

Brussels, 8 May 2026
(OR. en)

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: AOB for the meeting of the Education, Youth, Culture and Sport Council on 11 and 12 May 2026:
On the necessity of assessing the EU copyright legal framework to consider AI development
- *Information from Austria, Estonia, Germany, Greece, Portugal, Slovenia, Slovakia and Spain*

On 10 March 2026, the European Parliament adopted, by a large majority of 460 votes in favour, the resolution *European Parliament resolution of 10 March 2026 on copyright and generative artificial intelligence – opportunities and challenges (2025/2058(INI))*.

In that resolution, European Parliament recognises, among other points, that “the creative and cultural sector plays a key role in safeguarding European values and cultural diversity, representing approximately 4 % of EU value added and 6,9 % of the EU’s gross domestic product; whereas the sector employs around 8 million people, underpinning Europe’s cultural diversity, social cohesion, values and democratic dialogue”.

At the same time, through that resolution, European Parliament considers, among others, that “there is evidence of the widespread violation of copyright rules by GenAI providers, including the unauthorised collection of works from the internet, the noncompliance with rights holders’ text and data mining rights reservations, the use of pirated sources to obtain works, and the failure to seek licences; whereas this pattern, which constitutes a clear violation of creators’ fundamental rights and a misappropriation of value to the detriment of the EU’s cultural and information sector, demonstrates the need for strong measures to ensure that the AI ecosystem in the EU is fair and ethical”.

The resolution also notes that the “risk of a gradual disappearance of the human dimension of creation in favour of AI-generated content, in addition to undermining the economic viability of the creative sector, poses an existential risk to European society and democracy, in that it blurs the boundaries between truth and falsehood, the perception of discourse and its authors, and disrupts cognitive faculties and critical thinking; whereas the Artificial Intelligence Act (AI Act) takes these risks into account, but cannot be complete without robust protection of copyright and related rights”.

The European Parliament resolution also states that “current copyright law is insufficient to address the challenge of licensing copyrighted material for GenAI; calls for an additional legal framework to clarify licensing rules for GenAI and to address potential infringements of current copyright law; insists that such a framework should include provisions ensuring the effective cooperation of GenAI providers with creators and other rights holders, including a functioning licensing market that restores the bargaining power of rights holders and viable protection solutions”.

In April 2026, in the framework of the structured dialogue with the European Parliament, the European Commission referred to the review of EU copyright legislation and to the launch of a public consultation in summer 2026, with a view to identifying challenges and how to address them.

During the first quarter of 2027, the European Commission is expected to present the AI Strategy for Cultural and Creative Sectors, foreseen in the Culture Compass for Europe, published in November 2025.

In this context, and following the preliminary discussions on this matter within the Council of the European Union under the Polish and Danish Presidencies, we consider it appropriate to draw attention to the need to undertake a thorough assessment of the EU copyright legislative framework, taking into account its complexity, its importance and its impact on the cultural and creative sectors and to exchange views on the relevant proposals to be considered and taken forward at the level of our Union.
