

(English version)

**Question for written answer E-002400/25
to the Commission**

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(13 June 2025)

Subject: Clarification of whether the principle of reciprocity is consistent with EU law

Following the 2020 judgment in the *Recorded Artists Actors Performers Ltd* case, the European music sector, supported by Parliament, requested clarification of Directive 2006/115/EC. It seeks confirmation of the principle of reciprocity that derives from international treaties, so that Member States may apply a different system, should they wish to do so. The Court of Justice of the European Union highlighted that it was the responsibility of the EU legislator to clarify whether this principle is consistent with EU law.

Without EU intervention, performing artists, along with very small, small and medium enterprises that produce music in Europe risk having EUR 125 million of their annual revenue transferred to the United States. This is despite the fact that such performers and entities are a catalyst for diversity and European creative talent.

The EU's capacity to exert trade pressure on third countries who do not follow EU legal norms is also at stake.

Clearly, it is even more important for the EU to maintain trade pressure, given the aggressive trade policy pursued by the Trump Administration. Confirming the principle of reciprocity is perfectly in line with the EU's goal of contributing a fair and balanced response.

In this context, can the Commission specify its planned schedule for the implementation of this work?

Submitted: 13.6.2025

Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(30 July 2025)

The Commission is aware of the concerns expressed by European independent music producers and performers on the consequences of applying national treatment to the single equitable remuneration right, as stipulated under Directive 2006/115/EC ⁽¹⁾, on third-country nationals in accordance with the EU's international obligations and the Charter.

Over the past years, the Commission conducted a comprehensive evidence-gathering to analyse the remuneration of phonogram producers and performers. This revealed significant differences across Member States in the law and practice of remunerating third-country phonogram producers and performers.

The Commission will continue to assess options for the way forward in the light of the EU's international obligations and the Charter.

⁽¹⁾ <https://eur-lex.europa.eu/eli/dir/2006/115/oj/eng>.