CEPIC – Proposed amendments

Draft report on the cultural and creative sectors in the age of AI

2025/2180(INI) – PE786.971

Amendment 1

Motion for a resolution

Recital D

Draft motion for a resolution	*Amendment*
whereas the opportunities and challenges arising from AI vary significantly across the different CCS, including the music, audiovisual, book, publishing, cultural heritage and news media sectors, requiring tailored sector-specific responses alongside horizontal measures;	whereas the opportunities and challenges arising from AI vary significantly across the different CCS, including the music, audiovisual, book, publishing, ***visual content,*** cultural heritage and news media sectors, requiring tailored sector-specific responses alongside horizontal measures;

Justification

The visual content sector, which covers photographs, illustrations and footage, is directly exposed to generative AI and should be identified alongside the other sectors.

Amendment 2
Motion for a resolution
Recital F

Draft motion for a resolution	*Amendment*
whereas automated programs that systematically browse websites and collect the content they find, known as web crawlers, scrapers or bots, are widely used both to develop the datasets on which generative AI models are trained and to retrieve content in real time in response to user queries; whereas website operators and rights holders can, at present, only restrict such collection through voluntary technical protocols, notably the robots exclusion protocol, which crawlers are under no obligation to respect; whereas rights holders frequently cannot establish which crawlers have visited their sites, on whose behalf they were acting or for what purpose the content was collected; whereas reservations of rights, therefore, can be neither verified nor enforced in practice;	whereas automated programs that systematically browse websites and collect the content they find, known as web crawlers, scrapers or bots, are widely used both to develop the datasets on which generative AI models are trained and to retrieve content in real time in response to user queries; whereas website operators and rights holders can, at present, ***seek to*** restrict such collection through technical protocols, notably the robots exclusion protocol, which ***some*** crawlers ***do not*** respect; whereas rights holders frequently cannot establish which crawlers have visited their sites, on whose behalf they were acting or for what purpose the content was collected; ***whereas these practical obstacles make compliance with reservations of rights difficult to verify and breaches difficult to enforce, even where rights have been reserved in an appropriate manner under Article 4(3) of Directive (EU) 2019/790;***

Justification

The amendment distinguishes the practical difficulty of detecting and enforcing breaches from the legal effect of a reservation of rights. Under Article 4(3) of Directive (EU) 2019/790, rights holders may reserve their rights in an appropriate manner; recital 18 identifies metadata and the terms and conditions of a website or service among the machine-readable means for content made publicly available online. The difficulty of identifying a crawler or its purpose does not render such a reservation ineffective. The draft states that crawlers are under no obligation to respect the robots exclusion protocol. This statement is too broad, since an instruction expressed through that protocol may itself constitute a reservation of rights under Article 4(3). Where it does, a crawler that disregards it cannot rely on the exception in Article 4(1). Amendment 7 to paragraph 10 addresses the difficulty of identifying crawlers.

Amendment 3
Motion for a resolution
Recital F a (new)

Draft motion for a resolution	*Amendment*
	whereas picture agencies and image libraries make photographs, illustrations and footage publicly accessible online in order to license them, which exposes that content to large-scale collection for AI training; whereas such content, once reproduced, circulates independently of the website on which any reservation of rights was expressed;

Justification
Picture agencies and image libraries display their content online so that clients can select and license it. This also exposes that content to collection for AI training, and a reservation expressed at website level does not follow it once it has been reproduced elsewhere. This recital supports the amendment to paragraph 11.

Amendment 4
Motion for a resolution
Recital P a (new)

Draft motion for a resolution	*Amendment*
	whereas AI is already used in the visual content sector for the indexing, captioning and search of collections, the restoration and digitisation of photographic archives and the management of metadata and licensing workflows; whereas it has the potential to improve the discoverability of visual content, facilitate access to archives and support the verification of the authenticity and provenance of images;

Justification
Like recital P for video games, the report should reflect the uses of AI in the visual content sector, alongside the challenges described in recital F a.

Amendment 5

Motion for a resolution

Paragraph 3

Draft motion for a resolution	*Amendment*
Calls on the Commission to ensure that the announced AI strategy for the CCS is ambitious, delivered without delay, accompanied by a clear implementation roadmap and measurable sector-specific objectives, and developed in close consultation with creators, performers, cultural institutions, small and medium-sized enterprises, technology providers and the consumer; stresses that the strategy should foster innovation, competitiveness, human creation, cultural diversity, the discoverability of European works and wide public access to culture;	Calls on the Commission to ensure that the announced AI strategy for the CCS is ambitious, delivered without delay, accompanied by a clear implementation roadmap and measurable sector-specific objectives, and developed in close consultation with creators, performers ***and other rights holders, including picture agencies, as well as*** cultural institutions, small and medium-sized enterprises, technology providers and the consumer; stresses that the strategy should foster innovation, competitiveness, human creation, cultural diversity, the discoverability of European works and wide public access to culture;

Justification

Rights holders other than creators and performers, including picture agencies, are absent from the list of parties to be consulted.

Amendment 6

Motion for a resolution

Paragraph 6

Draft motion for a resolution	*Amendment*
Calls on the Commission to assess the real impact of AI on the job opportunities and income of authors and performers across the CCS and to evaluate, as part of the upcoming AI strategy for CCS, AI literacy and upskilling needs across these sectors, thus ensuring that AI supports, rather than replaces, human creativity;	Calls on the Commission to assess the real impact of AI on job opportunities and income across the CCS ***value chains, including those of authors, performers and other rights holders,*** and to evaluate, as part of the upcoming AI strategy for CCS, AI literacy and upskilling needs across these sectors, thus ensuring that AI supports, rather than replaces, human creativity;

Justification

The CCS value chains include other rights holders, such as picture agencies, whose activity is also affected by AI.

Amendment 7

Motion for a resolution

Paragraph 10

Draft motion for a resolution	*Amendment*
Invites the Commission to assess the feasibility of a mandatory identification and registration mechanism for web crawlers used for AI training or data exploitation, in order to enable effective oversight, enhance transparency, thus allowing for increased understanding of cultural representation, and ensure accountability throughout their data-collection and processing activities;	Invites the Commission to assess the feasibility of a mandatory identification and registration mechanism for web crawlers used for AI training or data exploitation, ***requiring crawlers to be identifiable to the web operator,*** in order to enable effective oversight, enhance transparency, thus allowing for increased understanding of cultural representation, and ensure accountability throughout their data-collection and processing activities;

Justification

Recital F identifies three obstacles to the enforcement of reservations of rights: rights holders cannot establish which crawlers visited their sites, on whose behalf they were acting or for what purpose. A registration mechanism does not by itself allow rights holders to know which crawlers have visited their sites.

Amendment 8

Motion for a resolution

Paragraph 11

Draft motion for a resolution	*Amendment*
Calls for standardised, machine-readable formats, potentially managed and listed by the European Union Intellectual Property Office, enabling rights holders to exclude their works from AI training, which would provide legal certainty for rights holders and AI providers;	Calls for standardised, machine-readable formats, potentially managed and listed by the European Union Intellectual Property Office, enabling rights holders to ***reserve their rights for text and data mining, including for AI training, pursuant to Article 4(3) of Directive (EU) 2019/790, both at website level and within the files themselves, including through embedded metadata, so that the reservation can accompany the content when it is reproduced***, which would provide legal certainty for rights holders and AI providers***, without prejudice to reservations expressed in another appropriate manner, including in the terms and conditions of a website or service***;

Justification

The draft wording does not reflect the legal mechanism, which is a reservation of rights, not an exclusion. For visual content, a reservation expressed only at website level does not follow the content once it has been reproduced elsewhere. Recital 18 of Directive (EU) 2019/790 expressly names metadata and the terms and conditions of a website or service among the machine-readable means of reservation. Recital 18 also provides that rightholders should be able to apply measures to ensure that their reservations are respected.

Amendment 9

Motion for a resolution

Paragraph 13

Draft motion for a resolution	*Amendment*
Recalls that Article 50 of the AI Act creates marking and disclosure obligations for the providers and deployers of AI systems generating synthetic content, but that those obligations do not follow the content along the chain through which it reaches the public; calls, therefore, ***for these obligations to be complemented by requirements for distributors, aggregators and platform operators to preserve and clearly display*** markings and provenance information***, and for the development of common, workable and technologically neutral criteria to give practical effect to the boundary between AI generation and meaningful human creative input, with proportionate implementation for small and medium-sized enterprises***; calls for platforms to make available the possibility of self-labelling fully AI-generated content at the point of delivery by creators, and for distributors to apply and enforce consistent and transparent policies to that effect;	Recalls that Article 50 of the AI Act creates marking and disclosure obligations for the providers and deployers of AI systems generating synthetic content, but that those obligations do not follow the content along the chain through which it reaches the public; calls, therefore, ***on actors along the value chain not to remove or alter*** markings and provenance information ***and, where displayed, to maintain them***; calls for platforms to make available the possibility of self-labelling fully AI-generated content at the point of delivery by creators, and for distributors to apply and enforce consistent and transparent policies to that effect;

Justification

Article 50 marking only remains effective if markings survive once content reaches the public. This amendment calls on actors along the value chain not to remove or alter existing markings and provenance information, and to maintain those already displayed, without calling for new markings to be displayed or detected.

Amendment 10

Motion for a resolution

Paragraph 13 a (new)

Draft motion for a resolution	*Amendment*
	Stresses that rights-management information and provenance metadata attached to works and other subject matter protected by copyright or related rights, including information identifying the author, the rights holder and any reservation of rights, may be removed when content is uploaded to or processed by online platforms and AI systems; recalls the protection afforded to electronic rights-management information under Article 7 of Directive 2001/29/EC; calls on platforms, and on AI providers in the datasets they compile, to preserve such information, in compliance with Union data protection law; calls on the Commission to assess whether further measures are needed;

Justification

Paragraph 13 of the draft provides for preserving markings and provenance information for synthetic content along the distribution chain. The same need exists for works and other subject matter protected by copyright or related rights, whose identifying and licensing information, including any reservation of rights, may be stripped when content is uploaded or processed.

Amendment 11

Motion for a resolution

Paragraph 14

Draft motion for a resolution	*Amendment*
Calls for fair remuneration and effective value distribution for rights holders whose works are used in AI systems, and for meaningful transparency, including on training data, to enable rights holders to exercise their rights and obtain remuneration; to that end, calls on the Commission to strengthen the Model Documentation Form under the General-Purpose AI Code of Practice by improving the traceability of the origin, composition and licensing status of training data and to revise, without delay, the Commission Template for the Public Summary of Training Content, required under Article 53(1)(d) of the AI Act, so that public summaries enable rights holders to identify relevant training data sources and effectively exercise and enforce their rights;	Calls for fair remuneration and effective value distribution for rights holders whose works are used in AI systems, and for meaningful transparency, including on training data, to enable rights holders to exercise their rights and obtain remuneration; to that end, calls on the Commission to strengthen the Model Documentation Form under the General-Purpose AI Code of Practice by improving the traceability of the origin, composition and licensing status of training data and to revise, without delay, the Commission Template for the Public Summary of Training Content, required under Article 53(1)(d) of the AI Act, so that public summaries enable rights holders to identify relevant training data sources and effectively exercise and enforce their rights; ***stresses that, for visual content, which may be reproduced across many websites without the information identifying it or its rights holders, summary information on data sources may not allow rights holders to determine whether their content has been used; calls on the Commission to assess means adapted to such content, including beyond the Template, enabling rights holders to verify such use;***

Justification

Transparency mechanisms designed around data sources may not allow a picture agency to determine whether its content was used when it was collected from third-party websites on which it had been reproduced.

Amendment 12

Motion for a resolution

Paragraph 15

Draft motion for a resolution	*Amendment*
Calls on the Commission and the Member States to complement horizontal AI and copyright rules with tailored sector-specific policies and support measures addressing the distinct realities of the music, audiovisual, book and publishing, cultural heritage and news media sectors;	Calls on the Commission and the Member States to complement horizontal AI and copyright rules with tailored sector-specific policies and support measures addressing the distinct realities of the music, audiovisual, book and publishing, ***visual content,*** cultural heritage and news media sectors;

Justification

Consistency with recital D.

Amendment 13

Motion for a resolution

Paragraph 26

Draft motion for a resolution	*Amendment*
Calls for common EU standards and guidance on metadata quality, AI ethics, intellectual property and data governance in cultural heritage, including on the clear identification of AI-generated reconstructions and interpretations and on preserving the control of cultural heritage institutions over the digitised representations of their collections, with a view to facilitating broader access and research while fostering diversity and creativity across Europe;	Calls for common EU standards and guidance on metadata quality, AI ethics, intellectual property and data governance in cultural heritage, including on the clear identification of AI-generated reconstructions and interpretations and on preserving the control of cultural heritage institutions***, and of picture agencies and other holders of photographic archives,*** over the digitised representations of their collections***, in accordance with their rights and without prejudice to Article 14 of Directive (EU) 2019/790***, with a view to facilitating broader access and research while fostering diversity and creativity across Europe;

Justification

Part of Europe's photographic heritage is held by private photographic archives and picture agencies.

Amendment 14

Motion for a resolution

Paragraph 28

Draft motion for a resolution	*Amendment*
Notes with concern the acute AI-related challenges facing news media and journalism, including risks to media pluralism, editorial integrity and economic sustainability, as AI systems increasingly retrieve and synthesise journalistic content within their own interfaces, often without adequate attribution or prominent links to the original sources, thereby disintermediating newsrooms and their editorial rigour from their audiences;	Notes with concern the acute AI-related challenges facing news media and journalism, including risks to media pluralism, editorial integrity and economic sustainability, as AI systems increasingly retrieve and synthesise journalistic content, ***including press photographs,*** within their own interfaces, often without adequate attribution or prominent links to the original sources, thereby disintermediating newsrooms and their editorial rigour from their audiences;

Justification

Photojournalism and press photo agencies are part of the news value chain. When AI systems retrieve and reproduce press photographs within their own interfaces, they bypass the channels through which those photographs are licensed.

Amendment 15

Motion for a resolution

Paragraph 30

Draft motion for a resolution	*Amendment*
Calls on providers of AI systems and services that base their training on retrieved journalistic content to comply with the applicable EU legal framework; supports voluntary, market-based licensing and fair remuneration where applicable; asks the Commission to address the practical situation whereby publishers may lose control and remuneration if they permit access to their content, but may lose visibility in general searches if they reserve their rights;	Calls on providers of AI systems and services that base their training on retrieved journalistic content to comply with the applicable EU legal framework; supports voluntary, market-based licensing and fair remuneration where applicable; asks the Commission to address the practical situation whereby publishers ***and other rights holders, including picture agencies and image libraries,*** may lose control and remuneration if they permit access to their content, but may lose visibility in general searches if they reserve their rights;

Justification

Picture agencies and image libraries face the same dilemma as news publishers, since their licensing model depends on the visibility of their collections in search.