



EUROPEAN WRITERS' CONGRESS

THE FEDERATION OF EUROPEAN WRITERS' ASSOCIATIONS

CONGRES DES ECRIVAINS EUROPEENS

LA FEDERATION DES ASSOCIATIONS EUROPEENNES D'ECRIVAINS

NEWSLETTER

2005:3

including the agenda of the XIX European Writers' Congress, short profiles of the candidates standing for election, a new initiative by DG Internal Market, news from DG EAC and other issues

BULLETIN D'INFORMATION

2005:3

avec le programme du XIX Congrès à Amsterdam, une présentation des candidats aux élections du prochain comité, une initiative de la DG Marché Interne, des nouvelles concernant la DG Culture, etc.

9/2005

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ISSN: 1681-0475

EWC Newsletter

2005:3

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Editor: Lore Schultz-Wild
© European Writers' Congress,
München 9/2005

EWC STATUS REPORT 2005

Submitted to IFRRO in June 2005

1. The European Writers' Congress/EWC is the Federation of European writers' associations. The three members of the Managing Board are authors (poets/playwright/novelist/biographers/ essayists) from UK, D, and GR. The four further Board members live and work as authors in CH, FIN, HU, and I. The General Secretariat, run by a professional writer, too, is located in Munich, D. Elections will take place on the occasion of the XIX European Writers' Congress in Amsterdam in October 2005.
The Brussels Office will be located at 87, rue du Prince Royal as of September 2005.
 2. First meeting of 24 delegates from 19 countries: 1977 in Berlin. First Statutes adopted in 1985, most recently modified on the occasion of the XVIII European Writers' Congress in Fribourg, Switzerland, in 2003. Election of first president in 1989; first election of a Board and designation of a General Secretary in 1991. Associate membership of IFRRO since 1991, member of EFAH/FEAP since 1997; NGO status at the European Commission, permanent observer status at WIPO. Financial support by the European Union under various programmes since 1997.
 3. 1993-1996: a series of 6 seminars for writers in CEE countries dealing with authors' rights in a market economy.
 4. Organisation (with InterGU) of international copyright conferences: CULTURE AND RIGHTS in 1994, result: the "Barcelona Resolution"; AUTHORS' RIGHTS & CENTRAL MANAGEMENT IN THE INFORMATION SOCIETY in 1996, adoption of the "Dublin Resolution"; conference THE AUTHOR AND HIS PROPERTY in Munich, 1997; AUTHORS' RIGHTS AND THEIR MANAGEMENT IN EUROPE in 2000, adoption of the "Strasbourg Resolution".
Initiative and co-organisation of the CREATORS' FORUM Mini Conference in Brussels, February 2004: AUTHORS' RIGHTS IN THE EU AND GLOBALISATION: *Cultural diversity in unity vs. economic interests of the IT industry*, result: an "Open Letter" to the competent European authorities.
 5. International conferences: Forum Europa I - The lesser used languages of Europe and their literatures, Luxembourg, 1992; Mare nostrum - Forum Europa II - Crossing cultural borders, Delphi, GR, 1999; Mare Nostrum II - Literary lines across live languages, Barcelona, ES, 2001; Forum Europa III – Literature today & tomorrow – Shaping the profile of Europe at large, Budapest, HU, 2002; Mare Nostrum III – The Mediterranean - Dividing Waters or Common Ground? The Role of Literature and Writers in Conflict Areas, Nicosia, CY, 2004.
Forum Europa IV scheduled to take place in Patras, Greece, Cultural Capital of Europe in 2006; Mare Nostrum IV scheduled to take place in Trieste, Italy in 2007.
- International Hearing on THE SITUATION OF THE BOOK IN EUROPE, Stockholm, 1998.
Organisation of ROUND TABLES ON POETRY IN EUROPE (Helsinki: July 1997, Maastricht: September 1999, Riga/Sigulda, Latvia, September 2001).
4 speeches at the EU conference under the Greek presidency WHAT FUTURE FOR THE EUROPEAN BOOK?, Athens, 2003.
2 speeches on the occasion of the 2nd Pan-European Conference on Books, Chalkidiki, GR, 2005

Documentations of the events, specific publications on legal and cultural issues, and the Handbook of the EWC (in English, German, French) are available via the General Secretariat.

6. As of June 2005 there are 53 member associations in 29 countries of Europe – including three supra-national ones – plus two associate member organisations. Three applicants expected to be adopted as new members on the occasion of the XIX European Writers' Congress in Amsterdam in October 2005.
7. The EWC is the networking umbrella organisation of professional writers' and literary translators' associations in Europe; some 54 000 authors are represented through their delegates.
The EWC is concerned with the literatures of Europe – South and North, East and West: poetry, fiction and non-fiction, juvenile and children's literature, drama, screenplay, multimedia works and translation of all forms of literary works.
8. The main topics of current and continuous concern are
 - freedom of expression,
 - raising of awareness for and upwards harmonisation of authors' rights – both moral & economic – in the countries of Europe, including Public Lending Right/PLR and the introduction of an authors' and performing artists' communal right/ACR,
 - improvement of legislation concerning authors' contractual rights in the knowledge society, protection of creators' intellectual property under the conditions of advanced digital technologies, and safeguarding of authors' economic interests,
 - trans-European & global networking, international cultural exchange,
 - general improvement of the professional, social and legal situation of authors.

LSW, Munich, June 2005

THE EWC: POISED FOR THE FUTURE

News on the EWC Brussels office

Our new office has been established on September 1st, 2005 at the Authors' House, **rue du Prince Royal 87 – B 1050 Bruxelles** in the immediate neighbourhood of IFRRO (International Federation of Reproduction Rights Organisations), SACD/Scam (Société des auteurs et compositeurs dramatiques/Société civile des auteurs multimedia), EVA (European Visual Artists) and a number of other related associations moving in within the weeks and months to come.

However, the office will not yet be permanently staffed. So if you cannot reach the EWC by

phone #: **+32-2-5510 893**

e-mail: **officeB@european-writers-congress.org**

please use the traditional way via Munich. Thank you!

News on the next General Secretary

The EWC's „GS finding team“ (Maureen Duffy, Anna Menyhért & Anastassis Vistonitis, assisted by Lore Schultz-Wild) takes pleasure in letting you know that the round of interviews held in Brussels on September 2nd, 2005 with 7 out of 8 short-listed candidates from some 50 applications for the position advertised on www.eurobrussels.com could be successfully closed.

The designated next General Secretary is **Marie-Laure Lulé** a French national, 35, married to a free-lance theatre director in Belgium.

Her academic background includes both a Masters degree in European Political and Administrative Studies / College of Europe, Brugge (Master thesis: European Cultural Cooperation and Third Countries) and a Diplome d'Etudes Approfondies en Droit communautaire / Rennes (Mémoire: La Culture à la Lumière du Traité de Maastricht).

Her professional experience includes positions as a Regulatory Officer with the European Commission (DG Media/Information Society etc.) 1996/1997, the Coordinator of EFAH (European Forum for the Arts & Heritage) 1998/1999, the European Regulatory Affairs Manager of RTL/Bertelsmann Group 2001-2004 and also working on a free-lance basis for different clients and European organisations.

All Congress delegates in Amsterdam will have a chance to meet her, as she will be participating from October 6th till 9th .

DRAFT CONGRESS PROGRAMME / AGENDA AS OF 10TH SEPTEMBER 2005:

Thursday, October 6, 2005

- 14:00 - 17.45 Meeting of the EWC Board at the VvL/VSenV premises, 'Van Deyselhuis'
De Lairessestraat125, NL 1075 HH Amsterdam, phone +31-20-624 0803
- 16:00 - 18:00 Arrival of Congress participants, opportunity for registration at the hotels
- 18.30 **Opening** of the XIX European Writers' Congress at the **Townhall of Amsterdam**
by the Mayor of Amsterdam, Introduction / Welcome speeches by the presidents of
VSenV and EWC, **Welcome reception**
- 20.00 Dinner (Board EWC, VSenV/VvL and keynote speakers)

Friday, October 7, 2005

Venue: Werfmuseum 't Kromhout - Hoogte Kadijk 147 - NL 1018 BJ Amsterdam -
fax/phone: 020-6276777

09.00 Registration

- 09.30 - 11.00 Introductory remarks on Congress structure & formalities
(Minutes of the XVIII Congress, Agenda of the XIX Congress)
Speech by the Dutch State Secretary for Culture
Applications for membership – admission of new members
Main Speech of the EWC President
- 11.00 - 11.30 Break
- 11.30 - 12.45 Reports by members of the Board on activities since the XVIII Congress, state of affairs &
projects ahead – followed by plenary discussion:
1. Legal development concerning authors' rights/copyright, authors' contractual rights in the print and AV
sector, PLR strategies at national & the European level – EWC involvement/support of member organisations
– situation in DG Internal Market – EWC role in/towards collecting societies & IFRRO – strategic cooperations;
- 12.45 - 14.00 Light lunch (and demonstration Museumforge)
- 14.00 - 15.30 Reports by members of the Board on activities since the XVIII Congress, state of affairs &
projects ahead – followed by plenary discussion:
2. Cultural policy, globalisation, enlargement & the "creative industries": which role for writers &
literary translators? – FE/MN projects (past/future) – EFAH networking – other long-term cooperation projects
– Reports from the national level
- 15.30 - 16.00 Break
- 16.00 - 17.00 Keynote speech: Frédéric Young, SACD/Scam on "Creative Commons" & discussion
- 17.00 - 18.00 Apéro
- 19.00/19.30 Dinner

Saturday, October 8, 2005

- Venue: Historical Museumwharf 't Kromhout
- 9.00 - 11.00 Reports by members of the Board on activities since the XVIII Congress, state of affairs &
projects ahead – followed by plenary discussion:
3. Human Rights issues, freedom of expression – our guest from Belarus
4. Financial issues: EWC membership development – results of audits – from the Culture 2000 to the
Culture 2007 framework programme
5. The EWC poised for the future: New office & neighbourhood in Brussels – the designated next General
Secretary – re-formulated EWC Statutes required under Belgian law – members' needs & expectations
- 11.00 - 11.30 Break
- 11.30 - 12.45 Reports by members of the Board on activities since the XVIII Congress, state of affairs &
projects ahead – followed by plenary discussion:
6. EWC internal development: The Nordic Proposal and other offers – Working programme 2006/2007
- 12.45 - 14.00 Light lunch
- 14.00 - 15.30 Keynote speech: Prof. Bernt Hugenholtz on "Copyright Contract Law" & discussion
- 15.30 - 16.00 Break
- 16.00 - 18.00 **7. Elections** of the next Board and of the election committee
Any other business
Closing remarks
- 19.00/19.30 Farewell Dinner and special cultural programme in "Arti et Amicitiae"

Sunday, October 9, 2005

- 10.0 Guided tour of the City of Amsterdam (optional) – departure of delegates

All delegates will be informed individually by our hosts concerning hotel details, how to get where etc.

This letter will be sent out
around the 20th of September.

VsenV representatives will be available
on the 6th of October
in the hotels from 16.00-18.00

with a folder for each participant including further information such as maps,
public transportation tickets, the programme/agenda etc.
and
at the conference venue
on October 7th from 9:00 am onwards

As the initial "artistic" idea necessitating a picture of each delegate could not be carried through (for lack of pictures) I should now kindly ask each and every delegate to bring along

a copy of one of his or her works

as a gift to the City of Amsterdam, represented by the Mayor, on the occasion of the formal opening of the XIX European Writers' Congress in the Town Hall on October 6th 2005 at 6:30 pm

Many thanks in advance!

The 400 euro for **second delegates** can be paid in two ways:

- **Beforehand** by bank, to:
Vereniging van Schrijvers en Vertalers, Amsterdam, Netherlands
bank account 389520 at Postbank
IBAN-nr. NL95PSTB0000389520
BIC-nr. PSTBNL21
- or **in cash** in Amsterdam.

THE CANDIDATES STANDING FOR ELECTION IN AMSTERDAM ON OCTOBER 8TH, 2005

Concise information by the Election Committee

The candidates nominated for the next Board –
i.e. President, two Vice Presidents and four regular members – are (in alphabetical order):

For president

Mr Trond Andreassen (Norway), born 1951. Master of Arts. Member of the Board of Directors in Kopinor since 1997, chair of Kopinor's International Affair Committee since 1998, Member of the International Committee, Index on Censorship since 1989. Has worked with copyright issues since 1991. Member of the EWC Board 1994-95 and of the EWC Copyright Committee 1988-93. Has published books, essays, articles and chronicles on authors' rights, copyright, the book trade, cultural topics, the sociology of literature.

Mr Anastassis Vistonitis (Greece), born 1952. Has published books of poetry, essays, travelogues and short stories, book reviews and articles. Co-founder of the Greek Collecting Society of Literary Works (OSDEL) in 1997 and its vice president 1997-2003. General editor of the candidature file of Athens for the Olympic Games of 2004. Member of the EWC board 1996-2001, vice president since 2003.

For vice president

Mr Hans Peter Bleuel (Germany), born 1936. Free lance non-fiction writer since 1965. Has published books on historical and political subjects, biographies, food/cooking and the two EWC Handbooks on Authors' Rights. Member of the first EWC working committees in the early 80s, of the EWC board since 1987, vice president since 1991; Chairman of the German Writers' Union / VS 1984-1987; member of the VG Wort (German collecting society) Governing Board 1978-2000, since then member of its Executive Board.

Ms Anna Menyhért (Hungary), born 1969. PhD degree in Literary Studies. Head of the department of Hungarian Studies at Balassi Bálint Institute in Budapest since 2002. Author and editor of books since 1992, has received awards and grants. President of Attila József Circle - Literary Union of Young Hungarian Writers since 2000, board member of the EWC since 2003. Together with Adi Blum: author and evaluator of the EWC membership inquiry in 2004.

For regular member of the board

Mr Adi Blum (Switzerland), born 1964. Cultural manager and author. General Secretary of "zusammenstoss - Cultural Productions". Member of the EWC Board since 2003, responsible for the development and maintenance of the EWC website, inventor of the EWC e-monthly, expert in Internet literary activities. Together with Anna Menyhért: author and evaluator of the EWC membership inquiry in 2004.

Ms Tiziana Colusso (Italy), born 1960. Has a degree in comparative literature from the University of Rome. Responsible for external relations (since 1999) and international projects (since 2002) at the Sindacato Nazionale Scrittori. Consultant at the Libraries Institution of Rome since 2003. Has published writings of narrative, poetry, stories and fairy tales, plus translations, articles and interviews and held creative writing courses. Has received literary awards and prizes.

Mr Christos Hadjipapas (Cyprus), born 1947. President of the Union of Cyprus Writers since 1996. Has published poems, novels and short-stories. Has received literary prizes. Member of the editorial committee of a literary review. Hosted the Mare Nostrum III in Nicosia in 2004. Translates from Bulgarian to Greek.

Mr Anton Hykisch (Slovakia), born 1932. Master of Science. Writer, editor. Member of the board of the Association of Slovak Writers' Organisations since 2004, President of the Slovak PEN Centre since 2004. Has published short stories, novels, non-fiction books, SF, travel books and essays. Has received literary awards.

Mr Graham Lester George (United Kingdom), born 1948. Chair of the Writers' Guild of Great Britain since 2003. Writer for television, film and radio and currently writing his first novel. Representative to the EWC since 1999. Special advisor to the EWC on broadcasting / audiovisual issues and EWC representative at hearings and meetings of both the European Parliament and Commission. Re-designed the EWC logo and website graphics.

Mr Tibor Papp (France), born 1936. Writer, poet, translator, typographer. Founder and editor of literary magazines and publishing houses. Since 1985 one of the directors of the international poetry festival Polyphonix. Has published more than 20 books and received literary prizes.

Mr Tamás Prágai (Hungary), born 1968. PhD. Writer, editor, lecturer. Member of the presidium of the Hungarian Writers' Association since 2004. Has published short stories, novels and poems and received literary awards.

Mr François Taillandier (France), born 1955. Writer of novels and essays, has received literary prizes. Member of the board and chair of the European affairs of the Société des Gens de Lettres de France. Delegate to the EWC since 2000, contributor/speaker at EWC events and conferences in Strasbourg 2000, Barcelona 2001, Budapest 2002, Fribourg 2003, Brussels & Cyprus 2004.

According to the statutes, board members shall be elected for a period of two years. They shall serve as individuals, not as the representatives of particular organisations, countries, languages etc.

In order to ensure continuity, they shall be eligible for re-election.

Please note that – according to the EWC statutes – without regular payment of the membership fee (or a valid explanation why you are not in a position to pay at least a percentage thereof) you won't be entitled to vote.

The XVIII Congress in Fribourg 2003 accepted the possibility to allow "nominations from the floor" in the future. Please bear in mind that also candidates nominated during the conference must be able to present a CV and the support of their own organisation.

August 2005

For the Election committee
(Katalin Budai, Ragnheidur Tryggvadóttir and the undersigned)

Merete Jensen

EU ANNUAL OPERATING GRANT 2006 UNDER NEW CONDITIONS: CHANCES OFFERED BY CALL FOR PROPOSALS

Unlike in previous years the EWC will have to literally compete for financial support from the EU in 2006 for the first time ever – the times of application after “earmarking” by the Culture Committee of the European Parliament are definitely gone.

However; the intermediate Action Programme, based on Decision 792/2004/EC and precursor of the future Culture 2007 – 2013 programme, has been established in order **“to promote the permanent activities of bodies pursuing an aim of general European interest in the field of culture or an objective forming part of the European Union’s policy in this area.”**

This could turn out to be a chance for small beneficiaries such as the EWC, because in this year’s Call for proposals DG EAC (n° 38/05) it says the “maximum funding requested by each applicant shall be in function of the level of their budget. At least 20% of the total budget of the bodies must be co-financed from non-EU budget sources”. However, looking closer at the conditions, we have to realise that there isn’t a great chance of receiving more than in 2005 under the old “phasing-out” conditions.

The EWC with its activities is, beyond all doubt, part of category 2 (of 3) described as follows: **“Bodies or networking bodies active in the cultural field which carry out activities as representation of stakeholders at Community level and/or dissemination of information on community action and/or finding and disseminating of information on the legislation, education and media fields.”**

As our application/proposal, complete with all formal documents, a balanced budget and convincing, competitive(!) working programme must be sent to the Commission

no later than October 28, 2005,

it will be the urgent, top priority task of **the future EWC Board** to decide on the binding details. Also **the delegates** to the Amsterdam Congress will have the opportunity and task to contribute: by discussing and shaping the **EWC working programme** for the years to come.

Please note the various contributions to that general discussion published in this and the previous newsletter. And thank you for both your attention and co-operation concerning the agenda and outcome of our XIX Congress.

With my best regards,
looking forward to meeting you all in Amsterdam very soon,

Lore Schultz-Wild
General Secretary

COMMENTS ON THE OFFER OF FUNDING FROM THE NORDIC COUNCIL OF WRITERS AND TRANSLATORS

A contribution by Gordon Fielden

A life-saving opportunity

In October 2004 I responded to the EWC board's appeal for ideas on how to secure more cash by suggesting that it should press for an allocation of funding from all the European collecting societies to finance the 'research and development' it carries out in the field of authors' rights. So of course I am delighted that the initiative by Maureen Duffy and Trond Andreassen has resulted in the offer from Kopinor and the Nordic Council of Writers and Translators. It is easy to put forward ideas, more difficult to make them produce results.

The offer is generous and potentially life-saving for the EWC at a time when EU support is being discontinued but approaches to other collecting societies for *regular* financing should continue to be at the top of any list of EWC priorities. From Maureen Duffy's article in Newsletter 2005:2 it is clear that they should include a determined effort to change any regulations that prevent collecting societies from helping to fund the EWC's campaigns. It is not a matter of 'Please, sir, can we have some more?' but of maintaining and proving that our 'research and development' role justifies such financial support. Obviously the integrity of the collecting societies must be maintained: the payments that pass through their hands do not belong to them but to their clients. However, it is hard to believe that the individual authors that the collecting societies work for would object to a tiny fraction of their income being ploughed back into improving their working conditions and increasing their income further.

Rights versus culture

I hope too that the discussion in Amsterdam about whether to accept the Nordic offer, with its attached conditions, will not dwell on the Council's view that the *Forum Europa*, *Mare Nostrum* and *Poetry Round Table* meetings have been a digression from the Congress's true *raison d'être*, the promotion and strengthening of authors' rights. Maureen Duffy has already responded on this point and by October any remaining misunderstandings should have been ironed out.

Personally I regard the classification of EWC activities as either 'rights' or 'culture' as somewhat artificial. As a literary agent and then as a member of staff of the Society of Authors, I have always worked within a different, Anglo-American tradition that concentrates on the 'business interests' of writers. In this context there are no inhibitions about using the cultural importance of writers as a weapon for obtaining better working conditions. However, if the Nordic Council tells us that the *Forum Europas* etc. look too much like Arts festivals, why should we not accept such criticism of their outward appearance? We may feel that the Council didn't fully understand the make-up of these events but authors' rights are clearly not a bad thing to concentrate resources on and perhaps the Council is only asking that *its* money, ie Kopinor's, should be devoted to things that not only *are*, but also *look like*, rights campaigns. If an opportunity arises for, say, a single separately-financed event in the period between congresses, particularly around the EWC's 30th anniversary, I hope the Nordic Council will be more tuned in to the business motives behind its cultural aspects.

The way the EWC was already going

The main task in Amsterdam will be to establish the list of 'future priorities' that the Nordic Council has called for. This should not be too difficult because the Congress has already done some of the groundwork. The idea that the EWC should have a Charter, which I revived at the Fribourg conference, is quite similar to the concept of a list of priorities and the draft Charter that was published in the pre-Fribourg Newsletter could serve as a useful checklist of objectives for possible inclusion. In fact a list of priorities is more practical than a Charter because, insofar as it has to take past resolutions and policies into account, a Charter is essentially a backward-looking document. Since Fribourg, various attempts have been made to produce a 'one page' version of the Charter without success, so it should be refreshing for the Amsterdam congress to work on a forward-looking list of priorities instead.

Not a single list but a rolling series of lists

Some preliminary decisions may need to be taken about what time span the list of priorities should cover. The Nordic grant is for a period of *three* years, which is out of step with the EWC's constitutional requirement to hold congresses, and establish future programmes, roughly every *two*

years. This suggests that the EWC's first task should be to earmark some of the federation's subscription income, or line up funding from elsewhere, so as to cover four years and make up two programmes: an initial list of objectives for 2005-2007 plus a reserve list for 2007-2009. A sense of purpose and solidarity would be created if the EWC were to volunteer to give the Nordic Council progress reports in 2007 and 2009. It might even be useful to set up a third list in Amsterdam: a 'wish list' of projects that the delegates may put forward but which require further preparatory work before they can be tackled seriously.

Costing the items for inclusion

The money offered by the Nordic Council is substantial but still not a bottomless purse. Its value will be reduced if all the EWC's board meetings have to be paid for out of its own pocket (no opportunity to hold them during *Forum Europas* or for members to host them out of 'cultural' funds). Any items for inclusion in the list, or lists, of priorities should be costed approximately at the outset, including the work and travel required of EWC staff and board members. For the cost of achieving a single major objective the EWC could, in theory, carry out a whole batch of - cumulatively just as important - smaller tasks and in order to give an insight into this, the General Secretary as well as the delegates should perhaps be given the floor in Amsterdam. The result might be the incorporation in the list of a few general headings such as '*Approaches to politicians and officials in support of regional issues*'.

Being specific about the objectives

Otherwise, general headings will not be as helpful as clearly defined objectives arranged according to their importance. To re-word the famous saying from *Animal Farm* (no comparison with the EWC intended!): 'All priorities are equal, but some are more equal than others'. In its paper of May 2005, cf Newsletter 2005:2, the Nordic Council suggested what it described as a 'working programme' but it will not be enough for the Amsterdam conference just to adopt these proposed areas of activity. A feature of the (uncompleted) Charter was that it didn't just designate areas of activity but tried to set down in black and white what the Congress's members were actually aiming for. Phrases such as 'Questions regarding contractual rights' and 'Stimulating organisational efforts' do not convey what the Congress actually wants the board and the staff to *achieve* by 2007 or 2009. Nor is there much acknowledgement of what the existing EWC board has already done and how it can be built on. Naturally any practical list should include tasks that the EWC has already been working on and which only require very specific action in order to be brought to completion.

Another ground for precise targeting of items on the list is that the relocation of the EWC's secretariat to Brussels is still in the nature of an experiment, especially since confidence in the effectiveness of the EU has been shaken by the nose-dive of its proposed new constitution. It is important that in the list of priorities there should be objectives that clearly require lobbying of the EU Commission. Without these, i.e. without the chance to see whether lobbying works, how are EWC members going to be able to judge whether the expense of maintaining a professionally staffed office in Brussels is justified?

Another not unimportant point is that other potential funders of the EWC are bound to be more impressed by a tightly focused and determined-looking programme.

Priorities for consideration

I hesitate to pre-empt the deliberations of the Congress, or to comment on every 'area of activity' put forward by the Council, but here are some of my own ideas of aims that it would be useful to pin down more precisely:

1. Freedom of expression

Arguably the major freedom-of-expression issue to be resolved by Europe over the next few years is about Turkey's likely accession to the EU and how far and how quickly a predominantly Moslem country, where state and religion are intertwined, should move towards 'western'-style freedom of writers to write and publishers to publish. To my mind, at the very least the EWC should maintain a watching brief on freedom of expression in Turkey and this specific task should be mentioned in the list of priorities. EWC resolutions on this issue, following up the one I helped to draft in Fribourg, could have a strong influence on both the Turkish government and the EU admission process.

2. Awareness campaign for authors' rights

In this area, the EWC board could be asked to write to the managements of all its member organisations suggesting measures that *they* could take locally to further public awareness of authors' rights. This is also one of the areas in which the new Brussels-based EWC could test the effectiveness of its EU lobbying, by pursuing one of the specific measures called for in the draft EWC Charter:

'... that in the publications of the European Commission.... European citizens should be familiarised with the principles of copyright and authors' moral rights and given an understanding of how writers and translators depend on these rights for their income.'

Another call in the draft Charter was for

'... the European authorities to initiate independent Europe-wide surveys and analyses establishing statistics and records about the economic and social conditions of writers and literary translators including the way they differ from one member state to another.'

This aim, put forward by John-Erik Forslund and in that sense by the Nordic Council itself, has been on the EWC's agenda for so long that its importance has almost been forgotten. Whereas the writers' organisations know how badly off the majority of authors are, the rest of the world only notices the spectacular income of exceptions like K.J. Rowling. Authoritative statistics - including ones that contrast the poverty of most writers with the vast amount of trade and profit that they generate - are the EWC's equivalent of firm ground on which to fight its battles, so obtaining them ought to be one of its first priorities. The board should assess whether the 'European authorities' - the Commission, the Council of Europe or whoever - are still the right people to approach for the funding of surveys. Perhaps it should turn instead to respected research sponsors such as the Max Planck Institute or to leading universities; or even to one of the collecting societies that - impartially - represents both publishers and authors, in the hope that it might be persuaded to finance a survey or two as compensation for the fact that it cannot contribute directly to the EWC.

3. Contractual rights and promoting actions that will benefit authors

The Congress will need no urging to include in its priorities the completion of a full house of PLR schemes in Europe; nor to prioritise its quest for fair, unobtrusive and technically feasible ways of collecting payments for the use of authors' work via the internet. However, the experience of writers' organisations, as opposed to collecting societies, is that writers themselves are far more concerned about their contracts for, and earnings from, the primary rights in their works.

While the EWC is trying to persuade DGs and MEPs to legislate for author-protective contracts, it would be a mistake to forget the Shakespearean maxim: 'Put not your trust in princes'. We have seen how the German union's valiant effort to safeguard authors' contractual rights *by law* was scuppered at the last moment by political horse-trading, so the list of priorities needs to restate not only the EWC's spearheading role as a European-level 'lobbying tool' but also its work as a co-ordinating body, supporting its members country by country in their efforts to improve the contracts of *individual* authors.

There are at least five groups of authors who require special help: (a) Poets; (b) Educational and academic writers; (c) Writers for the stage, radio and television; (d) First-time writers; and (e) Translators.

- If Poetry Round Tables are to be suspended, the EWC's list of priorities should include a commitment to help its member organisations improve publication contracts for poetry, including anthology rates and reading fees.

- Educational and academic writers should no longer just be seen as 'letting other authors down' when, in their eagerness to further their careers through publications, they too readily sign poor contracts. The EWC's members need to reach out to them and encourage them to fight harder for authors' rights.

- Writers for the stage, radio and television need the protection of specially designed standard licences that have been established by their unions.

- First-time writers who don't yet belong to one of our member organisations need to be sought out and offered free or cheap advice before they become easy prey to publishers.

- And although translators' associations have their own European and world federations, the EWC should not fail to exercise the pressure that it alone is in a position to apply. Frankly it should be ashamed that its members have never properly implemented in their model contracts the resolution they passed in Bath. Writers whose books are translated bear a responsibility for ensuring that their translators are not offered contracts with far worse conditions than their own.

... and finally, a personal 'wish list'

(a) Promoting the role of authors' agents

During its 27-year history the EWC's resolutions never seem to have mentioned, let alone praised, the outstanding work that authors' agents (commonly called literary agencies) do on behalf of their clients. In the UK and USA, agents have been proving their worth for over a hundred years and writers fall over themselves to find an agency that will take them on, knowing that this is the key to

obtaining good contracts, decent advance payments and the elimination of 'minor' clauses that result in publishers' slicing 50% off all their earnings from so-called subsidiary rights.

I should like to see the EWC promoting this commercial approach to the defence of authors' rights alongside the trade union approach, urging writers in the less well 'organised' parts of Europe to realise the advantages of being professionally represented on an individual basis. The Nordic Council is perhaps putting all its money on a single horse when it calls for 'stimulating organisational efforts' to be placed on the list of EWC priorities. True, the unions in its own part of Europe are well 'organised' themselves - motivated, ironically, by the importance of preserving their minority language cultures - but in many other European countries there are, for want of a better word, temperamental reasons why perfect 'organisation' will be hard to achieve. In these countries the majority of writers and translators do not see themselves as conventional employed workers whose interests can be fully satisfied by unionisation. They are one-offs, self-employed, sometimes in competition with each other and generally more akin to small businesses.

This means that in place of 'stimulating organisational efforts' two parallel courses should be included in the EWC's list of priorities. On the one hand there would be measures that could strengthen the effectiveness of collective trade union-style action. On the other, using the positive experience gained in the UK, the EWC could do much more to strengthen writers' trust in authors' agents, leading to an increase in the number of agencies where they are needed. In Germany in particular it is a great pity that when the publishers' side began to use negative blocking tactics over the legal imposition of fairer contracts, there was no powerful network of authors' agents that could break the blockade by commercial means.

(b) Planning to create publicity

The EWC has always found it hard to create publicity for the cause of authors' rights, although successive boards and conference hosts have done their best. If the condition set by the Nordic Council leads to the complete elimination of cultural glitter from the EWC's programme, things can only get worse.

I should like to see advance planning that would ease this situation, starting with the inclusion in the EWC's priority list of one or two items that could catch the fancy of the Press. For instance (though I stress that these are only speculative ideas) there has been a lot of publicity recently surrounding Google's intention to create a massive library of books on the internet, and naturally this raises issues about copyright. If the EWC were to catch Google infringing an author's copyright, the publicity could be not only Europe-wide but worldwide. Equally, if Google, so as to avoid copyright fees, were to make use of old out-of-copyright texts of classic works or of old outdated translations, it would be ignoring all the valuable input of living scholars, editors and translators. That too would be a worldwide scandal.

Another niggling issue, which might draw attention to authors' moral rights, is the constant presence of broadcasting companies' logos on our television screens, as well as advertising slots that can last as long as 15 minutes on some European channels. Both of these are philistine when they disfigure and disrupt the carefully crafted works of writers, usually at the most exciting and poignant moments, and the EWC might attract sympathy and publicity by campaigning against them.

If such eye-catching forays into the world of popular journalism seem alien to the EWC, it could at least plan to hold a rights-related event at each of the big international book fairs; Gothenburg, London, Frankfurt etc.

(c) Freeing the caged songbirds of Europe

No, this final wish is not a suggestion that the EWC should become involved in Animal Rights! It is just a personal perception of why, whatever formal conditions the Amsterdam congress may agree to, cultural and cultural exchange issues will never be absent for long from the business plan of a federation of writers' organisations. We can be confident that the Nordic Council and Kopinor understand that too.

At the 2002 *Forum Europa* in Budapest our hosts, the two Hungarian unions, organised an extra-curricular event, slotted in between the end of an earnest afternoon session and the need to rush back to our hotels and change for dinner. It was a reading of extracts from their works by some of the brightest young writers in Hungary, accompanied by English translations - on the face of it the sort of presentation that might indeed be found at an Arts festival rather than at a meeting of international rights experts. Nevertheless it was one of the eureka moments of my long involvement with the EWC. The writing was witty, magical, profound, yet here were these impressive writers, potentially among the best in Europe, trapped within the cage of a 'language of limited diffusion'.

It wasn't a revelation that was new to me. Several years previously I had helped to launch and produce a journal called *New Books in German* which aimed to interest British publishers in issuing translations of recent books from the three German-speaking countries. But the Hungarian market, like others in Europe, is so much smaller than the German one that Hungarian writers must barely have room to stretch out their wings.

My wish for the EWC, which must surely find favour with the Nordic unions, is that it will have a serious word with its members in 'world language' countries (the UK, Ireland, Spain, France and others) because they are the main escape route for all the caged songbirds of Europe. If these countries publish more translations the cruelly confined writers will have access not only to bigger European markets but also to the United States, Latin America and so on.

Moreover, once a book is available in English it stands a better chance of being read and published in the major Japanese market as well as in modest-sized European countries where commissioning editors who can read Hungarian, Slovene, Norwegian etc. tend to be a rarity. The message the EWC could bring home to the UK in particular, since only a pitiful 2.5% (roughly) of the titles it publishes each year are translations, is that its readers are being starved and deprived of a lot of the best European writing, including some of the oeuvre of Nobel Prize-winners. The British writers' organisations too will appreciate that even their own members are lacking the cross-fertilisation they would derive from being able to read more of the latest Continental literature. It would not take a great deal of work to check whether British publishers are still not employing enough commissioning editors with language skills and then to show solidarity with its EWC colleagues by doing something about it.

So is all the above mere wishful thinking? Or is it right to hope that as a result of the Nordic Council's provocative benevolence the EWC delegates will return home from Amsterdam saying not only: 'We have an authors' rights programme' but also: 'We have a cultural dream'?

Gordon Fielden

August 2005

EWC: REVIEWING THE PRESENT - PREPARING THE FUTURE

A contribution by Anastassis Vistonitis

In 1947, in an article entitled *Towards European Unity*, in which he dealt with the likelihood of the creation of a kind of United States of Europe, George Orwell wrote:

“Such a federation would contain about 250 million people, including perhaps half the skilled industrial workers of the world. I do not need to be told that the difficulties of bringing any such thing into being are enormous ... But we ought not to feel that it is of its nature impossible or that countries so different from one another would not voluntarily unite.”

Mutatis mutandis, I imagine that those who conceived the idea of creating a federation of European writers – our own Congress, the EWC – some thirty years ago thought somewhat along these lines.

In the years which have passed much has been done in a quiet but substantive way.

1. An awareness of copyright has been developed among writers which has helped in the improvement of the legislation on the subject in all the countries of Europe.
2. Collecting Societies (RROs) have been set up with the help of the EWC where they did not exist before.
3. The environment for the development of a European cultural policy turning upon creativity and the individual work has been created.

The EWC has grown and today includes more than fifty writers' unions from all over Europe. In other words, it is the representative body of its writers and the forum through which they express themselves.

Forum Europa, Mare Nostrum, Round Table of European Poetry

During these years, apart from the regular congress, the interventions, the seminars and the resolutions, the EWC has developed three programmes which now have an institutional character.

1. **Forum Europa**, proposed and developed by Hans Peter Bleuel, is the programme *par excellence* for the shaping and implementation of a cultural policy. Here views converge on the cultural personality of our continent, on its wealth, particularities, character and diversity. It is the expression at a collective level of how Europe's writers see its integration: that there can be no political without cultural integration. And that this requires the reinforcement and protection of creativity within the framework of a common European cultural policy which will nevertheless leave wide margins for the bringing out of the individual characteristics of each case.

2. **Mare Nostrum**, which was proposed in 1998 in Stockholm by the present writer, in order to help the countries of the European South to modernise their cultural institutions and to keep in step with the rest of the countries of Europe. At the same time, the aim was, and has remained, to create a channel of communication and then a framework for collaboration with the writers' unions in the countries on the lower side of the Mediterranean basin.

3. The **Round Table of European Poetry**, which is not a kind of mini poetry festival but a forum in which thinking about the problems and needs of poets, who serve a difficult art with meagre economic rewards, are brought out. All three programmes have common constituents:

1. Better fees for writers, better pensions and conditions for the creation of sources of income so that they can continue their work unimpeded. But these are not simply the claims of a profession but crucial options, because it is by how the sums which change hands in culture and what percentages of the total budget of European countries are spent for this purpose that the quality of our civilisation in the near and distant future will be determined.
2. Our congress and our programmes delineate a space for meeting, the exchange of ideas, collaboration, joint initiatives and solidarity.
3. The physiognomy of Europe is defined by its variety and historical depth. Its vast linguistic wealth makes translation a substantive factor in its creativity. Indeed, the common language of Europe is called translation, which is why communication at a deeper level on our continent is inevitably mediatory. The writer's *alter ego* is his translator. And translation, particularly, in multilingual Europe is inevitably a substantive part of the creative process.

Positive Results

These programmes have had important practical results:

1. The first Forum Europa in Luxembourg, which had as its principal theme the less commonly spoken languages of Europe, functioned in an exemplary way, so that the Hellenic Authors' Society last year held an interesting symposium at Olympia attended by writers from the new member-states of the EU on the same subject.
2. The third Forum Europa in Budapest, apart from having a gala character in celebration of the EWC's 25th anniversary, marked the further strengthening of the bonds between Hungarian writers and the rest of their European colleagues and their more active participation in events in Europe.
3. The first Mare Nostrum, held at Delphi in 1999, witnessed an extremely constructive discussion of cultural policy in Europe and of translation issues; it was the forerunner of the setting up in Athens of the European Translation Centre, a kind of school at which the art of translation is taught, in four languages so far.
4. At the second Mare Nostrum, two years later in Barcelona, the Catalan language and culture were highlighted, while at the third, last year in Cyprus, Greek Cypriot and Turkish Cypriot writers drew attention to all the features which they hold in common and conveyed an important message about harmonious co-existence and solidarity.
5. The part played by our Italian colleagues in the activities of the EWC added fresh lustre to their association and has helped them to take creative initiatives in matters concerning authors' rights and PLR in particular. They will host the next Mare Nostrum in Trieste in 2007, which will concentrate on the city's multi-cultural tradition as a field where traditions, civilisations and languages intersect.

Contribution to the Development of Infrastructures

Intra-European collaboration through the Congress has also had other beneficial consequences. The assistance of the EWC, of IFRRO and VG-WORT in the setting up of the Greek collecting society (OSDEL) in 1996 was invaluable. OSDEL today is developing rapidly, its income is doubling annually, and the presence of writers in its administration has increased noticeably.

The more active participation of our colleagues from France in the initiatives and activities of the EWC is a very positive development.

Great interest is being shown by the writers' unions of the former communist countries in playing an active part in the EWC's activities.

In general terms, through our initiatives and activities a cultural map of Europe is taking shape as concerns writers and books, with a field of action common to all. Tomorrow is with us.

The Challenges of the Present and the Dangers of the Future

From the early 1990s it began to be clear that the explosion in information science in conjunction with the imposition of an amoral and to a certain degree uncontrolled market would have far-reaching consequences for writers, the culture of print, and society itself more generally. The most important of these were:

1. The rapid development of information science would render reproduction unaccountable, resulting in an enormous loss of income for creative artists.
2. Uncontrolled digitalisation of texts would create a vast problem as regards the moral rights of the writer over his work, that is, its use.
3. The Internet would give rise to a solipsistic society and a kind of cultural void.
4. Unaccountable reproduction would have effects on the quality of the texts and on creativity itself, while it would open up a vast gap between tradition and contemporary creative work.
5. By abolishing the sovereignty of the writer over the text, we would arrive at the death of copyright. There is already a major debate on this subject going on in the USA and elsewhere.
6. Individuals who are not creators would be installed in the management of culture, thus altering the text and the act of writing into a mere feature in the society of spectacle, in which creators would be invisible, would be rewarded with 'peanuts', would not control their work, and the large sums from its commercial exploitation would go to performers and the managers of 'big events'.
7. The fragmentary uses of the work would cause a major crisis in the circulation of books, would further reduce their lifetime on the market, and would have enormous consequences for the functioning of libraries.

We would also have side-effects which this is not the time or place to examine.

Transfer of the EWC's Headquarters to Brussels

What should be done?

1. It was obvious that the EWC should be moved to Brussels, which is the centre of decision-making, the home of the Commission, and the site of one of the basic sources from which we can draw funds to meet our running costs and to finance our programmes.
2. Our running costs will show a tendency to increase and cannot be met without there being other sources beyond membership fees, donations and financial support from the EU.
3. In order to deal with all this and to retain our independence, we need to expand our activities in order to derive income from elsewhere.

These activities mean:

1. Regular scheduling not only of the congresses but also of the programmes which already exist, and their enhancement and broadening.
2. Active involvement in European cultural institutions, such as that of the Cultural Capitals.
3. Compilation of research programmes which will give a picture of the infrastructures of the book and the position of writers in local societies (the library systems, Public Lending Right, writers' unions with their history, centres for translation and accommodation of writers, publishing production, legislation on copyright, book festivals and exhibitions, programmes for the spread of the habit of reading are a few examples), while at the same time proposals will take shape. For these programmes there are various sources of funding within the Commission which we must make use of.
4. Forging of a cultural policy on writers and books with all the relevant parameters, from which, nevertheless, a picture will clearly emerge of the European identity as that takes shape through its written culture.
5. Expansion of collaboration with related NGOs and more marked participation in joint initiatives. Through the networks, our voice will be stronger and our interventions more drastic.
6. Emphasis on communication and on contact with key figures both in the Commission and in the European Parliament. The latter are exceptionally important because they serve as the bridge between national governments and the EU.

Forum Europa IV (Patra 2006) and Mare Nostrum IV (Trieste 2007)

Two projects are planned for 2006 and 2007.

The fourth Forum Europa, in October 2006 at Patra, which will be Cultural Capital of Europe, within the framework of which it will belong. The Forum will centre around:

- The culture of ports and of ships in the Mediterranean.
- The contribution of Patra to European enlightenment.
- The significance of the Battle of Lepanto (in which Cervantes fought) in European history.

As always, there will be our standing subject-matter:

- authors' rights, with an emphasis, this time, on the Mediterranean countries,
- European cultural policy,
- translation issues.

The talks will be given in the lecture theatre of the University of Patra, the use of which we will have without charge, and delegates will all stay in a high-quality hotel next to the University with a view of the Bay of Patra and the new bridge which links Patra with Nafpaktos (Lepanto). There we shall be entertained by the Mayor and delegates will be able to attend the re-enactment of the sea battle, which takes place every year.

There will be a programme of readings by the city's writers and by delegates in bookshops, bars and cultural venues after the end of the sessions.

The preparation for this is making good progress and the Mayors of Patra and Nafpaktos, whom I visited recently with Hans Peter Bleuel, are very favourably disposed. It remains to obtain the approval of the Board of the Cultural Capital, which I hope will be forthcoming.

The participation of the EWC in the programmes of the Cultural Capitals should be one of our constant aims, since this is the largest cultural institution of wide resonance in Europe at the moment. Moreover, as it moves from city to city and from country to country, it provides scope for a polythematic approach to our interests and a more marked presence.

For 2007, it is planned to hold the fourth Mare Nostrum in Trieste. This is one of the Mediterranean's key cities, a traditional cross-roads of cultural impact, also with great importance for Central Europe – and beyond. We are in the preparation stage and the programme will soon have been drawn up.

EMERGING LITERATURE – YOUNG WRITERS IN HUNGARY AND EUROPE

**Anna Menyhért:
Speech at the Conference organised by
Les Rencontres in Budapest, March 2005**

Ladies and Gentlemen,

it is a great honour for me to speak to you on this occasion on the topic of emerging literature and young writers in Hungary and Europe, as a representative of a Hungarian and a European writers' organisation. As both the president of JAK, József Attila Circle, Literary Union of Young Writers in Hungary, and board member of the European Writers' Congress, the umbrella organisation of European writers' organisations, I can approach the problems of young writers from two perspectives.

First of all, according to what I have learned from working with the European Writers Congress, the presence of organisations (at present two) specialising in the literature of young writers is unique to Hungary. In these two organisations membership criteria include an age limit, and for example, the limit is 40 years in JAK.

Primarily for political reasons JAK emerged as a young writer-focused organisation; JAK became an independent literary organisation with the 1989 political changeover, when it ceased to be the youth section of the Hungarian Writers' Association. Young writers felt that they didn't want to continue their work within a framework that had previously forced them into unfavourable conditions by using or succumbing to political pressure.

With 270 members, at present JAK is the second largest active literary association in Hungary, uniting young professionals from several fields of literature, such as writers, critics, literary translators, literary historians and organisers of literary events. Its mission is to represent the interests of and provide professional assistance to the young generation of Hungarian authors. JAK also is a chief organiser of professional events for young writers and actively promotes literature, especially new works written by young authors.

Young writers have special needs and problems, and they need attention paid to these needs and problems. For example, many writers organisations in Europe provide legal assistance to their members, and this year we had the means to set up such a service and agreed on a 3-month probation period with a legal adviser. During this period only a few people asked for advice. This didn't come as a surprise to me because young writers, in an East-European country, speaking Hungarian, a lesser used language, are simply not in a position that necessitates legal advice. Legal assistance is important for those who have disagreements with their publishers, have uncollected claims, or problems with their authors' rights. Young writers initially must be helped into this position, both in relation to the overall situation of literature in Hungary and on an individual level.

Becoming a writer is a difficult and stressful period for young people. In establishing a literary career one depends on the literary world, an indefinable, diffuse field with its canons, values, current trends. But one meets only the agents of this field, that is, editors of literary periodicals, organisers of literary events, editors of publishing houses and literary agents in certain countries (not in Hungary), and only after receiving their approval can a young writer enter the field of literature and reach readers and critics.

This process is very much personal and impersonal at the same time. Having entered the field, one needs some time before learning whether one is to be a writer in the long run. Although success depends to a great extent on talent, this is not the only determining factor, and once accepted – by him/or herself and the literary community and the readers – the writer must move towards professionally making a living out of writing.

Cultural life in Hungary has changed substantially over the past 16 years since 1989. Culture became market- and profit-oriented almost overnight, literature has suffered a loss of prestige, and the number of readers of quality literature has sharply dropped. Indispensably within these circumstances, JAK, in addition to fulfilling its traditional role, adapts to the needs of a changing society.

The mission of JAK is to represent writers' interests and provide professional assistance for them and to present literature and literary events for the public as "an attractive product" in the most positive sense of the word. We have an annual schedule of programmes which, according to the mission mentioned, fall into different categories: aiming to bring young literature closer to readers, provide opportunities for young writers to participate in professional literary activities, and improve our international relations (for example, a workshop for young translators of Hungarian literature into foreign languages). We also publish books of young Hungarian writers and contemporary foreign literature in Hungarian. All of our activities work towards the goal of helping young writers with the first steps of their careers.

At the same time we try to induce change into the system of literary life, trying to construct such a literary world where more and more people could live on writing. At present many consider writing a hobby, and young writers need "normal" jobs to make ends meet. The reason for this, apart from long-fixed social constructions and conditioning, is mainly that Hungary lacks a clear-cut system which would allow writers to make a living out of writing.

Of course, the Hungarian book market is a small one, since Hungarian is a lesser used language, but other European countries with lesser used languages have very well designed state-funding schemes that solve this problem. In Hungary the state funding system for literature is out of date and not transparent. Instead of rules, individuals or lobbies frequently decide what should be subsidized, because there is no well defined idea or comprehensive strategy behind the system.

At present the publishing of certain books is subsidized whereas in all probability it would be much wiser to subsidize writing – and especially that of young writers – and reading, that is, libraries, but with certain conditions, for example, that they buy copies of books that, although – or because of – belonging to high quality literature, aren't likely to become bestsellers. Publishers then would be forced to put greater efforts into promoting books and writers.

Moreover, in Hungary writers have not learned how to work together with governmental authorities in such a way that they could construct a system which allows writers to defend their own interests. Old methods of defending one's interests, inherited from the prior political regime are still in practice. Among other things, this means that the necessity of personal or small-group survival in the short run consumes the energy and time that could be spent on building systems in the literary field that would eliminate these conditions. It is a "Catch-22" situation.

This is the point where we can turn to the European example. Since its founding in 1977, the European Writers' Congress has evolved into an umbrella organisation of 55 writers' associations in 29 countries of Europe, representing some 55,000 individual writers and literary translators. The EWC facilitates trans-European cultural and literary co-operation, the realisation of common projects and the professional exchange of experience and good practice among its members. The EWC encourages personal contacts among individual authors of different nationalities and a constructive dialogue between literary translators / writers and other agents of the book chain, European policymakers and the reading public. The EWC defends the professional interests of its members' members – all being protagonists of civil society at a European and national level – in legal and political contexts, concerning cultural and social policy.

Last year the board of the European Writers' Congress sent a questionnaire to its member organisations. We realised that in order to improve communication between the EWC board and the member organisations and to be able to improve communication and exchange among member organisations with the help of the European Writers' Congress, we must know more about these organisations. We asked them to tell us more about

themselves so that we can better define who “we” are. The answers were informative (the summaries of the results can be read at the EWC website).

Not only did the great differences between organisations’ respective financial situations become obvious (the annual income varies from a yearly 9 million EUR to a yearly 15 000 EUR, in Norway and in Romania respectively), but also some of the reasons behind this. The funding sources are the main determinative factor. Those organisations, mainly Northern and Western European, whose income exclusively derives from membership fees and/or governmental funding, usually function safely and carry out well-defined and long-established tasks which either means that their members have an income substantial enough to afford a considerable membership fee, or that the organisation has a stable relationship with the government and a well-defined and funded function.

For example, a Norwegian organisation, with one of the highest income figures, receives its income from a Public Lending Right scheme combined with reprographic remuneration. In their short profile their listed tasks mainly consist of copyright-oriented issues: negotiating terms of conditions that apply to the rules of publication with publishers, broadcasting corporations etc., setting up financial schemes for writers.

In contrast, the accession countries’ organisations – among them the Hungarian ones – have a great number of different sources of smaller amounts of income, which highlights their ongoing struggle with applications for various grants, the uncertainties that envelop their daily life, the impossibility of planning ahead.

There is a growing need in Hungary for writers’ organisations to represent writers in a more professional way. The fact that cultural institutions, city-councils, libraries, and universities organise a growing number of literary events also makes this shift possible. JAK, for example, has developed a ring of smaller programmes in different towns with the help of the local authorities and by asking our members – citizens or students in those towns – to organise readings under the name of JAK. We hope that in the future these programmes will live their own life, even without JAK, or only with our help in making the initial contact between authors and local cultural authorities.

Copyright and similar issues as, for example, topics of professional literary events are not interesting for everyone. But it is in the interest of professional writers to learn about authors’ rights as much as possible. Literary associations will not give up – neither will hopefully the EWC – organising cultural events, providing opportunities for their members to develop personal and professional relations with other writers. But in order to organise cultural events in comparative safety, we have to redefine the rules of our field.

The EWC can help the accession countries in the process of developing new structures of literary life by providing a solid base of knowledge and experience of defining, defending and improving authors’ rights, presenting authors’ good arguments to the competent authorities, encouraging writers’ initiatives, and improving the dialogue between different parts of Europe, so that we can share our varied experiences and learn from each other.

MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS

Study commissioned by DG Internal Market concerning Music copyright (presumably to be followed by the other artistic fields soon): A community initiative on the cross-border collective management of copyright


The study examines the present structures for cross-border collective management of copyright for the provision of online music services. It concludes that the absence of EU-wide copyright licences for online content services makes it difficult for these music services to take off. Online music services targeted by the analysis include services provided on the Internet - such as simul-casting, web-casting, streaming, downloading or an online "on-demand" service - and also music services provided to mobile telephones. The study focuses on these services because all of them can be enjoyed across Europe and, in consequence, their copyright needs to be cleared throughout Europe.


It concludes that entirely new structures for cross-border collective management of copyright are required, and that the most effective model for achieving this is to enable right-holders to authorise a collecting society of their choice to manage their works across the entire EU. This would create a competitive environment for cross-border management of copyright and considerably enhance right-holders' earning potential.

In addition, the right-holder's freedom to choose any collecting society in the EU would create a powerful incentive for these societies to provide optimal services to all their right-holders, irrespective of their location – thereby enhancing cross-border royalty payments.

The study therefore proposes a series of principles that Member States would have to adhere to in order to develop the above system.

Study on a community initiative

on the cross-border collective management of copyright 

Copyright at the Crossroads?   

Consultation

80 organizations and other stakeholders (including the EWC) submitted contributions to the Study on a community initiative on the cross-border collective management of copyright. [List](#) of the 77 contributions authorised for publication.

Or go to

http://europa.eu.int/comm/internal_market/copyright/management/management_en.htm#contribution

IFRRO LAUNCHES NEW WEBSITE

www.ifrro.org has undergone a complete makeover which includes improved function and navigation as well as the renewal of the opening page. A FAQ section defines terms essential to the field of activity of RROs and IFRRO and the database which enables users to view relevant articles on reprography in national copyright legislations by model of operation and continent has been extended to cover more countries. Further development will take place over the coming months.

NEWS FROM THE IFRRO NEWSLETTER SEPTEMBER 2005

Google stops scanning copyright texts. Although Google stopped to scan in early August copyrighted texts for its digital library, following allegations of copyright violations, its book search facility making millions of books accessible via the Internet has been activated on 30 August. AAP (The Association of American Publishers) which has been active in the dialogue with Google on behalf of rights holders says that they have "grave misgivings" about the project.

(www.publishers.org/press/releases.cfm?PressReleaseArticleID=274)

EWC c/o Lore Schultz-Wild – Konradstr. 16 – D 80801 München

Mr Tilman Lüder
Head of Unit
DG Internal Market
European Commission
Avenue Cortenberg 100
B - 1000 Bruxelles

Munich, July 21st, 2005

Dear Mr Lüder,

The European Writers' Congress is the Federation of 55 writers' associations in 29 countries of Europe, representing some 55 000 professional writers and literary translators. We should like to thank you for sharing with us the Commission Staff Working Document "Study on a Community Initiative on the Cross-Border Collective Management of Copyright". We perfectly understand that this impact assessment is dealing with three alternative proposals concerning the future improvement of cross-border management of copyright – mainly in the music sector.

However, particularly in section 4.3. your Study also refers to "supra-national linguistic areas" and "cross-border programming in various languages".

Taking into account the fact that the general situation for creators and their legal position in detail are so dissimilar in the two sectors, we see no point in attempting to transfer what may be appropriate for the music sector to the sphere of text, where the problems faced by our collecting societies and the strategies for potential improvement are completely different.

In addition to and in support of the position expressed in the comment submitted by IFRRO on behalf of rights holders and CRMs in the field of print media, literature, journalism etc. – particularly in sections "The Operational Objectives", "The Options" and "Cultural Dimension" – we should like to suggest the following:

- The proposals and conclusions of this Impact Assessment should explicitly be limited to the music field – and separate dialogues should be started as soon as possible, taking into account the reality and needs of the literature, languages & publishing sector and the field of visual arts respectively.

With many thanks for your attention
on behalf of the EWC Board and Member Organisations
Yours faithfully

Lore Schultz-Wild
General Secretary

Published on

http://forum.europa.eu.int/Public/irc/markt/markt_consultations/library?l=/copyright_neighbouring/cross-border_management&vm=detailed&sb=Title

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Brussels, 28 July 2005

STUDY ON A COMMUNITY INITIATIVE ON THE CROSS-BORDER COLLECTIVE MANAGEMENT OF COPYRIGHT

The **International Federation of Reproduction Rights Organisations (IFRRO)** represents CRMs in the field of print media, the so called Reproduction Rights Organisations (RROs), members are also national and international associations of authors, creators and publishers, such as the Federation of European Publishers, European Writers Congress, European Visual Artists, and the Publishers Licensing Society, Authors Licensing and Collecting Society and the Design and Artists Copyright Society in the UK as well as the Syndicat national de l'Édition, the Société Civile des Auteurs Multimédia, and the Société des Auteurs dans les Arts Graphiques et Plastiques in France.

RROs administer and licence the reprographic reproduction of printed and published material as well as certain digital uses. They are set up and governed by all categories of rights holders concerned to administer reproduction rights in a number of different ways according to the laws and circumstances of each country and represent authors/creators and publishers equally, also on governing bodies. In Europe, there are currently CRMs in the field of reprography in membership of IFRRO in all but four European Union countries (Cyprus, Estonia, Latvia and Portugal), all EEA countries and Switzerland.

For the sake of completeness, we find it appropriate to point out that *Kopjamalt*, which is listed in Annex 1 of the Study is an RRO (in membership of IFRRO), and that RROs are referred to as Reproduction Rights Organisations, not 'reproductive rights organisations' (page 22 of the Study). For more information on RROs and the different models of operation please refer to our publications under www.ifrro.org.

GENERAL

We thank the European Commission for the opportunity to comment on the *Study on a community initiative on the cross-border collective management of copyright*. The importance of the subject matters discussed renders it desirable to consider the Study more comprehensively than has been possible within the allocated consultation time falling into the main holiday season. IFRRO will therefore consider giving further comments at a later stage following a more thorough examination of it.

Moreover, as the Study mainly deals with the music sector, we will limit our comments to the general findings and approaches. Our submission and comments are based on the experience of Reproduction Rights Organisations (RROs), and references made to CRMs and CRM activities are generally to RROs.

THE PRINT MEDIA INDUSTRY

The 'copyright industries' are among the most important contributors to the cultural independence and economic growth of nations. Studies, which have been conducted, also in the European Union, have shown that, within the cultural industries the single most important contributor to the GDP is the print media. The sector offers a significant contribution to education as well as to culture and

entertainment. For instance, licensing the use of works offered by the print media, be it in analogue or electronic form, is indispensable for educational institutions today.

Business and supply models in the print media have developed differently from those e.g. in the music sector, thus also compelling CRMs (i.e. RROs) in the sector to play different roles compared to the ones in the music environment. The freedom to decide case by case whether to individually manage their rights or mandate a collecting society to do so is crucial to rights holders of literary rights in the digital world. This is an option that perhaps might be less relevant in the music sector. In contrast to the music CRMs, RROs are only rarely (at least so far) concerned with licensing digital rights for commercial purposes. Another key difference between print and music markets is that print media products are used primarily for business and education purposes, while music is primarily used for entertainment. The Study has not assessed the impact of the full range of CRM customers in its focus on commercial music intermediaries.

Moreover, the development of digital rights management in the print media sector is still in an early stage. New models are emerging. It is too soon to form a firm view on which model or models would prove to be the most appropriate.

SCOPE OF THE STUDY

The Study analyses and provides insight into one sector of the cultural industries, namely collective management of rights in the music sector. It is, however, unlikely that unified solutions will be found across sectors with respect to distribution of content in the digital environment. As previously stated, the print media sector is different from the music market. This would apply equally to other cultural industries. It would therefore not be appropriate at this stage to impose one single business model on cross border collective management of copyright and we caution against generalising from a Study made only in the music environment.

OBJECTIVES OF THE STUDY

IFRRO acknowledges the challenge constituted by digital uses to traditional business models and will gladly cooperate with the European Commission to find solutions that would be satisfactory for users as well as for rights holders. We support the General Objectives of “opening up Europe’s large and mainly underexploited potential of growth in legitimate online services” and the specific objective of making works accessible: to provide easy, legitimate access to works is the very *raison d’être* of CRMs (page 31).

The Operational Objectives

We agree with the Study on the importance of transparency, which we consider to be a corner stone of collective management. *Inter alia* based on studies on RROs¹, we would also claim that CRMs generally are transparent and efficient administrators of rights.

However, we have reservations about some of the assumptions and assertions which form the basis for key findings and conclusions drawn in the Study:

1. Territorial operations of CRMs

To the extent that individual rights management remains an option open to rights holders of literary rights, we fail to see that the Study evidences a market failure and that no online market can be created because of alleged restrictions in bilateral agreements (pages 9 seq., Table 1, page 16 and page 23). It is in the interest of rights holders and their representatives to increase the use of their works and revenues. CRMs and rights holders are constantly working on new concepts and business models to encounter the challenges of the digital world. They consult and involve users to ensure that the products CRMs bring to the market actually correspond to user needs.

Also the current business models of CRMs have been created in this fashion, i.e. by different groups of rights holders in consultation with users. This is true for RROs and we have no reason to believe that the situation is different in other sectors. At the outset, we would therefore argue that the solution is best found between the players in the market, i.e. the users and the rights holders and CRMs as suppliers of the goods. One obstacle omitted by the Study is the legal uncertainty created by cumbersome and lengthy procedures by national and supra-national entities supervising CRMs.

¹ See for instance IFRRO Study on RROs 2005, page 10 (on transparency) and page 11 (on efficiency of administration), available on www.ifrro.org.

Finally, we have difficulties in seeing that the conclusion drawn on page 25, that the current system of bilateral agreements is sub-optimal for the analogue world is supported by findings, in the Study or otherwise. Rather, bilateral arrangements, if needed improved, would assist in remedying market failures with respect to cross boarder online services.

2. Non-discriminatory distribution of royalties to foreign rights holders by CRMs (1.1.4.2)

CRMs distribute royalties equitably and non-discriminatorily among all their constituents, including foreign rights holders they represent. RROs enter into bilateral agreements with each other to exchange their repertoires, the very intention of which is to ensure that all rights holders are treated equally. The resulting network of these agreements is rather comprehensive so that in most cases a user will be able to access a global repertoire through the national RRO in a one-stop-shop. As far as we know, there is no data to show that any other approach would reach a similar density of coverage. Nor is there any reason to believe that reciprocal agreements/licences are drafted in a way that would make it difficult for users to find out what they buy, as alleged on p. 36.

Moreover, the importance of bilateral agreements should not be over-estimated as the demand for foreign material (and therefore for cross-border licensing) is limited, at least in the print world in Europe, as shown in an IFRRO Study on European RROs.²

RROs conclude both A-Type and B-Type bilateral agreements. Neither of these types is restrictive. Nor do they lack transparency. Some IFRRO members only enter into A-Type reciprocal arrangements, whereas most RROs sign both A- and B-Type agreements.

When assessing the use of B-Type agreements, it is important to examine all aspects of them, also the ones that are beneficial to rights holders and the society as a whole. B-Type agreements are generally signed either with the aim of being used as a tool to facilitate the establishment of new CRMs or as the best way to avoid costs to bridge different legal systems and operation methods or for want of sufficient revenue. They are thus in some cases assumed to be the most cost-effective way to maximise revenues to rights holders. Promoting a national CRM such as an RRO furthers cultural diversity and identity by nurturing local cultural expressions. A local CRM will represent a large constituency of local rights holders and ensure that they receive remuneration which stimulates the creation of further local works while a (often) larger foreign entity would not necessarily wish or be able to do so to the same extent. These aspects need to be taken into consideration when discussing the pros and cons of the different types of reciprocal arrangements between CRMs.

3. Commonality of interest between rights holders and CRMs

We do not think that the relationship between primary rights holders, their associations and RROs is characterised by a conflict of interests, especially as long as CRMs are set up, governed and run entirely by rights holders. At least this is true for RROs. If rights holders wish to change existing structures, they would thus be in a position to make a pertinent decision in the respective organs of the CRM. The “full participation of rights holders in the revenue stream generated by the efficient exploitation of copyright” - whether cross-border or domestic - is therefore provided for by the structures of the organisation.

The Options

IFRRO may support the underlying principle of Option 3, i.e. that (a) rights holders should be in control of deciding the manner in which their rights will be managed and (b) that once that criterion has been satisfied, the highest concern should be on how to develop user friendly management systems.

Nonetheless, Options 2 and 3 are not described in sufficient detail for us to assess them conclusively. We are unable to deduct from the paper how they are meant to work in detail or what their consequences, intended and unintended, would ultimately be. Nor do we manage to identify a vision of how collective management should look like in the future, what the consequences of the two options would be for the cultural industries and what the Study bases its assumptions and assertions on. In our view, the Study needs to be followed up by one that relies on more evidence gathered in order to assess and spell out the various options further, including whether there are more alternatives not yet described and evaluated by the European Commission. For example, we

² IFRRO STUDY ON EUROPEAN RROS 2005, page 15, available on www.ifrro.org

have registered with interest that user groups have asked for the re-launch of the ‘Santiago agreement’.

Moreover, it remains unclear to us on which facts and findings the Study concludes that Option 3 would lead to trade flow increase (page 39) and a few strong competitors (page 42). And even if this were to be the case, it is difficult to see that the Study showed it to be probable that an oligopoly on the European level would be the preferred solution. There is no evidence that this would reduce the number of transactions for a user to obtain a licence. Rather it could be argued that the number of transactions would be altered from the amount of territories to the amount of rights holders, which could in fact be more.

Besides, it is not evident to us that rights holders would limit themselves to mandating only one CRM, as alleged under Option 3. Some rights holders would prefer to retain the freedom to mandate one or several RROs. At least in the field of literary rights management, RROs are not favoured over other suppliers (e.g. content suppliers such as libraries or document supply businesses) and no one RRO has a favoured position over another one *per se*. Each RRO stands on its own in a competitive environment. It also remains open how the European Commission intends to implement and enforce its proposals.

CULTURAL DIMENSION

A vivid European Culture depends upon a plethora of diverse contributors: artists, creators, authors, publishers and so forth. It is therefore important to give un- or less known authors/creators and small publishers a chance to find an audience. Some of their works are not very profitable and will never be, but nevertheless contribute to a lively, diverse cultural environment. We believe that most would agree that the cultural diversity that exists in Europe today is one of Europe’s strengths.

If the effect of European legislative action were to concentrate all the attractive, well-selling material into two or three service providers, some of the current CRMs might not be able to survive because their repertoire would consist mainly of smaller rights holders’ works, often in a less popular language which would be harder to sell. If these CRMs were eliminated, small rights holders may have an even harder time selling their material, which means that their material would be less accessible. Joining a ‘top CRM’ may not necessarily solve this problem for small rights holders. CRMs with a large repertoire might not be able to cater for all their rights holders equally and might tend to focus on the very successful rights holders to the detriment of the small ones. In our view such an outcome would be undesirable because these small rights holders contribute so much to the cultural diversity the European identity is built upon.

CONCLUSION

IFRRO may support the general objective to facilitate access to works in a digital format in a way that is satisfactory to both rights holders and users. This should enable effective cross-border licensing for multinational customers while maintaining the current one-stop-shops for national customers. We would also be willing to engage in a dialogue with the European Commission on how to achieve this. As alternatives to the current situation, Options 2 or 3 as presented in the Study are in our view impossible to evaluate at this stage because their exact nature, effect and consequences are not sufficiently outlined. The way in which they are intended to develop and be implemented and enforced is equally unclear to us.

IFRRO is concerned about the possible impact on cultural diversity of a future Community action and seeks a sound basis for providing users with legal access while ensuring that rights holders receive remuneration for the use of their works and by respecting their freedom to choose between individual and collective management of their rights also in the digital environment. On this basis we welcome a further dialogue with the European Commission.

Respectfully submitted

Litten Hansen
Chair IFRRO’s European Group

Olav Stokkmo
Secretary General

BRIEF REPORT ON MEETING OF IFRRO REPRESENTATIVES WITH TILMAN LÜDER (TL) AND JULIE SAMNADDA (JS)

European Commission – Internal Market and Services DG – DG Markt D1 – Copyright and Knowledge-based Economy Unit, on July 29th, 2005

We were received for 2.5 hours in TL's offices. We presented IFRRO, RROs and the operating models. We discussed the Commission's Study on collective management and IFRRO's reply to it. DG MARKT will initiate a consultation from 5 August until 5 October at the end of which it will formulate a policy by publishing a recommendation.

While the ambit of the policy will on the face of it be restricted to the music sector and not as such be applicable to the print sector, its arguments and principles will achieve some argumentative power also regarding RROs which in JS's perspective might be desirable.

The policy would in TL's view suggest an *optional* introduction of Option 3 so that bilateral agreements and 'Option 3' of the Study could sit side by side. The Commission will monitor the further developments for a period of two-years, ask the Member States to screen their laws for restrictions of competition, also in the form of putting domestic Collective Rights Managements/CRMs at a disadvantage (TL mentioned rules on tariffs in Germany and Spain as an example). It is unclear what actions the Commission might propose at the end of this period, i.e. whether it might turn the optional introduction into a mandatory one further down the line. They do not intend to further pursue the plans for more regulation of CRMs expressed in the communication of April 2004.

The unit is unlikely to be swayed from its plans. In their view option 2 / the International Federation of the Phonographic Industry/IFPI agreement suffers from a dumping effect which they intended to cure with option 3 while agreements like the Santiago agreement would fall foul of EC competition law because of the customer allocation clause.

TL and JS seem to differ somewhat on their perception of B-Type agreements. While TL seemed willing to forego any further DG Internal Market action against B-Type agreements in the RRO world in the absence of a particular complaint, JS took a stricter view. They currently plan to abolish B-Type agreements for performing rights CMOs.

TL took objection to our submissions on the 'cultural dimension' on page 4 of our reply on two grounds. He found it contradictory to our presentation of our sector as free of competitive constraints. He also objected to an alleged causal link between Commission policies and local CRMs' problems to stop rights holders from leaving. He asked for a way to support national CRMs without limiting national rights holders' choice. We drew his attention to the fact that there might be other solutions that he should not forestall by imposing any one particular model on rights holders and CRMs. We had our Digital Strategy paper and particular goal 2 in mind.

It does not seem unfair to conclude that the unit generally has a sceptical view on collective management although there are some variances as to the sector of collective management and as to the degree between different staff members.

Future Priorities

Apart from the collective management initiatives, the unit does not plan to produce any new legislation. It rather aims to consolidate the existing legislation, examining it for efficacy and appropriateness based on studies such as the one they are about to commission.

1. Directive 2001/29

DG Internal Market commissioned a study on business models and current remuneration schemes. It will prepare an Impact Assessment in the course of 2006 in parallel with the final results of the external study. Possible legislative action would be started in 2007. In the course of this, they will investigate levy systems.

2. They will consider extending the term of performance rights and phonograms

3. Evaluation of the database directive

They plan to examine whether the introduction of the *sui generis* right has created more growth and increased the market (with a study and an impact assessment and stakeholder consultations) from September 2005 onwards.

Franziska Schulze – Deputy Secretary General

EWC c/o Lore Schultz-Wild – Konradstr. 16 – D 80801 München

To the Rapporteurs and Speakers of the EP Culture Committee
particularly concerned with the Culture 2007 programme

M Vasco Graça-Moura, MEP

Mme Claire Gibault, MEP

M Guy Bono, MEP

Mme Helga Trüpel, MEP

Mme Doris Pack, MEP

Mme Christa Prets, MEP

Munich, July 20th, 2005

Ladies and Gentlemen, dear protagonists concerned with the Culture 2007 programme,

The European Writers' Congress is the Federation of 55 associations in 29 countries of Europe, representing the commitment and professional interests of some 55 000 individual writers and literary translators. It has come to our knowledge that the French authorities in the Council have proposed a number of amendments to this programme still under discussion. The EWC has been among the privileged beneficiaries of the Culture 2000, Ariane and Kaleidoscope programmes in the past. We therefore feel a certain responsibility regarding the spirit and impact of the up-coming successor programme and kindly urge you to take our remarks into consideration.

1. The writers and literary translators throughout Europe, being at the very origin of the "cultural industry of publishing" strongly support the argument put forward that "the challenge rests in finding a combination between national policies and efficient tools on the Community level, through which promoting and preserving the richness and diversity of European cultural industries could be possible".
2. However, we feel that the pure fact that the European Commission dismissed the idea of establishing a specific programme for the sector (similar to the MEDIA programmes for the audiovisual industries) cannot justify the suggested drain of funds from the admittedly meagre and *a priori* insufficient Culture 2007 programme – the budget of which will by no means cover the multitude of valuable & theoretically perfectly eligible proposals that are to be expected from committed and recognised small cultural operators, creators and promoters of cultural creation in the 25 countries of the EU from 2007 till 2013.
3. On the other hand we are convinced that the non-audiovisual cultural industries in Europe, more than any other protagonist in the cultural field, are in a position – for once – to make Art. 151/4 of the Treaty come true and real: Their expectations and valuable aims "through which promoting and preserving the richness and diversity of European cultural industries could be possible" should and can perfectly be taken care of under a variety of "other" policies, actions, and programmes of the European Union: in policy areas and under headlines such as Research, Internal Market, Trade, Lifelong Learning, External and/or Trans-Atlantic Relations, etc.
Publishers, booksellers and the professionals of the European music industry, more likely than anybody else in the cultural sector, are to impress the competent Heads of Units in the various DGs with their achievements and both economic and political importance – they will be the ones able to finally make them listen to cultural arguments, keeping the Lisbon Strategy in mind.
4. Concerning the book industry in particular, the professional writers and literary translators all over Europe resent the strategy or "negligence" of the book industries' advocates of never explicitly taking into account in their political statements the essential factor at the very origin of their flourishing

businesses, i.e. authors and literary translators. Without their and other artistic creation, there will soon be nothing new and authentic, fit to be produced, promoted and distributed: No block-busters, no hits, no best-sellers – be they traditional or e-versions. Without strong authors – no prospering “culture industry”.

5. A number of further brief remarks:

- a) We see the achievements and economic importance of the European recording & publishing industries (and the corresponding dimension of their financial needs & expectations) as the very reason why their inclusion in the Culture 2007 programme would be utterly inappropriate.
- b) Participation in experimental actions administered by DG E&C was – explicitly – never meant to be a guarantee for further financial support.
- c) In this French proposal, architecture has been included for the first time under the notion of "non-audio-visual cultural industries" – we fail to see why the visual arts (such as galleries, auctioneers, art museums etc.) and the performing arts (such as theatres, producers and companies) should be kept excluded as potential beneficiaries with their specific needs and expectations.
- d) The C2000 programme "doesn't meet every expectation voiced by professionals" in any sector of the cultural field, in any country of the European Union, in any context of cultural co-operation, production, promotion, training, circulation/mobility, and under other aspects.

6. Remarks referring to the Amendments as proposed by the French Delegation

- a) Preambles in general: see our points 5 b), 2 and 3 above.
- b) Article 3: see 5 a) and c) above
- c) Article 4: The scope of business, financial power and corresponding financial expectations of the non-audiovisual industries would kick the entire Cultural Framework Programme out of its delicate balance.
- d) ANNEX 1.4.
 - "Specific terms" of selection, concerning the funding limits and affecting a number of other essential regulations of the programme: The fathers and mothers of Culture 2007 should not move towards the renunciation of those fair and adequate rules they just managed to agree upon.
 - Size and scope of the proposed multi-annual projects "between 500,000 € and 2,000,000 € a year per project" are absolutely out of scale and proportion for the underlying concept of Culture 2007 – in particular taking into account the fact that the heavily disputed budget for the period 2007 – 2013 has still not been decided upon.
- e) V. Breaking down of the overall budget:
 - The idea of granting right from the beginning and without further consideration a "lump percentage" of the meagre Culture 2007 budget to any sort of single applicant or interest group is in obvious contradiction to the spirit not only of the general EU idea of "best results by competition" (an idea sometimes more than difficult to accept for creators and cultural networks) but above all and in particular of the cultural framework programme Culture 2007 - 2013.

We gratefully remember and appreciate Mrs Prets' keynote speech at the Cultural Industries Conference under the Luxembourg Presidency, when she insisted on the fact that without a modified approach of Member States / the Council of Ministers / national governments to an improved funding of EU tasks (and consequently of cultural issues in the largest sense), no substantial extra funds in favour of the culture industries will be available.

Thank you very much for your attention and please let me assure you that we are looking forward to providing any further details upon your request.

Yours faithfully, on behalf of the EWC Board and member organisations,
Lore Schultz-Wild, General Secretary

VOTING ON THE CULTURE 2007 PROGRAMME IN MID-SEPTEMBER 2005

EFAH Advocacy – 10 Principles – tri-lingual

Dear Members of the Committee on Culture and Education,

Ahead of the vote on Culture 2007 in committee next week, the European Forum for the Arts and Heritage (EFAH) appeals to you to base your voting decision on the following **10 principles**:

1. The programme needs clearly defined objectives, and in line with article 151, the programme should promote contemporary creativity and cultural heritage, in the widest sense, equally.
2. The programme should serve the cultural sector broadly without advantaging particular cultural actors or cultural disciplines.
3. The programme should, in the first instance, be about non-profit culture in the spirit of article 151.2 ("non-commercial cultural exchanges"). Inclusiveness, not competitiveness should matter in it. Employment and economic growth, including in the cultural industries, must be addressed elsewhere.
4. The programme should be looked to for its potential to make European citizens by engendering reflection and debate through creative collaboration.
5. Let the synergies between culture and other policy areas come to the fore, but consider that the onus to take culture's transversality into account (article 151.4) should lie with other policy programmes, not with the culture programme.
6. The programme must reach out to the EU's neighbours, beyond those in line for membership. This is a matter of principle; the financial implications of third country participation have to be settled outside of the programme (as has been the case so far).
7. It would be welcome if a shift of the Holocaust (and other) commemoration support line could be moved to the Citizens for Europe programme, or at the very least be separated from the support line for European cultural organisations.
8. Don't give up your ambitions for the programme budget – the *70 cents for culture* campaign is as valid as ever.
9. The programme must be kept simple (not all amendments with content of generic value are sensible for the programme).
10. The programme must be adapted to the realities of cultural operators, especially small ones.

We have already discussed specific amendments with some of your assistants and advisers. Please don't hesitate to contact us if you require further assistance when determining your votes.

Yours sincerely,

Sabine Frank

EU Policy Adviser

European Forum for the Arts and Heritage

Chers Membres de la Commission de la Culture et de l'Éducation,

En préparation du vote sur le programme Culture 2007 la semaine prochaine, le Forum Européen pour les Arts et le Patrimoine (FEAP) fait appel afin d'appuyer vos décisions de vote sur les **10 principes** suivants :

1. Le programme a besoin d'objectifs clairement définis, et en conformité avec l'article 151, le programme devrait favoriser d'une façon égale la promotion de la créativité contemporaine et de l'héritage culturel, dans le sens le plus large.
2. Le programme devrait servir le secteur culturel dans toute son ampleur, sans favoriser des acteurs culturels particuliers ou des disciplines culturelles spécifiques.
3. Le programme devrait dans un premier temps concerner la culture sans but lucratif comme nous retrouvons dans l'esprit de l'article 151.2 ("échanges culturels non-commerciaux"). Inclusivité et non pas compétitivité devrait compter. L'emploi et la croissance économique, également dans les industries culturelles doivent être adressés dans un autre domaine.
4. Le programme doit être considéré pour son potentiel de créer des citoyens européens à travers des collaborations créatives qui entraînent des débats et des réflexions.
5. Laissez les synergies entre la culture et d'autres secteurs politiques prendre forme, mais sachez que la responsabilité pour réaliser la transversalité culturelle (article 151.4) doit être prise par d'autres programmes politiques.
6. Le programme doit atteindre les voisins en dehors de l'UE, au delà de ceux qui attendent pour adhérer. C'est une question de principe ; les implications financières de la participation de pays tiers doivent être arrangées en dehors du programme (comme jusqu'à maintenant).

7. Ce serait accueilli les bras ouverts si un transfert de la ligne de soutien des sites de l' Holocauste et d'autres sites de commémoration pouvait être déplacée au programme *Citoyens pour l'Europe*. Elle devrait pour le moins être séparé de la ligne de soutien aux organismes culturels européens.
8. Ne renoncez pas à vos ambitions pour le budget du programme – la campagne '70 cents pour la culture' n'a jamais été aussi pertinente.
9. Le programme doit rester simple (non tous les amendements avec un contenu générique de valeur sont appropriés au programme).
10. Le programme doit être adapté aux réalités des opérateurs culturels, particulièrement des plus petits.

Nous avons déjà discuté des amendements spécifiques avec certains de vos assistants et conseillers. Veuillez ne pas hésiter à nous contacter si vous avez besoin davantage de renseignements.

Mesdames, Messieurs les Membres de la Commission de la Culture et de l'Éducation, je vous prie d'agréer à mes sentiments les plus sincères.

Sabine Frank
 EU Policy Adviser
 European Forum for the Arts and Heritage

Sehr geehrte Abgeordnete des Ausschusses für Bildung und Kultur,

Die Abstimmung des Berichts zum Programm Kultur 2007 steht unmittelbar bevor. Das *European Forum for the Arts and Heritage (EFAH)* möchte an Sie appellieren, Ihre individuellen Abstimmungsentscheidungen an den folgenden **10 Prinzipien** zu orientieren:

1. Das Programm braucht klar definierte Ziele, und gemäß Artikel 151 sollte das Programm die europäische Gegenwartskultur und das europäische Kulturerbe gleichermaßen fördern.
2. Das Programm sollte dem Kultursektor im weitesten Sinne dienen, ohne spezifische kulturelle Akteure oder Disziplinen herauszugreifen.
3. Das Programm sollte in erster Linie nicht-kommerzielle Kultur zum Gegenstand haben im Geist des Artikels 151.2 ("nicht-kommerzieller kultureller Austausch"). Inklusivität, nicht Wettbewerb sollte sein Anliegen sein. Beschäftigung und Wirtschaftswachstum, auch in den kulturellen Industrien, sind Ziele, die andernorts verfolgt werden müssen.
4. Das Programm muss so angelegt sein, dass es sein Potential ausfüllen kann, europäischen Bürgern und Bürgerinnen durch kreative Zusammenarbeit, mit einhergehender Reflektion und Debatte, zu einer europäischen Identität zu verhelfen.
5. Die Synergien zwischen Kultur und anderen Politikbereichen sollen sich entfalten, aber es ist zu beachten, dass die Verantwortung für die Verwirklichung dieser "Transversalität" (Artikel 151.4) bei den anderen Programmen, und nicht beim Kulturprogramm liegt.
6. Das Programm muss die Nachbarländer der EU ansprechen und zwar über die weiteren Mitgliedskandidaten hinaus. Für den Programmtext ist dies eine Frage des Prinzips. Die notwendigen finanziellen Regelungen dafür müssen außerhalb des Programms getroffen werden (wie es auch bisher der Fall war).
7. Es wäre willkommen, wenn die Programmlinie zur Unterstützung von Holocaust (und anderen) Gedenkstätten in das Programm *Bürger für Europa* übertragen werden könnte. Mindestens sollte diese Linie klar von der Unterstützung für europäische Kulturorganisationen getrennt werden.
8. Lassen Sie weiterhin Ehrgeiz walten was den Programmhaushalt angeht – die *70 cents for culture* Kampagne hat an Berechtigung nichts verloren!
9. Das Programm sollte einfach gehalten werden (nicht alle Änderungsanträge, deren Inhalt von allgemeinem Wert ist, machen im Programmtext Sinn).
10. Das Programm muss den Umständen der kulturellen Akteure, insbesondere kleiner Akteure, entsprechen.

Wir haben schon verschiedene Gelegenheiten genutzt, um mit einigen Ihrer Assistenten und Berater Änderungsanträge im Detail zu besprechen. Bitte zögern Sie nicht, sich mit weiteren Rückfragen an uns zu wenden.

Mit freundlichen Grüßen,

Sabine Frank
 EU Policy Adviser
 European Forum for the Arts and Heritage

THE CULTURE 2007 PROGRAMME

Preliminary analysis of the Culture Committee's vote on September 12th

- Graca Moura's heritage objective was voted down (15:14!!), but lots of new refs to heritage remain, particularly his am 21, which links creativity and innovation in particular to heritage. The definition of intercultural dialogue which stemmed from the EFAH paper was rejected. The possibility of revising the programme objectives in the light of monitoring results was written into the programme.
- Graca Moura submitted a good compromise amendment which summarised several amendments (which highlighted particular cultural discipline), but which insists on the non-sectoral approach of the programme. This was adopted.
- A support strand for the non-audiovisual cultural industries was not created. Guy Bono appears to have had second thoughts and withdrew 8 of his amendments. However, references to the employment creation potential of the cultural industries, and in particular the heritage industry, and the relevance of culture to achieving the Lisbon goals have effectively been written into the programme.
- The interface of/synergies between culture and education in particular were paid due respect, but no attention was paid to the finer details behind article 151.4.
- The countries under the European Neighbourhood Policy (ex-Soviet republics and Northern Africa) have not been made eligible for participation. The irrational fear that their participation would deflect resources from the EU25 has prevailed.
- The Holocaust commemoration strand was unanimously voted out of the programme, on the understanding that the committee would vote it into the citizenship programme and extend the support to commemoration sites relating to the Stalinist era.
- Helga Truepel's amendment for a 2.2 bn budget was voted down as expected. Graca Moura's proposal for 600m was adopted.
- The stipulations for participation under the different strands, as modified by amendments by the rapporteur were all adopted. So was his budget breakdown. Both are largely good news, as they go to improve the conditions for small operators.

So, on some of our big points (heritage, non-sectoral approach, cultural industries, commemorations, stipulations for participation) some successes, but weaknesses on the finer details, and quite a few amendments adopted which can't be said to improve the programme text.

Sabine Frank
EU Policy Adviser
European Forum for the Arts and Heritage

CULTURE ISSUES UNDER THE BRITISH PRESIDENCY

David Lamy addresses MEPs

In mid-July, the British Culture Minister David Lamy spoke to MEPs in the Committee for Education and Culture. He said that the UK hoped to make progress on the current issues being debated at the EU and pass on to the Austrian presidency a semi-completed dossier on the adoption of culture programmes.

He reiterated Tony Blair's message that the "...leadership of the EU is to reconnect with the concerns of the people" and said that he believes "most strongly" that culture is a key to doing this thanks in part to Europe's "...rich and valued diversity of traditions going beyond this continent".

He went on to say that "the EU can use its unique power of union to enhance access to culture and sport" and that "cultural and creative industries can play a dynamic part in providing jobs and technological development and contribute to prosperity". On this last point he finished by saying that the Council was looking forward to **the Commission's study on creative industries** on reaching the Lisbon targets. The study is due in 2006. In October 2005, the UK Presidency is planning a conference on creative industries

Lamy expressed the UK's strong support for future **Media 2007 Programme**, stating that 90% of all EU distributed audiovisual works at a European level are funded by the current Media Plus Programme. The Council is working hard with MEP Ruth Hieronymi in trying to find a common position.

On the revision of the **TV without Frontiers Directive**, Lamy expressed the UK's concern about the need to increase the scope of the Directive. A conference is planned in Liverpool from 20 to 22 September 2005, to discuss the entire range of issues relating to the Directive's revision. The Council awaits the adoption by the European Parliament of the Weber report. Part of the directive relates to the protection of minors and the right of reply and the Council is waiting for the EP to also adopt the De Sarnez report.

Lamy praised the Cultural Capitals Programme and how it had succeeded in bringing to the citizen the message of European citizenship and cultural diversity. On **the future Culture 2007 Programme**, he mentioned the Council's pleasure that this programme recognises the importance of trans-national mobility of artists and of works of art and is pleased that the proposed programme will not have a thematic approach like the current programme. The Council is waiting patiently for the Vasco Graca Moura report from the European Parliament.

On future legislative work, the Council will examine the need to improve the mobility of artefacts stored in museums. He said that three-quarters of museum collections are not displayed but simply stored. The UK would like heritage professionals to take the lead on this matter to seek ways in which museums might be encouraged to loan stored exhibits.

Lamy encouraged the digitalisation of collections, as a way to access to heritage. On 16 November 2005 the Council will meet to try and reach an agreement on how archives in particular through digitisation can be better presented.

With reference to sport Lamy said that the UK will focus on anti-doping.

With regard to the EU and its future, Lamy felt that policy makers should listen more to the people. Consequently the Council is very pleased with the Commission's proposed Citizen's Programme. The programme "...embeds culture and civic society to facilitate a genuine trans-national aspect to citizenship".

On the UNESCO Convention, the Council is very pleased with the current draft and hopes that it is adopted in October.

MEPs posed questions and made comments as follows:

MEP Gyula HEGYI wanted the UK to do more in monitoring the TV without Frontiers Directive. He said the in spite of the quota few European made films are shown. He suggested a sub-quota. To further stimulate filmmaking he suggested closer links with Eurimages. He would like more children's films to be produced.

MEP Christa PRETS observed that all the various issues mentioned by David Lamy (UNESCO Convention, museum collections, the cultural capital, Culture 2007 programme) need finance. She asked how will the UK support the further funding of these initiatives? She went on to say that she is getting a very negative message from voters about the EU and reconnecting with them through

the education and cultural programmes would help counter balance this negative view. She cited Erasmus as an example of a successful EU programme with a high profile and which enhances the EU's reputation.

MEP Ruth HIERONYMI called for a speedy adoption of the MEDIA 2007 Programme. She said that 71% of films in cinemas are imported from Hollywood. The current proposed MEDIA 2007 budget is an absolute minimum. On revision of the TV without Frontiers Directive, she demanded to have more clarity as to what the UK actually is going to suggest. At WTO/GATS the liberalisation of services are being discussed. She pointed out that the EU position is that audiovisual services will not be liberalised, she asked if that was the also the UK position?

MEP Helga TRÜPEL also wanted to know how the UK plans to raise the budget for culture. She said that listening to Tony Blair the previous month mentioning the needs to support R&D, job creation and exchanges, she had questioned how the UK would support cultural exchanges, especially now in the light of the UNESCO Convention.

MEP Ignasi Guardans CAMBO requested that the UK pass on and exchange information to the other Member States on the successful funding of films by British banks. He also pointed out that it is ten years since the Barcelona Declaration and that the opportunity has now come to strengthen the cultural aspect of MEDA policy.

MEP Marie-Hélène DESCHAMPS expressed her concern that the UK Presidency is being over ambitious and she asked what its priorities and focus will be.

David Lamy responded as follows

Regarding UK priorities he said that the focus will be in working for a speedy adoption of the various proposed funding programmes (Media 2007 and Culture 2007) and taking forward the Capitals of Culture Programme and the recommendation on minors and right to reply.

Moving away from the priorities, he said the UK would like a broad debate on the long-term vision of the EU. He suggested that this might happen at an informal meeting of the heads of government; these discussions will include culture.

Regarding the questions and remarks about the further financing of culture, the UK will try to reach an agreement for a "correct" budget in a "global economy" and, he said, the UK will do "...its best to reach a consensus".

On TV Without Frontiers, he said the UK will listen to the stakeholders at the Liverpool conference. At this conference all the key issues and topics will be discussed.

On cinema, Lamy praised the recommendation on cinematic heritage as giving us an "excellent start" on developing film policy. He was not quite sure how to answer the question on the UK banking sector financing film, but did hope that Media 2007 would be adopted.

On UNESCO, he expressed his wish that the current text is adopted.

Report by
International Cultural Compass, July 2005
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RESULTS OF THE CONSULTATION ON "THE FUTURE PROGRAMME FOR ACTIVE EUROPEAN CITIZENSHIP"

In preparation for the future Community action programme to promote active European citizenship for the period 2007 – 2013, the Directorate General for Education and Culture organised an extensive two-stage consultation exercise between December 2004 and February 2005.

The first step in this exercise, which took place from 15 December 2004 to 15 February 2005, was an **online consultation**. Conducted through the European Commission Your Voice website and open to all interested organisations and individuals, it introduced the main strategic orientations foreseen for the future programme, and invited respondents, through a series of open and closed questions, for their opinions and comments. In total, more than 1,000 replies were received. The [statistical results](#) and a [comprehensive report](#) of this consultation, presenting and analysing the results, are available.

The second step consisted in a **Consultation Forum**, held on 3 and 4 February 2005 in Brussels. The Forum attracted over 350 participants from across Europe, representing NGOs, think tanks, regional and municipal representatives, European networks, advocacy groups, trade unions and European associations. The objective was to debate more in depth the defining elements of the future active citizenship programme with citizens and representatives of Europe's civil society. A [full record](#) and a [report](#) of the speeches, workshops and plenary .

The results of this consultation proved to be determining in the drafting of a strengthened [programme "Citizens for Europe"](#) .

A NEW PROGRAMME 'CITIZENS FOR EUROPE'

The European Commission has adopted the proposal on 6th of April 2005 for a new programme "Citizens for Europe" 2007 - 2013.

This programme will take over the current programme coming to an end in 2006. It is a contribution to addressing a major challenge of the European Union, namely how to bridge the gap between citizens and the European Union.

This new programme will provide the Union with instruments to promote active European citizenship, put citizens in the centre and offers them the opportunity to fully assume their responsibility as European citizens. It responds to the need to improve their participation in the construction of Europe and will encourage cooperation between citizens and their organisations from different countries in order to meet, act together and develop their own ideas in a European environment which goes beyond a national vision, respecting their diversity.

These intercultural exchanges will contribute to improving the mutual knowledge of the culture and history of the European peoples. It will bring our common heritage to the fore and strengthen the basis for our common future. Mutual understanding, solidarity and the feeling of belonging to Europe are indeed the building blocks for the involvement of citizens and are reflected by the three different programme's actions:

Action I "Active citizens for Europe" involves citizens directly, either through activities linked to town-twinning or through other kinds of citizens' projects.

Action II "Active civil society for Europe" is **targeted to Europe-wide civil society organisations, receiving either structural support on the basis of their work programme or support to trans-national projects.**

Action III "Together for Europe" supports high visibility events, studies and information tools, addressing the widest possible audience across frontiers and making Europe more tangible for its citizens.

The proposal of the European Commission was submitted in April 2005 to the European Parliament and the Council to be examined and adopted according to the co-decision procedure.

On August 18th, 2005 DG Education and Culture published the call for proposals concerning the interim funding year of 2006 – for the first time under open competitive conditions for granting structural support to the running costs and no longer following the previous "earmarking" policy. The EWC as one of the eligible applicants under Action II will have to submit the working programme for 2006 before October 28, 2005.

NEWS FROM DG EDUCATION AND CULTURE

Published via the newsletter of the CULTURE 2000 programme

The Commission has published a [contract notice](#) in the Official Journal of 18 June 2005 (No S 117) in order to select a contractor to carry out a **study on the culture economy in Europe**.

This study, announced on occasions such as the “Creative Industries” conference in Luxembourg (see EWC Newsletter 2005:2) and which is to last ten months, is intended to better gauge the cultural sector's contribution to attaining the objectives of the [Lisbon Strategy](#). It will highlight the economic influence of the cultural sector in Europe and its contribution to economic growth and social cohesion, as well as its particularities and specific difficulties in comparison with the other sectors of the economy.

A revised version of the Preliminary **Draft of a Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions** was adopted by UNESCO on 3 June, at the third session of the Intergovernmental Meeting of Experts. The meeting also recommended that this draft be adopted at UNESCO's General Conference in October. The European Community has been actively involved in the negotiation process alongside the EU Presidency.

http://europa.eu.int/comm/culture/eac/sources_info/newsletters/news2005/juin_en.html

LAUNCH OF AN „INTELLECTUAL PROPERTY CHARTER“

A challenging initiative by [The Royal Society for the encouragement of Arts, Manufactures & Commerce](#) / RSA in London

This project “brings together working groups of eminent practitioners to create an intellectual property charter that responds effectively and practically to the demands” of contemporary media users and technical opportunities. In early September, Maureen Duffy, as President of the EWC, was invited to an exquisite discussion group of eight on the question: Can current intellectual property legislation cope with the shifting technological and social contexts of the 21st century? Once more, she was the only one to represent the authors’ and creators’ view on the subject.

Writers who are not so familiar with the UK scene will be surprised to learn that RSA / The Royal Society for the encouragement of Arts, Manufactures & Commerce – although stressing the arts in the acronym – is far more concerned with commercial aspects.

The RSA Intellectual Property Charter Launch

Lecture | 13 October 2005 - 18.00 | London & South East

Manifesto Challenge: [Encouraging Enterprise](#) <http://www.thersa.org/projects>

Location: RSA, 8 John Adam Street, London WC2N 6EZ

Booking Status: Open

Cost: free

Panel chaired by John Howkins, Director, RSA Intellectual Property Charter.

With Professor Sir John Sulston, 2002 Nobel Prize winner for Physiology or Medicine and Professor James Boyle, William Neil Reynolds Professor of Law at Duke Law School

Contact: For more information on the current status of the Charter, visit www.ipcharter.org or contact John Howkins at john@johnhowkins.com or by telephone on + 44 (20) 7434 1400.

In preparation of the XIX European Writers’ Congress

in particular: Friday, October 7th, 2005 4 pm

– Lecture by Frédéric Young & plenary discussion on “Creative Commons” –

please inform yourselves:

Take advantage of the following library resources

- Lawrence Lessig. Free culture: how big media uses technology and the law to lock down culture and control creativity - Random House, 2004. 343.730 LES
- Vandana Shiva. Protect or plunder? Understanding intellectual property rights - Zed Books, 2001. 346.048 SHI
- Adam Thierer and Clyde Wayne Crews Jr. (eds.). Copy fights: the future of intellectual property in the information age - Cato Institute, 2002. 346.730 THI
- Siva Vaidhyanathan. Copyrights and copywrongs: The rise of intellectual property and how it threatens creativity - New York University Press, 2001. 346.73 VAI

and websites such as

- Intellectual Property Charter - <http://www.ipcharter.org/>
- The Scene – <http://www.welcometothescene.com> (an Internet film series) plus parody: Teh Scene – <http://www.welcometotehscene.com>
- Bellagio Declaration: Cultural Agency/Cultural Authority - www.cwru.edu
- Center for the Study of the Public Domain - www.law.duke.edu
- CODE Conference - www.cl.cam.ac.uk
- Creative Commons - www.creativecommons.org
- Free Software Foundation - www.gnu.org

The Charter on Intellectual Property claims to respond “to one of the most profound challenges facing us in the 21st century”, concentrated in the question

“Should ideas be public or private? Should they be free to use or restricted?”

This is how the RSA presents the initiative: “The laws on patents, copyright and trademarks have always tried to maintain a balance between what's public and what's private. It's never been easy. But now the balance has gone, tipped over by technology, business and social trends. People who work in the creative economy want copyrights, patents and trademarks. Sometimes that's a good thing because it rewards investors. Sometimes it stifles what intellectual property is intended to encourage - imagination and knowledge.

The Charter on Intellectual Property will promote a new, fair, user-friendly and efficient way of handing out intellectual property rights in the 21st century. It will set out *public interest* criteria for copyright, patents, trademarks and other intellectual property. It will provide a set of principles for a fair, transparent and user-friendly system in a sustainable creative economy. It will be short and written in non-legal language. The Charter is being prepared by a [Steering Group](#) of people from the arts, creative industries, human rights, law, economics, science, R&D, technology, the public sector and education.

James Boyle

William Neal Reynolds Professor of Law, Duke Law School, & Faculty Co-Director, Center for the Study of the Public Domain, Duke University, USA
www.law.duke.edu

Lynne Brindley

Chief Executive, British Library - UK
www.bl.uk

William Cornish

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Gilberto Gil

Minister of Culture, Brazil; and musician
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Lawrence Lessig

Chair, Creative Commons;
Professor of Law and John A. Wilson
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James Love

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www.vshiva.net

Sir John Sulston

Nobel Laureate; former Director, Wellcome Trust Sanger Institute - UK
www.sanger.ac.uk

Louise Sylvan

Deputy Chair, Australian Competition and Consumer Commission (ACCC)
Australia
www.accc

SPANISH GOVERNMENT SUBMITS A PROPOSAL TO AMEND THE SPANISH LAW ON COPYRIGHT AND RELATED RIGHTS

In order to implement Directive 2001/29

The Spanish government has recently presented before the Parliament a proposal to amend the Law on copyright and related rights of 1996. The main purpose of the proposal is to implement EC Directive 2001/29.

First, it clarifies the scope of the rights of reproduction - it includes digital copies -, communication to the public - it includes making available to the public on the Internet at an individually chosen time and place - and distribution - it solely applies to tangible copies of the work.

Secondly, it incorporates the exceptions and limitations that are listed in Art. 5 of the Directive. As the Proposal states, most of them will apply not only to the reproduction right but in general.

It is also worth mentioning that the right to compensation for private copying has been amended so that a different system will apply to analogous devices and digital devices. Finally, a new title on the regulation of the use and protection of technical measures has been introduced.

Note that the deadline for the implementation of Directive 2001/29 had already expired in December 2002.

IPR-helpdesk

IFRRO in Newsletter 8/6 of September 2005 notes that

“The existing right of remuneration for private copies is extended to cover digital equipment and uses. **However, equipment to be levied is proposed to be determined on the basis of criteria different from those currently applicable.** Moreover, **two new exceptions** to the exclusive right, both without remuneration for rights holders are proposed: for the purpose of illustration for teaching; and for use by communication or making available for the purpose of research, in dedicated terminals of certain institutions. “

According to the Spanish collecting society CEDRO, the new exceptions **significantly alter the balance between the rights of authors and publishers and the needs of users.** With the support of IFRRO, CEDRO has entered into a dialogue with the legislators and the ministry (www.cedro.org/inicio.asp).

The four EWC member organisations in Spain have been asked to contribute to this well-founded discussion.

EWC c/o Lore Schultz-Wild – Konradstr. 16 – D 80801 München

Monsieur Jeannot Krecké
Ministre de l'Economie
6, Boulevard Royal
L-2914 Luxembourg
Union européenne
Fax. +352-460448

August 10, 2005

Dear Minister,

The European Writers' Congress / EWC, founded in 1977, is the Federation of 55 authors' organisations in 29 countries of Europe, representing today the commitment and interests of some 55.000 professional writers and literary translators.

It has come to our attention that your draft Ministerial PLR Regulation is about to establish a remuneration mechanism for the public lending right in Luxembourg and a draft PLR Decision will implement it. We of course welcome this project in the field of intellectual property which will finally take into account the intentions of the European Union's Directive 92/100/CEE of 1992 – in particular by specifying both the amount of "equitable remuneration" due to the rights holders and those institutions or bodies which are practising the public lending and should be exempt from the payment of such remuneration..

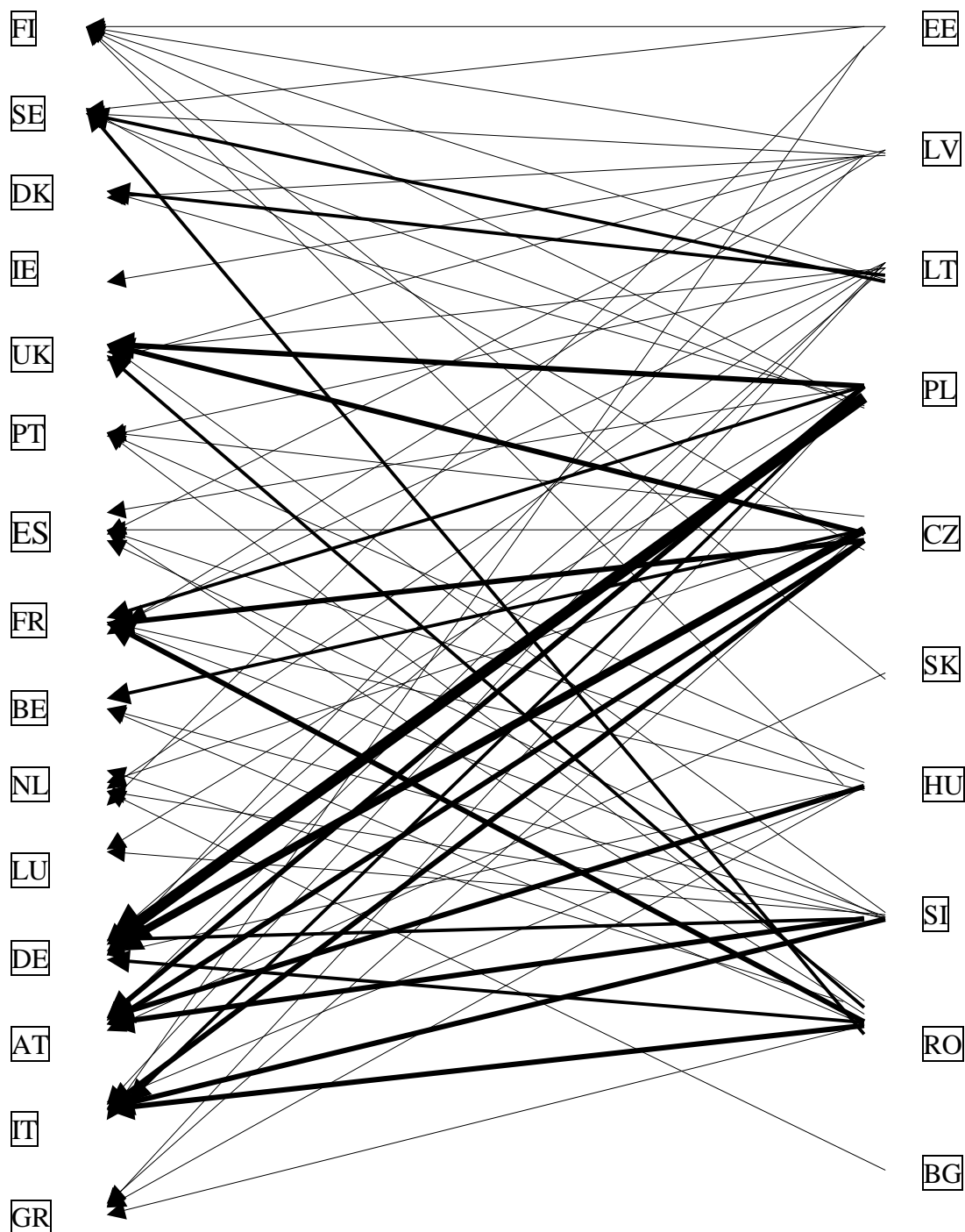
There are, however, two main points raising our concern and we should like to respectfully ask for amendments accordingly:

- The list of exemptions is by far too generous – for example there is no obvious "cultural reason" why the Casino Luxembourg, various information centres or la Banque Européenne d'Investissement à Luxembourg should not pay this equitable remuneration.
- The total annual amount which the rights holders are to expect according to your ministerial drafts – i.e. between 60.000 and 70.000 EUR per year – is by far too low, compared (proportionately, bien entendu) with the income generated for example in Germany. This is true all the more as this amount seems to be meant to also include the remuneration due for the public lending of non-book media and as there is no separate mentioning of administrative costs, i.e. the execution and administration of the PLR Regulation will have to be covered by this meagre budget as well.

With many thanks for your attention and trusting that you will take the concerns of the community of writers in Europe into account,

Yours faithfully,
Lore Schultz-Wild
General Secretary

EAST-WEST COBWEB



The geographic distribution of 180 instances of Western organisations involved in Culture 2000 projects led by an organisation from an Eastern member country between 2000-2004.

With the dynamic growth of eastern led projects in 2004 the number of instances when a western organisation was involved in such projects increased from 116 cases in the previous 4 years to altogether 180. Compared to the previous such graph on 4 years, the actual cobweb reflects a few important changes. Slovenia and Czechia scored particularly strong in 2004 by winning projects and choosing a great many western partners, while the Baltic republics stayed behind. The lines that indicate the amount of partners selected from Spain have multiplied; also those standing for Austrian organisations have grown thick. The fattest line represents the ten German partners involved in Polish-led projects between 2000-2004.

The south, and particularly the north are visibly more airy than the dense middle, a feature that got reinforced in 2004. Looking forward to the 2005 results.

With kind regards – Péter Inkei

Regional Observatory on Financing Culture in East-Central Europe (The Budapest Observatory) <http://www.budobs.org/>