



**2015/2147(INI)**

28.9.2015

# **AMENDMENTS 115 - 190**

**Draft opinion**  
**Angel Dzhambazki**  
(PE557.273v01-00)

Towards a Digital Single Market Act  
(2015/2147(INI))



**Amendment 115**  
**Dita Charanzová**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Recalls its resolution of 9 July 2015 on the implementation of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights; stresses that it should be used as a guide for much needed copyright reform;***

Or. en

**Amendment 116**  
**Constance Le Grip, Marc Joulaud, Philippe Juvin**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Takes the view that the legislature should consider solutions for the displacement of value from content to services;***

Or. fr

**Amendment 117**  
**Mary Honeyball, Evelyn Regner, Dietmar Köster**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Further suggests that the forthcoming legislative proposal on online platforms should take as a basis the interests of***

*consumers, creators and the digital workforce, in particular the protection of the vulnerable;*

Or. en

**Amendment 118**  
**Marc Joulaud, Jean-Marie Cavada**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

*3a. Emphasis that the agreements between the actors of the supply chain as well as the process to fight commercial scale infringements should be transparent for the authorities, the online services and the consumers;*

Or. en

**Amendment 119**  
**Renato Soru**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

*3a. Notes that in order to allow for a fair competition in the data driven economy, internet companies with a relevant market position, as defined by the EC competition standards should make available their user generated data set as open data in an anonymized and aggregated form, while respecting all privacy requirements;*

Or. en

**Amendment 120**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

*3a. Calls on the Commission to propose alternatives (solutions) that will make it possible to address the displacement of value from content to services, and that will make it possible for authors to be fairly remunerated for the use of their work on the internet; stresses the need to adjust the definition of the status of intermediary in the current digital environment;*

Or. fr

**Amendment 121**  
**Philippe Juvin, Constance Le Grip, Jean-Marie Cavada, Marc Joulaud**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

*3a. Calls for the status of and arrangements governing the responsibility of intermediaries and online platforms to be clarified as part of the future reform of copyright law in order to restore the balance of interests involved, which is not safeguarded at present; takes the view that these online intermediaries generate income from cultural works and content, but this income is not shared with the creators; considers it vital, therefore, not to hamper the development of the digital single market, while at the same time guaranteeing fair remuneration for creators;*

Or. fr

**Amendment 122**

**José Blanco López, Eider Gardiazabal Rubial, Sergio Gutiérrez Prieto**

**Draft opinion**

**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

*3a. Points out that creative works are one of the main sources of income for the digital economy, for both search engines and social networks or user-generated content platforms, but there is no proportion between the value transferred to these intermediaries and the remuneration received by the holders of the rights to these creative works;*

Or. es

**Amendment 123**

**Jean-Marie Cavada, Marc Joulaud, Philippe Juvin**

**Draft opinion**

**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

*3a. Stresses that creative works, which represent one of the main sources that guarantee the functioning of the digital economy and sustain information technology sector stakeholders, should be the subject of a fair transfer of value to the benefit of their authors;*

Or. fr

**Amendment 124**

**Marc Joulaud, Jean-Marie Cavada**

**Draft opinion**

**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

***3b. Insists that any measures taken by the actors of the supply chain to fight commercial scale infringements should be justified and include the possibility of effective and user-friendly remedies for adversely affected parties;***

Or. en

**Amendment 125**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

***3b. Takes the view that particular attention should be paid to online platforms, whose economic model poses genuine economic and social risks, in particular the undermining of qualifications and increasingly precarious work;***

Or. fr

**Amendment 126**  
**José Blanco López, Eider Gardiazabal Rubial, Sergio Gutiérrez Prieto**

**Draft opinion**  
**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

***3b. Points to the growing power of some internet intermediaries and the negative impact of this dominant position on the creative potential of authors, fair remuneration for their work, and the development of the services offered by other distributors of works;***

**Amendment 127**

**Jean-Marie Cavada, Emil Radev, Marc Joulaud, Therese Comodini Cachia, József Szájer, Philippe Juvin**

**Draft opinion**

**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

***3b. Calls on the Commission to consider solutions aimed at remedying the displacement of the value of creative works from content to services; stresses the need to adjust the definition of the status of intermediary to match the current digital environment;***

Or. fr

**Amendment 128**

**Marc Joulaud**

**Draft opinion**

**Paragraph 3 c (new)**

*Draft opinion*

*Amendment*

***3c. Recalls that coercive measures taken by the actors of the supply chain to fight copyright infringements should be a last resort solution and should not include the non-judicial blocking of websites;***

Or. en

**Amendment 129**

**José Blanco López, Eider Gardiazabal Rubial, Sergio Gutiérrez Prieto**

**Draft opinion**

**Paragraph 3 c (new)**



*Draft opinion*

*Amendment*

***3c. Points out that digital technologies have redefined the value chain in the cultural economy, in favour of online communication service providers and to the detriment of authors, performers and producers of copyrighted works, who do not receive fair and appropriate remuneration for their work; calls on the Commission to investigate the extent and impact of this transfer of value to internet intermediaries; calls for the e-Commerce Directive to be revised in order to tackle this transfer of value;***

Or. es

**Amendment 130**

**Jean-Marie Cavada, Emil Radev, Therese Comodini Cachia, József Szájer, Philippe Juvin**

**Draft opinion**

**Paragraph 3 c (new)**

*Draft opinion*

*Amendment*

***3c. Recalls that under Article 5 of Directive 2000/31/EC, providers of online services are obliged to clearly indicate their identity, and that compliance with this requirement is vital to ensuring consumer confidence in e-commerce;***

Or. fr

**Amendment 131**

**Marc Joulaud, Jean-Marie Cavada**

**Draft opinion**

**Paragraph 3 d (new)**

*Draft opinion*

*Amendment*

***3d. Recalls, in the Member States in which this is permitted by law, the practical limitations and the current limited effectiveness in the long run of judicial blocking of websites and of the notice and take down system; Emphasise therefore the need to reinforce the efficacy of these measures or to find new measures to fight copyright infringement, without prejudice to the European Charter of Fundamental Rights and to the principle of proportionality;***

Or. en

**Amendment 132**

**José Blanco López, Eider Gardiazabal Rubial, Sergio Gutiérrez Prieto**

**Draft opinion**

**Paragraph 3 d (new)**

*Draft opinion*

*Amendment*

***3d. Suggests a review of the liability of service providers and intermediaries in order to clarify their legal status and liability with regard to copyrights, guarantee that due diligence is exercised throughout the creative process and supply chain, and ensure a fair remuneration for creators and rightholders within the European Union;***

Or. es

**Amendment 133**

**Jiří Maštálka**

**Draft opinion**

**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, ***which must be proportionate and comply with fundamental rights such as the right to the presumption of innocence, the right to a fair trial, the right to privacy and the right to the confidentiality of communications***, particularly with regard to commercial-scale infringement;

Or. en

**Amendment 134**

**Daniel Buda**

**Draft opinion**

**Paragraph 4**

*Draft opinion*

4. Considers ***that*** copyright ***enforcement is important*** and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers ***it necessary to guarantee the portability of copyright-protected online material and facilitate cross-border access to it; welcomes, therefore, the Commission's initiative aimed at submitting legislative proposals to reduce the differences between national copyright regimes and allow for wider online access to works by users across the EU, including through further harmonisation measures; takes the view, further, that adequate protection of intellectual property rights is a prerequisite for the development of the digital economy and of the digital single market, which makes it necessary to enforce*** copyright, and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement; ***proposes, moreover, introducing tougher sanctions for***

**Amendment 135**  
**Marietje Schaake**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that copyright **enforcement** is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that copyright **reform and harmonization** is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement **while avoiding the privatisation of law enforcement by Internet Service Providers (ISP's) and ensuring the proper legal and judicial oversight are always in place;**

**Amendment 136**  
**Aldo Patriciello**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that copyright enforcement, **as laid down in Directive 2006/115/EC of the European Parliament and of the Council,** is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

**Amendment 137**  
**Barbara Kappel**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement; ***calls on the Commission to ensure that intellectual property rights do not pose excessive barriers to the digital single market but must be seen as an advantage, in order to protect intellectual property while at the same time removing barriers in innovative sectors in order to resolve problems in the area of services and content;***

Or. de

**Amendment 138**  
**Eva Paunova, Sabine Verheyen**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that copyright ***is only as effective as the enforcement measures in place to protect it*** is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

Or. en

**Amendment 139**  
**Evelyn Regner, Josef Weidenholzer, Mary Honeyball**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly *with regard to commercial-scale infringement*;

*Amendment*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online; particularly *following the principle of „remuneration instead of prosecution“ through new, contemporary exceptions in Directive 2001/29/EC; offering future-oriented business models, adjusted to user requirements*;

Or. en

**Amendment 140**  
**Sabine Verheyen, Eva Paunova, Axel Voss, Angelika Niebler**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that copyright enforcement is *extremely* important and therefore calls for *an effective, sustainable and protection* of intellectual property rights online, particularly with regard to commercial-scale infringement;

Or. de

**Amendment 141**  
**Stefano Maullu**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a **modernised** approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that copyright enforcement is important and therefore calls for a **harmonised** approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

Or. en

**Amendment 142**

**Mary Honeyball, Dietmar Köster**

**Draft opinion**

**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, **particularly with regard to commercial-scale infringement;**

*Amendment*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online;

Or. en

**Amendment 143**

**José Blanco López, Eider Gardiazabal Rubial, Sergio Gutiérrez Prieto**

**Draft opinion**

**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement **and protection** of intellectual property rights online, particularly with regard to commercial-scale infringement;

Or. es

**Amendment 144**  
**Rosa Estaràs Ferragut**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that **copyright** enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that **the** enforcement of **copyright and neighbouring rights** is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

Or. es

**Amendment 145**  
**Kaja Kallas, Cecilia Wikström**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that **uniform** copyright enforcement **across Member states** is important and therefore calls for a modernised **European** approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;

Or. en

**Amendment 146**  
**Julia Reda**

**Draft opinion**  
**Paragraph 4**



*Draft opinion*

4. *Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;*

*Amendment*

4. *Welcomes the Commission's action plan to modernise the enforcement of intellectual property rights online, with regard to commercial-scale infringement, highlights in this context that the concept of "commercial scale" needs to be precisely defined, while enabling full transparency of the infringement procedures, the status of the validity of the rights and the identity of the owners involved in each situation; emphasizes the duty of the European Observatory on Infringements of Intellectual Property Rights to generate reliable data and objective analysis of the real impacts of infringements for economic actors;*

Or. en

**Amendment 147**

**Laura Ferrara**

**Draft opinion**

**Paragraph 4**

*Draft opinion*

4. *Considers that copyright enforcement is important and therefore calls for a modernised approach to the enforcement of intellectual property rights online, particularly with regard to commercial-scale infringement;*

*Amendment*

4. *Notes the importance of copyright in the context of the Digital Single Market and therefore calls for a modernised approach to the enforcement of intellectual property rights online, which should take account of the principle of public interest in the dissemination of and free access to culture and knowledge;*

Or. it

**Amendment 148**

**Lidia Joanna Geringer de Oedenberg, Mary Honeyball**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Considers that copyright ***enforcement is important and therefore calls for*** a modernised approach to the ***enforcement*** of intellectual property rights online, particularly with regard to commercial-scale infringement;

*Amendment*

4. Considers that ***in order for the*** copyright ***law to be respected in the digital age,*** a modernised approach to the ***implementation*** of intellectual property rights online, particularly with regard to commercial-scale infringement ***should be adopted; EU faces a significant number of intellectual property rights infringements; according to the European Commission's data from July 2014 - customs authorities noted as many as 87 000 detention cases in 2013, while the worth of the 36 million articles seized is estimated at more than EUR 768 million;***

Or. en

**Amendment 149**  
**Angelika Niebler, Axel Voss, Andreas Schwab**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. Stresses the importance of standardisation for the development of the digital single market in Europe; points out that standard-essential patents represent a significant source of income for European undertakings and research bodies, and that they create incentives to participate in standardisation with patented-protected technologies; is concerned at the increasing infringement of these patents and the lack of willingness to pay licence fees for standard-essential patents on FRAND terms; calls on the Commission, in this context, to work towards a legal framework – in line with the balanced approach taken by the European Court of***

*Justice (see Huawei-ZTE (C-170/13)), which is proposing a licence agreement between standard users and standard-essential patent holders in order to prevent future patent infringements;*

Or. de

**Amendment 150**  
**Marc Joulaud, Jean-Marie Cavada**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

*4a. Stresses that in order to achieve a meaningful enforcement of copyright, full information as regards the identity of the rightholders and, where relevant, to the duration of the legal protection, should be easily accessible for the public;*

Or. en

**Amendment 151**  
**József Szájer**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

*4a. Welcomes the intention of the Commission on boosting competitiveness through interoperability and standardisation and invites the Commission to support the implementation the judgment of the European Court of Justice has delivered a preliminary ruling in the case C-170/13 (Huawei v. ZTE) in July 2015, which strengthens the European standardization system by striking the right balance between the interests of the holders of*

*standard-essential patents and standard implementers in order to avoid potential abuses on either side, most importantly to avoid patent infringements;*

Or. en

**Amendment 152**

**Kaja Kallas, Jean-Marie Cavada, Cecilia Wikström**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

*4a. Considers that the announced ICT standardisation plan should also aim at enabling multidevice interoperability;*

Or. en

**Amendment 153**

**Julia Reda**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

*4a. Notes that lack of evidence underpinning copyright enforcement measures has been identified by the Commission as a problem<sup>1 a</sup> which should be rectified;*

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*<sup>1 a</sup> European Commission, Joint Research Centre, Institute for Prospective Technological Studies, Digital Economy Working Paper 2015/01*

Or. en

**Amendment 154**

**José Blanco López, Eider Gardiazabal Rubial, Sergio Gutiérrez Prieto**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. Points out that copyright infringing activities pose a serious threat to the functioning of the digital single market, to the development of the legal supply of diversified cultural and creative content online and to maintaining activity and jobs;***

Or. es

**Amendment 155**

**Marc Joulaud, Jean-Marie Cavada**

**Draft opinion**

**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

***4b. Notes that copyright infringements committed by the public find one of its sources in the difficulty to find easily the desired content within the legal offer; calls, therefore, for a wide range of user-friendly legal offers to be developed and promoted to the public;***

Or. en

**Amendment 156**

**Julia Reda**

**Draft opinion**

**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

***4b. Welcomes the Commission's aim to***

*address abusive uses of notice and takedown procedures in the framework of copyright online infringement claims; stresses that these procedures must not undermine copyright exceptions and limitations;*

Or. en

**Amendment 157**

**José Blanco López, Eider Gardiazabal Rubial, Sergio Gutiérrez Prieto**

**Draft opinion**

**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

*4b. Believes that a common coordinated effort should be made to combat copyright infringement in the EU in order to ensure the protection of copyright and fair remuneration; considers it necessary to raise consumer awareness of the consequences of infringement of copyright and related rights, and urges a proper solution to ensure that no-one makes a profit out of copyright infringement;*

Or. es

**Amendment 158**

**Dita Charanzová**

**Draft opinion**

**Paragraph 5**

*Draft opinion*

*Amendment*

5. *Welcomes* the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need for

5. *Notes* the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes *also* the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need for

comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.

comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.

Or. en

**Amendment 159**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need *for comprehensive* evidence and *consultation* with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.

*Amendment*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need *to gather and analyse as much* evidence *as possible* and *to consult* with *all* stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales *or in the event that tangible goods marketed do not comply with the provisions of the sales contract*.

Or. ro

**Amendment 160**  
**Barbara Kappel**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law **and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.**

*Amendment*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law;

Or. de

**Amendment 161**  
**Jiří Maštálka**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; **notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.**

*Amendment*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; **underlines that the forthcoming proposal must be based on** comprehensive evidence and consultation with stakeholders , in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for **online sales and on potential additional complexity to the legal regime for consumer sales law because it would only apply to** online sales.

Or. en



**Amendment 162**  
**Philippe Juvin, Jean-Marie Cavada**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; ***notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade***; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.

*Amendment*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.

Or. fr

**Amendment 163**  
**Antanas Guoga**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection

*Amendment*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection

provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.

provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales. ***Calls on the Commission to ensure that the proposed legislation is made fit for the age of digital and addresses all possible ways in which digital solutions can reduce burdens for consumers and businesses with an emphasis on making it easier for SMEs to do business online.***

Or. en

## **Amendment 164**

**Axel Voss, Andreas Schwab**

### **Draft opinion**

#### **Paragraph 5**

##### *Draft opinion*

5. Welcomes the Commission's aim to ***withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade***; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the ***current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.***

##### *Amendment*

5. Welcomes the Commission's aim to ***counteract a fragmentation of digital markets as part of a future proposal on European Sales Law and recalls, in this context, Parliament's position at first reading, which was adopted on 26 February 2014 and should provide the starting point for a future proposal; welcomes the proposal for a harmonisation of key contractual rights for the sale of goods and the introduction of EU-wide contract law rules for online businesses in favour of consumer protection; considers it important to avoid any risk of creating a legal divide between online and offline contracts and different distribution channels, also bearing in mind the consumer acquis REFIT***; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the ***remedies currently provided under national law to protect consumers in the event of failures*** to comply with the terms

of contracts.

Or. de

## Amendment 165

Angel Dzhambazki, Vicky Ford, Daniel Dalton, Sajjad Karim

### Draft opinion Paragraph 5

#### *Draft opinion*

5. Welcomes the *Commission's* aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the '*home* option' *in order to bring* down barriers to cross-border trade; insists on the need for *comprehensive* evidence and consultation with stakeholders before this approach is pursued, in particular *as regards* the impact *it would have* on the current protection provided to consumers under national law, especially *in terms of* remedies *for failure to comply with the terms of contracts for online sales*.

#### *Amendment*

5. Welcomes the *Commission's* aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the '*home*' option *with targeted harmonisation as mechanism for bringing* down barriers to cross-border trade *but* insists on the need for *thorough* evidence and consultation with stakeholders before this approach is pursued, in particular *on* the impact on the current protection provided to consumers under national law especially *with regard to remedies for non-conformity with the contract for online sales; believes that rules on Consumer Rights for Digital Content need to be principles based in order to be technologically neutral and future proof, focused on* remedies *to concrete problems which have been clearly identified, limited to paid for content only, realistic regarding quality expectations, and fully recognise the differences between digital content and traditionally acquired content; stresses furthermore with regard to future Commission proposals in this area, the importance of avoiding inconsistently and overlap with existing legislation;*

Or. en

**Amendment 166**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; *notes* the proposal to introduce the '*home option*' in order to bring down barriers to cross-border trade; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers *under national law*, especially in terms of remedies for failure to comply with the terms of contracts for online sales.

*Amendment*

5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; *categoriesly rejects* the proposal to introduce the *country of origin principle*, *which is the most unfavourable option for consumers, the weakest party in the contract*; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers, especially in terms of remedies for failure to comply with the terms of contracts for online sales.

Or. fr

**Amendment 167**  
**Julia Reda**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. *Welcomes the Commission's aim to withdraw the* proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of *remedies for failure*

*Amendment*

5. *Asks for the careful consideration of the Commission's* proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of *legal certainty as to*

*to comply with the terms of contracts for online sales.*

*the choice of law and the application of the Rome I Regulation;*

Or. en

#### **Amendment 168**

**Emil Radev, Therese Comodini Cachia, Jean-Marie Cavada, József Szájer, Philippe Juvin**

#### **Draft opinion Paragraph 5**

##### *Draft opinion*

*5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in order to bring down barriers to cross-border trade; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.*

##### *Amendment*

*5. Regrets that the Commission withdrew its proposal for a Common European Sales Law without consulting the European Parliament, recalls that Parliament adopted its first reading position with vast majority on 26.02.2014, Welcomes however the Commission's intention to propose rules for digital content; reiterates Parliaments repeated request that any new proposal should be based on EP's first reading position;*

Or. en

#### **Amendment 169**

**Evelyne Gebhardt, Evelyn Regner**

#### **Draft opinion Paragraph 5**

##### *Draft opinion*

*5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; notes the proposal to introduce the 'home option' in*

##### *Amendment*

*5. Welcomes the Commission's aim to withdraw the proposal on a Common European Sales Law and the intention to propose rules for digital content; calls for a further approximation of legally binding*

*order to bring down barriers to cross-border trade; insists on the need for comprehensive evidence and consultation with stakeholders before this approach is pursued, in particular as regards the impact it would have on the current protection provided to consumers under national law, especially in terms of remedies for failure to comply with the terms of contracts for online sales.*

*and exclusively applicable rules in European legislation on guarantees, regardless of whether they concern cross-border or home sales contracts, contracts concluded online or offline, or contracts relating to physical objects, digital content or goods; stresses the need for legally binding rules on guarantees in relation to digital content contracts, to the extent that their specific nature requires such rules and their adoption will close legal loopholes; is concerned that a Commission proposal to amend the legislation on guarantees in sales law could lead to different rules for online and offline sales contracts on the one hand, and between cross-border and home sales contracts on the other hand; is convinced that harmonisation of sales law should always lead to a simplification of guarantee rules for online and offline contracts whose application for individuals is mandatory, and that is therefore transparent;*

Or. de

**Amendment 170**  
**Jiří Maštálka**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Welcomes the ultimate goal of the e-government, which is to offer an increased portfolio of public services to citizens in a transparent and efficient manner, but calls on the Commission to deeply analyse all the possible negative consequences regarding specific constitutional traditions and cultural differences of member states, potential lack of privacy for civilians, vulnerability to cyber-attacks, and disturbances in this area as well as the strategy how to*

*guarantee access for those living in remote areas, individuals with disabilities and those living on poverty line incomes.*

Or. en

**Amendment 171**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Recalls that, in view of article 345 TFEU, Member States are free to establish, maintain and develop publicly operated provision of digital services.*

Or. en

**Amendment 172**  
**Angel Dzhambazki, Vicky Ford, Daniel Dalton, Sajjad Karim**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*(5a) Stresses the need to improve the processes for businesses to establish and operate online across all Member States which should be streamlined and digitalised and calls on the Commission to consider this further in its forthcoming Internal Market strategy;*

Or. en

**Amendment 173**  
**Angel Dzhambazki, Vicky Ford, Daniel Dalton, Sajjad Karim**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

*(5b) Calls for support for small businesses and for the single market to be fit for purpose in a digital age; In this regard, stresses concern about Vatmoss rules, which are hampering small online entrepreneurs by obliging them to collect and process VAT payments, even if they conduct a small volume overseas trade; welcomes in this regard recent suggestions from the Commission on the introduction of minimum thresholds but believes that an interim solution is also urgently required;*

Or. en

**Amendment 174**  
**Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Calls for modern and practicable legislation on the passing of risk as part of the reform of sales law concerning digital content and goods;*

Or. de

**Amendment 175**  
**Jiří Maštálka**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Recalls the utmost importance of Article 345 of TFEU in the field of digital*



*services and thus recalls the freedom of each Member State to develop public operators in the field of digital services.*

Or. en

**Amendment 176**  
**Heidi Hautala**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Encourages the Commission's pursuits in ensuring interoperability between digital components and emphasizes the importance of standardization that can be achieved both via SEPs and open licensing models; welcomes the Commission's efforts in the development of a balanced framework for negotiations between right holders and implementers of standard essential patents in order to ensure fair licensing conditions; invites the Commission to take note and apply the spirit of the CJEU ruling C-170/13 (Huawei v. ZTE), which strikes a balance between the SEP holders and standard implementers, to overcome patent infringements and to ensure the effective conclusion of FRAND licensing agreements.*

Or. en

**Amendment 177**  
**Dita Charanzová**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Stresses the importance of access to*

*information and content in the public domain; underlines that public domain content in one Member State should be accessible in all Member States; believes that European Institutions' public content, wherever possible, should be placed in the public domain;*

Or. en

**Amendment 178**  
**Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

*5b. Encourages the European Commission to analyse the protection level of substantive EU consumer protection laws within the so called "sharing economy" and to come forward with legislative proposals which tackle imbalances between parties in "C2C" contractual relations which are being fostered by an ever wider use of services provided through sharing economy platforms;*

Or. en

**Amendment 179**  
**Dita Charanzová**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

*5b. Welcomes the increased use of open government data by the Member States and asks the Commission to further strengthen the availability of such open data at the European level and between*

*Member States; at the same time, calls for further discussions on what data should be subject to controlled access and cyber security measures;*

Or. en

**Amendment 180**  
**Dita Charanzová**

**Draft opinion**  
**Paragraph 5 c (new)**

*Draft opinion*

*Amendment*

*5c. Believes that free competition is vital to the Digital Single Market; stresses that this will require the liberalisation and opening protected national sectors to cross-border competition; regrets attempts to introduce or strengthen national legislation that prevents or limits access by new market entries;*

Or. en

**Amendment 181**  
**Dita Charanzová**

**Draft opinion**  
**Paragraph 5 d (new)**

*Draft opinion*

*Amendment*

*5d. Welcomes the Commission's proposal to promote the 'Once Only' principle for data entry for government services; asks the Member States to fully implement this principle in their public administration while ensuring a high-level of cyber security to prevent unjustified access to personal data;*

Or. en

**Amendment 182**  
**Dita Charanzová**

**Draft opinion**  
**Paragraph 5 e (new)**

*Draft opinion*

*Amendment*

*5e. Notes the use of long and prescriptive End-User Licencing Agreements (EULAs) and other terms and conditions by e-commerce and other services, and the evidence that most users do not read them before accepting; calls on the Commission to work to address this issue and to investigate if limitations or standardised conditions are needed;*

Or. en

**Amendment 183**  
**Dita Charanzová**

**Draft opinion**  
**Paragraph 5 f (new)**

*Draft opinion*

*Amendment*

*5f. Notes that more than 15 years since its adoption, the European guaranty directive (1999/44/EC) is still a subject of confusion by businesses and consumers due to differences in its transposition by the Member States; believe that, as part of the Digital Single Market strategy, this directive should be subject to review;*

Or. en

**Amendment 184**  
**Enrico Gasbarra**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

***5b. Calls on the Member States to apply common standards and good practice with regard to digital administration, focusing in particular on judicial bodies and local authorities;***

Or. it

**Amendment 185**  
**Emil Radev, Therese Comodini Cachia, Constance Le Grip, Marc Joulaud, József Szájer, Mary Honeyball, Philippe Juvin**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

***5a. Stresses that digital developments also provide for a meaningful change in public administration, establishing much more effective, simplified and user-friendly e-administration. In this regard it is very important for the citizens and the business to have interconnected commercial registers;***

Or. en

**Amendment 186**  
**Angel Dzhambazki, Vicky Ford, Daniel Dalton, Sajjad Karim**

**Draft opinion**  
**Paragraph 5 c (new)**

*Draft opinion*

*Amendment*

***(5c) Considers that the amended proposal by the Commission should also clarify how the existing rules apply in a digital environment when selling online cross-border, including the application of the***

*Services Directive to address unfair online price discrimination based on nationality or location;*

Or. en

**Amendment 187**  
**Victor Negrescu**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*(5a) Calls for a more efficient legal framework for European funding for ITC trainings in order to enable an increase of the European competitiveness.*

Or. en

**Amendment 188**  
**Victor Negrescu**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

*(5b) The technological gap existing in Europe has to be tackled through the legal framework of the digital single market policies. A proactive approach is needed to reduce the gap between regions, between the rural and urban areas or between generations.*

Or. en

**Amendment 189**  
**Victor Negrescu**

**Draft opinion**  
**Paragraph 5 c (new)**

*Draft opinion*

*Amendment*

***(5c) I order to support a strong legal framework on digital single market policy, a direct support for development and innovation in European Companies is needed. Therefore SMEs have to be stimulated in using digital technologies and developing ITC skills and services.***

Or. en

**Amendment 190**  
**Victor Negrescu**

**Draft opinion**  
**Paragraph 5 d (new)**

*Draft opinion*

*Amendment*

***(5d) Digital innovation generates growth and a strong legal framework on digital market policy has to stimulate entrepreneurship. Stimulating programs designed for young innovators have to be developed to take advantage of the potential of young Europeans.***

Or. en