



2017

ANNUAL ACTIVITY REPORT





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Welcome to our yearly Annual Activity Report 2017



2017

Annual Activity Report

Table of Contents

INTRODUCTION	7
MAIN FOCUS	8
ACHIEVING OBJECTIVES	22
GESAC INTERNAL FUNCTIONING	30



Véronique Desbrosses

General Manager of GESAC



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2017 was particularly intense. The European Commission's proposals for copyright reform entered a crucial phase of scrutiny by the European Parliament and the Council, and one of the major topics of interest for GESAC – the transfer of value – required major awareness-raising efforts, the main event of which was the “Meet the Authors” held on 30 May which fostered direct exchanges between creators from across Europe and high-level officials from European institutions such as Vice-President Ansip, Commissioner Navracsics, the Ambassadors of France and Spain, and many MEPs.

Thanks to GESAC's efforts this topic, which not even two years ago was still unknown to many of our interlocutors, has over the months become one of the most discussed in Brussels, and GESAC has succeeded in rallying several European rights holders' organisations to the cause.

This growing awareness in Brussels of the value of joining forces to defend the main principles of copyright is one of the main things to remember about 2017. It resulted in a large number of joint actions on the various topical issues, including the transfer of value of course, as well as exceptions, direct injection and geo-blocking. The actions, which brought together up to 29 organisations from various sectors – creation, publishing and production – may prove to be the beginning of a more structured European coalition of the creative sector, a major project which GESAC began working on in late 2017 and which should be completed in 2018.

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01

Main Focus of GESAC



**COPYRIGHT
REFORM**



**SOME OTHER
ISSUES**



COPYRIGHT REFORM

The copyright reform is a unique opportunity to put an end to some loopholes in the European legislative framework. A loophole like “safe harbour” has allowed some user uploaded content (UUC) platforms to become the main providers of access to cultural and creative works, while denying creators a fair share of the revenues generated.

Fixing this loophole will not only bring fairer remuneration for creators, but it will also create a more efficient online market based on a level playing field that drives economic growth and job creation in CCI. Other copyright loopholes that give some market

players the room to avoid copyright liability, such as Direct Injection in the Broadcasting Regulation part of the copyright reform, are also important to tackle and are part of the GESAC priorities.

Proposal for a Directive on Copyright in the Digital Single Market

Although the transfer of value is a priority in the Copyright Directive for GESAC, other topics were carefully monitored and were the subject of joint actions with other rights holder organisations. This includes our actions with EVA and FEP on exceptions for example.





DEAR EUROPEAN UNION, PLEASE FIX THE TRANSFER OF VALUE

SINCERELY, CREATORS.

SIGN THE PETITION AT [MAKEINTERNETFAIR.EU](https://makeinternetfair.eu)

TRANSFER OF VALUE (TOV)

The transfer of value provisions in the Copyright Directive proposal clarify that user uploaded content (UUC) platforms like YouTube make protected works available under copyright law. It goes on to state that the safe harbour non-liability regime does not apply to these platforms when they play an active role. These provisions are key to bringing long overdue fairness to the digital market and providing an adequate solution to the mass funnelling of value generated from cultural and creative works to platform services.

EU COMMISSION

In the Commission, ToV is one of Vice-President Ansip and the new Commissioner responsible for the economy and the digital society, Mariya Gabriel's priorities, but there are still diverging opinions within this institution. The Legal Service for example, which plays an important role and attends the Council's meetings, is reluctant to clarify the fact that operators are conducting an act of communication to the public.

EUROPEAN PARLIAMENT

In the European Parliament, the transfer of value is one of the most discussed and controversial subjects in the 5 involved parliamentary commissions (Internal Market and Consumer Protection Committee - IMCO, Culture and Education Committee - CULT, Industry, Research and Energy Committee - ITRE, Civil Liberties, Justice and Home Affairs Committee - LIBE and Legal affairs - JURI). The file is led by MEP Axel Voss who replaces Mrs. Comodini in the Legal Affairs Committee (JURI). IMCO shares its competence with JURI over matters pertaining to Article 13 and Recitals 37-39 of the proposal.

Considering the negative first draft opinions from the different Committees, GESAC put a lot of effort into contacting as many MEPs as possible to table their amendments. Intensive lobbying

activities were held in Strasbourg during the plenary sessions and in Brussels towards MEPs, their assistants and political advisors. A large number of key MEPs from different political groups and different countries have tabled and supported some excellent amendments. However, some confusing or negative amendments have also been tabled which has led to complexity and uncertainty.

Most of the political groups are divided on the subject. The Directive is attracting a lot of attention, as shown by the considerable number of amendments filed by MEPs in the five Committees involved in the issue: over 2,500 amendments were tabled, 552 of which related to the ToV. Of these 552, 331 are favourable amendments mainly put forward by the GESAC community (the Secretariat and lobbyists from the GESAC member societies).

4 Committees voted their opinions in 2017: two were negative and two were positive. The IMCO opinion adopted in June 2017 and the LIBE opinion adopted in November 2017 are dismantling the solution proposed by the Commission and the adopted wording is very negative, misleading and unhelpful.

The opinions adopted by the ITRE and CULT Committees in July were positive, offering clarification and further reinforcing the initial provisions proposed by the Commission. These positive developments are the result of several weeks and months of intensive lobbying from the GESAC Secretariat towards key MEPs (rapporteurs, shadow rapporteurs, coordinators) on the debate as well as a remarkable effort from GESAC members to mobilise their national MEPs.

There were several joint initiatives (events or letters) such as:

- GESAC together with other rights holder organisations organised an event attended by Commissioner Mariya Gabriel, in charge of the Digital Agenda, replacing Günther Oettinger, Rapporteur Axel Voss and other influential MEPs in Strasbourg.
- On GESAC's initiative, a strong joint statement on the transfer of value co-signed by almost 30 umbrella organisations from various cultural sectors and from different rights holders (book and press publishers, music publishers and producers, authors from all sectors, the audio-visual sector, film distributors, football leagues etc.) was sent to MEP Axel Voss and to key decision makers.

The vote in the JURI Committee is expected to take place during the first quarter of 2018.



COUNCIL

The Council only started to work intensively on the transfer of value in September, under the Estonian Presidency. Many aspects of the issue have been discussed, analysed, criticised and addressed. The main discussions so far have been about whether or not to clarify the right of communication to the public, which criteria should be used to qualify communication to the public, how to ensure legal certainty for uploaders, the liability regime of user uploaded content services etc. The Estonian Presidency tabled several wording proposals in quick succession and closed its work with poor and worrying texts on copyright and without having agreed on the direction to take on transfer of value.

At the end of 2017, discussions around the transfer of value issue remained very open in the Council. Several Member States had expressed their interest in addressing the issue of transfer of value (France, Spain, Italy, Portugal) but even though the vast majority of Member States agree with the general objective, the problem of how to achieve it still remains. Several Member States asked questions of the Legal Service of the Council, which has provided a broad but useful answer, and which has calmed and avoided some of the negative views raised by certain Member States. The Legal Service has clarified that the provisions of the draft directive are compatible with the Community acquis, and in particular with the Charter of Fundamental Rights and with the e-commerce directive. The ALAI Executive Committee also published a useful resolution on transfer of value provisions. This document gives a clear signal that the world's most authoritative academics and lawyers in copyright fully support the text from the Commission.

Robert Ashcroft

Chief Executive Officer at PRS for Music



“

Ensuring creators are paid fairly when their works are used online by fixing the transfer of value is one of the highest priorities for PRS for Music. In 2014 we observed the continued growth of online platforms at the expense of rights holders as a direct result of the limitations to copyright in the E-Commerce Directive. With a strong, co-ordinated and evidence-based campaign, GESAC and its members have not only achieved widespread awareness of this issue, but also secured the support of the European Commission for a meaningful legislative solution. As we reach the final few months of debate on the proposed Copyright Directive, it is more important than ever that the GESAC community, in partnership with the wider creative sectors, are fully mobilised in both Brussels and the member states, to support a legal framework that protects authors' rights online.

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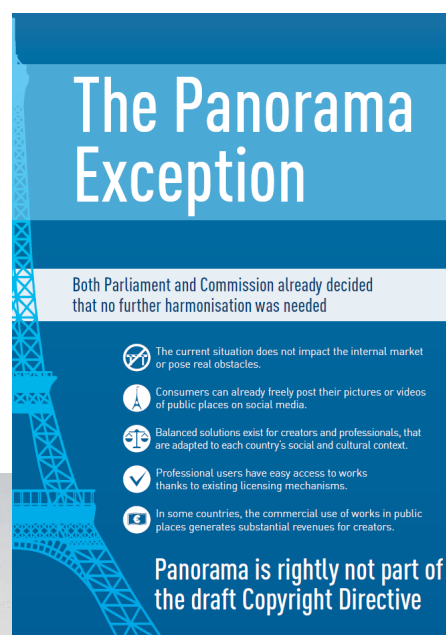
PANORAMA EXCEPTION

The issue has been raised again with the adoption of the reports by the different European Parliament Committees involved in the reform of copyright file, despite both the European Commission, with its draft proposal for a directive on copyright, and the European Parliament, with its own initiative report on the implementation of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society from June 2015, having decided that nothing warranted making the optional panorama exception compulsory.

Lobbying from parties that have a vested interest in using images for potential commercial purposes while escaping liability has been intense and several amendments from all political groups requiring mandatory exception for all usages have been tabled and had to be fought.

Awareness raising actions (update of the panorama brochure, joint letters from GESAC/EVA, joint statement from several organisations: EFJ European federation of journalists, EVA, CISAC, FEP European federation of publishers, CIAGP) were carried out to explain the panorama exception issue and why no further harmonisation was needed. The European Commission decided not to include the panorama exception in its proposal for a copyright directive after a comprehensive consultation with all stakeholders. These actions aimed to remind MEPs that this request for a mandatory exception was devoid of any serious foundation and would be to the detriment of creators. It would only help big operators in their attempt to force a change in EU legislation to allow any commercial use or modification of works, including of protected works, without authorisation.

These actions were successful and there is no mention of the Panorama exception in the Opinions of the CULT and ITRE Committees, whereas this was included in the IMCO Opinion.



The Panorama Exception

Both Parliament and Commission already decided that no further harmonisation was needed

- ✓ The current situation does not impact the internal market or pose real obstacles.
- 📱 Consumers can already freely post their pictures or videos of public places on social media.
- ⚖️ Balanced solutions exist for creators and professionals, that are adapted to each country's social and cultural context.
- ✓ Professional users have easy access to works thanks to existing licensing mechanisms.
- 💰 In some countries, the commercial use of works in public places generates substantial revenues for creators.

Panorama is rightly not part of the draft Copyright Directive



Proposal for a Regulation on certain online transmissions of broadcasting organisations and retransmission of TV and radio programmes

GESAC's priorities with regards to the draft Broadcasting Regulation are direct injection, an issue that raises serious concerns due to the SBS judgment, the extension of the mandatory collective management system to certain other retransmission services that operate on open networks and the

consequences of the Zürs.net ruling which states that in the event of a retransmission of nationally-available channels there is no new public and hence no communication to the public to be licensed, which is against the Bern Convention and EU law.

EUROPEAN PARLIAMENT

GESAC has been extremely active through direct contacts, info emails and social media activity, as well as joint actions with AGICOA and SAA, to convince MEPs to take on board the legitimate requests of authors on this file.

The most controversial issue that has held up the regulation's adoption process was that of the country of origin. Some MEPs wish for it to be expanded, and others support GESAC and wish to abolish the use of this principle, or at the very least maintain a very limited definition in line with what is proposed by the European Commission.

4 Committees (JURI, ITRE, IMCO and CULT) were involved. The report adopted by the IMCO Committee was not good but, following a difficult political process, the ITRE and CULT Committees approved opinions taking on board all of GESAC's key points.

As a result of the strong mobilisation of the GESAC community, a positive report was also adopted in the JURI Committee which includes a limited scope for the country of origin principle, a provision on Direct Injection and a solution on the Zürs.net ruling. This result and the mandate given by the JURI Committee to start the trilogue negotiations on behalf of the Parliament was challenged by the Rapporteur himself, MEP Wölken, in plenary. After a strong battle, the mandate was finally confirmed in Plenary with a clear majority.





COUNCIL

The Estonian Presidency ended its 6 months' Chair of the Council on copyright, focusing on the Broadcasting Regulation and succeeding in being given a mandate by COREPER. The Trilogue negotiations are to start in 2018 with the aim of finding a final compromise to be approved by the EP, the Council and the Commission.

Interinstitutional “trilogue” negotiations have become standard practice for the adoption of EU legislation. They enable the co-legislators – the Commission, the Council and the European Parliament – to reach an agreement at any stage of the legislative procedure. Any provisional agreement reached in trilogues is informal and therefore has to be approved by the formal procedures applicable within each of the two institutions. This means that a set of meetings will be organised between representatives of the Parliament, the Council and the Commission who will try to come to a compromised text. The discussions will take place on the basis of the texts adopted by the institutions (the initial draft proposal for a regulation from the Commission, text approved in the JURI Committee in the EP and confirmed in Plenary, and the text adopted by Member States within COREPER).

On the Parliament side, Trilogue negotiations involved the Chair of the JURI committee, as the rapporteur withdrew his name from the report after losing the confidence vote in plenary, and at least the shadow rapporteurs from each political group that wishes to participate. From the Council's side representatives of the Presidency of the Council of Ministers are involved. The Commission is equally present and acts as a mediator, with a view to facilitating an agreement between the Council and the European Parliament. It is represented by the person responsible for the dossier, typically the Deputy Director General Claire Bury for copyright files and the Commission's Secretariat-General. The Trilogue discussions on the broadcasting regulation are likely to start at the end of January 2018.



The final Presidency Compromise proposal, which will be the basis for the Bulgarian Presidency to start the 'Trilogue negotiations' with the European Parliament and the Commission:

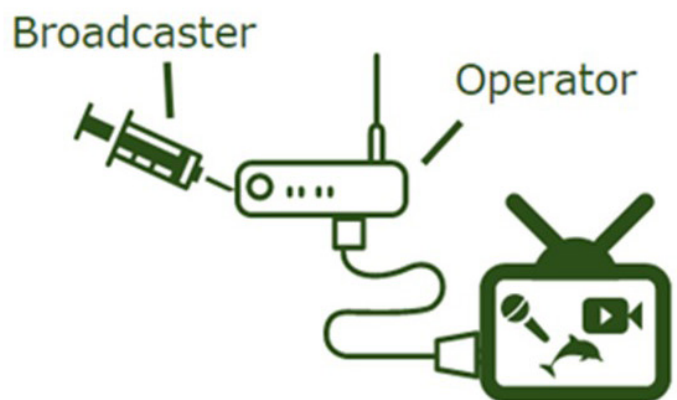
- Has a very limited definition of the country of origin (it excludes sport and for TV is limited to news/current affairs and programmes that are fully financed and controlled by the broadcaster);
- Extends the scope of the regulation to retransmission services which are offered through internet access services when they are provided to a controlled circle of users, which in a way is slightly broader than the Commission proposals.

Unfortunately, despite a call to address direct injection from a couple of countries, the approved text in the Council doesn't include this issue. Some countries say they would prefer to have a provision requiring an impact assessment study.

The Council text does not include solutions regarding the Zürs.net ruling either. Although we have allies because this judgment affects more than just the authors, the European Commission has not yet taken a position in this regard, and only Germany has raised the issue in the Council. Demand from Member States was not sufficient.

Lobbying Member States at national level is therefore critical to make sure that during Trilogue negotiations, direct injection as well as the Zürs.net ruling are addressed.

More and more broadcasters do not have a separate broadcasting signal but send (inject) their programmes directly to providers of TV packages. Because of this technicality, the applicable regime has become unclear.



The Regulation should clarify that:

in the case of direct injection, the broadcaster and the service provider shall both be liable and get separate licences

SOME OTHER ISSUES

TRANSPPOSITION OF THE CRM DIRECTIVE

At the end of December 2017, 5 countries still needed to formally answer the Commission regarding the transposition of the law: Spain, Luxembourg, Poland, Romania and Bulgaria. The other countries are at different stages of its implementation and have sometimes differing approaches. GESAC's exchange of information has helped find solutions relating to the most discussed issues (electronic voting, proxy, independent management entities, comparability of transparency reports, etc.). It must be noted that some

of the provisions discussed (mandatory collective management, extended collective licenses, etc.) in the context of the discussions on the draft Copyright Directive and the Broadcasting Regulation have an impact and may contradict the principles of the CRM Directive. GESAC is drawing the Commission's attention where necessary.

GEO-BLOCKING REGULATION

The main issue in this file was the extension of the scope of the regulation to copyright content services. This extension was envisaged at some point by the European Commission, but following last minute discussions with GESAC and its allies, it finally decided not to include copyright content in its proposal for a regulation.

Unfortunately, the European Parliament decided to propose the inclusion of these services in the scope of the Regulation. GESAC, together with a wide range of other rights holders from all sectors, as well as online services such as Deezer, Spotify and Digital Europe, deployed strong lobbying efforts to oppose this extension, that would prevent online services from providing offers adapted to their consumers in different countries with price differentiation and which would complicate existing licensing mechanisms. However, this has not been enough to keep the majority of MEPs on our side.

The issue was addressed within the Trilogue negotiations between the EP, Council and Commission, which started at the end of May and the political agreement reached in November 2017

excludes, as proposed by the European Commission, digital copyrighted content, such as e-books, music or video games.

However, two years after the new rules enter into force, the Commission will carry out a first evaluation of their impact on the internal market. The evaluation will include a possible application of the new rules to certain electronically-supplied services which offer copyright protected content such as music, e-books, software and online games.

The Council and the European Parliament will have to endorse the draft regulation in the coming months. (the draft law is due to be voted by the full Parliament in 2018 and then formally approved by the EU Council of Ministers). Following formal adoption, the regulation will be published in the EU's official journal and will be applicable nine months after its publication.

PORTABILITY

In June 2017, the Council adopted new rules to allow consumers to access their portable online content services when they travel in the EU in the same way they access them at home.

Although this will not directly affect the music sector (strongly represented within GESAC), which has already been providing multi-territorial licenses,

including portability, for many years, GESAC welcomes all initiatives that enable consumers to access more content more easily, within a clear legal framework that ensures a fair deal for all parties involved.

The Cross-Border Portability Regulation will start to be applicable in the first quarter of 2018.

SETTING UP A EUROPEAN COALITION OF THE CREATIVE SECTOR

The idea of setting up a “European coalition of the creative sector” based on general principles adopted by the Board and the General Meeting and the feasibility of this project is being looked into.

The European coalition could be officially launched in the first half of 2018 at the Elysée during an event organised by France Créative. The objective would

be to have representatives of several cultural and creative industries from at least 6 to 8 countries whose heads of state would come to the launch event in France, and to adopt 5 to 10 key messages/proposals in view of the role and importance of culture, the 2019 elections and the new Commission.

Jean-Noël Tronc

Chief Executive Officer at SACEM



© Jean-Baptiste Millot

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“The idea of setting up a European coalition of the creative sector is based on the success of the France Creative initiative, a platform gathering leaders of the cultural and creative industries which has proved to be an effective tool for the promotion of our sectors. France Creative published the very first French study on the economic weight of these industries, which has inspired the landmark study on the European Cultural and Creative sectors at GESAC’s initiative. The European elections will take place in a year’s time and we need to present a common front and an agenda for the creative and cultural sector. Since GESAC represents authors from a large spectrum of artistic fields, it is well placed to be at the forefront of this initiative.”

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ALAI /GESAC PROJECT FOR A EUROPEAN AUTHORS' PRIZE

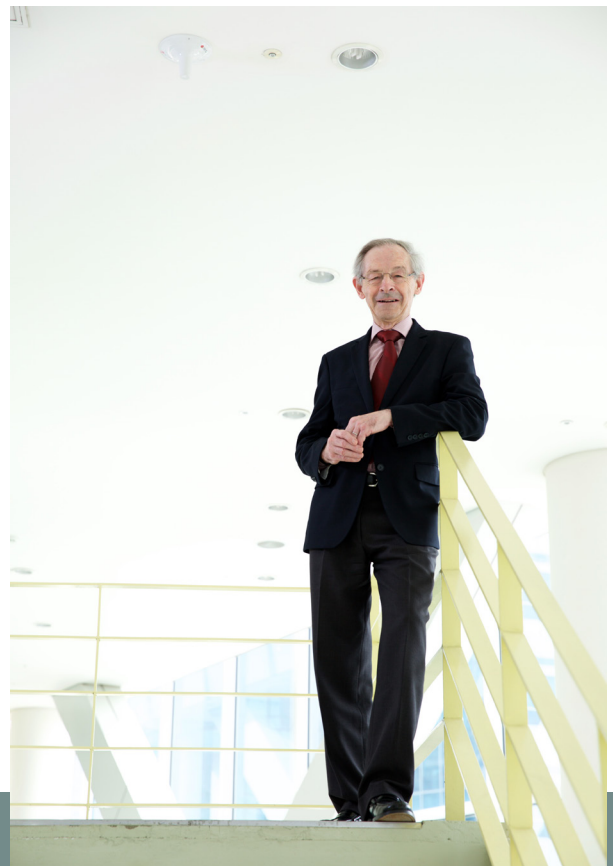
Enhancing the training of a new generation of IP experts and students on authors' right/copyright and collective management is a shared ALAI and GESAC priority which both organisations aim to work towards.

In light of these common objectives, ALAI and GESAC have shown an interest in setting up a joint project consisting of an "ALAI European Authors' Right Award - supported by GESAC" and will reward one or two students for their research work on a subject related to authors' right with a European dimension and relevant to the collective management of authors' rights.

The General Meeting unanimously approved the project for a period of 5 years. The project will be re-examined after 5 years, and a decision will be taken as to whether or not it should be continued.

Professor Franck Gotzen

President of the International
Copyright Association ALAI



“

ALAI and GESAC's networks, expertise and experience could efficiently be leveraged in this joint project focused on the young generation of copyright lawyers and academics. In the long run, it will contribute to enhancing awareness of authors' rights and the collective management of rights in the EU and in non-EU countries, for the entire legal profession.

”

ECONOMIC AND BUSINESS DATA COLLECTION ON EUROPEAN AUTHOR'S SOCIETIES

Since 2015, GESAC has published an annual report delivering key messages on the positive role of authors' societies in Europe and data to support these messages. The aim is to give more visibility to our sector and to support our key messages on collective management and author's right in Europe. The project was handled by an external consultancy firm, PMP partners, which worked in close collaboration with a Steering Committee.

Since the data collected proved to be very useful to GESAC's communication and lobbying activities, the Board gave its approval for the continuation of the project. Since the CRM Directive already

requires that certain data is made publicly available, and also for cost-saving reasons, GESAC members decided to entrust the task of collecting and aggregating the data to the Secretariat, starting in 2018.

RESALE RIGHT

The EVA CISAC GESAC campaign for a global adoption of the resale right continued in 2017. The matter was discussed in WIPO's Standing Committee on Copyright and Related Rights (SCCR). WIPO also hosted an important conference where an economic study showing that there was no negative impact on prices and sale volumes in countries where the right has been introduced was presented.

In Brussels, GESAC regularly reminds DG Trade of the importance of promoting the resale right in bilateral relations with third countries.

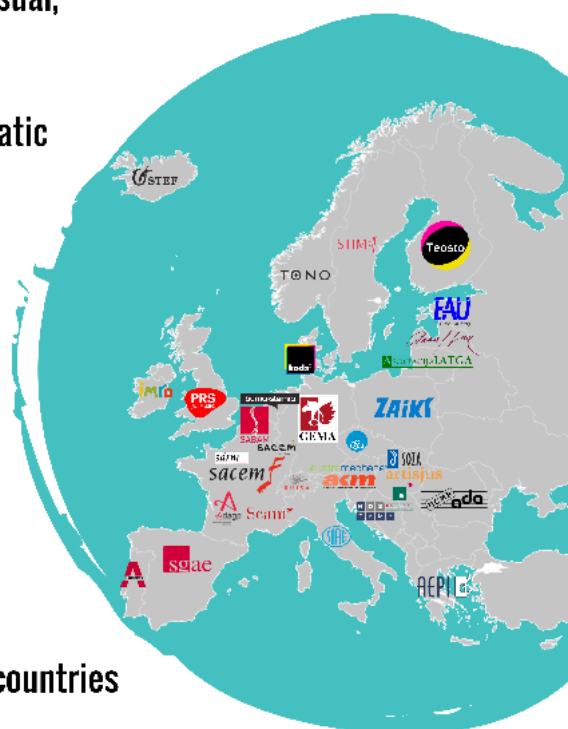


EU authors' societies in numbers

2016

32 societies of musical,
audiovisual,
visual,
and dramatic
& literary
works

in
27
countries



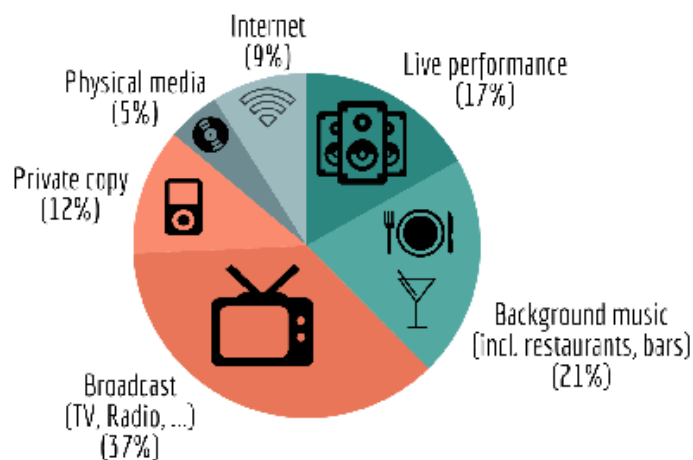
EU COMMISSION'S IPR DIALOGUE WITH EU AND THIRD COUNTRIES

GESAC was in contact with DG Trade regarding the European Commission's IPR dialogue with third countries and sent a joint BIEM/CISAC/GESAC submission on the Ukrainian draft law. GESAC also sent information provided by CISAC to DG Trade on copyright and collective management in China, Kazakhstan and Albania.

GESAC was also in contact with DG Trade regarding the wartime prolongations in Japan.



**In total, €5 billion
in royalties were collected**



Please note that this pie chart excludes 18% of collections categorised as "Others" that include international collections and mandates



and
**some €4.2 billion
were distributed***

That's 83% of the
collected amounts
in 2016

* Amounts not distributed mainly cover the management fee and royalties still in the pipeline to be distributed

2018



02

ACHIEVING OBJECTIVES

Providing constant and updated information

GESAC members were regularly informed about EU policy and debates conducted on the various topics of interest like copyright, transfer of value, panorama exception, geo-blocking, broadcasting, direct injection, portability, CRM Directive implementation, ECJ and national cases, EUIPO activities, GESAC's project for collecting data on the GESAC community, the joint ALAI GESAC project for a European Authors' Right Award, EU digital trade policy etc.

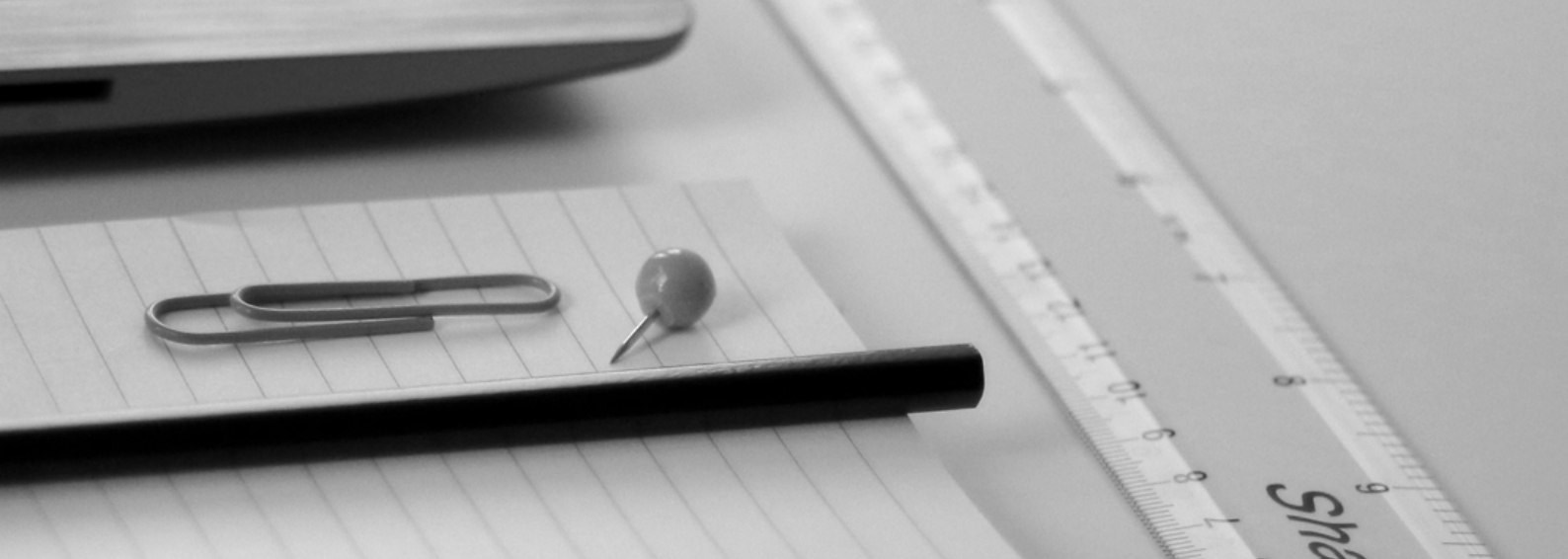
GESAC OUTPUT – *analyses, updates*

+100s of

emails, memos,
questionnaires and
documents on current
affairs.

57

position papers, letters
or common letters, and
answers to consultations.



Consensus building and voicing GESAC's positions

IN 2017, GESAC ATTENDED 339 MEETINGS INCLUDING:

- **Internal meetings** aimed at finding common views between GESAC member societies (more details below): Madrid Group meetings that gather legal experts, PAC meetings (Public Affairs Committee) that gather Brussels-focused public affairs and communications experts, as well as Board meetings and General Meetings.
- **Meetings with EU Commission officials, Permanent Representation officials and MEPs** to present and explain our positions.
- **Meetings with stakeholder organisations** to share information and develop common positions on certain issues.
- **EU meetings, hearings, conferences and various other events** to collect information and share GESAC positions.
- In addition to the many one-to-one meetings, **more than 134 MEPs, assistants or administrators, EU Commission and Permanent representations officials** were reached out to during the various gatherings organised by GESAC in Brussels and Strasbourg.

GESAC OUTPUT – 339 meetings

155

face-to-face
meetings with
policy makers

134

policy-maker
attendance to
GESAC events

68

meetings with
stakeholders

46

internal
meetings

70

attendance to events, hearings,
conferences etc.

The key involvement and contribution of GESAC members

With their key influence not only in the European capitals and national authorities in Brussels, but also with the European Parliament and Commission, members were decisive in their contributions to GESAC efforts. The effective network of experts and influential lobbyists of GESAC members all over the EU gave GESAC extra weight and a megaphone effect when needed.

The input of GESAC members proved to be key for many actions, namely:

- members of the Board for their constant mobilisation, notably on the ToV and the direct injection issues;
- experts from the Madrid Group for actions on the copyright package;
- communications directors and lobbyists from PAC for mobilising authors and bringing them to GESAC's events.

Advocacy tools

In order to make complex issues more accessible and to further promote GESAC positions, a number of studies were funded and tools were developed. These tools enabled GESAC to shed light on the necessity to address the transfer of value, the direct injection and the panorama exception issues. They were also incremental in ensuring a basic understanding of the issues at stake for GESAC and its members' contacts in the European Institutions.

The reports commissioned in 2014 from EY (Creating growth – Measuring cultural and creative markets in the EU) and Roland Berger in 2015 (Cultural Content in the Online Environment: Analyzing the Value Transfer in Europe) by GESAC are still useful. They provided powerful messages and gave authors' societies a presence outside the world of culture by highlighting the importance of their contribution to economic growth and employment.

GESAC OUTPUT - *studies, brochures, infographics*

Prof. Lucas-Schloetter's study on the Transfer of Value Provisions of the Draft Copyright Directive (recitals 38, 39, article 13)

Brochure "EU authors' societies in numbers – 2016"

Flyer on panorama exception (update)

The PMP study (data on CMO's that are members of GESAC)

Communication actions

The main event organised by GESAC in 2017 was the second big scale “MeetTheAuthors” (MTA) on 30 May. Based on the data and feedback we received it was undoubtedly a big success. The event was attended by more than 300 people, including around 70 authors, 20 MEPs, 12 EU Member States, 2 Commissioners and 10 officials from the Commission, 15 journalists and more than 50 representatives of various stakeholders. The event also had a large and very positive press coverage. With the parallel lunch/dinner/breakfast events and direct meetings organised by GESAC members, its impact reached even wider.

Its impeccable timing served to counter-balance the strong new offensive from the tech industry against transfer of value provisions. Their letter calling for the deletion of the provisions on transfer of value was immediately neutralised by a creators’ call which was read by Daniel Buren, a French visual artist, during the MTA. The call became a petition on the day of the event. GESAC members will be asked to speak about the petition in their newsletters and to circulate the message internally at first.

The creators’ demands were also echoed by several key EU decision makers such as MEPs Christian Ehler, Pervenche Berès, Giorgios Grammatikakis, Commissioner Navracsics, Spanish Ambassador Juan Aristegui and French Ambassador Pierre Sellal, etc.

Most GESAC member societies were strongly involved in making the event a success.

Gesac organised 6 other events in Brussels or Strasbourg, including 4 events on the transfer of value/value gap jointly organised with other rights holder organisations.

Dr Harald Heker

Chief Executive Officer at GEMA



“

“Together with GESAC, the European CMOs have succeeded in anchoring the transfer of value in EU policy. Being on the finishing straight right now, we must continue to accompany the political process on the EU Copyright Directive in a coherent manner and to consistently support politicians with the important legal and economic expertise we can provide. The voices of our creators are also vital in achieving the right solution, which is why it is so important that they are present in the debate.”

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GESAC OUTPUT

Meet the Authors event on 30 May in Brussels was attended by 70 authors, 20 MEPs and assistants, 12 EU Member States representatives including Spain and French Ambassadors, Commissioner Andrus Ansip and Commissioner Tibor Navracsics and 10 officials from the Commission

Strasbourg lobbying sprints in January, March, April, July, September, October and December

Light
website
update

37
news items
on website

8
press
releases

Dialogue and cooperation with rights holder/ stakeholder organisations

In the interest of finding allies, developing synergies, exchanging views and undertaking joint actions when appropriate, GESAC contacted and met with other cultural and creative sector organisations in the context of various informal structures and alliances.

GESAC OUTPUT - *alliances*

Letters, declarations, statements :

Joint letter on the transfer of value: ACT, CEPIC, ECSA, EPC, GESAC, ICMP, IFPI, IMPALA and Mediaset – 27 February

Joint letter on the panorama exception: GESAC- EVA – 27 February

Joint letter on the transfer of value: ACT, CEPIC, ECSA, EPC, EVA, GESAC, ICMP, IFPI, IMPALA, MEDIASET and TF1 – 13 March

Joint declaration on direct injection: GESAC, SAA, AGICOA, FERA and FSE – 19 June

Joint letter on Geo-Blocking: ACT, CEPI, Deezer, DIGITALEUROPE, ECSA, Europa Distribution, Europa International, EVA, FIAD, FIAPF, GESAC, ICMP, IFPI, IMPALA, ISFE, IVA, MPA, Sports Rights Owners Coalition, Spotify, UNIC – 1 June

Joint Declaration on direct injection: AGICOA, EUROCOPYA, FERA, FSE, GESAC and SAA – 20 June

Joint declaration on direct injection AGICOA, ECSA, Eurocinema, FERA, FSE, GESAC, SAA
Authors – 3 September

Joint letter on the panorama exception: GESAC- EVA – 23 September

Joint letter on the panorama exception: GESAC- EVA – 6 October

Joint statement on the value gap/transfer of value: ACT, CEPIC, CEPI TV, CIAGP, CIAM, CISAC, DFL, ECSA, EFJ, EPC, EURO CINEMA, EUROPA DISTRIBUTION, EVA, EWC, FEP, FERA, FIAD, FSE, GESAC, ICMP, IFPI, IMPALA, IMPF, LaLiga, Premier League, SAA, TF1, UNIC, W&DW -
11 October

Joint letter on the panorama exception: FEJ, EVA, CISAC, FEP and CIAGP – 23 October

Joint declaration to support the system of collective rights management: AEPO-ARTIS, AGICOA, ECA, EVA, FERA, FIM, FIA, FSE, GESAC, UNI MEI and SAA – 10 November

Joint position on exceptions in the draft copyright Directive: ACT, CEPIC, EIBF, EMMA, ENPA, EPC, EVA, EWC, FEB, FIAPF, GESAC, ICMP, IFRRO, IFPI, IMPALA, ISFE IVF, MPA, NME, STM and UNIC– 23 November

Joint statement on transfer of value

Value Gap

To the attention of MEP Axel Voss



Joint lobbying events :

Lobbying event on the transfer of value/value gap in the European Parliament organised by GESAC and IFPI with the support of ACT, CEPIC, ECSA, ICMP, IMPALA and Mediaset – hosted by MEPs Comodini Cachia and Rozière. Attended by 10 MEPs, 21 advisors/assistants and 9 Member States representatives – 25 January

Lunch briefing session on the transfer of value/value gap for the Council's Working Party organised by GESAC and IFPI with the support of ACT, CEPIC, ECSA, ICMP, IMPALA and Mediaset – attended by 16 Member States and national delegations - 16 February

Walking dinner on the transfer of value/value gap organised by GESAC and IFPI for the experts of the Council Working Group – 20 countries representatives attended this event - 11 September

Breakfast discussion on the transfer of value/value gap organised by GESAC, ACT and IFPI. It was hosted by MEP Cavada and attended by Commissioner Gabriel in charge of the Digital Agenda, replacing Commissioner Oettinger, Rapporteur Axel Voss and other influential MEPs – 13 September.

Support to GESAC members

GESAC provided support to its members whenever requested and worked on actions at national level relating to specific issues (for writing letters to European or national authorities or collecting information for example).



03

GESAC INTERNAL FUNCTIONING



PRESIDENCY OF THE GROUPING AND BOARD

The Board is composed of Christophe Depreter (President), Robert Ashcroft (Vice-President), Anders Lassen (Vice-President), Jean-Noël Tronc (Vice-President), Gernot Graninger, Harald Hecker, José Jorge Letria, Luis Palacios, and András Szinger.

In 2017, the Board held quarterly meetings to discuss the development of the EU dossiers, to review the grouping's strategy, and to make recommendations for the General Meeting.

GENERAL MEETINGS

GESAC holds two general meetings each year where the main lines of the GESAC strategy as defined by the secretariat, together with its Board are approved. It also serves as an opportunity to share information between societies. In general, a member of the European Commission Copyright Unit gives a presentation to provide an update on the latest news in terms of the European vision on copyright.



INTERNAL WORKING GROUPS

Madrid Group

The Madrid Group is a working group that is open to any society that wishes to take part. It is chaired by Tobias Holzmüller from GEMA. The vice-chair is Caroline Bonin from SACEM. Legal experts that were active in 2017 represented AKM, ARTISJUS, BUMA, GEMA, KODA, OSA, PRS, SABAM, SACEM, SGAE, SIAE, SOZA, STIM, TEOSTO, TONO and ZAIKS. It is a think-tank composed of legal experts who examine ongoing files. Its work results in position papers and contributions to the Commission's consultations. CISAC attends the meetings in the capacity of an observer.

In 2017, the Madrid Group met 8 times and did crucial work for the drafting of GESAC position papers on all major issues.



PAC

Public Affairs Committee

The Public Affairs Committee gathers the persons specifically appointed to work on Brussels advocacy, if any. Participation is open to any members with an interest. It is chaired by Héloïse Fontanel from SACEM. The vice-chair is Robbert Baruch from BUMA. In 2017, lobbyists for the following members actively attended the Committee meetings: BUMA, GEMA, KODA, PRS, SACEM, SGAE, TEOSTO and ZAIKS. On occasion, other societies have joined in a PAC meeting, either by phone or in person. PAC met 10 times in 2017.

In light of the copyright reform and in order to maximise efficiency, through the PAC, members maintain a common line when approaching EU decision-makers. The PAC's objectives include:

- Exchanging information on lobbying actions & EU current affairs
- Preparing and designing new lobbying actions/ events aimed specifically at Brussels/Strasbourg
- Approving the communication materials GESAC provides, based on Madrid Group work
- Coordinating lobbying efforts (dispatching amendments, exchange of information on policy-makers, etc.).

Where necessary, members of the PAC are involved in the work of other groups such as the steering committee for the annual GESAC figures. In addition, the chair and vice-chair of PAC regularly attend the Madrid Group meetings to ensure coordination between the two groups.

Steering Committee in charge of monitoring the data collection project relating to the GESAC Community

The data collection project relating to the GESAC community was handled by the external consultancy firm PMP partners which worked in close collaboration with a Steering Committee composed of representatives of AKM, ARTISJUS, GEMA, PRS, SACEM, SGAE and ZAIKS and a network of financial experts.

The President and Vice-President of the GESAC Communication Committee were also members of this Steering Committee in charge of monitoring the project and determining the type of data to be collected. The CISAC attended the meetings in the capacity of an observer.

GENERAL SECRETARIAT

The General secretariat is made up of six people. From left to right are Alexia Pickard, Policy Officer; Burak Özgen, Senior Legal Advisor; Véronique Desbrosses, General Manager; Martine Rezzi, Senior Legal Advisor; Catherine Navet, Office Manager; and Aurelia Leeuw, Senior Communication and Public Affairs Officer.



TRANSPARENCY AND ACCOUNTABILITY

The General Secretariat's daily work and actions were detailed to the CEOs of GESAC member societies in the reports that were sent out on a monthly basis.

KPMG is in charge of the control of GESAC's annual financial accounts.

MEMBERSHIP

Since December 2017, UCMR-ADA is no longer a GESAC member. GESAC currently counts 31 members in the EU, Iceland, Norway and Switzerland.







2017



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