



Brussels, 12 October 2006

## Response to the Public Consultation on Content Online in the Single Market

### Introduction

EURO-MEI affiliates media, arts and entertainment unions in the EU member states and other European countries representing creators, technical and administrative workers in the content industries. EURO-MEI's members affiliate, full-employed, freelance and self-employed workers.

EURO-MEI's membership is working in the production and distribution of audiovisual media online services and games online. We would like to underline that not only the creators but also the other categories contribute to the production and distribution of creative content online and are stakeholders.

Digital convergence is affecting employment opportunities, schemes and levels of remuneration as well as the quality of employment for all these categories of media, arts and entertainment workers.

We believe that EU policy in the field of content online should contribute to the growth ensuring vitality and quality of the content online services, contribute to the growth of employment and the quality of jobs, promote the improvement of life long learning opportunities, establish a legal framework which would guarantee equitable remuneration of individual right holders for the exploitation of their work.

### Response to the Questionnaire

Question 3: We believe that in the present environment content lacks sufficient protection.

Question 6: Cultural diversity should be fostered online. EU policy should promote measures at EU and member state level aiming at promoting the production and distribution of European content online. In our opinion it would be helpful if the provisions of the audiovisual media services directive would contain more ambitious commitment to this end. Sustaining cultural diversity of content on all platforms will sustain quality, creation and growth of employment within the EU.

In their Warsaw declaration<sup>1</sup> of May 2006, the European employers and union federations in the audiovisual sector pointed out that "*with the audiovisual sector undergoing constant change and developing new business models, training is of key importance.*" Well-trained workers in the content industries will be key to the success of a sustainable cultural diverse online industry. However, there is lack of life long learning measures and sector-wide schemes. Training and training projects, which would facilitate the migration of workers across the different segments of the content industry, should be promoted.

Question 8: We believe that video online services will become a major driver of the online content industry and the development of legal VoD should be promoted. Piracy is in our point of view a major threat to the potential success of legal VoD and we call on the Commission to take a proactive approach in order to implement the charter on film online. Access providers have not done enough so far to effectively prevent piracy on their networks.

Question 16: Individual right holders are the weakest link in the production-distribution chain in terms of economic and bargaining power. Levy systems guarantee that individual right holders are compensated for the exploitation of their works. Would these systems be abolished, without strengthening the position of individual right holders in their contractual relationships, this important revenue stream would disappear completely. With online distribution becoming more important for the exploitation of content, levy systems need to be adapted taking into account this new realities(as for example in Denmark).

Question 21: The content industry is threatened by increasing piracy. It is not only a threat to the revenue of companies but also impacts negatively on employment in the content industry and other sectors.

Question 22: We believe that education and awareness-raising campaigns are helpful. We propose that the Commission continue to promote the dialogue between content industry and access providers. This dialogue should produce joint initiative, which should reach out to the consumers. Initiatives to media literacy should include education on copyright and its function.

Questions 25: We consider that DRMs are not appropriate means to manage and secure the distribution of copyrighted material in the online environment. DRMs are technically not reliable and not transparent.

Question 33:

In order to guarantee that individual right holders will be able to negotiate equitable remuneration for the exploitation of their works on any platform on equal terms and to promote voluntary agreements we propose that the EU Commission prepare a proposal for a EU copyright contract law. Further, measures should be taken at EU and national levels to adapt levy systems to digital distribution.

The Commission should carry out an impact assessment to assess the impact of digital convergence on employment and quality of jobs.

Training and training projects, which would facilitate the migration of workers across the different segments of the content industry, should be promoted within the EU programmes.

Further actions should be taken at EU level to effectively prevent online piracy implementing the film online charter. The Commission should take legislative measures should the soft tools prove to be insufficient.

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<sup>1</sup> Common Declaration of EU Social Partners of the Audiovisual Sector at the Conference: The Audiovisual Industry on the Move, Social Dialogue as a tool to tackle changing environments, Warsaw, 5-7 May 2006.