CJEU: Advocate General examines Belgian legislation on the remuneration of press publishers, authors and performers for the use of their content online

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On 19 November 2026, the Court of Justice of the European Union (CJEU) released Advocate General Szpunar's Opinion in the *Streamz and Others* case, on the compatibility with EU law of Belgian legislation designed to improve the remuneration of press publishers, authors and performers for the use of their content online. In his Opinion, the Advocate General considers that EU law does not, in principle, preclude remuneration mechanisms such as those established by Belgian law for the benefit of press publishers. He found, however, with regard to authors and performers, that certain detailed rules are contrary to EU law, in particular with regard to the freedom to provide services.

When transposing the Directive on copyright and related rights in the Digital Single Market (CDSM Directive), the Belgian legislator made use of the possibility given by Article 18.2 and introduced two new remuneration rights to the Belgian Code of Economic Law (BCEL).

A first additional remuneration right (Art.XI.228/4 BCEL) offers authors and performers the right to be remunerated for the use of their work and performances by the online content-sharing service providers (OCSSPs) which are identified in Article 17 of the CDSM Directive. This remuneration right is unwaivable and non-transferable and subject to mandatory collective management. A second additional remuneration right (Art.XI.228/11 BCEL) offers authors and performers a right to be remunerated for the use of their work and performances by commercial streaming and video-on-demand (VOD) services (music and audiovisual), which are identified as a specific category of information society service providers (ISPs) by Art.XI.228/10 BCEL. This remuneration right is unwaivable and non-transferable. It is subject to mandatory collective management unless a collective agreement applies.

These new remuneration rights became effective on 1 August 2022, when the Belgian law of 19 June 2022 came into force. However, Google, Spotify, Streamz (a local streaming service), Meta, and several record labels (Sony Music, Universal Music, Warner Music, PIAS, N.E.W.S., CNR Records, and BRMA) filed a partial anulment action against the law before the Belgian Constitutional Court. While the requests from Meta do not concern the new remuneration rights, the other

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parties' requests concern one or both of the new remuneration rights.

Following this, in order to assess whether those provisions comply with EU law, the Belgian Constitutional Court referred a question to the CJEU regarding the interpretation of the Charter of Fundamental Rights of the European Union and of the applicable EU legislation.

With regard to 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.

With regard to authors and artists, the Advocate General considers that EU law does not, in principle, preclude authors and artists from retaining a right to direct remuneration from online content service providers (OCSPs) and streaming service providers (SSPs), if they have assigned their exclusive rights to a producer. This separates the right to authorise the exploitation of a work or performance from the right to receive remuneration, as long as rights holders retain the option to authorise such exploitation free of charge. However, OCSPs must perform the residual right only for content for which they have obtained authorisation from the rights holders. Without authorisation, the provider must block access to the content and is therefore exempt from paying any remuneration for its exploitation. Double payment must also be prevented, in particular where the producer has already received remuneration under the licence granted to the provider.

Finally, and most importantly, the Advocate General notes that residual rights may make multi-territorial licences less attractive. Such licences enable providers to obtain from a single collective management organisation the authorisations necessary to exploit works in several member states. This risks promoting the fragmentation of the internal market. Therefore, the Advocate General considers that the freedom to provide services prevents this mechanism from being used if it stops such licences being granted.

CJUE, Conclusions de l'avocat général, Streamz and Others, C-663/24, 19 novembre 2026

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CJEU, Opinion of the Advocate General, Streamz and Others, C-663/24, 19 November 2026

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