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By PwC Deutschland | 12. Mai 2026

ECJ: Remuneration for publishers authorizing online service providers to use their publications

In its decision of today, the European Court of Justice held that publishers of press publications may be entitled to fair remuneration when they grant online service providers authorization to use their publications.

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The matter before the ECJ was brought by Meta Platforms Ireland against a decision of the Italian Communications Regulatory Authority (AGCOM). According to Meta, the Italian legislation establishing a system intended to ensure fair remuneration for the online use of press publications infringes the EU framework concerning publishers' rights in the Digital Single Market.

In essence, the ECJ held that a right to fair compensation for publishers is consistent with EU law, provided that that remuneration constitutes consideration for authorizing their publications to be used online. Publishers must also be able to refuse such authorization or to grant it free of charge. In addition, no payment may be required from suppliers when they do not use those publications.

The obligations imposed on suppliers to enter into negotiations with publishers, without limiting the visibility of content in search results during that time, and to provide the data necessary to calculate the compensation, while they restrict the freedom to conduct a business, appear to be justified, in so far as they contribute to the EU law objectives of achieving a well-functioning and fair marketplace for copyright and allowing publishers to recoup their investments.

Source: ECJ judgment of 12 May 2026 C-797/23 *Meta Platforms Ireland*.

More details to be found in the **ECJ press release No 69/26** (with a direct link to the judgment at the bottom of the press announcement).

Schlagwörter

remuneration agreed