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Dear President Juncker,
Dear Vice-President Ansip,
Dear Commissioner Gabriel,

as both Parliament and Council currently discuss the Commission's proposal for a Directive on copyright in the Digital Single Market, the paramount principles of this debate should be transparency and integrity. While political opinions on the proposals differ greatly, there should be a common understanding about the factual basis for these proposals.

Over the last few months, I have - through the invocation of Regulation 1049/2001/EC - obtained a series of studies commissioned or written by the European Commission on copyright which were unreleased, sometimes for several years. Among them is a study commissioned by DG MARKT ("Estimating displacement rates of copyrighted content in the EU") which was delivered to the Commission in May 2015.

Yesterday I received another paper, drafted by the Commission's JRC and titled "The economics of online news aggregation and neighbouring rights for news publishers". The draft was shared with DG CNECT and other DGs in October 2016. In May 2017, DG CNECT ordered JRC "refrain from the publication" and referred to the hierarchy in lieu of a written explanation.

Even a neutral observer might be tempted to see a pattern appearing as well as the question whether the Commission is actively withholding findings that do not support its plans on copyright in general and on the ancillary copyright or the filtering obligations for platforms in particular.

I strongly urge the Commission to take a much more proactive role in the dissemination of its own findings and to abandon any attempts to withhold or distort such findings, regardless of whether they are considered supportive of the Commission's plans or not.

On a political level, the Commission should also abandon its attempts to introduce an ancillary copyright for press publishers, if not because the findings of the Commission's own research efforts recommend it, then on the grounds that a more effective and proportionate alternative is on the table in the form of the presumption rule.

Kind regards,

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