



REMARKS CONCERNING THE PROPOSAL FOR A DIRECTIVE ON  
SERVICES IN THE INTERNAL MARKET:

COLLECTIVE RIGHTS MANAGEMENT SOCIETIES SHOULD BE CLEARLY  
EXCLUDED FROM THE SCOPE OF THE DIRECTIVE

Dear Madam,  
Dear Sir,

**AEPO–ARTIS, which represents most of performers’ rights management societies in Europe, asks for the clear exclusion of collective rights management societies from the scope of the Draft Directive on Services in the Internal Market.**

Collective management is an economic, social and cultural necessity for the administration of certain intellectual property rights. It benefits both right holders and users and contributes to fostering the European cultural diversity and creativity.

The collective management of intellectual property rights is already subject to a sectoral European legal framework including the 2005 *Recommendation on collective cross-border management of copyright and related rights for legitimate online music services*. Where specific services are already covered by European legislation, priority should be given to a sectoral approach over the transversal approach that characterizes the Draft Directive, so as to enable the effective application of the existing legislation.

The Draft Directive on Services in the Internal Market as adopted on 14 February 2006 in first reading by the European Parliament leaves room for uncertainty about the rules applying to collective management of rights.

Although a new Recital 10e (Amendment 16) clearly states that ‘services of intellectual property rights collective management societies’ should be excluded from the scope of the Directive, no reference of such services can be found in the new version of Article 2, paragraph 2, point ‘c e’ (Amendment 79) listing the activities to which the Directive does not apply.

Such lack of consistency is highly problematic. It will create strong legal uncertainty for performers' rights management societies and weaken their functioning, which plays a central role in promoting cultural diversity in Europe.

**For the sake of consistency of the Directive, AEPO-ARTIS therefore proposes that Article 2, paragraph 2, point 'c e' be amended in accordance with Recital 10e of the Directive, so as to read as follows:**

**(ce) audiovisual services, whatever their mode of production, distribution and transmission, including radio broadcasting and the cinema, *and services of intellectual property rights collective management societies;***

**AEPO-ARTIS calls on your support to back the proposal above mentioned.**

Yours sincerely,

AEPO-ARTIS

AEPO-ARTIS is a non-profit making organisation. It unites 27 European collective management organisations from 21 countries for performers of all cultural fields and represents them at European level.
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