

Subject: ECSA's recommendations for the JURI Committee report on copyright and gen. AI

Dear Member of the Legal Affairs (JURI) Committee,

We are contacting you regarding the report “**Copyright and generative artificial intelligence – opportunities and challenges**”, which is currently being discussed in the JURI Committee.

The **European Composer and Songwriter Alliance (ECSA)** represents the voices of more than 30,000 composers and songwriters across 57 organisations in 28 countries. In a context where the vast majority of generative AI services on the market have scraped and ingested the works of authors and performers without their **authorisation, remuneration and transparency**, these three principles should be placed at the centre of the report.

We welcome several key points of MEP Voss’ report, and in particular its criticism of Article 4 of the CDSM Directive, its calls for the fair remuneration of creators, full transparency, and a workable licensing system, as well as the broader goal of protecting Europe’s cultural and creative sectors while fostering innovation.

While these and other aspects should be supported and strengthened, we urge you to ensure the following crucial points are addressed going forward:

1. First, we fully support the calls for **the fair remuneration of creators** (points H, 2), the **full and detailed transparency of works used** in the form of an itemised list (points O, P, Q, 10) and the establishment of an **irrebuttable presumption of use** (points R, 11). We believe these calls are crucial and should be emphasised in the final report to ensure that authors’ rights and AI innovation can thrive together in Europe.
2. As rightly stated in the report, **Article 4 of the CDSM Directive was neither drafted nor intended to regulate AI training**, and its application should not go beyond the limited acts described in the CDSM Directive (points J, V). In this regard, **we believe there should not be a dedicated exception for the training of AI**, as any such exception would run against the goal of establishing a functioning licensing market based on authorisation, remuneration, and transparency. This is clear when considering that Article 4 has been applied retroactively by AI services to justify the unlawful use of protected works.
3. We strongly support the report’s call for **full transparency** concerning all the works used by AI services. **The legitimate protection of trade secrets should not be used as an excuse to legitimise the use of copyrighted works without any consent from authors and other rights holders**. Disclosing the “ingredient list” of works ingested is essential for transparency and does not equate to disclosing the “recipe” used to create the models. In a context where the implementation package of the AI Act (GPAI Code of Practice, GPAI guidelines, transparency template) fails to provide meaningful protection for European creators, we urge the European Parliament to promote the highest level of transparency for European authors.
4. **In addition, we urge MEPs to address the role of generative AI in promoting fraudulent music streaming practices by introducing transparency obligations for streaming platforms**. Recent cases, such as the one of the [“AI-band” Velvet Sundown](#), have shed light on the massive presence of unlabelled AI-generated music and AI “artists” with millions of streams and plays. Not only does the large-scale distribution of AI-generated music without any transparency create unfair competition for human creators, but it also misleads consumers into believing they are listening to real artists.

In order to be effective, **obligations on transparency should also apply to how platforms recommend content to listeners**. This was already stressed by the 2024 European Parliament resolution “on cultural diversity and the conditions for authors in the European music streaming market” (2023/2054(INI)), which called to introduce obligations to ensure the transparency of algorithms and recommendation systems to prevent unfair and fraudulent streaming practices.

5. **Last but not least, the proliferation of AI-generated content and deep fakes poses a threat not only to our democracy and citizens’ trust in the authenticity of digital content, but also to the reputation of our members and the integrity of their works.** As generative AI services may distort or manipulate the works of our members, causing ethical and reputational harm, the need to protect authors’ and performers’ **moral rights** is more important than ever. The important obligations regarding the labelling of AI outputs and deep fakes laid down in Article 50 of the AI Act should be translated into clear obligations for AI services.

Finally, several of these points were also featured in a joint letter to the JURI Committee by ECSA and 12 other authors’, performers’ and creative workers’ organisations, available via [this link](#).

We look forward to continuing our engagement with the JURI Committee on this report and remain at your disposal for any questions you may have.

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The European Composer and Songwriter Alliance (ECSA) represents over 30,000 professional composers and songwriters in 28 European countries. With 57 member organisations across Europe, the Alliance speaks for the interests of music creators of art and classical music (contemporary), film and audiovisual music, and popular music. For more information, please contact info@composeralliance.org.

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