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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(11.11.2025)

The Commission has conducted a study on ‘contractual practices affecting the transfer of copyright and related rights and the ability of creators and producers to exploit their rights’, which was published on 30 March 2025¹. The study identified challenges linked to the use of buy-out contracts as well as possible avenues for improvement. It includes a mapping and analysis of the rules applicable at national, EU and international level – such as choice of law and jurisdiction clauses.

The study confirmed the relevance of the rules on the remuneration introduced in the Directive on Copyright in the Digital Single Market², as well as the importance of ensuring their effective application, for the benefit of authors and performers. Member States have various options to implement the principle of proportionate and appropriate remuneration (Article 18), including collective bargaining (see Recital 73). The contract adjustment mechanism (Article 20), which allows for the reconsideration of remuneration when the original agreement turns out to be disproportionately low compared to subsequent revenues, and the alternate dispute resolution mechanism (Article 21) contribute to improve the bargaining position of authors and performers.

The review of the Directive, which is due no sooner than June 2026, will provide valuable insights into the effectiveness of these rules. Based on this analysis, the Commission will consider the need for further measures.

¹ <https://op.europa.eu/en/publication-detail/-/publication/0710200c-103a-11f0-b1a3-01aa75ed71a1>.

² Directive 2019/790 of the European Parliament and of the Council on copyright and related rights in the Digital Single Market.