



Council of the
European Union

Brussels, 13 March 2024
(OR. en)

7690/24

LIMITE

PI 34

NOTE

From:	Delegations of Denmark, the Netherlands and Sweden
To:	Delegations
No. prev. doc.:	8724/23
Subject:	Follow-up to the CJEU ruling in case C-265/19 (Recorded Artists vs Phonographic Performance - 'RAAP case') - Joint statement

Delegations will find attached a Joint statement by the delegations of Denmark, the Netherlands and Sweden on the above-mentioned subject, which was delivered at the meeting of the Council Working Party on Intellectual Property (Copyright) on 8 March 2024.

**Joint statement on behalf of Denmark, the Netherlands and Sweden
regarding the standstill of the RAAP file**

We would like to start by thanking the Belgian Presidency for putting the follow-up to the CJEU ruling in the RAAP case on today's agenda and the Commission for the status update.

In light of the upcoming European elections, we would like to raise our severe concerns as regards the standstill of the RAAP file.

We have been calling on the European Commission to address the RAAP judgment since it was delivered by the CJEU in September 2020.

The Commission expressed concerns early on about the consequences of the judgment and has on numerous occasions communicated its intention to propose a legislative initiative aimed at finding a solution at EU level.

We saw some positive development last year, but a proposal has not yet been presented and the standstill going into the end of the current mandate has left us very concerned.

In practice the judgment means that third-country music performers and producers whose recordings are played in the EU will be able to collect remuneration here, even if EU performers and producers get nothing in return. This will push up the prices for users and lead to a substantial transfer of revenue from EU performers and producers to third countries.

It should furthermore be borne in mind that the EU's negotiating position vis-à-vis foreign countries in the World Intellectual Property Organisation will be undermined by unilaterally granting more protection than agreed, without there being an international law obligation to do so.

The possible abandonment of the reciprocity principle at EU level will severely weaken EU's bargaining power.

We fully acknowledge the complexity of the situation given the various legal systems and practices in different EU Member States but believe that the current standstill is stopping Member States from applying internationally recognised principles without a due legislative process at EU level. In its judgement, the CJEU clearly stated that it is up to the EU legislature to change the current situation and we again urge the Commission to adopt a legislative proposal that allows Member States to operate with reciprocity.

We again offer our constructive support and are eager to work together with the Commission and all Member States to find a solution and a way forward.

