



Committee on Legal Affairs

2016/2072(INI)

14.10.2016

OPINION

of the Committee on Legal Affairs

for the Committee on Industry, Research and Energy and the Committee on Culture and Education

on a coherent EU policy for cultural and creative industries
(2016/2072(INI))

Rapporteur: Therese Comodini Cachia

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SUGGESTIONS

The Committee on Legal Affairs calls on the Committees on Industry Research and Energy and on Culture and Education, as the committees jointly responsible under Rule 55 of the Rules of Procedure, to incorporate the following suggestions into their motion for a resolution:

1. Stresses that cultural and creative industries (CCIs) operate in a constantly evolving environment dominated by the development and use of digital information and communications technology on a global scale;
2. Reiterates that cultural and creative industries are based on and promote individual creativity, cultural value, skills and talent with the potential to create wealth and jobs through generating value from intellectual property;
3. Points out that, with a turnover of EUR 535.9 billion and creating 7.1 million jobs, CCIs are essential to the stability and long-term competitiveness of the European economy;
4. Points out that CCIs guarantee not only cultural diversity, but also media pluralism and the economic vitality of the European Union;
5. Notes that CCIs are of strategic importance for economic development and quality job creation in the EU;
6. Stresses that the formulation of a legal definition of ‘cultural and creative industries’ across Europe should take into account the new cultural and creative trends existing in today’s society and the ongoing changes and opportunities that digital technology may continue to provide, and that any such definition should refer to works, including goods and services, which are the product of artistic, cultural or creative processes and which are eligible for protection as intellectual property rights, without restricting the processes through which such works are created or produced;
7. Considers, consequently, that the protection of right holders within the legislative frameworks of copyright and intellectual property is necessary in a manner that recognises values and stimulates innovation, creativity, investment and the production of content, whilst being adaptable to continuous technological developments and future digital platforms;
8. Stresses that culture should not be considered by the EU only from an internal market, competition or trade policy point of view, but should also become an element of Europe’s cooperation and development policy, taking into account the specific characteristics of the EU’s cultural spectrum; calls on the Commission to strengthen the link between the cultural sector, training and CCIs, to consider defining a European legal framework for the development of apprenticeships in the cultural and creative industries across the EU Member States, and to maximise the potential of SMEs in the cultural and creative sectors;
9. Considers that the digital environment offers new opportunities for the creation and production of cultural and creative works, and for their distribution, exploitation and accessibility to a wider public, independently of physical and geographical constraints, at

times at a lower cost and with lower barriers to entry; notes, however, that in an increasingly connected and digitised forum, authors and creators with limited resources might be financially disadvantaged when operating in a larger competitive area;

10. Considers that digital technology has also brought about opportunities for the creation of different types of artistic work or practices for which that digital technology is also an essential part of the creative process;
11. Recalls in this context that CCIs predominantly consist of a myriad of micro, small and medium-sized enterprises and freelancers, with limited access to infrastructures, resources and funding and with limited bargaining power vis-à-vis online digital outlets and other market dominant intermediaries, as is particularly the case with artists and creators from outside mainstream cultural and linguistic areas; advocates in this respect the need to develop a balanced legal framework which takes into consideration the specific characteristics of the sector and provides appropriate remedial legal solutions to enable creators to gain better bargaining power;
12. Stresses that continuous digital innovation challenges the cultural and creative industries to rethink and reshape their business models; expresses its concern that in most current business models the economic value of content, which needs to be redefined, occurs at various points of the value chain, but this may be displaced towards the end of the value chain thereby adding complexity to the system through which the creative community draws value from content, including a fair remuneration for authors and creators; notes, at the same time, that the creative community is facing losses resulting also from copyright infringements such as piracy, as well as from difficulties arising from a constantly changing online environment and challenges to existing business models;
13. Stresses the importance of the new digital environment for the development of the cultural and creative industries in creating greater visibility for creators and enabling them to be in permanent contact with their audience and consumers; considers, therefore, that the establishment of any legal framework defining the digitalisation of cultural and creative industries should take place after a broad consultation of all the actors involved in the value chain;
14. Considers that digital platforms are a means of providing wider access to cultural and creative works and that consideration must be given to how this process can function with more legal certainty and respect for right holders;
15. Calls on the Commission to address the issue of value transfer in connection with the ongoing copyright debate;
16. Calls on the Commission to develop a European cultural strategy in the digital era in line with all EU policies, including tax policy;
17. Calls on the Commission to effectively address the issue of the circulation of illegal digital content in proportion with the various rights at stake, *inter alia* by encouraging better cooperation between Member States' authorities and industry and by facilitating the emergence of attractive legal offers with a broad catalogue and cross-border availability, while adhering to the principle of territoriality; calls also on the Commission to examine the different options focusing on copyright-related contracts to improve the fair

remuneration of authors and creators, thereby rewarding creativity and innovation while promoting transparency in the copyright value chain in the digital environment, to safeguard national cultural and linguistic specificities and to stimulate economic and research activity; calls on the Commission, in this regard, to continue to identify effective mechanisms to counteract the infringement of copyright and to raise public awareness in this field;

18. Recalls the outcome of the public consultation launched by the Commission on a regulatory environment for platforms and online intermediaries; highlights the fact that participants recognise the benefits of online platforms in making creative content more accessible and communication easier, but at the same time question the lack of transparency and legal certainty in this process as regards compliance with copyright;
19. Considers that adequate and effective protection of copyright and related rights is essential to ensure that creators are fairly remunerated.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	13.10.2016	
Result of final vote	+: -: 0:	17 0 2
Members present for the final vote	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Therese Comodini Cachia, Mady Delvaux, Rosa Estaràs Ferragut, Enrico Gasbarra, Gilles Lebreton, António Marinho e Pinto, Julia Reda, Evelyn Regner, Pavel Svoboda, József Szájer, Tadeusz Zwiefka	
Substitutes present for the final vote	Pascal Durand, Evelyne Gebhardt, Constance Le Grip, Victor Negrescu, Virginie Rozière	