



**FERA**

Fédération Européenne des Réalisateur de l'Audiovisuel  
Federation of European Film Directors

**FERA GENERAL ASSEMBLY STATEMENT  
ABOUT  
AUSTRIAN LAW PROPOSAL  
CONCERNING REMUNERATION OF AUTHORS' RIGHT  
AND LEVY ON STORAGE MEDIA**

Ljubljana, June 14<sup>th</sup> 2015

The European directors' guilds of FERA gathered in Ljubljana for their yearly General Assembly are very alarmed and concerned by the report of their Austrian colleagues about a new law proposal by their Ministry of Justice on the remuneration of authors, performing artists and a levy on storage media.

The proposal runs contrary to European Union basic Rights, legislation and recent judgements of the European Court concerning authors' rights and fair remuneration as well as the latest European CRM Directive concerning Collective Management Organisations (CMOs) of 2014.

The Austrian proposal tries to reintroduce a *Cessio Legis*, a presumption of transferral of rights, by which any author who signs a contract with a producer or publisher automatically would transfer all the rights and their remuneration to them, and grant them to take 50% of this income.

This 50% share equals legalised robbery.

European Court judgements in 2006 and 2012 (*Luksan vs. Van der Let*) have already disqualified *Cessio Legis* as being an unfair and illegal practice because it forfeits the authors a fair compensation for the different uses of their work.

Finally, the proposal acknowledges the compensation for the copying of authors' works on storage media, yet without offering any reason, caps this compensation at the arbitrary amount of 28 million Euros per year. Moreover, instead of implementing more transparency in Collective Right Management, which was the main goal of the European CRM Directive of 2014, it opts instead for a purely Austrian approach which is the opposite of open and transparent.

FERA's General Assembly has unanimously approved this statement and urges the Austrian Ministry of Justice to amend the proposal so it meets its original intention to be a fair regulation towards authors and the equitable remuneration for the use of their work.

**Contact :** Pauline Durand Vialle, CEO – +32 2 544 03 33 – [office@filmdirectors.eu](mailto:office@filmdirectors.eu)

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**FERA, AISBL – Fédération Européenne des Réalisateur de l'Audiovisuel / Federation of European Film Directors**

Avenue de la Toison d'Or 60C – 1060 Bruxelles, Belgique

+32 25 44 03 33 – [office@filmdirectors.eu](mailto:office@filmdirectors.eu)

[www.filmdirectors.eu](http://www.filmdirectors.eu)

## **ABOUT FERA**

*FERA, founded in 1980, is the only organisation representing film directors at the European level. With 35 directors associations as members from 29 countries, we speak for more than 20,000 European screen directors, representing their cultural, creative and economic interests at the national and European level. FERA works to promote policies that maximize the creative, social and commercial potential of the audiovisual industry.*

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