

European Commission

To: President Ursula von der Leyen

Executive Vice-President Teresa Ribera

Executive Vice-President Henna Virkkunen

Rue de la Loi / Wetstraat 200

1049 Brussels, Belgium

Brussels, 21 October 2026

Subject: Meta's new Commercial Terms pose serious and irreparable harm to competition – Urgent interim measures required

Dear President von der Leyen,

Dear Executive Vice-Presidents Ribera and Virkkunen,

On behalf of the European press publishers' associations **EMMA**, **ENPA**, **EPC** and **NME**, we wish to express our grave concerns regarding [Meta's new Commercial Terms](#), due to enter into force on 30 October 2026. The new Terms do not constitute a mere editorial restructuring or a marginal extension of an existing licence. For reasons detailed in the present letter, **the new Terms entail a fundamental expansion of the rights claimed by Meta and constitute an unacceptable, unlawful exploitation by a digital gatekeeper of the content of its business users, including press publishers, amounting to serious and irreparable harm.**

Meta's Business Terms currently in force cover content that a publisher itself, or someone acting on its behalf, shares, posts or uploads on or in connection with a Meta product. Meta receives a licence linked to the use of its platform and the rights granted are, in principle, consistent with the distribution and display functions it performs.

Under the announced new Commercial Terms, however, business users, including publishers, would authorise by default Meta ("or any entity acting on [its] behalf") to use automated software such as "web scrapers, bots, robots" to access, index, cache, analyse, collect, retrieve or crawl their online sources, and to periodically retrieve updates from these sources, for a myriad of commercially sensitive purposes detailed in the following paragraph. This would extend Meta's rights beyond content shared on its platforms, potentially encompassing publishers' entire external editorial content, where such content is linked to or otherwise associated with the publisher's offerings. Meta engages in widespread unfair exploitation without payment.

While Meta announced the removal from its future Commercial Terms of explicit references to training purposes, this neither prevents Meta from (mis)appropriating press content nor changes the open-ended nature of the remaining listed authorised purposes: "provide", "develop", "improve" and "research" in relation to advertising and Meta's business products are technology-neutral and open to broad interpretation. Key AI-related uses such as retrieval-augmented generation (RAG), grounding and others easily fall in scope.

Moreover, the new Terms continue to cover content "made available through your or users' use", potentially allowing Meta to scrape and exploit publishers' content simply because a user has shared a link. Worryingly, they also do not provide for a separate opt-in, clear purpose limitations,

respect for technical access restrictions, transparent usage logs, independent audits or verifiable deletion mechanisms. Once copied and integrated into Meta's caches, indexes or AI-related systems, such content may become impossible to trace or fully remove.

Publishers, whose content has long been subject to sweeping unfair and unlawful exploitation by dominant gatekeepers, including for AI-related purposes, thus face an unacceptable choice: abandon a key distribution channel or consent to the exploitation of their professional content without negotiation, licensing and remuneration. These conditions could also undermine publishers' rights in ongoing or future AI-related legal proceedings.

In light of the foregoing, we consider this exploitative conduct a serious and irreparable harm to competition, a clear violation of Article 6(12) of the Digital Markets Act and Article 102 TFEU as this practice constitutes a blatant abuse of a dominant position as well as an unfair and unreasonable imposition of access conditions.

Unless swift action is taken, the damage inflicted on publishers through this de facto (mis)appropriation of their content will be immediate and irreversible as of 30 October. We therefore urgently call on the European Commission to adopt interim measures pursuant to Article 24 DMA before 30 October, preventing the new Terms from taking effect in their current wording – or in any wording producing identical or similar effects – to safeguard publishers' rights.

Yours sincerely,



Mike Koedinger

EMMA President



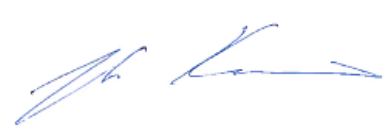
François Le Hodey

ENPA President



Christian Van Thillo

EPC Executive Chairman



Juha Laakkonen

NME President