

EVA Statement

Stakeholder meeting on the Own Initiative Report on Cultural and creative sectors in the age of AI ([2025/2180\(INI\)](#))

02/09/2026

Dear Rapporteur Hélder Sousa Silva,

Dear Shadow-Rapporteurs,

Dear Members of the CULT Committee,

First of all, we would like to thank you for taking over the precious task of drafting the initiative report on "Cultural and creative sectors in the age of AI", a crucial topic to which we are delighted to contribute by offering the perspective of visual artists.

EVA (European Visual Artists) is the umbrella organisation serving as the voice of visual arts' Collective Management Organisations (CMOs). It gathers 32 CMOs from 28 countries as members and observers, who collectively manage the authors' rights of more than 250 000 authors of works of fine art, illustration, photography, design, architecture and other visual works.

AI should support, not replace, human creativity

European artists are currently facing several challenges in the digital environment, which add up to the structural precarity and unfair practices that do not allow to reach a sustainable

livelihood, necessary to build a creative career path. Intellectual property, and copyright in particular, are in place to ensure that authors are not left alone in their effort to make a living out of their art, and that their rights over their works are respected worldwide. Our members, and the artists that they represent, work on a daily basis to ensure that AI becomes a tool in the hands of artists, instead of replacing human creativity.

Artists are suffering considerable damage because of generative AI. Visual artists have always welcomed new technologies while experimenting creative expressions, but human creativity must remain at the centre of Europe's cultural and creative ecosystem.

Copyright protection is compromised by Generative AI

The unconditionality of copyright protection enshrined in the Berne Convention is severely compromised by the unfair behaviour of platforms and AI providers, further increasing artists vulnerability at a time when strong copyright safeguards are more essential than ever.

The benefits of copyright are numerous: it incentivises creativity by ensuring a fair remuneration, gives artists control over how their works are used, and ultimately contributes to our shared cultural heritage and diversity.

Without adequate copyright protection, artists cannot continue to create. Copyright is not only a legal mechanism, but also the prerequisite for the existence of European culture.

However, the very foundations of copyright are being challenged by the rapid development of generative AI. Various lawsuits across Europe and the world (e.g., Kneschke v. LAION, GEMA v. OpenAI, Bartz v. Anthropic) are confirming how generative AI has been unlawfully trained on copyright-protected works without consent nor remuneration. At the same time, resulting outputs generate substantial profits which are not shared with the authors who, without even knowing it, facilitated their creation.

The opt-out mechanism outlined in Article 4 DSM Directive is presented as a safeguard giving rightsholders effective control over their artwork in AI training (which is not the same thing as Text and Data Mining). On the contrary, this mechanism actually places the burden of rights reservation on the rightsholders themselves, in open defiance of copyright law and the Berne Convention. In addition, opt-out under TDM exception for digital commercial uses has proven impractical for visual artists, and compliance remains impossible to verify

without full, voluntary transparency from AI providers. Most artists lack the capacity, economic means, and technological expertise to protect their work and verify whether it has in fact been excluded from AI companies' datasets. Without meaningful transparency obligations, artists cannot know whether their works have been used, and whether their rights have been respected.

The consequences for visual artists

European authors have lost control over the use of their works in the digital environment and struggle between discoverability and illegal dissemination. Besides, favouring bigger actors in the image market, the pursuit of greater discoverability comes to greater loss in potential monetization, which is compromised by digital exploitation without controls, especially in the visual arts, which is a sector that follows different pathways from other cultural and creative sectors (as described by the EC study on discoverability¹).

In addition, AI-generated content is unfairly competing with authors in the image market, triggering a so-called "substitution effect". As clearly proven by the surveys and studies led by the University of Hannover on the German image market², there is increasing imbalance between the market access of biggest players (Adobe, Shutterstock, Alamy, and Getty) compared to other traditional channels that photographers use to license their works, such as photography agencies. Moreover, these big players are flooding the market with AI-generated images, which is already resulting in a decline in demand for human-authored photography and other image productions. The study also uncovered a complete lack of transparency on the use of photographers' works for AI training, as more than three quarters of surveyed artists cannot say if their works have been used without their consent for AI training purposes.

This extra layer of difficulty adds to the structural instability of the sector. Visual artists are mostly freelance professionals regularly working in precarious conditions within a highly competitive art market. They don't have a proper social security, and are therefore frequently forced to accept unfavourable conditions like low remuneration (or no remuneration at all in exchange for visibility), and unfair agreements, such as buy-out

¹ <https://op.europa.eu/en/publication-detail/-/publication/34da2669-32b4-11f1-be39-01aa75ed71a1/language-en>

² <http://www.larsbauernschmitt.de/wp-content/uploads/2026/06/Image-Market-Business-Trends-2026.pdf>

contracts. In addition, whereas around 80% of artists have invested in higher education, the majority earn less than the minimum wage today and suffer from lack of recognition for their contribution to society, which in turn leads to seeking alternative employment.

How can the EU support visual artists?

Europe must empower authors and protect their rights, especially online and when facing abuse for commercial purposes. If the principles of authorization, transparency and remuneration are respected and properly enforced with *ad hoc* measures, European artists can keep contributing to Europe's dynamic and vibrant cultural landscape.

At EVA, we firmly believe that, through constructive collaboration with CMOs and in line with the Berne Convention's three-step test, it is possible to develop sustainable and legal solutions that preserve the balance of the international copyright system while embracing the opportunities of AI. Therefore, we encourage reaching the following goals:

1. **An adequate copyright framework for AI.** The debate around the DSM Directive during its review showed its inapplicability to emerging AI technologies. A new regulatory framework is needed to strike a fair balance, also under the lenses of anti-trust and competition rules.
2. **Prevent the use of copyright-protected content without authorization and compensation.** CMOs have the know-how and experience to provide *ad hoc* solutions to ensure the respect of authors' rights. Adopt the presumption of use when transparency requirements are not met. Work towards an unwaivable right for compensation for unauthorized scraping and training activities that already took place; and support a strong licensing market for future uses.
3. **Limit exceptions and limitations to copyright.** Exceptions and limitations should not be a given in the digital environment and only cover non-commercial purposes. Platforms and AI models do not share the same nature and objectives as cultural and educational institutions. Besides, AI training generates significant revenues that are not shared with the artists whose works have been ingested in the model. Access to cultural content should be attained through public funding at European, national and local level, rather than by compromising the livelihood of artists by denying them an important source of income.

4. **Regulate the presence of AI-generated outputs in the European market.** Avoid the substitution effect by endorsing human creation and prevent AI-generated content from flooding the market. Ensure the right to remuneration to authors who contributed to AI outputs.
5. **Fair remuneration to artists.** Artists must be paid for all uses of their works, always. This can be achieved by promoting respect of ethical copyright practices and setting fair remuneration standards (particularly for EU funded entities and projects). Authors must be able to provide or refuse authorization for AI training scopes and receive fair remuneration when they consent to it.

Indeed, EVA firmly believes that artists and authors are entitled to compensation for the unlawful scraping of protected works that has already taken place and still goes unpunished.

One viable option would be a flat-rate payment based on the global turnover of AI companies, as recommended by the JURI INI Report on “Copyright and generative artificial intelligence – opportunities and challenges”³. Alternatively, a specific statutory right to compensation could be established, enabling rightsholders to claim remuneration for the past exploitation of their work in AI training processes.

In parallel, a new explicit AI-specific right is necessary for outputs. Such a right should take the form of a remuneration right for original authors, guaranteeing a meaningful payment – not merely a symbolic one – that applies uniformly. Strong transparency obligations, audits, and enforceable penalties (including fines, injunctions, or the loss of legal protections) are essential to prevent circumvention of this obligation to remunerate.

6. **Improve working conditions and social protection.** Authors and cultural workers are the driving force of the cultural sector. They bear the cost of creation while living on unstable incomes. Improved social security would result in more competitive culture and creative sectors, thus increasing their attractiveness and improving employment and economic growth in the EU.
7. **Increase funding throughout the different levels of the cultural sector** (education, project development, digitization and accessibility). Poorly funded

³ [https://oeil.europarl.europa.eu/oeil/en/procedure-file?reference=2025/2058\(INI\)](https://oeil.europarl.europa.eu/oeil/en/procedure-file?reference=2025/2058(INI))

entities are more likely to resort to buy-out practices and to prioritize AI output over human works. Adequate budgeting should be allocated to culture as a separate strand, with clear funding lines and according to a strong and defined sectorial approach.

To conclude, the EU must first and foremost value human creativity and authorship. Without authors, European culture has no future. Innovation cannot come at the expense of artists that make these technologies possible. Respect for authorisation, transparency and fair remuneration must remain the cornerstone of Europe's approach to AI.

We thank you for your attention and remain at your disposal to further share our expertise and support your work.