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Androulla VASSILIOU
Member of the European Commission

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Dear Mr McNamee,

Thank you for your letter of 28 February 2013 regarding the Working Group on user-generated content in the stakeholder dialogue 'Licences for Europe'.

You have expressed concerns that the mandate of the Working Group does not cover discussions on legislative reform, but is limited to licensing and contractual and technological solutions.

As stated in the Commission's Communication of 18 December 2012, the Commission is working on two parallel tracks of action: the stakeholders dialogue Licences for Europe on the one hand, and the review of the legal framework for copyright and related rights in the EU on the other.

The Commission's objectives in the dialogue as a whole are, without prejudice to any possible legislative solutions being assessed in parallel, to facilitate the emergence of win-win solutions for all stakeholders in the short-term: practical, market-led solutions in certain fields could potentially improve the situation for users much faster than a possible legislative reform. The Working Group on User-Generated Content has as its focus content that is created by users adapting other creators' works. "Kitchen videos" are one obvious example; music covers are another. The Group was established to map users' problems in regard to this specific phenomenon, and to identify possible solutions (scope for expression, legal certainty for users uploading their "new" material) to make things easier for users, across the sectors in the near-term.

We understand from your letter that you are concerned that the authorisation for the re-use of content by rights holders may be perceived as impacting upon the legal framework. We would like to reassure you that it is not the intention, or indeed the case, that market initiatives to improve the environment for users in the near-term *de jure* or *de facto* could be perceived as altering the current legal framework for the uploading of user-generated content.

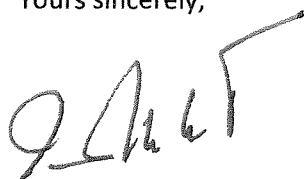
Mr Joe MCNAMEE
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You also express the view that in the longer term, solutions could or even should come through legislation.


Rest assured in this regard that the discussions and potential outcomes of the Working Group do not preclude any of the possible options available for legislative reform. This is indeed clear, and as mentioned, the Commission is working in parallel on the review of the EU legal framework announced in the December 2012 Communication. Your opinion, expressed both within and outside the Working Group, about potential legislative reform will be duly taken into account. Also, our departments, and in particular the Directorate General for Internal Market and Services that is responsible for this strand of action, would be happy to meet with you to discuss your position and your ideas as regards the legislative framework.

With this in mind, we would welcome your engagement in the issue at hand in the Working Group: the development of market solutions to the issue of UGC, where such content adds to the original content. The engagement of all parties can hopefully lead to solutions accommodating users' needs in the short and medium term and indeed have an overall positive impact on this issue.

Yours sincerely,



Michel BARNIER



Neelie KROES



Androulla VASSILIOU