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Committee on Legal Affairs

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2011/0136(COD)

27.9.2011

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## **DRAFT REPORT**

on the proposal for a directive of the European Parliament and of the Council  
on certain permitted uses of orphan works  
(COM(2011)0289 – C7-0138/2011 – 2011/0136(COD))

Committee on Legal Affairs

Rapporteur: Lidia Joanna Geringer de Oedenberg

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on certain permitted uses of orphan works  
(COM(2011)0289 – C7-0138/2011 – 2011/0136(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0289),
  - having regard to Article 294(2) and Articles 49, 56 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0138/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 21 September 2011<sup>1</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on the Internal Market and Consumer Protection, and the Committee on Culture and Education (A7-0000/2011),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a directive**

##### **Recital 1**

*Text proposed by the Commission*

*Amendment*

(1) Libraries, museums, archives,

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<sup>1</sup> OJ ...

*educational* establishments, film heritage institutions and **public service** broadcasting organisations are engaged in large-scale digitisation of their collections or *archives* in order to create European Digital Libraries. **Libraries, museums, archives, educational establishments, film heritage institutions and public service broadcasting organisations in the Member States** contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

*educational* establishments, film heritage institutions and broadcasting organisations **established in the Member States** are engaged in large-scale digitisation of their collections or *archives* in order to create European Digital Libraries. **They** contribute to the preservation and dissemination of European cultural heritage, which is also important for the creation of European Digital Libraries, such as Europeana. Technologies for mass scale digitisation of print materials and for search and indexing enhance the research value of the libraries' collections.

Or. pl

## Amendment 2

### Proposal for a directive

#### Recital 3

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

(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no **author** is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

##### *Amendment*

(3) Creating a legal framework to facilitate the digitisation and dissemination of works **subject to copyright protection** for which no **rightholder** is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

Or. pl

### Amendment 3

#### Proposal for a directive Recital 4

*Text proposed by the Commission*

(4) The exclusive rights for **authors** of reproduction and of making available to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and making available of a work.

*Amendment*

(4) The exclusive rights for **rightholders** of reproduction and of making available to the public of their works, as harmonised under Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, require the consent of the author prior to the digitisation and making available of a work.

Or. pl

### Amendment 4

#### Proposal for a directive Recital 7

*Text proposed by the Commission*

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions and **public service** broadcasting organisations.

*Amendment*

(7) In particular, a common approach to determine the orphan status and the permitted uses of orphan works is necessary to ensure legal certainty in the internal market with respect to the use of orphan works by libraries, museums, educational establishments, archives, film heritage institutions and broadcasting organisations.

Or. pl

## Amendment 5

### Proposal for a directive Recital 8

*Text proposed by the Commission*

***(8) Cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations and produced by them include orphan works. Taking into account the special position of broadcasters as producers of audio and audiovisual material and the need to adopt measures to limit the phenomena of orphan works in the future, it is appropriate to set a cut off date relating to the application of this Directive as far as the works in the archives of broadcasting organisations are concerned.***

*Amendment*

*deleted*

Or. pl

## Amendment 6

### Proposal for a directive Recital 9

*Text proposed by the Commission*

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works in the archives of ***public service*** broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.

*Amendment*

(9) For the purposes of this Directive, cinematographic, audio and audiovisual works in the archives of broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.

Or. pl



## Amendment 7

### Proposal for a directive Recital 11

*Text proposed by the Commission*

(11) For reasons of international comity, this Directive should only apply to works that are first published or broadcast in a Member State.

*Amendment*

(11) For reasons of international comity, this Directive should only apply to works that are first published or broadcast in ***the territory of*** a Member State.

Or. pl

## Amendment 8

### Proposal for a directive Recital 12

*Text proposed by the Commission*

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the ***author*** should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other organisations.

*Amendment*

(12) Before a work can be considered an orphan work, a good faith and reasonable diligent search for the ***rightholder*** should be carried out. Member States should be permitted to provide that such a diligent search may be carried out by the organisations referred to in this Directive or by other ***authorised*** organisations.

Or. pl

## Amendment 9

### Proposal for a directive Recital 14

*Text proposed by the Commission*

(14) Orphan works may have several ***authors*** or include other works or protected subject matter. This Directive should not affect the rights of known or identified rightholders.

*Amendment*

(14) Orphan works may have several ***rightholders*** or include other works or protected subject matter. This Directive should not affect the rights of known or identified rightholders.

## Amendment 10

### Proposal for a directive

#### Recital 15

*Text proposed by the Commission*

(15) In order to avoid duplication of search efforts, a diligent search should be conducted only in the Member State **where** the work was first published or broadcast. In order to enable other Member States to ascertain whether the orphan status of a work has been established in another Member State, Member States should ensure that the results of diligent searches carried out in their territories are recorded in a publicly accessible database.

*Amendment*

(15) In order to avoid duplication of search efforts, a diligent search should be conducted only in the Member State **in whose territory** the work was first published or broadcast. In order to enable other Member States to ascertain whether the orphan status of a work has been established in another Member State, Member States should ensure that the results of diligent searches carried out in their territories are recorded in a publicly accessible database.

## Amendment 11

### Proposal for a directive

#### Recital 16

*Text proposed by the Commission*

(16) It is appropriate to **provide that authors are entitled** to put an end to the orphan status **in case they come forward to claim their** works.

*Amendment*

(16) **Where rightholders come forward to claim their works**, it is appropriate **for them to have the possibility** to put an end to the orphan status **of those** works.

## Amendment 12

### Proposal for a directive

#### Recital 17

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

(17) In order to promote learning and culture, Member States should permit libraries, educational establishments and museums which are publicly accessible, as well as archives, film heritage institutions and **public service** broadcasting organisations, to make available and reproduce orphan works, provided such use fulfils their public interest missions, **notably preservation, restoration and the provision of cultural and educational access to works contained in their collections**. Film heritage institutions should, for the purposes of this Directive, cover organisations designated by Member States to collect, catalogue, preserve and restore films forming part of their cultural heritage.

##### *Amendment*

(17) In order to promote learning and culture, Member States should permit libraries, educational establishments and museums which are publicly accessible, as well as archives, film heritage institutions and broadcasting organisations, to make available and reproduce, **within the meaning of Directive 2001/29/EC**, orphan works, provided such use fulfils their public interest missions **and guarantees cultural and educational access to them**. Film heritage institutions should, for the purposes of this Directive, cover organisations designated by Member States to collect, catalogue, preserve and restore films forming part of their cultural heritage.

Or. pl

## Amendment 13

### Proposal for a directive

#### Recital 18

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

(18) Contractual arrangements may play a role in fostering the digitisation of European cultural heritage, it being understood that libraries, educational establishments, museums or archives and film heritage institutions may, with a view to undertake the uses permitted under this Directive, conclude agreements with commercial partners for the digitisation and making available of orphan works. These agreements may include financial

##### *Amendment*

(18) Contractual arrangements may play a role in fostering the digitisation of European cultural heritage, it being understood that libraries, educational establishments, museums or archives and film heritage institutions **and broadcasting organisations** may, with a view to undertake the uses permitted under this Directive, conclude agreements with commercial partners for the digitisation and making available of orphan works.

contributions by such partners.

These agreements may include financial contributions by such partners.

Or. pl

#### **Amendment 14**

##### **Proposal for a directive Recital 19**

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

(19) In order to foster the Union's citizens' access to Europe's cultural heritage, it is also necessary to ensure that orphan works which have been digitised and made available to the public in one Member State are also available in other Member States. **Publicly accessible** libraries, educational establishments, museum, archives, film heritage institutions and **public service** broadcasting organisations that use an orphan work in order to achieve their public interest missions should be able to make the orphan work available to the public in other Member States.

###### *Amendment*

(19) In order to foster the Union's citizens' access to Europe's cultural heritage, it is also necessary to ensure that orphan works which have been digitised and made available to the public in one Member State are also available in other Member States. Libraries, educational establishments, museum, archives, film heritage institutions and broadcasting organisations that use an orphan work in order to achieve their public interest missions should be able to make the orphan work available to the public in other Member States.

Or. pl

#### **Amendment 15**

##### **Proposal for a directive Recital 20**

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

(20) This Directive should be without prejudice to **existing** arrangements in the Member States concerning the management of rights such as extended collective licences.

###### *Amendment*

(20) This Directive should be without prejudice to **the** arrangements in the Member States concerning the management of rights such as extended collective licences.

Or. pl

## Amendment 16

### Proposal for a directive

#### Recital 22

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

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by **publicly accessible** libraries, educational establishments, museums, archives, film heritage institutions or **public service** broadcasting organisations for purposes beyond their public interest mission, rightholders who come forward to claim their works should be remunerated. Such remuneration should take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to financing rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the scope of application of this Directive.

##### *Amendment*

(22) When a Member State authorises, under the conditions established in this Directive, the use of orphan works by libraries, educational establishments, museums, archives, film heritage institutions or broadcasting organisations for purposes beyond their public interest mission, rightholders who come forward to claim their works should be remunerated. Such remuneration should **be fair and also** take account of the type of work and the use concerned. Member States may provide that revenues collected from such use of orphan works for the purpose of remuneration but which are unclaimed after the expiry of the period fixed in accordance with this Directive should contribute to financing rights information sources that will facilitate diligent search, by low-cost and automated means, in respect of categories of works that fall actually or potentially within the scope of application of this Directive.

Or. pl

## Amendment 17

### Proposal for a directive

#### Article 1 – paragraph 1

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

1. This Directive concerns certain **uses** of orphan works undertaken by publicly accessible libraries, educational establishments or museums as well as by

##### *Amendment*

1. This Directive concerns certain **types** of **use of** orphan works undertaken by publicly accessible libraries, educational establishments or museums **established in**

archives, film heritage institutions and **public service** broadcasting organizations.

*the Member States* as well as by archives, film heritage institutions and broadcasting organizations.

Or. pl

## Amendment 18

### Proposal for a directive Article 1 – paragraph 2 – introductory wording

*Text proposed by the Commission*

2. This Directive applies to works first published or broadcast in a Member State **and** which are:

*Amendment*

2. This Directive applies to works **subject to copyright in the collections of organisations referred to in Article 1(1) and** first published or broadcast in **the territory of** a Member State, which are:

Or. pl

## Amendment 19

### Proposal for a directive Article 1 – paragraph 2 – point 1

*Text proposed by the Commission*

1) Works **published** in the form of books, journals, newspapers, magazines or other writings, **and which are contained in the collections of publicly accessible libraries, educational establishments, museums or archives, or**

*Amendment*

1) Works in the form of books, journals, newspapers, magazines or other writings **and printed materials**, or

Or. pl

## Amendment 20

### Proposal for a directive Article 1 – paragraph 2 – point 2

*Text proposed by the Commission*

2) Cinematographic or audiovisual works  
***contained in the collections of film  
heritage institutions***, or

*Amendment*

2) Cinematographic, ***audio*** or audiovisual  
works, or

Or. pl

## Amendment 21

### Proposal for a directive Article 1 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. For works referred to in paragraph 2,  
this Directive shall also apply to works  
contained in them including fine art,  
photographs, illustrations, designs,  
architecture, sketches of these works and  
other works.***

Or. pl

## Amendment 22

### Proposal for a directive Article 2 – paragraph 1

*Text proposed by the Commission*

1. A work shall be considered an orphan  
work if the rightholder in the work is not  
identified or, even if identified, ***is not***  
located ***after*** a diligent search ***for the  
rightholder has*** been carried out and  
recorded in accordance with Article 3.

*Amendment*

1. A work ***subject to copyright*** shall be  
considered an orphan work if the  
rightholder in the work is not identified or,  
even if identified, ***cannot be*** located  
***despite*** a diligent search ***having*** been  
carried out and recorded in accordance  
with Article 3.

### Amendment 23

#### Proposal for a directive Article 2 – paragraph 2

*Text proposed by the Commission*

2. Where a work has more than one rightholder, and one of the rightholders has been identified and located, that work shall **not** be considered an orphan work.

*Amendment*

2. Where a work has more than one rightholder, and **at least** one of the rightholders has **not** been identified and located, that work shall be considered an orphan work **while the other rightholders remain unidentified or cannot be located despite a diligent search having been carried out and recorded in accordance with Article 3.**

Or. pl

### Amendment 24

#### Proposal for a directive Article 2 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. The provisions of paragraph 2 are without prejudice to the rights of a rightholder who has been identified or located.**

Or. pl

### Amendment 25

#### Proposal for a directive Article 3 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. For the purposes of establishing whether

1. For the purposes of establishing whether



a work is an orphan work, the organisations referred to in Article 1(1) shall ensure that a diligent search is carried out for each work, by consulting the appropriate sources for the category of works in question.

a work is an orphan work, the organisations referred to in Article 1(1) shall ensure that a diligent search is carried out for each work **used**, by consulting the appropriate sources for the category of works in question.

Or. pl

## **Amendment 26**

### **Proposal for a directive Article 3 – paragraph 2**

*Text proposed by the Commission*

2. The sources that are appropriate for each category of works shall be determined by each Member State, in consultation with rightholders and users, and include, the sources listed in the Annex.

*Amendment*

2. The sources that are appropriate for each category of works **in question** shall be determined by each Member State, in consultation with rightholders and users, and include **at least** the sources listed in the Annex.

Or. pl

## **Amendment 27**

### **Proposal for a directive Article 3 – paragraph 3**

*Text proposed by the Commission*

3. A diligent search is required to be carried out only in the Member State **of** first **publication** or broadcast.

*Amendment*

3. A diligent search is required to be carried out only in the Member State **in whose territory the work was first published** or broadcast. **It shall be carried out in good faith and in a reasonable scope prior to the use of the work.**

Or. pl

## Amendment 28

### Proposal for a directive Article 4

*Text proposed by the Commission*

A work which is considered an orphan work according to Article 2 in a Member State shall be considered an orphan work in all Member States.

*Amendment*

**I.** A work which is considered an orphan work according to Article 2 in a Member State shall be considered an orphan work in all Member States.

Or. pl

## Amendment 29

### Proposal for a directive Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. This Directive is without prejudice to the arrangements in the Member States concerning the management of rights such as extended collective licences.***

Or. pl

## Amendment 30

### Proposal for a directive Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that where more than one rightholder is entitled to copyright to a work considered to be an orphan work, each of the rightholders has the possibility to put an end to the orphan status in respect of the rights to which they are entitled.***

Or. pl

### Amendment 31

#### Proposal for a directive

#### Article 5 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***1b. A work shall only lose its status as an orphan work if all the rightholders to that work are identified or located.***

Or. pl

### Amendment 32

#### Proposal for a directive

#### Article 6 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

b) by acts of reproduction, within the meaning of Article 2 of Directive 2001/29/EC, ***for the purposes of digitization, making available, indexing, cataloguing, preservation or restoration.***

b) by acts of reproduction, within the meaning of Article 2 of Directive 2001/29/EC.

Or. pl

### Amendment 33

#### Proposal for a directive

#### Article 6 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. This Directive is without prejudice to the freedom of contract of such organisations in the pursuit of their public interest missions.

3. This Directive is without prejudice to the freedom of contract of such organisations in the pursuit of their public interest missions, ***particularly public-private partnership agreements.***

Or. pl

## Amendment 34

### Proposal for a directive Article 6 – paragraph 4

*Text proposed by the Commission*

**4. Member States shall ensure that the organisations referred to in Article 1(1), when using orphan works in accordance with paragraph 1, maintain records of their diligent search and publicly accessible records of use.**

*Amendment*

*deleted*

Or. pl

## Amendment 35

### Proposal for a directive Article 6 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that the organisations referred to in Article 1(1) using an orphan work in accordance with Article 6(2):**

**1) maintain records of their diligent searches;**

**2) maintain publicly accessible records of their use of orphan works;**

**3) indicate, in any use of an orphan work where a rightholder has been identified but not located, the name of the rightholder;**

Or. pl

## Amendment 36

### Proposal for a directive

#### Article 7 – paragraph 1 – introductory wording

*Text proposed by the Commission*

1. Member States may authorise the organisations referred to in Article 1(1) to use an orphan work for purposes other than those referred to in Article 6(2), provided that:

*Amendment*

1. Member States may authorise the organisations referred to in Article 1(1) to use an orphan work for purposes other than those referred to in Article 6(2), provided that ***they meet the requirements set out in Article 6(4a), and:***

Or. pl

## Amendment 37

### Proposal for a directive

#### Article 7 – paragraph 1 – point 1

*Text proposed by the Commission*

***1) the organisations referred to in Article 1(1) maintain records of their diligent search;***

*Amendment*

***deleted***

Or. pl

## Amendment 38

### Proposal for a directive

#### Article 7 – paragraph 1 – point 2

*Text proposed by the Commission*

***2) the organisations maintain publicly accessible records of their use of orphan works;***

*Amendment*

***deleted***

Or. pl

### Amendment 39

#### Proposal for a directive

#### Article 7 – paragraph 1 – point 3

*Text proposed by the Commission*

*Amendment*

**3) in the case of an orphan work where a rightholder has been identified but not located, the name of the rightholder is indicated in any use of the work;**

*deleted*

Or. pl

### Amendment 40

#### Proposal for a directive

#### Article 7 – paragraph 1 – point 4

*Text proposed by the Commission*

*Amendment*

4) rightholders which put an end to the orphan status of the work, within the meaning of Article 5, **are remunerated** for the use that has been made of the work by the organisations referred to in Article 1(1);

4) rightholders which put an end to the orphan status of the work, within the meaning of Article 5, for the use that has been made of the work by the organisations referred to in Article 1(1) **receive fair remuneration**;

Or. pl

### Amendment 41

#### Proposal for a directive

#### Article 7 – paragraph 1 – point 5

*Text proposed by the Commission*

*Amendment*

5) rightholders **may claim** their remuneration under point (4) within a period fixed by Member States and which shall not be less than five years from the date of the act giving rise to the claim.

5) rightholders **retain** their **right to fair** remuneration under point (4) within a period fixed by Member States and which shall not be less than five years from the date of the act giving rise to the claim.

Or. pl

## Amendment 42

### Proposal for a directive Article 9 – paragraph 1

*Text proposed by the Commission*

1. The provisions of this Directive shall apply in respect of all works referred to in Article 1 which are, ***on [transposition date]***, protected by the Member States' legislation in the field of copyright.

*Amendment*

1. The provisions of this Directive shall apply in respect of all works referred to in Article 1 which are protected by the Member States' legislation in the field of copyright ***on or after [transposition date]***.

Or. pl

## Amendment 43

### Proposal for a directive Article 10 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...] ***at the latest***. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

*Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ***[two years after this Directive enters into force]***. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Or. pl

## Amendment 44

### Proposal for a directive Article 11 – subparagraph 1

*Text proposed by the Commission*

The Commission shall keep under constant review the development of rights

*Amendment*

The Commission shall keep under constant review the development of rights

information sources and shall, at the latest one year after the entry into force of this Directive, and at annual intervals thereafter, submit a report concerning the possible inclusion in the scope of application of this Directive of works or other protected subject matter not currently included in such scope, and in particular **phonograms and** stand alone photographs and other images.

information sources and shall, at the latest one year after the entry into force of this Directive, and at annual intervals thereafter, submit a report concerning the possible inclusion in the scope of application of this Directive of works or other protected subject matter not currently included in such scope, and in particular stand alone photographs and other images.

Or. pl

#### **Amendment 45**

##### **Proposal for a directive Annex – introductory part**

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

The sources referred to in Article 3(2) shall **be** the following:

###### *Amendment*

The sources referred to in Article 3(2) shall **include** the following:

Or. pl

#### **Amendment 46**

##### **Proposal for a directive Annex – point 1 – subpoint a)**

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

a) Legal deposit;

###### *Amendment*

a) Legal deposit **catalogues**;

Or. pl



**Amendment 47**

**Proposal for a directive  
Annex – point 3 – subpoint b)**

*Text proposed by the Commission*

b) Legal deposit;

*Amendment*

b) Legal deposit *catalogues*;

Or. pl

**Amendment 48**

**Proposal for a directive  
Annex – point 5 – subpoint a)**

*Text proposed by the Commission*

a) Legal deposit;

*Amendment*

a) Legal deposit *catalogues*;

Or. pl