

Copyright in the digital single market

A European Commission proposal to adapt EU copyright law to the digital environment has sharply divided stakeholders, academics and MEPs. Parliament is now preparing to debate and vote on the JURI committee's report on the proposed revised copyright directive, during the September plenary session.

European Commission proposal

In September 2016, the Commission presented a legislative package for the [modernisation of the EU copyright rules](#), including a new [directive](#) on copyright in the digital single market. The objective is to adapt EU copyright legislation to the digital environment, which is rapidly changing the way copyright-protected works and content are created, produced, distributed and exploited in the EU. The Commission proposes, inter alia, to create new mandatory exceptions to copyright protection in the areas of education and research (e.g. for '[text-and data-mining](#)'), to create a new right allowing press publishers to claim remuneration for the online use of their publications, and to impose some content monitoring measures on online platforms (such as YouTube) to help rights-holders better monetise and control the distribution of their content online.

European Parliament position

Text and data mining (Article 3). The subject of some discussion has been whether to introduce an optional exception to copyright protection for 'text-and data-mining' into EU law – alongside the mandatory copyright exception proposed by the Commission in the field of scientific research – which would enable public as well as private entities to use mining techniques to access, for instance, data freely available online.

Press publishers' right (Article 11). There is sharp disagreement on whether to create a new right protecting the online use of press publications. While some support the creation of such a right to the benefit of publishers, others believe the rationale is limited and are concerned about its uncertain effects. They claim attempts to introduce such a right in Germany and Spain were not successful.

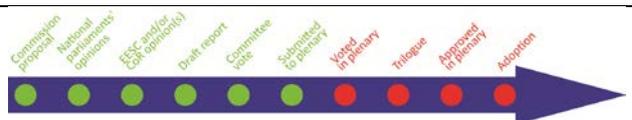
Value gap (Article 13). There is sharp disagreement on whether to impose content monitoring measures on online platforms. While some believe such measures would address the '[value gap](#)' (i.e. the sharing of the value generated by online content distribution), others think this would require online platforms to monitor their users' content generally, and see a risk of filtering and control of the internet.

The European Parliament Committee on Legal Affairs (JURI) approved in a tight vote (14 votes to 9, with 2 abstentions) in June 2018 the [report](#) by Axel Voss (EPP, Germany). However, the decision to start negotiations with the Council based on the JURI report was [rejected](#) by the plenary in July (318 votes to 278 with 31 abstentions). In accordance with [Rule 69c](#) of Parliament's rules of procedure, the report has thus been placed on the agenda of the subsequent plenary session for a vote.

Council position

The Council reached an agreement on a [general approach](#) on 25 May 2018. The Council agrees with the approach proposed by the Commission with regard to the press publishers' right and to the online content monitoring measures, but introduces some substantive changes (e.g. duration of the right's protection).

First-reading report: [2016/0280\(COD\)](#); Committee responsible: JURI; Rapporteur: Axel Voss, (EPP, Germany). See also our '[EU Legislation in Progress briefing](#)'.



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