



The Role of Regulators: European Union vs Member States

DIGITAL RIGHTS AWARENESS MODULE 4

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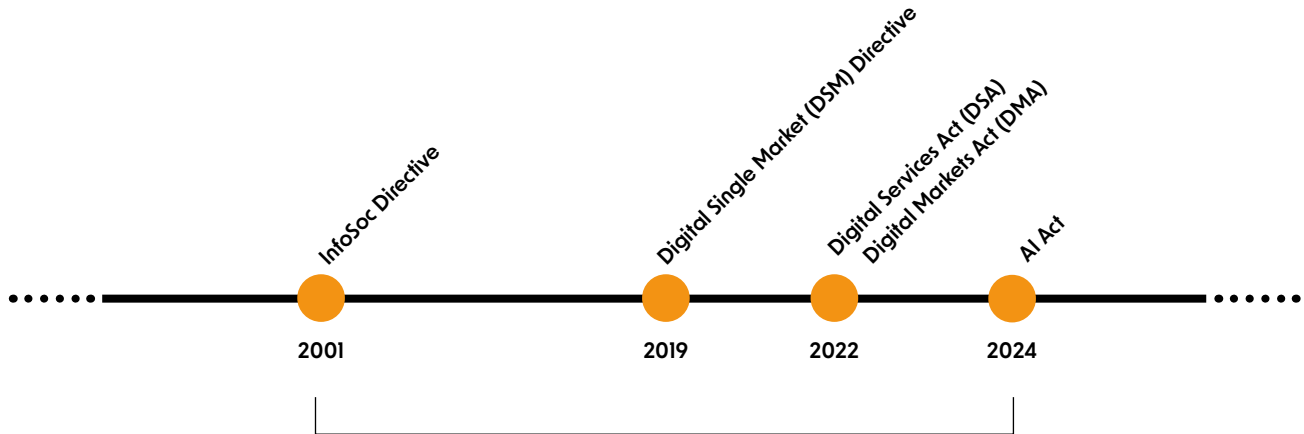
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The Growth of EU Authority

Over the last two decades, the EU has expanded its role in digital and creative fields.



Together, these laws create a dense framework for digital governance.

They form the outline of a **"European Digital Constitution"** aimed at





Enforcement of Creators' Rights

CORE QUESTION

Can existing laws make digital music fairer for creators?

FAIR MUSE STUDY - KEY FINDING

The problem isn't creating new rights, but enforcing existing ones. Despite Europe's sophisticated legal framework, creators still face inequalities and structural dependency.



The Platform Dependency Problem

- Visibility and income depend on a few dominant platforms: Spotify, YouTube, TikTok, Instagram

ARTISTS LACK INSIGHT INTO	DATA ISSUES
How their music is ranked, monetised, promoted.	Incomplete, inconsistent, or inaccessible information
Algorithms decide visibility	Even labels and collecting societies have partial data

- The collapse of the Global Repertoire Database shows the fragility of transparency efforts.
- Platforms have become: gatekeepers, data monopolists, controllers of both access and value.

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The DSM Directive and its Fragmented Implementation

- The **DSM Directive (2019)** aimed to modernise copyright for the online era.
- **Articles 18**, in particular, introduced a principle of 'appropriate and proportionate' remuneration for authors and performers.
- But **national transpositions vary widely**, creating **fragmented realities** across Europe.

Harmonisation exists on paper, but enforcement remains uneven.

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Competition Law as a Tool for Fairness

- **EU competition law** (Article 102 TFEU) prohibits **abuse of dominance**.
- If platforms withhold essential data, this could qualify as an abuse — denying artists access to what they need to value their work.
- Preferential treatment of major labels may also count as **discrimination**.
- Since 2022, EU competition rules allow self-employed creators to **bargain collectively**, opening a new path for fairer conditions.

The New Regulatory Tools – DSA & DMA

The Digital Services Act (DSA) and Digital Markets Act (DMA)
add new accountability mechanisms.

DIGITAL SERVICES ACT (DSA)	DIGITAL MARKET ACT (DMA)
Forces large platforms to explain algorithms , assess risks, and provide complaint systems	Sets ex-ante obligations on “gatekeepers” (Apple, Meta, Alphabet) to ensure fair access to data and markets

Combined, these acts could **transform creators' visibility and rights**.

Yet, streaming services like Spotify or Deezer are not (yet) classified as gatekeepers — leaving artists in a regulatory grey zone.

Enforcement and Mobilisation

FAIR MUSE'S MESSAGE

Europe doesn't need more rights — it needs enforcement.

BARRIERS

LIMITED AWARENESS

HIGH LEGAL COSTS

FRAGMENTED JURISDICTIONS

FAIR MUSE CALLS FOR

Collective actions
by CMOs, unions, and
advocacy groups

**Complaints under the
DSA/DMA** frameworks.

EU monitoring of how DSM
Articles 18–23 are applied

Only through coordination and pressure can fairness become reality.
Regulators must act, platforms must open up, and creators must organise.



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