

# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) <a href="#">2016/0280(COD)</a> Directive</p>	<p>Awaiting Parliament 1st reading / single reading / budget 1st stage</p> <p>05/07/2018 Decision to enter into interinstitutional negotiations rejected by plenary (Rule 69c); file referred for next part-session</p>
<p>Copyright in the digital single market</p> <p>Amending Directive 96/9/EC <a href="#">1992/0393(COD)</a> Amending Directive 2001/29/EC <a href="#">1997/0359(COD)</a></p> <p>Subject</p> <p>2.40 Free movement of services, freedom to provide 3.30.06 Information and communication technologies, digital technologies 3.30.25 International information networks and society, internet 3.50.15 Intellectual property, copyright</p> <p>Legislative priorities <a href="#">Joint Declaration 2017</a> <a href="#">Joint Declaration 2018</a></p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<p><b>JURI</b> <a href="#">Legal Affairs</a> (Associated committee)</p>	<p> <a href="#">VOSS Axel</a></p> <p>Shadow rapporteur</p> <p> <a href="#">GERINGER DE OEDENBERG Lidia Joanna</a></p> <p> <a href="#">DZHAMBAZKI Angel</a></p> <p> <a href="#">CAVADA Jean-Marie</a></p> <p> <a href="#">MAŠTÁLKA Jiří</a></p> <p> <a href="#">REDA Julia</a></p> <p> <a href="#">ADINOLFI Isabella</a></p> <p> <a href="#">BOUTONNET Marie-Christine</a></p>	<p>12/10/2016</p>
	<p>Committee for opinion</p> <p><b>INTA</b> <a href="#">International Trade</a></p>	<p>Rapporteur for opinion</p> <p>The committee decided not to give an opinion.</p>	<p>Appointed</p>
	<p><b>ITRE</b> <a href="#">Industry, Research and Energy</a></p>	<p> <a href="#">KRASNODEBSKI Zdzisław</a></p>	<p>01/12/2016</p>
	<p><b>IMCO</b> <a href="#">Internal Market and Consumer Protection</a> (Associated committee)</p>		<p>11/10/2016</p>



STIHLER Catherine

CULT [Culture and Education](#)

07/11/2016



JOULAUD Marc

LIBE [Civil Liberties, Justice and Home Affairs](#)

30/03/2017



BONI Michał

Council of the European Union

Council configuration

Meeting

Date

[Competitiveness \(Internal Market, Industry, Research and Space\)](#) [3503](#)

28/11/2016

European Commission

Commission DG

Commissioner

[Communications Networks, Content and Technology](#) ANSIP Andrus

European Economic and Social Committee

## Key events

14/09/2016	Legislative proposal published	<a href="#">COM(2016)0593</a>	Summary
06/10/2016	Committee referral announced in Parliament, 1st reading/single reading		
28/11/2016	Debate in Council	<a href="#">3503</a>	
19/01/2017	Referral to associated committees announced in Parliament		
20/06/2018	Vote in committee, 1st reading/single reading		
20/06/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
29/06/2018	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0245/2018</a>	

## Forecasts

10/09/2018	Indicative plenary sitting date, 1st reading/single reading
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## Technical information

Procedure reference	2016/0280(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 96/9/EC <a href="#">1992/0393(COD)</a> Amending Directive 2001/29/EC <a href="#">1997/0359(COD)</a>
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Awaiting Parliament 1st reading / single reading / budget 1st stage
Committee dossier	JURI/8/07947

Documentation gateway					
Legislative proposal		<a href="#">COM(2016)0593</a>	14/09/2016	EC	Summary
Document attached to the procedure		SWD(2016)0301	14/09/2016	EC	
Document attached to the procedure		SWD(2016)0302	14/09/2016	EC	
Economic and Social Committee: opinion, report		<a href="#">CES5382/2016</a>	25/01/2017	ESC	
Committee of the Regions: opinion		<a href="#">CDR5114/2016</a>	08/02/2017	CofR	
Committee draft report		<a href="#">PE601.094</a>	08/03/2017	EP	
Amendments tabled in committee		<a href="#">PE603.009</a>	28/04/2017	EP	
Amendments tabled in committee		<a href="#">PE603.010</a>	28/04/2017	EP	
Amendments tabled in committee		<a href="#">PE604.543</a>	28/04/2017	EP	
Amendments tabled in committee		<a href="#">PE604.544</a>	28/04/2017	EP	
Amendments tabled in committee		<a href="#">PE604.545</a>	28/04/2017	EP	
Committee opinion	IMCO	<a href="#">PE599.682</a>	14/06/2017	EP	
Committee opinion	ITRE	<a href="#">PE592.363</a>	01/08/2017	EP	
Committee opinion	CULT	<a href="#">PE595.591</a>	04/09/2017	EP	
Committee opinion	LIBE	<a href="#">PE604.830</a>	22/11/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0245/2018</a>	29/06/2018	EP	

  

Additional information	
Research document	<a href="#">Briefing</a>

## 2016/0280(COD) - 14/09/2016 Legislative proposal

**PURPOSE:** to modernise certain aspects of the Union copyright framework to take account of technological developments and new channels of distribution of protected content in the internal market

**PROPOSED ACT:** Directive of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with Council.

**BACKGROUND:** rapid technological developments continue to transform the way works and other subject-matter are created, produced, distributed and exploited. New business models and new actors continue to emerge. The objectives and the principles laid down by the Union copyright framework remain sound. However, legal uncertainty remains, for both rightholders and users, as regards certain uses, including cross-border uses, of works and other subject matter in the digital environment. As set out in the Commission communication entitled [Towards a modern, more European copyright framework](#), in some areas it is necessary to adapt and supplement the current Union copyright framework to ensure that the internal market does not fragment.

In this context, the Commission has identified three areas of intervention with the aim of modernising the exceptions and limitations on copyright: (i) digital and cross-border uses in the field of education, (ii) text and data mining in the field of scientific research, and (iii) preservation of cultural heritage. The objective is to guarantee the legality of certain types of uses in these fields, including across borders.

Evolution of digital technologies has reinforced the role of the Internet as the main marketplace for the distribution and access to copyright-protected content. In this new framework, rightholders face difficulties when seeking to license their rights and be remunerated for the online distribution of their works.

Accordingly, it is necessary to provide for measures aiming at improving the position of rightholders to negotiate and be remunerated for the exploitation of their content by online services giving access to user-uploaded content. A fair sharing of value is also necessary to ensure the sustainability of the press publications sector.

This proposal is presented in parallel with :

- a [proposal for a regulation](#) of the European Parliament and of the Council laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes;
- a proposal for a [regulation](#) and a [directive](#) to implement the Marrakech treaty in order to improve access to format copies of certain works for the benefit of persons who are blind, visually impaired or otherwise print disabled.

IMPACT ASSESSMENT: the impact assessment examines the baseline scenarios, policy options and their impacts for eight topics regrouped under three chapters, namely (i) ensuring wider access to content, (ii) adapting exceptions to digital and cross-border environment and (iii) achieving a well-functioning marketplace for copyright.

The assessment concluded that, bearing in mind the predominance of SMEs in the creative sectors, the introduction of a special regime would not be appropriate, as it would defeat the purpose of the intervention.

CONTENT: complementing [Directive 2010/13/EU](#) and [the proposal](#) amending it, this draft directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject matter.

Measures to adapt exceptions and limitations to the digital and cross-border environment: Member States are obliged to provide for mandatory exceptions or a limitation allowing:

- text and data mining carried out by research organisations for the purposes of scientific research;
- digital uses of works and other subject-matter for the sole purpose of illustration for teaching, enabling teachers and students will be able to take full advantage of digital technologies; and
- cultural heritage institutions ((i.e. publicly accessible libraries or museums, archives or film or audio heritage institutions) to make copies of works and other subject-matter that are permanently in their collections to the extent necessary for their preservation.

Measures to improve licensing practices and ensure wider access to content: the proposal requires Member States to:

- put in place a legal mechanism to facilitate licensing agreements of out-of-commerce works and other subject-matter; the cross-border effects will be ensured;
- put in place a stakeholder dialogue on issues relating to foster the relevance and usability of the licensing mechanisms and ensure the effectiveness of the safeguards for rightholders;
- put in place a negotiation mechanism to facilitate negotiations on the online exploitation of audiovisual works.

Measures to achieve a well-functioning marketplace for copyright: the proposal provides for:

- a new right for press publishers aiming at facilitating online licensing of their publications, the recoupment of their investment and the enforcement of their rights; the rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in [Directive 2001/29/EC](#), insofar as digital uses are concerned;
- the possibility for all publishers to receive a share in the compensation for uses of works under an exception;
- measures to improve transparency and better balanced contractual relationships between authors and performers and those to whom they assign their rights;
- the obligation for Member States to implement negotiation and dispute resolution mechanisms.