

European press publishers call for swift adoption of the Italian implementation of the publishers' right including an arbitration mechanism

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ENPA, the European Newspaper Publishers' Association and EMMA, the European Magazine Media Association strongly support the Italian transposition legislation of the Directive on Copyright Digital Single Market (2019/790) which is currently being examined by the national Parliament.

The decree introduces tools reinforcing the publishers' right including an "assisted negotiation" mechanism, inspired by the Australian News Media Bargaining Code adopted earlier this year, which aims at guaranteeing the effective exercise of the publishers' right.

The implementing legislation covers the whole press ecosystem and takes into account the European and international experiences and the spirit of the EU legislation, which is to encourage a dialogue and negotiation between the parties in order to reach an agreement that effectively enhances the value of the editorial products.

With regard to the exclusion of "very short extracts" from the protection of the right, EMMA-ENPA would like to stress that in line with recital 58 of the Directive, "it is important that the exclusion of very short extracts be interpreted in such a way as not to affect the effectiveness of the rights provided for in this Directive".

In other words, in case the use of the very short extracts has a substitution effect of the publication or dispenses readers from referring to it, this represents a clear violation of the publishers' right. EMMA and ENPA support the approach endorsed by all Member States so far, not to set a quantitative notion or specific character limit for the notion of very short extracts.

EMMA and ENPA will be following closely the adoption later this month of the implementation decree.

For further information, please contact:

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EMMA, the European Magazine Media Association, is the unique and complete representation of Europe's magazine media, which is today enjoyed by millions of consumers on various platforms, encompassing both paper and digital formats. EMMA represents 15,000 publishing houses, publishing 50,000 magazine titles across Europe in print and digital.

See: www.magazinemedias.eu/

ENPA, the European Newspaper Publishers' Association (ENPA) is the largest representative body of newspaper publishers across Europe. ENPA advocates for 16 national associations across 13 European countries, and is a principal interlocutor to the EU institutions and a key driver of media policy debates in the European Union. See: www.enpa.eu/