



SECRETARIAT

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In Response to the European Commission's Call for Evidence on the Review of the Digital Single Market (DSM) Directive, Targeted initiative for a better copyright environment for European creativity and innovation

Subject: Protecting the European Information Ecosystem - Why Copyright Enforcement in the AI Era is Essential for Democratic Resilience and Innovation.

[The European Alliance of News Agencies \(EANA\)](#) welcomes the European Commission's commitment under Executive Vice-President Henna Virkkunen to foster technological sovereignty while protecting Europe's democratic fabric. As the bedrock of verified, fact-based journalism, Europe's news agencies provide the essential raw material for the public discourse and constitute a fundamental part of the critical informational infrastructure. However, the rapid proliferation of Generative AI models is threatening the economic viability of this ecosystem. To ensure that Europe remains competitive, secure, and democratic, the DSM Directive must be adapted to enforce strict transparency, mandatory fair licensing, and robust protection against the unauthorized exploitation of journalistic content by AI developers. In detail:

1. Preserving the Bedrock of Democracy (The Political Leverage)



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News agencies are the first line of defense against disinformation. The production of verified, independent, and high-quality news requires significant and continuous investment. Generative AI models rely heavily on this premium content to train their systems and ensure the factual accuracy of their outputs.

If the financial foundation of news agencies is undermined by the unauthorized and uncompensated use of their intellectual property, the production of reliable news will shrink. The resulting information vacuum will inevitably be filled with disinformation and AI-generated hallucinations. Therefore, the enforcement of copyright for news agencies is not merely an economic issue; it is a core pillar of the European Democracy Shield.

2. From "Opt-Out" to "Fair Licensing" (Addressing Article 4 Vulnerabilities)

The current "Text and Data Mining" (TDM) exceptions under Articles 3 and 4 of the DSM Directive were designed before the boom of Large Language Models (LLMs), are no longer fit for purpose, therefore should be upgraded.

News agencies are a prominent player within the B2B information ecosystem. Although some agencies already have prominent B2C websites or run joint projects targeted to European citizens (European Newsroom), most of their content is published on digital channels they do not control, like websites of publishers or broadcasters. Within these environments they have no effective instrument to express their optout via machine readable instruments like robots.txt.



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The reality: EANA members are witnessing technical opt-outs (such as robots.txt or structured metadata) being systematically ignored, bypassed via third-party datasets by AI companies that train models without the explicit consent of news agencies as content owners.

Our Call to Action: [The European Alliance of News Agencies \(EANA\)](#) calls for straightforward legislative clarification ensuring that the training of commercial Generative AI models on journalistic content and the use in existing downstream applications like chatbots or AI assistants and upcoming agentic offerings fundamentally requires prior, explicit licensing. The burden of proof regarding the source and legality of training data must rest entirely on the AI developers.

Furthermore, we require establishing an organizationally manageable and technical feasible solution to express opt-out for B2B providers. Protocols/metadata that are targeted to TDM rights reservation like tdm.rep or news form of registries should be taken into account. From a news agency perspective these solutions must be scalable as we produce and process huge amounts of content every day.

Last, we propose to the commission to work on a guideline and/or a code of practice for the topic of "OptOut", where stakeholders from the market can contribute. These instruments can bring more clarification on the practical implementation of the directive. Within this process, the overlapping issues of the EU AI Act and the DSM Directive can also be addressed.



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The basic principle that should be followed: no consent, no content.

3. Combating "Zero-Click" Substitution and Value Siphoning

AI-powered search functionalities and summaries (such as conversational bots) increasingly substitute the original news content. Instead of directing users to the source, these systems synthesize news agency data directly within the platform, depriving agencies and their B2B clients of traffic, visibility, and monetization. This constitutes a direct market substitution rather than a fair quotation. The revised DSM framework must explicitly recognize that the synthetic reproduction of factual news reports by AI systems constitutes a copyright infringement unless covered by a specific commercial license.

4. Ensuring Transparency and Metadata Integrity (Provenance)

Technological sovereignty requires accountability. Currently, AI training processes act as a "black box," where original copyright management information, author attributions, and source metadata (e.g., IPTC data) are systematically stripped away.

Our Call to Action: The Commission must mandate absolute transparency from AI developers regarding the datasets used for training. Furthermore, AI outputs that rely heavily on journalistic facts must be legally required to preserve and display the provenance of the source material.



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5. Leveling the Playing Field

Our Call to Action: To foster fair competition and support Europe's diverse media landscape, the EU should establish standard licensing frameworks or dispute-resolution mechanisms. This will empower European news agencies to enforce their rights under Article 15 without facing ruinous litigation.

Conclusion:

A competitive and innovative European AI ecosystem cannot be built on the copyright infringement of Europe's creative and journalistic industries. The European Alliance of News Agencies (EANA) urges Executive Vice-President Henna Virkkunen to ensure that the upcoming review of the DSM Directive establishes a fair, transparent, and enforceable legal framework. True innovation thrives only when content creators – news agencies included – are fairly compensated for their work, therefore ensuring that European citizens continue to have access to verified and trustworthy news, in order to avoid disinformation and, by direct consequence, be empowered to make better decisions for themselves and for our democratic society.

For more information:

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