



Mr Günther Oettinger
Member of the European Commission
200, rue de la Loi
1049 Bruxelles

Brussels, 29th October 2015

Dear Mr. Oettinger

The European Writers' Council (EWC), the Federation of European Publishers (FEP) and the International Federation of Reproduction Rights Organisations (IFRRO)¹ have read with interest the letter addressed to you by the Executive Director of Europeana and a number of librarians.

Authors, publishers and the collective rights management organisations (RRO for Reproduction Rights Organisations) appreciate that the signatories recognise the importance of copyright as a means to earn a living from creativity. We would also like to insist that authors' rights are not just economic rights, although an extremely important component of the exclusive rights. Moral rights are also an essential part of the authors' rights.

In 2012, facilitated by the European Commission, the European organisations representing authors, publishers, libraries, and IFRRO on behalf of the RROs, signed a MoU on out-of-commerce works that contains the necessary elements to allow libraries to digitise and make available, including on the Internet, out-of-commerce works, on agreed terms and conditionsⁱⁱ, and on the basis of collective licensing.

The MoU was discussed and signed under the auspices of Commissioner Michel Barnier and has been implemented, or preparations are made to implement it, in a number of countries, including in France and Germany.

We would be happy to follow up this discussion with you and your services and, of course, with the institutions which are calling for the reform. We have means to collectively manage the licences to be granted to cultural institutions. The solutions must be negotiated to allow the opt-out by authors and other rights holders where this is required, including for moral rights. Only licences, collectively managed, as agreed between the stakeholders concerned (libraries, authors, publishers, RROs) can ensure an appropriate balance between the library requirements and the rights and requirement of authors and publishers concerned.

Yours sincerely

Myriam Diocaretz
Secretary General
EWC

Olav Stokkmo
CEO
IFRRO

Anne Bergman-Tahon
Director
FEP



Copy:

Mr Andrus Ansip, Vice-President of the European Commission

Mr Tibor Navracsics, Member of the European Commission

Mr Bruno Racine, President of Europeana

ⁱ FEP and IFRRO, both members of the Europeana Network have not been consulted on the mentioned letter.

ⁱⁱ The agreed terms and conditions include a diligent search to identify the status of the work, the opportunity for authors to opt out of the schemes if they decide their books should not to be digitised (the moral right allows them to do so) and schemes negotiated with the RROs which have mandates from their national rights holders. The out-of-commerce MoU also acknowledges the right of authors and other rights holders to be remunerated.