

(English version)

**Question for written answer E-001423/24
to the Commission
Catherine Griset (Pfe)
(25 July 2024)**

Subject: Protecting the European music industry by making broadcasting rights payments to third-country nationals subject to reciprocity

In a judgment of 8 September 2020 ⁽¹⁾, the Court of Justice of the European Union ruled that a Member State could not, in its legislation, exclude performers and phonogram producers ⁽²⁾ who were third-country nationals from the equitable remuneration provided for by law when their work is publicly broadcast by wireless or any other means.

Based mainly on Article 8(2) of Directive 2006/115/EC ‘on rental right and lending right and on certain rights related to copyright in the field of intellectual property’, the judgment does not make such remuneration conditional on reciprocity from third States.

Therefore, considerable sums could be paid to performers and phonogram producers from third countries, in particular the United States, even though these countries will not be paying us for broadcasting rights in return.

Will the Commission propose a reform of Directive 2006/115/EC to make broadcasting rights payments to third-country nationals subject to mandatory reciprocity?

Submitted: 25.7.2024

**Answer given by Executive Vice-President Vestager on behalf of the European Commission
(7 October 2024)**

The Commission has intensively worked on analysing the consequences of the judgment of the Court of Justice of the European Union in Case C-265/19 on the remuneration of phonogram producers and performers ⁽¹⁾.

The Commission conducted a comprehensive evidence-gathering and engaged in discussions with Member States and stakeholders on this matter. More details and references may be found in the reply to Written Question E-001161/2024.

The discussions with Member States and the feedback from the stakeholders highlighted significant differences across Member States in the practices of remunerating third-country phonogram producers and performers, based on national treatment or material reciprocity.

There were as well varying opinions on the necessity of any form of regulatory intervention especially if that intervention would be for the purposes of reversing the judgment of the Court of Justice with the risk of fragmenting the internal market.

Accordingly, the review of Directive 2006/115/EC ⁽²⁾ was not identified as one of the matters for which the Commission would bring forward proposals under the 2019-2024 mandate. The matter may be further examined under the new Commission.

¹ Case C-265/19.

² Any medium for the fixation and/or reproduction of sounds (disks, cassettes, tapes, etc.)

⁽¹⁾ Judgment of 8 September 2020, *Recorded Artists Actors Performers Ltd v Phonographic Performance (Ireland) Ltd and Others*, C-265/19, EU:C:2020:677.

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32006L0115>