

Ms Neelie KROES
Vice-President
responsible for the Digital Agenda

Ms Androulla VASSILIOU
Commissioner for Education, Culture,
Multilingualism, Sports, Media and
Youth

Mr Michel BARNIER
Commissioner for the Internal Market
and Services

European Commission
BERL 10/034
B – 1049 BRUSSELS

28 November 2012

Dear Vice-President Kroes, Commissioner Vassiliou and Commissioner Barnier,

In response to the huge economic, social and political challenges facing it, Europe must mobilise the strengths that it derives from the vitality of its culture. The European Commission stressed this urgency in the Communication on the cultural and creative sectors that it adopted under your impetus on 26 September 2012. It is now time to draw the necessary consequences for all the Union's policies. As ministers of culture, we wish to contribute to this imperative through this letter.

More than ever, the creation of cultural works in Europe must be recognised as a major issue. Our continent's influence in the world and its prosperity are at stake. We are certain that the Creative Europe programme on which we are working with Commissioner Vassiliou will make a valuable contribution in this respect. However, many other dimensions need to be considered.

Firstly, intellectual property rights must be seen as the guarantee of remuneration for creators. While the digital revolution requires us to modernise copyright, it remains essential for the viability of creation and cultural diversity. A Europe without a modern and ambitious copyright framework would be a continent reduced to consuming content, often imported from one country, forgetting its cultural heritage and failing to renew and enrich it.

The Commission is aware of this in the implementation of its strategy in favour of an internal market for intellectual property rights initiated by Commissioner Barnier. A first success has just been achieved with the adoption of the directive on orphan works. The draft directive on collective management and online music licensing is mobilising our energies. On the distribution of audiovisual works and on private copying, we are sure that it is possible to find solutions corresponding to this vision of a modern and ambitious copyright framework.

Secondly, it is necessary in the new digital cultural economy to ensure that the interests of distributors and users of works are not systematically given precedence over those of the works' creators. In this respect, the digital agenda strategy led by Vice-President Kroes is of crucial importance.

While the giants in the digital distribution of cultural content make an obvious contribution to economic vitality and the new creative economy, they do not spontaneously share all our public policy objectives. In the case of competition policy or the protection of personal data, everyone has realised this and the legitimacy of the regulations is not challenged. It should be the same in the cultural sector. Just as Europe was able in the past to sustain an ambition for creation in Europe through financial instruments and legislative texts, so that ambition must remain at the forefront in the new digital context.

Thirdly, we must retain the possibility in each Member State of conducting cultural policies adapted to the major challenges facing us. When dealing with the key players in the digital economy, the dialogue is always unbalanced, even for the most proactive Member States. In this dialogue, Europe should be a help and an influence-multiplying voice. From taxation to the internal market and from the digital agenda to trade and competition policies, this issue is omnipresent. The legitimacy of policies to encourage and support creation should be more fully recognised. It is not just a question of protecting existing policies; it is also a question of agreeing on the need to make possible ambitious policies for the creative sector.

Thank you for your mobilisation on these major subjects.

Yours sincerely,

Ms Claudia SCHMIED, Minister of Education, Arts and Culture of the Republic of Austria

Ms Fadila LAANAN, Minister of Culture, Audiovisual, Health and Equal Opportunities of the French Community of Belgium

Mr Vezhdi RASHIDOV, Minister of Culture of the Republic of Bulgaria

Mr Bernd NEUMANN, Minister of State in the Chancellery of the Federal Republic of Germany and Government Representative for Culture and the Media

Mr José Ignacio WERT ORTEGA, Minister of Culture, Education and Sport of the Kingdom of Spain

Mr Rein LANG, Minister of Culture of the Republic of Estonia

Mr Paavo ARHINMAKI, Minister of Culture and Sports of the Republic of Finland

Ms Aurélie FILIPPETTI, Minister of Culture and Communications of the French Republic

Mr Lorenzo ORNAGHI, Minister of Cultural Assets and Activities of the Italian Republic

Ms Octavie MODERT, Minister of Culture of the Grand Duchy of Luxembourg

Mr Bogdan ZDROJEWSKI, Minister of Culture and the National Heritage of the Republic of Poland

Mr Puiu HASOTTI, Minister of Culture and the National Heritage of the Republic of Romania

Copy: Mr Giorgos DEMOSTHENOUS,
Minister of Education and Culture of the Republic of Cyprus