

Letter to President Ursula von der Leyen on the upcoming recommendation on combating online piracy of sports and other live events

Brussels, April 28th, 2023

Dear President von der Leyen,

Please find herein a follow-up to our letter sent to you on 17 March 2023 regarding the issue of live piracy in which we asked the European Commission to “act decisively, efficiently and with the utmost priority against those who drain our creative economies”.

As previously outlined, we, together with many of our colleagues remain disappointed that the European Commission proposed a Recommendation despite unambiguous requests from the European Parliament for a legislative instrument.

The only encouragement this house received from the European Commission can be found in the response from October 2022¹ which recognises that this issue should be tackled with urgency allowing for a solid and transparent monitoring system. A review period associated to a clear set of Key Performance Indicators is crucial to ensure that all the players in scope of the Recommendation are incentivised to act.

We took note from the press that a current draft of the Recommendation envisages a three-year review period. Such a lengthy timeframe will only benefit malicious actors to the detriment of our European creative and sports industries. We would further insist that the Recommendation countering piracy of live content contains a clause, consistent to your response quoted above, in the sense that if the Recommendation fails to achieve the desired effects in a timely manner, the European Commission shall further explore other avenues of action, including proposing legislation.

Otherwise, our previous exchanges would be contradicted, Madam President, and the European Commission would demonstrate a lack of resolve in defending the rule of law in the European Union and delivering on the Commission’s commitment to ensure that what is illegal offline is illegal online.

We strongly encourage the European Commission’s services under your authority to ensure that the final Recommendation – to be released in early May - includes a review period that is not longer than one year from publication.

Yours faithfully,

¹ “We also intend to set up a solid monitoring system, in order to assess the concrete effects of the recommendation. Let me assure you of the Commission’s determination to counter the scourge of piracy of live events and how it undermines legitimate livelihoods. Should the recommendation not generate the desired effects in a timely manner, in conjunction with the other EU legislation I have cited, we will not hesitate to take further appropriate steps, including by proposing new EU legislation addressing this significant problem.”

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