



EUROPEAN COMMISSION

Brussels, 27.6.2013
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Dear President,

The Commission would like to thank the Congreso de los Diputados and the Senado for their Opinion on the proposal for a directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market {COM(2012) 372 final} and apologises for the delay in replying.

The Commission welcomes the support of the Congreso de los Diputados and the Senado for the intention of the Commission to set up a common legal framework that improves the functioning of collecting societies and facilitates the granting of multi-territorial licenses of rights in musical works for online uses.

Furthermore, the Commission appreciates the support of the Congreso de los Diputados and the Senado for strengthening rightholders' position within collecting societies. Indeed, the Commission proposal aims to establish a common framework of governance and transparency based on rightholders having the means to control the management of their royalties and on improving the exercise of membership rights within collecting societies.

The Commission takes note of the concern expressed by the Congreso de los Diputados and the Senado that due to the introduction of too detailed provisions on certain areas of governance and transparency, the proposal may not give to Member States a sufficient margin of manoeuvre to implement the Directive in accordance with their legal and cultural traditions.

The proposal contains a set of minimum standards on governance and transparency that would ensure the proper management of copyright and related rights whilst being mindful of different legal traditions and approaches towards the regulation of collecting societies. For instance, the Commission has proposed to leave flexibility for Member States to decide on issues such as legal form or administrative regimes. The Commission is aware of the fact that a number of Member States have more stringent rules to govern

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collecting societies. Nevertheless, the proposal aims at the creation of an equal level playing field for all collecting societies in the EU, and not at the establishment of two different levels of legislation (EU and national) regulating collecting societies. Furthermore, when calibrating the level of intervention, the Commission has particularly taken into account the cross-border dimension of the problems identified in the course of its analysis of the market (e.g. lack of control of royalty flows, impossibility of exercising membership rights by foreign rightholders).

The Commission hopes that these clarifications address the observations made by the Congreso de los Diputados and the Senado and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*