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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(1.9.2026)

While Article 15 of the Directive on Copyright in the Digital Single Market¹ (DSM Directive) introduces an exclusive right for press publishers for the online use of their publications by information society service providers (ISSPs), it does not require Member States to introduce any mediation mechanism to support negotiations between the parties or to empower a national authority in this respect.

In its judgement in case C-797/23 (Meta/AGCOM)², the Court of Justice of the European Union confirmed that Member States enjoy a broad discretion in the implementation of Article 15. The Court stated that national rules imposing on ISSPs who use or intend to use online publications of press publishers, exploiting them economically, the obligation to negotiate, not reduce visibility during negotiations, and to provide necessary information to publishers and a public authority are compatible with EU law where such obligations comply with the principle of proportionality, preserve the publishers' right to refuse to authorise the use of their publications or to authorise such use free of charge, and do not impose on the ISSPs any payment obligation unrelated to the use of such publications. This framework has to be taken into account by Member States when introducing measures to support the implementation of Article 15.

Article 15 of the DSM Directive does not introduce any obligations to use press publications. If they want to use online such publications, ISSPs shall obtain an authorisation from press publishers and remunerate them accordingly. Article 15 applies irrespective of the content of the press publication, therefore, the remuneration paid by ISSPs in return for the authorisation is neutral as regards the press publication used.

¹ Directive (EU) 2019/790.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62023CJ0797>.