

POSITION PAPER ON FIGHT AGAINST ILLEGAL FILE SHARING IN EUROPE

The European Producers Club (EPC) is an association uniting some of the most prominent independent film producers from all over Europe. Our main objective is to promote European Cinema and help build a strong European film industry.

Following our Club meeting held in Berlin on the 7th of February 2009, the members of the EPC have collectively decided to state that illegal file sharing affects them, as independent producers, and confirm the premise that such practices are having drastic negative impacts on their financial stability.

The reassessment of the Telecom Package by the European Parliament is planned for April 2009. The main question will be centred on the reintroduction of the Amendment 138, which, in its current state, would require national governments to rethink their approaches to fight against illegal file sharing. As the vote in the French National Assembly is scheduled for the 4th of March 2009, the EPC would like to give its firm support solutions to fight against illegal file sharing, and ask that the Amendment 138 does not overrule national jurisdiction.

In their ruling of the 27th of January 2008 on the obligations of ISPs with regards to European Copyright Rules and personal data disclosure, the European Court of Justice clearly stated that no harmonisation would occur at a European level on these topics. We believe it should be the same with regards to the Telecoms Package.

The EPC considers that illegal file sharing is not only the commercial use of illegally acquired content, but also the personal usage of illegal file sharing.

The EPC believes that the European Commission should take a strong lead in fighting illegal file sharing and should stimulate Member States in adopting effective regulations. Furthermore, the EPC favours working in close collaboration with ISPs to ensure traceability of online content distribution and the identification of illegal file sharers.