

TO: H.E. Ambassador Cosmin Boiangiu
CC: Deputy Permanent Representatives of the Member States to the European Union, European Parliament negotiating team and European Commission

Brussels, 17 January 2019

RE: Open letter to the Romanian Presidency of the European Council on Article 11 of the proposed Copyright Directive considering the ongoing inter-institutional negotiations

Dear Ambassador Cosmin Boiangiu,

We, the undersigned, represent European small and medium sized publishers and national consumer associations.

We stand for the freedom of the press, media pluralism, quality journalism and the right for European citizens to have access to information. Web referral traffic from online services such as news aggregators, search engines or apps, allow European citizens to find information that they wouldn't have accessed otherwise and help smaller and local publishers to reach out to new audiences. The Internet is an opportunity, not a threat for the press industry.

We fully support the European Commission's Digital Single Market Strategy and applaud the its initiative to modernise copyright rules. Unfortunately, we have noted with deep regret that the negotiations to review the European Copyright laws may severely impact the current win-win situation for small publishers and EU citizens.

The introduction of such right in Germany and Spain has made it harder for small and local media outlets to grow online and reach new audiences. Similar laws inevitably lead to reduced diversity of news sources for European citizens, as online services won't realistically be able to take licenses from every single European publisher and therefore won't be able to display them. It also affects the ability of European users to share, comment and discuss news online. This is particularly worrisome at a time where European citizens intensively rely on online services to access information.

For these reasons, small and local publishers and consumer association groups around Europe are calling the European institutions to strike a fair balance that will satisfy all stakeholders. We therefore urge on you to:

1. Ensure media pluralism by protecting the business model of small and local publishers: **All publishers should be entitled to decide whether they wish to claim the new right** or whether it is in their interest to provide their content for free.

2. Not introduce a “link tax”: Make sure that **all hyperlinks are excluded** from the application of the new publisher’s right.
3. Protect the right of European citizens to access relevant information by **excluding from the scope of the publisher’s right individual words, short excerpts (snippets) and headlines** which provide context to the hyperlinks and provide necessary and contextual information to users.
4. Make sure that the new publisher’s right doesn’t apply to mere facts, as they shouldn't be covered by copyright, but **only covers extracts that are the expression of the intellectual creation of their authors.**

Yours Sincerely,



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The signatories:

[European Innovative Media Publishers](#) – European

[Association of Publishers of Periodical Publications \(AEEPP\)](#) – Spain

[Associazione Nazionale Stampa Online \(ANSO\)](#) – Italy

[Syndicat de la presse indépendante d'information en ligne \(Spil\)](#) – France

[300polityka](#) – Poland

[Prauda](#) – Denmark

[Dennik](#) – Slovakia

[Mellygroup](#) – France

[Golem.de](#) – Germany

[Asociación de Usuarios de Internet](#) – Spain

[Asociación de internautas](#) – Spain

[Unione Nazionale Consumatori](#) – Italy

[Asociación de Consumidores y Usuarios Digitales de España](#) – Spain

[Federacja Konsumentów](#) – Poland