



EUROPEAN PARLIAMENT

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Committee on Industry, Research and Energy

2011/2313(INI)

8.3.2012

AMENDMENTS

1 - 33

Draft opinion
Maria Badia i Cutchet
(PE478.423v02-00)

Online distribution of audiovisual works in the EU
(COM(2011)0427 – 2011/2313(INI))

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United in diversity

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Amendment 1

Maria Badia i Cutchet, Ivo Belet, Amelia Andersdotter

Draft opinion

Paragraph 1

Draft opinion

1. **Believes that** the fragmentation of the on-line market, marked for example by technological barriers, complexity of licensing procedures, differences in methods of payment, **cultural and language differences between Member States and** variations in certain taxes which apply to goods and services, **necessitates** a transparent, flexible and harmonised approach at European level in order to advance towards the digital single market; underlines that any proposed **measures** should take into account the reduction of the administrative burdens and transaction costs for licensing of content;

Amendment

1. **Acknowledges** the fragmentation of the on-line market, marked for example by technological barriers, complexity of licensing procedures, differences in methods of payment, **lack of interoperability for crucial elements such as eSignature** and variations in certain taxes which apply to goods and services; **believes, therefore, that there is an actual need for** a transparent, flexible and harmonised approach at European level in order to advance towards the digital single market; underlines that any proposed **measure** should take into account the reduction of the administrative burdens and transaction costs for licensing of content;

Or. en

Amendment 2

Henri Weber

Draft opinion

Paragraph 1

Draft opinion

1. Believes that the fragmentation of the on-line market, marked for example by technological barriers, complexity of licensing procedures, differences in methods of payment, cultural and language differences between Member States and variations in certain taxes which apply to goods and services, necessitates a transparent, flexible and harmonised approach at European level in order to

Amendment

1. Believes that the fragmentation of the on-line market, marked for example by technological barriers, complexity of licensing procedures, differences in methods of payment, cultural and language differences between Member States and variations in certain taxes which apply to goods and services, **including VAT rates**, necessitates a transparent, flexible and harmonised approach at European level in

advance towards the digital single market; underlines that any proposed measures should take into account the reduction of the administrative burdens and transaction costs for licensing of content;

order to advance towards the digital single market; underlines that any proposed measures should take into account the reduction of the administrative burdens and transaction costs for licensing of content

Or. fr

Amendment 3
Jens Rohde

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Stresses that piracy and the illegal distribution of audiovisual and other copyrighted cultural content online will continue to exist as long as European policy-makers and industry do not adapt to the changing circumstances in a manner that facilitates the emergence of widely and readily available legal platforms for on-demand cultural content; recognises however that where legal alternatives do exist, piracy remains an issue and therefore the legal online availability of copyrighted cultural material needs to be supplemented with strengthened online enforcement of copyright in the full respect of fundamental rights, notably the freedom of information and of speech, protection of personal data and the right to privacy as well as the mere conduit principle;

Or. en

Amendment 4
Silvia-Adriana Țicău

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Stresses the growing need to promote the emergence of legal and attractive on-line supply and encourage innovation and hence the essential flexibility of new methods of distribution in order to allow the emergence of new business model; stresses that these legal and attractive on-line offers should be based on a comprehensive, EU-level approach, with all interested parties involved; the aim of this new legal on-line supply should be to encourage artistic creation and protect the interests of creators, but equally, to ensure the widest possible access of the public to the on-line distribution of audiovisual works in the EU;

Or. ro

Amendment 5
Lena Kolarska-Bobińska

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Stress that digital services, such as video streaming services, should be made available to all EU citizens irrespective of which Member State they are located; calls on the Commission to request that European digital companies remove geographical controls (e.g. IP address blocking) for the whole Union and allow the purchase of digital services from outside the Member State of origin; asks the Commission to draft an analysis of the application of the cable and satellite directive¹ to digital distribution;

¹ Directive 93/83/EEC

Amendment 6
Rolandas Paksas

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Considers that licensing procedures should be simplified in order to take full advantage of the new possibilities offered, whilst guaranteeing a well-balanced system of rights protection which takes account of the interests of both creators and consumers;

Or. It

Amendment 7
Ivo Belet

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Insists that all proposed measures should take into account the characteristics of the sector and the interests of the different stakeholders;

Or. en

Amendment 8
Lena Kolarska-Bobińska

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Asks the Commission to present an analysis if the principle of mutual recognition could be applied to digital goods in the same manner as physical goods; believes that digital goods should be accessible to all EU citizen access regardless of their Member State of residence or the Member State of origin;

Or. en

Amendment 9

Maria Badia i Cutchet, Ivo Belet

Draft opinion

Paragraph 2

Draft opinion

2. Considers that greater attention should be given to ***improving*** the security of online distribution platforms, including online payments, and to ***combating the high levels of*** on-line ***piracy*** in the audiovisual sector, and suggests a comprehensive approach at EU level which should involve greater cooperation between rights-holders, online distribution platforms, internet service providers and ***judicial and law enforcement authorities***;

Amendment

2. Considers that greater attention should be given to ***improve*** the security of online distribution platforms, including online payments, and to ***find alternatives to*** on-line ***infringements*** in the audiovisual sector, and suggests a comprehensive approach at EU level which should involve greater cooperation between rights-holders, ***legal*** online distribution platforms ***and*** internet service providers ***to facilitate user-friendly and competitive access to audiovisual content***;

Or. en

Amendment 10

Amelia Andersdotter

Draft opinion

Paragraph 2

Draft opinion

2. Considers that greater attention should be given to **improving** the security of online distribution platforms, including online payments, and **to combating the high levels of on-line piracy in the audiovisual sector**, and suggests a comprehensive approach at EU level which should involve greater cooperation between rights-holders, online distribution platforms, internet service providers and **judicial and law enforcement authorities**;

Amendment

2. Considers that greater attention should be given to **improve** the security of online distribution platforms, including online payments, and suggests a comprehensive approach at EU level which should involve greater cooperation between rights-holders, online distribution platforms **and** internet service providers **to facilitate user-friendly and competitive access to audiovisual content**;

Or. en

Amendment 11
Ivo Belet

Draft opinion
Paragraph 2 a (new)

Draft opinion

2a. Believes that in order to create a sustainable online market for audiovisual works, easy access to high quality online content should be the focus of the audiovisual sector;

Or. en

Amendment 12
Ioan Enciu

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Supports the creation of a legal framework for the facilitation of digitalisation and cross-border

dissemination of orphan works on the digital single market, this being one of the key actions identified in the Digital Agenda for Europe, which is part of the Europe 2020 Strategy;

Or. en

Amendment 13
Ioan Enciu

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Recalls the importance of the online library Europeana and believes that greater attention should be given to its supply and visibility by the member states and by the cultural institutions;

Or. en

Amendment 14
Ioan Enciu

Draft opinion
Paragraph 2 c (new)

Draft opinion

Amendment

2c. Requests to take into account the principle of net neutrality in view of eliminating the restrictions to certain content, websites, platforms, technologies or means of communication, in order to protect the freedom of access for all citizens to audiovisual works distributed online, and also to protect the competition on the market;

Or. en

Amendment 15
Ioan Enciu

Draft opinion
Paragraph 2 d (new)

Draft opinion

Amendment

2d. Underlines that the digital divide between Member States or regions of the EU represents a serious barrier to the development of the digital single market; therefore, calls for the expansion of broadband internet access throughout the EU in view of stimulating access to online services and to new technologies;

Or. en

Amendment 16
Ioan Enciu

Draft opinion
Paragraph 2 e (new)

Draft opinion

Amendment

2e. Considers that the digitalization and the preservation of cultural resources, as well as the enhanced access to them, offer great economic and social opportunities and represent an essential condition for the future development of Europe's cultural and creative capacities and for its industrial presence in this field. Thus supports the Commission's Recommendation from 27 October 2011 on digitalization and online accessibility to digital works and the digital preservation, as well as the proposal to create an up-to-date package of measures in this direction;

Or. en

Amendment 17
Maria Badia i Cutchet

Draft opinion
Paragraph 3

Draft opinion

3. Recalls the necessity to ensure proper remuneration for rights-holders, for on-line distribution of audiovisual materials, **but** believes that there is a need for comprehensive studies at European level in order to identify where problems are located and to find clear and **efficient** mechanisms to solve them;

Amendment

3. Recalls the necessity to ensure proper remuneration for rights-holders, for on-line distribution of audiovisual materials **so as to facilitate artistic creation, and** believes that there is a need for comprehensive studies at European level in order to identify where problems are located and to find clear, **efficient** and **appropriate** mechanisms to solve them; **stresses that the Office of Harmonisation for the Internal Market (OHIM) is the most suitable European body to carry out these studies, as its competences have been recently widened to do so; also believes that the rights of the right-holders must be ensured whilst the civil society should also benefit of the exchange and the distribution of culture and knowledge online;**

Or. en

Amendment 18
Henri Weber

Draft opinion
Paragraph 3

Draft opinion

3. Recalls the necessity to ensure proper remuneration for rights-holders, for on-line distribution of audiovisual materials, **but believes that there is a need for comprehensive studies** at European level in order **to identify where problems are**

Amendment

3. Recalls the necessity to ensure proper remuneration for rights-holders, for on-line distribution of audiovisual materials; **notes that, although this right has been recognised at European level since 2001, authors do not, in most Member States,**

located and to find clear and efficient mechanisms to solve them;

receive any remuneration for their works being made available online; considers that it is therefore necessary to conduct a consultation at European level with all stakeholders in the sector, in order to find an appropriate response to ensure entitlement to fair remuneration, for example through copyright levies on platforms by collecting societies;

Or. fr

Amendment 19
Jens Rohde

Draft opinion
Paragraph 3

Draft opinion

3. Recalls the necessity to ensure proper remuneration for rights-holders, for on-line distribution of audiovisual materials, *but believes that there is a need for comprehensive studies at European level in order to identify where problems are located* and to find clear and efficient mechanisms to solve them;

Amendment

3. Recalls the necessity to ensure *the balance between* proper remuneration for rights-holders *with the need for significantly simplified licensing procedures for* on-line distribution of audiovisual materials; *supports further studies at European level if and when necessary for specific problems where the Commission might not have the sufficient knowledge yet* to find clear and efficient mechanisms to solve them;

Or. en

Amendment 20
Ivo Belet

Draft opinion
Paragraph 3

Draft opinion

3. Recalls the necessity to ensure proper remuneration for rights-holders, for on-line

Amendment

3. Recalls the necessity to ensure proper *and fair* remuneration for *all* rights-

distribution of audiovisual materials, *but believes that there is a need for comprehensive studies at European level in order to identify where problems are located and to find clear and efficient mechanisms to solve them;*

holders, for on-line distribution of audiovisual materials; *calls on the Commission to stimulate bottom-up solutions in cooperation with all stakeholders; if needed, accompanied by EU legislation;*

Or. en

Amendment 21
Rolandas Paksas

Draft opinion
Paragraph 3

Draft opinion

3. Recalls the necessity to ensure proper remuneration for rights-holders, for on-line distribution of audiovisual materials, but believes that there is a need for comprehensive studies at European level in order to identify where problems are located and to find clear and efficient mechanisms to solve them;

Amendment

3. Recalls the necessity to ensure proper remuneration for rights-holders, for on-line distribution of audiovisual materials, but believes that there is a need for comprehensive studies at European level in order to identify where problems are located and to find clear and efficient mechanisms to solve them; *calls for the competitiveness of national businesses in the single market to be increased and for the balance between rights holders and society to be restored;*

Or. It

Amendment 22
Maria Badia i Cutchet

Draft opinion
Paragraph 4

Draft opinion

4. Suggests, in this context, the creation of a European Authority for the management, monitoring and harmonisation of the collective rights

Amendment

deleted

management associations in the Member States, which would facilitate communication by and coordination of the associations for collective rights management with a view to exchanging best practices and setting effective, uniform and transparent guidelines at European level to promote the accessibility of audiovisual products;

Or. en

Amendment 23
Andreas Mölzer

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Suggests, in this context, the creation of a European Authority for the management, monitoring and harmonisation of the collective rights management associations in the Member States, which would facilitate communication by and coordination of the associations for collective rights management with a view to exchanging best practices and setting effective, uniform and transparent guidelines at European level to promote the accessibility of audiovisual products; *deleted*

Or. de

Amendment 24
Jens Rohde

Draft opinion
Paragraph 4

Draft opinion

4. Suggests, in this context, the **creation of a European Authority for the management, monitoring and harmonisation of the collective rights management associations in the Member States, which would facilitate communication by and coordination of the associations for collective rights management with a view to exchanging best practices and setting effective, uniform and transparent guidelines at European level to promote the accessibility of audiovisual products;**

Amendment

4. Suggests, in this context, **that the Commission examines the proposal for a European central database for storage of up-to-date information on licensing conditions, license holder and repertoires in order to facilitate transparency for (i) who holds a certain right (ii) what contractual regime applies and (iii) what are the costs of licensing a certain audiovisual material. Believes that such a data base could promote the accessibility of audiovisual products and that it could potentially be a first step towards a common European system for the management, monitoring and harmonisation of the collective rights;**

Or. en

Amendment 25

Henri Weber

Draft opinion

Paragraph 4

Draft opinion

4. **Suggests**, in this context, the creation of **a European Authority for the management, monitoring and harmonisation of the collective rights management associations in the Member States, which would facilitate communication by and coordination of the associations for collective rights management with a view to exchanging best practices and setting effective, uniform and transparent guidelines at European level to promote the accessibility of audiovisual products;**

Amendment

4. **Considers**, in this context, **that the proposal for a directive of the European Commission on collective management will enable harmonisation of transparency and good governance rules; suggests the creation of national authorities, where these do not exist, responsible for ensuring compliance with this legislation, facilitating communication by and coordination and exchanges of good practices at European level between collecting societies via effective and transparent guidelines;**

Or. fr

Amendment 26
Lena Kolarska-Bobińska

Draft opinion
Paragraph 4

Draft opinion

4. Suggests, in this context, the *creation* of *a European Authority* for the management, monitoring and harmonisation of the collective rights management associations in the Member States, which *would* facilitate communication by and coordination of the associations for collective rights management with a view to exchanging best practices and setting effective, uniform and transparent guidelines at European level to promote the accessibility of audiovisual products;

Amendment

4. Suggests, in this context, the *strengthening of the unit within the Commission responsible* for the management, monitoring and harmonisation of the collective rights management associations in the Member States, which *should* facilitate communication by and coordination of the associations for collective rights management with a view to exchanging best practices and setting effective, uniform and transparent guidelines at European level to promote the accessibility of audiovisual products;

Or. en

Amendment 27
Ivo Belet

Draft opinion
Paragraph 4

Draft opinion

4. *Suggests, in this context, the creation of a European Authority for the management, monitoring and harmonisation of the* collective rights management associations in the Member States, which would facilitate communication by and coordination of the associations for collective rights management with a view to exchanging best practices and setting effective, uniform and transparent guidelines at

Amendment

4. *Encourages a one stop shop* for collective rights management associations in the Member States, which would facilitate communication by and coordination of the associations for collective rights management with a view to exchanging best practices, *facilitate the digitalisation of content through extended collective licensing* and setting effective, uniform and transparent guidelines at European level to promote the accessibility

European level to promote the accessibility
of audiovisual products;

of audiovisual products;

Or. en

Amendment 28
Silvia-Adriana Țicău

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Recalls the rapid growth in the volume of user-created content on the internet and the contribution this makes to creativity; recognises that the value of this sector is permanently increasing; notes that the exchange of information is a prerequisite for this and that this fact should be taken into account; recalls, in this context, that although copyright protection stimulates investment and content production, some carefully analysed exceptions are equally essential to ensure access to knowledge, creation and innovation;

Or. ro

Amendment 29
Maria Bădia i Cutchet, Ivo Belet

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Welcomes the new Creative Europe Programme proposed by the EC, which underlines that online distribution is also having a massive and positive impact for distributing audiovisual works especially for reaching new audiences in Europe

and beyond, and for enhancing the social cohesion;

Or. en

Amendment 30
Ivo Belet

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Calls upon the Commission to speed up the work on the proposal for a Directive on Collective Rights Management, that should also take into account the specificities of the audiovisual sector;

Or. en

Amendment 31
Silvia-Adriana Țicău

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4b. Stresses the fact that the Commission report on the application of Directive 2001/29/EC established differences in implementation in the Member States of the provisions of Articles 5, 6 and 8, leading to different interpretations and decisions from the courts of Member States; recalls that these have become part of the specific body of case law;

Or. ro

Amendment 32
Silvia-Adriana Țicău

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4c. Requests the Commission to continue the rigorous monitoring of the application of Directive 2001/29/EC and the periodic reporting of findings to the European Parliament and Council;

Or. ro

Amendment 33
Silvia-Adriana Țicău

Draft opinion
Paragraph 4 d (new)

Draft opinion

Amendment

4d. Invites the Commission to revise Directive 2001/29/EC, after consulting all the relevant stakeholders, in such a way that the provisions of Articles 5, 6 and 8 are worded more precisely, with a view to ensuring the harmonisation at Community level of the legal framework for copyright protection in the information society;

Or. ro