European Independent Media Publishers

10 November 2026

EIMP Response to the Targeted Consultation on a Better Copyright Environment for European Creativity and Innovation

The European Independent Media Publishers association (EIMP), representing over 2.000 innovative, independent, local, and regional digital-native media outlets across Europe, welcomes the Commission's initiative to gather feedback on targeted measures to modernise the Copyright in the Digital Single Market (CDSM) Directive, and remains fully committed to serving as a trusted institutional partner to ensure the regulatory framework allows for healthy and open competition in media markets while adapting effectively to the rapid advancement of various forms of AI, including generative AI.

Executive summary

Copyright and Generative AI

- **Prioritise implementation and enforcement of existing rules:** Maintain an innovation-friendly framework that supports newsroom competitiveness and European media pluralism. EIMP favours effective implementation of Article 53 of the AI Act and Article 4 of the CDSM Directive rather than reopening copyright legislation or adding new rules.
- **Make TDM opt-outs workable through common technical standards:** Operationalise CDSM Article 4 TDM opt-outs through machine-readable protocols and clear dataset summaries. This would give independent publishers a practical and predictable way to verify compliance while preserving access to high-quality data for the development of advanced AI models.
- **Promote voluntary market partnerships over mandatory schemes:** Support commercial agreements, bilateral partnerships and structured dialogue between publishers and technology providers. EIMP opposes statutory licensing and mandatory collective-management models that weaken rightsholder autonomy and impose disproportionate administrative burdens on digital-native SMEs.

Online Piracy of Time Sensitive Content

- **Focus on effective enforcement of existing rules:** EIMP recommends focusing on effectively implementing the tools already available under the Digital Services Act, European Media Freedom Act, and the CDSM.
- **Safeguard against overblocking:** Avoid broad and automated infrastructure-level measures, such as indiscriminate IP or DNS blocking, that may restrict legitimate news services. Anti-piracy remedies should protect freedom of expression, fundamental rights and the openness of internet infrastructure. The lifespan of local news items is short, content takedown due to lack of contextualization risks jeopardizing the business model of small and local media publishers.
- **Strengthen voluntary cooperation and targeted remedies:** Improve notice-and-action systems, trusted-flagger arrangements and structured stakeholder dialogue to address illegal streaming at source without creating new financial or administrative liabilities for digital news outlets.

1. Copyright and Generative AI: licensing and enforcement of copyright and related rights

As generative AI fundamentally redefines how content is discovered and delivered, access to state of the art AI became a must for independent publishers to enhance productivity, scale reporting, and compete

effectively against legacy media. In this regard, EIMP stands for a **balanced regulatory environment** that maximizes the potential of AI while ensuring fair competition, editorial responsibility, and respect for intellectual property. The primary challenges facing our sector center on ensuring legal certainty, establishing workable technical standards for rights reservations at scale, and addressing negotiating imbalances through constructive market mechanisms.

To address these challenges, EIMP advocates **maintaining and thoroughly enforcing the existing legal framework**, specifically Article 4 of the CDSM Directive and Article 53 of the AI Act, rather than introducing new legislative revisions or reopening EU copyright law at large. Text and data mining (TDM) rules form a foundational element of the digital ecosystem that supports both AI development and publisher innovation. The effectiveness of Article 4 TDM opt outs relies on standardized technical protocols and meaningful dataset transparency. General Purpose AI (GPAI) providers should publish sufficiently detailed, machine readable summaries of training datasets under Article 53 of the AI Act, enabling independent publishers to verify compliance without compromising confidential business information or trade secrets. Furthermore, supporting consensus driven technical solutions, such as machine readable crawler identification protocols, provides publishers with clear choices while giving technology developers legal predictability.

Regarding **licensing and remuneration**, EIMP champions voluntary and market driven commercial agreements, supported by Commission-led structured dialogues between media publishers and technology companies. Furthermore, voluntary commercial licensing preserve the autonomy and flexibility of independent newsrooms to negotiate terms that reflect the unique value of their journalism, provided negotiations in fact occur and in good faith. We therefore support a constructive framework that encourages fair commercial discussions and see many pitfalls in top-down mandatory statutory licensing or Extended Collective Licensing (ECL) schemes, such as for example unbalanced representation of smaller players in collective licensing bodies. Mandatory statutory or collective regimes risk removing direct rightsholder control, create bureaucratic friction, and risk undervaluing innovative digital journalism while favoring traditional legacy publishers.

2. Online piracy of time-sensitive copyright-protected content, including live events

EIMP considers that the existing EU legal framework, anchored in the Digital Services Act (DSA), provides an **adequate set of remedies**. For independent news publishers and digital media outlets, providing a predictable regulatory environment and prioritizing swift notice and action enforcement under Article 16 of the DSA, Article 17 of the CDSM Directive, and Article 18 of the European Media Freedom Act (EMFA), should be top of the agenda. These rules offer, on paper, effective protection, but how they are implemented and how media SMEs can benefit from them without a disproportionate bureaucratic burden is key. The lifespan of local news items is much shorter compared to national or international news. This means that if a piece of news content shared on an intermediary platform is taken down due to lack of contextualization, it impacts the business model of small and local media publishers disproportionality. By the time the case is remedied, the relevance of the news item in question is passed, and the publisher has therefore lost traffic and revenue. Therefore,

EIMP supports **maintaining the status quo and focusing efforts on the harmonized enforcement of existing rules** rather than adopting new legislative measures.

EIMP fully supports effective anti-piracy enforcement. However, we stress that **enforcement measures must remain strictly targeted, proportionate, and accompanied by robust safeguards** to protect fundamental rights, freedom of expression, and open internet infrastructure. Voluntary cooperation between intermediaries and rightsholders, structured stakeholder discussion forums, and enhanced information sharing among Member State authorities represent constructive tools to combat illegal streams. Conversely, aggressive or automated infrastructure level blocking injunctions, such as IP address or DNS level blocking, carry severe **risks of overblocking lawful digital news content**, disrupting shared web hosting environments, and restricting citizen access to independent journalism. If dynamic injunctions or accelerated blocking procedures are deployed at national levels, they must be subject to mandatory judicial oversight, precise URL targeting (prohibiting broad IP ranges), strict duration limits, and rapid unblocking mechanisms for third parties mistakenly impacted. Preserving open digital communications and protecting media availability remain essential to safeguarding European media pluralism.

About EIMP

EIMP is a registered non-profit organization under Belgian law ('Association sans but lucratif' – ASBL), and is registered in the EU Transparency Register, identification number 302233747610-65. **Contact:** secretariat@eimp.eu