

Ms Kerstin Jorna
Director
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DG Internal Market and Services
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Dear Ms Jorna, *Kerstin*

BUSINESSEUROPE welcomes the Commission public consultation on the review of the EU copyright rules. A well-functioning copyright system including effective enforcement is a key enabler for the development of the Digital Single Market.

BUSINESSEUROPE will not provide a detailed response to the Commission questionnaire but would like to share some key observations on the future of the EU copyright policy.

We believe that a fit-for-purpose EU copyright policy needs to be based on a long-term vision going beyond a single Commission term while ensuring the principle of continuity. Any legislative proposals that the Commission might decide to put forward in this area need to be evidence-based.

We have repeatedly voiced the need of a flexible legislative framework that facilitates and is a driving force for the digital economy. EU businesses should be able to compete at a level-playing field with non-EU players under clear and enabling rules.

Any harmonisation of the copyright legislation designed to adapt it to the digital environment must take into account participation of all parties involved in delivering digital content and fostering the Digital Single Market. This should extend to authors, creators, rightholders, users, service providers and other industry players in the copyright value chain as regards their investment in new technologies. Rules should strike a balance between providing rightholders with a high level of protection and the development of innovation in the digital economy. Illegal downloads on a large scale can jeopardize the development of an economically viable Digital Single Market. Therefore, the increase of legal offers is essential to strike the balance mentioned above.

In this context, fair reward for rightholders should be ensured as it also contributes to the development of new business models and the evolution of the Digital Single Market. At the same time, the recommendations of the EU Mediator Mr Antonio

Vitorino on private copying levies in Europe should be taken into consideration, including possible alternatives to device-based levies systems.

Any review of the copyright regime must take into account the consequences of harmonising exceptions having an impact on the Single Market. This is a prerequisite for legal certainty for all interested parties. The consideration of future exceptions to adapt to technological developments should be evidence-based and only if licensing cannot achieve the same results. Any new exceptions should follow the same test as under Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society and should be introduced on a harmonised basis.

We are looking forward to continuing a positive dialogue with the Commission on the future steps it might decide to undertake in the area of copyright.

Yours sincerely,

Best regards


Jérôme P. Chauvin
Deputy Director General
BUSINESSEUROPE