

Artists and labels from key European countries join forces to call for urgent EU solution to stop transfer of 125m euros a year of performance income out of Europe

Brussels, 28th November 2023

Key artist and label groups from major European music markets have come together today to ask the EU to come up urgently with a legislative solution to address the consequences of a court ruling which risks costing European artists and labels millions of euros each year.

In what is known as the “RAAP case”, the court of justice of the EU flagged an anomaly in the Directive dealing with the rights of music performers and producers when their works are used on terrestrial radio or in cafes and bars. Unless this error is fixed, EU member states will not be able to continue applying the longstanding principle of material reciprocity in the payment of broadcast and public performance royalties on sound recordings from non-EU countries. Recognised under international copyright treaties, and functioning as a default rule in the WIPO Performances and Phonograms Treaty, this principle has proven vital in raising the level of copyright protection across the globe for decades.

The USA is the only significant music economy in the world that does not have these full rights in their domestic legislation. Unless the principle of material reciprocity is restored in EU legislation, European performers and producers in “reciprocity” countries could see revenues from this vital source of income fall by up to 40%, the share of US repertoire in some of these countries.

Since the judgment was delivered, already back in 2020 (now over three years ago), the European Commission has on several occasions acknowledged concerns about the impact of the ruling and made clear its

intention to find a balanced solution. But a solution has yet to be proposed.

With today's call, the signatories are urging the EU to come forward now with a flexible solution that will allow, but not oblige, member states to apply material reciprocity.

Helen Smith, Executive Chair of IMPALA (European association of independent music companies), said: "It is the EU's responsibility to prevent European artists and producers losing millions every year to the USA, which has chosen not to protect these rights. A proposal is needed now to restore legal certainty, safeguard cultural diversity and European sovereignty. This needs to be done in a way that provides for member states to apply reciprocity whilst also allowing a grandparenting clause for countries who have a different system. Imposing a mandatory system is a disproportionate response. We call on the EU to act and also exert increased trade pressure on the USA to raise their level of protection. Their stance is costing the world music economy hundreds of millions a year."

Will Maas, Chairman Ntb/Kunstenbond (Dutch musicians' union), said: "In the Netherlands, the first country to stop applying reciprocity to comply with the RAAP ruling, we are seeing a clear and substantial drop in the revenue going to Dutch and other European performers and producers. This is what awaits other countries if nothing is done to address this. We need a solution now before the impact on artists, producers and cultural diversity becomes even bigger".

Musician/Studio producer Matthijs van Duijvenbode concluded: "The time for action is now. We have waited too long already. The solution is clear. The court itself said that legislation can restore the principle of reciprocity. This needs to be restored urgently through targeted legislation confirming reciprocity and also allowing for countries to apply national treatment or other systems. Hundreds of thousands of artists count on the EU to do the right thing, and to do it fast."

Signatories

- Adami – French collective management organisation for performers' rights – Xavier Lardoux, CEO
- IMPALA – European association of independent music companies – Helen Smith, Executive Chair

- Musikerförbundet – Swedish Musicians’ Union – Karin Inde, Chairman
- Ntb/Kunstenbond – Dutch Musicians’ Union – Will Maas, Chairman
Ntb
- PlayRight – Belgian collective management society of neighbouring rights for performing artists – Christophe Van Vaerenbergh,
Managing Director
- SAMI – Swedish Artists’ and Musicians’ Interest Organisation – Stefan Lagrell, Managing Director
- SYMF – Swedish Union of Professional Musicians – Gunnar Jönsson,
Chairman
- unisono – German Federation of Musicians – Gerald Mertens, CEO

About the signatories

Adami is a collective management organisation for performers’ rights (actors, singers, musicians, conductors, dancers...). Established in 1955 and managed by artists, Adami collects and distributes remunerations due to individual artists for the use of their recorded work. Today, Adami manages the rights of nearly 100,000 performing artists, including over 45,000 members.

IMPALA is the European association of independent music companies, representing close to 6,000 music SMEs across 32 European markets. Its mission is to grow the independent music sector sustainably, return more value to artists, promote diversity and entrepreneurship, improve political access, inspire change and increase access to finance.

Ntb Nederlandse Toonkunstenaars Bond (Dutch Musicians’ Association), founded in 1919, is the largest and oldest interest group for musicians in the Netherlands. Since 2018, Ntb has been part of Kunstenbond (Arts union).

PlayRight is the collective management organization that collects, manages and distributes the neighboring rights of performing artists in Belgium. Founded in 1974, PlayRight defends the interests of more than 21.000 affiliated artists in Belgium and abroad, from musicians to actors, including dancers, circus performers and vaudeville artists. With the socio-cultural and educational department PlayRight+, our organization offers also financial and educational support to performers and defends them within the cultural sector.

SAMI (Swedish Artists’ and Musicians’ Interest Organisation), founded in 1963, is the collective society in Sweden that monitors the rights of artists and musicians within the framework of both Swedish and international legislation. SAMI represents over 53,000 artists and musicians and collects remuneration for members when their music is performed in public, both nationally and internationally.

Svenska Musikerförbundet, the Swedish Musicians’ union, founded in 1907, advocates for musicians’ rights, negotiates fair conditions, offers legal support, and fosters a strong community, contributing to the professionalism of the Swedish music industry.

SYMF, the Swedish Union of Professional Musicians, is a trade union organization that organizes professional singers and musicians, primarily in symphony orchestras and opera houses. It is a non-governmental organisation free from ties to political parties. The association was founded in 1984 and has been a member of the Swedish Confederation of Professional Employees (TCO) since 1985.

unisono, (founded in 1952) is the German musicians’ union which represents 12800 professionals in orchestras, freelancers and conservatoires.