



Press Release

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EU copyright proposals: both opportunities and challenges for promoting Europe's cultural diversity and industrial growth and jobs

On 14 September, the European Commission published proposals to reform the European Union's copyright framework. This includes a proposed Regulation on online transmissions and retransmissions and revisions to the Directive on copyright, in the context of the Digital Single Market. The European Film Agency Directors (EFADs) association shares the Commission's ambition to help the audiovisual sector adapt to the digital age and welcomes some positive provisions in the proposals. At the same time, the Regulation's potential impact on the audiovisual sector's prospects for growth and on people's access to Europe's culturally diverse works is a concern.

Proposal endangers principle of territoriality

Digital technologies are creating huge new opportunities for the creation, distribution and preservation of European audiovisual works to the benefit of people living across the European Union. The challenge however is to encourage the audiovisual sector to capitalise on these opportunities in a sustainable way which protects and advances European cultural diversity and facilitates the growth of businesses and jobs.

There are real concerns about the proposed Regulation and the introduction of a country of origin principle for broadcasters' ancillary online services. As Peter Dinges, President of the EFADs highlights "the proposal by the Commission has the potential to erode the principle of territoriality which is a fundamental building block of the whole ecosystem. Undermining this principle could have serious consequences not only for jobs and growth in the audiovisual sector but also for European cultural diversity."

EFADs embrace the opportunities of the digital era

EFADs members have been already fully committed to these objectives for years. At national level, there are several initiatives dedicated to new technologies and online distribution with the objective of increasing access to European works and developing the competitiveness of the sector. Collective actions have also been initiated, such as dedicated workshops and a dialogue with the MEDIA Unit to identify initiatives that will support the new developments while going with the grain of the sector. For a more long term reflection, a Think Tank was set up to explore what the film sector will look like in 2025 and how to support policies which would assist that evolution.

The copyright package contains positive proposals such as the proposed revisions to the framework governing the exceptions on illustration for teaching purposes and the preservation of cultural heritage. These are vital steps to ensure Europe's cultural legacy continues to flourish and especially to build young audiences for European content while striking a balance between stakeholders' interests. This follows equally positive proposals on portability and the Audiovisual Media Services Directive which could go some way to enhancing access to European content and creating a level playing field in Europe.

It is however troubling to see the Commission make a proposal, in the form of the Regulation, which is not based on market realities, has the potential to cause disruption to the audiovisual sector and could undermine cultural diversity by removing the ability to distribute works on a territorial basis. This, in turn, undermines the ability to finance works in the first place as money is usually raised on the basis of licensing the work territory-by-territory. When taken in the context of the ongoing Competition investigation into the provision of cross-border Pay-TV services, the concerns become even greater. The EFADs will work closely with the European Parliament and Council to ensure cultural and linguistic diversity continues to flourish in Europe.