

WE ARE SHAPING THE INTERNET.
YESTERDAY. TODAY. BEYOND TOMORROW.



POSITION PAPER

on the call for evidence on the Commission Recommendation on combating online piracy of sports and other live events

Berlin, 28.05.2025

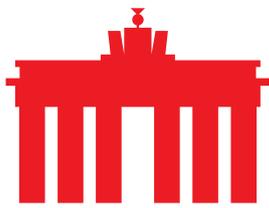
On April 30, the Commission opened a [call for evidence](#) on the Recommendation on combating piracy of sports and other live events. The Recommendation (adopted on 4 May 2023) aims to allow Member States, rightsholders and providers of intermediary services more tools to combat unlawful retransmissions of live events, particularly – but not limited to – sporting events. The current call for evidence is part of the assessment process of the [Recommendation](#), expected to be finalised by 17 November 2025, and asks for feedback from all involved parties on the effects of the implementation.

eco welcomes the Commission’s initiative to tackle the specific challenges of protecting the rights of live events, but is critical of some actions that might pose a threat to the freedom of speech on the Internet. eco would like the Commission to consider the following points:

▪ On blocking measures implemented by rightsholders

In the past two years, since the Recommendation’s implementation, eco has observed several cases of overblocking content in order to stop the unlawful transmission of copyrighted live events. In Spain, for example, the Spanish football league LaLiga obtained a court-ordered blocking order for several thousand IP addresses involved in illegal streaming of LaLiga matches. However, many of these IP addresses were also used by thousands of websites that were completely uninvolved in the rights violations, but blocked by the court order regardless.

Meanwhile, in Italy, blocking orders through the country’s Piracy Shield programme blocked IP addresses in a manner similar to the situation in Spain. In one instance, the blocking of the domain “drive.usercontent.google.com” blocked access to the Google Drive services for thousands of users over several hours. In a different scenario, Italian legislation expanded the Piracy Shield’s scope to VPN services and DNS



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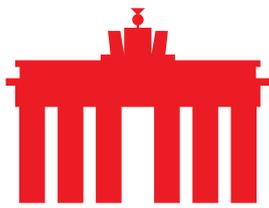
providers, including those that aren't based in Italy and thus not bound to their jurisdiction. Similar problems with VPN services also occurred in France, where court orders could hit services based outside of France's borders. On the other hand, eco would like to point out positive developments, such as Austria banning IP address blocking due to the risk of overblocking.

While eco acknowledges the serious challenges in protecting its own copyrights in the modern day, it maintains that these methods cannot be the solution. Not only are these methods serious violations of net neutrality, but they are also not the most effective approach. VPN services can be used to circumvent certain regulations in order to gain illegal access to content such as live events. However, they are also important tools – not only for data security, but for a range of legitimate purposes – and blocking them altogether would be a far too grave intrusion into net neutrality.

It is also doubtful whether this approach would even show the intended results, as several other instances of blocking orders have shown that the parties involved tend to find ways to circumvent these blockades. The most effective approach would be to prevent illegal interceptions of broadcasting signals or the creation of illegal copies in the first place. In order to achieve that goal, rightsholders, Member States and intermediary services – such as VPN or DNS services – should work together to find effective solutions on protecting these rights. Punishing intermediaries with blocking orders, however, is not helpful for a long-term solution, but only delays the underlying problems.

Another point eco would like to indicate is the economic pressure placed on intermediary services by these blocking orders. While the processing alone results in a lot more work for the services, regardless of the outcome, there is nonetheless no compensation whatsoever. The demands from both the rightsholders and the courts put a lot of responsibility on the intermediary services, without giving any support structure. Smaller and non-profit oriented services, in particular, struggle to keep up with their services and the ongoing demands. The prospect that services might not be able to withstand the pressure should be alarming, as it is not in line with the idea of net neutrality and cannot be in anybody's interest.

Lastly, it should be stressed that the measures taken by rightsholders and courts could stand in conflict with the principles of the Digital Services Act, which aims to protect several forms of intermediary services. Since the DSA



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is still in its early stages and its impact is not yet apparent, further regulations should not be rushed to avoid getting into conflict with the DSA.

Conclusion

eco welcomes the Recommendation and recognises the challenge of tackling the specific problems of live events in copyright law. Especially in modern times – with no national borders in the Internet and heightened international interest in live events, whether sports or otherwise – it is very important to deal with the situation of different rightsholders and legislations in different countries. However, looking back over the last two years since its implementation, the Recommendation seems to have invigorated overblocking by rightsholders in several Member States. This trend is problematic and not sustainable as a solution to the problems addressed. eco prefers a different approach, in which Member States, rightsholders and providers of intermediary services work together on a solution to tackle rights violations precisely, without the risk of violating the rights of uninvolved parties in the process.