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## **Document 1**

Briefing Basis CAB OETTINGENR/371,  
Second Roundtable Commissioner  
Oettinger with Publishers, 9/03/2016,  
BERL, (Ref. Ares(2016)1446342)

## Second Roundtable Commissioner Oettinger with Publishers

Wednesday, 9 March 2016 (BERL – meeting room TBC, 17:30-18:45)

### I. Scene setter

Out of scope

*List of participants /CVs and company descriptions (see attachments for more details).*

N.B. [REDACTED]

#### Participants from the publishers:

We have invited the six publishers' associations mentioned below [REDACTED]

- ENPA (European Newspaper Publishers)
- EMMA (European Magazine Publishers)
- NME (News Media Europe)
- STM (International Association of Scientific, Technical and Medical Publishers)
- FEP (Federation of European Publishers)

For DG CONNECT: To be decided. Will likely include Claire Bury, Gerard de Graaf, [REDACTED]

For the Cabinet: Michael Hager, Anna Herold

Estimated duration: 1h 15 min

### Objectives:

Out of scope

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Their Position:**

Out of scope

**Press publishers:** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Book publishers and scientific publishers**

[REDACTED]

**Our Position:**

Dut of scope

[REDACTED]

- [REDACTED]

- [REDACTED]

**Line to Take:**

Out of scope

- [REDACTED]

- [REDACTED]

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## II. Speaking points

Out of scope

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[REDACTED]

**Author:** [REDACTED]

**1. Q/A note presented at the meeting with SG and Cabinets Juncker, Ansip and Oettinger on 25 February 2016**

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*Would the proposal to introduce a publishers' neighbouring right have an impact on the hyperlinking discussion?*

A neighbouring right for publishers would not alter the notion of 'communication to the public' as defined in the EU acquis and case law. Therefore, introducing a neighbouring right for publishers would not impact on the ability of internet users to set or use hyperlinks. A neighbouring right would only grant a status to press publishers comparable to the status of other right owners, e.g. film or music producers.

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## 2. Meeting between Commissioner Oettinger and press publishers, 25 January 2016 - Read-out of publishers' interventions

Out of scope

██████████ (Axel Springer):

[REDACTED]

██████████ (Financial Times):

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

██████████ (Reutlinger Generalanzeiger):

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██████████ (Società Edizioni e Pubblicazioni, Il Secolo XIX):

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**[REDACTED] (Roularta Media):**

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**[REDACTED] (Burda Medien):**

[REDACTED]

**[REDACTED] (Guardian Media Group):**

[REDACTED]

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[REDACTED]

[REDACTED] (De Pers Group Nederlands):

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[REDACTED] (Schibsted Media Group):

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] (Grupo Herald):

[REDACTED]



### 3. Other relevant background information

#### A) Press publishers and copyright

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### B) Initiatives in the Member States

Two Member States (Germany and Spain) have adopted laws to address press publishers' concerns. Both aim at the same result (i.e. payment to press publishers for the use of their works by news aggregators), but follow different approaches:

- Under the Spanish law, news aggregators do not need an authorisation from the relevant right holders to make news snippets available to the public. However, the use is subject to the payment of an equitable compensation to the publishers or authors of the original press articles. This compensation cannot be waived and is subject to mandatory collective management. The exception will not be applicable to images or photographs. For the latter, the exclusive right of the relevant right owners remains.
- Germany has introduced an ancillary right for press publishers, in force since August 2013. The law grants newspaper publishers an exclusive right to allow or prohibit the making available of press products or parts of press products online. The making available is lawful unless carried out by commercial news aggregators such as search engines or social networks. Authors and journalists have a right to participate in a possible remuneration.

Out of scope

**C) The Reprobel decision and publishers' participation on the compensation for the reprography exception (Case Hewlett-Packard and Epson vs Reprobel, C-572/13)**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**D) Open access policy and copyright**

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

## **Document 2**

Report meeting CNECT I2 with YAHOO,  
27/04/2016, (Ref. Ares(2016)5575203)

# Meeting on publishers' rights with Yahoo - 27/04/2016

Participants:

Out of  
scope

Commission: ■ and ■ (note-taker).

Yahoo: Laura Covington (Vice President - IP Policy), François-Xavier Dussart (EU Public Policy Director) and ■ (Account Director, Bunswick Group LLP).

■  
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■

Yahoo considers that copying full works or articles and making them available to the public without the authorisation of the publisher is a copyright infringement, whereas providing access to snippets with hyperlinks is beneficial to the interests of publishers (more traffic). ■

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Of interest to: Anna HEROLD, ■

### **Document 3**

Report meeting CNECT I2 with BEUC,  
4/05/2016, (Ref.Ares(2016)5144563)

**From:** [REDACTED]  
**Sent:** Wednesday, May 04, 2016 5:15 PM  
**To:** HEROLD Anna (CAB-OETTINGER); BURY Claire (CNECT); DE GRAAF Gerard (CNECT); [REDACTED]  
**Cc:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** Publishers right - meeting with BEUC- 4/5/2016

[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]

**MEETING WITH BEUC**  
**Wednesday 4 May 2016 (BU 25- 6.187 – 10:30-11:30)**

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**Object** : Informal meeting with BEUC within the context of the ongoing public consultation on publishers  
**Presents** : BEUC - [REDACTED]  
[REDACTED]  
CE DG CNECT – [REDACTED]

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**Discussions**

*The public consultation considers the recognition of a "neighbouring right" for publishers.*

*We recalled that the neighbouring right has to distinguished from the ancillary right (such as in Germany and Spain). It has also been recalled that the neighbouring right of the publisher is "neutral" whether or not, for instance, a hyperlink or a snippet is protected under copyright. Indeed, recognizing such right will change nothing about the scope of the communication to the public right of the author (nor his reproduction right).*

*BEUC recognised that the public debate, including their position on that matter had focussed very much on the ancillary right discussion as per the German and Spanish laws (i.e. specific legal intervention addressing the use of snippets by news aggregators). They welcomed the clarification we provided about the difference between an ancillary right and a neighbouring right. They also acknowledged that their main concern would be a legal intervention that would change current rules applicable to hyperlinks and they were reassured to learn that this was not the subject of the neighbouring right discussion.*

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]



## **Document 4**

Report meeting CNECT I2 with Facebook,  
12/05/2016, (Ref.Ares(2016)5144449)

**From:** [REDACTED]  
**Sent:** Friday, May 13, 2016 9:32 AM  
**To:** HEROLD Anna (CAB-OETTINGER); BURY Claire (CNECT); DE GRAAF Gerard (CNECT)  
**Cc:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** Meeting with Facebook 12.05.2016 - publishers right and value gap

Dear all, enclosed a quick report from yesterday meeting with Facebook M.

**Meeting with FACEBOOK**  
**12.05.2016**  
\*\*\*

**Object:** Exchange of views on the upcoming copyright reform with the focus on the ongoing public consultation on publishers and the "value gap" discussion.

- **FACEBOOK:** [REDACTED]  
[REDACTED]  
[REDACTED]
- **F.5.:** [REDACTED]  
[REDACTED]

**Main points discussed:**

- The ongoing public consultation which considers the recognition of a "neighbouring right" for publishers:
  - [REDACTED]  
[REDACTED]
  - We recalled that at the EU level, the discussion has shifted from an "ancillary right" to a full Neighbouring Right granting the publishers exclusive rights (+ underlying exceptions) and that the option to recognize a Neighbouring Right to publishers would not impact the current debate on whether a Hyperlink or a snippet is protected under copyright.

Out of scope

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Out of scope

- [REDACTED]

- [REDACTED]

- [REDACTED]

- The value gap issue:

- [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

## **Document 5**

Report meeting CNECT I2 with Google,  
8/06/2016, (Ref. Ares(2016)5144739)

[REDACTED]

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[REDACTED]

### MEETING WITH GOOGLE on publishers' right

\*\*\*

Wednesday 8<sup>th</sup> of June 2016 (BU25)

- **GOOGLE:** [REDACTED]  
[REDACTED]  
[REDACTED]
- **CONNECT F.5.:** [REDACTED]  
[REDACTED]

#### Main points discussed:

- [REDACTED]
- Strong concerns as to **the scope** of such right (Press, Books, Scientific publications? / Who would publisher among the one billion websites on the net?), and its potential impact on some of their specific products (ex. Google Book, Google scholar, etc.) as well as their **hyperlinks activity** and use of **snippets** (both being "linked").
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Out of scope

[illegible][illegible]

## **Document 6**

Briefing Basis, CAB OETTINGER/565,  
Commissioner Oettinger- dinner with  
Dr.von Klaeden (Axel Springer SE) and  
MdBs and MdEPs, Berlin 20/06/2016 (Ref.  
Ares(2016)4032632)



**Dinner with von Klaeden (Axel Springer SE) and MdBs and MdEPs  
in Journalisten club in Berlin on 20 June 2016**

**Follow up on copyright: Copyright + next steps + DE position**

**I. Scene setter**

*For Axel Springer: Dr. Dietrich von Klaeden, Head of Public Affairs and Mathias Döpfner, CEO.*

*Members of the Bundestag and Members of the European Parliament.*

*For DG CONNECT: Günther Oettinger*

**Objective(s):**

**Their Position:**

Out of scope

- [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- 

**Our Position:**

Out of scope

- [REDACTED]
  - [REDACTED]
- 

**Line to Take**

**On the portability proposal**

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**On the second copyright package**

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Defensives

Portability

Out of scope

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Second copyright package

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■ [REDACTED]

*Will the Commission tax hyperlinks?*

- The Commission has no plan to tax hyperlinks. In other words, we have no intention to ask people to pay for copyright when they simply share a hyperlink to content protected by copyright.
- In our action plan to modernise EU copyright rules, we explained that we would look at the activities of different types of intermediaries in relation to copyright-protected content. This is a different issue. News aggregators, for example, are not only using hyperlinks but extracts of articles and make business out of this activity.

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Review of Satellite and Cable Directive

Out of scope

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## IV. Background

### 1. Reprobel judgment of the CJEU and Vogel-Judgment of the Bundesgerichtshof

Out of scope

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## **Document 7**

Briefing Basis CAB OETTINGER/894,  
GHO Head of Cabinet Michael Hager  
meeting with CDU - CSU  
"Strategiearbeitungs Gruppe Digitales" at  
the Bundestag 20 October 2016 (Ref.  
Ares(2016)6334540)

**GHO Head of Cabinet Michael Hager meeting with CDU - CSU  
"Strategiearbeitsungs Gruppe Digitales" at the Bundestag 20 October 2016 to  
discuss DSM**

**Basis briefing CAB Oettinger 894**

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**I. Scene setter**

Out of scope

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**Objective**

Out of scope

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Out of scope

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Out of scope

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#### IV. Defensives

##### General defenses on forthcoming telecoms review

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V. Background

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### 3. The connectivity package for the Digital Single Market

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#### 4. European definition of start-ups

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**5. The data flow initiative**

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**6. VAT Action Plan**

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**7. eIDAS**

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**8. AVMSD proposal and its compliance with the principle of subsidiarity.**

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9. Copyright Package

Out of scope

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**Second Copyright Package**

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***1. Cross-border access to content***

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***2. Exceptions***

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Out  
of  
scope

### 3. A fair marketplace

[REDACTED]

Introducing a new related right for **press publishers** for the use of their publications in digital environments will strengthen the bargaining position of publishers when they negotiate the use of their content with online players. The proposal aims to help preserve the viability of an independent and high-quality press, which is critical for a pluralistic society and for democratic debate. Without such a right, which other creative industries already enjoy, the future of the European press would be at risk. The new right will not change the way consumers share and link to news online as they increasingly do on social media (no "Link Tax"! ). The Commission wants the press industry to benefit from a fairer market place so that it can enjoy the best possible environment to develop innovative business models to continue offering quality content online, which is what consumers crave for.

[REDACTED]

Out of  
scope

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Personal data

[REDACTED]

Personal data

[REDACTED]

## **Document 8**

Briefing Basis CNECT/5972, Meeting of  
Roberto Viola with Carlo D'Asaro Biondo  
and Caroline Atkinson – Google 19  
October 2016 (Ref. Ares(2016)6334509)



## Meeting of Roberto Viola with Carlo D'Asaro Biondo and Caroline Atkinson - Google

19 October 2016

### Background document

BASIS Request CNECT/5972

#### Scene setter

##### Overview of issues related to Google in copyright proposal

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

- On copyright, Google has also expressed there should be no copyright on **linking and browsing**; (important to highlight that the new related right does not affect what acts of hyperlinking should be considered acts of communication to the public).

##### Background on partnerships between google and EU industry stakeholders

[REDACTED]

Out of scope

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Out of scope

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Row	Percentage
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3	70%
4	100%
5	100%
6	85%
7	100%
8	100%
9	100%
10	100%
11	80%
12	45%

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Copyright package

Out of scope

[Redacted text block]

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1. Cross-border access to content

Out of scope

[Redacted text block]

2. Exceptions

Out of scope

[Redacted text block]

Out of scope

[REDACTED]

### *3. A fair marketplace*

[REDACTED]

Introducing a new related right for **press publishers** for the use of their publications in digital environments will strengthen the bargaining position of publishers when they negotiate the use of their content with online players. The proposal aims to help preserve the viability of an independent and high-quality press, which is critical for a pluralistic society and for democratic debate. Without such a right, which other creative industries already enjoy, the future of the European press would be at risk. The new right will not change the way consumers share and link to news online as they increasingly do on social media (no "Link Tax"! ). We want the press industry to benefit from a fairer market place so that it can enjoy the best possible environment to develop innovative business models to continue offering quality content online, which is what consumers crave for.

Out of scope

[REDACTED]

## **Document 9**

Briefing Basis CNECT/5942, Meeting of  
Claire Bury with U.S. economic diplomats  
on digital policy 12 October 2016 (Ref.  
Ares(2016)6153047)

# Meeting of Claire Bury with U.S. economic diplomats on digital policy

12 October 2016

## Briefing on copyright

BASIS Request CNECT/5942

### Scene setter

Out of scope

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### Expected position of the US industry on the copyright package:

Out of scope

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## Speaking points

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Out of scope

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## Defensives on copyright

Out of scope

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## Value Gap

Out of scope

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Out of scope

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*Related right for press publishers*

Out of scope

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***Will the new related right affect hyperlinking? Is this a tax on hyperlinks?***

No. Granting such rights to press publishers will not affect the way users share hyperlinks on the internet. The Commission made it clear in December last year that there is no plan to tax hyperlinks. This is a totally different issue. The Commission has no intention to ask people to pay for copyright when they simply share a hyperlink to content protected by copyright.

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General

Out of scope

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**Other areas of the package**

Out of scope

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[REDACTED]

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[REDACTED]

## Background

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### *1. Cross-border access to content*

Out of scope

[REDACTED]

[REDACTED]

### *2. Exceptions*

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

### 3. A fair marketplace

Out of scope

[REDACTED]

Introducing a new related right for **press publishers** for the use of their publications in digital environments will strengthen the bargaining position of publishers when they negotiate the use of their content with online players. The proposal aims to help preserve the viability of an independent and high-quality press, which is critical for a pluralistic society and for democratic debate. Without such a right, which other creative industries already enjoy, the future of the European press would be at risk. The new right will not change the way consumers share and link to news online as they increasingly do on social media (no "Link Tax"! ). We want the press industry to benefit from a fairer market place so that it can enjoy the best possible environment to develop innovative business models to continue offering quality content online, which is what consumers crave for.

[REDACTED]

[REDACTED]

Author: [REDACTED]

## **Document 10**

Briefing Basis CAB OETTINGER/843,  
Video message from Commissioner  
OETTINGER to be shown during the  
Cinekid Film, TV and New Media Festival  
for Youth (Ref. Ares(2016)6153105)

**Video message from Commissioner OETTINGER to be shown during the  
Cinekid Film, TV and New Media Festival for Youth  
at Amsterdam on 20 October 2016**

---

**I. Scene setter**

Out of scope

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Their Position**

Out of scope

[REDACTED]  
[REDACTED]

**Our Position**

Out of scope

[REDACTED]  
[REDACTED]

**II. Speaking points**

Out of scope

- [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED]

[REDACTED]  
[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

### III. Background on the copyright proposals adopted on 14 September and their impact on media

[illegible]

### ***1. Cross-border access to content***

Out of scope

[illegible]

## 2. Exceptions

Out of scope

[illegible]

### 3. A fair marketplace

Out of scope

[REDACTED]

Introducing a new related right for **press publishers** for the use of their publications in digital environments will strengthen the bargaining position of publishers when they negotiate the use of their content with online players. [REDACTED]

[REDACTED]

Out of  
scope

[REDACTED] The new right will not change the way consumers share and link to news online as they increasingly do on social media (no "Link Tax"! ). We want the press industry to benefit from a fairer market place so that it can enjoy the best possible environment to develop innovative business models to continue offering quality content online, which is what consumers crave for.

Out of scope

[REDACTED]

[REDACTED]

## **Document 11**

Briefing Basis CAB OETTINGER/808,  
Participation of Commissioner  
OETTINGER in the session of "media and  
network" of the CDU Deutschland in  
Strasbourg on 4 October 2016 (Ref.  
Ares(2016)6152952)

**Participation of Commissioner OETTINGER in the session of "media and network" of the CDU Deutschland in Strasbourg**  
**at 11:00 on 4 October 2016**

## I. Scene setter

Out of scope

**Objective(s):** [REDACTED]  
[REDACTED]

- § 87(2)(b) [REDACTED]  
§ 87(2)(b) [REDACTED]  
§ 87(2)(b) [REDACTED]  
§ 87(2)(b) [REDACTED]  
§ 87(2)(b) [REDACTED]

## Their Position

Out of scope

Copyright: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

AVMSD: [REDACTED]  
[REDACTED]  
[REDACTED]

1. [REDACTED]
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92. [REDACTED]
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95. [REDACTED]
96. [REDACTED]
97. [REDACTED]
98. [REDACTED]
99. [REDACTED]
100. [REDACTED]

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2. [REDACTED]  
3. [REDACTED]

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1. [REDACTED]

1. [REDACTED]

[REDACTED]

**Our Position**

**Out of scope**

- [REDACTED]
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  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]

II. Speaking points

Out of scope

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[REDACTED]

Out of scope

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- [illegible]

- **Online-Plattformen:**

Out of scope

- [illegible]



- [REDACTED]  
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[REDACTED]

[illegible]

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[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[illegible]

[REDACTED]

[REDACTED]

- Moderne EU-Urheberrechtsvorschriften

Out of scope

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**Überarbeitung der europäischen AV-Vorschriften (Richtlinie  
über audiovisuelle Mediendienste)**

Out of scope

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Out of scope

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➤ COPYRIGHT REFORM:

Related right for news publishers

[REDACTED]

[REDACTED]

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Value Gap

Out of scope

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Remuneration of authors and performers

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**New rules to make more audiovisual works available on video-on-demand platforms** Out of scope

[REDACTED]

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- [REDACTED]

Out of scope

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[REDACTED]

### III. Background

Out of scope

#### ➤ Copyright proposals adopted on 14 September and their impact on media

[REDACTED]

[REDACTED]

##### *1. Cross-border access to content*

[REDACTED]

[REDACTED]

##### *2. Exceptions*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### 3. A fair marketplace

Out of scope

[REDACTED]

Introducing a new related right for **press publishers** for the use of their publications in digital environments will strengthen the bargaining position of publishers when they negotiate the use of their content with online players. [REDACTED]

[REDACTED]

Out of scope

[REDACTED]. The new right will not change the way consumers share and link to news online as they increasingly do on social media (no "Link Tax"! ). We want the press industry to benefit from a fairer market place so that it can enjoy the best possible environment to develop innovative business models to continue offering quality content online, which is what consumers crave for.

[REDACTED]

[REDACTED] e.

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#### ➤ AVMSD proposal

Out of scope

- [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Out of scope

[REDACTED]

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Out of scope

[REDACTED]

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[REDACTED]

➤ **Online platforms**

Out of scope

[REDACTED]

[REDACTED]

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[REDACTED]

## **Document 12**

Briefing Basis CAB OETTINGER/732 -  
Meeting with EPC (European Publishers  
Council) CEOs, 27.09.2016 (Ref.  
Ares(2016)6004142)

**Basis 732 - Meeting with EPC (European Publishers Council) CEOs**  
27.09.2016 at 12h

---

**I. Scene Setter**

Out of scope

[REDACTED]

**II. Their position**

Out of scope

[REDACTED]

- I [REDACTED]
- I [REDACTED]

[REDACTED]

- I [REDACTED]
- I [REDACTED]
- I [REDACTED]

[REDACTED]

[REDACTED]

**III. Speaking points**

Out of scope

On copyright:

- [REDACTED]
- I [REDACTED]

- [REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED]

#### IV. Defensives

##### 1. ON PUBLISHERS' RIGHTS

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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[REDACTED]  
[REDACTED]

## 2. ON EXCEPTIONS: TDM

Out of scope

[REDACTED]

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[REDACTED]  
[REDACTED]

[REDACTED]

- [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

- [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

3. REMUNERATION OF AUTHORS AND PERFORMERS

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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#### 4. ON AVMSD

Out of scope

##### 1. Audiovisual commercial communications

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**V. Background**

**The Copyright package**

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Out of scope

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**1. Cross-border access to content**

Out of scope

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**2. Exceptions**

Out of scope

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Out of  
scope

### *3. A fair marketplace*

Introducing a new related right for **press publishers** for the use of their publications in digital environments will strengthen the bargaining position of publishers when they negotiate the use of their content with online players. The proposal aims to help preserve the viability of an independent and high-quality press, which is critical for a pluralistic society and for democratic debate. Without such a right, which other creative industries already enjoy, the future of the European press would be at risk. The new right will not change the way consumers share and link to news online as they increasingly do on social media (no "Link Tax"! ). We want the press industry to benefit from a fairer market place so that it can enjoy the best possible environment to develop innovative business models to continue offering quality content online, which is what consumers crave for.

Out of  
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### **On Google case**

Out of  
scope

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**Authors:**

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Personal data

## **Document 13**

Briefing Basis, Commissioner OETTINGER  
REF at COREPER I lunch, on 23 September  
2016 (Ref. Ares(2016)6334355)

## Commissioner OETTINGER at COREPER I lunch

At 13:00 on 23 September 2016

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### 1. Scene setter

Out of scope

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*The current Coreper I chair is Deputy Permanent Representative,* [REDACTED]

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Out of scope

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*For the Cabinet: M. Hager*

*Estimated duration:* 1 hour

Agenda: discussion on the Digital Single Market

**Objective(s):**

**Our Position**

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2. Speaking points –Telecom Review and Copyright

Out of scope

Opening remarks

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First [Gigabit objectives]

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*Third [5G Action Plan]*

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*Fourth and finally [European Electronic Communications Code]*

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Concluding remarks

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### 3. Background for Telecom Review and Copyright

Out of scope

#### *A. Defensives -Telecom*

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Author: [REDACTED]

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## *B. Defensives - Copyright*

### *New rules on online transmission and retransmission of television and radio programmes*

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### *RELATED RIGHT FOR PRESS PUBLISHERS*

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Out of scope

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Out of scope



## ***D. background copyright***

[REDACTED]

Out of  
scope

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Out  
of  
scope

### ***1. Cross-border access to content***

Out of scope

[REDACTED]

[REDACTED]

### ***2. Exceptions***

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

### 3. A fair marketplace

[REDACTED]

Out of  
scope

Introducing a new related right for **press publishers** for the use of their publications in digital environments will strengthen the bargaining position of publishers when they negotiate the use of their content with online players. The proposal aims to help preserve the viability of an independent and high-quality press, which is critical for a pluralistic society and for democratic debate. Without such a right, which other creative industries already enjoy, the future of the European press would be at risk. The new right will not change the way consumers share and link to news online as they increasingly do on social media (no "Link Tax"! ). We want the press industry to benefit from a fairer market place so that it can enjoy the best possible environment to develop innovative business models to continue offering quality content online, which is what consumers crave for.

[REDACTED]

Out of  
scope

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Out of  
scope

## 4.General background

### A. Work programme

[REDACTED]

Out of  
scope

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Out of scope

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## DG CONNECT proposals for Commission Work Programme 2017 (CWP 2017)

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### C. State of Play – Portability

Out of scope

[illegible]

## 6. Attachments

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Out of scope

[illegible]

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## **Document 14**

**Briefing Basis CAB OETTINGER/812,  
Meeting Commissioner OETTINGER and  
Mr Heker, CEO of GEMA On 19 September  
2016 (Ref. Ares(2016)6003711)**



## Meeting Commissioner OETTINGER and Mr Heker, CEO of GEMA

On 19 September 2016 at 12:15, EU REP Berlin

### I. Scene setter

Out of scope

[REDACTED]

### Relations with YouTube

Out of scope

[REDACTED]

[REDACTED]

**Agenda:** Value gap (use of protected content by certain online services) and publishers' right (Reprobel fix)

Value gap

Out of scope

**Their Position**

[REDACTED]

**Our Position**

[REDACTED]

[REDACTED]

**Their Position**

Out of scope

[REDACTED]

**Our position**

[REDACTED]

Out of  
scope

## II. Line to Take

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Author: [REDACTED]

### III. Background on the copyright proposals adopted on 14 September

Out of  
scope

[REDACTED]

[REDACTED]

#### 1. Cross-border access to content

Out of scope

[REDACTED]

[REDACTED]

Out of scope

#### 2. Exceptions

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Out of scope

#### 3. A fair marketplace

[REDACTED]

Introducing a new related right for **press publishers** for the use of their publications in digital environments will strengthen the bargaining position of publishers when they negotiate the use of their

content with online players. The proposal aims to help preserve the viability of an independent and high-quality press, which is critical for a pluralistic society and for democratic debate. Without such a right, which other creative industries already enjoy, the future of the European press would be at risk. The new right will not change the way consumers share and link to news online as they increasingly do on social media (no "Link Tax"! ). We want the press industry to benefit from a fairer market place so that it can enjoy the best possible environment to develop innovative business models to continue offering quality content online, which is what consumers crave for.

[REDACTED]

[REDACTED]

## V. Attachments [REDACTED]

Out of scope

- [REDACTED]
- [REDACTED]



## **Document 15**

Briefing Roberto Viola at CoR SEDEC  
Commission meeting 19th September 2016  
REF



[REDACTED]

[REDACTED]

[REDACTED]

## Objective

## Out of scope

- [REDACTED]

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## II. Known CoR position on DSM and recent activities with the CoR Out of scope

### CoR opinions on DSM Actions

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### Out of scope

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#### Additional opinions and studies from the CoR

Out of scope

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Out of scope

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Broadband platform

Out of scope

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### III. Speaking points

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#### IV. LTT and defensives

##### CoR and DSM

Out of scope

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##### The Connectivity package for a competitive DSM

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## The Copyright package

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### *1. Cross-border access to content*

Out of scope

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## 2. Exceptions

Out of scope

[REDACTED]

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## 3. A fair marketplace

[REDACTED]

Introducing a new related right for **press publishers** for the use of their publications in digital environments will strengthen the bargaining position of publishers when they negotiate the use of their content with online players. The proposal aims to help preserve the viability of an independent and high-quality press, which is critical for a pluralistic society and for democratic debate. Without such a right, which other creative industries already enjoy, the future of the European press would be at risk. The new right will not change the way consumers share and link to news online as they increasingly do on social media (no "Link Tax"! ). We want the press industry to benefit from a fairer market place so that it can enjoy the best possible environment to develop innovative business models to continue offering quality content online, which is what consumers crave for.

[REDACTED]

Out of  
scope

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scope

### Digitising European Industry, digital skills and regional perspective

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11/11/2016

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## Personal data

## **Document 16**

Briefing Basis CAB OETTINGER/385,  
Meeting between MEP Julia REDA  
(Greens/EFA, DE) and Commissioner  
OETTINGER, Strasbourg on 12 April 2016  
(Ref. Ares(2016)1988094)

## Meeting between MEP Julia REDA (Greens/EFA, DE) and Commissioner OETTINGER

Strasbourg on 12 April 2016

---

### I. Scene setter

MEP Julia Reda has requested a meeting with you to discuss the European Commission's plans relating to copyright modernisation.

*For DG CONNECT:*

*For the Cabinet:*

*Estimated duration: 30'*

Agenda: Copyright modernisation

### Objective(s):

Her Position:

Out of scope

- [REDACTED]

[REDACTED]

[REDACTED]

Out of scope

- [REDACTED]
- [REDACTED]

Our Position

Out of scope

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Line to Take

**On exceptions:**

**Out of scope**

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**On the Marrakesh Treaty:**

**Out of scope**

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**On the portability proposal:**

**Out of scope**

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**On neighbouring rights for publishers:**

- [REDACTED]  
[REDACTED]  
[REDACTED]
- We do not intend to affect simple hyperlinking. Hyperlinking by people is a separate matter and should not be confused with the objective of creating a level-playing field between economic operators on the internet.

**Out of  
scope**

**Authors:** [REDACTED]

**II. Background**

**Copyright modernisation – state of play**

Out of scope

[Redacted text block]

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**Reda Report on the implementation of the InfoSoc Directive**

Out of scope

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Exceptions (and out-of-commerce works)

- [REDACTED]
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Out of scope

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Marrakesh Treaty

Out of scope

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Portability proposal

Out of scope

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**Publishers' neighbouring right**

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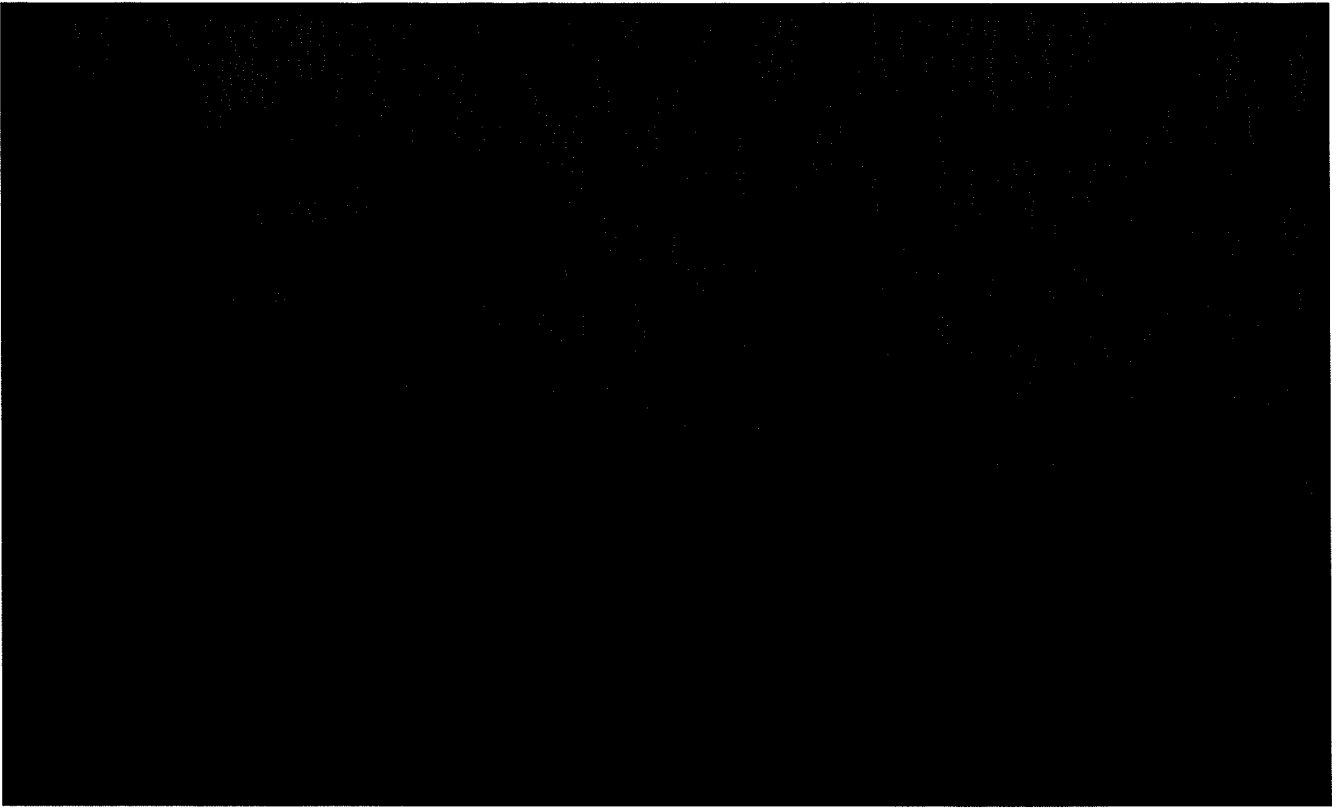
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This is the latest post on copyright published by Julia Reda on her personal website on 29 March 2016:

Out of scope

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© 2006 The Authors  
Journal compilation © 2006 Blackwell Publishing Ltd

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## **Document 17**

Document on the copyright package for the  
College Meeting of 13.09.2016 (Ref.  
Ares(2016)6334373)



# The Copyright package

## College Meeting 13.09.2016

[REDACTED]

Out of  
scope

[REDACTED]

[REDACTED]

[REDACTED]

### 1. Cross-border access to content

Out of scope

[REDACTED]

[REDACTED]

### 2. Exceptions

Out of scope

[REDACTED]

[REDACTED]

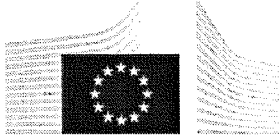
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Out of scope

[illegible]

## **Document 18**

**Note to the attention of DG Connect  
Management Team – International Activity  
Report (Ref. Ares(2016)1899659)**



## EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Cooperation  
Director

### NOTE TO THE ATTENTION OF DG CONNECT MANAGEMENT TEAM

**Subject: MT 25/4 2016 - International Activity Report  
reporting period 11<sup>th</sup> March 2016 – 14<sup>th</sup> April 2016**

#### HIGHLIGHTS

Out of scope

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

## Table of Contents

- [illegible]

12. [REDACTED]

1. MULTILATERAL

Out of scope

[REDACTED]

[REDACTED]

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[REDACTED]

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**2. ENLARGEMENT COUNTRIES** Out of scope

[REDACTED]

**3. SOUTH MEDITERRANEAN** Out of scope

[REDACTED]

**4. AFRICAN UNION** Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## 5. USA

[REDACTED]

[REDACTED]

Out of  
scope

[REDACTED] There are also a number of comments on the Digital Single Market strategy itself and on related measures, including standardization, "Link Tax" laws (ancillary copyright) and remarks on the substance and state of play re: the Privacy Shield.

[REDACTED]

Out of  
scope

[REDACTED]

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Out  
of  
scope

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## 6. JAPAN Out of scope

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7. BRAZIL Out of scope

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8. INDIA Out of scope

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9. CHINA Out of scope

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**11. SOUTH KOREA**      Out of scope

[REDACTED]

**12. INTERNATIONAL AGENDA 2016**      Out of scope

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[illegible]

## **Document 19**

Operational conclusions – Management &  
coordination meeting 5 September 2016  
(Ref. Ares(2016)5239285)

# OPERATIONAL CONCLUSIONS – MANAGEMENT & COORDINATION MEETING 5 September 2016

## Attendees Personal data

R. Viola (RV - DG) - Chair

M. Hager (MH - CAB GHO), A. Herold (AH - CAB GHO) and K. Gross (KG - CAB GHO)

C. Bury (CB - DDG), G. Kent (GK - Acting DDG)

P. Timmers (PT - H), K. Rouhana (KR - A), G. Abbamonte (GA - I), L. Corugedo-Steneberg (LCS - D), G. de Graaf (GdG - F), T. Skordas (TS - C), A. Whelan (AW - B), P. O'donohue (POD - E), M. Nagy-Rothengrass (MNR - G1)

F. Lupescu (FL - PA), M. Richards (MR - PA)

[REDACTED]

[REDACTED]

## Introduction Out of scope

[REDACTED]

[REDACTED]

## Media

[REDACTED]

- On copyright there is criticism from MEP Reda on link tax in the social media.

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Ongoing legislative files

[REDACTED]

Out of  
scope

OPERATIONAL CONCLUSIONS – MANAGEMENT & COORDINATION MEETING 5 September 2016

Interservice

Out of scope

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Institutions/Agencies

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Infringements

Out of scope

[REDACTED]

[REDACTED]

Outreach

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### JF programme

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### Senior MT Seminar on 07.09.16

[REDACTED]

#### Artificial intelligence: the way forward

[REDACTED]

[REDACTED]

\*\*\*\*\*

#### Visit of Vivi Michou (SG)

[REDACTED]

[REDACTED]

[REDACTED]

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## **Document 20**

Scene setter for Commissioner Oettinger's  
visit to Washington, DC; Seattle; New York  
City (7-11 October) (Ref.  
Ares(2016)5758040)



EUROPEAN UNION  
DELEGATION TO THE UNITED STATES OF AMERICA

The Deputy Chief of Mission

Washington, DC, 4 October, 2016

DL/AG

**E-NOTE DELUSW**

**Subject: Scene setter for Commissioner Oettinger's visit to Washington, DC; Seattle; New York City (7-11 October)**

**US POLITICS** Out of scope

1. [REDACTED]

[REDACTED]

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<http://www.EUintheUS.org>

4. [REDACTED]

[REDACTED]

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[REDACTED]



9. [REDACTED]

[REDACTED]

**BREXIT**      Out of scope

11. [REDACTED]

**ECONOMY**      Out of scope

12. [REDACTED]

**COMPETITION**

Out of scope

**Reaction to Apple/Ireland decision**

[REDACTED]

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Google

[REDACTED]

Facebook / WhatsApp

[REDACTED]

DIGITAL SINGLE MARKET / DIGITAL ECONOMY / CYBER Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

DSM (copyright / telecoms reform proposals)

[REDACTED]

[REDACTED]

27. For the copyright package, the most criticised elements include:

- a. the introduction of a new right for press publishers to control the use of parts of their content (e.g. news snippets) which is widely publicized in the U.S. as a so-called “link tax” (for example Senate Finance Committee Ranking Member Ron Wyden, D-Ore., urged the EU in an August 31 press release not to undermine an open internet and fair use by targeting U.S. companies that link to news articles); and

- [REDACTED]

Out  
of  
scope

[REDACTED]

Federal Communications Commission (FCC) Out of scope

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Artificial Intelligence Out of scope

[REDACTED]

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**Connected / Autonomous Cars**

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Digital Industry      Out of scope

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[REDACTED]

Internet Governance / ICANN

Out of scope

[REDACTED]

TRADE

Out of scope

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**WORLD BANK**      Out of scope

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**RECENT AND UPCOMING VISIT**    Out of scope

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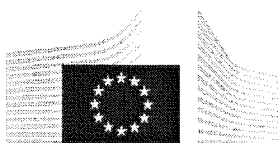
[REDACTED]

*[-signed-]*

[REDACTED]

## **Document 21**

Reply of the Commission to a  
citizen's email, 16 February 2016  
(Ref. Ares(2016)818364)



## EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Digital Economy & Coordination  
Copyright

Brussels, 16/02/2016

Ms [REDACTED]  
[REDACTED]

Dear Ms [REDACTED]

Thank you for your e-mail to Commissioner Oettinger regarding hyperlinks. Commissioner Oettinger asked me to reply on his behalf.

The Commission is aware of the big potential of the internet for growth and employment. As indicated in the Communication on the Digital Single Market of 6 May 2016, the Commission believes that, by creating a connected Digital Single Market, we can generate up to EUR 250 billion of additional growth in Europe in the next years, thereby creating hundreds of thousands of new jobs, notably for younger job-seekers, and a vibrant knowledge-based society.

The Commission has no plan to tax hyperlinks. There is no intention to ask people to pay for copyright when they simply share a hyperlink to content protected by copyright. Europeans share and post hyperlinks every day and they should remain free to do so.

As announced in the "Communication on a modern, more European copyright framework" of 9 December, the Commission will look at the activities of different types of intermediaries in relation to copyright-protected content. The Commission will consider measures in this area by spring 2016. The objective will be to ensure that the players that contribute to generating value online have the ability to fully ascertain their rights, thus contributing to a fair allocation of this value and to the adequate remuneration of copyright-protected content for online uses.

Yours sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

Contact:

[REDACTED] [REDACTED]

## **Document 22**

Reply of the Commission to a citizen's  
email (Ref. Ares(2016)5865782)

To:

Cc:

Subject:

RE: the Copyright Directive on the Digital Single Market

Dear Mr

Thank you for your e-mail of 1 September 2016 to Commissioner Vestager on whose behalf I would like to reply as a member of the Copyright Unit of the European Commission which is in charge of the files that you make reference to.

You have shared with us an [article](#) on Openmedia.org, which raises concerns regarding hyperlinks on the internet. The article claims that the introduction of a "right for publishers" for the "online uses of their news publications", as proposed by the Commission, would in fact introduce of a "link tax", to the detriment of internet users.

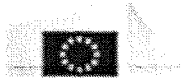
On 14 September 2016 the Commission proposed two directives and two regulations to adapt the current EU copyright rules to the realities of the Digital Single Market. You will find complete and up-to-date information about these proposals at this link: [Modernisation of EU Copyright rules](#). I would like to recommend you to have a look at the [Questions and Answers](#) provided there, and, if you want to examine the underlying reasoning in-depth, at the Impact Assessment on the modernisation of EU copyright rules, available [here](#) (in particular the section on "Rights in Publications" p.155).

It is correct that Article 11 of the Proposal for a Directive of the European Parliament and of the Council on copyright in the Digital Single Market provides publishers of press publications with certain rights concerning the digital use of their press publications, namely the reproduction right and the right of making available. The aim of this is to give press publishers a stronger position when negotiating with other market players to license online uses of their content and also to allow press publishers to effectively act against illegal uses of press publications online. In doing so, the Commission tries to ensure the viability of a diversity of newspapers, magazines and other publications in the digital age. We believe that these publications play a fundamental role for a pluralistic society and the democratic debate and that this is ultimately for the benefit of the European citizens.

That being said, it is important to note that granting such rights to press publishers will not affect the way users share hyperlinks on the internet. The new right for publishers will not change this and to the contrary, the Commission has made it very clear in December last year that there is no plan to tax hyperlinks.

We appreciate that you have chosen to contact us regarding this matter and we hope that you will find the above information useful.

Kind regards,



**European Commission**  
DG CONNECT  
UNIT I.2 – Copyright

Avenue de Beaulieu [REDACTED]  
B-1060 Brussels/Belgium  
[REDACTED]

The views expressed in this e-mail are my own and may not, under any circumstances, be interpreted as stating an official position of the European Commission.



## **Document 23**

Briefing Copyright and hyperlinks, 18  
November 2015 (Ref.  
Ares(2016)6334280)

## Sound bite

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**The Commission has no plan to tax hyperlinks. In other words, we have no intention to ask people to pay for copyright when they simply share a hyperlink to content protected by copyright.**

**Europeans are sharing and posting hyperlinks every day and they should remain free to do so. We want to reassure them and make this point very clear.**

**In our Digital Single Market Strategy presented in May, we explained that we would look at the activities of different types of intermediaries in relation to copyright-protected content. This is a different issue.**

**News aggregators, for example, are not only using hyperlinks but extracts of articles and make business out of this activity.**

**Different solutions related to news aggregators, both legislative and market-led, are being tested at national level. We are closely looking into them and are analysing whether they deliver on their objectives.**

**The way forward as to possible EU action in this area will be set out in the forthcoming communication on copyright.**

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## On the record

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- ***Does the Commission plan to make the simple act of hyperlinking protected by copyright?***

No, this is not our intention to make the simple act, and common practice, of hyperlinking protected by copyright. We understand that current EU rules contain some grey areas on the act of hyperlinking and that there is some legal uncertainty. This is exactly what we want to analyse and we will look whether current definitions should be made clearer, in particular as regards practices carried out by intermediaries which may bring commercial prejudice to right holders.

Linking to copyright-protected content has already been discussed by the jurisprudence of the European Court of Justice. The Svensson case considered that the provision on a website of clickable links to works freely available on another website does not constitute an act of communication to the public and is therefore not covered by copyright. At the same time, the case law has looked only at certain specific practices, but grey areas are still out there.

- ***Does it mean that the Commission won't do anything to better protect right holders?***

No, our copyright modernisation is about making sure that copyright continues to play its role and protect right holders in the digital age. The Commission is looking at the role of platforms and online intermediaries – a public consultation is ongoing and is also asking the views and experience of right holders.

The discussion about publishers and news aggregators goes beyond the simple act of hyperlinking. News aggregators typically display online "snippets" (ie small extract of protected content, news articles etc) and make a business out of it without sharing value with creators.

Some Member States (Spain and Germany) have adopted laws at national level to strengthen the position of publishers when snippets are used by news aggregators online. The Commission is currently monitoring the concrete impact of these laws.

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More elements for your own info

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- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### Contact point(s)

Spokesperson – [REDACTED]

Press officer – [REDACTED] 2

Personal data

Communication advisers – Max Strotmann [REDACTED] - Marlene Holzner [REDACTED]

Member of President's cabinet – Pauline Rouch - [REDACTED]

## **Document 24**

Email from a citizen to VESTAGER  
Margrethe, 1 September 2016 (Ref.  
Ares(2016)5238465)



**From:** MARGRETHE VESTAGER CONTACT  
**Sent:** 13 September 2016 10:27  
**To:** [REDACTED]  
**Subject:** RE: the Copyright Directive on the Digital Single Market

Kære [REDACTED]

Vi bekræfter hermed modtagelsen af din e-mail.  
Mvh.

[REDACTED]  
Assistant to Commissioner Vestager

European Commission  
BERL [REDACTED]  
200, rue de la Loi  
B-1049 Brussels/Belgium

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Sent:** Thursday, September 01, 2016 5:19 PM  
**To:** MARGRETHE VESTAGER CONTACT  
**Subject:** the Copyright Directive on the Digital Single Market

Til Margrethe Vestager

Som helt almindelig dansker, så synes jeg egentlig, at du gør et godt job, med at holde øje med at diverse spilleregler bliver overholdt, så ingen får afgørende indflydelse gennem monopol-lignende forhold...

---

Jeg er derfor nysgerrig efter, hvad dit input er til "the Copyright Directive on the Digital Single Market", der jvf, dette link:  
<https://openmedia.org/en/link-tax-law-leaked-and-it-looks-it-was-written-someone-who-has-never-used-internet>

er noget værre l... for brugerne ??

Hvad er op og ned i dette lovforslag ??

Med venlig hilsen

---

## Personal data

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## **Document 25**

Email from a citizen to the Cabinet  
Oettinger, 28 January 2016 (Ref.  
Ares(2016)469638)

Personal data

**From:** [REDACTED]  
**Sent:** 28 January 2016 07:50  
**To:** CAB GUENTHER OETTINGER CONTACT  
**Subject:** Please dont censor the internet

Good day.

I am concerned internet user, who has read about an attempt of the European Commission to censor the internet through introducing link tax.

First of all, you didn't create the internet, so how can you even think of destroying something which generations created?

Secondly, the free internet is a source of income and a way for young and not so rich artists and scientists to get recognition. You write on your blog about a personal invention or you post a work of art, then hundreds of people can link on social media or on their personal websites to your blog. With the link tax this system would be broken.

I urge you not to destroy what you did not create.

Internet users will not tolerate an attack on internet freedom.

[REDACTED]

## **Document 26**

Email from the Commission to a citizen, 27  
September 2016, (Ref. Ares(2016)5585931)

**From:** [REDACTED]  
**Sent:** dinsdag 27 september 2016 16:36  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Ares(2016)4864623 : Tax on the use of snippets in search results from search engines  
[REDACTED]

Personal data

Dear [REDACTED]

Thank you for your email dating from the 26<sup>th</sup> of August 2016.

First of all, please let me stress that the European Commission cannot give legal advice on specific and individual cases.

That being said, I understand from your email that you have created a new website with a specific search engine (free of charge) which allows potential investors to quickly find information on investments in Europe. Your database includes news articles on investments in Europe, and your search engine activity involves hyperlinks ("deeplinks") to other websites. You mention that those links are displayed by a title "*that indicates the content of the underlying article*" and you further mention that you "*do not use 'citation' nor (...) 'framing' and (...) 'pictures' in order to respect copyright*", but paraphrases. You are worried about the consequences that the European Commission's (EC) copyright legislative proposals could have on your website/search engine activity. According to the information that you have gathered, the EC proposals consist indeed, of a "*tax on the use of snippets in 'search results' from search engines*".

First of all, you will find complete and up-to-date information about the current legislative proposals adopted by the Commission on the 14<sup>th</sup> of September 2016, at this link: [Modernisation of EU Copyright rules](#). I notably recommend you to have a look at the [Questions and Answers](#) and also at the Impact Assessment on the modernisation of EU copyright rules, available [here](#) (see "Rights in Publications" p.155).

Regarding your question, it should be noted that as of today, press publications are already protected by the copyright of their authors. Making available or reproducing parts of them may already be a copyright relevant act or not, depending on the criteria set out by the European Court of Justice (CJEU) in its case law. The new right for publishers will not change that. It will have no impact on the question whether and to what extent using snippets/hyperlinking is copyright relevant under EU law. Regarding your concerns, I specifically refer you to the explanations on p.162 and p.169 of the Impact Assessment.

I therefore recommend you to examine the legality of your service in the light of the existing copyright legal framework along with the CJEU case law regarding the making available right-hyperlinking/framing (ex. [Svensson](#), [Best Water](#), [GS Media](#)) and the reproduction right (ex. [Infopaq I-II](#), [Meltwater](#)).

I hope you find this response helpful.

Yours sincerely,

Personal data

[REDACTED]  
[REDACTED]



**European Commission**  
DGCONNECT  
UNIT I2 – Copyright

Avenue de Beaulieu 25 [REDACTED]  
B-1060 Brussels/Belgium  
[REDACTED]

The views expressed in this e-mail are my own and may not, under any circumstances, be interpreted as stating an official position of the European Commission.

Personal data