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European Commission

Mr. Roberto Viola
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Mr. Giuseppe Abbamonte
Deputy Director-General Media Policy, DG CNECT

Ms. Emmanuelle Du Chalard
Head of Unit, Copyright, Directorate Media Policy, DG CNECT

Brussels, 30th March 2026

EuroISPA, CISPE and Digital SME Alliance’s reaction to current legislative developments in Italy on the extension of a copyright levy on private copies stored in cloud

Dear Ms. Virkkunen,
Dear Mr. Viola,
Dear Mr. Abbamonte,
Dear Ms. Du Chalard,

The organisations [EuroISPA](#), [CISPE](#) and the [European DIGITAL SME Alliance](#) would like to share their concern on the worrying developments in Italy on the introduction of a recurring private copy levy specifically targeting cloud storage services, based on Article 5 on Exceptions and Limitations of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society (InfoSoc Directive).

Context:

A new Italian decree, whose [final version](#) has been signed by Italy’s Minister of Culture on 23 February 2026, introduces a **monthly levy on “cloud memory or cloud storage space”**, calculated per GB and per user (with a monthly cap per user), as well as new reporting and administrative obligations for providers, shifting the system from a one-off levy on devices and supports to a **recurring charge on the mere availability of cloud storage**. The decree is currently awaiting its publication in the Official Journal of Italy.

Risks:

The signatories are concerned about the repercussions that this measure might have at European level, as well as potential consequences if applied to any remote storage accessible to nationals, including a presumption of some private use in B2B cases.

In particular, this approach may:

1. **Create fragmentation within the EU Single Market:** Should other Member States adopt similar measures, this would risk introducing divergent national regimes, thereby undermining the integrity and proper functioning of the EU Single Market;
2. **Undermine EU and national digitalisation objectives:** Such measures would run counter to key EU and national policy goals aimed at accelerating digital transformation, including the Digital Decade target of achieving 75% cloud uptake and the AI Continent Action Plan objective of tripling data centre capacity;
3. **Conflict with the EU's simplification and competitiveness agenda:** The proposed system risks introducing significant administrative and financial burdens for companies operating in Italy, including innovative SMEs, thereby undermining efforts to streamline regulatory frameworks and enhance Europe's competitiveness;
4. **Level playing field concerns:** The current framework may also create competitive imbalances, making it easy to impose levies on operators with an Italian operational base, while their international competitors are much more likely to avoid them due to legal complexity and the regulator's limited monitoring capacity;
5. **Lack sufficient legal justification:** As further detailed below, the introduction of such measures appears unsupported by evidence of concrete harm.

The 2022 Court of Justice of the European Union (CJEU) judgment on *Austro-Mechana v Strato*¹ expressly limited any "fair compensation" under Article 5(2)(b) of Directive 2001/29/EC to be strictly linked to the actual harm suffered by rightsholders as a result of private copying. In particular, the Court reiterated that such compensation must be demonstrably connected to the harm caused; however, the Italian decree does not appear to provide evidence establishing either the existence or the extent of such harm.

In light of this development, EuroISPA, CISPE and Digital SME Alliance call for:

1. An urgent discussion between the Commission and Italy to ascertain the legality of the Decree and mitigate its imminent negative effects on the Single Market;
2. The Commission to urgently initiate a review of the InfoSoc Directive with the view of harmonising copyright levies at European level before every Member States adopts their own different rules, leading to a serious fragmentation of the single market and jeopardising the EU's digitalisation, simplification and competitiveness objectives.

¹ Judgment of the Court of Justice of the European Union (Second Chamber) of 24 March 2022, Case C-433/20, *Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH v Strato AG* <https://curia.europa.eu/juris/document/document.jsf?jsessionid=C81E22AA867C343DB0A064127E5D3CA6?text=&docid=256462&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=5278212>



Signatories:

- **EuroISPA (European Internet Services Providers Association)**
Established in 1997, EuroISPA is the world's largest association of Internet Services Providers Associations, representing over 3,300 Internet Service Providers (ISPs) across the EU and EFTA countries. EuroISPA is recognised as the voice of the EU ISP industry, reflecting the views of ISPs of all sizes from across its member base.

- **CISPE (Cloud Infrastructure Services Providers in Europe)**
CISPE is the largest and most representative organisation for European cloud infrastructure providers, with a sovereign governance protecting it against foreign influence. Since 2016, CISPE has been working with EU institutions to support reasonable and ambitious cloud policies that strengthen Europe's digital competitiveness, sovereignty and sustainability. Besides policy work, CISPE also develops concrete tools for the industry to comply with legislation such as the GDPR and the Data Act and issues warnings against developments around Europe that could threaten the health of the European cloud ecosystem.

- **European DIGITAL SME Alliance**
The European DIGITAL SME Alliance is the largest network of ICT small and medium enterprises in Europe, representing more than 45,000 companies. DIGITAL SME is the joint effort of 30 national and regional SME associations from EU member states and neighbouring countries to put digital SMEs at the centre of the EU agenda.