

Dear ALDE Group members,

Before your discussion in the Group meeting and the vote in the upcoming plenary session on the trilogue text on the “Report on Copyright in the Digital Single Market Directive” we as LYMEC, the European Liberal Youth, turn once again to you with a plea to consider the consequences of the proposal. We are extremely worried of its impact on the free internet and its impact on the image of the Liberal family to young people should the outcome as presented be supported. Young people have massively been engaged and loud on this topic in the past weeks. We believe that young people deserve lawmakers that not only highlight their relevance in speeches but who actually listens to them.

The youth of Europe are digital natives. We get information on the Internet, we stay in touch with friends and family, we create and communicate on the Internet. As young European Liberals, we as well feel very strongly about protecting our freedoms, including keeping the Internet as our fundamental free space, promoting innovation and digital entrepreneurship and reducing over-regulation, instead of creating red tape, especially to small digital businesses and start-ups.

We see massive threats to freedom of speech and economic growth as well as loss of trust in the European Institutions ahead of the elections.

- this piece of legislation is an example for inefficient law-making, as it lacks an important requirement - providing clarity and predictability for the obligated persons. By using vague and obscure criteria, such as “non-commercial uses”, “short extracts” (art.11), “large amount of copyright-protected works” (art. 2 (5) in relation to art. 13), “significant revenues” (art. 13 (2), etc. it leaves the door open for a large number of interpretations.
- Art. 11 has already proven itself a failure in Germany and Spain, raising no profits but costs. However, even under the assumption that an ancillary copyright could work the earnings would be insignificant and the majority of it would go to the biggest and loudest press publishers – the authors themselves would lose in this remuneration scheme. A fact that many journalists have been criticizing as well.

Though art. 11 excludes the protection for private or non-commercial use carried out by individual users, the exception is so narrow, that it does not provide for any fair use of published materials, thus restricting not just the use of works by businesses, but also individuals, e.g. bloggers. Because the article provides for a neighbouring right, as opposed to copyright - it does not require originality of content - so under its scope will fall even short excerpts, source citations, summarizing and quoting, etc. feeding into the fake news spread. And while e.g. Wikipedia is exempted of art. 13, it can be fully hit by art. 11.

- Art. 13 expressly declares that it would “not lead to any general monitoring obligation”, yet in practice it will provoke such legal uncertainty that online service providers will have no other choice but to apply indiscriminate and expensive generic monitoring filters in order to prevent infringement proceedings against themselves. Filters are incapable of distinguishing between news, parody, propaganda, legal use, etc.

At the end of the day, as the provisions are currently standing, it will be up to the ECJ to navigate the Internet industry of Europe on what use would be in violation of the new rules, and which cases are to be exempted, taking up a lot of time, legal concerns and a high financial risk, which will lead to the detriment of our already lagging behind industry.

- Even more than that, the proposed changes are done in the form of a Directive, and it will be up to each and every single one of the 28 member states to implement it. Knowing that at least the Netherlands, Luxembourg, Poland, Italy and Finland do not support the trilogues outcome, there will be significant divergence in application of the rules, leading to even further fragmentation of the digital single market and differentiated treatment of companies and authors across the EU. This would significantly harm the economic potential of the EU and its future generations.

We call on you to take over responsibility for the next generations! Support the amendments to remove Article 11 & 13 and create a Copyright fit for today's world.

With regards to the concern on especially Article 11 and Article 13, two amendments will be tabled that seek to remove these articles. We strongly urge you to support these amendments as also proposed by MEP Marietje Schaake.

LYMEC is keen on supporting journalists and authors, but we want to see it done in a future-proof manner, using creative business solutions and a case-by case evaluation on the availability of innovative or transformative elements, or the lack thereof, and on the fair use of creative works for limited individual purposes.

LYMEC calls for evidence-based, balanced copyright, that is not rushed through in the eleventh hour of a legislative mandate and is fit for purpose in the 21st century. We want to see a copyright reform, that takes into account not just the needs of the press-publishers and platforms that can afford any kind of filtering, but also protection of the small, young, start-up online journalists and bloggers, and small platforms that cannot afford extensive content-search engines. We also want legislation, that provides for reasonable exemptions, that is clear enough, and applied the same way to all works and by all companies all over Europe.

What you are about to vote on, is neither of those things. So we urge you, for the future of the Internet in Europe, and for the sake of its freedom - do not support the Copyright in the digital single market as proposed, as it delivers neither the legal certainty of consumers, nor businesses, start-up news outlets, young journalists or digital entrepreneurs.

We call on you to create a Copyright that finds a fair balance between fair use and fair remuneration, between protecting rights and not hindering growth and innovation and a Copyright that bears no threat to freedom of speech.

On behalf of the European Liberal Youth,



Svenja Hahn
President