

AEPO-ARTIS ONLINE SEMINAR CONCLUDES THAT MEMBER STATES MUST REBALANCE THE STREAMING MARKET IN FAVOUR OF PERFORMERS BY INTRODUCING UNWAIVABLE REMUNERATION RIGHTS

BRUSSELS, 17 November 2020: AEPO-ARTIS put performers' rights at the centre of the debate at its online seminar "*Performers and performers' rights: How can we create a sustainable creative ecosystem in Europe?*" today.

Performers are the backbone of Europe's rich cultural and creative sector. However, the current COVID-19 pandemic is a reminder just how fragile the creative ecosystem is, with many performers forced to consider giving up their profession as their art can no longer support them. Now more than ever, it is crucial that the legal framework protecting performers is strengthened.

MEP Niklas Nienass set the tone very early on in the discussion by asking how it is possible that only 1% of performers receive the equivalent of a minimum wage from streaming services.

As Member States are now implementing the 2019 EU Copyright Directive and in particular its article 18, which guarantees performers appropriate and proportionate remuneration – especially from streaming, the question is how this can be best achieved.

The exchanges following were very clear. "*The EU is placing this important issue in the hands of national legislators. It is a great opportunity for Member States to set this right and secure appropriate and proportionate remuneration for performers*" said Professor Raquel Xalabarder of the Universitat Oberta de Catalunya.

She recommended that, following her research¹, **Member States should implement article 18 by introducing an unwaivable remuneration right for performers for on demand uses and paid by digital platforms.** A system which is not new to EU law as was confirmed by Marco Giorello, head of the copyright unit at the European Commission.

Jose Maria Montes, Vice President of AEPO-ARTIS confirmed that this model is already in operation in Spain and that both AISGE and AIE, the Spanish performers' collective management organisations, are successfully collecting remuneration from streaming platforms on behalf of performers without any negative impact on the market or on subscription fees of consumers.

Member States have to implement the Directive by June 2021 into their national laws. **AEPO-ARTIS calls on them to create a sustainable streaming market, where performers are fairly and proportionately remunerated. The unwaivable remuneration right, managed by performers' CMOs and paid by digital platforms, is a solution to rebalance the market that is simple, efficient and fully in line with the EU acquis.**

¹ <https://indret.com/wp-content/uploads/2020/10/1591.pdf>

It is crucial that Member States ensure that the 2019 Copyright Directive results in an actual improvement of the situation of performers. The status quo is not acceptable!

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