

EARE's position on the COREPER agreement on the Copyright Directive

The **European Alliance for Research Excellence (EARE)** is pleased to see that after many months of discussions, the Council of Permanent Representatives (COREPER) has agreed on a compromise text on the Copyright directive, which includes **an optional Text and Data Mining (TDM) exception covering all users** (article 3a).

We feel this is a **good step in the right direction** as it recognizes that a more robust exception for TDM is needed for Europe, at a time when the EU is massively investing in emerging technologies such as Artificial Intelligence (AI).

However, we remain concerned about paragraph 2 of article 3a, which strengthens the possibility for rightsholders to **unilaterally** prevent the beneficiaries of this optional exception from simply understanding and using the information they already have legal access to. Unfortunately, this paragraph will make it easier for rightsholders to **override the optional exception** and use technical measures to **unreasonably restrict** the use of TDM. **This will significantly hinder the benefits of this optional exception.**

Keeping in mind the foundational role that TDM plays in AI, Europe must not fall behind other regions of the world in the competitive race to develop AI-powered solutions. In many parts of the world, such as Canada, Japan or Australia, lawmakers are looking at ways to facilitate TDM for all users. These countries have understood the importance of having the right copyright framework in place to ensure continued leadership in technology and research.

We believe the text adopted by the COREPER on Friday 25 May could be further improved and we call on all EU institutions, particularly the European Parliament, to propose a **future-proof, broad mandatory exception for TDM for all parties who have lawful access to the underlying work**, and ensure Europe can live up to its ambitions of becoming a global leader in AI, machine learning and data analytics.

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About EARE

The European Alliance for Research Excellence (EARE) is a coalition supported by BSA | The Software Alliance, Allied for Startups, Research Libraries UK, SCONUL (Society of College, National and University Libraries) and UCL (University College London) Library, advocating for the EU to live up to its innovation potential in the digital economy. The coalition is calling on the EU to include a broader TDM exception in its current copyright reform.

For questions please contact:

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