

20.3.2019

A8-0245/253

Amendment 253

Kostadinka Kuneva, Stelios Kouloglou, Sofia Sakorafa, Dimitrios Papadimoulis
on behalf of the GUE/NGL Group

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 2 a (new)

Text proposed by the Commission

Amendment

(2a) Harmonization attempted by European legislation, in particular in the electronic environment, should strive to achieve a fair balance between, on the one hand, the interest of copyright holders and related rights in protecting their intellectual property rights ^{1a}, safeguarded by Article 17(2) of the Charter of Fundamental Rights of the European Union ('the Charter') and, on the other, the protection of the interests and fundamental rights of users of protected works, in particular their freedom of expression and of information, safeguarded by Article 11 of the Charter, and of the general interest ^{2a}. In that regard, it should be noted that the internet is in fact of particular importance to freedom of expression and of information, safeguarded by Article 11 of the Charter, and that hyperlinks contribute to its sound operation as well as to the exchange of opinions and information in that network characterised by the availability of immense amounts of information ^{3a}. It should also take into account cultural diversity and interconnected economic and labour rights.

1^a As follows also from Recitals 2 and 31 of the Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society.

2^a CJEU - C-160/15 / Judgment GS Media BV v. Sanoma Media Netherlands BV and Others, 08 June 2016, par. 31.

3^a Ibid paragraph 45

Or. en

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A8-0245/254

Amendment 254

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on behalf of the GUE/NGL Group

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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 3 a (new)

Text proposed by the Commission

Amendment

(3a) Article 11 of the Charter affirms the freedom of expression and information. That freedom is also protected under Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and the common constitutional traditions of Member States. The right can be further interpreted to extend to the freedom to seek, impart and receive information. The internet contributes greatly as a means of materialising all aspects of that freedom. Any regulation should take into account the delicate balance of all interested sides. Conflicts of human rights should be resolved in a manner that allows a maximum 'effet utile' to be given to the rights in question and their core to be respected.

Or. en

20.3.2019

A8-0245/255

Amendment 255

Kostadinka Kuneva, Stelios Kouloglou, Sofia Sakorafa, Dimitrios Papadimoulis
on behalf of the GUE/NGL Group

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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 3 b (new)

Text proposed by the Commission

Amendment

(3b) As the European Court of Human Rights has confirmed, copyright enforcement and sanctions based on copyright law could potentially trigger interferences with the right of freedom of expression. Interferences as such should be permissible only when they aim to satisfy a pressing social need and they should be further scrutinized through the lens of the principle of proportionality, as being suitable to achieve the purpose sought, necessary in a democratic society and proportional stricto sensu.

Or. en

20.3.2019

A8-0245/256

Amendment 256

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on behalf of the GUE/NGL Group

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 35

Text proposed by the Commission

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. ***This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.***

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders ***or against other authorised users of the same works and other subject-matter. Authors whose works are incorporated in a press publication should be entitled to an appropriate and proportionate share of the revenues press publishers receive for the uses of their press publications by information society service providers.***

Or. en

20.3.2019

A8-0245/257

Amendment 257

Lola Sánchez Caldentey, Tania González Peñas, Miguel Urbán Crespo, Xabier Benito Ziluaga, Nikolaos Chountis, Marisa Matias, Martin Schirdewan, Anja Hazekamp, Barbara Spinelli, Helmut Scholz, Rina Ronja Kari, Luke Ming Flanagan, Sofia Sakorafa, Kostadinka Kuneva
on behalf of the GUE/NGL Group

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

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of

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the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en