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European Publishers Council (EPC) Welcomes Landmark CJEU Ruling Protecting Publishers' Rights Against Tech Giants

Brussels, 12 May 2026

The European Publishers Council (EPC) welcomes today's landmark judgment by the Court of Justice of the European Union (CJEU) in Case C-797/23, *Meta Platforms Ireland v. AGCOM* that reaffirms that Member States can rightfully mandate fair remuneration for press publishers when their content is used by online service providers.

Europe's top court agreed with the Italian telecoms watchdog (AGCOM) that Meta should compensate publishers for using snippets of their news articles.

EPC Chairman, Christian Van Thillo, said: *"This ruling recognises the economic reality that publishers cannot negotiate on equal terms with dominant online platforms without transparency, access to relevant data, and safeguards against coercive behaviour. It also recognises something even more fundamental -namely that sustainable journalism and media pluralism are essential pillars of democratic society."*

Executive Director of the EPC, Angela Mills Wade said: *"This crucial decision comes at a time when AI-driven and platform-mediated uses of journalistic content are rapidly expanding. The judgment reinforces the legitimacy of stronger national implementation of Article 15 (Publishers' Right) and strengthens the position of publishers when we are seeking sustainable and balanced commercial relationships with dominant online platforms. This important ruling will pave the way for fairer negotiations with gatekeepers which have been abusing their dominance by refusing to negotiate in good faith. Quality journalism depends on the ability of publishers to recoup the investments required to produce trusted news and information. The Court has recognised that this objective is not only economically legitimate, but also closely linked to media freedom and pluralism in democratic societies."*

Key Victories for the Press in Today's Ruling:

- **Mandatory Data Transparency:** Tech platforms are now obligated to provide the essential data necessary to calculate fair compensation. The Court rightly recognized that publishers are currently in a weaker negotiating position because only the tech providers possess the information needed to assess the true economic value and revenues generated from online news content.
- **Protection Against Retaliation:** Platforms are explicitly forbidden from limiting the visibility of news content in search results during the negotiation



period. The Court noted that this safeguard is critical to prevent tech giants from exerting undue pressure on publishers or concealing the economic value of their press publications.

- **Strong Regulatory Oversight:** The ruling validates the authority of national regulators, such as Italy's AGCOM, to set remuneration criteria, step in during disagreements to determine fair pay, and impose penalties on platforms that refuse to comply with information-sharing obligations.
- **Control Over Content:** The decision clarifies that publishers maintain the absolute right to refuse authorization for the use of their content or to grant it free of charge, ensuring they remain in control of their intellectual property.

The EPC calls upon all online service providers, which clearly include Search Engines, to immediately comply with these legal obligations.

Angela concluded: *"Today's ruling is a massive victory for the financial sustainability of the free press. We urge all EU Member States to look to this ruling as a blueprint to enforce protections robustly that finally will allow publishers to recoup the vital investments required to produce high-quality journalism and entertainment for European citizens."*

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