COURT OF JUSTICE
OF THE EUROPEAN UNION

Opinion of the Advocate General at the Court
Maciej Szpunar
in Case C-663/24 | Streamz and Others

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Advocate General Szpunar examines the compatibility with EU law of Belgian legislation improving the remuneration of press publishers, authors and performers for the use of their content online

By the law of 19 June 2022, Belgium transposed the Directive on copyright and related rights in the Digital Single Market. [1] That law provides, *inter alia*, for a negotiation mechanism between press publishers and information society services providers (ISPs) concerning the online use of their publications. It also grants authors and performers who have assigned their exclusive rights an inalienable (which cannot be waived) and non-transferable right to remuneration for certain uses of their works and performances by online content-sharing service providers (OCSPs) or streaming service providers (SSPs). That right is exercised directly vis-à-vis those providers, through collective management organisations, irrespective of the assignment of exclusive rights to producers.

That law is contested, in particular, by certain subsidiaries of Google, Spotify, Meta, Streamz, Sony Music Entertainment, Universal Music and Warner Music. Following the lodging of an action for annulment, with a view to determining the compatibility of those provisions with EU law, the Belgian Constitutional Court referred a question to the Court of Justice regarding the interpretation of the Charter of Fundamental Rights of the European Union and of the applicable EU legislation.

In his Opinion, Advocate General Maciej Szpunar considers that **EU law does not, in principle, preclude remuneration mechanisms such as those established by the Belgian law for the benefit of press publishers.** However, **with regard to authors and performers**, he considers that **certain detailed rules are contrary to EU law, in particular as far as the freedom to provide services is concerned.**

As regards the rights of press publishers, the Advocate General considers that the related rights provided for in the directive do not apply where publishers themselves make their publications available on an online service. By contrast, where an ISP reuses a publication already made available online by the publisher, such use constitutes an autonomous act falling within the scope of the publisher's exclusive right.

The Advocate General further takes the view that a Member State may provide for a negotiation procedure supervised by an administrative authority and require ISPs to provide publishers with the information necessary to determine any remuneration. However, that information must be limited to what is necessary, and publishers are required to keep it confidential. Nevertheless, the publisher must remain able to refuse the use of its publication or to authorise it free of charge. The parties must also remain free not to conclude a contract. In that regard, the Advocate General refers to the judgment of 12 May 2026, *Meta Platforms Ireland (Fair Compensation)*. [2]

As regards the right to remuneration for authors and artists, the Belgian law establishes a residual right. That right enables authors and artists to retain a right to direct remuneration from OCSPs and SSPs, where they have assigned their exclusive rights to a producer. That right, which is non-transferable and inalienable, is exercised through collective management organisations.

According to the Advocate General, **EU law does not, in principle, preclude such a mechanism, which separates the right to authorise the exploitation of a work or performance from the right to receive remuneration.** Rightholders

must, however, retain the possibility of authorising such exploitation free of charge.

As regards OCSPs, the residual right may relate only to protected subject matter for which they have obtained authorisation from the rightholders. In the absence of authorisation, the provider must prevent access to the content in question and cannot be required to pay remuneration for an exploitation that it is specifically required to prevent.

Furthermore, the mechanism must include a provision to prevent the same exploitation from giving rise to double payment, particularly where the producer has already received remuneration under the licence granted to the provider. The overall remuneration must remain appropriate and proportionate.

As regards the freedom to provide services, the Advocate General notes that **residual rights may make multi-territorial licences less attractive**; such licences enable a provider to obtain from a single collective management organisation the authorisations necessary to exploit works in several Member States. It thereby risks promoting the fragmentation of the internal market. The Advocate General therefore considers that **the freedom to provide services precludes that mechanism** in so far as its application prevents the grant of such licences covering online uses in the Member State concerned.

NOTE: The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice of the European Union about the interpretation of EU law or the validity of an EU act.

The General Court has jurisdiction to deal with requests for a preliminary ruling coming exclusively within the following areas (1) the common system of value added tax (VAT), (2) excise duties, (3) the Customs Code, (4) the tariff classification of goods under the Combined Nomenclature, (5) compensation and assistance to passengers in the event of denied boarding or delay or cancellation of transport services, or (6) the system for greenhouse gas emission allowance trading. The Court of Justice has jurisdiction to deal with all other requests for a preliminary ruling.

Neither the Court of Justice nor the General Court decides the national dispute itself. It is for the national court or tribunal to resolve the case in accordance with the ruling by the Court of Justice or by the General Court, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice. The presentation of the facts and the legal context refers to the relevant period and is based on the case file.

The full text of the Opinion is published on the CURIA website on the day of delivery.

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[1] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market.

[2] Judgment of the Court of 12 May 2026, *Meta Platforms Ireland (Fair compensation)*, C-797/23 (see also press release No 69/26).