



Mr Zdravko Počivalšek  
Minister of Economic Development and  
Technology  
Kotnikova ulica 5  
1000 Ljubljana  
[zdravko.pocivalsek@gov.si](mailto:zdravko.pocivalsek@gov.si)

3 July 2020

**Subject: Implement the EU Copyright Directive to fit modern day consumption of audiovisual content and remunerate the authors behind the works**

Dear Minister,

As you know, the cultural and creative sectors have been suffering significantly because of the COVID-19 pandemic and the restart of these sectors will be long and complex. At the source of the creativity, dynamism and resilience of these sectors are the authors - the screenwriters and directors in the film and audiovisual sector - for whom most activities have stopped or were put on hold due to the uncertainty of the evolution of the situation. Luckily, their collective management organisations (CMOs) represented by the SAA were quick to mobilise speedy distribution of royalties and financial support to screenwriters and directors suffering due to the crisis (see the results of the [SAA survey](#) on CMOs' financial assistance to audiovisual authors).

While cinemas were closed, the subscriptions to video-on-demand services sky-rocketed, accelerating the revenues' growth of these platforms. However, this did not result in revenues for most audiovisual authors behind the works, an essential income that could have partially compensated for their loss of activities. Indeed, **audiovisual authors do not receive royalties for the exploitation of their works by on-demand services in all countries.** Such payments are only organised whether by law or voluntary agreements in six EU countries (Belgium, France, Estonia, Italy, Spain, Sweden) and Switzerland.

The importance of on-demand consumption of audiovisual works in our modern lives demonstrates that the remuneration structure of audiovisual authors is long outdated and must urgently be adapted. **As you are in the process of implementing the EU Directive on Copyright in the Digital Single Market, we urge you to redress this situation and introduce an unwaivable right to remuneration for audiovisual authors for the on-demand exploitation of their works.**

An unwaivable right to remuneration collected from VOD platforms and distributed to authors by their CMOs is the appropriate solution to ensuring that audiovisual authors receive royalties for the on-demand exploitation of their works. This is in line with the spirit of Article 18 of the Directive that states that "*Member States shall ensure that where authors and performers licence or transfer their exclusive rights for the exploitation of their works or other subject matter, they are entitled to receive appropriate and proportionate remuneration*".

In an international and competitive market dominated by global players, CMOs are the only ones in the position to negotiate appropriate and proportionate royalties for audiovisual authors. To avoid such a remuneration to be considered included in the fee paid by the producer for making the film (buy-out contracts), audiovisual authors need the law to provide them with an unwaivable right to remuneration to be negotiated by their CMOs with the video-on-demand platforms.

It is important to note that such a solution would adapt the remuneration structure of audiovisual authors to the market and actual uses of their works, without adding any cost on the financing and production of works nor to the state or public institutions' budgets supporting the production and distribution of European works. The cost of the remuneration of the audiovisual authors for the exploitation of their works on-demand would be borne by on-demand services and based on the revenues generated by their business.

We hope that in this moment of learning the lessons of the impact of such a devastating pandemic on the cultural and creative sectors, you will pay special attention to the authors and try to make them stronger out of the crisis. For audiovisual authors, such an unwaivable remuneration for on-demand exploitation collectively managed is essential as demonstrated in countries where it exists.

We would be very interested in sharing our experience of audiovisual authors' rights and remuneration and discussing how such a measure could fit your legal and cultural approach of authors' rights.

Yours sincerely,



Barbara Hayes  
Chair of the board of directors



Cécile Despringre  
Executive Director

Cc: Ms Karla Pinter, Director General of the Internal Market directorate, Ministry of Economic Development and Technology [karla.pinter@gov.si](mailto:karla.pinter@gov.si)

SAA - The Society of Audiovisual Authors is the association of European collective management organisations representing audiovisual authors. Its 33 members in 25 countries manage rights for over 140,000 film, television and multimedia European screenwriters and directors.

[@saabussels #WeLoveAuthors](#)