European Commission: Member States referred to the Court of Justice of the European Union over collective rights management Directive

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On 7 December 2016, the European Commission decided to refer Bulgaria, Luxembourg, Romania and Spain to the Court of Justice of the European Union (CJEU) for their alleged failure to notify the complete transposition of the Collective Rights Management Directive (Directive 2014/26/EU) into their national laws (see IRIS 2014-4/4). The Directive aims to coordinate national rules concerning access to the online music sector by enhancing the workings of collective management organisations and by increasing transparency. The deadline for its transposition into national law was 10 April 2016.

According to the European Commission, these Member States failed to notify the Commission of the laws, regulations and administrative provisions necessary to comply with the Collective Rights Management Directive. The European Commission sent the Member States a formal letter of notice in May 2016 informing them of the commencement of infringement procedure. The European Commission has proposed daily fines of EUR 19,121 for Bulgaria, EUR 12,920 for Luxembourg, EUR 42,377 for Romania, and EUR 123,928 for Spain. The Commission considered that by failing to notify such provisions to the Commission by 10 April 2016, these Member States had "failed to fulfil their transposition obligations under Article 43 of this Directive."

In a separate infringement case involving Romania, the Commission has also decided to send a letter of formal notice over the implementation of the mandatory collective management system of musical works in May 2016. The Commission considers that Romanian law fails to comply with the Directive on the harmonisation of certain aspects of copyright and related rights in the information society (2001/29/EC) and the Collective Rights Management Directive.

European Commission, Collective Rights Management: Commission refers Bulgaria, Luxembourg, Romania and Spain to the Court of Justice, Brussels, 7 December 2017

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