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Answer given by Mr Breton
on behalf of the European Commission
(9.11.2020)

The Commission considers that Member States are not allowed to implement Article 15 of Directive (EU) 2019/790 on copyright in the digital single market (the ‘DSM Directive’)¹ through a mechanism of mandatory collective management. Article 15 grants publishers of press publications the exclusive rights to authorise or prohibit the distribution and the making available of their publications by information society services. Imposing mandatory collective management would deprive publishers of this exclusive right by precluding publishers’ choice to authorise or prohibit the use of their publication.

¹ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, OJ L 130, 17.5.2019, p. 92–125
<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1558431447846&uri=CELEX:32019L0790>