

# Interest representation in the European Union

A case study on the proposal for a directive on copyright in the digital single market, analysing article 11 and 13

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# Abstract

The thesis analyses interest representation in the European Union. The analysis is based upon a method of qualitative text analysis, focusing on a single case. The case used in the thesis is the proposed directive on copyright in the digital single market in the EU. The directive includes two controversial articles, article 11 and article 13. The thesis studies if the legislative system put in place by EU institutions favours the most common type of interest group. Allowing the specific group to achieve more success influencing the policy process. A successful interest group have effect on the outcome of policies. The case is analysed through the policy process, taking different stages into consideration and analysed with the application of theory, explaining interest representation in the EU.

Keywords: EU, Interest representation, lobbying, Article 11, Article 13

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# List of Abbreviations:

CMO-Collective Management Organisations

EC-European Commission

EEB-European Environmental Bureau

EFF-Electronic Frontier Foundation

EMMA-European Magazine Media Association

EP-European Parliament

ETR-European Transparency Register

GAFA-Google, Apple, Facebook, Amazon

GESAC-The European Grouping of Societies of Authors and Composers

IFPI-International Federation of the Phonographic Industry

MEP-Member of the European Parliament

NGO-Non-Governmental Organisation

# 1 Introduction

Interest representation in the European union. Democracy means rule by people, making citizens the central pillar in democratic politics. Democracies can be shaped and operate differently, but are always based upon this simple idea. The European Union, while not being a sovereign state is based upon democratic principles as well.

“The functioning of the EU is founded on representative democracy. Being a European citizen also means enjoying political rights. Every adult EU citizen has the right to stand as a candidate and to vote in elections to the European Parliament. EU citizens have the right to stand as candidate and to vote in their country of residence, or in their country of origin”. (EU 2018).

Because of its democratic foundation, the EU makes it possible to represent one’s political interest on the European level. The representation of interests can be done in different ways, not just through voting upon representatives. Citizens and other actors such as companies, industry groups and NGOs can have their say on EU policies. For example, members of the EU can via a citizen’s initiative ask the European Commission to propose a legal act, petition the European parliament, as well as give consultation and feedback to the European Commission (EU 2018).

Due to this, interest groups have become a familiar and not always welcomed reality in European politics. Both public and private interests play an important and legitimate role in the public policy process (Coen 2007 p.333-345), serving as input sources for the Commission. The system put in place by the European Commission allows for lobbying industries to thrive.

However, as for most policies there are different opinions. Recent directive on copyright on the digital single market was approved by the European parliament on 26 March 2019. It includes two highly controversial articles known as article 11 and 13.

- Article 11: Protection of press publications concerning digital uses. Referred to as “link tax” for news content.
- Article 13: Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users, commonly referred to as the “meme ban”.

## 1.1 Issue and purpose

The thesis will study interest representation in the EU. Interest representation is a well-established part of the European policy process due to interest groups acting as agents for policy. The multi-level, multi-component, decision-making architecture of the EU is oriented towards consensus-seeking. Combined with the lack of adversarial party politics, the system fosters institutionalization of interest groups. With interest groups playing an important role in the European policy process it enables the possibility of studying a central and in some cases controversial part of European politics.

Recognizing the importance of interest groups while also identifying the different types of existing groups, allows for studying differences between interest groups. In the sphere of European politics several groups of interest appear. Business interest represent more than 50 percent of the registered groups while NGOs comprises around 25 percent (EC, 2020). Given the system and beliefs of the three main EU institutions taking as many opinions as possible into account. It raises the question if the institutionalization of interest representation does come to favour certain groups of interest, allowing them to have a bigger impact on policy. Allowing for the formulating of the following question:

*Does the legislative system put in place by the European Union favour interest groups representing business interests?*

The study aims to answer whether the legislative system and the institutionalization of interest groups has come to favour business interest, as the frequency of registered interest groups represent more than 50 percent of the registered organisations in the European Transparency Register.

## 1.2 Method

To answer the question whether the legislative system put in place by the European Union favour interest groups representing business interest or not, a case study will be used. A case study focuses on one case, which allows for describing the event throughout a single policy process. The goal is to recreate the event, using source material (Teorell, Svensson, 2007 p.104-106). When recreating the case, it is important to take into account the reliability of the sources.

There are four criteria's which should be considered when reviewing the material: authenticity, proximity to time and space, tendency and dependence (Teorell, Svensson, 2007 p.104-106). Authenticity serve to reassure the validity of the material, confirming the value of the material. How close to reality is the presented material. Proximity to time and space can be split into two subcategories: Contemporary, which connects to the time gap between the material and the actual event. Centrality of the source, is the producer of the material present during the event. Tendency, how truthfully is the material, does it have any hidden agency. Lastly dependence, does the material depends on other sources for its information (ibid).

The material recreating the case will be used for a qualitative text analysis. The text analysis will aim to analyse the case through theory in order to try and answer the question. The theory serves as a tool to identify different mechanisms. By identifying the mechanisms, it becomes possible to pinpoint the content of the material, putting it into different categories. Serving to systemize the process and identify the differences (Esaiasson et al, 2016, p.210-216). The question is put against the material in order to receive an answer. Can the used material explain and give an answer to the question? When doing a qualitative text analysis, the author is responsible for what story the material and text presents. It is not the material itself telling the story (ibid). It is therefore important to reassure that the text keeps it relevancy, remaining consistent and truthful in order to ensure its validity.

### 1.2.1 Deciding the Case

The chosen case for the study is the directive on copyright in the single digital market. The reason for choosing the case is because of its presence in time as well as its ability to highlight different interest



groups. It is also considered a controversial one due to the amount of mixed opinions. Analysing the policy process of the proposed directive on copyright in the single digital market will give me the possibilities to show and understand how different interest groups affect the policy process of the EU. It includes two articles considered controversial article 11 and 13, drastically changing internet copyright laws.

The case will allow studying how interest representatives operates, as well as display the policy process from the agenda setting, up until the final passing vote. Resulting in the ability to follow the different interest groups ways of influencing as well as showing the potential effect they have influencing in the different stages of the policy process. The chosen case is one the most influenced cases in the history of the European Union having at the time the highest number of contributions recorded to online consultations, involving almost half a million responses (Greenwood, 2017, p.207).

Due to the case presence in time as it was approved the 26 March 2019 by the European Parliament, it allows for better possibilities when recreating the case. The time-lapse between the time executing the study and the actual case is small, which benefits the second criteria of recreating an event. Combined with the large amount of available material, both published by the European institutions as well as, the given opinions of groups it ensures that tendency and potential dependence balances out. Which results in higher validity of the material.

The material from the case is suitable for a qualitative text analysis as it will aim to show the way interest groups influence the European policy process when theory is applied. Analysing the different stages of the policy process through text, does not only allows for the ability to observe the frequency of consultations. But also, potential shifts in the proposed policy from the three main institutions of the European Union. On the other hand, one could make the argument that the best option to observe if interest groups representing business interests are favoured in the legislative system should be done with a quantitative study instead. Yet by analysing the frequency of different interest groups occurrences in consultations meetings etc, shifts in discourse and minor policy adjustments would be hard to detect.

## 1.3 Operationalisation

The following part includes the operationalisation of concepts important for the thesis. The concepts presented are meant to differentiate similar ones, as well as give a clear definition of each concept. The operationalisation will include: Lobbying, Interest representation and Traditional interest representatives.

### **Lobbying**

The concept of lobbying is broad and needs to be defined in the thesis. According to the Cambridge dictionary, the word lobbying means the activity of trying to persuade someone in authority, usually an elected member of a government, to support laws or rules that give your organization an advantage (Cambridge dictionary, 2019). However, lobbying can also be seen as the representation of one's interest. Due to this, the difference between the concept Interest representation and lobbying becomes vague.

As both lobbying and interest representation are based upon representing one's interest, whether it being a successful firm or a small citizen organization, there is a difference in the concepts. The main differences are the professionalism and to some extent the work process. To represent an interest is something that can be done by everyone, speaking for someone else, representing your voters, etc. Lobbying on the other hand focus on trying to impact the policy making. With the goal of giving the represented organization/group an advantage or support their political agenda. This is done in a more professional way, having hired workers influencing and giving opinions on proposals.

However, even though lobbying is less vague and includes less dimensions as a concept than interest representation, allowing for a simpler operationalisation, it is the worse concept to further use in the thesis. This is mainly due to two problems. First, is the inclusiveness of the concept. Since the purpose of the thesis is to understand if the "traditional" organized lobbying groups are more successful than citizen organised and NGOs oppositions. It needs to be more inclusive to allow for comparison, as not all the influence is done by "traditional" lobbying. Secondly is the wording. Lobbying tends to have a negative tone, resulting in an absence of the usage of the word in documents.

### **Interest representation**

Due to previous statement about interest representation and lobbying, the concept interest representation will be further used in the thesis. However, as the concept open to interpretation, it needs to be operationalised to allow for analysis.

In the thesis interest representation as a concept will be used to allow for inclusiveness. It will be defined as representing one's interest. As the study will include different groups and organisations aiming to influence the potential outcome on the directive, different methods to achieve success will be used. Therefore, it will be necessary to not define interest representation by the method used and instead focus on the purpose to achieve.

When representing one's interest: a group or a person whom either represent themselves or an organisation, acts or participates with the purpose to influence the decision-making process in the European union.

### **Business interest representatives**

Business associations, representing different fields on the European market. They are part of, or representing long time established industries such as newspapers, pharmaceuticals etc, and consist of In-house lobbyists, trade/business/professional associations. The groups are well known by the EU and are considered to have expertise in their field of work. They have high organisational capabilities and earlier established relationships in Brussels and does not rely upon outsider founding to operate.

## 1.4 Outline

The case will be presented in chronological order starting from the beginning of the legislative process and ending with the final vote in the European Parliament. Key actors will be identified and defined in order to present the views represented by interest groups, which is necessary in order to connect them to either business interest or non-business interests. The material, consisting of newspaper articles, letters, public statements and consultations as well as data, tracking encounters between interest representatives and EU workers will then be analysed. It will be dissected and analysed piece by piece. With the purpose to show how interest groups opinions where reflected during the process as well as the outcome. While also trying to explain why their opinions where reflected connected with the presented theory.

## 1.5 Material

The thesis is based upon secondary material, this is due to the problem of analysing interest representation, where not all the information is available as well as my inability to collect data from stakeholders on such a scale myself. The material used for the thesis are documents, newspapers articles, letters, public statements and consultations.

The documents and public consultations used are all material made and published by the EU institutions. The EC is responsible for the public consultations and the compilation of the answers received. The material allows for an insight in how the EU operates, what information/opinions they are looking for. Impact assessments provides valuable information about the ECs goals, policy options, target groups and consultation tools to be used, resulting in them being a reliable source of information.

The letters and public statements analysed comes both from interest organisations and from EU institutions. Having interest groups stating their opinions allows for creating a wider picture of the groups. It also helps enable the ability to connect opinions and how they reflect in the outcome. It is also a way of interest representation. The public statements from the EU instead shows views from inside a decision-making element as well as give a view off how some of the methods used by interest representatives come across.

Newspapers are a reliable source of information to the case. Due to the controversial about the debated articles and the fight between stakeholders' interest, resulting in high media coverage. With more coverage there are more information to gain, highlighting both interest strategies, opinions, and evolvement of the policy which is all worth taking into account in the analysis.

Since, material from encounters between interest representants and EU workers are hard to come by, data, tracking the encounters is the most relatable material available to the public. Lobby call is a tool set up for MEPs to register their meetings with registered interest representants. However, it is currently only used by the Greens. Integrity watch is a tool provided by Transparency international, it tracks encounters between interest representatives and EC workers. The Juncker Commission has a

rule that all Commissioners, cabinet members and director generals are required to publish a list of their lobbying meetings.

## 1.6 Previous research

With the thesis focusing on answering the question, if the legislative system put in place by the European Union favour interest organisations representing business organisation. It becomes natural to present previous research on the field of studies. The studying of interest representation and lobbying in the European Union is fielded by many great researchers. Some operating by command of the EU other purely by themselves, making it impossible to highlight and incorporate all their research. In this thesis I want to focus on two researchers, Justin Greenwood and his book interest representation in the European Union (Greenwood, 2017). The book allows for an insight of the varieties of interests in Europe, explaining available routes of influence and the differences between sectors. Combined with analysis of organized civil society, European integration and the legitimacy struggles the EU institutions combat because of interest groups.

The second researcher, David Coen with the publication, Empirical and Theoretical studies in EU lobbying (Coen, 2007, p. 333-345). While the conclusion of the research might be slightly out of date, it still provides great insight towards the structure of EU. Helping to explain why interest groups occur so frequent in European politics. The research provided by Coen and Greenwood act as the basis for the theory in this thesis. Explaining why interest representation is a part of European politics and which channels the organisations uses to influence.

# 2 Theory

## 2.1 Interest representation in the European Union

### 2.2.1 Why is interest representation such a big part of the European Union?

As earlier stated, the EU is based upon democracy and democratic believes, resulting in the ability to represent one's political interest on the European level. The representation of interests can be done in different ways, not just through voting upon representatives. Citizens and other actors such as companies, industry groups and NGOs can have their say on EU policies. (EU, 2018). For example, members of the EU can via a citizen's initiative ask the European Commission to propose a legal act petition the European parliament, as well as give consultation and feedback to the European Commission.

Due to this, interest groups have become a familiar, and not always welcomed reality in European politics. Both public and private interests play an important and legitimate role in the public policy process (Coen, 2007, p.333-345). The European Commission is the primary focus of the interest representation activity due to its role as agenda-setter, with interest representatives serving as input sources for the Commission. Interest representation in the European Union is characterized by institutions seeking out and, in some cases, founding private and public interests (Coen, 2007, p.333-345).

The creation of commission consultative committees fostered institutional opportunities and lobbying activity for social interest groups. Combined with announcements of all legislative initiatives in advance and the usage of consultation throughout the policy process allows several opportunities for interest representation to arise (Greenwood, 2017, p.24-54). The system put in place by the European Commission simply allows for lobbying industries to thrive. In return interest groups become institutionalized making them behave more as agents to policy rather than lobbyist (ibid).

With the growth of the European Union, more and more policy areas were adopted by the Union, this, coupled with the transfer of regulatory functions from member states, has contributed to the Europeanization of interest groups. Not only the transfer, but EU institutions also acting as coercive isomorphic forces for change and the creation of a distinct EU interest politics model has helped contribute towards interest groups becoming more Europeanised (Coen, 2007, p.333-345).

Organisations with high amounts of resources can found and maintain the ability to influence, whilst more civil and smaller NGOs cannot. To counter this balance and reassuring the presence of a substantial counterweight towards the well-established organisations the EU founds smaller groups in order to ensure their presence (Greenwood, 2017, p.193-218) By enabling smaller organisations ability to act as interest representatives, the given input becomes more diverse. Which in turn creates a broader political sphere.

Since the Amsterdam Treaty, the European Parliament has increased its role in the revisions of the commission policy proposals and has now received co-decision powers with the council of ministers (EP, 1997). As a result of this, interest groups have found secondary channels to influence the formulation and approval of EU directives allowing both public and business interest to increase their voice in the policy process (Greenwood, 2017, p.28-32). This new channel of influence increasingly enables the ability for interest groups to not only affect the input process via consultation, but also the outcome of which the European Parliament approves new directives. It is not clear how much interest groups can influence the EP, neither how effective it is compared to influence through the European Commission, but there is no denial of its existence.

To further add to how the structure of the European Union enables interest representation, is the fact that the three main decision-making institutions are themselves founded upon multiple elements. Due to this, there are no mechanisms of adversarial party politics. Resulting in that the parties of the European Parliament function more as organizational devices within that institution and therefore tend to lack popular recognition. Because of this, they do not bring politics to the people in the same way as national party politics does. Neither is there no EU-wide media to air debate or to provide for system accountability (Greenwood, 2007, p.177-208). The lack of aired debate and adversarial politics has left an empty space behind. To complement for this the EU has filled it up and populated it with supplementary democratic mechanisms. The treaty establishing a constitution for Europe are an example of this. For instance, in title VI it includes article 46,47:

The clauses in article 47: The principle of participatory democracy

1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.
2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
3. The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent. (Publications Office of the EU, 2004)

Combined with the earlier presented needs for political and policy support for the EU-institutions, it makes sure that the systematic dependence upon organized civil society interest is higher in the EU relative to other political systems. However, organized civil society does not always represent the general interest. In some cases, there are particular constituencies of interest groups seeking to capture advantages specific to those constituencies (Greenwood, 2017, p.193-222), resulting in uncertainty about the agenda of groups.

This means that organized civil society does not always represent the general interest. Due to this there is a strong need for the EU to develop specific set of rules for engagement with organized civil society, if the EU aims to acquire democratic legitimacy. In the process of consultation, the EU has developed The better law-making action plan. The goal of the better law-making action plan is to promote culture of dialogue and participation as well as systematizing impact assessments (Greenwood, 2017, p.199-200).

The better law-making plan coped with EU transparency goals is set to achieve democratic legitimacy. The EU aims to embrace its interaction with interests as well as reaching beyond established interest groups. Making civil society aware of its intentions (Greenwood, 2017, p.34,199-200).

The structure of the European Union, both as in the goal of a participatory democracy, but also in the way of its arrangement allows for a unique channel of interest representation. The European Commission's role as an agenda setter and the way it asks for consultation allows opportunities for interest representatives to establish themselves giving consultation upon new proposals to influence the composition of these, as well as highlighting new problems. Allowing for interest groups to impact the input part of the political process. Interest groups can also, due to the structure of the Union play a part in the outcome process, mainly through the European Parliament since the Amsterdam treaty resulting in interest groups having a key role to play in the policy process.

### 2.2.2 How is interest representation done?

“Fragmented structures afford ease of access but dilute the impact of any given constituency of civil society actors, whereas centralized structures create difficulties of access, but can result in high policy impact” (Risse-Kappen, 1995).

Interest representation in the European Union can be done through several routes. The multi-level character of European policy process with three decision making institutions, combined with the



structure and set rules of the Union, means that actors seeking to participate in European policy process, therefore have diverse so-called “routes” of influence:

- The “national route” → the use of national contacts and national governments to influence
- The “Brussels route” → seeking to exert influence by representation direct to the European institutions themselves. (Greenwood, 2017, p.24-53)

The “routes” should not be considered mutually exclusive as both the routes are being used by interest representatives. However, one could still debate which route interest representation primarily occurs from. It is worth taking into account, that the routes themselves does not limit the interest representative to any of the main decision-making institutions. But nonetheless, they do come with different advantages.

Following the “Brussels route” interest primarily aim to influence the European Commission and the European Parliament. Interest representatives seeking to influence the Commission, follows the program set up by the Commission, throughout its stages during the policy process. From the announcement of a legislative initiative, preparing accordingly to the consultation plan, issuing impact assessments and participating in the chosen consultations (Greenwood, 2017, p.34-37). Combined with the program of the legislative initiative, the internal Commission deliberation process allows for interest to influence. During the drafting stage other departments of the Commission, member states permanent representations, council officials and technical advisors will be given the broad outlines and asked for comments (Greenwood, 2017, p.37-41). Resulting in informal consultations before a proposal is drawn up which in turn allows for interest groups to impact the draft. Not only does the internal deliberation process allows for interest to consult, it enables organisations who shares the same policy thrust as the Commissioner to work together in drafting a proposal (ibid).

One route of influencing the policy outcome is through the European parliament. This is primarily done through direct contact with MEPs or their staff. Proposals from the Commission, and initiatives from the EP, are first brought to the standing committees of the parliament. The committees have their own secretariats, who provide support and information to the committee, resulting in the creation of a two-way flow of information for interest groups (Greenwood, 2017, p.41-44). Political party groups do also provide support for the committees, with the help of their advisors (ibid).

Since MEPs do act as individual members to a somewhat large extent, they are allowed a lot of freedom in their decisions. This allows them to be open to input from the public, creating possibilities for interest representatives. In fact, MEPs do rely upon receiving information from interest groups. This is due to the fact they are expected to make well thought-out judgements. Taking a stand about something technical or any other area will require expertise, which primarily is provided by the

interest groups. MEPs get an allowance each month for staff allowing for the employment of assistants (Greenwood, 2017, p.41-44). Assistants will field meetings with interest organisations in order to pluralize input and satisfy the MEPs needed information.

To achieve control over the “information suppliers” and the flow of information reaching the parliament, requires regulation. The European Parliament has its own code. In Annex IX of the Parliament Rules of Procedure: Interest representatives defined as persons who wish to enter parliament premises frequently with a view to supplying information to members in their own interest or those of third party, are required to register and are issued with special passes. (Ep, 2019) One of the main reasons for this regulation of outside interest is to maintain public confidence, the citizens of the union, cannot view the EP as a centre of corruption. The regulation of interest representation can be linked to the regulation of financial interests.

All interest also needs to be registered in the European Transparency Register (ETR). NGOs need to provide information about the number of members they have while also listing them, their geographic spread is also needed. Which is not made by other categories of interests who are assumed to have the desired quality of representatives (Greenwood, 2017, p.55-66). “Interest representatives shall ensure that, to the best of their knowledge, information, which they provide upon registration, and subsequently in the framework of their activities covered by the Register, is complete, up-to-date and not misleading” (Greenwood, 2017, p.65) The aim is to ensure public accountability, recognizing that interest groups who become institutionalized agents for policy do carry responsibilities.

### 2.2.3 The effects of interest representation in the European Union

The European Union’s main weakness in its policy process, is grounded in its lack of a “public space”. The multi-level, multi-component, decision-making architecture of the EU is oriented towards consensus-seeking. The system of the Unions participatory democracy is meant to compensate for its lack of public space as well as the structural weaknesses of representative democracy (Greenwood, 2017, p.193-226). This does in turn leave little room for adversarial party politics, resulting in interest playing the role of adversarial opinions.

Interest representation do both have negative and positive effects on the decision-making and policy process. *“Interest in political systems both contributes to and has the potential to be dysfunctional for, the output legitimacy (acquiring popularity through beneficial policies) and input legitimacy (consent*

*to govern through support for participative and procedural mechanisms)*” (Greenwood, 2007, p.177).

It is therefore important for the European Union to make sure it maintains public support. As well as making sure it keeps its role as positive contributor, and not just an institution representing the inner circle interest organisations.

As the multi-level decision-making structures disperse powers it dilutes the impact for any one type of interest constituency. Creating a pluralistic effect, resulting in limiting the potential of some interest to dominate the process, and instead creates a more competitive environment for interest representation.

The impact of any interest therefore depends more upon the effect of which its goal coincides with the Commission, MEPs and other staff members at certain points, rather than the type of interest represented (Greenwood, 2017, p.55-66).

## 3 The case

The next segment will include the case meant for analysis. It will display the time-lapse of the development of the directive on copyright in the single digital market and its key actors.

### 3.1 Time-lapse

“Digital technologies have radically changed the way creative content is produced, distributed and accessed. We are adapting the EU copyright rules to new consumer behaviours in a Europe which values its cultural diversity” (EC, 2018).

With the goal to propose a new directive on copyright on the single digital market, the European Commission launched a public consultation, taking place during 23 March 2016 to 15 June 2016. The consultation was known as Public consultation on the role of publishers in the copyright value chain and on the “panorama exception”. Its targeted respondents included stakeholders involved in the publishing sector and the digital economy, in particular: Public authorities, Authors, Publishers, etc (European Commission, 2016). Before the public consultation two other consultations were carried out. One targeting stakeholders went on from 5 December 2013 to the 5 March 2014, as well as, another public consultation focusing on the regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy (EC, 2016)

The 14 September 2016 a proposal to reform copyright in the European Union was presented by Günther Oettinger shortly before leaving his post as Digital Commissioner. The legislative proposal was published and adopted by the commission COM (2016)0593. The idea behind the proposal is to give European content creators better protection, compared towards the bigger companies. Two days later, on the 16 September, discussions within the Council or its preparatory bodies began (Eur-Lex, 2018).

On the 6 October 2016 was the committee referral announced in the European Parliament, and the first reading. The responsible committee was the committee of legal affairs [Juri]. The directive’s rapporteur is Axel Voss, a German MEP and a member of the EPP. This was followed by debates

(EP, 2018). The topic was brought up during the 3503<sup>rd</sup> meeting of the Council of the European Union (Competitiveness (Internal market, Industry, Research and Space)) (The Council of the European Union, 2016)

The first one to “adopt” the directive was the European Economic and Social Committee, which decided upon adoption without debate (Eur-Lex, 2017). However, since the EESC is not part of the final decision-making institutions, the adoption without debate is seen as the opinions of the institution, meaning that they consider the direction to be sufficient. The Committee of Regions gave their own-initiative opinions, where the majority supported the direction as well (Eur-Lex 2017).

May 25, 2018, the member state governments adopted their position on the copyright directive, accepting the directive with only minor changes (Reda, 2018). The changes proposed by the Council of the European Union, can be found in the interinstitutional file from the Presidency to the permanent representatives committee (The Council of the European Union, 2018). None of the changes proposed where considered mayor and barley had any impact on the controversial articles.

After the Council decided to adopt the proposal of the directive, it was left for the European Parliament to take a stand. The MEPs from the Committee of Legal Affairs had a vote upon which proposal would go ahead, the 20 June. The proposals included amendments for the proposal sent by the European Commission on copyright in the digital market. The proposals affecting article 11 and 13 where the one prepared by the Committee of Legal Affairs and Axel Voss (Reda, 2018) as well as one prepared by MEP Julia Reda from the Greens/EFA inspired by former JURI rapporteur, MEP Therese Comodini Cachia from the EPP, and the former Estonian Council presidency (Reda, 2018). In the end the Committee decided upon approving the proposal by Axel Voss.

Due to the approval of the Voss proposal, the opposing side decided to challenge the outcome, asking all the 751 MEPs to vote whether to accept the Committee’s decision or to bring it for debate in a larger forum. On the 5 July 2018 the MEPs voted to not proceed to the negotiation stage. Thus, resulting in the Committee having to remake its proposal. On 12 September 2018 the second vote for the MEPs where held. This time the MEPS voted to proceed with the new proposal. The new proposal had minor changes from the one presented earlier by Axel Voss, resulting in only cosmetic changes for the controversial articles (EP, 2018).

With the European Parliament's approval for the European Commission's proposal of a new directive in the single digital market, following changes suggested by the Council and Parliament, the laws are likely to pass. Since all three main decision-making institutions in the union has approved the proposal of the directive, the directive moved on to the negotiation stage. On 13 February the final text was finished. The next step is the final vote which will decide the future of copyright in the single digital market. On 26 March 2019 the final vote was held resulting in approval of the directive with 348 MEPs voting in favour (EP, 2019).

## 3.2 Key actors

In the process of creating a new directive on copyright in the digital single market, several actors are playing a part, such as interest organisations, stakeholders, decision-making institutions, Committees, single MEPs and persons. Since, the directive are considered controversial, it is resulting in adversarial debate. In the briefing on copyright in the digital single market sent out by the European Parliament, the division on subject is described as the following:

“The European Commission presented a legislative package for the modernisation of the EU copyright rules, including a new directive on copyright in the digital single market on 14 September 2016. Stakeholders and academics are strongly divided on the proposal. Much of the debate focuses on (i) the creation of a new right that would allow press publishers to claim remuneration for the online use of their publications; (ii) the imposition of content monitoring measures on online platforms such as YouTube, which seeks to resolve the 'value gap' and help right holders to better monetise and control the distribution of their content online; and (iii) the creation of a new copyright exception for the use of 'text-and data-mining' techniques in the EU. While some argue that the measures will ensure fair remuneration for journalists, publishers and right holders for the online use of their works, others criticise, inter alia, a perceived 'link tax', and highlight the risk of filtering and control of the internet.” (EP, 2018)

The actors debating can be divided and simplified into two different groups: support and opposition.

### 3.2.1 Support

The support group primarily consist of business interest organisations, including publishers, major music labels, mainstream newspapers, etc. The support group also includes several artists as well as a moderate amount of European politicians.

One of the organisations representing authors are the Society of Authors, who supports the directive. Having more than 9800 members. The president of the Society of Authors Philip Pullman gave his opinion in a submission to the Commission:

“I welcome this draft directive, especially for its emphasis on transparency and the bestseller clause. Authors badly need the sort of natural justice that these clauses embody, not least because our work contributes substantially to the wealth of the nation. I hope that our government will see the rightness of these proposals and embody them firmly in the law of our land to ensure that they continue when we leave the EU.” (Society of Authors, 2016)

Even though the Society of Authors support the directive, they are not so certain about the necessity of article 11. However, as stated in their submission, due to article 11(2) it does not concern the authors work.

One of the biggest campaigns supporting the proposed directive was organised by the European Grouping of societies of Authors and Composers (GESAC), who have more than 50,000 signs from creators all over Europe (Makeinternetfair, 2019). GESAC argues that the copyright reform is an opportunity to address pressing issues for authors in the digital single market. They believe that the new directive will enable the establishment of a new framework. Which will allow for further growth of the European creative and cultural industries as well as making sure authors are rightfully compensated (GESAC 2019).

As for newspapers and their view on the directive, it is clear that most of them supports the proposal for a new copyright directive. Some of them are even calling article 11 a battle between European media pluralism and monopolistic foreign giants. The common consensus is that the new directive is the future key to the media industry, reassuring consumers future to access the news.

The argument made for the battle between European media and monopolistic companies such as Google can be found in a letter issued by a group of nine major European press publishers. The argument is based upon the value of owning links. By today's standards it is completely free and legal for these companies to post hyperlinks to news. This is resulting in them offering internet users the work done by others. Because of this they earn a lot of ad revenue which otherwise would have gone to the newspaper (Hoog et.al, 2017), the process is referred to as leaching or siphoning upon authors and creators.

### 3.2.2 Opposition

The opposition consist of technology companies, NGO's, academics, libraries, several MEPs and citizens trying to make their voices heard. The opposition therefore include both business interest as well as non-business interests. It is important to take into account that most of the opposition itself, is not completely against reviewing and updating the current copyright laws. Instead the criticism is based upon the execution and the problems the proposed directive will cause.

One of the biggest opposing groups, in terms of market influence are technology companies. The companies and their platforms allow users to freely share work done both by themselves and others. They believe that the proposals would turn the internet into a place where everything uploaded to the web must be cleared by lawyers, due to the necessarily of filtering content through online services (Atkinson, Google, 2016). They argue that due to the necessity of adding online filters, it will pose a threat to smaller content creators using platforms such as Google, Facebook or twitter to reach out to their audience. Resulting in them losing their livelihood as well as their ability to share their voice in the world (D'Onfro, 2018). Which is the opposite effect of what the support group believes the directive will achieve.



Several NGO groups, focusing on international rights has spoken out against the directive. They are specifically concerned about article 13. In an open letter to the EU they even go as far as to ask the relevant policy-makers to delete article 13 (EFF, 2017). The reasoning behind this is based upon citizens' rights. *“The article would include obligations on internet companies that would be impossible to respect without the imposition of excessive restrictions on citizen’s fundamental rights”* (EFF, 2017). The article itself does not only contradicts existing rules according to the directive of Electronic Commerce. But also, the requirement to install a system for filtering electronic communications has been rejected by the Court of Justice (EFF, 2017).

# 4 Analysis

This segment will include the analysis of the case, divided into the two stages of interest representation. It will analyse how the actors tried to influence the outcome, with the goal of answering the question if the system benefits business interests.

## 4.1 Input

Before the proposal of the directive on copyright in the single digital market was finished and released, the European Commission and its responsible team gathers information. The gathered information is used to shape the directive, allowing stakeholders and experts a chance to influence and share their opinions, also known as input phase. During this process interest representation of all kinds starts to take place. Interest representation can be done throughout public consultations, meetings with civil servants and to some extent via Eurobarometer reports.

The goal of the proposal according to the Impact assignment was to ensure wider access to content, adapting exceptions to digital and cross-border environment and achieving a well-functioning marketplace for copyright (EC, 2016). The goals set for the proposal are all vague, which allows for interpretation. Due to this, both the supporting and opposing sides views on how the marketplace for copyright should function could achieve the ECs goals. However, once the proposal was finished it became clear that it favoured one side more than the other. In both article 11 and 13, authors and publishers are given benefits, which will help them protect their work and, in some instances, secure revenue. But why did it favour the side of authors and publishers?

Three different public consultations were held by the Commission to gather information from stakeholders. The first one was carried out between 5 December 2013 and 5 March 2014 with the goal of providing the Commission with an overview of stakeholders 'view on the review on the EU copyright rules' (Eur-Lex, 2016). The second one carried out between 24 September 2015 and 6 January 2016 on the regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy. Provided information from the stakeholders on the role of

intermediaries in the online distribution of works and subject-matter (Eur-Lex, 2016). The third one which carried out between 23 March 2016 and 15 June 2016 on the role of publishers in in the copyright value chain and on the ‘panorama exception’. Allowing the collection of views on the possible introduction in EU law of a new related right for publishers (Eur-Lex, 2016).

The second public consultation which was carried out between 24 September 2015 and 6 January 2016 does not include any questions or material which can be linked towards the two controversial articles and will therefore be excluded in the analysis (EC, 2016).

In the consultation on, the review of the EU copyright rules, stakeholders where divided into nine different groups (EC, 2014). Out of the nine groups, five included responses relevant for the study of interest representation: End users/Consumers, Author/Performer, Publisher/Broadcaster/Producer, Intermediary/Distributor/other service provider and the group referred to as “Other” including academics, copyright experts, NGO’s. In the consultation three segments are primarily linked to article 11 and article 13: Linking and browsing, User-generated content, Fair remuneration of authors and performers (EC, 2014).

When it comes to linking and browsing, the groups are divided in their answers. The vast majority of authors and performers believe that the provision of a hyperlink to publicly available content should, at least in some cases, be subject to the authorisation of the right holder. The same applies to browsing websites as it will allow the right holder to earn its rightful revenue (EC, 2014).

Publishers/Broadcasters/Producers are not as certain as the authors, *“many respondents, for example among commercial broadcasters believe that the question whether the provision of a hyperlink leading to work triggers the making available right should remain subject to a case-by-case assessment. Similarly, some respondents – for examples among film producers - consider that the courts are best placed to decide on cases involving linking, since market behaviours and technology will continue to evolve”*. (EC, 2014). Neither service providers nor end users believes that linking or browsing should be subject on authorisation (EC, 2014).

The answers given to the questions about user generated content, are more similar in line. The groups are recognising that there is a problem with user generated content as the current legislative framework is outdated, but the ideas on how to solve it differs (EC, 2014). Authors and producer

primarily want authorisation for their work. The other groups gave different solutions, but the solutions are all similar and refers to the introduction of a fair use approach (EC, 2014).

The third section about Fair remuneration of authors and performers, the questions focus on if it is necessary for the EU to act and establish rule work to reassure fair remuneration (EC, 2014). Authors argue that *“legislation should prohibit the global or general transfer of rights to the publisher or producer, []. In specific circumstances, and especially where the transferee does not exploit the work, the author should have a reversion right”* (EC 2014). Both end users and the “other” group consider that there is a need for the EU to intervene. Intermediaries and publishers on the other hand see no need for the EU to act as they believe that the area should be regulated by the market and ensuring contractual freedom (EC, 2014).

The third public consultation which was carried out between the 23 March 2016 and 15 June 2016 on the role of publishers in in the copyright value chain and on the ‘panorama exception’. The results were published in two synopsis reports. The first report focuses on the role of publisher’s role in the copyright value chain.

Newspapers/magazine publishers press publishers and Music publishers all indicates problems when it comes to licensing online uses of their content (EC, 2016). Authors of different kinds shared the publisher’s concerns, but also highlighted the needed to protect the author in the value chain as they often have the weakest bargaining position (EC, 2016). Both Service providers and End users expressed their concerns to the introduction of a neighbouring right. The service providers argue that there is no market failure that needs to be addressed since online services drive traffic to publishers' sites and increase the visibility of their brands, while publishers can control the use of their publications by relying on authors' rights transferred to them. The end users main concern is a negative impact on their ability to link and share content (EC, 2016).

The second report focuses on the panorama exception. The objective of the 'panorama exception' section of the consultation was to collect input for the Commission's analysis of the current legislative framework applicable to this exception and to seek views as to whether the current rules give rise to specific problems in the context of the Digital Single Market (EC, 2016). When it comes to the panorama exception almost all respondents gave a positive view about the introduction of a

mandatory panorama exception. The only groups who were considered against it, was visual artists and Collective management organisations (CMOs) (EC, 2016).

There are more ways to have an impact in the outcome of the directive than just through the public consultations. Throughout the process of creating the proposal there have been meetings between interest representatives and civil servants. Which can be connected to the Brussels route, influencing through the Brussels route is also done by exerting influence by representation direct to the European institutions themselves. As the explained in the theory, interest representation serves as a two-way flow. Presenting interest as agents which means that the EC considers the interest representatives a valuable chain of information, and their opinions will therefore be into consideration.

However, there are no rule obliging the EC to make the full list of meetings available to the public. But to contradict this and allow for some degree of transparency, the Juncker Commission has a rule that all Commissioners, cabinet members and director generals are required to publish a list of their lobbying meetings (CEO, 2018). Between November 2014 and the 10 December there has been 765 declared encounters between interest representatives and the Commission with copyright as a subject (Integrity Watch, 2019). Out of the top 20 organisations by meetings who talked with representatives from the EC, 2 of them represented tech interest, 1 NGO and the rest representing collecting societies, creative industries and press publishers. Out of all the encounters, approximately 93% of theses where with business interests (Integrity watch, 2019). Which shows that meetings with business interests occurs more frequently. The number of meetings between EC and business interest serves to show that the group might be more institutionalized than the rest.

Only authors and performers where supporting changing how hyperlinks work. Opinions on licensing content, was as expected split between the support and opposition. When it came to questions about user generated content, all the groups where supporting a change, as the legislative framework where considered outdated. However, it was mainly authors who asked for stricter copyright rules. Since the groups and their respective opinions where evenly distributed in the consultations, I would therefore argue that the main source of influence is through the encounters. With the number of meetings showing a clear advantage to business interests.

Combine the success rate from the public consultation and the amount of interest groups who successfully are allowed to reach out to the EC. I would argue that interests representing business

groups have been more effective when it comes to interest representation in the EU at the output stage in this case.

## 4.2 Policy development

Once the proposal for a new directive is finished, the Council and Parliament will give their opinions, and if the proposal is accepted it will be put into a vote in the Parliament, also known as policy development. As the final vote was held on 26 March the policy development stage ended. During this time interest representatives, can take different routes to try and influence the output process. They can try and go through the national route, with the end goal of influencing the Council. The transparency when going through the national route is next to non-existent.

Going through the national route to reach out to the Council is one way of influencing. But it is harder to track because of less transparency and national interest representation playing a key role. Due to this it will be impossible to analyse which types of interest representatives who managed to reach out and made an impact on the Councils decision-making. But as the council approved the directive, one can imagine that organisations representing supporting interests had more influence. However, when it comes to upload filters, the changes proposed by the council seems to be more “friendlier” for tech-companies, which might have been an effect of successful interest representation done by GAFA.

Another way to try and achieve the goal of affecting the outcome is to reach out to the MEPs, and by doing so make an impact in the result of the vote. Which ones again connects to the Brussels route. This can for example, be done by having direct meetings, contacting MEPs via email or phone calls and organising movements. However, unlike the EC there is no rule requiring MEPs to register meetings, but some MEPs does. Members of the greens register all their meetings (Lobbycal, 2019). The list presented by the greens shows a similar trend to the list of encounters with the EC, showing groups representing publishers and authors as the most common ones together with Google. Even though the list only is for MEPs who are part of the greens one can assume that the other MEPs had encounters with a similar composition of interest representatives.

Since, interest representatives acts as information suppliers to MEPs it is important for them to be considered trustworthy. To be a trustworthy information supplier, the interest representative will have to supply valuable information, that allows MEPs to make well-crafted legislative reports.

Smaller organisations such as Copyright for creativity and Save your internet whilst being supported by GAFA, organised petitions for citizens and stakeholders to sign. They also posted lists of all the MEPs emails and phone numbers (Save your internet, 2019). This resulted in MEPs getting bombarded with emails asking them about their opinion and to vote against the directive. This might have been an effective strategy, due to the fact, that MEPs are looking to secure re-election. However, it is also possible that the method ended up helping the supportive organisations (Moore, 2018, EP, 2018).

One of the strategies used to be able to influence the MEPs and to counter the strategy of email spamming was to criticise the opposing side. This was done with the goal of over-hype the other sides level of interest representation, harming the “opponent” and damaging its reputation. As Musically, an information website for the music industry, described it: *“From the music side, this week’s lobbying is focused around two points: convincing politicians of article 13’s necessity on one hand, and criticising Google’s lobbying on the other.”* (Musically, 2018). Because of the counter strategies, and the negative response from MEPs accusing GAFA, it is possible that the opinions of most end-users/citizens got forgotten. As their actual opinions instead emerged as spambots and or just running errands for the big tech companies.

# 5 Conclusion

With both the stages of the input and policy development stages in mind, it is clear that groups representing business interests are orchestrating more direct encounters with EU representatives. They reassure more meetings during the input stage, affecting the shaping of the proposal for a new directive. But are also better at addressing MEPs direct. As both business and non-business interest organisations, participated in the consultations, reached out to the EC and most certainly the Council, Addressed MEPs, organised campaigns and petitions, yet one type of interest appeared more frequently. However, having more success securing meetings, does not necessarily translate towards more success.

Based upon my research for the thesis and the provided theory, I will argue that one cannot assume that the legislative system put in place by the European Union favour business interest groups representing business interests. Institutionalization and the way the EU operate throughout the policy process enables interest representation. Direct contact with decision making institutions shows the biggest difference between the groups representations. As seen in the list of meetings and or encounters between MEPs/representatives from the EC and interest representatives, there is a clear trend. Organisations representing business groups are far more occurring in meeting protocols. Compared with the public consultations where all groups are more evenly distributed. However, this is not the only ways of influencing the policy process. As seen in the analysis some parts are more transparent than others, resulting in hidden information which might play a crucial part in explaining the outcome.

Whilst the European Union seeks to defend smaller interests of EU players, it also needs to reassure it represent the general interest instead of the organized civil society. Drifting towards consensus-seeking, this results in more consultations both public and by scheduling meetings, as opinions are asked for. However, more consultation means less time to process everything. Even though the EU wants participatory governance its primary concern is to ensure the best result for the environment. Because of this, well-crafted reports and good insight knowledge is highly valued by the EU institutions. As mentioned in the theory section, this creates a more competitive environment for interest representation. Highlighting the fact that success of an interest group depends on more than the amount of consultations.



The institutionalization and the lack of adversarial party politics has come to enable interest groups as agents of policy creating a two-way flow of information (see theory section). To be able to be a valuable chain of information, you need to have information. This benefits business groups, as they tend to have information in their field. Well established organisations representing authors and producers, such as IFPI and EMMA do have more direct information about digital copyright. Because of business interest being directly linked to the directive, there is a possibility that MEPs/representatives from the EC would be interested in their expertise and therefore scheduling more meetings.

Noteworthy the study runs in to the similar problem as a quantitative study would. Just as the found differences through text analysis highlights the frequency of meetings the same thing would have been apparent in a quantitative study. Since there are no public documents from the meetings it is impossible to evaluate the value of each meeting from the point of an interest's effect. Meaning that the frequency of meetings can not tell us anything about whether they had an impact or not. One meeting with an NGO could be more influential than with ten interest organisations representing business interests.

To summarize, because of the institutionalizing system of the EU and the lack of adversarial party politics has come to enable interest groups as agents of policy, creating a two-way flow of information. Interest groups have become an important part of the policy process. Interest groups can both act on their own or as agents for organisations, representing a wide spread of opinions. The most common type of interest group comprising of more than 50 percent of the ETR registered groups represents business interest. Interest groups can operate though different routes some more transparent than others, making it hard to prove that the system benefits one type of group more than another. Even though business interests are orchestrating more direct encounters with EU representatives, as seen in the study. It cannot be proven that they are favoured by the legislative system. The results of the thesis open up possibilities for future studies, potentially seeking to explain why interest groups representing business interests comprise more than 50 percent of all registered interest groups in the European Union.

## 6 References

Atkinson, Caroline, 2016, Google, European copyright: there's a better way, [Online]  
<https://blog.google/outreach-initiatives/public-policy/european-copyright-theres-better-way/> Accessed 2020-01-07

Cambridge Dictionary, 2019, Lobbying, [Online]  
<https://dictionary.cambridge.org/dictionary/english/lobbying> Accessed 2020-01-07

Coen, David, 2007, "Empirical and Theoretical studies in EU lobbying", Journal of European Public Policy, Volume 14, Issue 3, P. 333-345.

Corporate Europe Observatory, 2018, Copyright Directive: competing big business lobbies drowned out critical voices, [Online], [https://corporateeurope.org/power-lobbies/2018/12/copyright-directive-competing-big-business-lobbies-drowned-out-critical-voices#footnote1\\_0117312](https://corporateeurope.org/power-lobbies/2018/12/copyright-directive-competing-big-business-lobbies-drowned-out-critical-voices#footnote1_0117312), Accessed 2020-01-07

Council of the European Union, 2018, Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on copyright in the Digital Single Market - Mandate for negotiations with the European Parliament [Online]  
<http://data.consilium.europa.eu/doc/document/ST-8672-2018-INIT/en/pdf> Accessed 2020-01-07

Council of the European union, 2016, 3503rd meeting of the COUNCIL OF THE EUROPEAN UNION (Competitiveness (Internal Market, Industry, Research and Space)) [Online]  
<http://data.consilium.europa.eu/doc/document/ST-14659-2016-INIT/en/pdf> Accessed 2020-01-07

D'Onfro, Jillian, 2018, "YouTube CEO urges YouTube creators to protest European copyright law", CNBC, News article, 2020-01-07

Electronic Frontier Foundation, 2017, Article 13-Monitoring and filtering internet content is unacceptable, [Online], [https://www.eff.org/files/2017/10/16/openletteroncopyrightdirective\\_final.pdf](https://www.eff.org/files/2017/10/16/openletteroncopyrightdirective_final.pdf) Accessed 2020-01-07

Esaiasson, Peter – Giljam, Mikael – Oscarsson, Henrik – Wängnerud, Lena, 2012. Metodpraktikan: Konsten att studera samhälle, individ och marknad. Stockholm: Norstedts juridik

Eur-Lex, 2020, Document 11997D/TXT [Online] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A11997D%2FTXT> Accessed 2020-01-07

Eur-Lex, 2017, Document 52016AE5382 [Online] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52016AE5382> Accessed 2020-01-07

Eur-Lex, 2017, Document 52016IR5114 [Online] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52016IR5114> Accessed 2020-01-07

Eur-Lex, 2016, Document 52016PC0593, [Online], <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52016PC0593#footnote19> Accessed 2020-01-07

Eur-Lex, 2018, Procedure 2016/0280/COD [Online] [https://eur-lex.europa.eu/procedure/EN/2016\\_280](https://eur-lex.europa.eu/procedure/EN/2016_280) Accessed 2020-01-07

European Commission, 2018, Copyright, [Online] <https://ec.europa.eu/digital-single-market/en/copyright> Accessed 2020-01-07

European Commission, 2016, Impact Assessment on the modernisation of EU copyright rules, [Online], <https://ec.europa.eu/digital-single-market/en/news/impact-assessment-modernisation-eu-copyright-rules>, Accessed 2020-01-07

European Commission, 2014, Public Consultation on the review of the EU copyright rules, [Online], [http://ec.europa.eu/internal\\_market/consultations/2013/copyright-rules/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2013/copyright-rules/index_en.htm) Accessed 2020-01-07

European Commission, 2016, Public consultation on the role of publishers in the copyright value chain and on the “panorama exception” [Online] <https://ec.europa.eu/digital-single-market/en/news/public-consultation-role-publishers-copyright-value-chain-and-panorama-exception> Accessed 2020-01-07

European Commission, 2016, Results of the public consultation on the regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy, [online], <https://ec.europa.eu/digital-single-market/en/news/results-public-consultation-regulatory-environment-platforms-online-intermediaries-data-and> Accessed 2020-01-07

European Commission, 2016, Synopsis report on the results of the public consultation on the role of publishers in the copyright value chain, [Online], [http://ec.europa.eu/information\\_society/newsroom/image/document/2016-37/synopsis\\_report\\_-\\_publishers\\_-\\_final\\_17048.pdf](http://ec.europa.eu/information_society/newsroom/image/document/2016-37/synopsis_report_-_publishers_-_final_17048.pdf), Accessed 2020-01-07

European Commission, 2016, Synopsis report on the results of the public consultation on the panorama exception, [Online], [http://ec.europa.eu/information\\_society/newsroom/image/document/2016-37/synopsis\\_report\\_-\\_panorama\\_exception\\_-\\_final\\_17049.pdf](http://ec.europa.eu/information_society/newsroom/image/document/2016-37/synopsis_report_-_panorama_exception_-_final_17049.pdf) , Accessed 2020-01-07

European Commission, 2020, Transparency Register, [Online], <https://ec.europa.eu/transparencyregister/public/consultation/statistics.do?action=prepareView&locale=en#en> Accessed 2020-01-07

European Parliament, 2019, European Parliament approves new copyright rules for the internet, [online] <https://www.europarl.europa.eu/news/en/press-room/20190321IPR32110/european-parliament-approves-new-copyright-rules-for-the-internet> Accessed 2020-01-07

European Parliament, 2018, Briefing, Copyright in the digital single market, [Online]  
[http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/593564/EPRS\\_BRI\(2016\)593564\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/593564/EPRS_BRI(2016)593564_EN.pdf)  
Accessed 2020-01-07

European Parliament. 2003. Lobbying in the European Union: Current rules and practice. [Online]  
[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2003/329438/DG-4-AFCO\\_ET\(2003\)329438\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2003/329438/DG-4-AFCO_ET(2003)329438_EN.pdf) Accessed 2019-01-06  
European Union, 2018. Goals and values of the EU. [Online] [https://europa.eu/european-union/about-eu/eu-in-brief\\_en#goals-and-values-of-the-eu](https://europa.eu/european-union/about-eu/eu-in-brief_en#goals-and-values-of-the-eu). Accessed: 2020-01-07

European Parliament, 2018, EPTV, [Online], <http://www.europarl.europa.eu/ep-live/en/other-events/video?event=20180704-1000-SPECIAL>, Accessed 2020-01-07

European Parliament, 2018, Procedure file Copyright in the digital single market [Online]  
[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0280\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0280(COD)&l=en) Accessed 2020-01-07

European Parliament, 2019, Rules of Procedure of the European Parliament [Online]  
[https://www.europarl.europa.eu/doceo/document/RULES-9-2019-07-02-TOC\\_EN.html#T9](https://www.europarl.europa.eu/doceo/document/RULES-9-2019-07-02-TOC_EN.html#T9) Accessed 2020-01-07

European Union, 2018. Have your say on EU policies. [Online] [https://europa.eu/european-union/law/have-your-say\\_en](https://europa.eu/european-union/law/have-your-say_en). Accessed: 2020-01-07

GESAC, 2019, Policy, Copyright Directive, [Online] <http://authorsocieties.eu/policy-positions/copyright-directive> Accessed 2020-01-07

Greenwood, Justin, 2007, Interest representation in the European Union. 2<sup>nd</sup> edition. Basingstoke: Palgrave Macmillan

Greenwood, Justin, 2017, *Interest representation in the European Union*. 4<sup>th</sup> edition. Basingstoke: Palgrave Macmillan

Hoog, Emmanuel - Kropsch, Peter - Marshall, Clive - Vera, Jose Antonio – Giesepe, Cerbone – Eriksson, Jonas – Pig, Clemens – Van Lingen, Marcel – Lacroix, Patrick, 2017, Free news has a cost [Online] <https://images.derstandard.at/2017/12/14/brief.pdf> Accessed 2020-01-07

Julia Reda, 2018, EU censorship machines and link tax laws are nearing the finish line, [Online] <https://juliareda.eu/2018/05/censorship-machines-link-tax-finish-line/> Accessed 2020-01-07

Julia Reda, 2018, The internet after Axel Voss: what's at stake in tomorrow's copyright vote [Online] <https://juliareda.eu/2018/06/the-internet-after-axel-voss/> Accessed 2020-01-07

Lobbycal, 2019, Lobbycal Greens, [Online], <https://lobbycal.greens-efa-service.eu/all/> Accessed 2020-01-07

Make internet fair, 2019, [Online] <https://makeinternetfair.eu/> Accessed 2020-01-07

Moore, Matthew, 2018, “Google founds website that spams for its causes”, *The Times*, News article. 2020-01-07

Musically, 2018, Music bodies up lobbying efforts ahead of crucial Article 13 vote, [Online], <https://musically.com/2018/07/04/music-bodies-lobbying-efforts-article-13/>, Accessed 2020-01-07

Risse-Kappen, Thomas, 1995, “Structures of Governance and Transnational Relations: What Have we Learned?” in Risse-Kappen, Thomas (eds), *Bringing Transnational Relations Back in: Non-State Actors, Domestic Structures and international institutions*. Cambridge: Cambridge University Press

Save your internet, 2019, #Save your internet ACT NOW, [Online], <https://saveyourinternet.eu/>  
Accessed 2020-01-07

Society of Authors, 2016, Submission, Modernising the European Copyright Framework, [Online]  
<http://www.societyofauthors.org/SOA/MediaLibrary/SOAWebsite/Submissions/20161205-Submission-to-IPO-on-DSM-directive-dec-2016.pdf> Accessed 2020-01-07

Teorell, Jan – Svensson, Torsten, 2007. Att fråga och att svara. Samhällsvetenskaplig metod. Malmö:  
Liber

Transparency International, 2019, Integrity watch, [Online], <https://www.integritywatch.eu/> Accessed  
2020-01-07

## 6 Annex:

### Article 11 and 13

#### *Article 11*

##### *Protection of press publications concerning digital uses*

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.
2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.
3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply *mutatis mutandis* in respect of the rights referred to in paragraph 1.
4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication. (Eur-Lex, 2016)

#### *Article 13*

##### *Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users*

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on



their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.
3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments. (Eur-Lex, 2016)