RadioMedia's response to the European Commission Call for Evidence: Targeted initiative for a better copyright environment for European creativity and innovation
June 2026

Introduction

RadioMedia is the umbrella organisation for Finnish commercial radios. It promotes and safeguards the operating conditions of commercial radio in Finland and participates in legislative and policy discussions affecting the radio sector. RadioMedia is a member of both the Association of European Radios (AER) and the Finnish Media Federation (Finnmedia).

Finnish commercial radio welcomes the European Commission's review of the Copyright in the Digital Single Market Directive and the parallel preparation of a targeted initiative for a better copyright environment for European creativity and innovation.

Radio is an essential part of Europe's creative economy, democratic media environment and cultural life. Commercial radio invests in original audio content, journalism, music programming, entertainment, local information and emergency communication. It is free-to-air and free-to-access for listeners, and primarily financed by advertising. This model enables radio to reach audiences widely while supporting authors, performers, producers and other rightsholders through regular licensing and remuneration.

Commercial radio has a dual role in the copyright ecosystem. It is an important user of protected works, especially music, but it is also a creator, investor and rightsholder in its own editorial content, programmes, audio brands, broadcasts and related online services. Any future EU copyright initiative should therefore recognise the specific position of radio and avoid treating radio merely as a downstream user of rights.

RadioMedia supports targeted legislative clarifications where they are necessary to safeguard the economic and cultural viability of European radio, but does not support a broad reopening of the DSM Directive. The review should focus on practical gaps that have become visible in implementation, in particular AI-related uses, the enforceability of rights online, unauthorised aggregation and the RAAP-related imbalance in single equitable remuneration. The key objective should be a copyright framework that is strong, technology-neutral, proportionate and workable for national media markets and SMEs, while ensuring fair remuneration for creators and rightsholders and continued access for European audiences to trusted audio content.

1. Radio needs efficient, affordable and technology-neutral licensing

RadioMedia supports a strong and fair copyright framework. The sector pays substantial amounts for the use of protected content and recognises the importance of well-functioning rights markets. However, radio can only continue to invest, innovate and serve audiences if rights clearance remains efficient, affordable and predictable.

Radio programmes are increasingly distributed across FM, online streams, apps, connected cars, smart speakers, websites and other digital interfaces. From the listener's perspective, this is still radio. Copyright rules should therefore support the principle that a radio programme remains a radio programme regardless of the technical means of distribution.

Future EU rules should not create unnecessary fragmentation between offline and online radio uses. A technologically neutral approach is essential. Radio operators should be able to clear the rights needed for their radio activities through transparent and accountable collective licensing and, where appropriate, through direct agreements. The possibility of direct licensing should remain a primary and legitimate way to clear rights.

Particular attention should be paid to catch-up services, programme extracts, podcasts and other on-demand audio services linked to radio programming. These services are increasingly important for audience expectations and for radio's digital transition. However, complex clearance requirements, fragmented rights and excessive administrative burdens may prevent radio operators, especially smaller and local stations, from offering innovative services. The Commission should explore mechanisms that facilitate practical licensing solutions for radio-related on-demand audio uses while preserving fair remuneration for rightsholders.

2. The DSM Directive should be assessed against legal certainty and technological neutrality

The review of the DSM Directive should focus on whether the Directive has increased legal certainty, reduced fragmentation and improved the functioning of the internal market. In areas such as online content-sharing services, text and data mining, copyright exceptions and broadcasting-related rights, national implementation should not deviate unnecessarily from the Directive's wording, structure and balance.

Article 17 of the DSM Directive is a carefully balanced framework between service providers, users and rightsholders. Member States should not add national elements that disturb this balance or make enforcement unduly risky for rightsholders acting in good faith. Effective enforcement of rights online is indispensable, but it must be implemented with due regard to fundamental rights and legitimate uses.

For radio broadcasters, the most relevant issues in the DSM review and the related targeted copyright initiative are practical legal certainty, effective protection of audio and broadcaster content, workable licensing for digital and on-demand uses, enforceable TDM opt-outs, transparency regarding AI training, and effective tools against unauthorised online exploitation. These questions should be addressed in a technology-neutral manner and with full regard to the specific role of radio as both a user of protected works and a creator and rightsholder in its own content.

3. Copyright and AI: transparency, licensing and fair remuneration

Commercial radio recognises that AI can support creativity, efficiency, accessibility and new forms of audience engagement. Radio operators already use or explore AI-assisted tools in content production, translation, editing, scheduling, research and synthetic voice applications. The sector supports innovation, provided it is based on trust, editorial responsibility and respect for rights.

At the same time, generative AI creates significant challenges for rightsholders. AI systems may be trained on protected audio content, music, journalistic material, programme archives, voices, performances and broadcaster content without authorisation, meaningful transparency or remuneration. This risks undermining the investments of European media and cultural industries.

The Commission should strengthen the practical enforceability of rights in the AI context. The framework should include:

- meaningful transparency towards rightsholders on the use of protected content for AI training and development;
- effective implementation of rights reservations and opt-outs, including machine-readable and contractual reservations;
- workable licensing solutions for the use of protected content in AI training and AI services;
- appropriate remuneration for rightsholders where their works, performances, productions or broadcasts are used;
- protection against unauthorised cloning or imitation of voices, presenters, performers and audio brands;
- safeguards against AI-generated content that misleads audiences by imitating trusted radio services or personalities.

Rights reservations must be effective in practice. The Commission should support a harmonised, machine-readable standard for granular rights reservations under Article 4(3) of the DSM Directive. Such reservations should be capable of distinguishing between different purposes, for example discoverability, AI training, grounding and retrieval-augmented generation, and should be legally binding. Circumvention of rights reservations or technical restrictions should be subject to effective enforcement and sanctions.

Transparency obligations should also be strengthened from a copyright enforcement perspective. Generic summaries of domains or categories of training data are not sufficient for radio broadcasters to verify whether their streams, podcasts, archives, voices or programme content have been used. For retrieval-augmented generation and other services that retrieve specific content sources, transparency should be sufficiently granular to enable rightsholders to identify use, enforce rights and negotiate licences.

The Commission should be careful not to treat AI transparency solely as a consumer labelling issue. For copyright purposes, transparency must enable rightsholders to understand whether and how their content has been used, to enforce their rights and to negotiate licences. General labelling obligations should remain proportionate and should not create unnecessary burdens for editorial media using AI responsibly under human editorial control.

The Commission should also ensure that research exceptions are not used as a loophole for commercial AI development. Non-commercial research and public-interest scientific work deserve appropriate support, but commercial exploitation of protected content for AI training should remain subject to rights, opt-outs and licensing.

The Commission should also examine whether collective licensing-based solutions and, where appropriate, neutral dispute-resolution mechanisms could improve rights clearance for AI training and AI services. Any such mechanism should be technology-neutral, should cover audio content explicitly, and should preserve the possibility of direct licensing where that is workable.

4. Protection of radio content and signal integrity online

Commercial radio content is increasingly accessed through third-party digital platforms, aggregators, apps, connected devices, smart speakers and in-car interfaces. These services can improve access to radio, but they can also create risks if they retransmit radio streams without authorisation, alter the signal, substitute advertising, remove metadata, degrade findability or interfere with editorial integrity.

Future EU copyright and enforcement measures should recognise that unauthorised online use of radio streams and radio content harms both commercial radio operators and listeners. Platforms and intermediaries distributing radio content should respect the integrity of the radio signal, the broadcaster's rights, the broadcaster's advertising and the editorial context in which the content is provided.

The Commission should consider stronger and faster enforcement tools, including harmonised notice-and-action and notice-and-stay-down mechanisms for clearly infringing uses of radio content and signals. These rules should apply effectively to services targeting EU audiences, including where the service provider is established outside the EU. Enforcement should be accompanied by appropriate safeguards, but safeguards should not make the removal of manifestly unauthorised content ineffective in practice.

5. Piracy and time-sensitive content

The Commission is right to address piracy of live and time-sensitive content. While much of the policy debate has focused on sports and audiovisual content, unauthorised access to and redistribution of audio streams, live radio broadcasts and programme content should not be overlooked.

Piracy and unauthorised aggregation may occur through websites, illegal apps, IPTV-type environments, smart-device interfaces or other intermediaries. The damage may be immediate: audience relationships, advertising revenues, data access, editorial context and brand trust can be affected in real time. Remedies must therefore be fast, cross-border and practically accessible to rightsholders of different sizes.

Measures against piracy should include effective cooperation between Member State authorities, intermediaries and rightsholders; rapid action against repeat infringers; and practical tools for preventing the reappearance of the same infringing streams or content.

6. Single equitable remuneration, RAAP and material reciprocity

The Commission is right to identify the application of the single equitable remuneration right under Article 8(2) of Directive 2006/115/EC as an issue requiring EU-level attention. For commercial radio, this is one of the most important copyright questions in the targeted initiative.

The CJEU's judgment in Case C-265/19, RAAP v PPI, has created a serious imbalance in the application of the single equitable remuneration right for performers and phonogram producers. In practice, Member States that have relied on material reciprocity can no longer maintain that approach purely at national level. As a result, EU users may be required to pay remuneration for the use of sound recordings from third countries even where those countries do not grant equivalent remuneration to European performers and producers.

This creates a one-sided outcome. Third-country rightsholders may benefit from remuneration in the EU, while European rightsholders do not receive comparable protection in those third countries. Such an outcome is difficult to reconcile with the EU's objectives of fairness, competitiveness, cultural diversity and a strong European creative economy.

The RAAP judgment has also left important legal questions unresolved. These include the treatment of third-country performers and producers, the possible retroactive effects of the judgment, the continued relevance of treaty reservations and reciprocity clauses, and the legal basis on which Member States may limit or condition remuneration rights in a way that is compatible with EU law and fundamental rights. This uncertainty is not helpful for rightsholders, collective management organisations or licensed users such as radio broadcasters.

For Finland and other Member States with strong national music cultures, the consequences could be significant. Applying national treatment without material reciprocity risks diverting remuneration away from domestic and European performers and producers and may lead to substantial revenue transfers from Europe to third countries. This would weaken the ability of European and national music sectors to invest in new local works.

The concern is not about avoiding fair remuneration. Commercial radio broadcasters already pay copyright remuneration through established licensing systems. In Finland, commercial radio stations pay copyright royalties in relation to their turnover. Radio is an important source of remuneration for authors, performers, producers and other rightsholders, and remains one of the most important ways for audiences to discover music in their own language.

However, a significant expansion of payment obligations without corresponding benefits for European rightsholders would not simply create new value for the creative sector. It would put pressure on radio companies' operations, employment, programming and music use, especially for smaller and regional operators. If radio broadcasters are forced to reduce music use or cut investment in programming, the outcome would harm audiences, broadcasters and rightsholders alike.

The Commission should therefore propose a clear EU-level legislative solution based on material reciprocity. Such a solution should:

- restore the possibility to apply reciprocity in relation to third countries that do not grant equivalent remuneration rights to EU performers and producers;
- safeguard the interests of European authors, performers, producers, broadcasters and users of phonograms;
- prevent disproportionate revenue transfers from European music ecosystems to third-country rightsholders where no equivalent rights are granted to Europeans;

- encourage third countries to introduce equivalent remuneration rights;
- avoid double payment, retroactive uncertainty and unnecessary administrative complexity for licensed broadcasters; and
- ensure transparency in the collection, allocation and distribution of remuneration.

Alternatively, if a fully harmonised EU-level reciprocity rule is not pursued, the Union should at minimum allow Member States sufficient flexibility to maintain or introduce reciprocity-based mechanisms in relation to third countries. This would give Member States a clear legal basis to avoid unilateral treatment where equivalent remuneration rights are not granted to European performers and producers.

Material reciprocity is not a protectionist measure. It is a fairness measure. It would secure more equal conditions between EU and third-country rightsholders and ensure that the EU uses the legislative competence confirmed by the Court to protect its own creative economy.

The need for EU-level action is further underlined by the Kwantum judgment, which shows that similar questions of third-country protection, reciprocity and EU legislative competence may arise beyond phonograms. The targeted copyright initiative should therefore include a legislative clarification of Directive 2006/115/EC to establish material reciprocity in the application of the single equitable remuneration right, or at least to enable Member States to apply reciprocity-based mechanisms within a clear EU legal framework.

Inaction is not a neutral option. Without EU legislation, the imbalance created by the current legal situation will continue to undermine European performers, producers, broadcasters and cultural diversity.

7. Better regulation and radio-specific impact assessment

Commercial radio urges the Commission to carry out a radio-specific impact assessment. Radio is not the same market as audiovisual streaming, video-on-demand, music streaming or social media. Its business model, audience relationship, advertising structure, local role and licensing needs are specific.

Any new legislation should:

- be technology-neutral and future-proof;
- support radio’s digital transition;
- preserve direct licensing and efficient collective licensing;
- avoid disproportionate burdens on SMEs and local broadcasters;
- ensure that online enforcement is effective in practice;
- protect radio’s role as a trusted, editorially responsible medium;
- ensure that material reciprocity strengthens European culture without imposing disproportionate burdens on lawful users;
- avoid duplicating obligations already addressed under the AI Act, the Digital Services Act, the Digital Markets Act or sector-specific media rules.

Conclusion

A better EU copyright environment should enable European creativity and innovation to develop together. For commercial radio, this means a framework that supports lawful access to protected works, fair remuneration for creators and rightsholders, effective protection of radio's own content and signal, and practical licensing models for a multiplatform audio environment.

The targeted initiative should also correct the imbalance created by the current interpretation of the single equitable remuneration right. EU legislation on material reciprocity is necessary to protect European performers, producers, broadcasters, users and cultural diversity.

Commercial radio stands ready to contribute constructively to the Commission's review and targeted initiative. The objective should be clear: a copyright framework that rewards creativity, enables innovation, strengthens European culture and ensures that citizens continue to have access to trusted, diverse and freely accessible radio content across all technologies.

RadioMedia is registered in the Transparency Register under the REG number 634654736043-36.

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