



International Organisation of Performing Artists



Communication of the European Commission on a European agenda for culture in a globalizing world COM (2007) 242 of 10 May 2007

CULTURE FIRST! POSITION

Opening remarks

Culture First! is an informal network of trade associations and collective management societies representing authors, performers, producers and certain cultural industries (film, music, publishing). Culture First!'s purpose is to engage with issues that impact on culture and cultural diversity, which it did for the first time when equipment manufacturers and network operators called remuneration for private copying into question.

This was because private copying remuneration is not just a fair compensation to rightsholders for the reproduction of their works. Some of the money collected also goes to collective measures in the cultural action sector devised and planned by professionals themselves. This mechanism strives to target the needs of authors, artists and the cultural industries as closely as possible.

The Commission Communication forms part of a changing European and international cultural "landscape". The protection and promotion of cultural diversity is now set within an international legal framework – the UNESCO Convention for the protection of cultural diversity - while the European Union's own internal cultural dimension is strengthened by the revised framework of the European Treaty.

Pending the convening of the IGC, the recent European Council (22-23 June 2007) seems to endorse the cultural breakthroughs made in the draft **Constitutional Treaty** endorsed at the time by the European Council:

- Maintaining the objective which states that "the European Union shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced";
- Adopting supporting measures by qualified majority, such as the cultural programmes and the Media programme, for example;
- Recognizing that the Charter of Fundamental Rights of the European Union of December 2000 has binding legal force (except in the United Kingdom, which has an opt-out). This Charter enshrines intellectual property (article 17), respect for media freedom and pluralism (article 11) and provides that the Union shall respect cultural diversity (article 22);

- Preserving the unanimity requirement for the negotiation and conclusion of trade agreements on cultural and audiovisual services which are apt to be detrimental to cultural and linguistic diversity in the European Union.

Culture First! wishes to express its support for the Commission's positive approach in favour of a growing focus on the importance of culture in the shaping of Europe.

The objectives of the European agenda for culture

On a preliminary note, Culture First! thinks that detailed consideration needs to be given both to the concept of "culture" as such and the cultural industries. It is no mean task, but one worth spending time on, given that culture is shaping up as the central core of two of the European Agenda's three objectives.

Culture First! approves the series of objectives taken up by the Commission:

- **The promotion of cultural diversity and intercultural dialogue**, in particular through promotion of the mobility of authors and artists, the mobility of works of art across national borders, and strengthening intercultural competences;
- **The promotion of culture as a catalyst for creativity within the framework of the Lisbon Strategy for growth and jobs**. This is a cardinal point. The creation sector is a key driver of the development of information technologies, as shown by the craze for mp3 players, recording devices and subscriptions to interactive services. It is the wellspring of the cultural sector, and growth and jobs within it. This makes it vital for the legal and political environment to support its development and ensure its sustainability. This is a challenge that must be taken up and underlies strong protection for intellectual property which must be seen as a major asset and not a curb to the development of the Information Society.

We see two approaches as essential here to secure respect for copyright and related rights and support cultural diversity: one is to encourage artistic and creative activities in schools and higher education; the other is to inform and raise awareness among the public about these rights, their importance to creativity and the wealth of cultural choices.

One big structural problem with the cultural industries in Europe is the often small size of enterprises (independent music and film producers, small music publishers) their chronic shortage of funds, and banks and financial institutions' aversion to risk industries (which live by nurturing talent).

We therefore believe that the essential instruments cited in the Agenda must be developed and strengthened to enable European cultural sector SMEs to buy fully into the Lisbon Strategy.

The development of creative partnerships between the cultural sector and other sectors (ICTs, research, tourism, social partners, etc.) is essential to leverage the social and economic impact of investments in culture and creativity, and to promote regional employment and development.

- **The promotion of culture as a vital element in the European Union's international relations.** Culture First! supports the Commission's approach directed towards mainstreaming culture across all international relations and development policies and welcomes this proactive approach which must be taken up when framing and negotiating the trade and/or bilateral partnership agreements currently under discussion with Korea, India, the Caribbean, etc. The Culture First! partners wish to be associated in the preparation and follow-up of these agreements.

New partnerships and new working methods

- **Dialogue with the cultural sector**
Culture First! and its partners support the essential elements of the closely engaged dialogue envisaged by the Commission and confirm their interest in being "closely" involved in the Commission's future work. The setting-up of an ongoing Cultural Forum has our full encouragement, given the characteristics and many structural challenges facing the cultural community as a whole.
- **Setting up an open method of coordination**
Culture First! supports the Commission's proposal to set up an open method of coordination (OMC) for the Member States to use. This method seems to deliver good results in other sectoral policy spheres.
The Coalition also supports the development of statistical tools to improve national statistical data and deliver greater comparability of national statistics, in coordination with Eurostat, and more precision in Eurostat's methods, which, for example, do not distinguish the different crafts within the general category of music.
- **Mainstreaming culture in all relevant policies**
Mainstreaming culture in all relevant policies and involving all the Directorate Generals concerned (especially DGs Information Society, Internal Market, Competition, Trade and Development) is an essential objective.
DG EAC will obviously have a strong role to play in ensuring that culture is really given weight in the different Community policies, and the coherence of the measures taken. Mainstreaming culture in the different policies also requires oversight at the highest level, by the President of the European Commission personally.

Culture First! supports and welcomes the process proposed by the *Communication on a European agenda for culture in a globalizing world* and expects the Agenda to result in a coherent set of concrete measures designed to strengthen and secure compliance with intellectual property rights, the dynamism of undertakings in the sector, training and exchanges of human resources in all areas of the creative and cultural industries.

The Culture First! Coalition links together 18 rightholders organisations representing authors, performers, actors, journalists, and audiovisual and recorded music producers/distributors.

AEPO-ARTIS

Association of European Performers' Organisations
Xavier Blanc, General Secretary

AFI

Italian Association of Phonographic Producers
Massimo Baldinato, Regulatory and Public Affairs Manager

BIEM

Bureau International des sociétés gérant les droits d'enregistrement et de reproduction Mécanique
Ronald Mooij, Secretary General

CISAC

International Confederation of Societies of Authors and Composers
Eric Baptiste, Director General

EFCA

European Film Companies Alliance
Kim Magnusson, President

eFilms

EFJ/IFJ

European Federation of Journalists/
International Federation of Journalists
Céline Simonin, Authors' Rights Officer

EUROKINEMA

Association de producteurs de cinéma et de télévision
Yvon Thiec, Délégué Général

EUROCOPYA

European Federation of Joint Management Societies of Producers for Private Audiovisual Copying
Nicole La Bouverie, Head of Delegation

EuroFIA

European Group of the International Federation of actors
Dominick Luquer, General Secretary

EVA

European Visual Artists
Carola Streul, Secretary General

FERA

Federation of European Film Directors
Cécile Despringre, CEO

FSE

Federation of Scriptwriters in Europe
Pyrrhus Mercouris, Manager

FIM

International Federation of Musicians
Benoît Machuel, General Secretary

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European Grouping of Societies of Authors and Composers
Véronique Desbrosses, Secretary General

GIART

The International Organisation of Performing Artists
Francesca Greco, Managing Director

ICMP/CIEM

International Confederation of Music Publishers
Jenny Vacher Desvernais, General Counsel

IMPALA

The Independent Music Companies Association
Patrick Zelnik, President, CEO of Naïve