

Commission study on remuneration of authors of books and scientific journals, translators, journalists and visual artists for the use of their works

A new EU study looks at the remuneration paid to authors in the print sector in ten EU countries (United Kingdom, France, Germany, Italy, Spain, Poland, Ireland, the Netherlands, Hungary and Denmark). The study was conducted to support policy-making in the area of copyright. The Commission is looking for evidence on whether, and to what extent, the differences that exist amongst the Member States' legislative frameworks affect levels of remuneration and the functioning of the internal market.

This study is a follow up to the study on the remuneration of authors in the music and audio-visual sector which was published in July 2015.

The issue of authors' remuneration, and more broadly the copyright contracts establishing this remuneration, is largely governed by national laws of the Member States.

The fair remuneration of individual creators – authors and performers – is part of the Commission's Digital Single Market Strategy.

Key findings: transparency of the scope of transfer and the remuneration in contracts, corrective measures to strengthen the position of authors, model contracts and collective agreements to influence remuneration

The study was conducted for the European Commission by Europe Economics Ltd and the Institute for Information Law at the University of Amsterdam. It compares, from legal and economic perspectives, the existing national systems affecting the remuneration for authors and performers and identifies the relative advantages and disadvantages of those systems for them. Key findings include:

Obligations on the scope of transfer

- The protective measure with the greatest positive effect on the contractual position and the remuneration of authors relates to the obligation imposed on those to whom the rights are transferred to specify the scope of the transfer (in geographical scope, duration and modes of exploitation) together with the corresponding remuneration. This requirement would ensure greater transparency, strengthen the position of the author and promote more effective competition.

Formalities, obligations and corrective measures

- An array of other measures exist in the laws of the Member States that relate either to the requirement of formalities at the time of formation of the contract, or to obligations regarding the execution (e.g. “non-usus” or “best-seller” clauses) and the termination of the contract. These measures also contribute to strengthening the position of authors in their contractual relationships.

Model contracts and collective bargaining agreements

- The use of model contracts developed as a result of negotiations between representatives, and collective bargaining agreements (including by CRMOs), was also identified as having a potentially significant impact on remuneration.

The study outlines a series of policy options where intervention at EU or national level may be effective.

The first policy option is the specification of individual modes of exploitation and the respective remuneration by introducing certain binding, legal requirements such as the requirement for written contracts (dependant on MS contract legislation), specifying which rights and modes of exploitation are being transferred, specifying the level and type of remuneration attached to each mode of exploitation and a reporting obligation vis-à-vis the author.

The focus of this policy option is to increase transparency regarding the scope of transfer of rights, the modes of exploitation and the terms of payment which should in turn help to reduce the information problem faced by authors and could thereby improve their bargaining position.

Other policy recommendations include limiting the scope for transferring rights for future modes of exploitation and future works and exploring issues related to potentially allowing economically dependent freelancers to claim employee status and rights.

Final report

Executive summary: EN - FR

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