

Copenhagen, 17<sup>th</sup> February 2021

Mme Nina Obuljen Koržinek

Minister of Culture and Media

## **EFJ recommend the Croatian government to stay with the values of the Continental European Authors' rights regime**

The European Federation of Journalists (EFJ) has throughout the process and decision on the EU Copyright Directive been supportive of basic idea behind the directive and therefore also the final result.

The main reason for the directive was and still is to make it possible for the creative industry to thrive and to support European diversity, or as often phrased by the EU-commission to close the gap for the authors, performers, producers and publishers who have all been suffering from free online use of their material.

Looking at the proposed implementation of the EU Copyright Directive into Croatian Law, it seems not to reflect proper copyright protection of either authors' economic and moral rights or publishers' rights. The proposed legislation rather seems to misuse the implementation of the Directive to provide more rights to publishers and less to the authors.

The proposed law lacks any mention of journalists' work within the category of authors' work to be protected. Under the EU Copyright Directive it is clear that journalists are among the authors and are specifically members of the main group who should benefit from publishers' rights. It also has to be stressed that for many freelancers, remuneration stemming from authors' rights is crucial.

Authors' rights belong by their nature to the person who creates the work. This is stated in the current law on Copyright and Related Rights (ZAPSP). Bylines, photo credits and credit lists are all highly important because they underline the credibility and responsibility of the publication.

For media and journalists this is of the greatest importance. Both parties need to benefit from the Directive. That's why it addresses both the authors and publishers. We in the EFJ for this reason firmly recommend member states to stay with the Continental European authors' rights regime that almost all member states are currently following, with equal rights for authors and publishers.

For two very important reasons, the EFJ recommends this model:

1. Authors, including journalists, must be able to protect their moral rights: this has a huge impact on trust in journalism and the media. Their authors' rights are therefore an absolutely indispensable tool to fulfil their duties and responsibility to deliver trustworthy information. – Under the Anglo-American copyright regime, it is not possible for journalists to enforce these rights, and that's one of the main reasons that the risk of dissemination of disinformation is significantly higher in countries not respecting the authors' right model. Violation of moral rights is a threat which could accelerate a flood of disinformation ("fake news") and even create censorship. This is both a threat for the journalists and the publisher losing confidence and trust of citizens, and it is a threat for our democracies.
2. In the copyright directive the EU underlines that authors' rights must be remunerated. Even in article 15 on publishers rights the directive highlights the need for journalists to receive a part of the remuneration. Taking this with article 18 and 20 in the EU copyright directive, it is also clear, that the remuneration of journalists should be both appropriate and proportionate. During the negotiations in the European Parliament, it was a prerequisite for their support that journalists should be remunerated.

Thus, the EFJ highly recommends the Croatian government to implement the directive in the spirit of supporting European cultural diversity - which presupposes that journalists, whether they are employees or freelancers, should always be ensured

remuneration for further use of their material. This should therefore not be transferred to the publishers.

In many countries, secondary use is managed by Collective Management Organisations (CMOs) with both publishers and authors onboard and with a 50-50 remuneration model between publishers and authors. We see this as the best way to

maintain a collaborative protection of both copyright and authors' rights and as one of the main tools to protect media and journalism against fakes. The EFJ is in favor of cooperation between publishers and journalists and will be looking forward to support our colleagues in Croatia in that approach. – Journalists and publishers have common challenges, and we should meet them together cooperatively.

We in EFJ we stand ready to meet with you in the Ministry of Culture and related experts and further discuss this matter.

Kind regards



Mogens Blicher Bjerregård  
President of the European Federation of Journalists.