



CALL TO MEMBER STATES TO ENSURE APPROPRIATE AND PROPORTIONATE REMUNERATION FOR ALL AUTHORS AND PERFORMERS

Brussels, 17 March 2022

Nearly a year and a half ago, our Cultural Creators Friendship Group (CCFG) — a coalition of currently 25 Members of the European Parliament from 6 political groups and 14 different countries — made a [plea to the European Commission and the Member States](#) to deliver on Article 18 of the EU Copyright Directive and guarantee the fair remuneration for authors and performers. On 20 October 2021, the European Parliament adopted its [Resolution on the Situation of Artists and the Cultural Recovery in the EU](#), identifying the Copyright Directive as crucial for the recovery of the cultural and creative sectors and pleading for its immediate implementation by all Member States, in particular to ‘*guarantee fair, appropriate and proportionate remuneration for authors and performers*’ (par. 13) and ‘*to translate Article 18 of Directive (EU) 2019/790 into effective remuneration mechanisms*’ (par. 15).

A few days ago, several members of the European Parliament’s Committee on Culture and Education met with performers and their representatives from across Europe to discuss the fact that — even eight months after the deadline — 16 Member States¹ still have not transposed the Copyright Directive, denying authors and performers fair remuneration. Out of those that did, nearly none have succeeded in responding to our call for action by introducing effective mechanisms that provide authors and performers with proper remuneration.

The Covid-19 crisis has accelerated the development of the Digital Single Market. Member States must recognise this reality and adapt their legislation to follow this evolution. Authors and performers need legal certainty. Online, they need to be able to rely on their rights they have been given for the offline exploitation of their performances. Therefore, we compel lawmakers to expand the scope of the existing remuneration rights by introducing new remuneration rights that are tailored to the new technological developments to which the Copyright Directive refers.

Unwaivable remuneration rights are a proven effective mechanism to implement Article 18 of the Copyright Directive. Practice has proven that they guarantee fair, appropriate and proportionate remuneration for authors and performers. Allowing such unwaivable remuneration rights to apply to digital exploitations would ensure that in the online environment performers can enjoy the high level of protection that the Union copyright framework offers in the offline environment. This has been the case in Spain, where all performers benefit from an additional channel of revenue for their online works managed by their collective management organisations.

Once again, we reiterate our commitment to promote the effective transposition of the Copyright Directive, in particular its Article 18. We call upon Member States to consider the most effective mechanism to ensure authors and performers are finally ensured “appropriate and proportionate remuneration”, the mechanism that they themselves are asking for, the mechanism that was made possible by the approval of Article 18, the mechanism that they deserve as pillars of our cultural and creative sectors.

¹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, Greece, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia and Sweden