



**2016/0284(COD)**

23.6.2017

# **AMENDMENTS**

## **201 - 332**

**Draft report**

**Tiemo Wölken**

(PE604.674v01-00)

Rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes

Proposal for a regulation

(COM(2016)0594 – C8-0384/2016 – 2016/0284(COD))



**Amendment 201**  
**Virginie Rozière**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) "ancillary online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation as well as of any material produced by or for the broadcasting organisation which is ancillary to such broadcast;

*Amendment*

(a) "ancillary online **broadcaster** service" means an online service **produced by the broadcaster**, consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation as well as of any material produced by or for the broadcasting organisation which is ancillary to such broadcast;

Or. fr

**Amendment 202**

**Tiemo Wölken, Josef Weidenholzer, Evelyn Regner, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Sergio Gaetano Cofferati, Victor Negrescu**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) "**ancillary** online service" means **an online service** consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with or **for a defined period of time** after their broadcast by the broadcasting organisation **as well as** of any **material** produced by or for the broadcasting organisation **which is ancillary to such** broadcast;

*Amendment*

(a) "online service" means **a service provided via the internet** consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of **linear and non-linear** radio or television programmes **before**, simultaneously with, **during** or after their broadcast by the broadcasting organisation, **and** of any **content** produced by or for the broadcasting organisation **including without any connection to the** broadcast;

Or. en

### Amendment 203

Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point a

*Text proposed by the Commission*

(a) "**ancillary** online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with or **for a defined period of time** after their broadcast by the broadcasting organisation as well as of any material produced by or for the broadcasting organisation **which is ancillary to such broadcast**;

*Amendment*

(a) "online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of **linear and non-linear** radio or television programmes **before**, simultaneously with or after their broadcast by the broadcasting organisation as well as of any material produced by or for the broadcasting organisation;

Or. en

### Amendment 204

Julia Reda

#### Proposal for a regulation

##### Article 1 – paragraph 1 – point b

*Text proposed by the Commission*

(b) "retransmission" means any **simultaneous, unaltered and unabridged** retransmission, other than cable retransmission as defined in Directive 93/83/EEC **and other than retransmission provided over an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>**, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite **but**

*Amendment*

(b) "retransmission" means any unaltered retransmission, other than cable retransmission as defined in Directive 93/83/EEC, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under

*excluding online transmission*, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

whose control and responsibility such transmission was made.

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***<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.***

Or. en

#### *Justification*

*Such broad interpretation of the notion of retransmission is supported by the annotated principles to Article 11bis of the Berne Convention on the broadcasting right. There is case-law (Austrian High Court, OGH 22.11.2011, UMTS/Mobilfunknetz III) that pointed out that there may be a minor delay in the retransmission over the mobile phonenetwork ("geringfügige Verzögerung") which does not change the general character of the programme. What should matter is that the retransmission is unaltered, which already rules out VOD-type services sufficiently, but not catch-up TV.*

#### **Amendment 205**

**Jean-Marie Cavada, Marc Joulaud**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC ***and other than retransmission***

##### *Amendment*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC, ***by wire or over the air,***

*provided over an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite but excluding online transmission, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.*

*regardless of the technology or retransmission network used, provided that the retransmission takes place in a closed environment, of the initial broadcast of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.*

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*<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.*

Or. fr

**Amendment 206**  
**Virginie Rozière**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC *and other than retransmission provided over an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the*

*Amendment*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC, intended for reception by the public of an initial transmission from another Member State, *in a closed environment*, by wire or over the air,

*Council*<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite **but excluding online transmission**, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

including that by satellite, of television or radio programmes intended for the reception by the public, provided that such retransmission **is equivalent to those carried out by cable retransmission services operators and** is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

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<sup>19</sup> *Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.*

Or. fr

## Amendment 207

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

### Proposal for a regulation

#### Article 1 – paragraph 1 – point b

##### *Text proposed by the Commission*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC **and other than retransmission provided over an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council**<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, **by wire or over the**

##### *Amendment*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC, intended for reception by the public of an initial transmission from another Member State, **irrespective of the retransmission technology or network used providing that the retransmission takes place in a controlled environment**, of television or radio programmes intended

***air, including that by satellite but excluding online transmission***, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

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<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

Or. en

**Amendment 208**  
**Mady Delvaux, Petra Kammerevert**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC ***and other than retransmission provided over an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council***<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, ***including that by satellite but excluding online transmission***, of television or radio programmes intended

*Amendment*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, ***irrespective of the retransmission technology or network used providing that the retransmission takes place in a closed environment***, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other



for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

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<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

Or. en

## **Amendment 209**

### **Constance Le Grip**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC and other than retransmission provided over an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite but excluding online transmission, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which

##### *Amendment*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC and other than retransmission provided over an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite **or by direct injection** but excluding online transmission, of television or radio programmes **ultimately** intended for the reception by the public, provided that such retransmission is made by a party other

made the initial transmission or under whose control and responsibility such transmission was made.

than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

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<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

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<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

Or. en

## **Amendment 210**

### **Sajjad Karim**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC and other than retransmission provided over an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite but excluding online transmission, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such

##### *Amendment*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC and other than retransmission provided over **a mobile network or** an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite but excluding online transmission, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under

transmission was made.

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<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

whose control and responsibility such transmission was made.

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<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

Or. en

## **Amendment 211**

**Daniel Buda**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC and other than **retransmission provided over** an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite but excluding online transmission, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

##### *Amendment*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC and other than **over a mobile network or** an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite but excluding online transmission, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

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<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

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<sup>19</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

Or. ro

## **Amendment 212**

**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC and other than retransmission provided over an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite but excluding online transmission, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

##### *Amendment*

(b) "retransmission" means any simultaneous, unaltered and unabridged retransmission, other than cable retransmission as defined in Directive 93/83/EEC and other than retransmission provided over **a mobile network or** an internet access service as defined in Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>19</sup>, intended for reception by the public of an initial transmission from another Member State, by wire or over the air, including that by satellite but excluding online transmission, of television or radio programmes intended for the reception by the public, provided that such retransmission is made by a party other than the broadcasting organisation which made the initial transmission or under whose control and responsibility such transmission was made.

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<sup>19</sup> Regulation (EU) 2015/2120 of the

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<sup>19</sup> Regulation (EU) 2015/2120 of the

European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, OJ L 310, 26.11.2015, p. 1.

Or. es

### **Amendment 213**

**Jean-Marie Cavada, Bogdan Brunon Wenta, Marc Joulaud**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) "Direct injection" means a two- or more step process by which broadcasting organisations transmit their programme-carrying signals for reception by the public to distributors (organisations other than the broadcasting organisation - see the Berne Convention) point to point via a private line – by wire or over the air, including by satellite – in such a way that the programme-carrying signals cannot be received by the general public during such transmission; the distributors then offer these programmes to the public simultaneously, in an unaltered and unabridged form, for viewing or listening on cable networks, microwave systems, digital terrestrial, IP-based and mobile networks or similar networks.***

Or. fr

### **Amendment 214**

**Virginie Rozière**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) 'direct injection' means a two- or more step process by which broadcasting organisations transmit 'point to point' – by wire or over the air, including by satellite, and in such a way that the programme-carrying signals cannot be received by the general public during such transmission – their programme-carrying signals for reception by the public to distributors who then offer these programmes to the public, simultaneously in an unaltered and unabridged form, for viewing or listening on cable, microwave systems, satellite, digital terrestrial, IP-based or similar networks.*

Or. fr

**Amendment 215**  
**Angelika Niebler, Axel Voss**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) "direct injection" means a process in two steps or more by which, firstly, broadcasting organisations transmit programme-carrying signals to their distributors point to point via a private line – by wire or over the air, including by satellite, and in such a way that the signals cannot be received the public during such transmission –and the distributors then transmit the signals to the public, simultaneously in an unaltered and unabridged form, for viewing or listening by a variety of techniques including cable, microwave systems, satellite, or digital terrestrial, IP-based, mobile, or similar networks.*

**Amendment 216**

**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) "direct injection" means a process in two steps or more whereby broadcasting organisations transmit the signals carrying their television or radio programmes intended for reception by the public to service providers via a point-to-point communication – by wire or over the air, including by satellite – in such a way that the signals cannot be accessed by the general public during such transmission. The service providers offer those programmes to the public, simultaneously in an unaltered and unabridged form, for viewing or listening by a variety of techniques including cable, microwave systems, satellite, digital terrestrial, or IP-based, mobile, or similar networks.***

Or. es

**Amendment 217**

**Jiří Maštálka, Kostas Chrysogonos**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) "direct injection" means a two-step process whereby broadcasting organisations transmit the signals carrying their television or radio programmes intended for the reception by the public to service providers through a point-to-point communication – by wire or***

*over the air, including by satellite – in a way that the signals cannot be accessed by the public during this transmission. Service providers offer to the public these unaltered and unbridged programmes simultaneously by various techniques such as cable or microwave system, satellite, digital terrestrial, closed circuit IP-based, mobile or similar networks*

Or. en

#### **Amendment 218**

**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) "direct injection" means a two- or more step process by which broadcasting organisations transmit their programme-carrying signals point to point via a private line, in such a way that the programme-carrying signals cannot be received by the general public during the transmission, to a distributor who then offers these programmes to the public in an unaltered and unabridged manner, for viewing or listening on cable, microwave systems, satellite, digital terrestrial, IP-based or similar networks.*

Or. en

#### **Amendment 219**

**Constance Le Grip**

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) "direct injection" means a two-*



*step process whereby broadcasting organisations transmit the signals carrying their television or radio programmes intended for the reception by the public to service providers in a way that the signals cannot be accessed by the public during this transmission.*

Or. en

**Amendment 220**  
**Mady Delvaux, Petra Kammerevert**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) "closed environment" means any environment in which a retransmission operator only provides a retransmission service to a definable group of consumers;*

Or. en

**Amendment 221**  
**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) "controlled environment" means any environment in which a retransmission operator provides a retransmission service to a definable group of users;*

Or. en

**Amendment 222**

**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

(b b) **'Closed environment' means any environment in which a retransmission service provider provides only one retransmission service to consumers who, on a contractual basis, can access and use this service, and in which the retransmission service provider can guarantee full encryption of the television or radio programmes.**

Or. fr

**Amendment 223**

**Virginie Rozière**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

(b b) **'Catch-up service' means making radio or television programmes which have already been broadcast by the broadcasting organisation publicly available for a short period directly after their initial broadcast;**

Or. fr

**Amendment 224**

**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

**Proposal for a regulation**

**Article 2**

*Text proposed by the Commission*

*Amendment*

*Article 2*

*deleted*

*Application of the principle of ‘country of origin’ to ancillary online services*

*(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.*

*(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.*

Or. es

**Amendment 225**  
**Stefano Maullu**

**Proposal for a regulation**  
**Article 2**

*Text proposed by the Commission*

*Amendment*

*Article 2*

*deleted*

*Application of the principle of ‘country of origin’ to ancillary online services*

*(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of*

*reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.*

*(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.*

Or. it

**Amendment 226**  
**Axel Voss**

**Proposal for a regulation**  
**Article 2**

*Text proposed by the Commission*

*Amendment*

*Article 2*

*deleted*

*Application of the principle of ‘country of origin’ to ancillary online services*

*(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal*

*establishment.*

*(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.*

Or. en

#### **Amendment 227**

**Tadeusz Zwiefka, Bogdan Brunon Wenta**

#### **Proposal for a regulation**

#### **Article 2**

*Text proposed by the Commission*

*Amendment*

#### *Article 2*

*deleted*

*Application of the principle of ‘country of origin’ to ancillary online services*

*(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.*

*(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and*

*the language version.*

Or. en

**Amendment 228**

**Angelika Niebler**

**Proposal for a regulation**

**Article 2**

*Text proposed by the Commission*

*Amendment*

**Article 10**

**deleted**

***Application of the principle of ‘country of origin’ to ancillary online services***

***(1)The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.***

***(2)When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.***

Or. de

*Justification*

*There is no apparent reason why the 'country of origin' principle set out in the Cable and Satellite Directive (Directive 93/83/EEC) needs to be broadened to cover ancillary online services, as rights could already be cleared under the law as it stands.*

**Amendment 229**  
**Virginie Rozière**

**Proposal for a regulation**  
**Article 2**

*Text proposed by the Commission*

*Amendment*

*Article 2*

*deleted*

*Application of the principle of ‘country of origin’ to ancillary online services*

*(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.*

*(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.*

Or. fr

**Amendment 230**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 2**

*Text proposed by the Commission*

*Amendment*

**Article 2**

**deleted**

**Application of the principle of ‘country of origin’ to ancillary online services**

**(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.**

**(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.**

Or. ro

**Amendment 231**

**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**

**Article 2 – title**

*Text proposed by the Commission*

*Amendment*

Application of the principle of ‘country of origin’ to ancillary online services

Application of the principle of ‘country of origin’ to ancillary online services **provided by, or under the supervision and responsibility of, a broadcasting organisation**

Or. fr



**Amendment 232**  
**Constance Le Grip**

**Proposal for a regulation**  
**Article 2 – title**

*Text proposed by the Commission*

Application of the principle of ‘country of origin’ to ancillary online services

*Amendment*

Application of the principle of ‘country of origin’ to ancillary online services  
***comprised solely of programmes dedicated to news or current affairs***

Or. en

**Amendment 233**  
**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**  
**Article 2 – title**

*Text proposed by the Commission*

Application of the principle of ‘country of origin’ to ***ancillary*** online services

*Amendment*

Application of the principle of ‘country of origin’ to online services ***by broadcasters***

Or. en

**Amendment 234**  
**Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski**

**Proposal for a regulation**  
**Article 2 – title**

*Text proposed by the Commission*

Application of the principle of ‘country of ***origin***’ to ancillary online services

*Amendment*

Application of the principle of ‘country of ***destination***’ to ancillary online services

Or. fr

**Amendment 235**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

**Proposal for a regulation**

**Article 2 – title**

*Text proposed by the Commission*

*Amendment*

Application of the principle of ‘country of origin’ to **ancillary** online services

Application of the principle of ‘country of origin’ to online services

Or. en

**Amendment 236**

**Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda**

**Proposal for a regulation**

**Article 2 – title**

*Text proposed by the Commission*

*Amendment*

Application of the principle of ‘country of origin’ to **ancillary** online services

Application of the principle of ‘country of origin’ to online services

Or. en

**Amendment 237**

**Mady Delvaux, Petra Kammerevert**

**Proposal for a regulation**

**Article 2 – title**

*Text proposed by the Commission*

*Amendment*

Application of the principle of ‘country of origin’ to **ancillary** online services

Application of the principle of 'country of origin' to online services

Or. en

**Amendment 238**

**Jiří Maštálka, Kostas Chrysogonos**

**Proposal for a regulation**

**Article 2 – title**

*Text proposed by the Commission*

*Amendment*

Application of the principle of ‘country of origin’ to **ancillary** online services

Application of the principle of ‘country of origin’ to online services

Or. en

**Amendment 239**

**Sajjad Karim**

**Proposal for a regulation**

**Article 2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.**

**deleted**

Or. en

**Amendment 240**

**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**

**Article 2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

(1) The acts of communication to the

(1) The acts of communication to the

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public and of making available occurring when providing an *ancillary* online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the *ancillary* online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

public and of making available occurring when providing an online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment. ***Any disputes over the exercise of these rights shall fall under the jurisdiction of that Member State.***

Or. en

#### **Amendment 241** **Constance Le Grip**

#### **Proposal for a regulation** **Article 2 – paragraph 1**

*Text proposed by the Commission*

(1) The acts of communication to the public ***and of making available*** occurring when providing an ancillary online service ***by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service*** shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

*Amendment*

(1) The acts of communication to the public occurring when providing an ancillary online service, ***comprised solely of programmes dedicated to news or current affairs, by or under the control and responsibility of a broadcasting organisation*** shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

Or. en

#### **Amendment 242** **Virginie Rozière**

**Proposal for a regulation**  
**Article 2 – paragraph 1**

*Text proposed by the Commission*

(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction **which are necessary for the provision of, the access to or the use** of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

*Amendment*

(1) The acts of communication to the public and of making available **of political, information or news broadcasts** occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction **of political, information or news broadcasts which are necessary for the provision** of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

Or. fr

**Amendment 243**  
**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

**Proposal for a regulation**  
**Article 2 – paragraph 1**

*Text proposed by the Commission*

(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction **which are necessary for the provision of, the access to or the use** of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

*Amendment*

1. The acts of communication to the public and of making available **of news and current affairs programmes** occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction **of news and current affairs programmes which are necessary for the provision** of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

**Amendment 244****Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski****Proposal for a regulation****Article 2 – paragraph 1***Text proposed by the Commission*

(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur **solely** in the Member State in which the broadcasting organisation **has its principal establishment**.

*Amendment*

(1) The acts of communication to the public and of making available occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the ancillary online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur in the Member State **or Member States** in which the broadcasting organisation **undertakes those acts of communication and reproduction**.

Or. fr

*Justification*

*The country of destination principle averts the risk of broadcasters relocating to a Member State with weaker copyright protection, which would create the conditions for tax dumping and ultimately undermine the cultural and creative industry.*

**Amendment 245****Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano****Proposal for a regulation****Article 2 – paragraph 1***Text proposed by the Commission*

(1) The acts of communication to the public and of making available occurring when providing an **ancillary** online service by or under the control and responsibility

*Amendment*

(1) The acts of communication to the public and of making available occurring when providing an online service by or under the control and responsibility of a

of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the **ancillary** online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

broadcasting organisation **or a service provider** as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation **or the service provider** has its principal establishment.

Or. en

#### **Amendment 246**

**Mady Delvaux, Petra Kammerevert**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1**

##### *Text proposed by the Commission*

(1) The acts of communication to the public and of making available occurring when providing an **ancillary** online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the **ancillary** online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

##### *Amendment*

(1) The acts of communication to the public and of making available occurring when providing an online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

Or. en

#### **Amendment 247**

**Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda**

#### **Proposal for a regulation**

## Article 2 – paragraph 1

*Text proposed by the Commission*

(1) The acts of communication to the public and of making available occurring when providing an **ancillary** online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the **ancillary** online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

*Amendment*

(1) The acts of communication to the public and of making available occurring when providing an online service by or under the control and responsibility of a broadcasting organisation as well as the acts of reproduction which are necessary for the provision of, the access to or the use of the online service shall, for the purposes of exercising copyright and related rights relevant for these acts, be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment.

Or. en

### Amendment 248

**Mady Delvaux, Petra Kammerevert**

#### Proposal for a regulation

#### Article 2 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1 a) Paragraph 1 shall not undermine the contractual freedom in copyright law and shall be without prejudice to the rights set out in Directive 2001/29/EC. Rights holders and rights users may therefore agree to limit the geographical scope of rights affected by the principle of country of origin, provided that they respect the relevant rules.***

Or. en

### Amendment 249

**Jean-Marie Cavada, Marc Joulaud**



**Proposal for a regulation**  
**Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1 a) Paragraph 1 does not apply to online services which, taken as a whole, are directed mainly or solely at an audience in a Member State which is not the country in which the broadcasting organisation is based.**

Or. fr

**Amendment 250**  
**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**  
**Article 2 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**(1 b) Paragraph 1 applies only to the relaying and making available to the public of:**

- (i) works produced by a broadcasting organisation and which are not directly covered by a third-party license;**
- (ii) news and current affairs programmes**

Or. fr

**Amendment 251**  
**Mady Delvaux, Petra Kammerevert**

**Proposal for a regulation**  
**Article 2 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**(1 b) Paragraph 1 shall not undermine the possibility of co-producers to exercise the rights separately and independently**

*from each other.*

Or. en

**Amendment 252**  
**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**  
**Article 2 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

**(1c) Paragraphs 1 and 1 (b) above do not affect contractual freedom in the context of copyright law and are without prejudice to the rights enshrined in Directive 2001/29/EC. Accordingly, copyright holders and rights users may agree, in particular, to limit the geographical area of rights affected by the country of origin principle, or may agree on a pan-European license for rights which are not affected by that principle.**

Or. fr

**Amendment 253**  
**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**  
**Article 2 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

**(1d) Paragraph 1 shall not apply to an ancillary online service that is mainly targeted at a Member State other than the Member State in which the broadcasting organisation has its principal establishment.**

Or. fr

## Amendment 254

Sajjad Karim

### Proposal for a regulation

#### Article 2 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(2) *When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.*

*deleted*

Or. en

## Amendment 255

Evelyn Regner, Josef Weidenholzer

### Proposal for a regulation

#### Article 2 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(2) *When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.*

(2) For the rights subject to the country of origin principle as set out in paragraph 1, *appropriate remuneration shall be fixed by the parties to ensure cultural diversity. When calculating the amount of that appropriate remuneration all aspects of the online service shall be taken into account in particular its features, the size of the audience having regard to the relevant language version and the duration of online availability.*

Or. en

## Amendment 256

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

### Proposal for a regulation

## Article 2 – paragraph 2

*Text proposed by the Commission*

(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the **ancillary** online service such as the features of the **ancillary** online service, the audience, and **the language version**.

*Amendment*

(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the online service such as the features of the online service, the audience, and **all available language versions**. **Member States shall not impose any unwaivable remuneration for the rights subject to the country of origin principle set out in paragraph 1.**

Or. en

### Amendment 257

Jean-Marie Cavada, Marc Joulaud

#### Proposal for a regulation

##### Article 2 – paragraph 2

*Text proposed by the Commission*

(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the **audience**, and the language version.

*Amendment*

(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the **country of destination**, **the real and potential audience** and the language version.

Or. fr

### Amendment 258

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

#### Proposal for a regulation

##### Article 2 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(2) When fixing the amount of the payment to be made for the rights subject to the country of *origin* principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.

(2) When fixing the amount of the payment to be made for the rights subject to the country of *destination* principle as set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.

Or. fr

*Justification*

*The country of destination principle averts the risk of broadcasters relocating to a Member State with weaker copyright protection, which would create the conditions for tax dumping and ultimately undermine the cultural and creative industry.*

**Amendment 259**

**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

**Proposal for a regulation**

**Article 2 – paragraph 2**

*Text proposed by the Commission*

(2) When fixing the amount of the payment to be made for the rights *subject to the country of origin principle as* set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.

*Amendment*

2. When fixing the amount of the payment to be made for the *relevant* rights set out in paragraph 1, the parties shall take into account all aspects of the ancillary online service such as the features of the ancillary online service, the audience, and the language version.

Or. es

**Amendment 260**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

**Proposal for a regulation**

**Article 2 – paragraph 2**

*Text proposed by the Commission*

(2) When fixing the amount of the payment to be made for the rights subject

*Amendment*

(2) When fixing the amount of the payment to be made for the rights subject

to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the *ancillary* online service such as the features of the *ancillary* online service, the audience, and the language version.

to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the online service such as the *nature and* features of the online service, the audience, and the language version.

Or. en

**Amendment 261**  
**Mady Delvaux, Petra Kammerevert**

**Proposal for a regulation**  
**Article 2 – paragraph 2**

*Text proposed by the Commission*

(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the *ancillary* online service such as the features of the *ancillary* online service, the audience, and the language version.

*Amendment*

(2) When fixing the amount of the payment to be made for the rights subject to the country of origin principle as set out in paragraph 1, the parties shall take into account all aspects of the online service such as the features of the online service, the audience, and the language version.

Or. en

**Amendment 262**  
**Mary Honeyball**

**Proposal for a regulation**  
**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2 a) The principle of contractual freedom safeguards the ability to limit the exploitation of the rights affected by the principle of country of origin laid down in paragraph 1, including by agreeing absolute territorial exclusivity. In the event that decisions in relation to Union law prevent contractual clauses which grant and/or enforce absolute territorial***

*exclusivity, the provision in paragraph 1 shall cease to exist.*

Or. en

**Amendment 263**

**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*(2 a) Member States may decide to exclude an online service from the application of paragraph 1 only in the case that the broadcasting organisation responsible for the online service establishes itself in one Member State while targeting exclusively an audience in another Member State market for the sole purpose of circumventing national copyright rules.*

Or. en

**Amendment 264**

**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. By virtue of the principle of contractual freedom, the parties shall be entitled to continue entering into arrangements limiting the exploitation of the rights referred to in paragraph 1, provided that any such limitations are in compliance with Union law and the laws of Member States.*

Or. es

**Amendment 265**

**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

**Proposal for a regulation**

**Article 2 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. The retransmission of the initial transmission of a television or radio programme from one Member State to other Member States by means of an ancillary online service as defined in this Regulation shall take place in compliance with the applicable copyright, related rights, and rights to other subject matter and on the basis of individual or collective contractual agreements between copyright owners, holders of related rights, holders of rights to other subject matter, and retransmission service operators.***

Or. es

**Amendment 266**

**Jiří Maštálka, Kostas Chrysogonos**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2 a) Paragraph 2 shall not apply to broadcasters of radio programmes. Instead, for broadcasters of radio programmes, the amount of the payment to be made for the rights subject to the country of origin principle as set in paragraph 1 shall be based on a percentage of the radios' revenues.***

Or. en



**Amendment 267**

**Jiří Maštálka**

**Proposal for a regulation**

**Article 2 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***(2 b) Paragraph 1 does not affect the principles of territoriality and contractual freedom under copyright and is without prejudice to any right provided under Directive 2001/29/EC.***

Or. en

**Amendment 268**

**Tiemo Wölken, Josef Weidenholzer, Evelyn Regner, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Sergio Gaetano Cofferati, Victor Negrescu**

**Proposal for a regulation**

**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 2 a***

***Mediation***

***1. Where an agreement is being negotiated between a broadcasting organisation and a producer of audiovisual works regarding the clearance of rights for the provision of such works on an online service provided in accordance with Article 2, Member States shall ensure that either party may call upon the assistance of one or more mediators in order to enable reaching an agreement on terms acceptable to both parties.***

***2. Member States shall also ensure that the mechanism set out in paragraph 1 can apply in the context of the implementation of an agreement concluded between a broadcasting organisation and a producer of audiovisual works, in particular where the parties enter into a dispute or fail to reach an agreement in relation to the***

*amount of the payment to be made to the producer or in relation to the online exploitation of the works.*

*3. The task of the mediators shall be to provide assistance with negotiation. They may also submit proposals to the parties.*

*4. The mediators shall be so selected that their independence and impartiality are beyond reasonable doubt.*

Or. en

#### **Amendment 269**

**Constance Le Grip, Jean-Marie Cavada**

#### **Proposal for a regulation**

##### **Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

##### *Article 2 a*

*Applicable law to ancillary online services*

*The acts of communication to the public occurring when providing an ancillary online service by or under the control and responsibility of a broadcasting organisation shall, for the purposes of exercising copyright and related rights relevant for these acts, be subject to the applicable law in the Member State in which the broadcasting organisation has its principal establishment.*

Or. en

#### **Amendment 270**

**Jiří Maštálka, Kostas Chrysogonos**

#### **Proposal for a regulation**

##### **Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 2 a*

*1. Collective management organisations should be given the possibility to include in existing licences delivered to radio broadcasters the necessary rights for broadcast-related online activities. Broadcast-related online activities can be defined as:*

*- individual programmes or parts thereof which have been previously linearly broadcast by the radio broadcaster within a particular time period of the original linear broadcast (so called catch-up devices and podcasts), or*

*- material which enriches or otherwise expands on a radio broadcaster's programmes which have been the subject of a linear offline broadcast by that radio broadcaster, including by way of example material that extends or supplements or reviews or previews the relevant programmes' content or themes.*

*2. The licensing of rights for on-demand/catch up/podcast programmes of radio broadcasters shall be enabled through mandatory collective management of rights. These programmes shall not allow permanent downloads of, or access to, music track.*

Or. en

**Amendment 271**  
**Virginie Rozière**

**Proposal for a regulation**  
**Article 3 – title**

*Text proposed by the Commission*

Exercise of the rights in retransmission by right holders other than broadcasting organisations

*Amendment*

Exercise of the rights in retransmission **and in re-use of broadcasting organisations' catch-up services** by right holders other than broadcasting organisations

**Amendment 272**

**Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda**

**Proposal for a regulation**

**Article 3 – title**

*Text proposed by the Commission*

Exercise of the rights in retransmission by right holders other than broadcasting organisations

*Amendment*

Exercise of the rights in retransmission **and in re-use of broadcasting organisations' on-demand services** by right holders other than broadcasting organisations

Or. en

**Amendment 273**

**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**

**Article 3 – title**

*Text proposed by the Commission*

Exercise of the rights in retransmission by right holders other than broadcasting organisations

*Amendment*

Exercise of the rights in retransmission **other than by cable** by right holders other than broadcasting organisations

Or. fr

**Amendment 274**

**Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski**

**Proposal for a regulation**

**Article 3 – paragraph 1**

*Text proposed by the Commission*

(1) Holders of copyright and related

PE606.268v01-00

*Amendment*

(1) Holders of copyright and related

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rights other than broadcasting organisations may exercise their rights to grant or refuse the authorisation for a retransmission **only** through a collective management organisation.

rights other than broadcasting organisations may exercise their rights to grant or refuse the authorisation for a retransmission through a collective management organisation **or through any other means they deem appropriate, in keeping with the principle of contractual freedom.**

Or. fr

**Amendment 275**  
**Stefano Maullu**

**Proposal for a regulation**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

(1) Holders of copyright and related rights other than broadcasting organisations may exercise their rights to grant or refuse the authorisation for a retransmission **only** through a collective management organisation.

*Amendment*

(1) Holders of copyright and related rights other than broadcasting organisations may exercise their rights to grant or refuse the authorisation for a retransmission through a collective management organisation **or individually or through other means, in line with the principle of contractual freedom.**

Or. en

**Amendment 276**  
**Sajjad Karim**

**Proposal for a regulation**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

(1) Holders of copyright and related rights other than broadcasting organisations may exercise their rights to grant or refuse the authorisation for a retransmission **only** through a collective management organisation.

*Amendment*

(1) Holders of copyright and related rights other than broadcasting organisations may **choose to** exercise their rights to grant or refuse the authorisation for a retransmission through **either** a collective management organisation **or by other appropriate means in accordance**

*with freedom of contract.*

Or. en

**Amendment 277**

**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**

**Article 3 – paragraph 1**

*Text proposed by the Commission*

(1) Holders of copyright and related rights other than broadcasting organisations may exercise their rights to grant or refuse the authorisation for a retransmission only through a collective management organisation.

*Amendment*

(1) Holders of copyright and related rights other than broadcasting organisations may exercise their rights to grant or refuse the authorisation for a retransmission, ***other than by cable***, only through a collective management organisation.

Or. fr

**Amendment 278**

**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**

**Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Where an author has transferred his or her right to retransmission to a broadcasting organisation or a producer, the author shall retain an unwaivable right to obtain from the retransmission operator or producer an equitable remuneration for the retransmission of his or her work. The administration of this right shall be entrusted to a collective management organisation representing authors. This provision shall not, however, rule out the conclusion of collective agreements and joint agreements between broadcasting organisations, producers' associations and other***

*professional organisations concerning remuneration, provided that the author receives an equitable remuneration for the retransmission of his or her work;*

Or. fr

**Amendment 279**  
**Virginie Rozière**

**Proposal for a regulation**  
**Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*(1a) Notwithstanding the transfer of a right to retransmission to a producer, an author shall retain an unwaivable right to obtain an equitable remuneration for the retransmission of his or her work. This right may be exercised only through a collective management organisation that guarantees such remuneration to authors of audiovisual works.*

Or. fr

**Amendment 280**  
**Jiří Maštálka, Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 3 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*(1 b) When an author has transferred his right to retransmission to a producer, he shall retain an unwaivable right to obtain an equitable remuneration for the retransmission of the work which may be exercised only through a collective management organisation representing authors, unless other collective management agreements guarantee such remuneration to audiovisual authors*

**Amendment 281**

**Stefano Maullu**

**Proposal for a regulation**

**Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**(2) Where a right holder has not transferred the management of the right referred to in paragraph 1 to a collective management organisation, the collective management organisation which manages rights of the same category for the territory of the Member State for which the operator of the retransmission service seeks to clear rights for a retransmission shall be deemed to be mandated to manage the right on behalf of that right holder.**

*deleted*

Or. en

**Amendment 282**

**Sajjad Karim**

**Proposal for a regulation**

**Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**(2) Where a right holder has not transferred the management of the right referred to in paragraph 1 to a collective management organisation, the collective management organisation which manages rights of the same category for the territory of the Member State for which the operator of the retransmission service seeks to clear rights for a retransmission shall be deemed to be mandated to manage the right on behalf of that right holder.**

*deleted*



**Amendment 283**

**Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski**

**Proposal for a regulation**

**Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**(2) Where a right holder has not transferred the management of the right referred to in paragraph 1 to a collective management organisation, the collective management organisation which manages rights of the same category for the territory of the Member State for which the operator of the retransmission service seeks to clear rights for a retransmission shall be deemed to be mandated to manage the right on behalf of that right holder.**

**deleted**

Or. fr

**Amendment 284**

**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**

**Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**(2) Where a right holder has not transferred the management of the right referred to in paragraph 1 to a collective management organisation, the collective management organisation which manages rights of the same category for the territory of the Member State for which the operator of the retransmission service seeks to clear rights for a retransmission shall be deemed to be mandated to manage the right on behalf of that right holder.**

**2. Where a right holder has not transferred the management of the right referred to in paragraph 1 to a collective management organisation, the collective management organisation which manages rights of the same category for the territory of the Member State for which the operator of the retransmission service seeks to clear rights for a retransmission, *other than by cable, of an original broadcast from another Member State* shall be deemed to be mandated to manage the right on behalf**

of that right holder.

Or. fr

**Amendment 285**  
**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

(3) Where more than one collective management organisation manages rights of that category for the territory of that Member State, the right holder shall be free to choose which of those collective management organisations is deemed to be mandated to manage his or her right. ***If in such a situation the right holder does not choose the collective management organisation, it shall be for the Member State for whose territory the operator of the retransmission service seeks to clear rights for a retransmission to indicate which of the collective management organisations is deemed to be mandated to manage the right of that right holder.***

*Amendment*

(3) Where more than one collective management organisation manages rights of that category for the territory of that Member State, the right holder shall be free to choose which of those collective management organisations is deemed to be mandated to manage his or her right.

Or. fr

**Amendment 286**  
**Stefano Maullu**

**Proposal for a regulation**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

(3) Where more than one collective management organisation manages rights of that category for the territory of that Member State, the right holder shall be free to choose ***which of those collective management organisations is deemed to***

*Amendment*

(3) Where more than one collective management organisation manages rights of that category for the territory of that Member State, the right holder shall be free to choose, ***if he or she so wishes,*** the collective management organisation ***that*** is

*be mandated to manage his or her right. If in such a situation the right holder does not choose the collective management organisation, it shall be for the Member State for whose territory the operator of the retransmission service seeks to clear rights for a retransmission to indicate which of the collective management organisations is deemed to be mandated to manage the right of that right holder.*

deemed to be mandated to manage *his or her* right.

Or. en

#### **Amendment 287**

**Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 3**

*Text proposed by the Commission*

(3) Where more than one collective management organisation manages rights of that category for the territory of that Member State, the right holder shall be free to choose *which of those collective management organisations is deemed to be mandated to manage his or her right. If in such a situation the right holder does not choose the collective management organisation, it shall be for the Member State for whose territory the operator of the retransmission service seeks to clear rights for a retransmission to indicate which of the collective management organisations is deemed to be mandated to manage the right of that right holder.*

*Amendment*

(3) Where more than one collective management organisation manages rights of that category for the territory of that Member State, the right holder shall be free to choose, *if he or she so wishes*, the collective management organisation *that* is deemed to be mandated to manage *his or her* right.

Or. fr

#### **Amendment 288**

**Sajjad Karim**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 3**

*Text proposed by the Commission*

(3) Where more than one collective management organisation manages rights of that category for the territory of that Member State, the right holder shall be free to choose *which of those collective management organisations is deemed to be mandated to manage his or her right. If in such a situation the right holder does not choose the collective management organisation, it shall be for the Member State for whose territory the operator of the retransmission service seeks to clear rights for a retransmission to indicate which of the collective management organisations is deemed to be mandated to manage the right of that right holder.*

*Amendment*

(3) Where more than one collective management organisation manages rights of that category for the territory of that Member State, the right holder shall be free to choose, *where applicable and without prejudice to alternative arrangements under freedom of contract*, which of *those* collective management organisations is to manage *his or her* right.

Or. en

**Amendment 289**

**Sajjad Karim**

**Proposal for a regulation**

**Article 3 – paragraph 4**

*Text proposed by the Commission*

(4) *A right holder shall have the same rights and obligations resulting from the agreement between the operator of the retransmission service and the collective management organisation which is deemed to be mandated to manage his or her right as the right holders who have mandated that collective management organisation and shall be able to claim those rights within a period, to be fixed by the Member State concerned, which shall not be shorter than three years from the date of the retransmission which includes his or her work or other protected subject matter.*

*Amendment*

*deleted*

Or. en

## Amendment 290

Axel Voss

### Proposal for a regulation

#### Article 3 – paragraph 4

*Text proposed by the Commission*

(4) A right holder shall have the same rights and obligations resulting from the agreement between the operator of the retransmission service and the collective management organisation which is deemed to be mandated to manage his or her right as the right holders who have mandated that collective management organisation and shall be able to claim those rights within a period, to be fixed by the Member State concerned, which shall not be shorter than three years from the date of the retransmission which includes his or her work or other protected subject matter.

*Amendment*

(4) A right holder shall have the same rights and obligations resulting from the agreement between the operator of the retransmission service and the collective management organisation which is deemed to be mandated to manage his or her right as the right holders who have mandated that collective management organisation and shall be able to claim **remuneration for those rights from the collecting society as described in Article 3 (2) and (3)** within a period, to be fixed by the Member State concerned, which shall not be shorter than three years from the date of the retransmission which includes his or her work or other protected subject matter.

Or. en

## Amendment 291

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

### Proposal for a regulation

#### Article 3 – paragraph 4

*Text proposed by the Commission*

(4) A right holder shall have the same rights and obligations resulting from the agreement between the operator of the retransmission service and the collective management organisation which is deemed to be mandated to manage his or her right as the right holders who have mandated that collective management organisation and shall be able to claim those rights within a period, to be fixed by the Member

*Amendment*

(4) A right holder shall have the same rights and obligations resulting from the agreement between the operator of the retransmission service and the collective management organisation which is deemed to be mandated to manage his or her right as the right holders who have mandated that collective management organisation and shall be able to claim those rights within a period, to be fixed by the Member

State concerned, which shall not be shorter than **three** years from the date of the retransmission which includes his or her work or other protected subject matter.

State concerned, which shall not be shorter than **five** years from the date of the retransmission which includes his or her work or other protected subject matter.

Or. en

**Amendment 292**  
**Jytte Guteland**

**Proposal for a regulation**  
**Article 3 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4 a) Paragraphs (2) and (3) shall not apply in situations where a collective agreement between a collective management organisation and an operator of a retransmission service concerning rights referred to in paragraph 1, by virtue of national law, is extended to apply also to rights of rightholders not represented by the organisation.***

Or. en

*Justification*

*This would be of importance to clarify for Member States that already have a well-functioning national legislation on managing rights through extended collective licensing in situations such as the once covered by the proposed provisions on mandatory collective licensing.*

**Amendment 293**  
**Sajjad Karim**

**Proposal for a regulation**  
**Article 3 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***(5) A Member State may provide that, where a right holder authorises the initial transmission within its territory of a work or other protected subject matter, the right***

***deleted***

*holder shall be deemed to have agreed not to exercise his or her rights in retransmission on an individual basis but to exercise them in accordance with this Regulation.*

Or. en

**Amendment 294**  
**Tadeusz Zwiefka, Bogdan Brunon Wenta**

**Proposal for a regulation**  
**Article 3 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**(5)** *A Member State may provide that, where a right holder authorises the initial transmission within its territory of a work or other protected subject matter, the right holder shall be deemed to have agreed not to exercise his or her rights in retransmission on an individual basis but to exercise them in accordance with this Regulation.* **deleted**

Or. en

**Amendment 295**  
**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

**Proposal for a regulation**  
**Article 3 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**(5)** *A Member State may provide that, where a right holder authorises the initial transmission within its territory of a work or other protected subject matter, the right holder shall be deemed to have agreed not to exercise his or her rights in retransmission on an individual basis but to exercise them in accordance with this Regulation.* **deleted**

**Amendment 296****Jean-Marie Cavada, Marc Joulaud****Proposal for a regulation****Article 3 – paragraph 5***Text proposed by the Commission*

(5) A Member State may provide that, where a right holder authorises the initial transmission within its territory of a work or other protected subject matter, the right holder shall be deemed to have agreed not to exercise his or her rights in retransmission on an individual basis but to exercise them in accordance with this Regulation.

*Amendment*

(5) A Member State may provide that, where a right holder authorises the initial transmission within its territory of a work or other protected subject matter, the right holder shall be deemed to have agreed not to exercise his or her rights in retransmission, ***other than by cable, of an original broadcast from another Member State***, on an individual basis but to exercise them in accordance with this Regulation.

Or. fr

**Amendment 297****Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski****Proposal for a regulation****Article 3 – paragraph 5***Text proposed by the Commission*

(5) ***A Member State may provide that, where*** a right holder authorises the initial transmission ***within its territory*** of a work or other protected subject matter, ***the right holder shall be deemed to have agreed not to*** exercise his or her rights in retransmission on an individual basis ***but to exercise them in accordance with*** this Regulation.

*Amendment*

(5) ***Where*** a right holder authorises the initial transmission ***in a Member State*** of a work or other protected subject matter, ***he or she may*** exercise his or her rights in retransmission on an individual basis, ***or in accordance with other arrangements set out in*** this Regulation.

Or. fr



**Amendment 298**  
**Mady Delvaux, Petra Kammerevert**

**Proposal for a regulation**  
**Article 3 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5 a) The rights clearance mechanism regarding the exercise of the rights in retransmission by rightholders other than broadcasting organisations established in paragraphs 1 to 5 of this Article as well as in Chapter III of Council Directive 93/83/EEC also applies to functionalities that are closely connected to the linear retransmission and made available for a limited period of time after or during the retransmission.***

Or. en

**Amendment 299**  
**Mady Delvaux, Petra Kammerevert**

**Proposal for a regulation**  
**Article 3 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***(5 b) A Member State shall provide, for the integral re-use of broadcasting organisation's on-demand services by third parties, that a collective agreement between a representative association of collecting societies and an association of rights-users or individual rights-users concerning a given category of works may be extended to right holders of the same category who are not represented by the representative association of collecting societies, provided that the unrepresented rightholder shall, at any time, have the possibility of excluding the extension of the collecting agreement to his works and of exercising his rights either individually or collectively.***

**Amendment 300**

**Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda**

**Proposal for a regulation**

**Article 3 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5 a) The principles of paragraphs 1 to 5 shall apply also to the integral re-use of the broadcasting organisation's on-demand services by a party other than the broadcasting organisation under whose control and responsibility such services were primarily made available.***

Or. en

**Amendment 301**

**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**

**Article 3 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5 a) Paragraphs 1 to 5 shall also apply to the integral re-use of the broadcasting organisation's on-demand services by a party other than the broadcasting organisation under whose control and responsibility such services were primarily made available.***

Or. en

**Amendment 302**

**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**  
**Article 3 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***(5 b) Collective management organisations shall maintain a database providing information related to the application of copyright and related rights including the owner of a right, the type of use, the territory and period of time.***

Or. en

**Amendment 303**  
**Virginie Rozière**

**Proposal for a regulation**  
**Article 3 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Paragraphs 1 to 5 shall also apply to the re-use, in full and unchanged, of a broadcasting organisation's catch-up services by a provider of retransmission services other than the broadcasting organisation under whose supervision and responsibility the service was initially made available.***

Or. fr

**Amendment 304**  
**Mary Honeyball**

**Proposal for a regulation**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 3 a***

***Exploitation of broadcasting programmes through retransmission***

*The retransmission of works or other protected subject-matter included in a television or radio programme initially communicated to the public by a broadcasting organisation is an act of communication to the public of such a programme, irrespective of whether the retransmission service operator uses the same technical means or different technical means than those used for the initial act of broadcasting and irrespective of whether or not such retransmission takes place within the actual or intended area of reception of the initial broadcast.*

Or. en

**Amendment 305**  
**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 3a**

***Exploitation of broadcasting programmes through retransmission***

***The retransmission by a broadcasting organisation of television or radio programmes which include works or other protected subject matter shall constitute an act of communication to the public, whether the retransmission service provider uses the same technology as that used for the original broadcast or a different one and whether or not the retransmission is performed in the area of reception, actual or intended, of the original broadcast.***

Or. fr

**Amendment 306**

**Jiří Maštálka, Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 3 a**

***Exercise of the rights in retransmission by rightholders other than broadcasting organisations in a direct injection context***

***Article 3 applies to service providers who transmit to the public television and radio programmes of broadcasting organisations received through direct injection, without prejudice of the authorisation that broadcasting organisations have to get from rightholders for the act of communication to the public they perform jointly with service providers.***

Or. en

**Amendment 307**  
**Jean-Marie Cavada, Marc Joulaud**

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

*Amendment*

***Exercise of the rights in retransmission by broadcasting organisations***

***Exercise by broadcasting organisations of the rights in retransmission, other than by cable, of an original broadcast in another Member State***

Or. fr

**Amendment 308**  
**Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski**

**Proposal for a regulation**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

**Article 3 shall not apply to** the rights exercised by a broadcasting organisation in respect of its own transmission, irrespective of whether the rights concerned are its own or have been transferred to it by other holders of copyright or by holders of related rights.

*Amendment*

**The conditions applicable in the case of** the rights exercised by a broadcasting organisation in respect of its own transmission **shall be the same as those set out in Article 3**, irrespective of whether the rights concerned are its own or have been transferred to it by other holders of copyright or by holders of related rights.

Or. fr

### **Amendment 309**

**Jiří Maštálka, Kostas Chrysogonos**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1 a) Agreements imposing on broadcasters or retransmission services obligations, in respect of limiting passive sales, to act in violation of article 101(1) of the Treaty of Functioning of the European Union and Commission Regulation No 330/2010, shall be automatically void.**

Or. en

### **Amendment 310**

**Tiemo Wölken, Josef Weidenholzer, Evelyn Regner, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Victor Negrescu**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**Member States shall ensure by means of civil or administrative law, as appropriate, that the parties enter and conduct negotiations regarding authorization for**

*retransmission in good faith and do not prevent or hinder negotiation without valid justification.*

Or. en

**Amendment 311**  
**Jiří Maštálka, Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 3 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 3 b*

*Extended Collective Licensing*

*1. Member States may extend the application of a non-exclusive license concluded by a collective management organisation, on behalf of its members, with an information society service provider for the communication to the public or making available of, as well as the acts of reproduction which are necessary for the provision of, broadcasters' radio or television programmes and audiovisual works provided by the broadcasting organisation to the public, the rightholders of the same category as those covered by the license who are not represented by the collective management organisation provided that:*

*(a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the license;*

*(b) equal treatment is guaranteed to all rightholders in relation to the terms of the license;*

*(c) the collective management organisation makes available to all rightholders information about the exploitation of the works subject to this*

*paragraph;*

*(d) all rightholders may at any time exclude the application of the license to their works or other subject-matter.*

*2. Exceptions or limitations introduced by Member States to the rights provided for in articles 2 and 3 of Directive 2001/29/EC apply in cases related to the provision to the public by an information society service provider of works covered by paragraph 1, insofar as the relevant rightholder does not exclude the application of the non-exclusive license.*

Or. en

## **Amendment 312**

**Jean-Marie Cavada, Bogdan Brunon Wenta, Marc Joulaud**

### **Proposal for a regulation**

#### **Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4a*

*Exploitation of broadcasting programmes through a direct injection process*

*Broadcasters that transmit their programme-carrying signals through a direct injection process to distributors (in accordance with the Bern Convention, these are third parties in relation to the broadcaster) for reception by the public shall be jointly liable with their distributors for the single and indivisible acts of communication to the public and making available to the public, as defined in Article 3 of Directive 2001/29/EC, which they carry out together. Such broadcasting organisations and such distributors should therefore obtain an authorisation from the right holders in question for their respective participation in such acts.*



**Amendment 313**  
**Angelika Niebler, Axel Voss**

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4a**

***Exploitation of television and radio  
programmes through a direct injection  
process***

***Broadcasters that transmit their  
programme-carrying signals by a direct  
injection process to distributors for  
reception by the public, and those  
distributors as such, shall both be liable  
for acts of communication to the public  
and making available to the public, as  
defined in Article 3 of Directive  
2001/29/EC, which they carry out  
together. In such a situation, both the  
broadcasting organisation and the  
distributors involved in the direct injection  
process shall obtain an authorisation  
from the relevant right holders for  
their participation in such acts and the  
exploitation of the rights concerned.***

Or. de

**Amendment 314**  
**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4a**

***Exploitation of broadcasting programmes  
through a direct injection process***

*Broadcasting organisations that transmit their programme-carrying signals by a direct injection process to distributors for reception by the public shall be jointly liable, together with such distributors, for the single and indivisible acts of communication to the public and making available to the public, as defined in Article 3 of Directive 2001/29/EC, which they carry out together. In such a situation, both the broadcasting organisation and the distributors involved in the process shall obtain an authorisation from the relevant right holders as regards their participation, and the exploitation involved, in such acts.*

Or. es

**Amendment 315**  
**Mary Honeyball**

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 4 a*

*Exploitation of broadcasting programmes through a direct injection process*

*Broadcasting organisations that transmit their programme carrying signals through a direct injection process to distributors of TV packages for reception by the public and such distributors that offer the programmes to the public are jointly liable for the single and indivisible acts of communication to the public and making available to the public, as defined in Article 3 of Directive 2001/29/EC, which they carry out together. In such a situation, both the broadcasting organisations and the distributors involved in the process should obtain an authorisation from the relevant rights holders as concerns their respective*

*participation and exploitation in such acts.*

Or. en

**Amendment 316**  
**Virginie Rozière**

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4a**

***Exploitation of broadcasting programmes through a direct injection process***

***Broadcasting organisations that transmit their programme-carrying signals through a direct injection process to distributors for reception by the public shall be jointly liable together with such distributors for the single and indivisible acts of communication to the public and making available to the public, as defined in Article 3 of Directive 2001/29/EC, which they carry out together. Such broadcasting organisations and distributors should therefore obtain a separate authorisation from the right holders in question for their respective participation in such acts.***

Or. fr

**Amendment 317**  
**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4 a**

***Direct Injection***

*Article 3 shall also apply to cases of direct injection, as defined in point (b a) of Article 1.*

Or. en

**Amendment 318**

**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**

**Article 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4 b**

***Agreements on passive sales***

***Agreements imposing on broadcasters or retransmission services obligations, in respect of passive sales, to act in violation of Article 101(1) of the Treaty on the Functioning of the European Union and Regulation (EU) No 330/2010, shall be automatically void.***

Or. en

**Amendment 319**

**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**

**Article 4 c (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4 c**

***Extended collective licencing***

***1. Member States may extend the application of a non-exclusive licence concluded by a collective management organisation, on behalf of its members, with an information society service or a linear audiovisual media or radio service provider for the communication to the public or making available of, as well as***

*the acts of reproduction which are necessary for the provision of, broadcasters' radio or television programmes and audiovisual works provided by the broadcasting organisation to the public, to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:*

*(a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence;*

*(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;*

*(c) the collective management organisation makes available to all rightholders information about the exploitation of the works subject to this paragraph;*

*(d) all rightholders may at any time exclude the application of the licence to their works or other subject-matter.*

*2. Exceptions or limitations introduced by Member States to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC apply in cases related to the provision to the public by an information society service provider of works covered by paragraph 1, insofar as the relevant rightholder does not exclude the application of the non-exclusive license.*

Or. en

**Amendment 320**  
**Stefano Maullu**

**Proposal for a regulation**  
**Article 5**

*Text proposed by the Commission*

*Amendment*

**Article 5**

**deleted**

**Transitional Provisions**

***Agreements on the exercise of copyright and related rights relevant for the acts of communication to the public and the making available occurring in the course of provision of an ancillary online service as well as for the acts of reproduction which are necessary for the provision of, the access to or the use of an ancillary online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + 2 years, to be inserted by OPOCE] if they expire after that date.***

Or. it

**Amendment 321**  
**Angelika Niebler**

**Proposal for a regulation**  
**Article 5**

*Text proposed by the Commission*

*Amendment*

**Article 10**

**deleted**

**TRANSITIONAL AND FINAL  
PROVISIONS**

***Agreements on the exercise of copyright and related rights relevant for the acts of communication to the public and the making available occurring in the course of provision of an ancillary online service as well as for the acts of reproduction which are necessary for the provision of, the access to or the use of an ancillary online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + 2 years, to be inserted by***

*OPOCE] if they expire after that date.*

Or. de

**Amendment 322**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*Agreements on the exercise of copyright and related rights relevant for the acts of communication to the public and the making available occurring in the course of provision of an ancillary online service as well as for the acts of reproduction which are necessary for the provision of, the access to or the use of an ancillary online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + 2 years, to be inserted by OPOCE] if they expire after that date.*

*deleted*

Or. ro

**Amendment 323**  
**Sajjad Karim**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*Agreements on the exercise of copyright and related rights relevant for the acts of communication to the public and the making available occurring in the course of provision of an ancillary online service as well as for the acts of reproduction which are necessary for the provision of, the access to or the use of an ancillary*

*deleted*

*online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + 2 years, to be inserted by OPOCE] if they expire after that date.*

Or. en

#### **Amendment 324**

**Rosa Estaràs Ferragut, Luis de Grandes Pascual**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 1**

##### *Text proposed by the Commission*

Agreements on the exercise of copyright and related rights relevant for the acts of communication to the public and the making available occurring in the course of provision of an ancillary online service as well as for the acts of reproduction **which are necessary for the provision of, the access to or the use** of an ancillary online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + 2 years, to be inserted by OPOCE] if they expire after that date.

##### *Amendment*

Agreements on the exercise of copyright and related rights relevant for the acts of communication to the public and the making available **of news and current affairs programmes** occurring in the course of provision of an ancillary online service as well as for the acts of reproduction **of news and current affairs programmes which are necessary for the provision** of an ancillary online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + 2 years, to be inserted by OPOCE] if they expire after that date.

Or. es

#### **Amendment 325**

**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 1**

##### *Text proposed by the Commission*

Agreements on the exercise of copyright

##### *Amendment*

Agreements on the exercise of copyright



and related rights relevant for the acts of communication to the public and the making available occurring in the course of provision of an *ancillary* online service as well as for the acts of reproduction which are necessary for the provision of, the access to or the use of an *ancillary* online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + **2 years**, to be inserted by OPOCE] if they expire after that date.

and related rights relevant for the acts of communication to the public and the making available occurring in the course of provision of an online service as well as for the acts of reproduction which are necessary for the provision of, the access to or the use of an online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + **1 year**, to be inserted by OPOCE] if they expire after that date.

Or. en

### **Amendment 326**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 1**

###### *Text proposed by the Commission*

Agreements on the exercise of copyright and related rights relevant for the acts of communication to the public and the making available occurring in the course of provision of an *ancillary* online service as well as for the acts of reproduction which are necessary for the provision of, the access to or the use of an *ancillary* online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + 2 years, to be inserted by OPOCE] if they expire after that date.

###### *Amendment*

Agreements on the exercise of copyright and related rights relevant for the acts of communication to the public and the making available occurring in the course of provision of an online service as well as for the acts of reproduction which are necessary for the provision of, the access to or the use of an online service which are in force on [the date mentioned in Article 7(2), to be inserted by OPOCE ] shall be subject to Article 2 as from [the date mentioned in Article 7(2) + 2 years, to be inserted by OPOCE] if they expire after that date.

Or. en

### **Amendment 327**

**Axel Voss**

#### **Proposal for a regulation**

## Article 5 a (new)

*Text proposed by the Commission*

*Amendment*

### *Article 5 a*

***Member States shall ensure that the parties enter into and conduct negotiations in good faith and under fair, reasonable and non-discriminatory terms do not prevent or hinder negotiations without valid justification.***

Or. en

## Amendment 328

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

### **Proposal for a regulation**

#### **Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

(1) No later than [3 years after the date mentioned in Article 7(2) to be inserted by OPOCE], the Commission shall carry out a review of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee.

(1) No later than [3 years after the date mentioned in Article 7(2) to be inserted by OPOCE], the Commission shall carry out a review of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. ***The report shall be made easily and effectively accessible to the public.***

Or. en

## Amendment 329

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

### **Proposal for a regulation**

#### **Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

(2) Member States shall provide the Commission with the necessary information for the preparation of the

(2) Member States shall provide the Commission, ***in a timely and accurate manner***, with the necessary information

report referred to in paragraph 1.

for the preparation of the report referred to in paragraph 1.

Or. en

### **Amendment 330**

**Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2 a) The extension of this Regulation to include video-on-demand platforms in its scope shall be considered together with the review of Article 10 of Directive 2017/....<sup>1a</sup>***

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***<sup>1a</sup> Proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market, COM(2016)0593.***

Or. en

### **Amendment 331**

**Sajjad Karim**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

(2) It shall apply from [6 months following the day of its publication, to be inserted by OPOCE].

(2) It shall apply from [18 months following the day of its publication, to be inserted by OPOCE].

Or. en

### **Amendment 332**

**Daniel Buda**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

**(2)** It shall apply from [**6** months following the day of its publication, to be inserted by OPOCE].

*Amendment*

**2.** It shall apply from [**18** months following the day of its publication, to be inserted by OPOCE].

Or. ro