

Brussels, April 26th, 2016

## **Twelve Proposals for a European policy** **for the book sector**

At a time when authors' rights are being debated at the European level, and when technological and economic developments (digitization, globalization) are creating new challenges for all stakeholders in the book sector, French authors, as represented by the Permanent Council of Writers, have drawn up the following twelve proposals addressed to European policy makers. Their aim is to ensure that authors continue to enjoy freedom of expression and provide Europe's biggest cultural industry with high-quality works so that European literature maintains its worldwide impact.

### **1. Assert strong protection for authors' rights, guaranteeing their financial and moral rights**

The *sine qua non* for a steady, diversified stream of creative literature is a system of authors' rights that provides decent protection for the author. The vast majority of member countries in the European Union share the same continental system of rights, which protects authors' ownership of their works and guarantees their moral rights. European writers are very attached to this vision of *authors' rights*, centred on the author, and they do not want it to be confused with the Anglo-American *copyright* concept which is centred on the investor.

### **2. Guarantee authors a fair remuneration**

Authors are the source of a value chain which provides work for over 500,000 people in Europe and generates a turnover of more than 23 billion euros for publishers. They must receive a fair share of the wealth generated by their works, whether within the framework of direct trade publication, derivative publication, or collective management. Competition law must not be invoked when authors' societies negotiate with publishers or users of their works. And when systems are developed to compensate for loss of income due to subsidiary use of authors' works (reprography, private copy, public lending), these systems must allocate at least 50% of collected funds to the authors.

### **3. Balance contractual relationships between authors and publishers**

In order to ensure fair conditions to authors, it is necessary to balance contractual relationships by opposing take-it-or-leave-it contracts and unacceptable conditions (buy-out contracts) and by giving writers greater control over publication of their works (e.g., receiving regular and transparent accounts, being able to recover the rights to works no longer in publication, etc.). Collective negotiations leading to the establishment of model contracts and to professional agreements must be encouraged, and writers' organizations must be allowed to initiate class actions.

### **4. Favour contractual solutions or collective management over the multiplication of mandatory exceptions**

Exceptions invariably mean a waiving of authors' financial and moral rights. Therefore, they should only be considered with extreme caution in specific cases that do not infringe on a normal exploitation of the work and the legitimate interests of the author.

Potential 'compensation' based on precarious public financing cannot be used to justify an increase in mandatory exceptions whose costs cannot be recovered.

Contractual solutions or collective licensing systems are thus preferable to exceptions. Such solutions already exist in almost all European nations either for educational purposes or to cover out-of-commerce works as set out in the 2012 Memorandum of Understanding. Cross-border situations regarding rights can then be handled by cooperation among Collective Management Organizations (CMOs).

### **5. Foster dialogue between all stakeholders in the book sector**

It is absurd to place authors in opposition to readers/consumers/users. The interests of all parties involved in the book sector (authors, publishers, booksellers, librarians, readers) is to develop an environment favourable to the widest possible dissemination of books and ideas. To that end, it is also necessary to combat the "everything-for-free" illusion nourished by the internet, and to jointly build new and balanced legal frameworks and contractual practices which will allow creative writing as well as reading to thrive as a key engine of the digital economy.

## **6. Efficiently oppose piracy by ending the current irresponsibility of platforms and online intermediaries**

As things stand, certain intermediaries on the internet take advantage of limited liability even though they actually engage in publishing activities, providing access to protected works without restricting themselves to the role of mere technical service providers. This situation makes it almost impossible to effectively withdraw illegally posted works from the internet.

To fight piracy efficiently, it is necessary that unauthorized 'providers' be clearly obliged to procure authorization from rights-holders before they can disseminate works to the public.

## **7. Favour the interoperability of reading systems**

Readers must be able to buy any book they choose from a brick-and-mortar or online book shop without being prisoners of one provider's system. The compatibility of formats and reading systems (reading devices and software, purchase platforms) is in the interest of consumers and will help to strengthen legitimate trade.

## **8. Apply a reduced VAT rate to books regardless of format**

The lowest possible VAT rate should apply to books regardless of their format or means of access and delivery. A high, discriminatory VAT on digital books handicaps the development of the e-book market and of the knowledge-based economy.

## **9. Maintain and promote fixed book-price policies**

Many European countries regulate the price of books. Such regulation contributes to the cultural diversity enshrined in the aims and commitments of the European Union, as well as helps to maintain fair competition between multiple distribution networks.

We strongly back such policies, which is all the more relevant on the internet, where the book industry has been facing stiff competition from big global players who practice massive tax avoidance and price-dumping in order to establish a dominant position on the market.

## **10. Reinforce cultural exception**

Cultural goods are not like other goods. That idea has led, among other things, to “cultural exception” clauses in free-trade treaty negotiations. Unfortunately, today such clauses apply only to the audiovisual sector. We are calling on the E.U. to insist that publishing, as well as other cultural sectors, be similarly excluded from the scope of negotiations to establish a transatlantic trade and investment partnership (TTIP) and from other commercial treaties.

## **11. Encourage the diversity and dissemination of works through translation**

Europe is rich in cultural and linguistic diversity; translation, which efficiently contributes to the dissemination of works, must be a priority. In addition to direct support for translation projects, such a policy might include indirect support to literary translators (initial and lifelong training, mobility, full acknowledgement of their status as authors) and to initiatives leading to the development of a network of institutions and national foundations that support translation. Setting up a European fund for literary translation should also be considered.

## **12. Safeguard freedom of expression and encourage creativity**

At a time when freedom of expression and artistic creativity is increasingly challenged everywhere, including Europe (censorship and self-censorship linked to terrorist threats, pressure applied by authoritarian governments, censorship from technical intermediaries, etc.), it is essential to stress that this freedom is one of the foundations of our shared identity, a value that we must constantly defend.

So that this freedom remains healthy, and so that authors may freely choose their subjects, mediums, channels of publication and distribution, it is also important to concretely encourage individual creativity by supporting major educational and cultural policies, by increasing public aid to authors (funds for writing, residency programs, training, support of professional organizations), and by backing innovation, notably in the digital field, via professional or regional players who promote excellence in the book industry. This is how European literature will continue to reach ever-wider audiences in Europe and abroad.