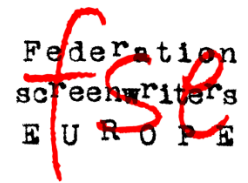


Film and Audiovisual Sector Letter  
European Commission's Digital Single Market Strategy  
29 April 2015



Dear President Juncker, dear Commissioners,

As the College of Commissioners is about to adopt its priorities for the Digital Single Market, the undersigned organisations of film makers, producers, sports rights owners, screenwriters, authors, technical crews, actors, publishers, broadcasters, distributors, and cinema exhibitors active in the European audiovisual landscape would like to respectfully re-iterate our positions highlighting the specificities of the audiovisual sector (see our letters attached).

First of all, we stand ready to contribute further to the overarching “growth and jobs agenda” set out by the European Commission a year ago. Copyright intensive industries form a cornerstone of the European digital economy that generates 7 million quality jobs, contributes approximately EUR 509 billion to EU GDP and produces a trade surplus (OHIM/EPO Study, 2013). European citizens have access to more than 3,600 audiovisual online services compared to fewer than 700 at the end of 2008. New innovative services throughout the entire value chain are constantly being launched, with a resulting ever-growing diversity of content and services offered to European audiences.

However, to achieve the objectives of the Digital Single Market, we must continue to build on the strength of **copyright, a fundamental right and right to property protected by the EU Charter of Fundamental Rights, national constitutions and several international Treaties**. In this respect, **the notions of territoriality and exclusivity are fundamental elements that incentivize investments, ensure high quality production and distribution and enable creative and financial risk-taking**. One of the key foundations of our success is the commercial freedom to “go local” and to independently choose from territorial, multi-territorial or pan European options for the production, financing and dissemination of films and audiovisual content across Europe.

We are extremely concerned that some of the policy options envisaged by the European Commission could negatively impact this remarkable success story and severely decrease the incentives for investing in the production, distribution and dissemination of high quality films and audiovisual works across Europe.

Indeed, mandating any form of cross-border access by EU law in the audiovisual sector would not create or increase value but more likely lead to its transfer to the benefit of big global Internet platforms, which will ultimately decrease consumer choice and cultural diversity. Evidence shows that global platforms are less likely to invest in the creation of films, television programmes and sports that address specific cultural and linguistic interests of European citizens. Furthermore, mandatory cross-border access would decrease the value of exclusive licenses and damage investments into creative content through pre-sales agreements – an additional threat to the competitiveness and the diversity of Europe’s creative industries.

We work every day with the realities of diverse consumers’ demands and their evolving needs, tastes and preferences in mind. Any changes to the successful models described above must be backed by robust evidence – currently lacking – that such changes will add quality jobs and economic growth in Europe rather than taking them away.

Instead of putting at risk a framework which remains fundamentally fit for purpose – supporting at once creativity, investments and innovation – we urge the European Commission to take due account of the specificities of our sectors and maintain a legal framework under which we can continue to be a driver for innovation, growth, quality jobs and cultural diversity across Europe.

We thank you for your consideration of these points.

## List of signatories

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