Sources: EFAH/Culture Action Europe and the European Commission

Report from Culture Action Europe on the Constitution of the Three Platforms

On 4 June, the plenary meeting of **the Rainbow Platform on Intercultural Dialogue**, was held in Brussels. The event was facilitated by the EC DG Culture as the first platform to be established in the context of the Structured Dialogue with the culture sector, the Open Method of Coordination and the Work-Plan for Culture 2008-2010. Four workshops (morning and afternoon) were held on the **Rainbow Paper II** to put forward Recommendations on Intercultural Dialogue to Civil Society and to the EU institutions, respectively.

The Rainbow Platform meeting on 4th June 2008

The 4th of June was an important day for the Civil Society Platform for Intercultural Dialogue. Around 70 civil society organisation representatives from all over Europe gathered to consider and develop the results of the on-line consultation on Rainbow Paper II. The day centred on working group sessions with expert facilitators and rapporteurs and resulted in a sharpening of the text of Rainbow Paper II. The rich input from the on-line consultation (25 April – 13 June) and from the meeting is now in the hands of a final editor. The final paper is due to undergo a sign-up process before delivering it at the closing event of the European Year of Intercultural Dialogue.

The Rainbow Platform was recognised as a key interlocutor between civil society and the European Institutions. Other key action points were:

1. The job of editing the Rainbow paper was confided to a dedicated editor
2. The possibility of funding for the future of the platform was confirmed by the Commission
3. Culture Action Europe was confirmed as Platform host (Sabine Frank as coordinator.)

The meeting additionally allowed for a close look at the overall results of the platform's work to date and the options for its future. It also established the Platform as a key part of the Structured Dialogue process with the EU institutions – underlined by high European Commission representation at the event and promising news on the possibilities for EU funding of the Platform.

The weaknesses of the paper to date were identified as:

- Its broad and unfocused nature
- The lack of strong, 'provocative' and practical recommendations from the sector
- The breadth of the sectoral response leading to confusion over terms and objectives
- The mismatch between recommendations concerning on the ground work (practice) and those concerning executive or institutional level activity.
- Alongside this, it was clear that the Platform is taken seriously by the European Institutions, and that, as the European Commission made clear in an informal intervention, the very complex nature of the Platform is what makes it interesting and valuable for European policy makers. The experimental and test ground nature of the Platform was verbally recognised by the Commission, who strongly supports the on-going work.

The next step remains of course the reworking of the Rainbow Paper and the launch of a sign-up process. Further details on this will be made available on the Rainbow Platform website within the next few weeks. The next meeting of the Platform is on 12-14 November in Stockholm. The three thematic Platforms (of which the Rainbow Platform is one) are an exciting step towards involving European civil society in cultural policy making. It is unsure how they will develop, and as yet unsure exactly how much impact they can hope to have. As Sabine Frank pointed out at the meeting, there is as yet no clear 'other side' for the Rainbow Platform, no Council Working group and no obvious road map to apply/implement the recommendations. But this is an evolving activity, and the clearer and more precise (or in the words of the ECF's Gottfried Wagner the more 'provocative') the platforms are, the more likely it is that there will be a response.

Source: Culture Action Europe Newsletter # 1 2008.

The Platform on 'Access to Culture' 5 June 2008

The two **new 'structured dialogue' platforms, on access to culture and on the cultural industries** met for the first time on June 5, and June 6 in Brussels. A number of organisations were selected by the European Commission following a call for expression of interests to participate. Both meetings followed the same basic pattern:

- Presentation by the Commission by the Director for Culture, Vladimír Šucha;
- 'Tour de table' of the organisations present;
- Decisions on thematic priorities, steering group composition, secretariat and chair.

The Commission had set very clear goal posts: the governing structure of both platforms had to be decided, the Civil Society Platform for Intercultural Dialogue, which was already 'self-run' in the afternoon, than in the second on "Access to Culture" where the Commission chaired throughout and the decision on the chair only came about in the last minute.

Culture Action Europe had organised a preparatory meeting in the evening of 4th June: With its participating members — including EWC — all exchanged the issues which each would put forward as priority for the platforms, and discussed the platforms' role and prospects. It

was agreed to take the position at the meetings that overall participation in the platforms needed to be reviewed, that the role of the chairs needed to be defined as that of a neutral coordinator of interests, and that the platform's governance structures should be subject to confirmation or adjustment after a first phase. Culture Action Europe duly put these points forward at the constitutive sessions of the platforms, and the Commission promised to make the list of rejected organisations available.

The Platform on 'access to culture' met on Thursday 5th June. The organisations around the table were a mix of Brussels-based networks and of relative newcomers to direct policy dialogue with the EU institutions. While heterogeneous in terms of specific interests, there was a sense of common commitment and a willingness to work together. Culture Action Europe member organisations (13) formed a noticeable sub-group in the meeting. The decisions taken at this Platform's first meeting were as follows:

- interim chair: Mercedes Giovinazzo (Interarts, a Culture Action Europe member organisation),
- three thematic working groups: 'creation/production' (led by IETM), 'participation/audience' (led collaboratively by EFA, the European Festival Association) and 'learning/education' (led by the Association of European Open Air Museums),
- a steering committee composed of the chair, the working group leaders and Culture Action Europe (with its specific expertise in the EU policy field and a transversal role of linking the activities of the 3 platforms),
- secretariat: EFA (and part of the 'European House for Culture' project)

The Potential of the Cultural and Creative Industries, 6 June 2008

The Platform on 'cultural and creative industries' met on Friday 6th June. The decisions taken at this Platform's first meeting include:

- Five thematic working groups:
 1. 'regulatory environment' (led by EFCA, European Film Companies' Alliance);
 2. 'support for the development of SMEs' (led by IMPALA, Independent Music Companies' Association);
 3. 'exchange/export' (led by EFAP, European Forum for Architectural Policies);
 4. 'use of the European dimension of the circulation of artists and cultural products' (led by EMO, European Music Office);
 5. 'the interface of artistic creation and the cultural industries' (led by Culture Action Europe, with secretarial support from the EMC, European Music Council)
- a steering committee composed of the working group leaders and a chair selected from amongst them (EFAP, European Forum for Architectural Policies)
- Secretariat: European Music Office, Brussels.

Source: Culture Action Europe, June 2008, Report to members.

www.cultureactioneurope.org

Public Hearing with Stakeholders about Multilingualism

European Language Policy – Brussels 15 April 2008

Following the online consultation on multilingualism, the Commission analysed the contributions received and presented the outcomes in the framework of a Ministerial Conference on Multilingualism held in Brussels on 15 February 2008.

As a further step of the consultation process, the Commission organised a **Public Hearing** in Brussels on 15 April 2008, to discuss the main issues emerging from the public survey with organisations involved in language learning and promoting linguistic diversity. The outcomes of the discussions will be integrated into the Commission's **Communication on Multilingualism**, which will be published in the autumn 2008, with proposals for actions that further promote language learning and linguistic diversity, and address citizens' needs. The public hearing gathered together 167 stakeholders representing mainly education and cultural institutions and organisations as well as various regional and national authorities and non-governmental organisations; likewise, there was a great number of translators, interpreters and language teachers, in addition to other experts. Commissioner Orban introduced the two recent reports on multilingualism and Mr Vladimir Šucha, Director, DG Culture and Communication, read a summary of the responses to the public consultation. Ms. Odile Quintin, Director General DG Culture, introduced and chaired the Hearing. The workshop sessions focussed on the following three main themes: the role of languages in intercultural dialogue and social inclusion; languages for employability and competitiveness and the new challenges in language learning within and outside formal education systems.

For the full list of participants, please go to:

<http://ec.europa.eu/education/languages/archive/consult/particip.pdf>

The online consultation was launched in autumn 2007 (15 September – 15 November), inviting organisations and individuals to write their views and expectations concerning language policy. The 2,419 contributions received were analysed and the outcomes are presented in the form of a report.

The results of the consultation:

http://ec.europa.eu/dgs/education_culture/consult/know_en.html

The Report on Multilingualism: “A Rewarding Challenge: How the Multiplicity of Languages Could Strengthen Europe,” Proposals from the Group of Intellectuals for Intercultural Dialogue set up at the initiative of the European Commission, Brussels 2008:

http://ec.europa.eu/education/policies/lang/doc/maalouf/report_en.pdf

More information in the EC web page:

http://ec.europa.eu/education/policies/lang/languages_en.html

A Joint response to the EU Consultation on Creative Content Online in the Single Market and the DG Information Society and Media Stakeholders Platform

The creators' organisations, including EWC, submitted a joint response to the EU Consultation on Creative Content Online in the Single Market, expressing their support to the planned Content Online Platform in February 2008. We include here the public statement.

Brussels, 28th February 2008

Creators' statement on the EU Consultation on Creative Content Online in the Single Market

The undersigned organisations representing the interests of writers, literary translators, journalists, as well as sound and audiovisual performers welcome the opportunity to contribute to the EU Consultation on Creative Content Online in the Single Market.

While we retain the opportunity to respond separately to this consultation, we would like to stress a few points of common concern which, we believe are crucial to the roll-out of innovative business models for the delivery of diverse online creative content services.

As providers of creative content which is increasingly also distributed online, our members play a fundamental role in the European cultural, media and entertainment industry, which now provides 6% of European Gross Domestic Product.

- **Content Online Platform**

We welcome the setting-up of the "Content Online Platform", which, we understand, will offer a "*framework for discussion*" on new business models for online content distribution, and other important issues such as the fight against piracy, online rights management, the promotion of European works, multilingualism and general interest principles.

As representatives of several hundreds of thousands of Europe's creative talent, these issues are of crucial concern to us as they have direct implications on the use which is made of the content created by our members. We therefore believe that all parties should be included in this process, if this "framework for discussion" is to achieve solutions that are acceptable to all.

- **Multi-territory licenses**

Our organisations believe that no step should be taken at EU level that could weaken the functioning of nationally-based licensing schemes, based either on collective bargaining, on collective management or on a combination of both. We therefore do not believe that the Commission should issue a Recommendation on the issue of multi-territory licenses.

The ability to reach new audiences by making content available on new platforms, including on a pan-European basis, should be a decision vested on content right owners, in accordance with their own bargaining practices, with the flexibility needed to adapt to new forms of exploitation, sustain the financial viability of the industry and allow for a proportional remuneration of all creators.

Collective agreements and collective management already provide flexible and practical ways to licence content, including for online use. These mechanisms should be further

encouraged by ensuring that the remuneration of creators is proportional to the revenue generated by the exploitation of their work, rather than a mere symbolic token, as is sometimes the case by way of statutory presumptions of transfer of their rights and consequent buy-outs.

- **DRMs**

Technical Protection Measures (TPMs) and Rights Management Information (RMI) systems have an important role to play in the roll-out of new online business models that are flexible enough to meet an increasingly diversified demand; to the extent that they also allow for a more accurate and equitable remuneration of all content owners, they should be encouraged and protected.

We believe, however, that the interoperability of TPMs should be encouraged but not imposed from above. Provided it becomes an issue in the audiovisual world, it will ultimately be the result of a strong market demand – as it is currently already the case in the music sector.

- **Need to maintain levies for private copying**

Although the issue of private copying levies is not mentioned as such in the consultation, we would like to stress that they remain the best option to date to fairly compensate authors and performers for the use of their work for private purposes.

Yours sincerely, The undersigned European organisations of Creators:

EFJ/IFJ European/International Federation of Journalists

EWC-FAEE AISBL European Writers' Congress

FIA International Federation of Actors

FIM International Federation of Musicians

UNI-MEI Union Network International, Media, Entertainment & Arts

EUROPEAN EVENTS

“Immigrant Literature – Writing in Adopted Languages”

The conference on “Immigrant Literature – Writing in adopted languages” was held in Brussels on April 24, 2008, hosted by the European Economic and Social Committee (EESC). Within the framework of the European Year of Intercultural Dialogue 2008, EUNIC Brussels (European Union National Institutes for Culture) organised the conference to discuss the various implications of writing in a second language from the linguistic, literary and intercultural points of view. The key questions were: *Why do literary authors choose to write in adopted languages? Does this constitute an added value for multilingualism and intercultural dialogue?*

The event was inaugurated by the Romanian EU commissioner for Multilingualism, Leonard Orban. Following his speech invited experts and authors from various European countries got the chance to give their point of view on the topics discussed. The first theme was on “The concept of adopted languages”, with the presentations by Jacques De Decker (writer, permanent secretary of the Belgian Royal Academy of French Language and Literature) and keynote speaker Jan Rubeš (Czech Translator and Literary Historian, Université Libre de

Bruxelles), who developed his vision on the two proposed questions: *Why do authors write in a second language? What is their role in Intercultural Dialogue?*

The next theme was “the process of writing in a second language”, with the following core questions:

- What are the implications of writing in a second language for the literary process (writing, publishing and the reception by the readers)?
- Which added value for multilingualism in Europe?
- Adopted language = adopted culture?

The speakers on this theme included: Klaus Hübner (Secretary of Adelbert-von-Chamisso-Prize of the Robert Bosch Foundation); Kristina Goikoetxea Langarika (Spanish/Basque author writing in Dutch); Francesco Micieli (Swiss/Italian author writing in German); Giorgio Pressburger (author of Hungarian origin writing in Italian); Marius Daniel Popescu (Romanian author writing in French).

The last topic was “immigrant literature: Impact on Intercultural Dialogue inside and outside of Europe,” which was developed around the following questions:

- Ambivalence of the term “Immigrant Literature”? Cultural implications of writing in adopted languages.
- Impact of the authors and their texts on their culture of origin and on their adopted culture?
- In which way do “national” literatures change due to “emigrating” and “immigrating” literatures?

The speakers were: Dimitré Dinev (Bulgarian-Austrian author writing in German); Martina Kamm (Migration expert, University of Neuchâtel); Tatiana Viktorovna Korenkova (Literary expert, Russian State University of People’s Friendship); and Saviana Stanescu (Romanian author writing in English).

In addition to the paper presentations, the event was animated with readings by authors who showed the themes of the day in practice, through their work: Adil Erdem (Author of Turkish origin writing in Danish); Kristina Goikoetxea Langarika (Spanish – Basque Author writing in Dutch); Saviana Stanescu (Romanian author writing in English); Dimitré Dinev (Bulgarian-Austrian author writing in German) and Giorgio Pressburger (Author of Hungarian origin writing in Italian).

The 2008 Brussels Debates on Intercultural Dialogue

In the framework of the European Year of Intercultural Dialogue, and with the regular participation of Ján Figel’, Commissioner for Education and Culture, a series of Debates covering a range of intercultural dialogue issues –from interfaith dialogue to multilingualism and the role of the media– is being held in Brussels in 2008. The debates are designed to provide a platform for reflection and exchange of ideas which can contribute to policy discussion on intercultural dialogue and are partly aimed at getting the media’s attention. There is also an online forum open to the public for comments and to trigger further discussion. To launch each debate, “distinguished keynote speakers” are selected by the Commission to present their perspectives.

The first Brussels Debate (5 March 2008), “Integrating Conversations: The Impact of Migration on Intercultural Dialogue” was organised in partnership with the European Policy Centre and chaired by journalist Shada Islam. The topic provoked a lively debate with interventions from special guests Franco Frattini and Cem Özdemir as well as from keynote speakers Bashy Quraishy and Joris Rijbroek. Two documents were available after the debate: the official concept and the wrap-up paper prepared by the European Policy Centre. The documents as well as an online photo gallery and the video of the Debate were published www.dialogue2008.eu, the central point of information for all Brussels Debates. Features of the site include press releases, articles and latest news on key speakers for the next Debate.

The second Brussels Debate, “Negotiating differences. A responsibility of artists and cultural institutions” was held on 2 April 2008. The invited speakers included Jette Sandahl, Director of the City Museum of Copenhagen; Ahmet Polat, Photographer and Lecturer at ArtEZ, Academy of Visual Arts, Enschede (The Netherlands); Ján Figel’, European Commissioner for Education, Training, Culture and Youth, and Claire Gibault, Member of the European Parliament.

The pre-event background paper was provided by the co-organisers, the European Cultural Foundation (ECF) and European Forum for the Arts and Heritage (EFAH), initiators of the Civil Society Platform for Intercultural Dialogue, the so-called “Rainbow Platform.” The debate focused on the dynamic concept of identities; namely, the responsibility of artists and cultural institutions in challenging multiple, overlapping, fragmenting, diving, hybridizing, merging, and fusing elements of identity; participants also explored how they can facilitate spaces – physical and mental – for intercultural encounter, dialogue and learning. We include here part of the paper, which concludes with some key questions around the role of creativity:

Background

“Europe has always been a multiple, heterogeneous society, but now more than ever. Millions of people are on the move in today’s world marked by migration and globalisation. We are all increasingly challenged to appreciate non-fixed, multiple identities (as we have different background(s), different ethnicities, genders, ages and personal trajectories, professional and cultural identities, beliefs and life-styles). These myriad identities, fragile or robust, are in continuous evolution and negotiation. What is more, they are the soil out of which the Europe of the future will grow. Appreciation of multi-layered and fluid identities has thus become a central challenge in our globalised world.

State of Play

Every day we create new clichés to avoid dealing with complexities. But we cannot escape complexity. It is part of our shared realm and simplification is dangerous. Artists challenge our vision of the world and interpretation of facts. They question society and guide us through the complex map of identities and differences. Culture in other words deals with the meanings we ascribe to the world – and each culture and each cultural artefact describes the world in a different way. But there are two kinds of questions that confront the arts as a special vector for intercultural dialogue.

1. Some people see creative endeavour as ‘output’, a mere aesthetic exploration and response to cultural identity. Others see the arts as ‘input’ - a key creator of our identity. Who is right?

2. *Some schools of thought have always seen the artist as socially responsible – and are happy to instrumentalise culture to social and other ends. Others fiercely defend the artists’ right to work outside any social or political agenda, to be the critic, the maverick, the unpredictable irritant that sometimes produces pearls. Who is right? In a situation where “cultural differences” are constantly being blamed for human tensions and divisions, and where inequalities, complicated by global power struggles, are put on the bill of “culture” we need to find some new ways to engage with each other and learn from each other.*

Prospects

Some key questions that may result include:

- ✚ What role do artists and institutions have to play in this process and how can we prepare them better?*
- ✚ Is creativity really a form of social empowerment?*
- ✚ Does creating, or being an audience to creativity, somehow change how ready we are to understand?*
- ✚ Are the arts promoting just a straightforward Western liberal social democratic view of humanity?*
- ✚ How can we create and sustain political and social conditions that foster authentic intercultural engagement?*
- ✚ What role do the arts have to play in this work, in collaboration with other civil society actors?*
- ✚ How can we empower individuals creatively? Is dialogue enough? Or do we need active, creative participation”*

The third Brussels Debate (11 May 2008) dealt with “New horizons: active citizenship to bridge inter-religious divides.” The speakers included: Nadine Iarchy, European Vice-Chair of the International Council of Jewish Women; Imam Dr Abduljalil Sajid, Chairman of the Muslim Council for Religious and Racial Harmony UK; Ján Figel’, European Commissioner for Education, Training, Culture and Youth; and Mario Mauro, Vice-President of the European Parliament.

The theme of the **fourth Brussels Debate** (4 June 2008), “Couscous culture: is that what Intercultural Dialogue in the workplace is all about?” was presented by: Vladimír Špidla, European Commissioner for Employment, Social Affairs and Equal Opportunities; Chibo Onyeji, Vice-President of the European Network Against Racism, and Kyriacos Triantaphyllides, Member of the European Parliament.

For more information on the forthcoming debates in 2008:

http://www.interculturaldialogue2008.eu/408.0.html?&redirect_url=my-startpage-eyid.html

WIPO-IFRRO Subregional Seminar on Copyright and related Rights and Collective Management of Rights

The seminar was held in Bucharest, May 22 and 23 2008, coordinated by the representative of the Romanian Office for Copyright (ORDA), organised by the World Intellectual Property Organization (WIPO) in cooperation with the International Federation of Reproduction Rights Organisations (IFRRO), and the Copyright Collective Management Society (Bucharest, COPYRO).

The seminar was structured around the following themes:

I. Copyright and Related Rights International Conventions Administered by WIPO.

The 1996 WIPO Treaties and Their Implications; Recent Developments on the Exceptions and Limitations. Speaker: Richard Owens, Director Copyright E-Commerce, Technology and Management Division, WIPO.

II. The Protection of Copyright and Related Rights in Romania. The National Experience of Romania

III Collective Management of Reprographic Reproduction Rights

Collective Management of Reprographic Reproduction Rights: Principles, Role, Different Models of Operation. Speaker: Samantha Holman, CEO of ICLA, Chair of IFRRO's European Development Committee, Dublin.

Collective Management in Different Sectors in Europe Speaker: Olav Stokkmo, CEO, IFRRO.

In this section the Administration of Rights in Text and Image based Works in Europe was presented by Myriam Diocaretz, Secretary General, European Writers' Congress (EWC), Brussels; Carola Streul, Secretary General, European Visual Artists (EVA), Brussels; Olga Martin Sancho, Legal Advisor, Federation of European Publishers (FEP), Brussels.

A related topic was: *Why Do Creators and Publishers Support the Establishment of Reproduction Rights Organisations (RROs)?* For which topic EVA, EWC and FEP were also asked to make a statement.

IV Collective Management of Reproduction Rights – National Experience.

Reprography and Private Copying in Romania. Speakers: Ionescu Mircea, Felix Melinesti, Lawyer & Guiu Rodica, Jurist, COPYRO.

Reprography and Private Copying in Bulgaria. Speaker: The representative of BULREPRO©, Sofia.

V Current Status and Future Needs in Establishment of RROs.

How can Governments Sustain Copyright Management Organizations (CMOs) and Their Activities? This theme was presented by a representative from the Bulgarian Government/Intellectual Property Office, Sofia.

The Current Status and Future Needs for RROs were addressed by the representatives of all countries present, including Moldova, Belarus and Albania.

VI Management of Rights in the Digital Environment: International Issues and Trends.

Richard Owens, WIPO, gave an overview of Management of Rights in the Digital Environment: European Issues and Trends, and Olav Stokkmo, CEO, IFRRO, presented the i2010 the European Commission Digital Libraries Initiative.

NEWS FROM OUR MEMBERS AND OUR PARTNERS

From the Rainbow Paper to the EC Platform for Recommendations to DG Culture.

2008 cultural policy started with a rainbow, thanks to our partner the European Forum for the Arts and Heritage EFAH, and its associates the European Cultural Foundation and NEF which funded the *Civil Society Platform of Intercultural Dialogue*, as a joint initiative to support and present recommendations during the European Year of Intercultural Dialogue for EU institutions; the platform's ideas came from the grass roots of the participants, all cultural organizations in Europe in different fields of the social, cultural and artistic sector. The First version of the Rainbow paper was a product of consultation among civil society. The issues and priority themes sifted through the first consultation already had an original (not the usual approach) input. The Rainbow Paper was presented in January at the opening of the Slovenian EU Presidency, in Ljubljana.

EFAH Becomes CULTURE ACTION EUROPE!

The European Forum for the Arts and Heritage's new name and new brand were launched at the 65th Trans Europe Halles meeting in Brussels on the 24th of April 2008 and represent the organisation's ambition and hopes for the future...

The organisation's rebrand is strong, colourful, serious, accessible, non technocratic and above all engaged. The word 'action' states the ambition to be an active player at the European level. It symbolises a shift in emphasis in EFAH's work, towards a more activist, engaged and communicative organisation. The challenges for the arts and culture in Europe over the next few years are enormous – improved mobility, better social protection, increased funds and a more secure place at the policy making table. The new strategy and action plan all come together under the new logo and name.

Over the next few months important events will mark the working calendar of **Culture Action Europe** including the presentation of the consultation results on the Rainbow Paper II on Intercultural Dialogue and the participation in and shaping of the structured dialogue between the European Commission and civil society. Culture Action Europe's bread and butter work will continue – gathering intelligence, supporting members in their European relations and fighting for the voice of the not-for-profit cultural sector at the policy table.

As announced in the website:

Network, advocate, think, are the key words for the new image. EFAH is the leading advocate for the cultural sector in Europe. EFAH is a forum for its members and provides cultural operators from many different disciplines and backgrounds with a strong, representative

voice in the formulation of cultural policy in Europe; a voice that informs decision makers about the real issues affecting the cultural sector.

For more information, visit the new website: www.cultureactioneurope.org

The Swedish Supreme Court Affirms: Commercial Breaks in Films Constitute a Violation of the Moral Rights of Filmmakers

Press Release

On March 18th the judgement of the Swedish Supreme Court (Högsta domstolen) in the lawsuit concerning commercial breaks in films - film directors **Vilgot Sjöman and Claes Eriksson** versus **the Swedish TV-company TV4** - was announced. The Supreme court reaffirms the judgements of the City Court of Stockholm and the Court of Appeal, which establish that commercial breaks in films constitute a violation of the Moral rights of film makers.

—Vilgot Sjöman and Claes Eriksson have through their personal efforts strengthened the position of film creators and authors in Sweden and hopefully also throughout the world, says Karin Enberg, president of KLYS. It is a great victory for artistic expression in general and for the creation of films especially that the Supreme Court considers the making of films as a serious art form just as visual art, music, theatre and literature.

— It is very, very sad though that Vilgot Sjöman, because of his death just a few days before the Judgement in the Court of Appeal two years ago, is not with us today to experience the joy of the judgement, adds Karin Enberg.

The lawyer in the lawsuit, Håkan Sjöström, claims that the judgement is very clear confirming that the Moral Right still has a value for the individual artist and that an expressed permission from the film director is necessary to legitimate commercial breaks in films.

KLYS – the Swedish Joint Committée for Artistic and Literary Professionals – and its member organisations supported the legal process in this case with legal assistance and knowledge in the making of films. Read more about the background to this case on KLYS website www.klys.se

Contribution from John Erik Forslund, EWC President and member of the Swedish Writers' Union

“The Strength and Weakness of the Words in the Information Era” – Bulgaria

The Union of Bulgarian Writers has organised an international writers' forum under the title “*The Strength and Weakness of the Words in the Information Era*”, under the patronage of the President of the Republic of Bulgaria Mr. Georgi Parvanov, in Sofia and Varna, during 7-13 June 2008. The EWC President, Vice-presidents and Secretary General were invited but had previous engagements, therefore our federation was represented by Board member Tiziana Colusso.

In the framework of the Ninth Sofia Writers' Meeting, a session of the European Academy of Poetry was held in this period. As the invitation from Mr. Nikolay Petev, Chairman of the Union of Bulgarian Writers states:

“In the spirit and the traditions of the new Bulgarian intellectual history, a number of international meetings of most distinguished writers, poets, and literary critics from all over the world with a personal creative and social contribution to the development of modern civilization have been taking place in our country. [...] You probably remember that during the Cold War Era, Sofia international writers' meetings under the heading ‘Peace —The Hope of the Planet’ were the bridge that was connecting the writers from every corner of the globe.” The dialogues continue, now in the contexts of the challenges of the Internet era and of globalisation. Upon request of the UBW, the EWC Secretary-General sent a speech which was read during the inauguration of the event.

Culture Programme 2007-2013 Funding Opportunities

The Culture Unit of the Education, Audiovisual and Culture Executive Agency (EACEA) manages and implements most of the activities of the Culture Programme (2007 – 2013). The aim of the multi-annual Programme is to encourage and support cultural cooperation within Europe in order to bring the European common cultural heritage to the fore.

The Programme proposes funding opportunities to all cultural sections and all categories of cultural operators contributing to the development of cultural cooperation at European level, with a view to encouraging the emergence of European citizenship. It mainly promotes the trans-national mobility of cultural players, the trans-national circulation of artistic and cultural works and products and the intercultural dialogue. With a total budget of 400 million EUR for 2007 – 2013 the Programme allows to co-finance around 230 different cultural actions per year.

New Programme Guide Culture 2007 – 2013

The Guide, focusing on most parts of the Culture Programme, contains all the essential conditions to apply for funding. It introduces a fixed [Calendar](#) until 2013 and provides cultural operators with the whole set of funding opportunities under this Programme until 2013. For more information please visit: http://eacea.ec.europa.eu/culture/index_en.htm



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