

**COU16-0419**

President Jean-Claude Juncker  
European Commission  
B-1049  
Brussels, BELGIUM

Paris, France and Bogotá, Colombia – 19<sup>th</sup> April 2016

Re: Unwaivable right to remuneration for audiovisual authors

Dear Sir,

Our colleagues within the European audiovisual industry recently wrote to welcome your commitment to improving authors' remuneration and to offer their support in driving the legislation that delivers it.

On behalf of Writers and Directors Worldwide – the international umbrella organisation for dramatic, literary and audiovisual creators – I would also like to extend this offer and share some wider geographical perspectives on the challenges that our authors face today.

The first point to establish is the enormous contribution to the world's culture and economy that our work brings. As authors of the original work upon which entire productions depend, writers and directors are at the heart of an industry that in Europe alone generates 2.6% of the region's GDP and supports 5.8 million jobs<sup>1</sup>.

Secondly, few people understand that the overwhelming majority of screenwriters and directors are self-employed individuals which in most countries means we have no sick pay, pension or regular wages. The process of bringing new work to the screen meanwhile is long and uncertain. Our livelihood, and therefore our cultural and economic contribution, relies upon each author having a right to receive fair remuneration for the reuse or rebroadcast of their work. This is the only thing that allows us to continue creating and that gives us the opportunity to negotiate equitably with distributors and producers.

Unfortunately, the unassignable, unwaivable right to remuneration that guarantees this, is currently absent from the laws of most countries. Europe however is already a clear leader with this right established in Spain, Italy, Estonia, Poland, and the Netherlands (for specific exploitations). Additionally, legislation and practices comparable to the same right also already exist in France, Belgium and Switzerland. As the birthplace of authors' rights, Europe now has the opportunity to finalise the great work it has started by establishing this right to remuneration at the EU level.

At our general meeting in December, before an audience of creators and lawmakers in Beijing, we officially launched "The Audiovisual Campaign" to raise awareness of these issues and propose a

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<sup>1</sup> Source: "Remuneration of authors and performers for the use of their works and the fixations of their performances" – a study prepared by Europe Economics-IVIR for the European Commission

legislative solution to address them. Today in Bogotá, together with the main authors' organisations from the continent and cosignatories of this letter, we will launch the Latin American tranche. We return to Paris in June to officially launch the campaign in Europe and would be delighted to extend an invitation to meet and discuss these issues at your convenience.

In recent years, digital distribution has brought previously unimaginable new possibilities and taken our work across continents to more people than ever before. But to defend the rights of the *next* generation of authors, this absence of creative borders must be matched by comparable developments in legislative protection.

By introducing an unwaivable right to remuneration for audiovisual authors, collected from the online distributors of their works, the European Commission would take the global lead in this cause. Your legislation would stimulate the creative economy, demonstrate real support and investment in European culture, and would once again set a clear standard that inspires the rest of the world to follow.

We remain at your disposal to provide input on any matters where our international experience as authors may be of assistance.

Sincerely,

Yves Nilly (France)

Screenwriter and President of Writers and Directors Worldwide

Rubén Galindo (Mexico)

Director and Screenwriter, President of Directores México

Mario Mitrotti (Colombia)

Director, President of Directores Audiovisuales Colombia

Sylvio Back (Brazil)

Director and Screenwriter, President of Diretores Brasileiros de Cinema e do Audiovisual

Marcelo Piñeyro (Argentina)

Director and Screenwriter, Directores Argentinos Cinematográficos

Silvio Caiozzi (Chile)

Director and Screenwriter, Vice President Sociedad de Autores Nacionales de Teatro, Cine y Audiovisuales

CC: Vice-President Ansip, Commissioner Oettinger, Commissioner Navracsics, Commissioner Bienkowska, Commissioner Vestager.

Learn more about our organisation at [writersanddirectorsworldwide.org](http://writersanddirectorsworldwide.org) and about our global campaign for equitable remuneration at [theaudiovisualcampaign.org](http://theaudiovisualcampaign.org)