

## Speech in Strasbourg for MEP at EU Parliament, Thursday 12<sup>th</sup> of February 2015

Thank you for the opportunity to meet you on this very important question. Authors' rights must be seen as one of the fundamental rights, where both the economic rights and the ideal rights are going hand-in-hand as they cannot survive without each other. As president of the European Federation of Journalists' i represent 320.000 journalists throughout Europe.

- I have to emphasize, that journalists' opportunity to decide on the use of their creative content is a prerequisite for freedom of information and freedom of expression. Authors' rights are a fundamental tool for that. It is also an important issue for the credibility of the content, that authors' rights ensure that the viewers, readers and listeners can trust that journalists not only have the responsibility but also the duty to deliver reliable material.
  - This is important for both employees, freelancers and self-employed journalists. Where and when we produce content, we must be able to guarantee its quality and credibility, and we can only do that by maintaining our rights. Therefore EU must ensure full recognition of journalists as authors and fair remuneration for each use of our work.
- One of the easiest ways to ensure authors' rights is through agreements. This is the best way to make it simple and legal for the consumers to have access to needed and wanted material. That can be and is done through collective management organizations, which provide the most effective way to ensure both the consumers access to protected content while remunerating creators, and that the authors' and here journalists' can follow their material and ensure credibility.
  - Licensing systems guarantee the consumers that they can trust that agreements ensure the right use and the authors' remuneration.
  - Extended licensing systems are well functioning in countries with a high organizational rate which mean that the organizations take the responsibility that all the authors' are included in the agreements.
- Buy-out contracts that contain unfair terms and conditions asking journalists to transfer all exclusive rights to employers is one of the biggest challenges in many EU-countries today. Authors are increasingly forced to accept such conditions because of asymmetrical power relations. It is a danger that it will lead to less diversity as it makes it more and more difficult for freelancers to survive as journalists and continue to deliver unique content if they do not get a fair payment.
  - In the Reda report I have noticed article 3 saying that there is a need for appropriate remuneration for all categories of right holders and an improvement of the contractual position of authors. It is important that appropriate remuneration includes all authors, freelancers as well as employees. It is also important that fair remuneration is not just tied to exceptions in exclusive rights, but actually covers contractual practice across the board.

- Common EU rules to the extent that it is necessary and appropriate for the internal market is a basic tool, but EU solutions should improve a market situation. We must bear in mind that authors' protected material is not only a question of competition and breaking down barriers, it is also a question of cultural diversity.
  - Common EU-rules must not hamper well-functioning national licensing models. If that happens not only a serious financial challenge for authors', journalists' will appear, but we would also lose the pluralistic and diverse media landscape, which is a cornerstone for our democracies. The principles of subsidiarity must be respected to ensure pluralism and cultural diversity.
  - Authors' rights has a huge impact on our common economy in Europe: The creative and cultural industries including media means a lot to economic growth and employment in Europe. An Ernst & Young study from 2014 shows that the creative industries in the EU has a turnover of over 500 billion euro and has approximately 7.1 million jobs, equivalent to 3.3 per cent of the EU workforce.
- One of the suggestions is that educational institutions across Europe should have so-called free use of protected material through a mandatory exception in the Infosoc Directive. Such a mandatory restriction of the exclusive right will have serious negative consequences. Creation of new and modern teaching materials that can help children and young people into the future must be a key objective in the community; this objective cannot be achieved if the conditions for the production of new textbooks, interactive media and other teaching materials are being undermined by a provision that educational institutions can just copy without paying.
  - Schools, colleges and universities already have in most countries broad access to use creative content in education, both through individual agreements with publishers or through collective agreements with collective management organizations. EFJ supports such collective solutions.
  - A good example from my own country, Denmark: In the primary schools the payment is some equivalent to the price of a book pr. pupil. For such a price the scholars got access to most of the world's literature. Through very simple methods the remuneration find its way to the authors whose material has been used. This is an easy and fair system, which paves the way for new materials to be produced.
- You have proposed to change the legislation to make it easier to give multi-territorial licenses; consumers shall have easier access to creative content across borders within the EU. In the ideal world, EFJ agrees with that objective, but at the current stage where the conditions in the EU member states are so different, it will create more damage than solution if not reflected. The real extent of the problem could also be questioned.
  - You must be very careful not to intervene in licensing schemes as it may cause unfortunate and unforeseen consequences. I.e. a ban on geo-blocking would mean that national public service broadcasters could find it difficult to obtain licenses to distribute content on the Internet when they can no longer limit the use to their natural sphere of activity, but must clear the rights and pay for the entire Europe. This may mean that the market will increasingly be

taken over by multinational corporations which already operate internationally. We risk to lose cultural diversity across Europe.

- The Reproduction Rights Organizations have already signed a large number of cross border agreements which fulfill the task set up on your agenda. You risk to damage an ongoing process and also a process following the new CMO-directive carried last year to be implemented in 2016.

Finally I want to emphasize that authors' rights is not a barrier for digitization. Authors' rights are not defined by media platforms but by the content. We have well-functioning models and we in the EFJ as a right-holder organization are ready to contribute with ideas to find an EU-model that will respect authors' rights and through voluntary agreements can extend the easy and legal access to material across Europe through fair and pragmatic cross border solutions where needed.