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EUROPEAN NEWSPAPER PUBLISHERS' ASSOCIATION



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NEWS RELEASE

Europe is just one vote away from securing or undermining the independent media and jobs of thousands of professional journalists who together underpin our precious democracy

Europe's press publishers are calling on MEPs to support the independent media and jobs of thousands of professional journalists when they vote this Wednesday, 12th September at Plenary in Strasbourg on amendments that have been tabled to the draft EU copyright reform.

EP Rapporteur for the reform, MEP Axel Voss, has tabled key amendments to the Publisher's neighbouring Right (article 11) on hyperlinks, and to strengthen the position of journalists to reflect the broad consensus in the Parliament - amendments that publishers urge MEPs to adopt.

The Rapporteur's amendments offer the only solution that will provide the necessary legal protection for press publishers to be able to monetise their content in the digital world whilst also benefiting journalists. Alternatives for a presumption, or for carve-outs for the use of snippets (see below) will not deliver this legal certainty and, worse, will strengthen the position of the platforms and content aggregators. The press publishers are against these alternatives; the journalists are against them, and many Member States too.

As MEPs consider how to vote, they need to consider that by supporting amendments 74, 151 to 155 (AM 33-38, 137 – 141 and 144 for the recitals) by MEP Axel Voss on article 11 – and, crucially, by rejecting alternatives, - they have it in their power to:

- help secure our independent media for the next generation
- help ensure journalists can benefit from a share of any revenue generated by the right
- modernise copyright with a proportionate approach that does not stifle digital innovation
 - promote fairness in the digital ecosystem
 - make copyright work on the web for news publishers and their readers
- allow consumers to continue to share links, create memes and use Wikipedia
 - support genuine publishers, not fake news, and help them fulfil their role in a democratic society
- encourage innovation and publishing start-ups

There have been many amendments tabled which go against the compromises reached by the Rapporteur. If adopted these will undermine or even destroy the neighbouring right. Why?

Firstly: An exception for snippets, as suggested in Amendment 163, will destroy the neighbouring right by creating a new 'safe-harbour' for any search provider and all news aggregators, including those which are licenced today. If this amendment passes into law, the situation for press and journalists will be worse than today. Aggregators will be able to copy and publish snippets with impunity, thereby stripping out a core element of the value of press publications in order to monetise it themselves. Such a weakened neighbouring right will be unenforceable, and benefit platforms and aggregators who care only about making money and care nothing about the jobs of journalists or the investment of the press publishers. We ask you please to reject Amendment 163.

Secondly: A presumption would simply codify the dysfunctional status quo where it has become almost impossible to seek licences or take out enforcement actions. A presumption is not a modernization of copyright as it ignores the reality of mass scraping and commercial reuse of journalistic content. Journalists oppose it and press publishers oppose it and we ask you also to oppose a presumption.

In a nutshell, both the presumption and the 'safe-harbour' for use of snippets for commercial purposes would not improve the legal status of press publishers regarding the unauthorised use of their content by online services - the original objective of the proposal for a neighbouring right.

Back in 2016 when this proposal was first published, speaking at his State of the Union address, European Commission President Juncker said: "I want journalists, publishers and authors to be paid fairly for their work, whether it is made in studios or living rooms, whether it is disseminated offline or online, whether it is published via a copying machine or commercially hyperlinked on the web." The European Commission's [stated objective is the following](#): "The EU needs modern copyright rules fit for the digital age. The European Commission has presented legislative proposals to make sure that consumers and creators can make the most of the digital world."

Consumers and creators can only make the most of the digital world if the creators have the legal means to monetise their creations. The Publisher's Right would provide press publishers with the legal tool they need to encourage lawful, licensed re-use of their valuable journalism.

Europe is a vote away from securing or undermining its valuable independent media.

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Note to Editors:

EMMA, the European Magazine Media Association, is the unique and complete representation of Europe's magazine media, which is today enjoyed by millions of consumers on various platforms. EMMA represents 15,000 publishing houses, publishing 50,000 magazine titles across Europe in print and digital. See: www.magazinemedie.eu

ENPA, the European Newspaper Publishers' Association, is an international non-profit organisation representing publishers of newspaper and news media on all platforms. In a rapidly changing media environment, ENPA supports publishers with the aim of achieving a successful and sustainable future for independent news media in Europe. See: www.enpa.eu

EPC, the European Publishers Council is a high level group of Chairmen and CEOs of leading European media corporations actively involved in multimedia markets spanning newspaper, magazine, book, journal, internet and online database publishers, and radio and TV broadcasting. See: <http://epceurope.eu/>

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