OPEN LETTER IN LIGHT OF THE 27 APRIL 2018 COREPER I MEETING

Your Excellency Ambassador,

cc. Deputy Ambassador,

We, the undersigned, are writing to you ahead of your COREPER discussion on the proposed Directive on copyright in the Digital Single Market.

We are deeply concerned that the text proposed by the Bulgarian Presidency in no way reflects a balanced compromise, whether on substance or from the perspective of the many legitimate concerns that have been raised. Instead, it represents a major threat to the freedoms of European citizens and businesses and promises to severely harm Europe's openness, competitiveness, innovation, science, research and education.

A broad spectrum of European stakeholders and experts, including academics, educators, NGOs representing human rights and media freedom, software developers and startups have repeatedly warned about the damage that the proposals would cause. However, these have been largely dismissed in rushed discussions taking place without national experts being present. This rushed process is all the more surprising when the European Parliament has already announced it would require more time (until June) to reach a position and is clearly adopting a more cautious approach.

If no further thought is put in the discussion, the result will be a huge gap between stated intentions and the damage that the text will actually achieve if the actual language on the table remains:

− Article 13 (user uploads) creates a liability regime for a vast area of online platforms that negates the E-commerce Directive, against the stated will of many Member States, and without any proper assessment of its impact. It creates a new notice and takedown regime that does not require a notice. It mandates the use of filtering technologies across the board.

− Article 11 (press publisher's right) only contemplates creating a publisher rights despite the many voices opposing it and highlighting it flaws, despite the opposition of many Member States and despite such Member States proposing several alternatives including a "presumption of transfer".

− Article 3 (text and data mining) cannot be limited in terms of scope of beneficiaries or purposes if the EU wants to be at the forefront of innovations such as artificial intelligence. It can also not become a voluntary provision if we want to leverage the wealth of expertise of the EU's research community across borders.

- Articles 4 to 9 must create an environment that enables educators, researchers, students and cultural heritage professionals to embrace the digital environment and be able to preserve, create and share knowledge and European culture. It must be clearly stated that the proposed exceptions in these Articles cannot be overridden by contractual terms or technological protection measures.
- The interaction of these various articles has not even been the subject of a single discussion. The filters of Article 13 will cover the snippets of Article 11 whilst the limitations of Article 3 will be amplified by the rights created through Article 11, yet none of these aspects have even been assessed.

With so many legal uncertainties and collateral damages still present, this legislation is currently destined to become nightmare when it will have to be transposed into national legislation and face the test of its legality in terms of the Charter of Fundamental Rights and the Bern Convention.

We hence strongly encourage you to adopt a decision-making process that is evidence based, focussed on producing copyright rules that are fit for purpose and on avoiding unintended, damaging side effects.

Yours sincerely,

The **over 145 signatories** of this open letter – European and global organisations, as well as national organisations **from 28 EU Member States**, represent human and digital rights, media freedom, publishers, journalists, libraries, scientific and research institutions, educational institutions including universities, creator representatives, consumers, software developers, start-ups, technology businesses and Internet service providers.

EUROPE

1. Access Info Europe
2. Allied for Startups
3. Association of European Research Libraries (LIBER)
4. Civil Liberties Union for Europe (Liberties)
5. Copyright for Creativity (C4C)
6. Create Refresh Campaign
7. DIGITALEUROPE
8. EDiMA
9. European Bureau of Library, Information and Documentation Associations (EBLIDA)
10. European Digital Learning Network (DLEARN)
11. European Digital Rights (EDRi)
12. European Internet Services Providers Association (EuroISPA)
13. European Network for Copyright in Support of Education and Science (ENCES)
14. European University Association (EUA)
15. Free Knowledge Advocacy Group EU

16. [Lifelong Learning Platform](#)
17. [Public Libraries 2020 (PL2020)](#)
18. [Science Europe](#)
19. [South East Europe Media Organisation (SEEMO)](#)
20. [SPARC Europe](#)

AUSTRIA

21. [Freischreiber Österreich](#)
22. [Internet Service Providers Austria (ISPA Austria)](#)

BELGIUM

23. [Net Users' Rights Protection Association (NURPA)](#)

BULGARIA

24. [BESCO - Bulgarian Startup Association](#)
25. [BlueLink Foundation](#)
26. [Bulgarian Association of Independent Artists and Animators (BAICAA)](#)
27. [Bulgarian Helsinki Committee](#)
28. [Bulgarian Library and Information Association (BLIA)](#)
29. Creative Commons Bulgaria
30. [DIBLA](#)
31. [Digital Republic](#)
32. [Hamalogika](#)
33. [Init Lab](#)
34. [ISOC Bulgaria](#)
35. [LawsBG](#)
36. [Obshtestvo.bg](#)
37. [Open Project Foundation](#)
38. [PHOTO Forum](#)
39. Wikimedians of Bulgaria

CROATIA

40. [Code for Croatia](#)

CYPRUS

41. [Startup Cyprus](#)

CZECH REPUBLIC

42. [Alliance pro otevrene vzdelavani (Alliance for Open Education)](#)
43. [Confederation of Industry of the Czech Republic](#)
44. [Czech Fintech Association](#)
45. [Ecumenical Academy](#)
46. [EDUin](#)

DENMARK

47. [Danish Association of Independent Internet Media (Prauda)](#)

ESTONIA

48. [Wikimedia Eesti](#)

FINLAND

49. Creative Commons Finland
50. Open Knowledge Finland
51. Wikimedia Suomi

FRANCE

52. Abilian
53. Alliance Libre
54. April
55. Aquinetic
56. Conseil National du Logiciel Libre (CNLL)
57. France Digitale
58. l'ASIC
59. Ploss Auvergne-Rhône-Alpes (PLOSS-RA)
60. Renaissance Numérique
61. Syntec Numérique
62. Tech in France
63. Wikimédia France

GERMANY

64. Arbeitsgemeinschaft der Medieneinrichtungen an Hochschulen e.V. (AMH)
65. Bundesverband Deutsche Startups
66. Deutscher Bibliotheksverband e.V. (dbv)
67. eco – Association of the Internet Industry
68. Factory Berlin
69. Initiative gegen ein Leistungsschutzrecht (IGEL)
70. Jade Hochschule Wilhelmshaven/Oldenburg/Elsfleth
71. Karlsruhe Institute of Technology (KIT)
72. Landesbibliothekszentrum Rheinland-Pfalz
73. Silicon Allee
74. Staatsbibliothek Bamberg
75. Ubermetrics Technologies
76. Universitäts- und Landesbibliothek Sachsen-Anhalt (Martin-Luther-University Halle-Wittenberg)
77. University Library of Kaiserslautern (Technische Universität Kaiserslautern)
78. Verein Deutscher Bibliothekarinnen und Bibliothekare e.V. (VDB)
79. ZB MED - Information Centre for Life Sciences

GREECE

80. Greek Free Open Source Software Society (GFOSS)

HUNGARY

81. Hungarian Civil Liberties Union
82. ICT Association of Hungary – IVSZ
83. K-Monitor

IRELAND

84. [Technology Ireland](#)

ITALY

85. [Hermes Center for Transparency and Digital Human Rights](#)
86. [Istituto Italiano per la Privacy e la Valorizzazione dei Dati](#)
87. [Italian Coalition for Civil Liberties and Rights (CILD)](#)
88. [National Online Printing Association (ANSO)](#)

LATVIA

89. [Startin.LV (Latvian Startup Association)](#)
90. [Wikimedians of Latvia User Group](#)

LITHUANIA

91. [Aresi Labs](#)

LUXEMBOURG

92. [Frënn vun der Ënn](#)

MALTA

93. [Commonwealth Centre for Connected Learning](#)

NETHERLANDS

94. [Dutch Association of Public Libraries (VOB)](#)
95. [Kennisland](#)

POLAND

96. [Centrum Cyfrowe](#)
97. [Coalition for Open Education (KOED)](#)
98. [Creative Commons Polska](#)
99. [Elektroniczna BIBlioteka (EBIB Association)](#)
100. [ePaństwo Foundation](#)
101. [Fundacja Szkoła z Klasą (School with Class Foundation)](#)
102. [Modern Poland Foundation](#)
103. [Ośrodek Edukacji Informatycznej i Zastosowań Komputerów w Warszawie (OEIiZK)](#)
104. [Panoptykon Foundation](#)
105. [Startup Poland](#)
106. [ZIPSEE](#)

PORTUGAL

107. [Associação D3 – Defesa dos Direitos Digitais (D³)](#)
108. [Associação Ensino Livre](#)
109. [Associação Nacional para o Software Livre (ANSOL)](#)
110. [Associação para a Promoção e Desenvolvimento da Sociedade da Informação (APDSI)](#)

ROMANIA

111. [ActiveWatch](#)
112. [APADOR-CH (Romanian Helsinki Committee)](#)
113. [Association for Technology and Internet (ApTI)](#)

114. Association of Producers and Dealers of IT&C equipment (APDETIC)

115. Center for Public Innovation

116. Digital Citizens Romania

117. Kosson.ro Initiative

118. Mediawise Society

119. National Association of Public Librarians and Libraries in Romania (ANBPR)

SLOVAKIA

120. Creative Commons Slovakia

121. Slovak Alliance for Innovation Economy (SAPIE)

SLOVENIA

122. Digitas Institute

123. Forum za digitalno družbo (Digital Society Forum)

SPAIN

124. Asociación de Internautas

125. Asociación Española de Startups (Spanish Startup Association)

126. MaadiX

127. Sugus

128. Xnet

SWEDEN

129. Wikimedia Sverige

UK

130. Libraries and Archives Copyright Alliance (LACA)

131. Open Rights Group (ORG)

132. techUK

GLOBAL

133. ARTICLE 19

134. Association for Progressive Communications (APC)

135. Center for Democracy & Technology (CDT)

136. COMMUNIA Association

137. Computer and Communications Industry Association (CCIA)

138. Copy-Me

139. Creative Commons

140. Electronic Frontier Foundation (EFF)

141. Electronic Information for Libraries (EIFL)

142. Index on Censorship

143. International Partnership for Human Rights (IPHR)

144. Media and Learning Association (MEDEA)

145. Open Knowledge International (OKI)

146. OpenMedia

147. Software Heritage