



**COUNCIL OF
THE EUROPEAN UNION**



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PRESSE 303

New rules on term of protection of music recordings

The Council today¹ adopted by qualified majority a directive extending the term of protection of the rights of performers and phonogram producers on music recordings within the EU from 50 to 70 years. ([16/11](#)).

The Belgian, Czech, Dutch, Luxembourg, Romanian, Slovak, Slovenian and Swedish delegations voted against and the Austrian and Estonian delegations abstained ([10568/11 ADD1](#)).

The new directive intends to increase the level of protection of performers by acknowledging their creative and artistic contributions.

Performers generally start their careers young and the current term of protection of 50 years often does not protect their performances for their entire lifetime. Therefore, some performers face an income gap at the end of their lifetimes. They are also often not able to rely on their rights to prevent or restrict objectionable uses of their performances that may occur during their lifetimes.

The directive also foresees measures in order to ensure that artists who have transferred their exclusive rights to phonogram producers actually benefit from the term extension and may recuperate their rights subject to certain conditions.

¹ The decision was taken without discussion at the General Affairs Council meeting.

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Furthermore, the directive harmonises the method of calculating the term of protection of songs and other musical compositions with words created by several authors. The term of protection will expire 70 years after the death of the last person to survive: the author of the lyrics or the composer of the music.

Member states will have to incorporate the new provisions into their national legislations within two years.

Adoption of the directive, which modifies directive 2006/116/EC, follows an agreement with the European Parliament at first reading.

The Commission submitted the proposal in July 2008 and the European Parliament voted in April 2009 ([8898/09](#)).
