

**Mr Antti Kurvinen**  
**Minister of Science and Culture of Finland**

Paris, 25 November 2021

Dear Minister,

The International Federation of Actors (FIA) and the International Federation of Musicians (FIM) represent professional performers and their trade unions worldwide.

We are writing to express our concerns regarding the draft law proposal on the transposition of Directive 2019/790 on Copyright and Related Rights in the Digital Single Market (DSM Directive), which the Finnish Government is currently discussing. We have serious reservations about the implementation of articles 17 and 18 of this Directive.

Regarding the implementation of Article 17, Section 55a of the draft law proposal as currently worded would dilute the liability of online content sharing service providers (OCSSPs), with negative consequences on Finland's creative sector. It neither complies with the DSM Directive's aims and wording nor with EU and international law and disrupts the fine balance between copyright and other fundamental rights achieved by the EU legislature. It would also facilitate copyright infringement and undermine licensing and enforcement of rights in ways that would unreasonably prejudice the legitimate interests of right holders.

Regarding the implementation of article 18, we find problematic and worrying that the draft law contains no provision supporting the Directive's explicit objective to improve the position authors and performers. We wish to stress that collective bargaining – which is explicitly mentioned in recital 73 of the Directive as a relevant mechanism for implementing the right to appropriate and proportionate remuneration – has formed an integral part of the Finnish copyright market for decades. Securing this right to collective bargaining on performers' intellectual property rights is vital to ensure a fair balance between the interests of performers and those of their contractual counterparts. We also wish to recall that the implementation of article 18 via collective bargaining is fully compatible with European competition law.

We are also very concerned about the fact that the Finnish implementing law proposal appears to be neglecting essential elements of art. 19 of the Directive, as it does not expressly demand annual reporting obligations, which are an absolute minimum, and it may be interpreted in such a way as to exclude employees from the scope of this provision – despite the fact that the Directive does not make such distinction but rather grants transparency entitlements to all performers and authors, irrespective of their employment status.

Further restrictions and limitations in the draft proposal threaten to make art. 19, and indeed most of Chapter III in the Directive, completely irrelevant to most artists in the country, flouting the spirit of this landmark legal document and undermining one of its key objectives, i.e. to strengthen the contractual position of performers and authors and their ability to negotiate a fair return for the exploitation of their work, including by way of collective bargaining.

We urge you to take the above into account to ensure a fair implementation of the DSM Directive that respects both its wording and its spirit, and gives due consideration to the legitimate interests of Finnish performers.

Yours sincerely,

Dominick Luquer  
General Secretary, FIA



Benoît Machuel  
General Secretary, FIM

