

# Speech by President Donald Tusk on receiving lifetime membership of the UCD Law Society in Dublin

## Press contacts

### Preben Aamann

European Council President Spokesperson

+32 2 281 51 50

+32 476 85 05 43

Thank you for your welcome and for this honour.

As some of you may know, my name is Donald, after my father. I am a Catholic, like the overwhelming majority of my compatriots. I love football as well as rugby: my beloved sports club from my hometown has won 13 rugby union titles. I am a fan of W. B. Yeats, Samuel Beckett, U2 and Sinéad O'Connor (even if she did go a bit too far with John Paul the Second), Colin Farrell and Neil Jordan. I am even a fan of Conor McGregor, though I must say I have mixed feelings about his latest fight with a bus in New York.

I am as delighted with the poems of Seamus Heaney as I am with the drop goals of Jonathan Sexton. And my favourite memory from the Euro 2012 football championship is the Spain-versus-Ireland game. I am not talking about the result (it's better if I don't mention it at all), but I remember how moved I was, like all football fans, when thousands of Irish supporters sang *The Fields of The Fields of Athenry*, despite the defeat. I was there with them in Gdańsk at the time, not only in the stadium, but also in town after the match. (Don't ask me about the details, we had a few pints too many.) Last but not least: I don't like Brexit. Actually, that's an understatement: I believe Brexit is one of the saddest moments in twenty first-century European history. In fact, sometimes I am even furious about it.

From what I have told you about myself just now, it might seem that I am more Irish than some of you. Do you know that my political opponents in Poland even call me a redhead? Obviously, for no reason, as you can see. To sum up, it is no surprise that I feel so at home here in Ireland, and that I greatly appreciate your generous distinction, and the fact that you've accepted me as one of your own.

Going back briefly to Gdańsk. Listening to the green crowd singing when it was already four-nil (damn! I told myself not to mention the result), I thought to myself that no-one celebrates their defeats as beautifully and as heartily as the Irish, and the Poles. And history has given both of our countries quite a few opportunities for such celebrations. Lost uprisings, lost matches, and then singing out loud with tears in our eyes – this we have

always been the best at, in the whole world.

I heard that a German ambassador to Dublin once famously said that Ireland's history was sadder "even than Poland's". As a German, he knew what he was saying. I won't argue with you about who the leader is in this tragic ranking of national misery. What is certain is that Poland and Ireland are both worthy contenders. This could also be one of the reasons why we understand each other so well.

But instead of contemplating the past, I would rather recall the words of an alumnus of this University, James Joyce, who said, "history is a nightmare from which I am trying to awake". When you are Irish or Polish, it is not so easy to awake yourself from a nightmare. Historical bad fortune, difficult neighbourhoods, internal divisions – all of this has meant that, through the years, we have tasted victory so rarely, while so often swallowing the bitterness of defeat. This is why we should appreciate today's reality even more, both here on this island, and in my homeland on the Baltic coast. A reality in which independence, prosperity, peace and reconciliation have ceased to be just entries in a dictionary of unreal dreams.

Today, I think it's an exciting time to be Irish. According to surveys, the Irish are amongst the happiest people in Europe and the *most* optimistic about their future in the European Union. You are a young nation, with the Union's highest birth rate (I really appreciate it, it's impressive) and, for several years now, one of its fastest-growing economies. You have managed to combine fidelity with the past with a freedom from old anxieties. You became a country of immigration for the first time, receiving more people proportionately than the UK, yet no-one ever hears of any problems on this issue from Ireland. You are even moving on from the modern clichés of being the small, brave country that resolved its ancient quarrels and became a successful harnesser of globalisation. Meeting your young *Taoiseach* or watching the exploits of your rugby team, it is clear that something much more interesting is happening. There is a new confidence there, not dependent on the opinions of others. You are the first generation of Irish people with nothing to prove, who look to the future with a calm optimism rather than a determined hope. I would want no less for my own country. Where Ireland goes from here is your free choice. It will be very interesting to see what you do with it. No pressure.

Allow me once again to refer to the author of *Ulysses*, who stated in his *Exiles*: "If Ireland is to become a new Ireland, she must first become European." I recall these words because they could as well be dedicated to all other European nations, especially now, in the times of Brexit, when European entropy is again starting to compete with European gravity. We have many reasons to be satisfied, as a generation which has united Europe. But we have as many reasons for concern, as a generation that could still (unfortunately) make it to the gloomy and for sure spectacular show of another European disunion. You may think I am oversensitive to this threat. But our two countries don't need reminding about how much effort, suffering and time is needed to build peace and unity without coercion, in the conditions of freedom. And how little time and effort is needed to undermine and demolish this structure.

Wherever I look, I can see this dangerous potential for conflict. In my country, today marks the eighth anniversary of the plane crash in Smolensk, where the Polish president and many senior public and state officials died. Shared national mourning quickly changed into a painful and particularly nasty argument that has divided my nation ever since. While here in Dublin, and in Belfast, today, on the 20th anniversary of the Good Friday Agreement, thousands of people are looking with concern and anxiety to the future of the peace process after Brexit. Later this month I will be visiting the Balkans – to describe all the conflicts in that region would require a many-hour lecture. The Greeks and Cypriots have worries of their own about their neighbour, not to mention the emotions surrounding illegal migration and the security of Europe's external border. I could go on.

I would like you to treat these words not as an introduction to some kind of sad prophecy. I don't feel good in the role of Cassandra. Out of Homer's heroes, I clearly prefer Ulysses, and in this case, not because of my fondness for Joyce. Ulysses, who pursued his goal, even against the gods. Sometimes losing his way, sometimes doubting and sinning, he finally made it to his Ithaca. Determination and faith were with him through the years of his journey. And despite moments of weakness and despite the crises, he never gave up. I can see this kind of strength and determination in you, the young Irish, and I meet people like you in all corners of Europe. All we need to do is find each other again, count how many we are and reunite. As I already said here in Dublin last year: *ní neart go cur le chéile*. There is no strength without unity.

This might seem a bit egoistic, but let me quote myself again. At the 60th anniversary of the Treaties which laid the foundations for the EU, I said in Rome, "Europe as a political entity will either be united, or will not be at all. Only a united Europe can be a sovereign Europe in relation to the rest of the world. And only a sovereign Europe guarantees independence for its nations, guarantees freedom for its citizens. The unity of Europe is not a bureaucratic model. It is a set of common values and democratic standards. Today it is not enough to call for unity and to protest against multiple speeds in Europe. It is much more important that we all respect our common rules such as human rights and civil liberties, freedom of speech and freedom of assembly, checks and balances, and the rule of law. This is the true foundation of our unity."

Recently, I have been thinking about the poet whose life embodies very well the various legacies I have just mentioned. Seamus Heaney, also honoured by this society, who would be 79 this week. An Irish poet from Derry in the North who came of age during The Troubles. A Nobel laureate with professorships at Harvard and Oxford. It was Heaney who welcomed the leaders of the Central and East European countries to the EU at a special ceremony in Dublin on the 1st of May 2004. His celebratory poem, *Beacons at Bealtaine*, uses the image of a feast of bright fire to mark the day we returned home:

*So on a day when newcomers appear*

*Let it be a homecoming and let us speak*

*The unstrange word, and give a welcome here,  
Move lips, move minds and make new meanings flare  
Like ancient beacons signalling, peak to peak,  
From middle sea to north sea, shining clear  
As phoenix flames upon fionn uisce here.*

Thank you.

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## **ESMA updates its double volume cap register**

Today's updates include DVC data and calculations for the period of 1 March 2017 to 28 February 2018 (so-called March 2018 publication) as well as updates to already published DVCs.

MiFID II introduced the DVC to limit the amount of dark trading in equities allowed under the reference price waiver and the negotiated transaction waiver. The DVC is calculated per instrument (ISIN) based on the rolling average of trading in that instrument over the last 12 months.

The number of new breaches for the March 2018 publication is 47 equities for the 8% cap, applicable to all trading venues, and 8 equities for the 4% cap, that applies to individual trading venues.

The instruments which breached the DVC thresholds for March and for which caps already existed from previous periods will continue to be suspended. In addition, trading under the waivers for all new instruments in breach of the DVC thresholds should be suspended from 13 April 2018 to 13 October 2018.

In addition, ESMA highlights that some trading venues in the meantime have submitted corrected data that affects past DVC publications. For a limited number of 34 instruments, this means that previously identified breaches of the 8% and 4% caps prove to be incorrect. For these instruments, the suspensions of trading under the waivers should be lifted.

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# Preparing Europe's future, building on a strong Digital Single Market: joint statement by Vice-Presidents Ansip and Dombrovskis, Commissioners Oettinger, Andriukaitis, Bieńkowska, Moedas and Gabriel following the Digital Day 2018

At Digital Day 2018, Ministers and representatives of Member States recalled their commitment to complete the Digital Single Market, and agreed to work together more in a series of key areas for Europe's future: artificial intelligence, blockchain, ehealth and innovation.

European Commission Vice-Presidents Andrus **Ansip** and Valdis **Dombrovskis**, Commissioners Günther H. **Oettinger**, Vytenis **Andriukaitis**, Elżbieta **Bieńkowska**, Carlos **Moedas** and Mariya **Gabriel**, welcomed the results achieved today:

*"Today's commitments by Member States give a strong signal: we all understand that Europe's future is digital and that the only way to fully reap the benefits of new technologies is by working together, joining forces and resources.*

*By pooling health data, using artificial intelligence and blockchain and promoting innovation, Europe can significantly improve people's lives. Earlier and better diagnosis of diseases, safer roads – this is only a glimpse of what embracing digital change can look like.*

*We have made significant progress in building a Digital Single Market since the first Digital Day in Rome last year. People are starting to feel the benefits of tearing down digital borders: the end of roaming charges and unjustified geoblocking, portability of online content.*

*Stronger rules on the protection of personal data and the first EU-wide rules on cybersecurity will become a reality in May 2018. But we need to accelerate our efforts: key proposals, from the free flow of non-personal data to better connectivity, still need to be agreed by the European Parliament and Member States. They are essential for the development of technologies such as artificial intelligence. Europe also needs to invest more in digital, research and innovation.*

*We are creating a strong Digital Single Market – let's build on this to make sure that Europe has a bright digital future."*

**For more information:**

[Press release: Digital Day 2018: EU countries to commit to doing more together on the digital front](#)

[Opening speech by Vice-President Ansip, Digital Day 2018](#)

[Opening speech by Commissioner Gabriel, Digital Day 2018](#)

[Factsheet: A Digital Single Market for the benefits of all Europeans](#)

[Timeline: Digital Single Market – Commission actions since 2015](#)

[Declaration on Artificial intelligence](#)

[Declaration on eHealth](#)

[European Blockchain Partnership](#)

[Declaration on Innovation Radar online tool](#)

[Video Innovation Radar](#)

[New initiatives on 5G cross-border testing corridors](#)

[Digital Day 2017 in Rome](#)

#DigitalDay18

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## [Speech by Vice-President Ansip on copyright at the Charles Clark Memorial Lecture, London Book Fair](#)

*“Ladies and gentlemen*

*I would like to start by thanking all the organisers for inviting me to the London Book Fair.*

*It is an honour to give this year’s Charles Clark Memorial Lecture.*

*While I am no expert in copyright law, I do share one objective with many illustrious speakers who have delivered the lecture in the past.*

*That is to find a way to modernise copyright law, maintain protection for authors and maximise access to creativity and culture for current and future generations of readers.*

*Culture is at the heart of the European project as a way of going beyond borders. But it should not be kept within borders. Cultural lock-in does not help or serve anybody in the European Union – or anywhere, for that matter.*

*Culture is not some kind of accessory to the European idea. It is an integral part of it. Europe’s rich and diverse cultural heritage binds us all together.*

*When copyright law was first introduced in the early 18th century, it was a watershed moment.*

*Three centuries further on, we should ask if today’s copyright rules are still keeping up with developments. Are they fit for the digital age?*

*The short answer is ‘no’.*

*EU copyright rules have clearly evolved a great deal since the 18<sup>th</sup> century. But they were developed before the digital revolution was starting to take off. Before people had heard of Facebook, YouTube or Twitter. Before digital platforms even existed.*

*Consumer demands and expectations are now very different compared with 10*

years ago. Or even five. Digital technologies have transformed beyond recognition how creative content is produced, distributed and marketed.

Take the surge in digital publishing; the digitisation of back catalogues. Or e-books: they took off at astonishing speed when they properly emerged – although that growth now appears to have slowed somewhat.

Digitalisation has led to many new business models.

As you know yourselves, the internet has become the main marketplace for distribution and access to copyright-protected material.

Our rules should reflect these new and emerging online uses.

Like you, I want European publishing to retain its leading global position. That is why reforming rules on copyright lies at the heart of our plan to build a Digital Single Market in Europe. It aims to keep our creative and cultural industries competitive in the digital age.

We plan to achieve that by:

- stimulating cultural diversity;
- getting more culture to circulate around Europe;
- and creating new opportunities for creators and the content industry.

Our reform proposals are all designed with these aims in mind, taking both economic and social angles into account.

From a business perspective, I know that a primary concern is to make sure of recovering your investments in new talent and creativity.

Publishers have to take many risks – starting with the courage of believing in the potential of an author – before making an initial investment. That willingness to take risks deserves to be rewarded.

Authors also deserve reward and recognition for their efforts in artistic creativity. To me, this is a basic function of copyright.

It is why we need fair and clear rules for everyone involved across the publishing value chain. This includes digital platforms. They have responsibilities to contribute back into that value chain. They should also be more active in fighting piracy and illegal material posted online.

As publishers, you need better leverage to improve your negotiations with them.

Let me go into a little more detail of what I mean.

I will start with the value gap.

This is about everyone involved in creating a cultural product being paid fairly for their contribution.



*The issue of fair payment – or share of revenue – has become a particular challenge when it comes to material accessed via digital platforms. But the new distribution or access channels are also about being transparent about how the material is used – and what is earned from using it.*

*Our copyright reform gives publishers and authors the means to negotiate better with digital platforms. Rights holders will be in a stronger and fairer position to negotiate and be paid when a platform puts their work online. The legal bargaining position of press publishers needs similar improvement and clarity.*

*We propose a special right to help them negotiate licences with online services for use of their material and to enforce their rights in the digital environment.*

*This right already exists in EU law for film producers, record producers and broadcasters. To me, it is only fair that it should also apply to press publishers.*

*Not only will it help them to fight piracy and unauthorised use of your material, it will also help to maintain an independent and high-quality press in Europe.*

*Our proposal does not change the scope of current copyright protection and case law, including for hyperlinking. I think this is reasonable.*

*What is not reasonable is to take bloggers to court for hyperlinking to an article. As you know, I do not support the idea of a “hyperlink tax”.*

*Then, authors: Everyone here knows that the publishing industry could not exist without them.*

*As publishers, you work with authors every day and know the difficulties that many of them face just to earn a living. Again, this concerns balance in contractual relationships. It also concerns transparency, since authors often cannot check how their work is used online, or measure its success.*

*The Commission’s copyright proposal helps authors and performers to obtain fair pay when negotiating with producers and publishers, who will have to be transparent about the revenues they make from particular works.*

*Before I finish, I want to mention another aspect of copyright law that our reform will address: exceptions.*

*We have proposed new exceptions for public libraries, museums and archives. These do not destroy publishers’ business models. But they do help to give more access to knowledge, as well as remove legal uncertainty for teachers.*

*Another proposed exception is for text and data mining. This is a promising and important tool for scientists and researchers. They need access to large volumes of data to develop new knowledge and insights. Scientific journals and articles are a major source of that data – usually online.*

*But text and data mining is developing only slowly, mainly due to legal uncertainty.*

*Our proposal would require all EU countries to allow research organisations – such as universities and research institutes – to carry out TDM of copyright-protected content to which they have lawful access, without prior authorisation.*

*I am aware that this is a sensitive issue, far from straightforward. That is why we have included safeguards to maintain the integrity and security of publishers' databases, and limited the scope to research.*

*Ladies and gentlemen*

*When it comes to books, much has been written and said about the looming demise of paper. But despite the years of warnings, it has not yet happened.*

*Yes, if you look at the sales figures, it might appear that the writing is on the wall for print books. But in Europe at least, books are still one of the main products purchased online.*

*Perhaps there is hope for the two formats to coexist peacefully. Time will tell. In this context, let me say that I have supported the removal of VAT on e-books. I hope that this will soon be a reality.*

*One thing is clear to me, however. New forms of content and creativity can come from the least expected quarters, especially in a world that is being changed so much by digital technology.*

*Since I am speaking to publishers, it seems apt to end with a quote. But this is not a quote from a book, or from printed media.*

*In 2009, the actor and author Stephen Fry tweeted what has become perhaps one of the best-known quotes about e-books: 'One technology doesn't replace another, it complements. Books are no more threatened by Kindle than stairs by elevators'.*

*Food for thought in this digital age.*

*Thank you for your attention. It has been a pleasure to be with you today."*

For More Information

[Press release: Commission proposes modern EU copyright rules](#)