

**1. Reinforcing the rights that drive the digital market and grow Europe's copyright capital**

- Reinforce copyright as a fundamental right, a liberator of the creativity that drives the digital market, and the tool that allows creators and their partners to work.
- Ensure creators and their partners are rewarded for their work all along the value chain, and are able to work out between them what type of cooperation they need to put in place.
- Level the playing field for smaller creators to deliver diversity and choice for Europe's citizens.
- Make Europe the strongest rights base anywhere in the world and the best place to set up and run a creative business by 2020.
- Stop the transfer of creators' rights to trade to those who are behind calls for weaker copyright.
- Refuse calls for more copyright exceptions which cut across licensing, and reaffirm the so-called "3 step test".
- Ensure all private copying schemes are kept up to date, include all relevant devices, and are paid by those who benefit from the exception (not by state funds) with remuneration based on local surveys which assess actual private copying.
- Establish a healthy licensing environment free from distortions. End abuse of the exemption from liability for online host providers by:
  - clarifying that those who build a business around the distribution of "content" are not mere hosts and cannot rely on the exemption;
  - making sure notice and take-down becomes "notice and stay-down".
- Support sector initiatives which promote a just and transparent value chain, such as WIN's Fair Digital Deals Declaration by independent labels.
- Ensure respect for creators' freedom of expression and right to determine what happens to their own works, including working with local partners to reach across borders.
- Promote awareness of how creators work and why moral and economic rights are important.

**2. Giving citizens the best digital infrastructure in the world**

- Increase broadband speed and regain Europe's former position as the world leader in high-speed mobile broadband.
- Improve online security by increasing the availability of secure online cross-border payment methods as well as better micro-payment systems.
- Promote improved interoperability of platforms and devices.
- Foster true competition between telecom operators to help bring prices down and increase the quality of internet packages offered to consumers.

**3. Improving pluralism and diversity online as well as offline**

- Broker a stakeholder charter with targets to increase diversity in production, distribution, consumption and access, as well as to improve mobility of artists and repertoire online/offline.
- Apply the competition measures referred to in point 5.
- Introduce EU scoreboards to measure performance in terms of diversity and pluralism.
- Consult citizens on practical ways to implement the *New Narrative for Europe*, which acknowledges the importance of cultural diversity, freedom of expression and pluralism for societal development.

**4. Revisiting the "rules of engagement" online**

- Make sure competition rules are properly applied in the digital market.
- Establish a non-discrimination principle applying to search and data, as well as to online music services, to ensure they do not discriminate between large and small repertoire owners.
- Set "must-carry" obligations for music services (obligation to obtain a licence for all repertoire authorised by right holders).
- "Unbundle" dominant players, especially those controlling multiple points in the online ecosystem.
- Devise a new rulebook for all online players, including global data monopolies and other "essential facilities".
- Stop the censorship-style negotiating tactics used by dominant players, such as "threats" to remove content or block access.
- Start a proper debate on achieving "digital humanism" in Europe and determine which "general interest" measures are required for meaningful engagement online.
- Ensure Europe's citizens have full control over their own data and property, and of course over their privacy.
- Europe should lead the worldwide internet governance debate to deliver a safe and fair online environment.
- Make sure generic top-level domain names are run by community led initiatives and not just sold off to the highest bidder.

## **5. Growing Europe's "missing middle" by improving conditions for smaller actors**

- Design a new regulatory environment, together with a new competition approach, as well as a new social and fiscal status for cultural actors.
- Adopt new rules prohibiting unfair trading practices against SMEs.
- Prioritise SMEs in the financial measures recommended in point 7.
- Oppose further concentration in music (the music market has three majors controlling 80% of the wider market, and 90% to 95% of the top 100 airplay and downloads).

## **6. Effectively tackling websites which are structurally infringing**

- Implement the "follow the money" approach to tackle illegal activities making money from creators' works (advertising, selling behavioural data, subscriptions, etc.).
- Oblige all member states to adopt a national "follow the money" plan.
- Promote pan-European collaboration between right holders, ISPs, payment providers and advertisers.
- Require all search engines to stop listing links to pirate sites in their search results, or at least de-prioritise such links.
- Review the balance between anonymity and liability of intermediaries as part of the wider debate on internet governance.
- Monitor ISPs to ensure they take all reasonable measures (as upheld by the Court of Justice of the EU) to comply with a court injunction to stop access to infringing sites.
- Improve cross-border application of rulings.

## **7. Increasing investment through a new financial approach to culture**

- Work on better valuation of copyright and other intangible assets.
- Develop new international accounting standards.
- Ensure all countries have at least one fiscal incentive, such as tax credits.
- Promote sector schemes which reward investment in new talent (e.g. revenue sharing and other models outlined in IMPALA's Action Plan for Finance).
- Make sure the innovative loan guarantee instrument in the Creative Europe programme is implemented in a way which is balanced across all cultural sectors.
- End VAT discrimination between cultural products.
- Apply reduced VAT for all cultural products and services offline and online to end confusion, boost Europe's digital market and improve access to culture across Europe.
- Allocate a fixed percentage of the recently announced € 315 bn EU investment plan to the cultural and creative sectors.
- Examine how those who benefit economically from carrying creative works online should contribute financially to creation.
- Tackle double taxation and withholding tax problems, which create barriers to the mobility of artists and their works.

## **8. Introducing greater fairness in taxation**

- Enforce minimum, fair, unavoidable and direct taxation for online operators and multinationals, irrespective of their structure.
- There should be fines for non compliance.
- Member states who do not respect the new rules should be restricted in their ability to apply austerity measures to citizens and creative structures.
- Prioritise taxation and illegal state aid investigations to stop unfair competition between multinationals and SMEs.
- Build on the G20/OECD 'Base Erosion and Profit Shifting' project to ensure this issue is fully addressed and the fiscal burden evenly shared.

## **9. Mapping how creativity works and measuring the sectors adequately**

- Revisit statistical measures and introduce new classification codes (e.g. "NACE") for the statistical analysis of the economic sectors, to enable a more accurate valuation of the sectors' contribution.
- Make sure music is measurable as a distinct sector (currently it is grouped with other sectors).
- Map out how the cultural sectors work to establish how to boost their output and diversity.

## **10. Placing culture and diversity at the heart of Europe's international work**

- Reinforce the EU's position on culture and audiovisual matters in all trade negotiations.
- Convince territories like the USA and Japan to introduce full performance/broadcast rights for performers and labels.
- Review how to apply the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (which is part of EU law).
- Implement the principle of fair and equitable access to the means of creation, promotion, production and distribution.