

Important for artists: your Sena revenues are disappearing to America!

An important part of your income as an artist is at stake and the impact is already being felt. Due to a European court case in 2020, known as the 'RAAP ruling', you will now receive less income if your music is played in public places such as hospitality, shops, radio and television. If nothing changes about this situation, at least €125 million a year will disappear from Europe.

We are trying to draw attention to this problem and you can help.

Here's what's going on:

- If your music is used by restaurants, shops, radio or television in Europe, as an artist you get paid for it. If your music is used in America, you don't get paid for it.
- In the Netherlands, therefore, the hospitality industry, shops, radio and television didn't pay for American repertoire either. After all; the US doesn't pay us a fee for our recording rights, so we don't pay them either. This was also in line with international law; that concept is called 'reciprocity'.
- Due to a court case in 2020, the 'RAAP ruling', we are no longer allowed to apply that reciprocity in Europe. In the Netherlands, the government has therefore amended our national legislation. Other countries are still waiting for a response from the EU.
- That new legislation means that about 40% of all revenues collected by Sena on behalf of artists and producers now go to the US, instead of Dutch artists and producers. This is because about 40% of the music we consume in the Netherlands comes from the US. So the 'Sena pie' for Dutch artists has suddenly become 40% smaller.
- So Sena would have to start collecting 40% more from hospitality, retail, radio and television to make up that difference. However, this is not the case! Sena does try, but the chances of it succeeding in these times are slim because many companies are still recovering from the corona crisis and there is economic uncertainty. Specifically, this means that as an artist, you will be paid up to 40% less Sena income every month.
- For international labels that also release a lot of US music (e.g. the major labels), this problem is less of an issue. Indeed, with enough American repertoire, the new situation could even be advantageous for them. That is why we see little or no action from these international labels and their advocates to solve this problem for Dutch artists.

Both the Dutch government, Sena and STOMP (independent labels) want the EU to come up with a solution, for instance by returning to the principle of reciprocity. However, without support from the other European countries, this will be very difficult. In this video, Sena explains the problem in more detail.

What can you do to help?

The Dutch independent labels represented by STOMP have been pushing for a solution to this problem for over 3 years. However, until the EU offers a solution, our national government cannot do anything about this loss of income for Dutch artists and producers.

Do you not work with an independent label represented by STOMP? Then ask your label how much loss of income you can expect. And above all, ask what they and their head office are doing to prevent this. Together we can put extra pressure on the EU to save our Sena income!

For more information, please contact: STOMP (Independent Music Producers Foundation)

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