European Writers' Council

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EWC feedback on the Own-Initiative draft report on Cultural and Creative Sectors in the Age of AI (2025/2180(INI)) (PE 786.971)

To the attention of

- Mr. SOUSA SILVA, MEP, Rapporteur for the own-initiative report 2025/2180(INI);
- Shadow-Rapporteurs for the-own initiative draft report 2025/2180(INI);
- Members of the CULT;
- CULT-Secretariat.

Brussels, 8th October 2026

Dear Rapporteur Sousa Silva, Dear Shadow Rapporteurs,
dear Members of the Culture and Education (CULT) Committee,

The European Writers' Council (EWC) is the world's largest representative body for authors in the book sector – with 55 writers' organisations from 34 countries of the EU, the EEA and of non-EU areas, representing 260,000 writers and translators. We express our gratitude to the Rapporteur and the Shadow Rapporteurs for elaborating a thorough draft report on the Cultural and Creative Sectors (CCS) in the age of AI and thereby contributing to the common reflection about the forthcoming AI Strategy for the CCS to be published early next year.

Although there are some points that, in our view, require adjustment or further refinement, we find the overall approach of the draft report sound and constructive. Nevertheless, we have a significant concern regarding the treatment of the AI as an opportunity, which we believe deserves particular attention in the further development of the draft report.

Hereby we elaborate in detail the key points of our feedback.

I. Sovereign wording, confident stance

• The ART (Authorisation, Remuneration, Transparency) principle

We would like very much to begin this section by thanking you for the reference to the ART principle (Authorisation, Remuneration and Transparency, created by EWC Vice President Maïa Bensimon in 2023 and since then often quoted by the CCS), and for which the EWC has been advocating throughout its work on the elaboration, implementation and enforcement of the EU AI Act.

We believe that taking these three fundamental elements into account is key when considering new regulations that respect authors' rights and our working conditions, and that it is a simple yet clear way of ensuring that any new rules in this area respect the existing copyright framework, which should provide the framework for any discussion or new initiative.

In addition, the EWC would like to suggest some changes and reformulations to further enhance the clarity and overall quality of the report.

• A clear definition of AI

In our view, the report would benefit from providing a clearer definition of what is meant by artificial intelligence.

As we stated in written feedback from 1 September 2026, "AI" is a term without a concrete object. AI neither refers to a coherent technology nor to a specific power, such as "intelligence". Instead,

the 70-year-old term functions today as an ideology that falsely attributes agency, intent and authority to data-based statistical probability software.

"AI" as a term and ideology was invented in 1956 in a funding application to circumvent terms that were considered less appealing – "Information Processing" and "Cybernetics" – and was used to examine how computational information techniques could simulate minor aspects of human-like decision-making, behaviour and action. The false premise underlying today's AI hype is the idea that human brains and human behaviour can be understood as a kind of linear information processing. There is no academic field that supports this theory.

- Distinction between "work" and "content"/ "create" and "generate"

Furthermore, we also believe that it is important for the use of expressions relating to creation and copyright to be consistent and clearly distinguished from references to other fields, such as AI.

For this reason, we consider it would be essential for the report to clearly distinguish throughout the concepts of "work" (created exclusively by a human being and subject to intellectual property rights) and "content" (a term that can be applied, for example, to outputs generated or manipulated with AI software, which are rarely subject to intellectual property rights). For instance, a reference to "cultural and creative works used as training data" would be more accurate than "cultural and creative content used as training data" in item N.

Likewise, we believe it is crucial for the report to clearly distinguish between the verb "create" and all its derivatives, since creation is an exclusively human action, and the verb "generate", which is primarily applicable to AI outputs. In this regard, it would be essential for the report to adhere to the terminology used in the AI Act, such as "AI-generated" or "AI-manipulated" in relation to content, and to avoid expressions without a clear legal definition, such as "AI-assisted".

In this respect, the EWC believes it would be important to review the terminology throughout the report and ensure that these concepts are used consistently and appropriately.

II. Adaptation to the specificities of each CCS

The importance and need of finding "tailored sector-specific responses"

Another positive aspect is the report's sectoral approach, the adaptation to the specific circumstances and realities of the different cultural and creative sectors and the acknowledgement of the need to find "tailor sector-specific responses" for each of them.

As the EWC has already argued in various regulatory processes, such as the consultation on the *Code of Practice on Transparency of AI-generated Content* launched by the European AI Office, the realities and value chains of the different sectors are very different, and solutions therefore need to be sufficiently complex and adapted to each specific case.

- Book sector

In this regard, and in general terms, we would like to suggest replacing the reference to the "book and publishing sector" with the term "book sector", which is the term most commonly used in these contexts. This would also help avoid confusion and repetition. On the one hand, because all books that ultimately exist, regardless of their format (printed book, e-book or audiobook), have been published. On the other hand, referring to the publishing sector may cause confusion, since not everything that is "published" is a book: it may include press articles (an area that, in this report, would fall under the section devoted to "News and journalism"), as well as technical, administrative and other documents. In any case, these would not fall within the scope of the section devoted to the book sector.

- The particular situation of individual artists and freelancers

Another aspect that we consider positive is the direct reference to and recognition of the particular situation of individual creators and freelancers, who often have very limited capacity to monitor or

negotiate with the largest technology companies. This is an aspect recognised in Recital 72 of Directive (EU) 2019/790, which refers to their "weaker contractual position when they grant a licence or transfer their rights [...] for the purposes of exploitation" of their works.

That said, we believe it would be useful to mention self-employed authors more explicitly from the beginning of the report, rather than introducing the CCS primarily through small cultural enterprises in the first paragraph of the Explanatory statement. Individual creators, freelancers, and self-employed authors and translators are a fundamental part of these sectors and should be visible in the framing of the report from the outset. If the reference to statistics on enterprises in the CCS is to be retained, we also believe it would be important to clearly indicate the source of these data, as this information is not provided in the current version.

- **The confirmation of the need of the impact analysis of AI on the CCS (loss of jobs, decrease of income, reputational loss)**

Last, but not least, we would like to strongly welcome the call "on the Commission, to assess the real impact of AI on the job opportunities and income of authors and performers across the CCS". This could be carried out potentially with the support of OECD. As we have argued in our written contribution of 1 September, only by understanding the harm and impact of the AI on the CCS (in particular the book sector) that the implementation of AI has had on the book sector will we be able to design and implement support tools for writers and translators that can compensate for the loss of jobs or commissions, the decline in income, and the reputational harm that some books allegedly written or translated using their names, or in their styles, may have caused to their literary careers. Understanding the situation is fundamental to continuing to move forward not only with the regulation of AI in the field of copyright, important as that is, but also with the creation of support programmes for creators that will ensure a diverse, rich, sustainable and high-quality European culture and literature in the future.

III. Make ART possible: the need of instruments for exercising, enforcing and securing authors' rights

And why AI-generated and –manipulated fiction works should all be properly marked and labelled

The three parameters of Authorisation, Remuneration and Transparency are central to international copyright and authors' rights legislation, therefore we celebrate the inclusion of this idea in the draft report: only a proposal based on the existing legal framework, in which the most fundamental principles of IP law prevail, will be fair and adequately reflect the reality of European authors.

However, mentioning ART is not sufficient in itself: this explicit recognition must be accompanied by the necessary instruments for exercising, enforcing and securing authors' rights, including economic and moral rights.

In the area of *Authorisation,* the EWC very much welcomes the acknowledgement that opt-out solutions are currently not working as optimal solutions. Opt-out mechanisms are primarily conceived as an instrument for exceptional cases, whereas the reality is that the vast majority of European authors do not wish to authorise the use of their works to "train" or "feed" AI systems.

In this regard, we believe it would be useful to go further and suggest that the draft report proposes more concrete measures in this respect. What solutions could be envisaged, for the book sector and other CCS, to guarantee every rights holder a clear, individual and voluntary authorisation mechanism? For years, the EWC has argued that authorisation mechanisms for AI-related uses

should be equivalent to those applicable in other fields, such as printed books or audiobooks: simply, through explicit and individual authorisation via an opt-in mechanism. Only in this way can we ensure that the most fundamental principles of copyright are respected in this new field of use, and that European authors are not only aware of the uses being made of their works, but are also able to decide which uses they authorise and which they do not.

Regarding *Remuneration*, the EWC considers that it should follow the principles of adequate and proportionate, as the CDSM Directive clearly establishes.

In that sense, the EWC claims that developers of all kinds, from big tech to smaller companies using RAG and prompting workplace features, shall be obliged to seek licensing. Especially, because a lot of growing "AI" features are not any longer the result of any text and data mining, but evolvement.

Also, the opt-in for any AI usage — meaning to clear up the TDM exception — puts an eyelevel playing field into place. Currently, big tech companies have not ever risen any interest to license, even not since a growing number of works have machine readable opt-outs (nearly all of the new publications in 2025 and 2026, for instance).

Remuneration and its proportionate calculation is only possible if full transparency is granted. What is used for what, for how long, which are the weights and the benefits, who are the deployers and fine tuners — the AI value chain needs transparency to make remuneration adequate and proportionate — like it is in every other value chain.

In addition, regarding *Transparency*, there is an issue that authors and the book sector as a whole consider essential: the unacceptable de facto exemption from labelling AI-generated fiction products suggested by the *Guidelines on transparency obligations for providers and deployers of AI systems (Guidelines on transparency)* of the European Commission — which refer to "artistic works", "creative works" and "fictional works" among the options for benefiting from "attenuated transparency disclosure" — and by the *Code of Practice on Transparency of AI-generated Content* developed by the European AI Office *(Code of Practice on transparency*).

Both the *Guidelines on transparency* and the *Code of Practice on transparency* limit the obligation to label AI-generated or AI-manipulated texts to cases where they are published with the purpose of informing the public about a matter of public interest. This implies that AI-generated products that imitate or impersonate fictional works (novels, poems, literary essays, etc.) through their form do not have to be mandatorily labelled. Which means in reality, that all scam AI books on Amazon – approx. half a million – are not obligated to be labelled. This is consumer fraud.

For this reason, the EWC very much welcomes point 23 of the section currently entitled "Book and publishing sectors": "Calls on the Commission, following the initial application of Article 50 of the AI Act, to assess the effectiveness, interoperability, robustness and reliability of the machine-readable marking, detection and labelling requirements for synthetic text used in publications, which are to be extended beyond AI developers to online booksellers, distributors and self-publishing platforms; calls on those intermediaries to provide clear labelling and filtering mechanisms for fully AI-generated publications and to take effective action against unlawful use of content, AI-generated imitations and misleading attribution involving identifiable authors".

Beyond this, and although the EWC agrees with the statement that "Fully AI-generated content should be clearly and consistently labelled" in the "The way forward" section of the Explanatory Statement, we would also like to call for AI-manipulated content to be labelled, since the boundaries between the two categories may remain unclear in the writing and translation process. How much editing is required for a work to be considered written or translated by a human? What threshold should be established for AI intervention in the human writing or translation process in

order to distinguish between AI-generated and AI-manipulated products imitating literary works? Faced with this difficulty, the EWC believes that a robust measure that would protect European authors as a whole would be to propose the labelling not only of AI-generated products, but also of AI-manipulated ones. Only 100% human labour should be acknowledged as original work

Finally, also in relation to transparency, we welcome the reference in point 22 of the section on the book sector to "the proliferation of unlabelled, fully AI-generated books, including publications attributed to fictitious human authors, which may mislead readers". And we would also like the report to make explicit that this transparency should be guaranteed not only for readers, when choosing what to read, but also for authors, so that they can know how their works have been used; for publishers and booksellers, so that they can know the actual origin of the works they publish and distribute; for collective management organisations, in order to prevent fraud in the payment of secondary rights or private copy remuneration, which is reserved for human authors; and for public and private institutions, in order to ensure that they do not provide financial support to projects that have not been created entirely by human beings.

IV. Not merely a tool: AI and its predatory exploitation

EWC's concerns about the treatment of AI as an opportunity

We would like to express our serious concern about the uncritical and whitewashing treatment of generative artificial intelligence as a supposed "tool" or "opportunity", or, at best, as a "challenge".

The rapid and massive emergence of generative AI has had an unprecedented negative impact on the CCS, and particularly on a field where the importance of respecting and protecting authors' rights is absolutely fundamental, namely literature and the book sector. Job loss, income loss and reputational loss are just some of the indicators that we are confident the EU-level study on the impact of AI on the CCS will identify, and we therefore believe that the draft report should take these aspects more fully into account.

It would therefore be important for the draft report to address generative AI in more neutral terms, and for its underlying premise to be more representative of how our sector is experiencing this disruption. Artificial intelligence is not merely a tool for European authors. As mentioned previously, above all, AI currently represents a threat to our profession, our livelihoods and our working conditions. This, and the necessary protection of our copyright-protected works, should come before any praise of AI.

For this reason, we strongly believe that it would be worth reformulating expressions such as "t*he integration of AI is altering the work dynamics in the CCS*", which do not explicitly acknowledge the harm that AI is causing. We also believe that references such as "*A. whereas artificial intelligence (AI) is already used across the cultural and creative sectors (CCS), including in creation, production, distribution and discoverability*" should be removed, as we know that this is not currently a widespread reality among the majority of European literary authors. The same applies to statements such as the claim that AI "can create opportunities across the creative and cultural value chain", in item 1 of the section "A coherent approach to AI in the CCS", which we believe that should also be revised.

Likewise, we consider that the title of the section "Innovation and artist empowerment in the EU" should be reformulated in order to address this situation respectfully and avoid suggesting that what is currently taking authors' works and employment opportunities away from them is, precisely, an opportunity for them.

In addition, we regret that the recently published briefing on the *AI in Cultural and Creative Sectors - Opportunities, Challenges and Legislative Limitations in the Audiovisual, Publishing and Music*

Streaming Sectors (PE 787.221) does not adopt a sufficiently neutral approach, and that the European Writers' Council was not consulted during its preparation.

Final remarks

In the previous contribution submitted to the CULT Committee on this own-Initiative draft report, the EWC stressed the need for European institutions to provide a legal framework that protects authors as one of the most essential pillars upholding European values and cultural diversity, and we stated that European authors had placed their hopes in the CULT Committee to draft an ambitious report in this regard.

Having carefully reviewed the first version of the draft report, the EWC considers that our views have been heard and that, in general terms, many of our proposals and suggestions have been well reflected in the draft report. The reference to the ART Principle and the recognition of the limitations of opt-out mechanisms are two examples of this.

Nevertheless, we believe that there is scope for the text to go further, both in terms of the strength and clarity of its wording and in ensuring the protection of the rights and livelihoods of European authors. These considerations are essential to fostering a sustainable and innovative CCS, which ultimately depends on the continued contribution and creativity of its authors.

With this in mind, we kindly ask you to take our feedback into consideration when tabling amendments. We remain available and eager to support the Rapporteur and Shadow Rapporteurs in their work to the best of our ability.

With our kindest regards:

Nicole Pfister Fetz
Secretary General

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President

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