

**Amendment 92****Anneleen Van Bossuyt, Catherine Stihler**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report****Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**A8-0245/2018****Proposal for a directive****Recital 37***Text proposed by the Commission**Amendment*

(37) ***Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.***

(37) ***Evolution of digital technologies has led to the emergence of new business models and reinforced the role of the Internet as the main marketplace for the distribution of copyright protected content. Over the years, online services enabling their users to upload works and make them accessible to the public have flourished and have become important sources of access to content online, allowing for diversity and ease of access to content but also generating challenges when copyright protected content is uploaded without prior authorisation from rightholders.***

Or. en

5.9.2018

A8-0245/93

**Amendment 93**

**Anneleen Van Bossuyt, Catherine Stihler**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report**

**A8-0245/2018**

**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**Proposal for a directive**

**Recital 37 a (new)**

*Text proposed by the Commission*

*Amendment*

***(37a) Today more creative content is being consumed than ever before. That is facilitated by online platforms and aggregation services. They are a means of providing wider access to cultural and creative works and offer great opportunities for cultural and creative industries to develop new business models. At the same time, artists and authors have struggled to see comparable increases in revenues from this increase in consumption. One of the reasons for this could be the lack of clarity regarding the status of these online services under e-commerce law. Consideration is to be made of how this process can function with more legal certainty and respect for all affected parties including artists and users and it is important to ensure transparency and a fair level playing field. The Commission should develop guidance on the implementation of the intermediary liability framework in order to allow online platforms to comply with their responsibilities and the rules on liability and in order to enhance legal certainty and increase user confidence.***

Or. en

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**Amendment 94****Anneleen Van Bossuyt, Catherine Stihler**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report****A8-0245/2018****Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**Proposal for a directive****Recital 38 – paragraph 1***Text proposed by the Commission**Amendment*

(38) Where information society service providers *store* and provide *access to* the public to *copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public*, they *are* obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability *exemption* provided in *Article 14 of Directive 2000/31/EC of the European Parliament and of the Council*<sup>34</sup>.

(38) Where information society service providers *offer users content storage services* and provide the public *with access to content and where such activity constitutes an act of communication to the public and is not of a merely technical, automatic and passive nature*, they *should be* obliged to conclude licensing agreements with rightholders *as regards copyright protected works or other subject-matter*, unless they are eligible for the liability *exemptions* provided in *Directive 2000/31/EC of the European Parliament and of the Council*<sup>34</sup>.

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<sup>34</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

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<sup>34</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1).

Or. en

5.9.2018

A8-0245/95

**Amendment 95**

**Anneleen Van Bossuyt, Catherine Stihler**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report**

**A8-0245/2018**

**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**Proposal for a directive**

**Recital 38 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.*

*deleted*

Or. en

5.9.2018

A8-0245/96

**Amendment 96**

**Anneleen Van Bossuyt, Catherine Stihler**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report**

**A8-0245/2018**

**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

**Proposal for a directive**

**Recital 38 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

In order to ensure the functioning of any licensing agreement, information society service providers ***storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users*** should take appropriate and proportionate measures to ensure protection of works or other subject-matter, ***such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided*** in Article 14 of Directive 2000/31/EC.

In order to ensure the functioning of any licensing agreement, information society service providers ***actively and directly involved in allowing users to upload, making works available and promoting works to the public*** should take appropriate and proportionate measures to ensure protection of works or other subject-matter. ***Such measures should respect the Charter of Fundamental Rights of the European Union and should not impose a general obligation on information society service providers to monitor the information which they transmit or store as referred to*** in Article 15 of Directive 2000/31/EC.

Or. en