

DSM implementation flash survey Annex: individual answers

Country	Responding associations
Austria	IG Übersetzerinnen Übersetzer
Belgium	Kvdp
Bulgaria	Bulgarian Translators' Union
Croatia	Croatian Literary Translators' Association (DHKP)
Czech Republic	Obec překladatelů
Denmark	DOF
Finland	Suomen kääntäjien ja tulkkien liitto ry (SKTL)
France	ATLF, Association des traducteurs littéraires de France
Germany	VdÜ e.V. in ver.di
Hungary	Hungarian Translators' Association (MEGY)
Iceland	The Icelandic Association of Translators and interpreters and The Writers' Union of Iceland
Ireland	Irish Translators' and Interpreters' Association – ITIA
Italy	Strade
Lithuania	The Lithuanian Association of Literary Translators -LLVS
Macedonia	Macedonian Association of Translators and Interpreters
Netherlands	Dutch Writers Guild (Auteursbond)
Norway	Norsk Oversetterforening and NFFO
Poland	STL
Portugal	APT
Romania	ARTLIT
Serbia	Association of Literary Translators of Serbia (UKPS)
Slovakia	SSPUL - The Slovak Literary Translators' Society
Slovenia	Slovenia Association of Literary Translators (DSKP)
Spain	ACE Traductores
Suisse	A*dS Autrices et auteurs de Suisse
Sweden	Swedish Writer's Union
Turkey	Çevbir
United Kingdom	Translators' Association (Society of Authors)

[Texte]

Question 3 **Has your association been following the implementation process of the DSM directive in your country?**

Belgium	Yes	
Spain	Yes	
Portugal	Yes	
Poland	Yes	We have been following it to the extent it has been possible. For a long time nothing happened (other than the Polish government suing the directive to the EU Court of Justice). When we enquired in the Ministry of Culture about the proceedings, we received an answer (after just 6 months!) with a link to a website where information was going to appear when legislation was going to be worked on. That didn't happen. Instead, we learned that July through September there were "pre-consultations" with stakeholders - which we hadn't heard of and neither have other authors' associations we've asked. Currently the legislation is reportedly being drafted to be presented for public consultation in December-January, and this we will follow closely.
Croatia	Yes	We commented the outline of the new Copyright Law during the public hearing and informed our members of the procedures, so that they can comment themselves.
Italy	Yes	
Czech Republic	Yes	
Slovakia	Yes	However, communication with the authorities is more difficult due to the covid crisis.
Hungary	Yes	Yes, in the context of public consultation Hungarian Literary Authors' Collecting Society were contacted by the Ministry of Justice.
Finland	Yes	
Lithuania	Yes	
Romania	Yes	
Netherlands	Yes	
Denmark	Yes	Yes, by way of our main authors' organization of which DOF is a subgroup.
Germany	Yes	VdÜ & ver.di have been heavily involved, direct and via UNI Europe and German association initiative Urheberrecht

[Texte]

Austria	Yes	
Norway	Yes	
Sweden	Yes	
France	Yes	
Iceland	No	The work related to the new DSM directive haven't yet begun within our associations - it is still in the process of being evaluated within the EFTA countries at the governmental level, in order to make a collective decision about it and send to EU.
Slovenia	No	
Bulgaria	No	
Irlande	No	
Macedonia	Not applicable (not an EU country)	
Serbia	Not applicable (not an EU country)	Our Association is following the implementation of DSM. Even if we are not yet an EU country, Serbian legal system is in the process of integration with the EU and European Union copyright legislation.
Turkey	Not applicable (not an EU country)	
Switzerland	Not applicable (not an EU country)	
United Kingdom	Not applicable (not an EU country)	the UK has decided not to implement the Directive as we are leaving the EU before the end of the implementation period

[Texte]

Question 4 **If yes, how? (Comments are given below)**

Austria	in collaboration with other creators' associations
Czech Republic	Notre association a discuté la nouvelle directive européenne sur le droit d'auteur avec les juristes de DILIA (qui est notre société de perception de droits d'auteur pour le domaine de la littérature) et avec les autres associations d'auteur regroupées dans le KVAS (Comité de coordination d'organisations d'auteurs). Au début de 2021, Obec překladatelů prévoit d'envoyer séparément à son propre nom ses suggestions, qui coïncident avec les recommandations du Ceatl, au Ministère de la culture.
Finland	A forum of artists' organizations, of which SKTL is member, has been in talks with the department of culture, who is in charge of implementation, and is following the process.
France	The ATLF had scheduled a European event on December 12th 2019, with a panel on the implementation of the Directive. Confirmed speakers were the legal officer of the biggest authors' society (SGDL) ; the Director of the National Syndicate of Publishers (SNE) ; a senior representative of the Ministry of Culture ; and the Vice-President of the Cultural Affairs Committee at the National Assembly. Unfortunately the event had to be cancelled just two days before due to transportation strikes, and Covid forbade rescheduling. Since then, lobbying has been done via the CPE (Conseil Permanent des Ecrivains), which is the main umbrella organization for authors in the French book industry.
Iceland	We are just beginning to discuss it with our colleagues at the Writers' Union. We plan to have a meeting in January.
Netherlands	The Dutch Writers Guild is a member of the authors/creators organisation Platform Makers (see www.platformmakers.nl en www.copyrightexplained.nl). Platform Makers is one of the three 'pillars' in the 'Federatie Auteursrechtbelangen' a federation of 1. creators 2. creative industry 3. collective societies.
Poland	As stated above, there has been little opportunity for lobbying thus far. Now that we know work is underway, we are going to issue a letter to the Ministry of Culture soon, stating our position.
Romania	ARTLIT is preparing a survey for January 2021 in order to gather relevant data regarding fair remuneration for literary translators - members and non-members.
Serbia	Association of Literary Translators of Serbia (UKPS) is very active in discussions about copyright law in our country.
Slovakia	We mostly cooperate with our collective management organization, Lita.

[Texte]

Question 5 Can you tell us about the current state of the implementation process (how is your country going about it and if changes will be made in your law and regulations)?

Austria	A preliminary bill was presented by the Dept. of Justice in the first week of December, inviting all stakeholders to comment – our side, i.e. an initiative of creators and performing artists, held a press conference to present our position to the public.
Belgium	on going. the project is drafted by the administration (federal Economy Minister), the CPI gave it's point of vue and remarks,now the new minister has to decide with the government. Then the project of law will go to the Parliament to be voted, after amendments if decided by the majority .
Bulgaria	The Ministry of Culture conducted a survey with stakeholders in four consultation documents on the introduction of the Directive on Copyright in the Digital Single Market (26 June 2020). The questions and the opinions of the organisations that took part in the survey are posted on the Ministry's official website. All proposals are expected to be examined in the relevant parliamentary committees of the Bulgarian National Assembly in early 2021.
Croatia	The new Copyright and Related Rights is prepared as a draft and is in the Parliamentary proceedings in the first reading (the second reading will follow within 2-3 months)
Czech Republic	En cooperation avec DILIA et les autres organisations d'auteurs nous proposons des changements et des modifications de l'actuelle loi d'auteur. L'amendement de cette loi devra être adopté l'année prochaine.
Denmark	Denmark is behind schedule. Consultation have been undertaken, but we expect the first proper hearing on an actual draft for a new copyright title later in December 2020.
Finland	The department of culture is writing the proposal for the changes in the copyright law. It is possible to give feedback and suggestions to the proposal before it goes to the parliament.
France	So far, the focus has been mainly on articles 15 (neighbouring rights) and 17 (online content-sharing platforms), with articles 18-22 very much in the background. Initially articles 17-23 were to be implemented in a law passed in summer 2020, but Covid disrupted the process and the law finally voted in autumn ("Ddadue law") now just says that the government is allowed to transpose those provisions via edicts. For that reason, discussions in the Parliament were drastically reduced and decisions are now in the hands of the Ministry of Culture. Thus far, CPE's lobbying had been concentrated on the Parliamentary front through proposed amendments to the bill ; that lobbying now has to focus on the government. Implementation of Arts. 17-23 is expected by 3 June 2021.
Germany	There have been several proposals by the minister of justice. We are expecting a governmental proposal within December 2020
Hungary	An amendment to the Act LXXVI of 1999 On Copyright is expected.
Iceland	See comment in 3. If and when the collective decision has been made, and we agree to implement the directive it will most probably need some changes in our law and regulations.

[Texte]

Irlande	TO DATE, IT HAS NOT BEEN IMPLEMENTED
Italy	The Italian parliament has just approved a delegation law to the government for the implementation of the directive listing the points of the directive on which to concentrate and giving certain criteria for their implementation but we are just at the beginning of the process. Lobbying is intensive (with many contrasting interests, so it is particularly important that we follow the implementation process).
Lithuania	So far, there are no changes in our law and regulations.
Netherlands	The DSM will be implemented in The Dutch Copyright Act. A proposal for the implementation has been discussed with all the stakeholders. The adaptation proposal has been accepted by our Parliament in November. This week it's on the agenda of the Senate.
Norway	It seems our ministry of culture has postponed the whole process and await the outcome from the other Scandinavian countries.
Poland	As stated above, the ministry as issued some questions to stakeholders (the questions were public, published on a government website, but weren't publicized despite the fact we had expressed interest in taking part in the consultations. We know nothing more at this stage.
Portugal	No implementation yet. A process that aims to clarify articles of the 1985 laws, including the recognition of copyright for translators.
Romania	The Romanian Office for Copyright (ORDA), government agency, confirmed the date of June 7th 2021 for updating the copyright act in Romania and informed us that the text - to be elaborated together with the Ministry of Culture, is still work in progress.
Serbia	In the process of integration in EU, Serbia opened the chapter 7 on intellectual property, but did not yet close it.
Slovakia	We do not have a clear idea yet, the law will be/is planned to be amended in course of 2021.
Slovenia	The last news date from June. The Ministry for trade and commerce published comments from different associations. What changes are going to be made is yet to be seen.
Spain	On the occasion of the survey, at the beginning of December we sent a request for information to our intermediary at the Ministry of Culture on the most important aspects of the directive (remuneration, transparency obligation, collective bargaining, adaptation of contracts, alternative dispute resolution procedure and revocation of assignment when the term of the assignment has expired). We have received an acknowledgement of the request, but no response on the content so far.
Sweden	The stakeholder dialogue in which we have participated, is now closed and we are waiting for the Dept. of Justice proposal for implementation. This will be sent out to all stakeholder organisations, and other relevant ones for commenting, prior for a proposal is put to the National Parliament for vote.
Turkey	Not applicable

[Texte]

Question 6 **So far, your national implementation process has involved (tick all relevant answers)**

Austria	structured consultation processes or public hearings	stakeholders dialogues		
Belgium	structured consultation processes or public hearings			
Bulgaria	structured consultation processes or public hearings	stakeholders dialogues		
Croatia	structured consultation processes or public hearings	stakeholders dialogues		government decisions
Czech Republic		stakeholders dialogues		
Denmark	structured consultation processes or public hearings	stakeholders dialogues		
Finland	structured consultation processes or public hearings	stakeholders dialogues		
France			parliamentary discussions	government decisions
Germany				
Hungary	structured consultation processes or public hearings			
Iceland				government decisions
Irlande	structured consultation processes or public hearings			
Italy		stakeholders dialogues	parliamentary discussions	
Lithuania	structured consultation processes or public hearings			
Macedonia				
Netherlands	structured consultation processes or public hearings	stakeholders dialogues	parliamentary discussions	government decisions
Norway				
Poland				
Portugal			parliamentary discussions	
Romania	structured consultation processes or public hearings			
Serbia	structured consultation processes or public hearings	stakeholders dialogues	parliamentary discussions	government decisions
Slovakia		stakeholders dialogues		
Slovenia	structured consultation processes or public hearings			
Spain	structured consultation processes or public hearings			
Sweden	structured consultation processes or public hearings	stakeholders dialogues		
Switzerland				
Turkey				
United Kingdom				

Comments

Austria	- stakeholders dialogue: our side tried to organize a joint session with the producers' side but they cancelled their participation in the last minute - parliamentary discussions to follow to follow early 2021
Belgium	via the Raad van intellectuele eigendom
Croatia	We are expecting parliamentary discussions within couple of weeks.
Czech Republic	La DSM directive adoptée en 2019 n'est pas encore intégrée dans la loi d'auteur tchèque. Au cours de 2021, on attend des négociations autour du thème avant son approbation par le parlement tchèque. Les associations d'auteur et les juristes des sociétés de perception peuvent envoyer leurs suggestions au Ministère de la culture qui a le pouvoir de présenter le projet de loi au parlement.
Denmark	The directive has been divided into segments and structured stakeholder consultations have been made. The Danish authors' association has been actively involved in two of four such consultations. We have also sent ind written pre-hearing statements to the ministry of culture.
France	So far, there has been a lack of structured stakeholders' dialogues, although the DSM Directive is very vocal about that demand. Hopefully that will change in the home-stretch (a dialogue is scheduled at the beginning of the year regarding out-of-commerce works, for instance).
Germany	Until now, all dialogues and discussions took part in shadow meetings
Hungary	In last quarter of 2019 a public consultations were conducted by the Ministry of Justice.
Norway	there has been no implementation process at all so far. After the the adoption of the DSM directive, nothing has happened in Norway.
Poland	A single set of questions to stakeholders published on a government website (provided said stakeholders knew where to look). It is possible, of course, that some stakeholders received these questions directly. The questions concerned the way some elements of the directive should be implemented.
Romania	Between June and December 2019, ORDA organised a first round of public consultations, asking 98 stakeholders (collective management organism, users' associations, public libraries, museums, research institutes etc) ARTLIT had no knowledge of the consultations, unfortunately, so as to express a point of view. The number of answers and the conclusions of this consultations have not been publicly disclosed up date, though ARTLIT has asked information on this topic. There will be a new public consultation after the suggested modifications will have been published on the website of the Ministry of Culture.

[Texte]

Serbia	<p>https://europeanwesternbalkans.com/2017/06/20/serbia-opens-chapters-7-and-29/ Serbia completes all necessary legislative amendments to ensure EU/EEA exhaustion of rights in all areas from the date of accession. Serbia aligns its legislation with the <i>acquis</i> on copyrights and neighbouring rights, patents and trademarks. Serbia ensures a sufficient administrative capacity to register intellectual property rights; and provides a track record of enforcement by the relevant administrative authorities and by civil and, where appropriate, criminal justice.</p>
Slovakia	<p>Working groups were organized, yet it is rather difficult due to the Covid crisis . Therefore it is mostly our CMOs and also their members, freelance authors/translators that actively participate in task forces organized by the Ministry of Culture</p>
Slovenia	<p>Public hearing were announced in spring, then cancelled. The Ministry for commerce and trade gathered comments from the different associations, but there is no indication of the follow-up. Our association didn't send any comments. Not did any other similar author's association. The majority of the comments were made by collecting societies Ministry for culture, Office for intellectual property and schools.</p>
Spain	<p>The public consultation period ended on December 16, 2019: "Prior public consultation on a draft bill on copyright and related rights in the European digital single market, incorporating into Spanish law the Directive (EU) 2019/789 of the European Parliament and of the Council of April 17, 2019, and the Directive (EU) 2019/790 of the European Parliament and of the Council of April 17, 2019". The result of the consultation and the process have not been made public.</p>

[Texte]

Question 7 To your knowledge, are there plans to change the laws and regulations regarding the remuneration of authors, and if yes how?

Belgium	Yes	Transposition of chapter III
Serbia	Yes	implementing EU legislation
Croatia	Yes	
Turkey	Yes	There is a law draft being drawn up by the Ministry of Culture (in consultation with the relevant publishing and author's associations) to regulate and ameliorate the distribution of private copying fees.
Czech Republic	Yes	Les plans de la part de l'association des traducteurs, comme nous l'espérons, seront au moins partiellement adoptés dans l'amendement de la loi. Une spécificité de la loi tchèque: Pour l'instant, les maisons d'éditions ne touchent pas les droits de prêt (PLR). Obec překladatelů dénonce leurs efforts d'insérer la présence des éditeurs dans la loi d'auteur. Malheureusement, le lobbying des éditeurs auprès du parlement se montre de plus en plus fort.
Hungary	Yes	An amendment to the Act LXXVI of 1999 On Copyright is expected.
Finland	Yes	Possibly there will be a chance to further remuneration in applicable cases.
Netherlands	Yes	The transparency triangle has been implemented: to gain a better insight of the exploitation- and the fair share for creators; the best-seller clause; and the non-usus.
Denmark	Yes	We expect: Introduction of right to fair remuneration, right to transparency, right to re-negotiation and establishment of new legal body to decide on contract conflicts. These things are not already in the danish law. We do NOT expect introduction of new right of revocation, since this is already part of the law.
Germany	Yes	The minister of justice proposed a provision to specify and to limit the legality of all-inclusive pricing (buy out).

[Texte]

Austria	Yes	The draft bill has several stipulations on fair remuneration: The author shall receive an appropriate and proportionate remuneration for the exploitation of his/her work. Remuneration needs not necessarily depend on sales if other forms are better suited to represent the economic value of the rights concerned or the author's contribution to the work. A remuneration shall be deemed reasonable if it corresponds to what is customarily and fairly to be paid in commercial transactions according to the nature and extent of the use granted, in particular according to the duration, frequency, extent and time of use, taking into account all circumstances. It shall also be deemed reasonable if it has been agreed upon in common remuneration rules by representative associations of authors and users of works or in collective agreements. In case of a lump-sum payment the author shall be entitled to exploit the work otherwise after the expiry of ten years, while the first rightsholder shall be authorised to use the work for the remaining term of the licence granted.
Sweden	Yes	The department has indicated that changes will be made, but it is not yet clear which ones.
Norway	No	In our new law on authors' rights/copyright from 2018 the concept of fair remuneration for authors was introduced, so we don't think it will be any change here.
United Kingdom	No	
Macedonia	I don't know	
Iceland	I don't know	

Spain	I don't know	<p>As this information is not available, we include our association's proposals: I) In June 2017, our association published the Report on the Economic Value of Translation in Publishing (https://ace-traductores.org/wp-content/uploads/Informe-del-valor-econ%C3%B3mico-de-la-traducci%C3%B3n-editorial-1.pdf), which was presented at the headquarters of the Ministry of Culture that same month. This report was commissioned to the consulting firm AFI (Analistas Financieros). Its conclusions and recommendations are worth noting in terms of market functioning, remuneration and transparency.</p> <ul style="list-style-type: none"> o Conclusions: § -The existence of possible failures that hinder the proper functioning of the book translation market has been identified. In particular, (i) the difficulty of verifying the adjustment of the remuneration received to the terms of the employment contract, (ii) the asymmetry of information regarding print run and sales data, and (iii) the informality of the working relationships. § -Loss of purchasing power of book translators due to a lower increase in remuneration rates than that of the Spanish economy as a whole, and even inflation. o Recommendations concerning the remuneration of translators: § -To monitor compliance with the regulations and, in particular, the remuneration rights provided for in the Intellectual Property Law (proportional to the operating income), since, otherwise, it will result in a loss of translation quality and even the translator could potentially find him or herself without work. § -To strengthen labour inspection to reduce the size of the potential underground economy in the sector, granting rights to both parties in such professional collaboration. § -To introduce mechanisms to monitor and control compliance of legislation on translators' remuneration rights and ensure the proper functioning of the market. § -To update the remuneration rates of the translations to adjust them, as faithfully as possible, to the productivity of the same. <p>II) In October 2017, our association forwarded to its intermediary at the Ministry of Culture a series of proposals to reform the Intellectual Property Law. With regard to the remuneration of translators, the reform of article 46.2 on "flat-rate" payment was proposed, so that it could only be applied to established cases. III) The association also proposes:</p> <ul style="list-style-type: none"> o Transparency and publicity in the fees' amount. o Recognition of asymmetry in the negotiation and flexible interpretation of competition rules in this regard, so that associations can address the issue within the law.
Portugal	I don't know	
Poland	I don't know	
Italy	I don't know	<p>In Italy there are plans to change or integrate some norms in the section of the copyright law regarding contracts for the licence or transfer of rights (in particular the publishing contract) but we still cannot say to what extent the UE directive's principles bearing an effect on remuneration will be EFFECTIVELY implemented.</p>
Slovenia	I don't know	

[Texte]

Slovakia	I don't know	we don't know the outcome yet. In cooperation with our CMO, we try to strengthen the position of authors in general. We very much hope that at least some of the bad practices (e.g. buyout of rights) will be addressed.
Lithuania	I don't know	
Romania	I don't know	
Bulgaria	I don't know	
Irlande	I don't know	
France	I don't know	The CPE is advocating for a guaranteed minimum remuneration ; that minimum would remunerate the work of creation and would be non-refundable (even in the event of a termination of the contract through no fault of the author) and would not be considered as a mere "advance on royalties". The CPE is also advocating for a minimum percentage of royalties, to be perceived from the first copy. Guaranteed minimal fees and royalties would be negotiated by professional organizations of authors and publishers, and then made legally binding by decree of the Ministry.
Switzerland		

[Texte]

Question 8 To your knowledge, are there plans to change the laws and regulations regarding the transparency obligation of publishers, and if yes how?

Belgium	Yes	Transposition of chapter III
Poland	Yes	One of the questions was whether there should be limitations to the transparency obligations, which would indicate they intend to introduce it in general.
Serbia	Yes	
Croatia	Yes	In line with the Directive EU/2019/790
Italy	Yes	There are because authors (and our association) is asking for them but AIE, the main publishers' association, is trying to pretend that we need little adjustments because the Italian copyright law already assures a fair and proportionate remuneration to authors (which is not so, because the law has some weak point of which publishers take advantage systematically)!
Finland	Yes	There will probably be a transparency clause in the renewed copyright law.
Netherlands	Yes	Publishers do have the duty under the new Dutch Copyright Act (art 25ca) to inform their writers every year with actual, relevant and complete figures about the exploitation of their work.
Denmark	Yes	see above
Germany	Yes	The existing entitlement to information is going to be converted into a reporting duty for publishers. An injunctive relief for Authors' association violations of this duty has been proposed by the minister of justice.
Austria	Yes	Publishers shall provide the author, at least once a year, with up-to-date, relevant and comprehensive information on the exploitation of his/her work, in particular on the type of exploitation, the revenues generated and the claims due. Some exceptions, in particular: when the author has made a merely subordinate contribution to a work; if the administrative burden would be disproportionate to the income generated by the exploitation of the work, the claim shall be limited to the types and amount of information that can reasonably be expected.
Sweden	Yes	The department has indicated that changes will be made, but it is not yet clear which ones.
France	Yes	Rules regarding the transparency obligation of publishers are already pretty well defined in French law and in line with the obligations set in the Directive (the law even provides for the possibility for the author to take back his or her rights when the publisher doesn't fulfill its transparency obligation). However it is to be expected that the possibility for an author to request additional information from sub-licensees will have to be introduced, since implementation of article 19 is mandatory. The CPE is also advocating for a twice-yearly obligation.

[Texte]

Turkey	No	
United Kingdom	No	
Macedonia	I don't know	
Iceland	I don't know	
Spain	I don't know	As this information is not available, we include the association's proposals, which are partly related to the previous section: - Simplified mechanisms to demand print run control, as stated in article 72 of the Intellectual Property Law: "The number of copies of each edition shall be subject to circulation control through the procedure to be established by regulation, after hearing the professional sectors concerned. Failure by the publisher to comply with the requirements laid down for this purpose shall entitle the author or his successors in title to terminate the contract, without prejudice to the responsibilities that the publisher may have incurred". At present, it would be necessary to go to court. - Conclusions and recommendations of the above-mentioned Report on the Economic Value of Translation in Publishing: o Conclusions: § The comparison between the estimation obtained from distributors and blogs and the books published convey a vision of the market that is very different from the one obtained through the public information analysed. o Recommendations: § -To publicly release publicly the data on the print run and sales of the translated books, to guarantee greater information transparency in the sector. § -To publish more information would help to improve the transparency of the sector and favour the good functioning of the market.
Portugal	I don't know	
Slovenia	I don't know	
Czech Republic	I don't know	On ne sait rien de la volonté des éditeurs en vue de la transparence...
Slovakia	I don't know	See no 7
Hungary	I don't know	
Lithuania	I don't know	
Romania	I don't know	
Bulgaria	I don't know	
Norway	I don't know	Publishers' transparency obligations are already regulated in our law on authors' rights/copyright, so there will probably be no changes to that.
Irlande	I don't know	
Switzerland		

[Texte]

Question 9 To your knowledge, will a contract adjustment mechanism be established (or, if already in existence, will it be reinforced)?

Belgium	Yes	Transposition of chapter III
Serbia	Yes	We are working on that with the Intellectual property office of Serbia information: http://www.zis.gov.rs/home.59.html
Croatia	Yes	In line with the Directive EU/2019/790
Italy	Yes	The delegation law specifically says this.
Finland	Yes	
Netherlands	Yes	The new Dutch Copyright Act (art 25d) states that this best seller- clause could be used not only to the first user - but also further on in the chain if the first publisher sub-licensed the work.
Denmark	Yes	We expect a whole new body
Austria	Yes	The author shall have a claim for an additional, reasonable and fair remuneration if the remuneration originally agreed proves to be disproportionately low in comparison with all subsequent relevant income from the exploitation of the work. No such claim is enforceable if the remuneration has been determined in accordance with a remuneration rule or a collective agreement and the latter expressly provides for a further fair share in the case of success.
Sweden	Yes	The department has indicated that changes will be made, but it is not yet clear which ones.
Turkey	No	
Czech Republic	No	Obec překladatelu souhaite depuis longtemps conclure un contrat- modèle avec l'association des éditeurs. En vain. Les éditeurs ne manifestent aucun intérêt pour la négociation sous prétexte que les arrangements actuels de la loi d'auteur soient en mesure de couvrir tout problème éventuel (ce qui n' est pas vrai, bien sûr).
United Kingdom	No	
Macedonia	I don't know	
Iceland	I don't know	

Spain	I don't know	Proposals from our association: - To reform Article 73 of the Intellectual Property Law, concerning the conditions of the contract: "The authors and publishers, through the management entities of their corresponding intellectual property rights or, failing that, through the associations representing them, may agree on general conditions for the publishing contract in compliance with the law". The association proposes to add this paragraph, which would make collective bargaining possible: Such agreements signed between collecting societies or between representative associations shall be binding on authors and publishers. - To include the requirement to use the model contract in Ministry of Education, Culture and Sports (MECD) and regional administrations grants for the publication of translations.
Portugal	I don't know	
Poland	I don't know	
Slovenia	I don't know	
Slovakia	I don't know	See no 7
Hungary	I don't know	
Lithuania	I don't know	
Romania	I don't know	
Bulgaria	I don't know	
Norway	I don't know	We really hope so and will argue for it as we have nothing of the sort yet.
Irlande	I don't know	
France	I don't know	The possibility for an author to ask for a revision of the contract when the remuneration originally agreed on turns out to be excessively low already exist in French law, but the wording and conditions have made that provision ineffective. Proposals have been made by the CPE to strengthen them in favor of the author: replacing "excessively low" by "disproportionately low" and allowing for professional organizations to act in the name of the author. Also, the 2014 agreement on e-books signed between the CPE and the SNE provided for a collective reevaluation of the remunerations granted to authors for e-books within 5 years of the agreement. Nothing has happened yet, but those discussions are being revived.
Switzerland		
Germany		The existing mechanism is going to be maintained.

[Texte]

Question 10 To your knowledge, will dispute resolution procedures be established or modified?

Serbia	Yes	
Croatia	Yes	In line with the Directive EU/2019/790
Netherlands	Yes	In the Netherlands there is already a Dispute Committee but most licensees are unwilling to affiliate. In the adaptation process of the DSM it will be examined if a modification is possible, especially in those sections that are financially subsidised by the government. Part of the fair practice could be an obligation to affiliate.
Denmark	Yes	completely new to Danish law
Austria	Yes	An Arbitration Committee (provided for in the Collecting Societies Act) may be called upon to mediate in case of disputes. The parties to the dispute may be represented by representative associations. If an agreement on common remuneration rules cannot be reached, each of the parties may apply to the Arbitration Committee. The Arbitration Committee may submit proposals to the parties. Such a proposal shall be deemed to be accepted by the parties if none of them raises objections within three months. However, as far as we can see, such collective agreements are not expressly mentioned in the draft—we will try and clarify this discrepancy with our allies in the other arts genres.
Turkey	No	
Finland	No	
Germany	No	The minister of justice proposed two articles referring to pre-existing options
United Kingdom	No	
Macedonia	I don't know	
Iceland	I don't know	
Spain	I don't know	- Mechanisms of the association: o The association has an arbitration body for mediation and conflict resolution: the Joint Commission of Publishers and Translators. o The model contract includes an arbitration clause by which the parties are obliged to resort to the Joint Commission to resolve disputes arising from contract non-compliance. - Proposal of the association: o To include in Book III of the Intellectual Property Law, entitled "On the protection of the rights recognized by this Law", the regulation of an agile, simplified and low-cost procedure for claims related to infringements of the Intellectual Property Law, in particular: § -Illegal clauses within a contract § -Contractual non-compliance § -Failure to comply with other obligations of the publisher

[Texte]

Portugal	I don't know	
Poland	I don't know	
Italy	I don't know	
Slovenia	I don't know	
Czech Republic	I don't know	
Slovakia	I don't know	
Hungary	I don't know	
Lithuania	I don't know	
Romania	I don't know	
Bulgaria	I don't know	
Norway	I don't know	It actually was discussed in the proposition to the new copyright law, but they decided against it. The DSM directive opens this possibility again and it will gain widespread support from all artists and authors' associations.
Irlande	I don't know	
Sweden	I don't know	The department has not given any clear indications what they will recommend.
France	I don't know	There are demands for a conciliation commission, but that seems to be a politically touchy subject (especially as French authors have been all but united these last few months regarding the representativeness of their own organizations... long story). That also explains why the remuneration for e-books has yet to be reexamined.
Belgium		
Switzerland		

[Texte]

Question 11 To your knowledge, are there plans to establish a right of revocation in case of lack of exploitation (or, if already in existence, to reinforce it)?

Belgium	Yes	Transposition of chapter III
Poland	Yes	See above: one of the questions was whether there should be limitations to the right of revocation.
Serbia	Yes	already in Serbian legislation
Croatia	Yes	In line with the Directive EU/2019/790
Italy	Yes	The delegation law specifically says this but, as in the previous case, it must be seen if the contract adjustment mechanism and the revocation mechanism (which exists already, to some extent, for the right of publishing in printed form but not for other rights) chosen will be effective.
Finland	Yes	This is very uncertain, but will probably happen in some form.
Netherlands	Yes	The new Dutch Copyright Act (art 25e) will reinforce the existing 'non usus' rule .
Austria	Yes	A right of revocation has already been provided for in current copyright law but is being extended in the draft to include recalling rights after 10 years in case of a change of opinion.
Turkey	No	
Czech Republic	No	
Denmark	No	already part of Danish law
United Kingdom	No	
Macedonia	I don't know	
Iceland	I don't know	
Spain	I don't know	Article 60 of the Intellectual Property Law sets out the period of time during which the copies of the first edition may be put into circulation, which may not exceed two years. The association, in the seventh agreement of the model contract, includes a maximum period of 12 months: "The PUBLISHER is obliged to put the work up for sale within a period not exceeding 12 months from the date of delivery of the original". When this is the case, the revocation of the assignment is communicated, as is done when the term of the contract has expired.
Portugal	I don't know	As soon as we have further answers, we will communicate them to you.
Slovenia	I don't know	
Slovakia	I don't know	

[Texte]

Hungary	I don't know	
Lithuania	I don't know	
Romania	I don't know	
Bulgaria	I don't know	
Norway	I don't know	But we certainly hope so! The right of revocation is established in our standard contracts for both writers and translators, still it would be it would be preferable to have it as part of law.
Irlande	I don't know	
Sweden	I don't know	The department has not given any clear indications what they will recommend.
France	I don't know	The right for an author to revoke the contract when there is a complete lack of exploitation (the work is out-of-commerce, the author perceives zero royalties) already exists in French law, but it is easily circumvented, especially in the print-on-demand era. Regarding the transposition, the debate revolves around the interpretation of the phrase "lack of exploitation" : does it mean total absence of exploitation or insufficient exploitation ? Choosing the latter interpretation, the CPE is advocating for the French law to mention a "défaut d'exploitation " rather than "non-exploitation", and for the author to be able to revoke the contract when yearly royalties are below a threshold to defined by a professional agreement (the CPE suggests a 100 euro-threshold - instead of 0 euros now). Moreover, drafts of the bill included a exclusion of authors in the book industry from that right, which would be totally unacceptable and contrary to the spirit of the law. The question is also raised of the proof of the revocation of the contract (in many cases, the publisher doesn't formally acknowledge it).
Switzerland		
Germany		The minister of justice is proposing just slight modifications for existing right within §41 UrhG. The effect is going to be insignificant.