

20.3.2019

A8-0245/258

**Amendment 258**

**João Pimenta Lopes, João Ferreira, Miguel Viegas, Stelios Kouloglou**  
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 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 **proper** functioning of any licensing agreement, **online** 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 be consistent with the Universal Declaration of Human Rights and the constitutions of the Member States and should not impose a general obligation on online** service providers **to monitor the information which they transmit or store. Such appropriate and proportionate measures should be agreed following a broad process of constructive and transparent dialogue and cooperation between providers of online content services, organisations representing the rights of users and those representing of authors, creators and other rightholders in the Member States;**

Or. pt

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A8-0245/259

**Amendment 259**

**João Pimenta Lopes, João Ferreira, Miguel Viegas, Stelios Kouloglou**  
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 45 a (new)**

*Text proposed by the Commission*

*Amendment*

***(45a) This directive guarantees the principle of non-retroactivity; for this reason, measures must be taken to ensure the prevalence of Member State legislation with framework provisions more favourable to authors, creators, performers and users or more favourable Member State legislative framework provisions adopted after the entry into force of this directive.***

Or. pt

**Amendment 260**

**João Pimenta Lopes, João Ferreira, Miguel Viegas**  
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*

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**

Use of protected content by **online content sharing** service providers

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

1. **Online content sharing** 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 **appropriate and proportionate** measures to ensure the functioning of **licensing** 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 **appropriate and proportionate** measures **should be agreed following a broad process of constructive and transparent dialogue and cooperation between providers of online content services, organisations representing the rights of users and those representing authors, creators and other rightholders in the Member States. Those measures shall in no way challenge the right to cultural creation and enjoyment or freedom of expression, nor shall they**

*consist in excessive punctiliousness or digital censorship.* The service providers shall provide rightholders, *authors, creators, actors or performers and users* with *all necessary* information on the functioning and the deployment of the measures, as well as *inclusive details* 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 *to users* in case of disputes over the application of the measures referred to in paragraph 1.

2. Member States shall ensure that complaints and redress mechanisms are available to *those concerned* in case of disputes over the application of the measures referred to in paragraph 1.

*2a. Licensing agreements concluded with rightholders shall provide for a fair remuneration for authors, creators and artists, actors or performers. Member States shall focus on the development and consolidation of measures to protect weaker parties - authors, creators, actors or performers and users - and effectively hold material beneficiaries to account for unlawful appropriation of added value on content protected by copyright and related rights that has been shared and uploaded on the Internet .*

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. pt

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A8-0245/261

**Amendment 261**

**João Pimenta Lopes, João Ferreira, Miguel Viegas, Stelios Kouloglou**  
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 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 17a***

***Principle of non-retroactivity***

***The principle of non-retroactivity is guaranteed; for this reason, measures must be taken to ensure the prevalence of Member State legislation with framework provisions more favourable to authors, creators, actors or performers and users or more favourable Member State legislative framework provisions adopted after the entry into force of this directive.***

Or. pt