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Response from the European Federation of Journalists (EFJ) and the International Federation of Journalists (IFJ) to the EC Consultation on Article 17 of the EU Directive on Copyright in the Digital Single Market

The European and International Federations of Journalists (EFJ/IFJ), are Europe's and the world's largest journalists' organisations, the EFJ representing over 320,000 journalists in 72 unions and associations across 45 countries, and the IFJ over 600,000 media professionals from 187 unions and associations in more than 140 countries. These are our comments and suggestions in the context of your consultation on Article 17 of the EU Directive on Copyright in the Digital Single Market (DSM)

I: Scope of the services covered by Article 17:

Our overall principle is that all protected works - including text, images, illustrations such as caricatures and graphical design, video and audio - should be covered by Article 17.

II: Authorisation: possible elements for guidance

We appreciate and strongly support the proposal to use Extended Collective Licensing (ECL) provided in Article 12 of the EU Directive on the Digital Single Market, as an authorization model in agreements between users and authors.

ECL will offer advantages for both parties. As authors, we can be assured of remuneration for the use of our material that is protected by authors' rights. It offers service providers a huge advantage, allowing them to make one overall agreement in each sector of creativity to comply with the Directive and the national legislative implementation.

Furthermore, the EU should reflect on a broader approach to and understanding of the Extended Collective Licensing model to ensure that it complies with the Directive even if used as a cross border instrument.

We also support member states' transposition of the Directive offering the possibility of direct remuneration of authors and performers, that most likely will be agreed between the service providers and the organisations of authors' and performers.

III: The specific liability regime, best efforts:

To ensure best efforts to obtain an authorization, service providers should go into real negotiations with representatives of the right-holders equivalent to the level of other negotiations already taking place between Collective Management Organisations and users.

These should have the clear aim of obtaining an agreement, with the understanding that such an agreement must at least be comparable with other agreements within the copyright and authors' rights field

IV: Safeguards for legitimate uses of content

Regarding the mandatory exceptions in Article 17 (7) regarding quotations, criticism, review, caricature, parody or pastiche the EFJ and IFJ stress that transpositions must not extend these exceptions beyond those already available or media in general.

In general, an ECL-system would ensure that there will be no conflict with the fundamental principles of freedom rights as it will pave the way for access.

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