

EUROPEAN INNOVATIVE MEDIA PUBLISHERS

promote a regulatory environment that fosters a diverse, competitive, free and innovative media publishing

Brussels, 29 October 2018

RE: Open letter to the Austrian Presidency of the European Council and rapporteur Axel Voss MEP on Article 11 and Recital 32 of the proposed Copyright Directive

Dear Mr. Oberreiter,

Dear Mr. Voss,

We, the [Coalition of Innovation Media Publishers](#), represent associations of small and medium sized publishers, media companies and digital native outlets, committed to producing high quality news and relying on online channels to reach and grow our audiences and daily provide more than 1.37 million stories to 140 million readers.

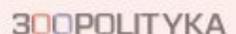
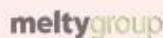
We stand for freedom of the press, innovative media, media pluralism and quality journalism. As innovative, modern, forward looking media, we are committed to maintaining an open and competitive regulatory environment that supports our businesses.

However, we've noted with deep regret that both the European Council and the European Parliament are advocating for the creation of a new publishers' right (Article 11 of the proposed Copyright Directive) instead of other alternatives, such as the presumption of rights, put forth by a wide range of stakeholders.

If the European institutions go ahead with the creation of such a right, we believe that it should incorporate key provisions that at least reduce some of the collateral damage to small and medium-sized publishers we expect, including with a view to transposition into national law.

We would like to highlight a highly problematic provision adopted by the European Parliament: **Article 11 (1)** and **Recital 32** introduce a remuneration principle which *prohibits* publishers from allowing indexing of their content online without remuneration. **Recital 32** means that news aggregators, podcast aggregators and search engines would not be allowed to serve links with individual words and short extracts of news publisher content without a bespoke agreement stipulating payment – even when a news publisher *wishes* to be included.

We adamantly believe that any publisher's right must give publishers the *choice* to consent to the sharing of their content online. Aggregators, search engines and other online services drive valuable traffic to publishers' websites, particularly smaller or local ones; and this traffic referral creates huge opportunities to generate revenue through advertising.



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Limiting publishers' freedom in this way will result in detrimental consequences for us, as shown by a similar experience in Spain. The introduction of an *unwaivable* ancillary copyright in favor of publishers in Spain caused small publishers to lose as much as 15% of their web traffic. This is estimated to have cost the Spanish news publishing industry €10 million a year.

We therefore urge you to preserve media pluralism in Europe by protecting small, local and regional publishers. In doing so, we urge you to reject the European Parliament's position on Article 11 (1) and Recital 32.

Yours sincerely,

The European Innovation Media Publishers

Our spokesperson:

Carlos Astiz, Chairman of the European Innovation Media Publishers

Our members:

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

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

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

[300polityka](#) - Poland

[Prauda](#) - Denmark

[Dennik](#) - Slovakia

[Meltygroup](#) - Slovakia

[Golem.de](#) - Germany

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