

## STATEMENT ON PUBLISHERS' RIGHT FROM JOURNALISTS AND PUBLISHERS AHEAD OF THE 12 SEPTEMBER PLENARY ON THE EU DIRECTIVE ON COPYRIGHT IN THE DIGITAL SINGLE MARKET

Ahead of the copyright vote in Plenary scheduled for 12 September, the **EFJ (European Federation of Journalists)**, the **IFJ (International Federation of Journalists)**, **EMMA (European Magazine Media Association)**, **ENPA (European Newspaper Publishers' Association)**, **EPC (European Publishers Council)**, **NME (News Media Europe)** – together representing the interests of tens of thousands of European news brands and journalists – jointly call on MEPs to maintain the wording on the publishers' right (Article 11) as put forward by the Legal Affairs Committee.

Article 11, as proposed by Legal Affairs Committee on 20 June, represent a major step in the debate: **the recognition of the need to protect investment in content**, to make copyright management fit for the digital world, **to secure fair practices in the online exploitation of news content** and to ensure a healthy, democratic, diverse, sustainable and free democratic press to the benefit of European journalists, citizens and European democracy.

The proposal also ensures that hyperlinks are clearly excluded from the scope of Article 11, and does not penalise readers who share articles, since it applies only to uses by information society service providers.

In this context, the International and European Federations of Journalists agreed in early July with European news publishers on a joint approach and wording of Recital 35, to ensure a fair share for journalists of the benefits deriving from the future publishers' neighbouring right<sup>1</sup>.

The introduction of the proposed neighbouring right in Article 11 will facilitate a thriving press ecosystem, with fair pay for journalists, including photographers and freelancers, and will safeguard the quality of content.

The solution voted for in JURI represents a sensible and balanced approach that was reached after months of negotiation and compromise. The entirety of the press ecosystem is united in support of Article 11, as proposed by the JURI Committee.

Any further limitation or amendment to Article 11 would only have the unwanted effect of diluting the right, rendering it unusable – with the unfortunate outcome that both publishers and journalists would lose out. This would benefit only the actors that have taken advantage of the current lack of legal clarity and that have been free-riding on press content for the last decade, at the expense of professional journalism and European media. Any alternative solution, such as a presumption, is also strongly opposed by the entire ecosystem.

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<sup>1</sup> The undersigned associations agree that to avoid misinterpretations, **Recital 35** must be clarified as follows during the negotiations:

35) *The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. Authors whose work is incorporated in a press publication shall be entitled to an appropriate share of the new additional revenues press publishers receive for the secondary use of their press publications by information society service providers in respect to the rights provided for in Article 11 paragraph 1.*



A publishers' right gives press publishers a much-needed legal standing to be able to negotiate fair and workable terms of distribution of press content in the digital world; ensures a fair and proportionate distribution of revenue between publishers and journalists; and is essential in aiding the industry to secure the future of an independent, diverse and free press.

For these reasons, we ask for your support of Article 11 as proposed by the Legal Affairs Committee and strongly encourage Members of the European Parliament not to succumb to misleading claims and hostile and intimidating campaigns driven by opponents of a neighbouring right for press publishers.

We cordially invite you to contact us with further inquiries.

Yours sincerely,

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## Signatory organisations

**The European Federation of Journalists (EFJ)** is the largest organisation of journalists in Europe, representing over 320,000 journalists in 70 journalists' organisations across 44 countries. The EFJ fights for social and professional rights of journalists working in all sectors of the media across Europe and is recognised by the European Union and the Council of Europe as the representative voice of journalists in Europe. See: <https://europeanjournalists.org>

**The European Magazine Media Association (EMMA)** 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.magazinemedia.eu](http://www.magazinemedia.eu)

**The European Newspaper Publishers' Association (ENPA)** 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](http://www.enpa.eu)

**The European Publishers Council (EPC)** 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/>

**The International Federation of Journalists (IFJ)** is the world's largest organisation of journalists, representing over 600,000 members in 140 countries. The IFJ promotes international action to defend press freedom and social justice through strong, free and independent trade unions of journalists. It speaks for journalists within the United Nations system and the international trade union movement. See: <https://europeanjournalists.org>

**News Media Europe (NME)** represents the progressive news media industry in Europe – over 2200 European titles of newspapers, radio, TV and internet. NME is committed to maintaining and promoting the freedom of the press, to upholding and enhancing the freedom to publish, and to championing the news brands which are one of the most vital parts of Europe's creative industries. See: <http://www.newsmediaeurope.eu/>