

DG Information Society and Media

Strengthening the Competitiveness of the EU Publishing Sector

The European Writers' Congress is the Federation of 56 writers' associations in 29 countries of Europe, representing some 55 000 professional writers and translators. We thank the European Commission for the opportunity to comment on the Staff Working Paper *Strengthening the Competitiveness of the EU Publishing Sector* and we will restrict our comments to the book publishing sector. We will, however, point out that in this Working Paper, the differences between book/journal publishing and newspaper/magazine publishing are not made clear; i.e., there is an obvious need to distinguish between the publishing of magazines for the popular market and academic/scientific journals.

The role of the authors

We are somewhat surprised and saddened that the role of the authors hardly is mentioned at all in this paper. The European book industry's main competitive advantage is the rich and diverse authors' community on our continent and we strongly advise the Commission to take the role of the authors into account before any recommendation or legislation being brought into force. Without the authors, the creators, the book industry has nothing to trade.

It has been said that translation is the language of Europe and although it might be obvious, it nevertheless needs to be said: Most of the EU member states are not 'world language' countries and the real competitive advantage Europe has, is her diversity. Substantial structural and market-driven changes within the book sector, including the question of media convergence, which the Working Paper hardly pays any attention to at all, could represent a treat to the 'cultural diversity' everybody is obliged to pay lip service to. The litmus test for all legislative initiatives in this field must be: Does this promote diversity and culture?

That is, of course, the reason why several European countries have chosen to regulate their book market by fixed book prices and as writers, the guardians of our languages and

literatures, we will strongly advise against the introduction of a doctrinaire competition thinking seeing the authors merely in terms of ‘content providers’ in a market place. Thus we feel that the Paper’s definition of “competitiveness” as ‘the capacity of a sector to create wealth’ is too narrow; to create works of art, to facilitate exchange of information, to stimulate a reading culture and to foster a free intellectual debate should also constitute competitive advantages.

Authors’ rights

As authors, we have moral and economics rights to the work we produce and we appreciate that this Working Paper mentions, although very briefly, the importance of an adequate protection of intellectual property rights. The Paper also emphasizes that publishers, relying heavily on freelancers, ‘thus bearing a special responsibility to ensure that they are treated fairly’, but doesn’t elaborate on how this can and should be done.

The vast majority of writers are low-income earners, which, of course, the writers’ organisations are sadly well aware of; but the rest of the world seems only to notice the spectacular income of the not too many exceptions. Many writers also have a self-employed status, which makes them very vulnerable when it comes to negotiating with the publishing companies. When a new legislation was passed in Germany in June 2002, granting the writers’ associations – and their contractual partners – a right to collective bargaining, this was in recognition of the very uneven bargaining strength of the parties. The EWC sees a need to harmonise an authors’ contractual legislation in order to strengthen the authors’ position and would like to see binding regulations at a national level.

We would also like to remind the Commission of the conclusion of a EU-commissioned study conducted by Lucie Guibault and Bent Hugenholtz: ‘Collective bargaining offers perhaps the only guarantee that the interest of authors and performing artists will duly be taken into account when the times come to determine the level of remuneration.’

In a resolution, unanimously adopted at the XIX European Writers’ Congress in Amsterdam in October this year, the EWC expressed its dismay at the threat that the introduction of doctrinaire competition law poses to the collective rights of authors and translators. The intellectual property rights of authors are a core competence of collecting societies/collective management organisations and we wish to stress our opposition to the undermining effect that the growing emphasis by the Commission on the competitive market has upon that competence.

Literature is ignored

Although this document is focussed on publishing in the digital age, we think the DG Competition and the Commission as a whole should be reminded of the following, which apply whatever the medium, especially in relation to their question on the final page:

- (2) Are there any further issues you would add in respect of publishing, notably with regard to the policy approaches set out in the Commission's recent i2010 communication?

Publishing is presented in this document solely in terms of "industry"; one that creates employment, is competitive and makes a profit; whereas, disappointingly, the cultural value of its "raw material", literature, is completely ignored.

Book publishing has, historically, had a very profound influence on the shaping of European societies, but that has only been possible because publishers have taken a longer view and not sought an instant return on their investment in writers. New writers have traditionally been encouraged and nurtured by publishers on the understanding that maybe their first, second and even third book may make only a small profit, or even none at all. But that that risk was worthwhile because they recognised that literary quality is developed through time and nurture; time for authors to develop their unique voice and the nurturing of their talent. Publishers have hitherto invested in a pool of talent confident that some of that pool at least would become profitable by dint of the quality and longevity of their works, and that even their early works would eventually become profitable through retro-sales stimulated by later success.

With the continuing demise or absorption of independent publishing houses at the hands of large global media companies, book publishing has become almost totally focussed on short and medium term profit. This "balance sheet" approach to publishing is increasingly impinging on the opportunities for new writers, many of whom who are not perceived as being "commercial".

The reduction of this important cultural activity to the same status as goods and services competing in the market place - almost on quantity and price - is already undermining the

cultural basis of our society. Good literature; books that reflect, challenge and question the morés of their times are essential if a society is to maintain and improve its psychological and political health. But with a growing trend within all the developed economies to see everything as being subservient to economic factors, the world of literature is itself now falling victim to the economic imperative. This is a grave error; EU competition strategies may work in the areas of goods and services, but not culture. And given that there is no reference to culture, or the impact of these strategies on culture, leads one to fear that through oversight and/or carelessness an important part of our European culture will become inaccessible to its citizens, purely because it does not conform to a business model.

The need for authoritative statistics

As the Working Paper clearly demonstrates, there is a strong need for better and more comprehensive and coherent statistical surveys. Table B3 can serve as an illustration of the problem: the reason for Denmark's apparent vast outnumbering of all other EU member states in titles produced per million population, is simply that the Danish methodology in title registrations differs from all the other countries.

As far as we know, there are no statistical surveys on the condition of writers at an European level and we therefore call upon the European Commission to initiate independent Europe-wide surveys and analyses to establish statistics and records on the economic and social conditions of writers and translators, including the way they differ between the member states. Authoritative statistics – including tables that contrast the poverty of most writers with the vast amount of trade and profit they generate – might convince the Commission of the need to take bold new steps to improve authors' rights and status.

Yours sincerely

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European Writers' Congress