

Message 001

Communication from the Commission - TRIS/(2026) 1655

Directive (EU) 2015/1535

Notification: 2026/0312/FR

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahtuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261655.EN

1. MSG 001 IND 2026 0312 FR EN 19-06-2026 FR NOTIF

2. France

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4. 2026/0312/FR - SERV - INFORMATION SOCIETY SERVICES

5. Draft law to strengthen the effectiveness of the related rights for press publishers and agencies

6. Information society services providers

7.

8. The purpose of the draft law is to strengthen the effectiveness of related rights for press publishers and agencies, as enshrined in Article 15 of Directive (EU) 2019/790 of 17 April 2019. To that end, it draws upon the judgement of the Court of Justice of the European Union, of 12 May 2026 (Case 797/23), which established the possibility for Member States to provide for public intervention measures concerning negotiations for the granting of usage licences between publishers/agencies and online public communication services.

To rebalance the power dynamic between the parties, the draft law draws on the Audiovisual and Digital Communication Regulatory Authority (Arcom), to which it assigns two new main missions.

Firstly, the power to monitor transparency: if an online public communication service fails to provide the information necessary to assess compensation within thirty days, Arcom can be contacted, issue a formal notice to the service, and then impose a penalty of up to 1% of the service's global revenue. Secondly, the power to arbitrate: if no agreement is reached on the amount of compensation within three months, Arcom can be contacted and set the compensation, either by accepting one of the parties' proposals or by determining it itself. Following Arcom's intervention, an appeal is possible before the Paris Court of Appeal.

9. The objective of the related rights established by Article 15 of European Directive 2019/790 on copyright and related rights in the Digital Single Market was to create balanced negotiating conditions between press publishers and agencies, on the one hand, and online public communication services, and on the other, by redefining the sharing of the value created by the dissemination of press content between these stakeholders.

Almost seven years after its transposition into French law, it is clear that the results of the related rights have not lived up to the objectives. Press publishers and agencies are therefore frequently forced to take legal action against online public communication services in order to enforce their rights. However, this legal recourse to the negotiation process is very often lengthy, time-consuming and has an uncertain outcome. The draft law contributes to the objective pursued by Article 15 of Directive 2019/790 by providing for public intervention measures concerning negotiations for the granting of usage licenses between publishers/agencies and online public communication services.

9a. The provisions adopted by the French legislature to transpose Article 15 of Directive 2019/790 have proved insufficient for guaranteeing the effectiveness of related rights for press publishers and agencies, in a context of a weakening economic model for the press sector and the ever-increasing capture of advertising revenue by a few large platforms.

In France, the growth of digital press revenue does not compensate for the overall decline in advertising revenue. This revenue has fallen from EUR 3.1 billion in 2012 to EUR 1.6 billion in 2025, i.e. it has almost

been halved. This decline in advertising revenue is compounded by the drop in single-copy sales and subscriptions (between 2000 and 2022, single-copy sales fell by 86 % for national daily newspapers, 78 % for regional daily newspapers and 79 % for magazines), resulting in a sharp decrease in press revenue. A few compensation agreements have been signed in France by publishers with certain platforms, but publishers and agencies consider the amounts insufficient and feel they are not receiving the necessary information from the platforms to assess the value of their rights. In addition, several platforms refuse to enter into negotiations with the rights holders concerned.

Faced with this situation, press publishers and agencies turned to the Competition Authority, which has already issued four rulings establishing a lack of transparency and information withholding by a major platform and ordering it to conduct good-faith negotiations with press publishers and agencies. Other proceedings are underway before the same authority. The French administrative courts have also been petitioned on several occasions.

This draft law aims to make the legal framework more effective by giving a central role to the Audiovisual and Digital Communication Regulatory Authority (Arcom).

9b. The draft law is limited to clarifying the conditions for applying an intellectual property right enshrined in European Union law: Article 15 of Directive 2019/790.

In its judgement, of 12 May 2026 (Case C-797/23), the Court of Justice of the European Union stated that it was necessary to "consider that Member States have, when transposing the rights provided for in Article 15 of Directive 2019/790, a margin of appreciation to specify the arrangements for implementing those rights, which must be exercised in full compliance with the limits laid down by that directive and in accordance with the objectives it pursues" (Paragraph 53).

The draft law incorporates the main implementation arrangements examined by the court in that case, which notably involve the intervention of an independent public authority, and which were deemed to comply with the provisions of Article 15 of the aforementioned directive.

Existing alternative solutions, primarily involving recourse to the competent courts, have been explored by the rights holders concerned. These actions have had significant effects but have not achieved the objectives pursued by Directive 2019/790 and the effective enforcement of the rights concerned.

The proposed legislative clarification is the most appropriate and least restrictive measure for achieving the objective pursued, as it does not alter the substantive content of the rights concerned but provides legal certainty for their implementation. It has been demonstrated that there is no less restrictive alternative that would achieve the same objectives.

9c. The measure appears proportionate to the objective pursued, as it does not create new restrictions on the activities of information society services providers but clarifies the existing legal framework.

Its impact on the internal market is limited, as it does not modify either the scope of beneficiaries of the related rights or the nature of the obligations already applicable.

The clarification provided, however, makes it possible to guarantee the effective application of the system established in Article 15 of Directive 2019/790 with regard to the fundamental contribution of the press "to public debate and to the proper functioning of a democratic society" (Recital 55 of the aforementioned directive).

10. References to the basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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