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Committee on Culture and Education

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AMENDMENTS

78 - 390

Draft opinion
Helga Trüpel
(PE508.071v01-00)

Collective management of copyright and related rights and multi-territorial
licensing of rights in musical works for online uses in the internal market

Proposal for a directive
(COM(2012)0372 – C7-0183/2012 – 2012/0180(COD))

AM_Com_LegOpinion

Amendment 78
Lothar Bisky

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) The directives which have been adopted in the area of copyright and related rights already provide a **high level** of protection for rightholders and thereby for a framework where the exploitation of content protected by these rights can take place. They contribute to developing and maintaining creativity. ***In an internal market where competition is not distorted, protecting innovation and intellectual creation also encourages investment in innovative services and products.***

Amendment

(1) The directives which have been adopted in the area of copyright and related rights already provide a **degree** of protection for rightholders and thereby for a framework where the exploitation of content protected by these rights can take place. They contribute to developing and maintaining creativity, ***as well as promoting and safeguarding cultural diversity.***

Or. de

Amendment 79
Marietje Schaake

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) The directives which have been adopted in the area of copyright and related rights already provide a high level of protection for rightholders and thereby for a framework where the exploitation of content protected by these rights can take place. They contribute to developing and maintaining creativity. In an internal market where competition is not distorted, ***protecting*** innovation and intellectual creation also encourages investment in innovative services and products.

Amendment

(1) The directives which have been adopted in the area of copyright and related rights already provide a high level of protection for rightholders and thereby for a framework where the exploitation of content protected by these rights can take place. They contribute to developing and maintaining creativity, ***as well as promoting and safeguarding cultural diversity.*** In an internal market where competition is not distorted, ***fostering*** innovation and intellectual creation also

encourages investment in innovative services and products.

Or. en

Amendment 80
Sabine Verheyen

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The services of collective management organisations to rightholders and users are vital for the development and maintenance of the cultural scene in Europe and to the growth of culturally diverse creative industries. Collective rights management organisations support creators by developing important social and cultural activities, by ensuring market access for demanding or less popular repertoires and new artists.

Or. en

Amendment 81
Sabine Verheyen

Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, audiovisual productions and recorded music require the licensing of rights by different holders of copyright and related rights, such as authors, performers, producers and publishers. It is normally for

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, audiovisual productions and recorded music require the licensing of rights by different holders of copyright and related rights, such as authors, performers, producers and publishers. It is normally for

the rightholders to choose between the individual or collective management of their rights. Management of copyright and related rights includes the granting of licences to users, the auditing of licensees and monitoring of the use of rights, the enforcement of copyright and related rights, the collection of rights revenue derived from the exploitation of rights and the distribution of the amounts due to rightholders. *Collecting societies* enable rightholders to be remunerated for uses which they would not be in a position to control or enforce themselves, including in non-domestic markets. Moreover, they have an important social and cultural role as promoters of the diversity of cultural expressions by enabling the smallest and less popular repertoires to access the market. Article 167 of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action, in particular in order to respect and to promote the diversity of its cultures.

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(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 82
Marietje Schaake

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, audiovisual productions and recorded music require the licensing of rights by different holders of copyright and related

Amendment

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, audiovisual productions and recorded music require the licensing of rights by different holders of copyright and related

rights, such as authors, performers, producers and publishers. It is normally for the rightholders to choose between the individual or collective management of their rights. Management of copyright and related rights includes the granting of licences to users, the auditing of licensees and monitoring of the use of rights, the enforcement of copyright and related rights, the collection of rights revenue derived from the exploitation of rights and the distribution of the amounts due to rightholders. *Collecting societies* enable rightholders to be remunerated for uses which they would not be in a position to control or enforce themselves, including in non-domestic markets. Moreover, they have an important social and cultural role as promoters of the diversity of cultural expressions by enabling the smallest and less popular repertoires to access the market. Article 167 of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action, in particular in order to respect and to promote the diversity of its cultures.

rights, such as authors, performers, producers and publishers. It is normally for the rightholders to choose between the individual or collective management of their rights. Management of copyright and related rights includes the granting of licences to users, the auditing of licensees and monitoring of the use of rights, the enforcement of copyright and related rights, the collection of rights revenue derived from the exploitation of rights and the distribution of the amounts due to rightholders. *Collective management organisations* enable rightholders to be remunerated for uses which they would not be in a position to control or enforce themselves, including in non-domestic markets. Moreover, they have an important social and cultural role as promoters of the diversity of cultural expressions by enabling the smallest and less popular repertoires to access the market. Article 167 of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action, in particular in order to respect and to promote the diversity of its cultures.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 83
Jean-Marie Cavada

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, audiovisual productions and recorded

Amendment

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, audiovisual productions and recorded

music require the licensing of rights by different holders of copyright and related rights, such as authors, performers, producers and publishers. It is normally for the rightholders to choose between the individual or collective management of their rights. ***Management of copyright and related rights includes the granting of licences to users, the auditing of licensees and monitoring of the use of rights, the enforcement of copyright and related rights, the collection of rights revenue derived from the exploitation of rights and the distribution of the amounts due to rightholders. Collecting societies enable rightholders to be remunerated for uses which they would not be in a position to control or enforce themselves, including in non-domestic markets. Moreover, they have an important social and cultural role as promoters of the diversity of cultural expressions by enabling the smallest and less popular repertoires to access the market. Article 167 of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action, in particular in order to respect and to promote the diversity of its cultures.***

music require the licensing of rights by different holders of copyright and related rights, such as authors, performers, producers and publishers. It is normally for the rightholders to choose between the individual or collective management of their rights, ***except where national or EU law has made collective management compulsory.***

Or. fr

Amendment 84
Lothar Bisky

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, audiovisual productions and recorded music require the licensing of rights by different holders of copyright and related

Amendment

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, ***photographs***, audiovisual productions and recorded music require the licensing of rights by different holders of copyright and

rights, such as authors, performers, producers and publishers. It is normally for the rightholders to choose between the individual or collective management of their rights. Management of copyright and related rights includes the granting of licences to users, the auditing of licensees and monitoring of the use of rights, the enforcement of copyright and related rights, the collection of rights revenue derived from the exploitation of rights and the distribution of the amounts due to rightholders. *Collecting societies* enable rightholders to be remunerated for uses which they would not be in a position to control or enforce themselves, including in non-domestic markets. Moreover, they have an important social and cultural role as promoters of the diversity of cultural expressions by enabling the smallest and less popular repertoires to access the market. Article 167 of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action, in particular in order to respect and to promote the diversity of its cultures.

related rights, such as authors, performers, producers and publishers. It is normally for the rightholders to choose between the individual or collective management of their rights. Management of copyright and related rights includes the granting of licences to users, the auditing of licensees and monitoring of the use of rights, the enforcement of copyright and related rights, the collection of rights revenue derived from the exploitation of rights and the *transparent* distribution of the amounts due to rightholders. *Collective management organisations, as a form of self-organisation for artists*, enable rightholders to be remunerated for uses which they would not be in a position to control or enforce themselves, including in non-domestic markets. *Due account should be taken of their functions as trustees and their particular responsibility for cultural and social aspects and society as such*. Moreover, they have an important social and cultural role as promoters of the diversity of cultural expressions by enabling the smallest and less popular repertoires to access the market. Article 167 of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action, in particular in order to respect and to promote the diversity of its cultures. *In doing so, collective management organisations contribute significantly to the development of the cultural and artistic scene in Europe as well as to the growth of cultural and creative industries*.

Or. de

Amendment 85
Nadja Hirsch

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, audiovisual productions and recorded music require the licensing of rights by different holders of copyright and related rights, such as authors, performers, producers and publishers. It is normally for the rightholders to choose between the individual or collective management of their rights. Management of copyright and related rights includes the granting of licences to users, the auditing of licensees and monitoring of the use of rights, the enforcement of copyright and related rights, the collection of rights revenue derived from the exploitation of rights and the distribution of the amounts due to rightholders. Collecting societies enable rightholders to be remunerated for uses which they would not be in a position to control or enforce themselves, including in non-domestic markets. Moreover, they have an important social and cultural role as promoters of the diversity of cultural expressions by enabling the smallest and less popular repertoires to access the market. Article 167 of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action, in particular in order to respect and to promote the diversity of its cultures.

Amendment

(2) The dissemination of content which is protected by copyright and related rights and the linked services, including books, audiovisual productions and recorded music require the licensing of rights by different holders of copyright and related rights, such as authors, performers, producers and publishers. It is normally for the rightholders to choose between the individual or collective management of their rights. Management of copyright and related rights includes the granting of licences to users, the auditing of licensees and monitoring of the use of rights, the enforcement of copyright and related rights, the collection of rights revenue derived from the exploitation of rights and the distribution of the amounts due to rightholders. Collecting societies enable rightholders to be remunerated for uses which they would not be in any position to control or enforce themselves *at all, or only with difficulty*, including in non-domestic markets. Moreover, they have an important social and cultural role as promoters of the diversity of cultural expressions by enabling the smallest and less popular repertoires to access the market. Article 167 of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action, in particular in order to respect and to promote the diversity of its cultures.

Or. de

Amendment 86
Lothar Bisky

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Collective management organisations, because of their social and cultural role, should set up social, cultural or educational amenities open to all members of such organisations on an equal footing.

Or. de

Amendment 87
Marietje Schaake

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) It is essential to create a level playing field for fair competition in copyright management and economic interest of rightholders. In this regard, this Directive reflects the specific role of collective management organisations for rightholders and users alike and brings precision and adjustments to the rules governing the free movement of services.

Or. en

Amendment 88
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) It is imperative, however, that account is taken of the specific nature of collective management organisations serving the audiovisual and live

entertainment sectors, which function very differently from the music sector.

Or. fr

Amendment 89
Piotr Borys

Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

(3) When established in the Union, collecting societies – as service providers – must comply with the national requirements pursuant to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market which seeks to create a legal framework for ensuring the freedom of establishment and the free movement of services between the Member States. This implies that collecting societies should be free to provide their services across borders, to represent rightholders resident or established in other Member States or grant licences to users resident or established in other Member States.

deleted

Or. en

Amendment 90
Jean-Marie Cavada

Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

(3) When established in the Union, collecting societies – as service providers – must comply with the national

deleted

requirements pursuant to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market which seeks to create a legal framework for ensuring the freedom of establishment and the free movement of services between the Member States. This implies that collecting societies should be free to provide their services across borders, to represent rightholders resident or established in other Member States or grant licences to users resident or established in other Member States.

Or. fr

Amendment 91
Helga Trüpel

Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

(3) When established in the Union, collecting societies – as service providers – must comply with the national requirements pursuant to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market which seeks to create a legal framework for ensuring the freedom of establishment and the free movement of services between the Member States. This implies that collecting societies should be free to provide their services across borders, to represent rightholders resident or established in other Member States or grant licences to users resident or established in other Member States.

deleted

Or. en

Amendment 92
Sabine Verheyen

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) When established in the Union, collecting societies – as service providers – must comply with the national requirements pursuant to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market which seeks to create a legal framework for ensuring the freedom of establishment and the free movement of services between the Member States. This implies that collecting societies should be free to provide their services across borders, to represent rightholders resident or established in other Member States or grant licences to users resident or established in other Member States.

Amendment

(3) This Directive lays down the minimum of rules necessary to achieve free movement of services in the Single Market. It does not interfere with measures taken by the Member States in accordance with EU law to protect or promote cultural and linguistic diversity or socio-political objectives in the interest of artists. The concept of ‘overriding reasons relating to the public interest’ to which reference is made in certain provisions of this Directive has been developed by the Court of Justice in its case law in relation to Articles 43 and 49 of the TFEU and may continue to evolve. These reasons include at least the following which are relevant to this directive: socio-political objectives, protection of beneficiaries of services, protection of intellectual property, cultural policy objectives, promotion of the national language, and conservation of the national historical and cultural heritage.

Or. de

Amendment 93
Petra Kammerevert

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) When established in the Union, collecting societies – as service providers – must comply with the national

Amendment

(3) This Directive does not interfere with measures taken by the Member States in accordance with EU law to protect or

requirements pursuant to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market which seeks to create a legal framework for ensuring the freedom of establishment and the free movement of services between the Member States. This implies that collecting societies should be free to provide their services across borders, to represent rightholders resident or established in other Member States or grant licences to users resident or established in other Member States.

promote cultural and linguistic diversity and achieve socio-political objectives. Current European Court of Justice case law recognises socio-political objectives, protection of beneficiaries of services, protection of intellectual property, cultural policy objectives, promotion of national languages and conservation of historical and cultural heritage as ‘overriding reasons relating to the public interest’ in connection with Chapters II and III of the TFEU.

Or. de

Amendment 94
Marietje Schaake

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) When established in the Union, collecting societies – as service providers – must comply with the national requirements pursuant to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market which seeks to create a legal framework for ensuring the freedom of establishment and the free movement of services between the Member States. This implies that collecting societies should be free to provide their services across borders, to represent rightholders resident or established in other Member States or grant licences to users resident or established in other Member States.

Amendment

(3) When established in the Union, collecting societies – as service providers – must comply with the national requirements pursuant to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market¹⁸ which seeks to create a legal framework for ensuring the freedom of establishment and the free movement of services between the Member States. ***In this context, reminds that the derogation in article 17(11) for intellectual property rights from the principle of freedom to provide crossborder services without unjustified restrictions, covers the rights as such (existence of the right, scope and exceptions, duration, etc.) and it does not concern services linked to the management of such rights, such as those provided by collective management***

organisations. This implies that collecting societies should be free to provide their services across borders, to represent rightholders resident or established in other Member States or grant licences to users resident or established in other Member States.

Or. en

Amendment 95
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) A suitable legal framework for collective management organisations should be established and, in particular, those Member States that do not yet have a supervisory body should establish one so as to facilitate the proper transposition of the EU legislation.

Or. fr

Amendment 96
Jean-Marie Cavada

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Collective management organisations are not commercial companies as they do not merely collect and redistribute rights revenue but also promote creativity and cultural diversity. They may therefore be required to comply with Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006,

on services in the internal market, only in respect of a certain number of their activities.

Or. fr

Amendment 97
Marietje Schaake

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) There are significant differences in the national rules governing the functioning of collecting societies, in particular as regards their transparency and accountability towards their members *and* rightholders. Beyond the difficulties non-domestic rightholders face when exercising their rights and the too often poor financial management of the revenues collected, problems with the functioning of collecting societies lead to inefficiencies in the exploitation of copyright and related rights across the internal market to the detriment of the members of collecting societies, rightholders and users alike. *These difficulties do not arise in the functioning of independent rights management service providers who act as agents for rightholders for the management of their rights on a commercial basis and in which rightholders do not exercise membership rights.*

Amendment

(4) There are significant differences in the national rules governing the functioning of collecting societies, in particular as regards their transparency and accountability towards their members, rightholders *and users*. Beyond the difficulties non-domestic rightholders face when exercising their rights and the too often poor financial management of the revenues collected, problems with the functioning of collecting societies lead to inefficiencies in the exploitation of copyright and related rights across the internal market to the detriment of the members of collecting societies, rightholders and users alike.

Or. en

Amendment 98
Nadja Hirsch

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) There are significant differences in the national rules governing the functioning of collecting societies, in particular as regards their transparency and accountability towards their members and rightholders. Beyond the difficulties non-domestic rightholders face when exercising their rights and the too often poor financial management of the revenues collected, problems with the functioning of collecting societies lead to inefficiencies in the exploitation of copyright and related rights across the internal market to the detriment of the members of collecting societies, rightholders and users alike. ***These difficulties do not arise in the functioning of independent rights management service providers who act as agents for rightholders for the management of their rights on a commercial basis and in which rightholders do not exercise membership rights.***

Amendment

(4) There are significant differences in the national rules governing the functioning of collecting societies, in particular as regards their transparency and accountability towards their members and rightholders. Beyond the difficulties non-domestic rightholders face when exercising their rights and the too often poor financial management of the revenues collected, problems with the functioning of collecting societies lead to inefficiencies in the exploitation of copyright and related rights across the internal market to the detriment of the members of collecting societies, rightholders and users alike. Independent rights management service providers, ***by contrast***, act as agents for rightholders for the management of their rights on a ***purely*** commercial basis, and rightholders do not exercise membership rights ***within them***.

Or. de

Amendment 99
Jean-Marie Cavada

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) There are significant differences in the national rules governing the functioning of collecting societies, in particular as regards their transparency and accountability towards their members and rightholders. ***Beyond the difficulties non-domestic rightholders face when exercising their rights and the too often poor financial management of the revenues collected,*** problems with the functioning of collecting

Amendment

(4) There are significant differences in the national rules governing the functioning of collecting societies, in particular as regards their transparency and accountability towards their members and rightholders. ***Furthermore***, problems with the functioning of collecting societies lead to inefficiencies in the exploitation of copyright and related rights across the internal market to the detriment of the

societies lead to inefficiencies in the exploitation of copyright and related rights across the internal market to the detriment of the members of collecting societies, rightholders and users alike. These difficulties do not arise in the functioning of independent rights management service providers who act as agents for rightholders for the management of their rights on a commercial basis and in which rightholders do not exercise membership rights.

members of collecting societies, rightholders and users alike. These difficulties do not arise in the functioning of independent rights management service providers who act as agents for rightholders for the management of their rights on a commercial basis and in which rightholders do not exercise membership rights, ***provided that they do not compete directly with management organisations in the areas of collecting and distributing monies due to rightholders. In such cases the criteria of membership and control by the membership are not relevant.***

Or. fr

Amendment 100
Rolandas Paksas

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) There are significant differences in the national rules governing the functioning of collecting societies, in particular as regards their transparency and accountability towards their members and rightholders. Beyond the difficulties non-domestic rightholders face when exercising their rights and the too often poor financial management of the revenues collected, problems with the functioning of collecting societies lead to inefficiencies in the exploitation of copyright and related rights across the internal market to the detriment of the members of collecting societies, rightholders and users alike. These difficulties do not arise in the functioning of independent rights management service providers who act as agents for rightholders for the management of their rights on a commercial basis and in which rightholders do not exercise membership

Amendment

(4) There are significant differences in the national rules governing the functioning of collecting societies, in particular as regards their transparency and accountability towards their members and rightholders. Beyond the difficulties non-domestic rightholders face when exercising their rights and the too often poor financial management of the revenues collected, problems with the functioning of collecting societies lead to inefficiencies in the exploitation of copyright and related rights across the internal market to the detriment of the members of collecting societies, rightholders and users alike. These difficulties do not arise in the functioning of independent rights management service providers who act as agents for rightholders for the management of their rights on a commercial basis and in which rightholders do not exercise membership

rights.

rights *provided that they are not acting in direct competition with collecting societies in the fields of collection and distribution of amounts due to rightholders. In such cases, the criteria of ownership and control by members are not relevant.*

Or. en

Amendment 101
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The protection of the interests of the members of collecting societies, rightholders and third parties requires that the laws of the Member States related to copyright management and multi-territorial licensing for online rights in musical works be coordinated with a view to having equivalent safeguards throughout the Union. *Accordingly, the Directive is based on Article 50(2)(g) of the Treaty.*

Amendment

(6) The protection of the interests of the members of collecting societies, rightholders and third parties requires that the laws of the Member States related to copyright management and multi-territorial licensing for online rights in musical works be coordinated with a view to having equivalent safeguards throughout the Union.

Or. fr

Amendment 102
Helga Trüpel

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) In order to ensure that holders of copyright and related rights can fully benefit from the internal market when their rights are being managed collectively and that their freedom to exercise their rights is not unduly affected, it is necessary to

Amendment

(8) In order to ensure that holders of copyright and related rights can fully benefit from the internal market when their rights are being managed collectively and that their freedom to exercise their rights is not unduly affected, it is necessary to

provide for the inclusion of appropriate safeguards in the constituting documents of *collecting societies*. Moreover, *in accordance with Directive 2006/123/EC* *collecting societies* should not discriminate, directly or indirectly, between rightholders on the basis of their nationality, place of residence or place of establishment when providing their management services.

provide for the inclusion of appropriate safeguards in the constituting documents of *collective management organisations*. Moreover, *collective management organisations* should not discriminate, directly or indirectly, between rightholders on the basis of their nationality, place of residence or place of establishment when providing their management services.

Or. en

Amendment 103
Jean-Marie Cavada

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Having the freedom to provide and to receive collective management services across national borders entails that rightholders are able to freely choose the collecting society for the management of their rights, such as public performance or broadcasting rights, *or categories of rights, such as interactive communication to the public*, provided the collecting society already manages such rights *or categories of rights*. This implies that rightholders can easily withdraw their rights *or categories of rights* from a collecting society and entrust or transfer all or part of them to another collecting society or another entity irrespective of the Member State of residence or the nationality of either the collecting society or the rightholder. Collecting societies managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. Collecting societies should inform

Amendment

(9) Having the freedom to provide and to receive collective management services across national borders entails that rightholders are able to freely choose the collecting society for the management of their rights, such as public performance or broadcasting rights¹, provided the collecting society already manages such rights. This implies that rightholders can easily withdraw their rights from a collecting society and entrust or transfer all or part of them to another collecting society or another entity irrespective of the Member State of residence or the nationality of either the collecting society or the rightholder. Collecting societies managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. Collective management organisations should inform rightholders of this choice and allow them to exercise it as easily as

rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights individually, including for non-commercial uses.

possible. Finally, *given that direct licensing between users and rightholders plays a major role in some creative sectors and facilitates the development of innovative services*, this Directive should not prejudice the possibilities of rightholders to manage their rights individually, including for non-commercial uses.

¹ *The reference to ‘categories of rights’ is to be deleted throughout the text.*

Or. fr

Amendment 104

Helga Trüpel

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Having the freedom to provide and to receive collective management *services* across national borders entails that rightholders are able to freely choose the *collecting society* for the management of their rights, such as public performance or broadcasting rights, or categories of rights, such as interactive communication to the public, provided the *collecting society* already manages such rights or categories of rights. This implies that rightholders can easily withdraw their rights or categories of rights from a *collecting society* and entrust or transfer all or part of them to another *collecting society* or another entity irrespective of the Member State of residence or the nationality of either the *collecting society* or the rightholder. *Collecting societies* managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to

Amendment

(9) Having the freedom to provide and to receive *services for* collective management *of copyright, related rights and other subject matter* across national borders entails that rightholders are able to freely choose the *collective management organisation* for the management of their rights, such as public performance or broadcasting rights, or categories of rights, such as interactive communication to the public, provided the *collective management organisation* already manages such rights or categories of rights. This implies that rightholders can easily withdraw their rights or categories of rights from a *collective management organisation* and entrust or transfer all or part of them to another *collective management organisation* or another entity irrespective of the Member State of residence or the nationality of either the *collective management organisation* or the

rightholders as regards the management of different types of works and other subject matter. **Collecting societies** should inform rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights **individually, including** for non-commercial uses.

rightholder. **Collective management organisations** managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. **Collective management organisations** should inform rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights for non-commercial uses.

The difference between ‘non-commercial’ and ‘commercial’ should be defined as follows: if content, protected by authors’ rights, is being offered directly on an internet site, which acquires revenues to a non-negligible degree through donations, for example via membership contributions, through payments by clients or via advertisement through links to other homepages, such an activity shall be considered to be commercial.

Or. en

Amendment 105
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Having the freedom **to provide and** to receive collective management **services** across national borders entails that rightholders are able to freely choose the **collecting society** for the management of their rights, such as public performance or broadcasting rights, or categories of rights, such as interactive communication to the public, provided the **collecting society**

Amendment

(9) Having the freedom to receive **services for** collective management **of copyright and related rights** across national borders entails that rightholders are able to freely choose the **collective management organisation** for the management of their rights, such as public performance or broadcasting rights, or categories of rights, such as interactive communication to the

already manages such rights or categories of rights. This implies that rightholders can easily withdraw their rights or categories of rights from a **collecting society** and entrust or transfer all or part of them to another **collecting society** or another entity irrespective of the Member State of residence or the nationality of either the **collecting society** or the rightholder. **Collecting societies** managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. **Collecting societies** should inform rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights individually, including for non-commercial uses.

public, provided the **collective management organisation** already manages such rights or categories of rights. This implies that rightholders can easily withdraw their rights or categories of rights from a **collective management organisation** and entrust or transfer all or part of them to another **collective management organisation** or another entity irrespective of the Member State of residence or the nationality of either the **collective management organisation** or the rightholder. **Collective management organisations** managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. **Collective management organisations** should inform rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights individually, including for non-commercial uses.

Or. en

Amendment 106
Lothar Bisky

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Having the freedom to provide and to receive **collective management services** across national borders entails that rightholders are able to freely choose the **collecting society** for the management of their rights, such as public performance or broadcasting rights, or categories of rights, such as interactive communication to the

Amendment

(9) Having the freedom to provide and to receive **services for collective management of copyright, related rights and other subject matter** across national borders entails that rightholders are able to freely choose the **collective management organisation** for the management of their rights, such as public performance or

public, provided the collecting society already manages such rights or categories of rights. This implies that rightholders can easily withdraw their rights or categories of rights from a *collecting society* and entrust or transfer all or part of them to another *collecting society* or another entity irrespective of the Member State of residence or the nationality of either the *collecting society* or the rightholder. *Collecting societies* managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. *Collecting societies* should inform rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights individually, including for non-commercial uses.

broadcasting rights, or categories of rights, such as interactive communication to the public, provided the collecting society already manages such rights or categories of rights. This implies that rightholders can easily withdraw their rights or categories of rights from a *collective management organisation* and, *if necessary*, entrust or transfer all or part of them to another *collective management organisation* or another entity irrespective of the Member State of residence or the nationality of either the *collective management organisation* or the rightholder. *Collective management organisations* managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. *Collective management organisations* should inform rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights individually, including for non-commercial uses.

Or. de

Amendment 107
Marietje Schaake

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Having the freedom to provide and to receive collective management services across national borders entails that rightholders are able to freely choose the collecting society for the management of their rights, such as public performance or broadcasting rights, or categories of rights,

Amendment

(9) Having the freedom to provide and to receive collective management services across national borders entails that rightholders are able to freely choose the collecting society for the management of their rights, such as public performance or broadcasting rights, or categories of rights,

such as interactive communication to the public, provided the collecting society already manages such rights or categories of rights. This implies that rightholders can easily withdraw their rights or categories of rights from a collecting society and entrust or transfer all or part of them to another collecting society or another entity irrespective of the Member State of residence or the nationality of either the collecting society or the rightholder. Collecting societies managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. Collecting societies should inform rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights individually, including for non-commercial uses.

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Or. en

Amendment 108
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Having the freedom to provide and to receive collective management services across national borders entails that rightholders are able to freely choose the collecting society for the management of their rights, such as public performance or broadcasting rights, or categories of rights, such as interactive communication to the public, provided the collecting society already manages such rights or categories

Amendment

(9) Having the freedom to provide and to receive collective management services across national borders entails that rightholders are able to freely choose the collecting society for the management of their rights, such as public performance or broadcasting rights, or categories of rights, such as interactive communication to the public, provided the collecting society already manages such rights or categories

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Or. fr

Amendment 109
Nadja Hirsch

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Having the freedom to provide and to receive collective management services across national borders entails that rightholders are able to freely choose the ***collecting society*** for the management of their rights, such as public performance or

Amendment

(9) Having the freedom to provide and to receive collective management services across national borders entails that rightholders are able to freely choose the ***collective management organisation*** for the management of their rights, such as

broadcasting rights, or categories of rights, such as interactive communication to the public, provided **the collecting society** already manages such rights or categories of rights. This implies that rightholders can easily withdraw their rights or categories of rights from a **collecting society** and entrust or transfer all or part of them to another **collecting society** or another entity irrespective of the Member State of residence or the nationality of either the **collecting society** or the rightholder. **Collecting societies** managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. **Collecting societies** should inform rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights individually, including for non-commercial uses.

public performance or broadcasting rights, or categories of rights, such as interactive communication to the public, provided **that collective management organisation** already manages such rights or categories of rights. This implies that rightholders can easily withdraw their rights or categories of rights from a **collective management organisation** and entrust or transfer all or part of them to another **collective management organisation** or another entity irrespective of the Member State of residence or the nationality of either the **collective management organisation** or the rightholder. **Collective management organisations** managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow this flexibility to rightholders as regards the management of different types of works and other subject matter. **Collective management organisations** should inform rightholders of this choice and allow them to exercise it as easily as possible. Finally, this Directive should not prejudice the possibilities of rightholders to manage their rights individually, including for non-commercial uses.

Or. de

Amendment 110
Rolandas Paksas

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The individual exercise of exclusive economic rights, such as is often the case in the audiovisual sector, is also consistent with internal market goals and reduces the potential for fragmentation, through the consolidation of exploitation

rights in the producer.

Or. en

Amendment 111
Marietje Schaake

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Any actions undertaken by collective management organisations should not hurt or undermine the open internet.

Or. en

Amendment 112
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) In implementing the provisions of the Directive, account should be taken of the specificity of each sector. In this context, collecting societies are the preferred way to ensure fair remuneration for authors. Collecting societies must be able to perform their task of pooling management costs for the benefit of their members and in the interests of legal certainty for users and of defending and promoting cultural diversity.

Or. fr

Amendment 113
Lothar Bisky

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Membership of collecting societies should be **based on** objective and non-discriminatory criteria **including as regards publishers who by virtue of an agreement on the exploitation of rights, are entitled to a share of the income from the** rights managed by **collecting societies and to collect such income from the collecting society.**

Amendment

(10) Membership of collecting societies should be **possible, on the basis of** objective and non-discriminatory criteria, **for all holders of** rights managed by **the relevant collective management organisation.**

Or. de

Amendment 114
Lothar Bisky

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) **Collecting societies** are expected to act in the best interests of their members. It is therefore important to provide for systems which enable members of **collecting societies** to exercise their membership rights by participating in the **societies'** decision-making process. **The representation of the different categories of** members in the decision-making process **should be fair and balanced.** The effectiveness of the rules on the general meeting of members of collecting societies **may** be undermined if there were no provisions on how the general meeting should be run. Thus, it is necessary to ensure that the general meeting is convened regularly, and at least annually, and that the most important decisions in the **collecting society** are taken by the general meeting.

Amendment

(11) **Collective management organisations** are expected to act in the best interests of their members. It is therefore important to provide for **transparent** systems which enable members of **collective management organisations** to exercise their membership rights by participating in the **organisations'** decision-making process. Members **must be represented** in the decision-making process **on an equal footing.** The effectiveness of the rules on the general meeting of members of collective management organisations **might** be undermined if there were no provisions on how the general meeting should be run. Thus, it is necessary to ensure that the general meeting is convened regularly, and at least annually, and that the most important decisions in the **collective management organisation, such as the**

setting of tariffs, for example, are taken by the general meeting.

Or. de

Amendment 115
Piotr Borys

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Members of *collecting societies* should be allowed to participate and vote in the general meeting; the exercise of these rights may only be subject to fair and proportionate restrictions. The exercise of voting rights should be made easy.

Amendment

(12) Members of *collective management organisations* should be allowed to participate and vote in the general meeting; the exercise of these rights may only be subject to fair and proportionate restrictions. The exercise of voting rights should be made easy.

Or. en

Amendment 116
Marietje Schaake

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Members of collecting societies should be allowed to participate and vote in the general meeting; *the exercise of these rights may only be subject to fair and proportionate restrictions*. The exercise of voting rights should be made easy.

Amendment

(12) *All* members of collecting societies should be allowed to participate and vote in the general meeting. The exercise of voting rights should be made *as easy as possible*.

Or. en

Amendment 117
Emma McClarkin, Piotr Borys

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Members of collecting *societies* should be allowed to participate and vote in the general meeting; the exercise of these rights may only be subject to fair and proportionate restrictions. The exercise of voting rights should be made easy.

Amendment

(12) ***The interests of all*** Members of collecting ***management organisations should be represented at the general meeting and where possible, members of collecting management organisations*** should be allowed to participate and vote in the general meeting; the exercise of these rights may only be subject to fair and proportionate restrictions. The exercise of voting rights should be made easy.

Or. en

Amendment 118
Sabine Verheyen

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Members of collecting societies should be allowed to participate and vote in the general meeting; the exercise of these rights may only be subject to fair and proportionate restrictions. The exercise of voting rights should be made easy.

Amendment

(12) Members of collecting societies should be allowed to participate and vote in the general meeting; the exercise of these rights may only be subject to fair and proportionate restrictions. The exercise of voting rights should be made easy, ***and should where possible take place by electronic means.***

Or. de

Amendment 119
Jean-Marie Cavada

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) At general meetings, the use of a proxy system should be encouraged so as to enable more members to be represented at such meetings; to prevent abuses and guarantee democratic representation for all it is essential to limit the concentration of proxies in the hands of a small number of people (a maximum of three proxies per person).

Or. fr

Amendment 120
Marietje Schaake

Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

(13) Members should be allowed to take part in monitoring the management of collecting societies. To this end, collecting societies should establish a supervisory function appropriate to their organisational structure and allow members to be represented in the body that exercises this function. ***To avoid imposing excessive burden on smaller collecting societies and to make the obligations arising from this Directive proportionate, Member States should be able to, if they consider this to be necessary, exclude the smallest collecting societies from having to organise such a supervisory function.***

(13) Members should be allowed to take part in monitoring the management of collecting societies. To this end, collecting societies should establish a supervisory function appropriate to their organisational structure and allow ***all categories of*** members to be represented in the body that exercises this function.

Or. en

Amendment 121
Emma McClarkin

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Members should be allowed to take part in monitoring the management of collecting **societies**. To this end, collecting **societies** should establish a supervisory function appropriate to their organisational structure and allow members to be represented in the body that exercises this function. To avoid imposing excessive **burden** on smaller collecting **societies** and to make the obligations arising from this Directive proportionate, Member States should **be able to, if they consider this to be necessary**, exclude the smallest collecting **societies** from having to organise such a supervisory function.

Amendment

(13) Members should be allowed to take part in monitoring the management of collecting **management organisations**. To this end, collecting **management organisations** should establish a supervisory function appropriate to their organisational structure and allow members to be represented in the body that exercises this function. To avoid imposing excessive **burdens** on smaller collecting **management organisations in line with better regulation commitments**, and to make the obligations arising from this Directive proportionate, Member States should exclude the smallest collecting **management organisations** from having to organise such a supervisory function.

Or. en

Amendment 122
Sabine Verheyen

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Members should be allowed to take part in monitoring the management of **collecting societies**. To this end, **collecting societies** should establish a supervisory function appropriate to their organisational structure and allow members to be represented in the body that exercises this function. To avoid imposing excessive burden on smaller collecting societies and to make the obligations arising from this Directive proportionate, Member States should be able to, if they consider this to be necessary, exclude the smallest collecting

Amendment

(13) Members should be allowed to take part in monitoring the management of **collective management organisations**. To this end, **collective management organisations** should establish a supervisory function appropriate to their organisational structure and allow **the different categories of** members to be represented **in equal manner** in the body that exercises this function. To avoid imposing excessive burden on smaller collecting societies and to make the obligations arising from this Directive

societies from having to organise such a supervisory function.

proportionate, Member States should be able to, if they consider this to be necessary, exclude the smallest collecting societies from having to organise such a supervisory function.

Or. en

Amendment 123
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Members should be allowed to take part in monitoring the management of *collecting societies*. To this end, *collecting societies* should establish a supervisory function appropriate to their organisational structure and allow members to be represented in the body that exercises this function. To avoid imposing excessive burden on smaller collecting societies and to make the obligations arising from this Directive proportionate, Member States should be able to, if they consider this to be necessary, exclude the smallest collecting societies from having to organise such a supervisory function.

Amendment

(13) Members should be allowed to take part in monitoring the management of *collective management organisations*. To this end, *collective management organisations* should establish a supervisory function appropriate to their organisational structure and allow *the different categories of* members to be represented *in fair and balanced manner* in the body that exercises this function. To avoid imposing excessive burden on smaller collecting societies and to make the obligations arising from this Directive proportionate, Member States should be able to, if they consider this to be necessary, exclude the smallest collecting societies from having to organise such a supervisory function.

Or. en

Amendment 124
Marietje Schaake

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) For reasons of sound management, a collecting society's senior management must be independent. Managers and executive directors should be required to declare **annually to the collecting society** whether there are conflicts between their interests and those of the society.

Amendment

(14) For reasons of sound management, a collecting society's senior management must be independent. Managers and executive directors should be required to declare, **prior to and yearly after taking their position as manager or executive director**, whether there are conflicts between their interests and those of the **collecting** society.

Or. en

Amendment 125

Nadja Hirsch

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) **Collecting societies** collect, manage and distribute revenue from the exploitation of the rights entrusted to them by rightholders. This revenue is ultimately due to rightholders who may be members of that **society**, or another society. It is therefore important that **collecting societies** exercise the utmost diligence in collecting, managing and distributing that revenue. Accurate distribution is only possible where **collecting societies** maintain proper records of membership, licences and use of works and other subject matter. **Where appropriate**, data should also be provided by rightholders and users and verified by **the collecting societies**. Amounts collected and due to rightholders should be managed separately from any own assets of the **collecting society** and, if they are invested, pending their distribution to rightholders, this should be carried out in accordance with the investment policy decided by the **collecting societies'** general meeting. In

Amendment

(15) **Collective management organisations** collect, manage and distribute revenue from the exploitation of the rights entrusted to them by rightholders. This revenue is ultimately due to rightholders who may be members of that **collective management organisation**, or another society. It is therefore important that **collective management organisations** exercise the utmost diligence, **with maximum efficiency**, in collecting, managing and distributing that revenue. Accurate distribution is only possible where **collective management organisations** maintain proper records of membership, licences and use of works and other subject matter. Data **on the use of the rights managed by collective management organisations** should also be provided by rightholders and users **as quickly as possible, and with due care**, and verified by **those organisations**. Amounts collected and due to rightholders should be managed

order to maintain a high level of protection for the rights of rightholders and to ensure that any income which may be derived from exploitation of their rights accrues for the benefit of rightholders, the investments made and held by the **collecting society** should be managed in accordance with criteria which would oblige the **collecting society** to act prudently, while allowing **the collecting society** to decide on the most secure and efficient investment policy. This should allow the **collecting society** to opt for an asset allocation that suits the precise nature and duration of any exposure to risk of any rights revenue invested and which does not unduly prejudice any rights revenue owed to rightholders. Moreover, in order to ensure that the amounts due to rightholders are appropriately and effectively distributed, it is necessary to require **collecting societies** to undertake diligent and good faith reasonable measures to identify and locate the relevant rightholders. It is also appropriate to provide for the approval by members of **collecting societies** of the rules governing any situation where, due to the lack of identified or located rightholders, amounts collected cannot be distributed.

separately from any own assets of the **collective management organisation** and, if they are invested, pending their distribution to rightholders, this should be carried out in accordance with the investment policy decided by the **collective management organisation's** general meeting. In order to maintain a high level of protection for the rights of rightholders and to ensure that any income which may be derived from exploitation of their rights accrues for the benefit of rightholders, the investments made and held by the **collective management organisation** should be managed in accordance with criteria which would oblige the **organisation** to act prudently, while allowing **it** to decide on the most secure and efficient investment policy. This should allow the **collective management organisation** to opt for an asset allocation that suits the precise nature and duration of any exposure to risk of any rights revenue invested and which does not unduly prejudice any rights revenue owed to rightholders. Moreover, in order to ensure that the amounts due to rightholders are appropriately and effectively distributed, it is necessary to require **collective management organisations** to undertake diligent and good faith reasonable measures to identify and locate the relevant rightholders. It is also appropriate to provide for the approval by members of **collective management organisations** of the rules governing any situation where, due to the lack of identified or located rightholders, amounts collected cannot be distributed.

Or. de

Amendment 126
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) Collecting societies collect, manage and distribute revenue from the exploitation of the rights entrusted to them by rightholders. This revenue is ultimately due to rightholders who may be members of that society, or another society. It is therefore important that collecting societies exercise the utmost diligence in collecting, managing and distributing that revenue. Accurate distribution is only possible where collecting societies maintain proper records of membership, licences and use of works and other subject matter. Where appropriate, data should also be provided by rightholders and users and verified by the collecting societies. Amounts collected and due to rightholders should be managed separately from any own assets of the collecting society and, if they are invested, pending their distribution to rightholders, this should be carried out in accordance with the investment policy decided by the collecting societies' general meeting. In order to maintain a high level of protection for the rights of rightholders and to ensure that any income which may be derived from exploitation of their rights accrues for the benefit of rightholders, the investments made and held by the collecting society should be managed in accordance with criteria which would oblige the collecting society to act prudently, while allowing the collecting society to decide on the most secure and efficient investment policy. This should allow the collecting society to opt for an asset allocation that suits the precise nature and duration of any exposure to risk of any rights revenue invested and which does not unduly prejudice any rights revenue owed to rightholders. Moreover, in order to ensure that the amounts due to rightholders are appropriately and effectively distributed, it

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is necessary to require collecting societies to undertake diligent and good faith reasonable measures to identify and locate the relevant rightholders. It is also appropriate to provide for the approval by members of collecting societies of the rules governing any situation where, due to the lack of identified or located rightholders, amounts collected cannot be distributed.

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Or. fr

Amendment 127
Marietje Schaake

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) Collecting societies collect, manage and distribute revenue from the exploitation of the rights entrusted to them by rightholders. This revenue is ultimately due to rightholders who may be members of that society, or another society. It is therefore important that collecting societies exercise the utmost diligence in collecting, managing and distributing that revenue. Accurate distribution is only possible where collecting societies maintain proper records of membership, licences and use of works and other subject matter. Where appropriate, data should also be provided by rightholders and users and verified by the collecting societies. Amounts collected and due to rightholders should be managed separately from any own assets of the collecting society and, if they are invested, pending their distribution to rightholders,

Amendment

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to rightholders, this should be carried out in accordance with the investment policy decided by the collecting societies' general meeting. In order to maintain a high level of protection for the rights of rightholders and to ensure that any income which may be derived from exploitation of their rights accrues for the benefit of rightholders, the investments made and held by the collecting society should be managed in accordance with criteria which would oblige the collecting society to act prudently, while allowing the collecting society to decide on the most secure and efficient investment policy. This should allow the *collecting* society to opt for *a secure and profitable* asset allocation that *prevents* exposure to risk of any rights revenue invested and which does not unduly prejudice any rights revenue owed to rightholders. Moreover, in order to ensure that the amounts due to rightholders are appropriately and effectively distributed, it is necessary to require collecting societies to undertake diligent and good faith reasonable measures to identify and locate the relevant rightholders. It is also appropriate to provide for the approval by members of collecting societies of the rules governing any situation where, due to the lack of identified or located rightholders, amounts collected cannot be distributed.

Or. en

Amendment 128
Jean-Marie Cavada

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Since rightholders are entitled to be remunerated for the exploitation of their

Amendment

(16) Since rightholders are entitled to be remunerated for the exploitation of their

rights, it is important for any deduction, other than management fees or deductions required by national law, to be decided by the members of collecting societies and for the societies to be transparent towards rightholders regarding the rules governing those deductions. Any such rightholder should have access in a non-discriminatory manner to any social, cultural or educational service funded through such deductions. However, this Directive should not affect national law on any aspects that are not regulated by this Directive.

rights, it is important for any deduction, other than management fees or deductions required by national law, to be decided by the members of collecting societies and for the societies to be transparent towards rightholders regarding the rules governing those deductions. Any such rightholder should have access in a non-discriminatory manner to any social, cultural or educational service funded through such deductions. However, this Directive should not affect national law on any aspects that are not regulated by this Directive, ***with the exception of non-voluntary collective management models.***

Or. fr

Amendment 129
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) This Directive is without prejudice to arrangements in the Member States concerning extended or compulsory collective licensing, legal presumptions of representation or transfer, or a combination of these elements.

Or. fr

Amendment 130
Marietje Schaake

Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

(18) Fair commercial terms in licensing are

(18) Fair commercial terms in licensing are

particularly important to ensure that users can license the works and other protected subject-matter for which a collecting society represents rights and to ensure the remuneration of rightholders. Collecting societies and users should therefore conduct licensing negotiations in good faith and apply tariffs determined on the basis of objective criteria.

particularly important to ensure that users can license the works and other protected subject-matter for which a collecting society represents rights and to ensure the remuneration of rightholders. Collecting societies and users should therefore conduct licensing negotiations in good faith and apply tariffs determined on the basis of objective **and non-discriminatory** criteria .

Or. en

Amendment 131
Marietje Schaake

Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) To enhance transparency and prevent situations where users receive more than one invoice for the same rights in the same works, collecting societies should be required to cooperate closely among themselves. This cooperation should include pooling of information on licences and use of works in a common database, coordinated and joint invoicing and collecting of rights revenues.

Or. en

Amendment 132
Lothar Bisky

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

(19) To enhance the trust of rightholders, users and other collecting societies in the

(19) To enhance the trust of rightholders, users and other collecting societies in the

management services provided by **collecting societies**, each collecting society should be required to set up specific transparency measures. Each collecting society should therefore inform individual rightholders of the amounts paid to them and the corresponding deductions made. **They** should also be required to provide sufficient information, including financial information, to the other **collecting societies** whose rights they manage through representation agreements. Each collecting society should also make public **enough** information to ensure that rightholders, users and other **collecting societies** understand how it is structured and how it carries out its activities. **Collecting societies** should in particular disclose to rightholders, users and other **collecting societies** the scope of their repertoire and their rules on fees, deductions and tariffs.

management services provided by **collective management organisations**, each collecting society should be required to set up specific transparency measures. Each collecting society should therefore inform individual rightholders of the amounts paid to them and the corresponding deductions made. **Collective management organisations** should also be required to provide sufficient information, including financial information, to the other **collective management organisations** whose rights they manage through representation agreements. Each collecting society should also make public **all relevant** information **in standardised form** to ensure that rightholders, users and other collective management organisations understand how it is structured and how it carries out its activities. **Collective management organisations** should in particular disclose to rightholders, users and other **collective management organisations, on the basis of standardised information categories**, the scope of their repertoire and their rules on fees, deductions and tariffs.

Or. de

Amendment 133
Marietje Schaake

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) To ensure that rightholders are in a position to monitor the performance of their collecting societies and compare their respective performance, collecting societies should make public an annual transparency report comprising comparable audited financial information specific to the activities of collecting societies.

Amendment

(20) To ensure that rightholders are in a position to monitor the performance of their collecting societies and compare their respective performance, collecting societies should make public an annual transparency report comprising comparable audited financial information specific to the activities of collecting societies.

Collecting societies should also make public an annual special report on the use of amounts dedicated to social, cultural and educational services. ***To avoid imposing excessive burden on smaller collecting societies and to make the obligations arising from this Directive proportionate, Member States should be able to, if they consider this to be necessary, exclude the smallest collecting societies from certain transparency obligations.***

Collecting societies should also make public an annual special report on the use of amounts dedicated to social, cultural and educational services.

Or. en

Amendment 134
Emma McClarkin

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) To ensure that rightholders are in a position to monitor the performance of their collecting ***societies*** and compare their respective performance, collecting ***societies*** should make public an annual transparency report comprising comparable audited financial information specific to the activities of collecting ***societies***. Collecting ***societies*** should also make public an annual special report on the use of amounts dedicated to social, cultural and educational services. To avoid imposing excessive ***burden*** on smaller collecting ***societies*** and to make the obligations arising from this Directive proportionate, Member States should ***be able to, if they consider this to be necessary***, exclude the smallest collecting ***societies*** from ***certain transparency obligations***.

Amendment

(20) To ensure that rightholders are in a position to monitor the performance of their collecting ***management organisations*** and compare their respective performance, collecting ***management organisations*** should make public an annual transparency report comprising comparable audited financial information specific to the activities of collecting ***management organisations***. Collecting ***management organisations*** should also make public an annual special report on the use of amounts dedicated to social, cultural and educational services. To avoid imposing excessive ***burdens*** on smaller collecting ***management organisations, in line with better regulation commitments*** and to make the obligations arising from this Directive proportionate, Member States should exclude the smallest collecting ***management organisations*** from ***having to organise such a supervisory function***.

Or. en

Amendment 135
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) This Directive is without prejudice to arrangements in the Member States concerning the management of rights, such as extended collective licensing, compulsory collective management, or legal presumptions of representation or transfer, provided that the arrangements in question are compatible with Union law and the international obligations of the European Union and the Member States. In the case of compulsory collective management for all works in a given category of rights or types of content, the requirement to publish the repertoire shall not apply where a single compulsory collective management body is specifically mandated.

Or. fr

Amendment 136
Rolandas Paksas

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) This Directive is without prejudice to the arrangements in the Member States concerning the management of rights such as extended collective licensing, compulsory collective management and legal presumptions of representation, or transfer of rights, provided that such arrangements are compatible with Union

law and the international obligations of the Union and its Member States. In the case of mandatory collective management for all works in a relevant category of rights or type of content, the obligation to publish the repertoire is unnecessary where only one is actively mandated.

Or. en

Amendment 137
Nadja Hirsch

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) While the Internet knows no borders, the online market for music services in the EU is still fragmented, and a single market has still not been fully achieved. The complexity and difficulty associated with the collective management of rights in Europe has, in a number of instances, exacerbated the fragmentation of the European digital market for online music services. This situation comes in stark contrast to the fast growing demand of consumers for access to digital content and associated innovative services, including across national borders.

Amendment

(22) While the Internet knows no borders, the online market for music services in the EU is still fragmented, and a single market has still not been fully achieved. The complexity and difficulty associated with the collective management of rights in Europe has, in a number of instances, exacerbated the fragmentation of the European digital market for online music services. This situation comes in stark contrast to the fast growing demand of consumers for access to **legally available** digital content and associated innovative services, including across national borders.

Or. de

Amendment 138
Lothar Bisky

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) While the Internet knows no borders,

Amendment

(22) While the Internet knows no borders,

the online market for music services in the EU is still fragmented, and a single market has still not been fully achieved. The complexity and difficulty associated with the collective management of rights in Europe has, in a number of instances, exacerbated the fragmentation of the European digital market for online music services. This situation comes in stark contrast to the fast growing demand of consumers for access to digital content and associated innovative services, including across national borders.

the online market for music services in the EU is still fragmented, and a single market has still not been fully achieved. The complexity and difficulty associated with the collective management of rights in Europe has, in a number of instances, exacerbated the fragmentation of the European digital market for online music services. This situation comes in stark contrast to the fast growing demand of consumers for access to digital content and associated innovative services, including across national borders. ***It is therefore increasingly necessary to adapt copyright law to the digital age.***

Or. de

Amendment 139
Sabine Verheyen

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The provision of multi-territorial multi-repertoire licences for online music rights and the safeguarding of a fair and adequate remuneration for rightholders by collective management organisations lies in the general economic and cultural interest of the European Union and its citizens. Cross-border cooperation of collective management organisations or the consolidation of their licensing activities to pool their respective complementary repertoires is indispensable for the establishment and the functioning of an efficient system of multi-territorial multi-repertoire licences for online rights in musical works.

Or. en

Amendment 140
Nadja Hirsch

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Commission Recommendation 2005/737/EC promoted a new regulatory environment ***better suited to*** the management, at Union level, of copyright and related rights for the provision of legitimate online music services. It recognised that in an era of online exploitation of musical works, commercial users need a licensing policy that corresponds to the ubiquity of the online environment and which is multi-territorial. However, the Recommendation, ***due to its voluntary nature***, has not been sufficient to encourage the widespread multi-territorial licensing of online rights in musical works and to address the specific demands of multi-territorial licensing.

Amendment

(23) Commission Recommendation 2005/737/EC promoted a new regulatory environment ***for*** the management, at Union level, of copyright and related rights for the provision of legitimate online music services. It recognised that in an era of online exploitation of musical works, commercial users need a licensing policy that corresponds to the ubiquity of the online environment and which is multi-territorial. However, the Recommendation has not been sufficient to encourage the widespread multi-territorial licensing of online rights in musical works and to address the specific demands of multi-territorial licensing.

Or. de

Amendment 141
Lothar Bisky

Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Moreover, this Directive takes into account the possibility of distinguishing between commercial use, private use and free use of material, in the latter case made available on a non-profit basis. In addition, rightholders have the option of managing their rights themselves or transferring them to another society or association.

Amendment 142**Lothar Bisky****Proposal for a directive****Recital 24***Text proposed by the Commission*

(24) In the online music sector, where collective management of authors' rights on a territorial basis remains the norm, it is essential to create conditions conducive to the most effective licensing practices by collecting societies, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, ***provided that it aggregates repertoire and offers or grants multi-territorial licences***, to accept the mandate of the requesting society. ***The development of legal online music services across the Union should also contribute to the fight against piracy.***

Amendment

(24) In the online music sector, where collective management of authors' rights on a territorial basis remains the norm, it is essential to create conditions conducive to the most effective licensing practices by collecting societies, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society to accept the mandate of the requesting society.

Amendment 143
Marietje Schaake

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) In the online music sector, where collective management of authors' rights on a territorial basis remains the norm, it is essential to create conditions conducive to the most effective licensing practices by collecting societies, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, provided that it aggregates repertoire and offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online **music** services across the Union **should also contribute to the fight against piracy.**

Amendment

(24) In the online music sector, where collective management of authors' rights on a territorial basis remains the norm, it is essential to create conditions conducive to the most effective licensing practices by collecting societies, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, provided that it aggregates repertoire and offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online **content** services across the Union **will provide an alternative to online content over which no copyright fees are paid.**

Amendment 144**Marie-Thérèse Sanchez-Schmid****Proposal for a directive****Recital 24***Text proposed by the Commission*

(24) ***In the online music sector, where*** collective management of authors' rights on a territorial basis remains the norm, ***it*** is essential to create conditions conducive to the most effective licensing practices by collecting societies, ***in an increasingly cross-border context***. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, provided that it aggregates repertoire and offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online music services across the Union should also contribute to the fight against piracy.

Amendment

(24) ***Unlike the other creative sectors, where direct licensing plays a greater role,*** collective management of authors' rights on a territorial basis remains the norm ***in the online music sector. It is therefore*** essential to create conditions conducive to the most effective licensing practices by collecting societies. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, provided that it aggregates repertoire and offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online music services across the Union should also contribute to the fight against piracy.

Amendment 145
Rolandas Paksas

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) *In the online music sector, where* collective management of authors' rights on a territorial basis remains the norm, it is essential to create conditions conducive to the most effective licensing practices by collecting societies, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, provided that it aggregates repertoire and offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online music services across the Union should also contribute to the fight against piracy.

Amendment

(24) *Unlike other creative sectors where direct licensing plays a more prominent role, the* collective management of authors' rights on a territorial basis remains the norm *in the music sector. Therefore,* it is essential to create conditions conducive to the most effective licensing practices by collecting societies, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, provided that it aggregates repertoire and offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online music services across the Union should

also contribute to the fight against piracy.

Or. en

Amendment 146

Emma McClarkin, Piotr Borys

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) In the online music sector, where collective management of authors' rights on a territorial basis remains the norm, it is essential to create conditions conducive to the most effective licensing practices by collecting **societies**, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting **societies** of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting **societies**, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting **society** to request another collecting **society** to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, provided that it aggregates repertoire and offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online music services across the Union should

Amendment

(24) In the online music sector, where collective management of authors' rights on a territorial basis remains the norm, it is essential to create conditions conducive to the most effective licensing practices by collecting **management organisations**, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting **management organisations** of multi-territorial collective licensing of authors' online rights in musical works, **thereby enhancing consumer choice and advancing towards completion of the Digital Single Market**. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting **management organisations**, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire and thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting **management organisation** to request another collecting **management organisation** to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, provided that it aggregates repertoire and

also contribute to the fight against piracy.

offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online music services across the Union should also contribute to the fight against piracy.

Or. en

Amendment 147

Nadja Hirsch

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) In the online music sector, where collective management of authors' rights on a territorial basis remains the norm, it is essential to create conditions conducive to the most effective licensing practices by collecting societies, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire *and* thus reducing the number of licences a user needs to operate a multi-territorial service. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society, provided that it aggregates repertoire and

Amendment

(24) In the online music sector, where collective management of authors' rights on a territorial basis remains the norm, it is essential to create conditions conducive to the most effective licensing practices by collecting societies, in an increasingly cross-border context. It is therefore appropriate to provide for a set of rules coordinating basic conditions for the provision by collecting societies of multi-territorial collective licensing of authors' online rights in musical works. These provisions should ensure the necessary minimum quality of the cross-border services provided by collecting societies, notably in terms of transparency of repertoire represented and accuracy of financial flows related to the use of the rights. They should also set out a framework for facilitating the voluntary aggregation of music repertoire, thus reducing the number of licences a user needs to operate a multi-territorial service *and enabling them to be issued more efficiently*. These provisions should enable a collecting society to request another collecting society to represent its repertoire on a multi-territorial basis where it cannot fulfil the requirements itself. There should be an obligation on the requested society,

offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online music services across the Union should also contribute to the fight against piracy.

provided that it aggregates repertoire and offers or grants multi-territorial licences, to accept the mandate of the requesting society. The development of legal online music services across the Union should also contribute to the fight against piracy.

Or. de

Amendment 148
Lothar Bisky

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) The availability of accurate **and comprehensive** information on the musical works, rightholders and the rights that each collecting society is authorised to represent in a given Member State is of particular importance for an effective and transparent licensing process, for the subsequent monitoring of the use of licensed rights and the related invoicing of service providers as well as for the distribution of amounts due to rightholders. For this reason, collecting societies granting multi-territorial licences for musical works should be able to process such detailed data quickly and accurately. This requires the use of continually updated databases on ownership of rights that are licensed on a multi-territorial basis, containing data that allow for the identification of works, rights, rightholders and Member States which a collecting society is authorised to represent. These databases should also help to match information on works with information on phonograms or any other fixation in which the work has been incorporated. It is also important to ensure that prospective licensees and rightholders have access to the information they need to identify the repertoire that those collecting

Amendment

(25) The availability of accurate information **in standardised form** on the musical works, rightholders and the rights that each collecting society is authorised to represent in a given Member State is of particular importance for an effective and transparent licensing process, for the subsequent monitoring of the use of licensed rights and the related invoicing of service providers as well as for the distribution of amounts due to rightholders. For this reason, collecting societies granting multi-territorial licences for musical works should be able to process such **standardised** detailed data quickly and accurately. This requires the use of continually updated databases on ownership of rights that are licensed on a multi-territorial basis, containing data that allow for the identification of works, rights, rightholders and Member States which a collecting society is authorised to represent. These databases should also help to match **standardised** information on works with information on phonograms or any other fixation in which the work has been incorporated. It is also important to ensure that prospective licensees and rightholders have access to the information

societies are representing, without prejudice to any measure these societies may be entitled to take to protect the accuracy and integrity of the data, to control its reuse and to protect personal data and commercially sensitive information.

they need to identify the repertoire that those collecting societies are representing, without prejudice to any measure these societies may be entitled to take to protect the accuracy and integrity of the data, to control its reuse and to protect personal data and commercially sensitive information.

Or. de

Amendment 149
Marietje Schaake

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) The availability of accurate and comprehensive information on the musical works, rightholders and the rights that each collecting society is authorised to represent in a given Member State is of particular importance for an effective and transparent licensing process, for the subsequent monitoring of the use of licensed rights and the related invoicing of service providers as well as for the distribution of amounts due to rightholders. For this reason, collecting societies granting multi-territorial licences for musical works should be able to process such detailed data quickly and accurately. This requires the use of continually updated databases on ownership of rights that are licensed on a multi-territorial basis, containing data that allow for the identification of works, rights, rightholders and Member States which a collecting society is authorised to represent. These databases should also help to match information on works with information on phonograms or any other fixation in which the work has been incorporated. It is also important to ensure that prospective licensees and rightholders

Amendment

(25) The availability of accurate and comprehensive information on the musical works, rightholders and the rights that each collecting society is authorised to represent in a given Member State is of particular importance for an effective and transparent licensing process, for the subsequent monitoring of the use of licensed rights and the related invoicing of service providers as well as for the distribution of amounts due to rightholders. For this reason, collecting societies granting multi-territorial licences for musical works should be able to process such detailed data quickly and accurately. This requires the use of continually updated databases on ownership of rights that are licensed on a multi-territorial basis, containing data that allow for the identification of works, rights, rightholders and Member States which a collecting society is authorised to represent. These databases should also help to match information on works with information on phonograms or any other fixation in which the work has been incorporated. It is also important to ensure that *users, consumers*, prospective

have access to the information they need to identify the repertoire that those collecting societies are representing, without prejudice to any measure these societies may be entitled to take to protect the accuracy and integrity of the data, to control its reuse and to protect personal data and commercially sensitive information.

licensees and rightholders have access to the information they need to identify the repertoire that those collecting societies are representing, without prejudice to any measure these societies may be entitled to take to protect the accuracy and integrity of the data, to control its reuse and to protect personal data and commercially sensitive information.

Or. en

Amendment 150
Marietje Schaake

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) To ensure that the data on the music repertoire they process is as accurate as possible, collecting societies granting multi-territorial licences of musical works should be required to update their databases continuously and without delay. They should establish easily accessible procedures to enable rightholders **and** other collecting societies whose repertoire they may represent to inform them about any inaccuracy that the collecting societies databases may contain in respect of works they own or control, including rights – in whole or in part – and Member States for which they have mandated the relevant collecting society to act. They should also have the capacity to process electronically the registration of works and authorisations to manage rights. Given the importance of information automation for the fast and effective processing of data, collecting societies should provide for the use of electronic means for the structured communication of that information by rightholders. Collecting societies should, as far as possible, ensure that such electronic

Amendment

(26) To ensure that the data on the music repertoire they process is as accurate as possible, collecting societies granting multi-territorial licences of musical works should be required to update their databases continuously and without delay. They should establish easily accessible procedures to enable rightholders, other collecting societies whose repertoire they may represent, **users and consumers** to inform them about any inaccuracy that the collecting societies databases may contain in respect of works they own or control, including rights – in whole or in part – and Member States for which they have mandated the relevant collecting society to act. They should also have the capacity to process electronically the registration of works and authorisations to manage rights. Given the importance of information automation for the fast and effective processing of data, collecting societies should provide for the use of electronic means for the structured communication of that information by rightholders. Collecting societies should, as far as possible, ensure

means take into account the relevant industry standards or practices developed at international level or at the level of the Union.

that such electronic means take into account the relevant industry standards or practices developed at international level or at the level of the Union.

Or. en

Amendment 151
Nadja Hirsch

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) To ensure that the data on the music repertoire they process is as accurate as possible, collecting societies granting multi-territorial licences of musical works should be required to update their databases continuously and without delay. They should establish easily accessible procedures to enable rightholders and other collecting societies whose repertoire they may represent to inform them about any inaccuracy that the collecting societies databases may contain in respect of works they own or control, including rights – in whole or in part – and Member States for which they have mandated the relevant collecting society to act. They should also have the capacity to process electronically the registration of works and authorisations to manage rights. Given the importance of information automation for the fast and effective processing of data, collecting societies should provide for the use of electronic means for the structured communication of *that* information by rightholders. Collecting societies should, as far as possible, ensure that such electronic means take into account the relevant industry standards or practices developed at international level or at the level of the Union.

Amendment

(26) To ensure that the data on the music repertoire they process is as accurate as possible, collecting societies granting multi-territorial licences of musical works should be required to update their databases continuously and without delay. They should establish easily accessible procedures to enable rightholders and other collecting societies whose repertoire they may represent to inform them about any inaccuracy that the collecting societies databases may contain in respect of works they own or control, including rights – in whole or in part – and Member States for which they have mandated the relevant collecting society to act. They should also have the capacity to process electronically the registration of works and authorisations to manage rights. Given the importance of information automation for the fast and effective processing of data, collecting societies should provide for the use of electronic means for the structured communication of information – ***confined to the information required for this transaction*** – by rightholders. Collecting societies should, as far as possible, ensure that such electronic means take into account the relevant industry standards or practices developed at international level or

at the level of the Union.

Or. de

Amendment 152
Marietje Schaake

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) Digital technology allows the automated monitoring by collecting societies of the use by the licensee of the licensed musical works and facilitates invoicing. Industry standards for music usage, sales reporting and invoicing are instrumental to improve the efficiency in the exchange of data between collecting societies and users. The monitoring of the use of licences should respect fundamental rights, namely the right to respect of private and family life and data protection. To ensure that these efficiency gains result in faster financial processing and ultimately in earlier payments to rightholders, collecting societies should be required to ***invoice service providers*** and to distribute amounts due to rightholders without delay. For this requirement to be effective, it is necessary that licensees make every effort to provide collecting societies with accurate and timely reports on the use of the works. Collecting societies should not be required to accept users' reports in proprietary formats when widely used industry standards are available.

Amendment

(27) Digital technology allows the automated monitoring by collecting societies of the use by the licensee of the licensed musical works and facilitates invoicing. Industry standards for music usage, sales reporting and invoicing are instrumental to improve the efficiency in the exchange of data between collecting societies and users. The monitoring of the use of licences should respect fundamental rights, namely the right to respect of private and family life and data protection. To ensure that these efficiency gains result in faster financial processing and ultimately in earlier payments to rightholders, collecting societies should be required to ***establish cooperation procedures among themselves so as to ensure that each user receives a single joint invoice*** and to distribute amounts due to rightholders without delay. For this requirement to be effective, it is necessary that licensees make every effort to provide collecting societies with accurate and timely reports on the use of the works. Collecting societies should not be required to accept users' reports in proprietary formats when widely used industry standards are available.

Or. en

Amendment 153
Helga Trüpel

Proposal for a directive
Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) While the transparency and accuracy of repertoire information, timely and accurate reporting, invoicing and payments to rightholders are indispensable for the functioning of multi-territorial licensing in the internal market, it is also appropriate to require that collective management organisations managing authors' rights in musical works meet these higher standards with respect to all other forms of exploitation of those works and to all types of licences they provide. However it needs to be recognised that meeting the standards laid down for accurate invoicing and payments to rightholders also require an improvement in the accuracy of reporting by users, in particular in the offline environment. Therefore, collective management organisations need not comply with these requirements before 2020.

Or. en

Amendment 154
Daniël van der Stoep

Proposal for a directive
Recital 29

Text proposed by the Commission

Amendment

(29) Aggregating of different music repertoires for multi-territorial licensing facilitates the licensing process and, by making all repertoires accessible to the market for multi-territorial licensing,

(29) Aggregating of different music repertoires for multi-territorial licensing facilitates the licensing process and contributes to reducing the number of transactions an online service provider

enhances cultural diversity and contributes to reducing the number of transactions an online service provider needs in order to offer that service. That aggregation of repertoires should facilitate the development of new online services, and should also result in a reduction of transaction costs that are passed on to consumers. Therefore, collecting societies that are not willing to or are not able to grant multi-territorial licences directly in their own music repertoire should be encouraged to mandate other collecting societies voluntarily with the task of managing their repertoire under non-discriminatory terms. Where the request to mandate takes place, the requested collecting society should be required to accept, provided that it aggregates repertoire and offers or grants multi-territorial licences. In addition, exclusivity in agreements on multi-territorial licenses would restrict the choices available to users seeking multi-territorial licenses and also restrict the choices available to collecting societies seeking administration services for their repertoire on a multi-territorial basis. Therefore, all representation agreements between collecting societies providing for multi-territorial licensing should be concluded on a non-exclusive basis.

needs in order to offer that service. That aggregation of repertoires should facilitate the development of new online services, and should also result in a reduction of transaction costs that are passed on to consumers. Therefore, collecting societies that are not willing to or are not able to grant multi-territorial licences directly in their own music repertoire should be encouraged to mandate other collecting societies voluntarily with the task of managing their repertoire under non-discriminatory terms. Where the request to mandate takes place, the requested collecting society should be required to accept, provided that it aggregates repertoire and offers or grants multi-territorial licences. In addition, exclusivity in agreements on multi-territorial licenses would restrict the choices available to users seeking multi-territorial licenses and also restrict the choices available to collecting societies seeking administration services for their repertoire on a multi-territorial basis. Therefore, all representation agreements between collecting societies providing for multi-territorial licensing should be concluded on a non-exclusive basis.

Or. nl

Amendment 155
Marietje Schaake

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) Aggregating of different music repertoires for multi-territorial licensing facilitates the licensing process and, by making all repertoires accessible to the

Amendment

(29) Aggregating of different music repertoires for multi-territorial licensing facilitates the licensing process and, by making all repertoires accessible to the

market for multi-territorial licensing, enhances cultural diversity and contributes to reducing the number of transactions an online service provider needs in order to offer that service. That aggregation of repertoires should facilitate the development of new online services, and should also result in a reduction of transaction costs that are passed on to consumers. Therefore, collecting societies that are not willing to or are not able to grant multi-territorial licences directly in their own music repertoire should **be encouraged to** mandate other collecting societies voluntarily with the task of managing their repertoire under non-discriminatory terms. Where the request to mandate takes place, the requested collecting society should be required to accept, provided that it aggregates repertoire and offers or grants multi-territorial licences. In addition, exclusivity in agreements on multi-territorial licenses would restrict the choices available to users seeking multi-territorial licenses and also restrict the choices available to collecting societies seeking administration services for their repertoire on a multi-territorial basis. Therefore, all representation agreements between collecting societies providing for multi-territorial licensing should be concluded on a non-exclusive basis.

market for multi-territorial licensing, enhances cultural diversity and contributes to reducing the number of transactions an online service provider needs in order to offer that service. That aggregation of repertoires should facilitate the development of new online services, and should also result in a reduction of transaction costs that are passed on to consumers. Therefore, collecting societies that are not willing to or are not able to grant multi-territorial licences directly in their own music repertoire should mandate other collecting societies voluntarily with the task of managing their repertoire under non-discriminatory terms. Where the request to mandate takes place, the requested collecting society should be required to accept, provided that it aggregates repertoire and offers or grants multi-territorial licences. In addition, exclusivity in agreements on multi-territorial licenses would restrict the choices available to users seeking multi-territorial licenses and also restrict the choices available to collecting societies seeking administration services for their repertoire on a multi-territorial basis. Therefore, all representation agreements between collecting societies providing for multi-territorial licensing should be concluded on a non-exclusive basis.

Or. en

Amendment 156
Petra Kammerevert

Proposal for a directive
Recital 35

Text proposed by the Commission

(35) Broadcasting organisations generally rely on a licence from a local collecting

Amendment

(35) Broadcasting organisations generally rely on a **blanket** licence from a local

society, *for their own broadcasts of television and radio programmes which include* musical works. *This licence is often limited to broadcasting activities. A licence for online rights in musical works would be required in order to allow such television or radio broadcasts to be also available online. To facilitate the licensing of online music rights for the purposes of simultaneous and delayed transmission online of television and radio broadcasts, it is necessary to provide for a derogation from the rules that would otherwise apply to the multi-territorial licensing of musical works for online uses. Such derogation should be limited to what is necessary to allow access to television or radio programmes online and to material having a clear and subordinate relationship to the original broadcast produced for purposes such as supplementing, previewing or reviewing that television or radio programme. That derogation* should not operate so as to distort competition with other services which give consumers access to individual musical *or audiovisual* works online, or lead to restrictive practices, such as market or customer sharing, *in breach of* Articles 101 *or* 102 of the Treaty on the Functioning of the European Union.

collecting society *in order to acquire rights to the worldwide repertoire of* musical works *and to be able to provide the public with television and radio programmes and online services. Such blanket licences for broadcasting organisations are based on their actual needs, have become firmly established and are recognised by rightholders, broadcasting organisations and collecting societies alike. This established practice should be retained by this Directive in order to avoid the application of disparate legislation on the licensing of offline and online services provided by broadcasting organisations. It is therefore necessary to exclude collecting societies from the scope of Title III as soon as they issue licences to broadcasting organisations. This* should not, *however,* operate so as to distort competition with other services which give consumers access to individual musical works online, or lead to restrictive practices, such as market or customer sharing, *and must accord with national and EU law, particularly* Articles 101 *and* 102 of the Treaty on the Functioning of the European Union.

Or. de

Amendment 157

Piotr Borys, Emma McClarkin

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) Broadcasting organisations generally rely on a licence from a local *collecting society*, for their own broadcasts of television and radio programmes which

Amendment

(35) Broadcasting organisations generally rely on a licence from a local *collective management organisation*, for their own broadcasts of television and radio

include musical works. This licence is often limited to broadcasting activities. A licence for online rights in musical works would be required in order to allow such television or radio broadcasts to be also available online. To facilitate the licensing of online music rights for the purposes of simultaneous and delayed transmission online of television and radio broadcasts, it is necessary to provide for a derogation from the rules that would otherwise apply to the multi-territorial licensing of musical works for online uses. Such derogation should be limited to what is necessary to allow access to television or radio programmes online and to material having a clear and subordinate relationship to the original broadcast produced for purposes such as supplementing, previewing or reviewing that television or radio programme. That derogation should not operate so as to distort competition with other services which give consumers access to individual musical or audiovisual works online, or lead to restrictive practices, such as market or customer sharing, in breach of Articles 101 or 102 of the Treaty on the Functioning of the European Union.

programmes which include musical works. This licence is often limited to broadcasting activities. A licence for online rights in musical works would be required in order to allow such television or radio broadcasts to be also available online. To facilitate the licensing of online music rights for the purposes of simultaneous and delayed transmission online of television and radio broadcasts, it is necessary to provide for a derogation from the rules that would otherwise apply to the multi-territorial licensing of musical works for online uses. Such derogation should be limited to what is necessary to allow access to television or radio programmes online and to material having a clear and subordinate relationship to the original broadcast produced for purposes such as supplementing, previewing or reviewing that television or radio programme. That derogation should not operate so as to distort competition with other services which give consumers access to individual musical or audiovisual works online, or lead to restrictive practices, such as market or customer sharing, in breach of Articles 101 or 102 of the Treaty on the Functioning of the European Union.

Or. en

Amendment 158
Jean-Marie Cavada

Proposal for a directive
Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) Broadcasting organisations generally rely on a global licence from a local collective management organisation for rights to the world repertoire of musical works, in order to communicate and make available to the public their

own radio or television programmes and corresponding online services, such as content complementing or enhancing broadcasters' programmes or broadening the choice of programmes they offer. This directive should therefore uphold this well-established practice in order to avoid a situation where different rules apply to licences issued for broadcasters' online and offline services. It is therefore necessary to exempt collection societies from the provisions of Title III where they issue licences for broadcasters' online services linked to their offline services; such licences should be issued in accordance with national and European Union law, in particular Articles 101 and 102 of the Treaty on the Functioning of the European Union.

Or. fr

Amendment 159
Marietje Schaake

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) Moreover, Member States should establish appropriate procedures by means of which it will be possible to make complaints against collecting societies who do not comply with the law and to ensure that, where appropriate, effective, proportionate and dissuasive sanctions are imposed. Member States should determine which authorities should be responsible for administering the complaints procedures and sanctions. To ensure that the requirements for multi-territorial licensing are complied with, specific provisions on the monitoring of their implementation should be laid down. The competent authorities of the Member States and the

Amendment

(37) Moreover, Member States should establish appropriate procedures by means of which it will be possible to make complaints against collecting societies who do not comply with the law and to ensure that, where appropriate, effective, proportionate and dissuasive **measures and** sanctions are imposed. Member States should determine which authorities should be responsible for administering the complaints procedures and sanctions. To ensure that the requirements for multi-territorial licensing are complied with, specific provisions on the monitoring of their implementation should be laid down. The competent authorities of the Member

European Commission should cooperate with each other to this end.

States and the European Commission should cooperate with each other to this end.

Or. en

Amendment 160
Jean-Marie Cavada

Proposal for a directive
Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) While it is legitimate to recognise the rightholder's freedom to enter into, withdraw from or terminate a rights management arrangement, it is essential that this should go hand in hand with respect for economic imperatives, and for the nature and quality of the service provided by the collecting society.

Or. fr

Amendment 161
Rolandas Paksas

Proposal for a directive
Recital 43

Text proposed by the Commission

Amendment

(43) The provisions of this Directive are without prejudice to the application of competition law rules, and any other relevant law in other areas including confidentiality, trade secrets, privacy, access to documents, the law of contract and private international law relating to the conflict of laws and the jurisdiction of courts.

(43) The provisions of this Directive are without prejudice to the application of competition law rules, and any other relevant law in other areas including confidentiality, ***in particular with respect to individual agreements and non-disclosure agreements***, trade secrets, privacy, access to documents, the law of contract and private international law relating to the conflict of laws and the jurisdiction of courts.

Amendment 162
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) The provisions of this Directive are without prejudice to the application of competition law rules, and any other relevant law in other areas including confidentiality, trade secrets, privacy, access to documents, the law of contract and private international law relating to the conflict of laws and the jurisdiction of courts.

Amendment

(43) The provisions of this Directive are without prejudice to the application of competition law rules, and any other relevant law in other areas including confidentiality, ***respecting in particular individual non-disclosure agreements and non-disclosure clauses***, trade secrets, privacy, access to documents, the law of contract and private international law relating to the conflict of laws and the jurisdiction of courts.

Or. fr

Amendment 163
Rolandas Paksas

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down requirements necessary to ensure the proper functioning of the management of copyright and related rights by ***collecting societies***. It also lays down requirements for multi-territorial licensing by collecting societies of authors' rights in musical works for online use.

Amendment

This Directive lays down requirements necessary to ensure the proper functioning of the management of copyright and related rights by ***collective management organisations***. It also lays down requirements for multi-territorial licensing by collecting societies of authors' rights in musical works for online use.

Or. en

Amendment 164
Marietje Schaake

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down requirements necessary to ensure the proper functioning of the management of copyright and related rights by collecting societies. It also lays down requirements for multi-territorial licensing by collecting societies of authors' rights in musical works for online use.

Amendment

This Directive lays down requirements necessary to ensure the proper, ***efficient, accurate, accountable and transparent*** functioning of the management of copyright and related rights by collecting societies. It also lays down requirements for multi-territorial licensing by collecting societies of authors' rights in musical works for online use.

Or. en

Amendment 165
Marietje Schaake

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

Text proposed by the Commission

Amendment

By 2015, all collective management organisations established in the Union shall enforce for all forms of exploitation of works, the highest standards of transparency on repertoire information, timely and accurate reporting on invoicing and payments to rightholders, as described in Articles 23, 25 and 26 for all types of licensing they provide.

Or. en

Amendment 166
Helga Trüpel

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

Text proposed by the Commission

Amendment

Member States shall ensure that by 1 January 2020, all collective management organisations established in the Union managing authors' rights in musical works shall comply with the standards set out in Articles 23, 24, 25 and 26 with respect to all forms of exploitation of musical works.

Or. en

Amendment 167
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

Amendment

Titles I, II and IV with the exception of Articles 36 and 40 shall apply to all ***collecting societies*** established in the Union.

Titles I, II and IV with the exception of Articles 36 and 40 shall apply to all ***collective management organisations*** established in the Union.

Or. en

Amendment 168
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

Amendment

Titles I, II ***and*** IV with the exception of Articles 36 and 40 shall apply to all collecting societies established in the Union.

Titles I, II, IV ***and V*** with the exception of Articles 36 and 40 shall apply to all collecting societies established in the Union.

Amendment 169
Jean-Marie Cavada

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

Titles I, II and IV with the exception of Articles 36 and 40 shall apply to all collecting societies established in the Union.

Amendment

Titles I, II and IV with the exception of Articles 36 and 40 shall apply to all collecting societies established in the Union ***and also outside the Union but providing services in the Union.***

Or. fr

Amendment 170
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Articles 13 to 20 shall apply to collecting societies operating in at least one EU Member State.

Or. fr

Amendment 171
Marie-Thérèse Sanchez-Schmid

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

Text proposed by the Commission

Amendment

Chapter 5 ‘Transparency and Reporting’ in Title II shall apply to all entities

actively engaged in the management of rights in at least one EU Member State.

Or. fr

Amendment 172
Sabine Verheyen

Proposal for a directive
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Title III shall not apply to collecting societies which distribute licences to broadcasters in accordance with national and EU law for their online offers connected to linear broadcasting.

Or. de

Amendment 173
Sabine Verheyen

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

Text proposed by the Commission

Amendment

Titles I, II and IV of this directive shall apply to all collecting societies established in the Union. The Member States may apply Title I, Chapters 2 to 5 of Title II, and Title IV with the exception of Articles 36 and 40, of this directive to third-country collecting societies where they license rights on the territories of the Member States.

Or. de

Amendment 174
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

Title III and Articles 36 and 40 of Title IV shall only apply to those **collecting societies** managing authors' rights in musical works for online use on a multi-territorial basis.

Amendment

Title III and Articles 36 and 40 of Title IV shall only apply to those **collective management organisations** managing authors' rights in musical works for online use on a multi-territorial basis.

Or. en

Amendment 175
Jean-Marie Cavada

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

Title III and Articles 36 and 40 of Title IV shall only apply to those collecting societies managing authors' rights in musical works for online use on a multi-territorial basis.

Amendment

Title III and Articles 36 and 40 of Title IV shall only apply to those collecting societies managing authors' rights in musical works for online use on a multi-territorial **and multi-repertoire** basis.

Or. fr

Amendment 176
Helga Trüpel

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

Text proposed by the Commission

Amendment

Title I, Articles 13, 14, 15, 17 and 18 of Title II and Title IV with the exception of Articles 36 and 40 shall also apply, for their operations carried out in the Union,

to collecting societies established outside the Union.

Or. en

Justification

The draft Directive introduces certain requirements for administrative capacity and transparency for management of rights in the EU. In a competitive international market environment this regulation should not lead to a discrimination of domestic (EU) operators. Therefore, certain provisions of the Directive as specified above should be applied to all collective management societies operating in the EU, even though they are established outside the EU. This should avoid putting EU collecting societies in a disadvantageous position vis-à-vis non-EU entities and help to avoid off-shoring of rights management activities outside the EU.

Amendment 177

Helga Trüpel

Proposal for a directive

Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

Title I, Articles 10, 11(1), 12, 15, 16, 18, 19 and 20 of Title II, Title III and Articles 34, 35, 37 and 38 of Title IV shall also apply to independent rights management service providers based inside or outside the Union who act as agents for rightholders for the management of their rights and operate in the Union on a commercial basis.

Or. en

Justification

The draft Directive introduces certain requirements for administrative capacity and transparency for management of rights in the EU. In a competitive international market environment this regulation should not lead to a discrimination of domestic (EU) operators. Therefore, certain provisions of the Directive as specified above should be applied to all collective management societies operating in the EU, even though they are established outside the EU. This should avoid putting EU collecting societies in a disadvantageous

position vis-à-vis non-EU entities and help to avoid off-shoring of rights management activities outside the EU.

Amendment 178
Sabine Verheyen

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

Text proposed by the Commission

Amendment

Title I, Articles 10, 11(1), 12, 15, 16, 18, 19 and 20 of Title II, Title III and Articles 34, 35, 37 and 38 of Title IV shall apply to independent commercial operators which as its principal or main activity offer collective rights management services to holders of copyrights or rights related to copyright on a commercial basis.

Or. en

Amendment 179
Piotr Borys

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

Text proposed by the Commission

Amendment

Titles II, IV, with the exception of Articles 36 and 40, and IVa shall also apply to entities directly or indirectly owned or controlled, in whole or in part, by a collective management organisation provided that these entities carry out an activity which, if carried out by a collective management organisation, would be subject to these provisions.

Or. en

Amendment 180
Piotr Borys

Proposal for a directive
Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

Articles 16 to 19, 24(1) and 24(2) shall also apply to any entity other than a collective management organisation which manages copyright and related rights of several rightholders as its sole or main purpose for the collective benefit of those rightholders.

Or. en

Amendment 181
Nadja Hirsch

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

Text proposed by the Commission

Amendment

Title II, Articles 10(1), (2) and (3), 11(1), 12, 15, 16, 18, 19 and 20, as well as Title III and Title IV, Articles 34, 35, 37 and 38 shall also apply to entities owned, in whole or in part, by a collective rights management organisation and which offer or grant multi-territorial licences for online rights in musical works.

Or. de

Amendment 182
Petra Kammerevert

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

Text proposed by the Commission

Amendment

Title III shall not apply to collecting societies if they distribute licences to broadcasting organisations in compliance with the provisions of national and EU law for works where providing online access is connected with providing offline access.

Or. de

Amendment 183
Petra Kammerevert

Proposal for a directive
Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

This Directive shall be without prejudice to national agreements on extended or binding collective rights management.

Or. de

Amendment 184
Jean-Marie Cavada

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

Text proposed by the Commission

Amendment

However, Title III shall not apply where collecting societies, in accordance with national and Community law, grant licences for this type of work to broadcasters for their online services that are linked to their offline broadcasting services.

Or. fr

Amendment 185
Jean-Marie Cavada

Proposal for a directive
Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

The provisions of the Directive shall apply to any entity that performs the same function as a collecting society in terms of collective rights management, as well as to entities owned, controlled or managed, in whole or in part, by a collecting society. Criteria of transparency and reporting rights should also be imposed on them.

Or. fr

Amendment 186
Jean-Marie Cavada, Piotr Borys

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

Text proposed by the Commission

Amendment

This Directive shall not affect Member States' arrangements on extended collective licences or the mandatory collective management of exclusive rights or rights to remuneration.

Or. fr

Amendment 187
Sabine Verheyen

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

Text proposed by the Commission

(a) '**collecting society**' means any organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement, **by more than one rightholder**, to manage copyright or rights related to copyright as its sole or main purpose **and** which is **owned or controlled by its members**;

Amendment

(a) '**collective management organisation**' means any **non-profit** organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement, to **collectively manage and licence specific categories of works or other protected subject matter, or specific categories of** copyright or rights related to copyright, **on behalf and account of more than one rightholder** as its sole or main purpose, which is **built on the principle of solidarity among rightholders and its fiduciary duty to act in the interest of all rightholders it represents**;

Or. en

Amendment 188
Jean-Marie Cavada

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

Text proposed by the Commission

a) 'collecting society' means any organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement, by more than one rightholder, to manage copyright or rights related to copyright as its sole or main purpose and which is owned or controlled by **its members**;

Amendment

a) 'collecting society' means any **non-profit-making** organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement, by more than one rightholder, **collectively** to manage copyright or rights related to copyright as its sole or main purpose and which is owned or controlled **directly or indirectly by the rightholders**;

Or. fr

Amendment 189
Nadja Hirsch

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

Text proposed by the Commission

(a) ‘**collecting society**’ means any organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement, by more than one rightholder, to manage copyright or rights related to copyright **as its sole or main purpose** and which is owned or controlled by its members;

Amendment

(a) ‘**collective rights management organisation**’ means any organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement by more than one rightholder, to manage copyright or rights related to copyright and which is owned or controlled by its members **or which is a not for profit organisation**;

Or. de

Amendment 190
Emma McClarkin, Piotr Borys

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

Text proposed by the Commission

(a) ‘collecting **society**’ means any organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement, by **more than one rightholder**, to manage copyright or rights related to copyright as its sole or main purpose and which is owned or controlled by its members;

Amendment

(a) ‘collecting **management organisation**’ means any organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement, by **a substantial number of rightholders**, to manage copyright or rights related to copyright as its sole or main purpose and which is owned or controlled by its members;

Or. en

Amendment 191
Rolandas Paksas

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

Text proposed by the Commission

(a) ‘**collecting society**’ means any organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement, by **more than one rightholder**, to manage copyright or rights related to copyright as its sole or main purpose and which is owned or controlled by its members;

Amendment

(a) ‘**collective management organisation**’ means any organisation which is authorised by law or by way of assignment, licence or any other contractual arrangement, by **a substantial number of rightholders**, to manage copyright or rights related to copyright as its sole or main purpose and which is owned or controlled by its members;

Or. en

Amendment 192
Jean-Marie Cavada

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

Text proposed by the Commission

Amendment

a a) ‘Independent provider, operator or commercial agent’ means any entity that engages in business activities relating to the collective management of rights on behalf of rightholders.

Or. fr

Amendment 193
Helga Trüpel

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

Text proposed by the Commission

Amendment

aa) ‘commercial operator’ means any entity which as its principal or main activity offers collective rights management services to holders of copyrights or rights related to copyright

on a commercial basis.

Or. en

Justification

Entities which do not offer collective rights management services, such as record producers and publishers, should not be covered by the Directive and should therefore not be included in the definition of commercial operators. Only entities that offer services similar to those provided by collecting societies should be captured by the definition, as only those entities can reasonably be regarded as being in competition with the collecting societies.

Amendment 194
Sabine Verheyen

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

Text proposed by the Commission

Amendment

(aa) ‘online rights pool’ means any form of cooperation of collective management organisations with other collective management organisations and/or entities within the meaning of Article 31 of this Directive which serve the purpose of granting licences for online rights in musical works covering the repertoire of all participating collective management organisations and entities involved.

Or. en

Amendment 195
Jean-Marie Cavada

Proposal for a directive
Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) 'rightholder' means any natural person or legal entity other than a collecting

(b) 'rightholder' means any natural person or legal entity other than a collecting

society that holds a copyright or related right *or who under an agreement for the exploitation of rights is entitled to a share of the rights revenue from any of the rights managed by the collecting society;*

society that holds a copyright or related right;

Or. fr

Amendment 196
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Article 3 – paragraph 1 – point c

Text proposed by the Commission

c) 'member of a collecting society' means a rightholder or an entity directly representing rightholders, including other collecting societies and associations of rightholders, *fulfilling the membership requirements of the collecting society;*

Amendment

c) 'member of a collecting society' means a rightholder or an entity directly representing rightholders, including other collecting societies and associations of rightholders, *which has been accepted as a member;*

Or. fr

Amendment 197
Rolandas Paksas

Proposal for a directive
Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) 'member of a collecting society' means a rightholder or an entity directly representing rightholders, including other collecting societies and associations of rightholders, fulfilling the membership requirements of the collecting society;

Amendment

(c) 'member of a collecting society' means a rightholder or an entity directly representing rightholders, including other collecting societies and associations of rightholders, *such as trade unions,* fulfilling the membership requirements of the collecting society;

Or. en

Amendment 198
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Article 3 – paragraph 1 – point e

Text proposed by the Commission

e) 'director' means any individual managing director, ***any member of the administrative board, the management or the supervisory board*** of a collecting society;

Amendment

e) 'director' means any individual managing director, ***or person with management responsibilities within the society that actually manages the activities*** of a collecting society;

Or. fr

Amendment 199
Jean-Marie Cavada

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

Text proposed by the Commission

Amendment

e a) 'Administrator' means any member of the board, the executive board or the supervisory board of a collecting society;

Or. fr

Amendment 200
Jean-Marie Cavada

Proposal for a directive
Article 3 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

e b) 'Supervisory board' means a permanent body of the collecting society composed of persons appointed by the members of the collecting society whose function is to control the actions of that society. It shall report annually to the

general meeting of members on the controls it has carried out and any action it has taken;

Or. fr

Amendment 201
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 3 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘rights revenue’ means income collected by a **collecting society** on behalf of rightholders, whether from an exclusive right, a right to remuneration or a right to compensation;

Amendment

(f) ‘rights revenue’ means income collected by a **collective management organisation** on behalf of rightholders, whether from an exclusive right, a right to remuneration or a right to compensation;

Or. en

Amendment 202
Marietje Schaake

Proposal for a directive
Article 3 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘rights revenue’ means income collected by a collecting society on behalf of rightholders, whether from an exclusive right, a right to remuneration or a right to compensation;

Amendment

(f) ‘rights revenue’ means income collected by a collecting society on behalf of rightholders, whether from an exclusive right, a right to remuneration or a right to compensation, **as well as any financial revenue, such as interest derived from the investment of rights revenue;**

Or. en

Amendment 203
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 3 – paragraph 1 – point g

Text proposed by the Commission

(g) 'management fees' means the amount **charged** by a **collecting society** in order to cover the costs of **its** management of copyright or related rights **services**;

Amendment

(g) 'management fees' means the amount **deducted** by a **collective management organisation from the rights revenues** in order to cover the costs of management of copyright or related rights;

Or. en

Amendment 204
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Article 3 – paragraph 1 – point k

Text proposed by the Commission

k) 'multi-territorial licence' means a licence which covers the territory of more than one Member State;

Amendment

k) 'multi-territorial licence' means a licence **for an online music service** which covers the territory of more than one Member State;

Or. fr

Amendment 205
Silvia Costa

Proposal for a directive
Article 3 – paragraph 1 – point m

Text proposed by the Commission

(m) 'online music service' means an information society service within the meaning of Article 1(2) of Directive 98/34/EC which requires the licensing of musical works.

Amendment

(m) 'online music service' means an information society service within the meaning of Article 1(2) of Directive 98/34/EC which requires the licensing of musical works **in relation to works that are protected under the applicable copyright rules**.

Amendment 206
Sabine Verheyen

Proposal for a directive
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

General principle

1. The Member States shall ensure that collecting societies under their jurisdiction comply with the provisions of this directive. For the purposes of this directive, the jurisdiction of a Member State shall cover both collecting societies established in that Member State and collecting societies which license a significant proportion of their repertoire in that Member State.

2. A Member State may require collecting societies under its jurisdiction or operating in its territory to comply with stricter or more detailed rules in the areas coordinated by this directive, provided such requirements are compatible with EU law.

3. In cases where a Member State:

(a) has exercised its freedom under paragraph 2 to adopt more detailed or stricter rules of general public interest; and

(b) comes to the conclusion that a collecting society under the jurisdiction of another Member State is carrying out significant licensing operations on its territory, it may contact the Member State having jurisdiction with a view to achieving a mutually satisfactory solution to any problems that arise.

Amendment 207
Petra Kammerevert

Proposal for a directive
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Application mutatis mutandis

Articles 8 (1) and (2), 9, 15, 18 (1), 19 (1)(g), 20 (1), (2) and (4), 21 to 27, 31 to 33 and 35 to 40 shall also apply to legal persons which, in respect of the administration of rights, perform a similar function to collecting societies, and to legal persons which, in whole or in part, are owned, controlled or managed by collecting societies.

Or. de

Amendment 208
Petra Kammerevert

Proposal for a directive
Article 3 b (new)

Text proposed by the Commission

Amendment

Article 3b

General principle

- 1. The Member States shall ensure that collecting societies under their respective jurisdiction comply with the provisions of this directive. For the purposes of this directive, the jurisdiction of a Member State shall cover collecting societies established in that Member State.***
- 2. A Member State where a collecting***

society operates shall not be prevented from imposing requirements on its provision of services which are justified on grounds of the general interest, particularly with regard to cultural and social policy objectives.

Or. de

Amendment 209
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

Member States shall ensure that *collecting societies* act in the best interest of *their members* and do not impose on *rightholders whose rights they manage* any obligations which are not objectively necessary for the protection of the rights and interests of these rightholders.

Amendment

Member States shall ensure that *collective management organisations* act in the best interest of *the rightholders whose rights they manage* and do not impose on *them* any obligations which are not objectively necessary for the protection of the rights and interests of these rightholders.

Or. en

Amendment 210
Marietje Schaake

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

Member States shall ensure that collecting societies act in the best interest of *their members* and do not impose on rightholders whose rights they manage any obligations which are not objectively necessary for the protection of *the* rights and interests *of these rightholders*.

Amendment

Member States shall ensure that collecting societies act in the best interest of *rightholders* and do not impose on rightholders whose rights they manage any obligations which are not objectively necessary for the protection of *their* rights and interests.

Or. en

Amendment 211
Sabine Verheyen

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

Member States shall ensure that collecting societies act in the best interest of their members and do not impose on rightholders whose rights they manage any obligations which are not objectively necessary for the protection of the rights and interests of these rightholders.

Amendment

Member States shall ensure that collecting societies act in the **collective** best interest of their members and do not impose on rightholders whose rights they manage **as trustees** any obligations which are not objectively necessary for the protection of the rights and interests of these rightholders **provided they allow the collecting societies sufficient discretion to negotiate with rights users**.

Or. de

Amendment 212
Sabine Verheyen

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

Text proposed by the Commission

Amendment

Member States shall ensure that rightholders are free to entrust their rights to a collective management organisation and that when they have decided to do so, this decision prevails over any presumption of transfer of rights.

Or. en

Amendment 213
Jean-Marie Cavada, Piotr Borys

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

Text proposed by the Commission

Amendment

This Directive shall not affect Member States' provisions on extended collective licensing, the mandatory collective management of exclusive rights or rights to remuneration, the legal presumption of representation by a collecting society or the transfer of rights to a society, with due respect for Community law.

Or. fr

Amendment 214
Helga Trüpel

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

Text proposed by the Commission

Amendment

1a. This Directive shall not allow to cherry-pick the most popular and most successful works for individual management while leaving the rest that is more costly to manage and less profitable to the collective management organisations.

Or. en

Amendment 215
Helga Trüpel

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

Text proposed by the Commission

Amendment

1b. It is also important to give more flexibility to rightholders in the

management of their rights. Therefore collective management organisations managing different types of works and other subject matter, such as literary, musical or photographic works, should also allow more flexibility to rightholders as regards the management of different types of works and other subject matter on work-by-work basis management for non-commercial use. Collective management organisations shall inform rightholders of this opportunity and allow them to exercise it as easily as possible.

Or. en

Amendment 216
Helga Trüpel

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

Text proposed by the Commission

Amendment

1c. The difference between ‘non-commercial’ and ‘commercial’ shall be defined as follows: If content, protected by authors' rights, is being offered directly on an internet site, which acquires revenues to a non-negligible degree through donations, for example via membership contributions, through payments by clients or via advertisement through links to other homepages, such an activity shall be considered to be commercial.

Or. en

Amendment 217
Emma McClarkin

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Rightholders **shall have the right to** authorise a collecting **society** of their choice to manage the rights, **categories of rights** or types of works and other subject matter of their choice, for the Member States of their choice, irrespective of the Member State of residence or of establishment or the nationality of either the collecting **society** or the rightholder.

Amendment

2. Rightholders **may** authorise a collecting **management organisation** of their choice to manage the rights, or types of works and other subject matter of their choice, for the Member States of their choice, irrespective of the Member State of residence or of establishment or the nationality of either the collecting **management organisation** or the rightholder. **A collecting management organisation may refuse to accept a mandate from a rightholder where the collecting management organisation does not manage the rights covered by the mandate.**

Or. en

Justification

The term 'categories of rights' is not appropriate as it only holds relevance for music related societies.

Amendment 218
Sabine Verheyen

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Rightholders shall have the right to authorise a **collecting society** of their choice to manage the rights, categories of rights or types of works and other subject matter of their choice, for the Member States of their choice, irrespective of the Member State of residence or of establishment or the nationality of either the collecting society or the rightholder.

Amendment

2. **According to the rules collectively decided at the General Assembly,** rightholders shall have the right to authorise a **collective management organisation** of their choice to manage the rights, categories of rights or types of works and other subject matter of their choice, for the Member States of their choice, irrespective of the Member State of residence or of establishment or the nationality of either the collecting society or the rightholder.

Amendment 219
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Rightholders shall have the right to authorise a **collecting society** of their choice to manage the rights, categories of rights or types of works and other subject matter of their choice, for the Member States of their choice, irrespective of the Member State of residence or of establishment or the nationality of either the **collecting society** or the rightholder.

Amendment

2. Rightholders shall have the right to authorise a **collective management organisation** of their choice to manage the rights, categories of rights or types of works and other subject matter of their choice, for the Member States of their choice, irrespective of the Member State of residence or of establishment or the nationality of either the **collective management organisation** or the rightholder.

Amendment 220
Lothar Bisky

Proposal for a directive
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Rightholders shall have the right to manage their own rights, including categories of rights, works or particular types of such works, and shall also have the right to have their rights managed by a society or association.

Amendment 221
Marietje Schaake

Proposal for a directive
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Rightholders shall have the right to grant free licences for the non-commercial use of their works and rights. In this case, rightholders shall inform in due time the collective management organisations authorised to manage the rights of such works that such a free license has been granted.

Or. en

Amendment 222
Piotr Borys, Róža Gräfin von Thun und Hohenstein, Jean-Marie Cavada

Proposal for a directive
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Rightholders shall have the right to grant licences free of charge for the non-commercial use of their works and rights. In this case they shall inform in due time the relevant collective management organisations that such a license has been granted.

Or. en

Amendment 223
Silvia Costa

Proposal for a directive
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Rightholders may request collecting societies to grant free licences for the non-commercial use of their works and their rights in accordance with contractual arrangements that have been approved by those collecting societies.

Or. it

Amendment 224
Emma McClarkin

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. Rightholders shall have the right to terminate the authorisation to manage rights, **categories of rights** or types of works and other subject matter granted to a collecting **society** or to withdraw from a collecting **society any of the rights or categories of rights** or types of works and other subject matter of their choice, for the Member States of their choice, upon serving reasonable notice not exceeding six months. The collecting **society** may decide that such termination or withdrawal will take effect only at the middle and at the end of the financial year, whichever is sooner after the expiry of the notice period.

3. Rightholders shall have the right to terminate the authorisation to manage **the** rights, or types of works and other subject matter granted to a collecting **management organisation** or to withdraw from a collecting **management organisation** the rights or types of works and other subject matter of their choice, for the Member States of their choice, upon serving reasonable notice not exceeding six months. The collecting **management organisation** may decide that such termination or withdrawal will take effect only at the middle and at the end of the financial year, whichever is sooner after the expiry of the notice period.

Or. en

Amendment 225
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. Rightholders shall have the right to terminate the authorisation to manage rights, categories of rights or types of works and other subject matter granted to a **collecting society** or to withdraw from a **collecting society** any of the rights or categories of rights or types of works and other subject matter of their choice, for the Member States of their choice, upon serving reasonable notice not exceeding six months. The **collecting society** may decide that such termination or withdrawal will take effect only at the middle and at the end of the financial year, whichever is sooner after the expiry of the notice period.

Amendment

3. Rightholders shall have the right to terminate the authorisation to manage rights, categories of rights or types of works and other subject matter granted to a **collective management organisations** or to withdraw from a **collective management organisations** any of the rights or categories of rights or types of works and other subject matter of their choice, **at any time during the term of the authorisation**, for the Member States of their choice, upon serving reasonable notice not exceeding six months. The **collective management organisation** may decide that such termination or withdrawal will take effect only at the middle and at the end of the financial year, whichever is sooner after the expiry of the notice period.

Or. en

Amendment 226
Jean-Marie Cavada

Proposal for a directive
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Collecting societies shall retain the ability to lay down rules in their membership contracts on how to prevent unconscionable withdrawals.

Or. fr

Amendment 227
Piotr Borys, Emma McClarkin, Jean-Marie Cavada

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

5. **Collecting societies** shall not restrict the exercise of rights provided under paragraphs 3 and 4 by requiring that the management of rights or categories of rights or type of works and other subject matter which are subject to the termination or the withdrawal are entrusted to another **collecting society**.

Amendment

5. **Collective management organisations** shall not restrict the exercise of rights provided under paragraphs 3 and 4 by requiring that the management of rights or categories of rights or type of works and other subject matter which are subject to the termination or the withdrawal are entrusted to another **collective management organisation**.

Or. en

Amendment 228
Jean-Marie Cavada

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

5. Collecting societies shall not restrict the exercise of rights provided under paragraphs 3 and 4 by requiring that the management of rights or categories of rights or type of works and other subject matter which are subject to the termination or the withdrawal are entrusted to another collecting society.

Amendment

5. Collecting societies shall not restrict the exercise of rights provided under paragraphs 3 and 4 by requiring that the management of rights or categories of rights or type of works and other subject matter which are subject to the termination or the withdrawal are entrusted to another collecting society. ***These provisions shall not apply to collecting societies which administer the rights of authors in the audiovisual field in respect of which Member States may possibly envisage provisions on suitable conditions for withdrawal.***

Or. fr

Amendment 229
Piotr Borys, Emma McClarkin, Jean-Marie Cavada

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that the rightholder gives express consent specifically for each right or category of rights or type of works and other subject matter which that rightholder authorises the **collecting society** to manage and that any such consent is evidenced in documentary form.

Amendment

6. Member States shall ensure that the rightholder gives express consent specifically for each right or category of rights or type of works and other subject matter which that rightholder authorises the **collective management organisation** to manage and that any such consent is evidenced in documentary form.

Or. en

Amendment 230
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that the rightholder gives express consent specifically for each right or category of rights or type of works and other subject matter which that rightholder authorises the collecting society to manage and that any such consent is evidenced in documentary form.

Amendment

6. Member States shall ensure that the rightholder gives express consent specifically for each right or category of rights or type of works and other subject matter which that rightholder authorises the collecting society to manage and that any such consent is evidenced in documentary form **with the exception of models of non-voluntary collective management.**

Or. fr

Amendment 231
Morten Løkkegaard

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that the rightholder gives express consent specifically for each right or category of rights or type of works and other subject matter which that rightholder authorises the collecting society to manage and that any such consent is evidenced in documentary form.

Amendment

6. Member States shall ensure that the rightholder gives express consent specifically for each right or category of rights or type of works and other subject matter which that rightholder authorises the collecting society to manage and that any such consent is evidenced in documentary form. ***This paragraph does not apply to the arrangements in the Member States concerning the administration of rights through extended collective licenses, legal presumptions of representation or transfer, mandatory collective management or similar arrangements or a combination of them.***

Or. en

Amendment 232

Marek Henryk Migalski

Proposal for a directive

Article 5 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Rightholders shall have the right to decide to exclude certain of their works from management by a collecting society. Information on such works shall be generally available.

Or. pl

Amendment 233

Lothar Bisky

Proposal for a directive

Article 5 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Collective rights management organisations shall establish social, cultural or educational services funded through deductions from rights revenue; these services shall be open to all members of such collective rights management organisations on an equal footing.

Or. de

Amendment 234
Lothar Bisky

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Collecting societies shall ***accept rightholders as members if they fulfil the membership requirements. They may only refuse a request for membership on the basis of objective criteria. These criteria shall be included in the statute or the membership terms of the collecting society and shall be made publicly available.***

2. Collecting societies shall ***be required to manage the rights and entitlements falling within their field of activity on reasonable terms, at the request of the rightholders.***

Or. de

Amendment 235
Rolandas Paksas

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Collecting societies shall ***accept rightholders as members if they fulfil the membership requirements. They may only***

2. Collecting societies shall only refuse a request for membership on the basis of objective criteria. These criteria shall be

refuse a request for membership on the basis of objective criteria. These criteria shall be included in the statute or the membership terms of the collecting society and shall be made publicly available.

included in the statute or the membership terms of the collecting society and shall be made publicly available.

Or. en

Amendment 236
Marietje Schaake

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. Collecting societies shall accept rightholders as members if they fulfil the membership requirements. They may only refuse a request for membership on the basis of objective criteria. These criteria shall be included in the statute or the membership terms of the collecting society and shall be made publicly available.

Amendment

2. Collecting societies shall accept rightholders **or any other members as defined in Article 3(c)** as members if they fulfil the membership requirements. They may only refuse a request for membership on the basis of objective **and non-discriminatory** criteria. These criteria shall be included in the statute or the membership terms of the collecting society and shall be made publicly available.

Or. en

Amendment 237
Lothar Bisky

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. The **statute** of the **collecting society** shall provide for appropriate **and** effective mechanisms of participation of **its** members in the **collecting society's** decision-making process. The representation of the different categories of members in the decision-making process

Amendment

3. The **statutes** of the **collective rights management organisations** shall **lay down** appropriate, effective **and transparent** mechanisms of participation of **their** members in the decision-making process **of the collective rights management organisations**. The representation of the

shall be fair and *balanced*.

different categories of members in the decision-making process shall be fair and *organised on a footing of equality*.

Or. de

Amendment 238
Rolandas Paksas

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. The statute of the collecting society shall provide for appropriate and effective mechanisms of participation of its members in the collecting society's decision-making process. The representation of the different categories of members *in* the decision-making process shall be fair and balanced.

Amendment

3. The statute of the collecting society shall provide for appropriate and effective mechanisms of participation of its members in the collecting society's decision-making process. The representation of the different categories of members *at all levels of* the decision-making process shall be fair and balanced.

Or. en

Amendment 239
Marietje Schaake

Proposal for a directive
Article 6 – paragraph 5

Text proposed by the Commission

5. Collecting societies shall keep records of members which are regularly updated so that members can be properly identified and located.

Amendment

5. Collecting societies shall keep *publicly accessible* records of *their* members *and their respective rights or works* which *the rightholders authorise the collecting society to manage*. *The records* are regularly updated so that *both* members *and their managed rights and works* can be properly identified and located.

Or. en

Amendment 240
Lothar Bisky

Proposal for a directive
Article 6 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Collective rights management organisations shall make publicly accessible the list of their members and their respective rights or categories of rights or works or types of works and other subject matter which the rightholders authorise the collective rights management organisation to manage, and their rules on fees, deductions and tariffs, on the basis of standardised categories of information; the personal data of rightholders shall be protected in this context.

Or. de

Amendment 241
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 6 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Collective management organisations shall make information included in Article 19(1) publicly accessible provided that the protection of the personal data of the rightholders is preserved.

Or. en

Amendment 242
Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The general meeting shall have the power to decide on the appointment or dismissal of the directors and approve their remuneration and other benefits such as non-monetary benefits, pension awards, right to other awards and rights to severance pay.

Amendment

The general meeting shall have the power to decide on the appointment or dismissal of the **administrators and** directors and approve their remuneration and other benefits such as non-monetary benefits, pension awards, right to other awards and rights to severance pay.

Or. fr

Amendment 243
Marietje Schaake

Proposal for a directive
Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The general meeting shall have the power to decide on the appointment or dismissal of the directors and approve their remuneration and other benefits such as non-monetary benefits, pension awards, right to other awards and rights to severance pay.

Amendment

The general meeting shall have the power to decide on the appointment or dismissal of the directors, **monitor their general performance** and approve their remuneration and other benefits such as non-monetary benefits, pension awards, right to other awards and rights to severance pay.

Or. en

Amendment 244
Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The general meeting shall not decide on the appointment or dismissal of **members of**

Amendment

The general meeting shall not decide on the appointment or dismissal of the individual

the management board or the individual managing director where the supervisory *board* has the power to appoint or dismiss them.

managing director where the *body responsible for exercising the supervisory function* has the power to appoint or dismiss them.

Or. fr

Amendment 245
Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 5 – point a

Text proposed by the Commission

a) the policy on the distribution of the amounts due to rightholders, except where the general meeting decides to delegate this decision to the body exercising the supervisory function;

Amendment

a) the policy on the distribution of the amounts due to rightholders, except where the general meeting decides to delegate this decision to the *management board or to the* body exercising the supervisory function;

Or. fr

Amendment 246
Marietje Schaake

Proposal for a directive
Article 7 – paragraph 5 – point b

Text proposed by the Commission

(b) the *use* of the amounts due to rightholders which cannot be distributed as set out in Article 12(2) except where the general meeting decides to delegate this decision to the body exercising the supervisory function;

Amendment

(b) the *allocation* of the amounts due to rightholders which cannot be distributed as set out in Article 12(2) except where the general meeting decides to delegate this decision to the body exercising the supervisory function;

Or. en

Amendment 247
Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 5 – point b

Text proposed by the Commission

b) the use of the amounts due to rightholders which cannot be distributed as set out in Article 12(2) except where the general meeting decides to delegate this decision to the body exercising the supervisory function;

Amendment

b) the use of the amounts due to rightholders which cannot be distributed as set out in Article 12(2) except where the general meeting decides to delegate this decision to the ***management board or to the*** body exercising the supervisory function;

Or. fr

Amendment 248
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 7 – paragraph 5 – point c

Text proposed by the Commission

c) the general investment policy, including on granting loans or providing security or guarantee for loans, with regard to rights revenue;

Amendment

deleted

Or. fr

Amendment 249
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 7 – paragraph 5 – point d

Text proposed by the Commission

d) the rules on deductions from rights revenue.

Amendment

deleted

Amendment 250

Piotr Borys, Emma McClarkin

Proposal for a directive

Article 7 – paragraph 6

Text proposed by the Commission

6. The general meeting shall control the activities of the **collecting society** by, at least, deciding on the appointment and removal of the auditor and approving the annual transparency report and the auditor's report.

Amendment

6. The general meeting shall control the activities of the **collective management organisation** by, at least, deciding on the appointment and removal of the auditor and approving the annual transparency report and the auditor's report.

Or. en

Amendment 251

Lothar Bisky

Proposal for a directive

Article 7 – paragraph 7

Text proposed by the Commission

7. Any restriction on the right of the members of the collecting society to participate and to exercise voting rights at the general meeting shall be fair and proportionate and be based on the following criteria:

a) duration of membership;

b) amounts received or due to a member in relation to the specified financial period.

These criteria shall be included in the statute or the membership terms of the collecting society and shall be made publicly available in accordance with Articles 17 and 19.

Amendment

deleted

Amendment 252

Lothar Bisky

Proposal for a directive

Article 7 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

Any restriction on the right of the members of the collecting society to participate and to exercise voting rights at the general meeting shall be fair and proportionate and be based on the following criteria:

deleted

a) duration of membership;

b) amounts received or due to a member in relation to the specified financial period.

Amendment 253

Piotr Borys

Proposal for a directive

Article 7 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Any restriction on the right of the members of the **collecting society** to participate and to exercise voting rights at the general meeting shall be fair and proportionate and be based on the following criteria:

Any restriction on the right of the members of the **collective management organisation** to participate and to exercise voting rights at the general meeting shall be fair and proportionate and be based on the following criteria:

Amendment 254
Lothar Bisky

Proposal for a directive
Article 7 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

a) duration of membership; *deleted*

Or. de

Amendment 255
Lothar Bisky

Proposal for a directive
Article 7 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

**b) amounts received or due to a member
in relation to the specified financial
period.** *deleted*

Or. de

Amendment 256
Marietje Schaake

Proposal for a directive
Article 7 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

**(b) amounts received or due to a member
in relation to the specified financial
period.** *deleted*

Or. en

Amendment 257
Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

b) amounts received or due to a member ***in relation to the specified financial period.***

b) amounts received or due to a member ***since joining the collecting society.***

Or. fr

Amendment 258
Lothar Bisky

Proposal for a directive
Article 7 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

These criteria shall be included in the statute or the membership terms of the collecting society and shall be made publicly available in accordance with Articles 17 and 19.

deleted

Or. de

Amendment 259
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 7 – paragraph 8

Text proposed by the Commission

Amendment

8. Every member of a collecting society shall have the right to appoint any other natural or legal person as a proxy holder to attend and vote at the general meeting in his name.

deleted

Or. fr

Amendment 260
Sabine Verheyen

Proposal for a directive
Article 7 – paragraph 8

Text proposed by the Commission

8. Every member of a collecting society shall have the right to appoint **any other natural** or legal person as a proxy holder to attend and vote at the general meeting in his name.

Amendment

8. Every member of a collecting society shall have the right to appoint any other **member** or **a** legal person **in the same category** as a proxy holder to attend and vote at the general meeting in his name.

Or. de

Amendment 261
Rolandas Paksas

Proposal for a directive
Article 7 – paragraph 8

Text proposed by the Commission

8. Every member of a collecting society shall have the right to appoint any other natural or legal person as a proxy holder to attend and vote at the general meeting in his name.

Amendment

8. Every member of a collecting society shall have the right to appoint any other natural or legal person **that is a member of that collecting society** as a proxy holder to attend and vote at the general meeting in his name. **When a collective management organisation represents more than one category of rightholders, a member may only give a proxy to another member from the same category. The number of proxies that may be held by a single member shall be capped.**

Or. en

Amendment 262
Emma McClarkin

Proposal for a directive
Article 7 – paragraph 8

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Text proposed by the Commission

8. Every member of a collecting **society** shall have the right to appoint any other natural or legal person as a proxy holder to attend and vote at the general meeting in his name.

Amendment

8. Every member of a collecting **management organisation** shall have the right to appoint any other natural or legal person **that is a member of that collecting management organisation** as a proxy holder to attend and vote at the general meeting in his name.

Or. en

Amendment 263
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 8

Text proposed by the Commission

8. Every member of a **collecting society** shall have the right to appoint any other natural or legal person as a proxy holder to attend and vote at the general meeting in his name.

Amendment

8. Every member of a **collective management organisation** shall have the right to appoint any other natural or legal person as a proxy holder to attend and vote at the general meeting **of members** in his name, **provided that such appointment does not result in a conflict of interest.**

Or. en

Amendment 264
Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 8

Text proposed by the Commission

8. Every member of a collecting society shall have the right to appoint any other natural or legal person as a proxy holder to attend and vote at the general meeting in his name.

Amendment

8. Every member of a collecting society shall have the right to appoint any other natural or legal person as a proxy holder to attend and vote at the general meeting in his name **if national legislation so allows.**

Amendment 265
Helga Trüpel

Proposal for a directive
Article 7 – paragraph 8

Text proposed by the Commission

8. Every member of a **collecting society** shall have the right to appoint any other natural or legal person as a proxy holder to attend and vote at the general meeting in his name.

Amendment

8. Every member of a **collective management organisation** shall have the right to appoint any other natural or legal person as a proxy holder to attend and vote at the general meeting in his name. ***To be valid, the proxy shall have been given by the member to the proxy holder no more than three months before its use. There shall be fair and balanced representation of the different categories of members of the collective management organisation.***

Or. en

Amendment 266
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 8 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Where a member appoints another member of the collective management organisation as a proxy holder, Member States may allow the collective management organisation to restrict the appointment of proxy holders to members who belong to the same category as the appointing member.

Or. en

Amendment 267
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 8 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may also allow a collective management organisation to impose reasonable restrictions related to the maximum number of votes a proxy holder may exercise at the general meeting of members.

Or. en

Amendment 268
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 8 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

The proxy holder shall enjoy the same rights in the general meeting of the members as those to which the appointing member would be entitled.

Or. en

Amendment 269
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 8 – subparagraph 1 c (new)

Text proposed by the Commission

Amendment

The proxy holder shall cast votes in accordance with the instructions issued by the appointing member.

Amendment 270
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 7 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. The collecting society shall provide its members, where they are unable to attend the general meeting in person, with the means to exercise their right to vote: appointment of a proxy or distance voting.

Or. fr

Amendment 271
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 7 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

8 b. Where the collecting society gives members the right to appoint a person as proxy to attend and vote at the general meeting on their behalf, the society may limit this right to other members in the same category.

Or. fr

Amendment 272
Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Member States shall ensure that collecting societies encourage their members to take part in the general meeting by offering them arrangements such as distance voting or voting by proxy if they cannot attend.

Or. fr

Amendment 273
Jean-Marie Cavada

Proposal for a directive
Article 7 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

8b. If a collecting society allows its members to designate an agent to represent them at the general meeting and vote on their behalf, it may insist that they choose that agent from among the other members in the same category.

Or. fr

Amendment 274
Lothar Bisky

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that the **collecting society** establishes a supervisory function responsible for continuously monitoring the activities and the performance of the duties of the persons entrusted with managerial responsibilities in the **collecting society**. There shall be fair

1. Member States shall ensure that the **collective management organisation** establishes a supervisory function responsible for continuously monitoring the activities and the performance of the duties of the persons entrusted with managerial responsibilities in the **collective**

and *balanced* representation of *the* members of the *collecting society* in the body exercising this function in order to ensure their effective participation.

management organisation. There shall be fair and *equal* representation of *all* members of the *collective management organisation* in the body exercising this function in order to ensure their effective participation.

Or. de

Amendment 275
Jean-Marie Cavada

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the collecting society establishes a supervisory function responsible for continuously monitoring the activities and the performance of the duties of the persons entrusted with managerial responsibilities in the collecting society. There shall be fair and balanced representation of the members of the collecting society in the body exercising this function in order to ensure their effective participation.

Amendment

1. Member States shall ensure that, *if it does not already have one*, the collecting society establishes a supervisory function, *in accordance with the criteria laid down in Article 3*, responsible for continuously monitoring the activities and the performance of the duties of the persons entrusted with managerial responsibilities in the collecting society. There shall be fair and balanced representation of the members of the collecting society in the body exercising this function in order to ensure their effective participation.

Or. fr

Amendment 276
Marietje Schaake

Proposal for a directive
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The body entrusted with the supervisory function shall report on the exercise of its responsibilities to the

general meeting provided for in Article 7.

Or. en

Amendment 277
Jean-Marie Cavada

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may decide that paragraphs 1 and 2 shall not apply to a collecting society which on its balance sheet date does not exceed the limits of two of the three following criteria:

- a) balance sheet total: EUR 350 000;**
- b) net turnover: EUR 700 000;**
- c) average number of employees during the financial year: ten.**

deleted

Or. fr

Amendment 278
Marietje Schaake

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may decide that paragraphs 1 and 2 shall not apply to a collecting society which on its balance sheet date does not exceed the limits of two of the three following criteria:

- (a) balance sheet total: EUR 350 000;**
- (b) net turnover: EUR 700 000;**
- (c) average number of employees during the financial year: ten.**

deleted

Amendment 279
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that the persons who effectively manage the business of a **collecting society** and its directors, with the exception of the directors exercising supervisory function, design procedures so as to avoid conflicts of interest. The **collecting society** shall have procedures to identify, manage, monitor and disclose conflicts of interest in order to prevent them from adversely affecting the interests of members of the **society**.

Amendment

Member States shall ensure that the persons who effectively manage the business of a **collective management organisation** and its directors, with the exception of the directors exercising supervisory function, design procedures so as to avoid conflicts of interest. The **collective management organisation** shall have procedures to identify, manage, monitor and disclose conflicts of interest in order to prevent them from adversely affecting the interests of members of the **organisation**.

Amendment 280
Emma McClarkin

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. The collecting **society** shall manage and keep separate the rights revenue and any income derived from its investment from its own assets, the income derived from its management services or the income derived from any other activities.

Amendment

2. The collecting **management organisation** shall manage and keep separate **accounting for costs and income related on the one hand from** the rights revenue and **on the other hand from** any income derived from its investment from its own assets, the income derived from its management services or the income derived from any other activities.

Amendment 281
Jean-Marie Cavada

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. The collecting society shall manage and keep separate the rights revenue and any income derived from its investment from its own assets, the income derived from its management services or the income derived from any other activities.

Amendment

2. The collecting society shall manage and keep separate *in accounting terms* the rights revenue and any income derived from its investment from its own assets, the income derived from its management services or the income derived from any other activities.

Or. fr

Amendment 282
Marietje Schaake

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. The collecting society shall not be allowed to use rights revenue and any income derived from its investment for its own account, save that it may deduct its management fees.

Amendment

3. The collecting society shall not be allowed to use rights revenue and any income derived from its investment for its own account, save that it may deduct its management fees *according to the rules referred to in Article 7(5)(d)*.

Or. en

Amendment 283
Marietje Schaake

Proposal for a directive
Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) the assets shall be invested in the best interests of **members**; where there is any potential conflict of interest, the collecting society shall ensure that the investment is made in the sole interest of **members**;

Amendment

(a) the assets shall be invested in the best interests of **rightholders**; where there is any potential conflict of interest, the collecting society shall ensure that the investment is made in the sole interest of **rightholders**;

Or. en

Amendment 284
Rolandas Paksas

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that agreements governing the relationship of the collecting society with its members **and rightholders** shall **specify** deductions applicable to the rights revenue referred to in point (e) of Article 16.

Amendment

1. Member States shall ensure that agreements governing the relationship of the collecting society with its members shall **specifically authorise** deductions applicable to the rights revenue referred to in point (e) of Article 16.

Or. en

Amendment 285
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that agreements governing the relationship of the collecting society with its members **and rightholders** shall specify deductions applicable to the rights revenue referred to in point (e) of Article 16.

Amendment

1. Member States shall ensure that agreements governing the relationship of the collecting society with its members shall specify **the rules governing the calculation of the** deductions applicable to the rights revenue referred to in point (e) of Article 16.

Amendment 286

Piotr Borys

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall encourage collective management organisations to provide social, cultural and educational services to their members.

Or. en

Amendment 287

Piotr Borys, Jean-Marie Cavada

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that deductions made for management fees shall not exceed justified and documented costs incurred for the purpose of managing copyright and related rights.

Or. en

Amendment 288

Rolandas Paksas

Proposal for a directive

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States shall ensure that, where a

2. Member States shall ensure that, where a

collecting society provides social, cultural or educational services funded through deductions from rights revenue, ***rightholders are entitled to the following:***

collecting society provides social, cultural or educational services funded through deductions from rights revenue, ***such services shall be provided on the basis of fair criteria, in particular in relation to the access to and the extent of those services.***

Or. en

Amendment 289
Jean-Marie Cavada

Proposal for a directive
Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States shall ensure that, where a collecting society provides social, cultural or educational services funded through deductions from rights revenue, ***rightholders*** are entitled to the following:

2. Member States shall ensure that, where a collecting society provides social, cultural or educational services funded through deductions from rights revenue, ***members*** are entitled to the following:

Or. fr

Amendment 290
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States shall ensure that, where a collecting society provides social, cultural or educational services funded through deductions from rights revenue, ***rightholders*** are entitled to the following:

2. Member States shall ensure that, where a collecting society provides social, cultural or educational services funded through deductions from rights revenue, ***the members of the collecting society*** are entitled to the following ***services:***

Or. fr

Amendment 291
Rolandas Paksas

Proposal for a directive
Article 11 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) social, cultural or educational services on the basis of fair criteria, in particular in relation to the access to and the extent of those services;

deleted

Or. en

Amendment 292
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 11 – paragraph 2 – point a

Text proposed by the Commission

Amendment

a) *social, cultural or educational services* on the basis of fair criteria, in particular in relation to the access to and the extent of those services;

a) on the basis of fair criteria, in particular in relation to the access to and the extent of those services;

Or. fr

Amendment 293
Lothar Bisky

Proposal for a directive
Article 11 – paragraph 2 – point a

Text proposed by the Commission

Amendment

a) social, cultural or educational services on the basis of *fair* criteria, in particular in relation to the access to and the extent of those services;

(a) social, cultural or educational services on the basis of *equal* criteria, in particular in relation to the access to and the extent of those services;

Or. de

Amendment 294
Rolandas Paksas

Proposal for a directive
Article 11 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) rightholders who have terminated the authorisation to manage rights or categories of rights or types of works and other subject matter or who have withdrawn their rights or categories of rights or types of works and other subject matter from the collecting society, continue to have access to those services. The criteria in relation to the access to and the extent of those services may take into consideration the rights revenue generated by those rightholders and the duration of the authorisation to manage rights, provided that such criteria are also applicable to rightholders who have not terminated such authorisation or have not withdrawn their rights or categories of rights or types of works and other subject matter from the collecting society.

deleted

Or. en

Amendment 295
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 11 – paragraph 2 – point b

Text proposed by the Commission

Amendment

b) rightholders who have terminated the authorisation to manage rights or categories of rights or types of works and other subject matter or who have withdrawn their rights or categories of rights or types of works and other subject

deleted

matter from the collecting society, continue to have access to those services. The criteria in relation to the access to and the extent of those services may take into consideration the rights revenue generated by those rightholders and the duration of the authorisation to manage rights, provided that such criteria are also applicable to rightholders who have not terminated such authorisation or have not withdrawn their rights or categories of rights or types of works and other subject matter from the collecting society.

Or. fr

Amendment 296
Jean-Marie Cavada

Proposal for a directive
Article 11 – paragraph 2 – point b

Text proposed by the Commission

b) rightholders who have terminated the authorisation to manage rights or categories of rights or types of works and other subject matter or who have withdrawn their rights or categories of rights or types of works and other subject matter from the collecting society, continue to have access to *those* services. The criteria in relation to the access to and the extent of those services may take into consideration the rights revenue generated by those rightholders and the duration of the authorisation to manage rights, provided that such criteria are also applicable to rightholders who have not terminated such authorisation or have not withdrawn their rights or categories of rights or types of works and other subject matter from the collecting society.

Amendment

b) rightholders who have terminated the authorisation to manage rights or categories of rights or types of works and other subject matter or who have withdrawn their rights or categories of rights or types of works and other subject matter from the collecting society, continue to have access to *withdrawal* services. The criteria in relation to the access to and the extent of those services may take into consideration the rights revenue generated by those rightholders and the duration of the authorisation to manage rights, provided that such criteria are also applicable to rightholders who have not terminated such authorisation or have not withdrawn their rights or categories of rights or types of works and other subject matter from the collecting society.

Or. fr

Amendment 297
Lothar Bisky

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the **collecting society** regularly and diligently distributes and pays amounts due to all rightholders it represents. The **collecting society** shall carry out such distribution and payments **no later than 12 months from the end of the financial year in which the rights revenue was collected, unless objective reasons related in particular to reporting by users, the identification of rights, rightholders or to the matching of information on works and other subject matter with rightholders prevent the collecting society from respecting this deadline.** The **collecting society** shall carry out such distribution and payments accurately, ensuring equal treatment of all categories of rightholders.

Amendment

1. Member States shall ensure that the **collective management organisation** regularly and diligently distributes and pays amounts due to all rightholders it represents **in accordance with a transparent distribution procedure ensuring equal treatment.** The **collective management organisation** shall carry out such distribution and payments **without undue delay as soon as the amount for a rightholder covers the collection costs and maintenance for the corresponding rights and administrative costs, after a period of three months and no later than six months from the collection of the relevant right revenues.** The **collective management organisation** shall carry out such distribution and payments accurately, ensuring equal treatment of all categories of rightholders.

Or. de

Amendment 298

Nadja Hirsch, Morten Løkkegaard, Marietje Schaake, Hannu Takkula

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the **collecting society** regularly and diligently distributes and pays amounts due to all rightholders it represents. The **collecting society** shall carry out such distribution and

Amendment

1. Member States shall ensure that the **collective management organisation** regularly and diligently distributes and pays amounts due to all rightholders it represents. The **collective management**

payments no later than **12** months from the end of the financial year in which the rights revenue was collected, unless objective reasons related in particular to reporting by users, the identification of rights, rightholders or to the matching of information on works and other subject matter with rightholders prevent the collecting society from respecting this deadline. The collecting society shall carry out such distribution and payments accurately, ensuring equal treatment of all categories of rightholders.

organisation shall carry out such distribution and payments no later than **six** months from the end of the financial year in which the rights revenue was collected, unless objective reasons related in particular to reporting by users, the identification of rights, rightholders or to the matching of information on works and other subject matter with rightholders prevent the collecting society from respecting this deadline. The collecting society shall carry out such distribution and payments accurately, ensuring equal treatment of all categories of rightholders.

Or. de

Amendment 299
Nadja Hirsch

Proposal for a directive
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that the users of the collective management organisation provide in good time, by electronic means, information concerning the use of the rights which is necessary for the collection of revenue and for making payments to rightholders;

Or. de

Amendment 300
Emma McClarkin

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the amounts due to rightholders

2. Where the amounts due to rightholders

cannot be distributed, after **five** years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the collecting **society** has taken all necessary measures to identify and locate the rightholders, **the collecting society** shall **decide on the use of the amounts concerned in accordance with Article 7(5)(b), without prejudice to the right of the rightholder to claim such amounts from the collecting society.**

cannot be distributed, after **three** years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the collecting **management organisation** has taken all necessary measures to identify and locate the rightholders, **Member States** shall **be responsible for deciding on how best to allocate undistributed monies, including allowing the collecting management organisations to distribute the monies among their members.**

Or. en

Amendment 301

Nadja Hirsch, Morten Løkkegaard, Marietje Schaake, Hannu Takkula

Proposal for a directive Article 12 – paragraph 2

Text proposed by the Commission

2. Where the amounts due to rightholders cannot be distributed, after **five** years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the **collecting society** has taken all necessary measures to identify and locate the rightholders, the **collecting society** shall decide on the use of the amounts concerned in accordance with Article 7(5)(b), without prejudice to the right of the rightholder to claim such amounts from the **collecting society**.

Amendment

2. Where the amounts due to rightholders cannot be distributed, after **three** years from the end of the financial year in which the collection of the rights revenue occurred, **or earlier where national legislation provides for a shorter period**, and provided that the **collective management organisation** has taken all necessary measures to identify and locate the rightholders, the **collective management organisation** shall decide on the use of the amounts concerned in accordance with Article 7(5)(b), without prejudice to the right of the rightholder to claim such amounts from the **collective management organisation**.

Or. de

Amendment 302

Piotr Borys

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. Where the amounts due to rightholders cannot be distributed, after **five** years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the collecting society has taken all necessary measures to identify and locate the rightholders, the collecting society shall decide on the use of the amounts concerned in accordance with Article 7(5)(b), without prejudice to the right of the rightholder to claim such amounts from the collecting society.

Amendment

2. Where the amounts due to rightholders cannot be distributed, after **three** years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the collecting society has taken all necessary measures to identify and locate the rightholders, the collecting society shall decide on the use of the amounts concerned in accordance with Article 7(5)(b), without prejudice to the right of the rightholder to claim such amounts from the collecting society.

Or. en

Amendment 303
Jean-Marie Cavada

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. Where the amounts due to rightholders cannot be distributed, after five years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the collecting society has taken all necessary measures to identify and locate the rightholders, the collecting society shall decide on the use of the amounts concerned in accordance with Article 7(5)(b), ***without prejudice to the right of the rightholder to claim such amounts from the collecting society.***

Amendment

2. Where the amounts due to rightholders cannot be distributed, after three years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the collecting society has taken all necessary measures to identify and locate the rightholders, the general meeting of members shall decide on the use of the amounts concerned in accordance with Article 7(5)(b).

Or. fr

Amendment 304
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. Where the amounts due to rightholders cannot be distributed, after **five** years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the collecting society has taken all necessary measures to identify and locate the rightholders, the collecting society shall decide on the use of the amounts concerned in accordance with Article 7(5)(b), without prejudice to the right of the rightholder to claim such amounts from the collecting society.

Amendment

2. Where the amounts due to rightholders cannot be distributed, after **a period laid down in the statute of the collecting society or by the general meeting and which may not be less than three** years from the end of the financial year in which the collection of the rights revenue occurred, and provided that the collecting society has taken all necessary measures to identify and locate the rightholders, the collecting society shall decide on the use of the amounts concerned in accordance with Article 7(5)(b) **and the applicable law**, without prejudice to the right of the rightholder to claim such amounts from the collecting society **during the period laid down by the applicable law**.

Or. fr

Amendment 305
Jean-Marie Cavada

Proposal for a directive
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Sums which have not been claimed by rightholders upon the expiry of a period which may not exceed three years and which have not therefore been distributed must be reinvested in economic or social measures in the cultural and creative sector. It shall be for the general meeting, acting in accordance with Article 7(5)(b), to determine how these sums shall be spent. Furthermore, the general meeting

may also decide to earmark some of the sums collected by the collecting society each year for measures to support the creation and dissemination of works, training, the safeguarding and promotion of the interests of rightholders and, more generally, measures to foster cultural and artistic diversity.

Or. fr

Amendment 306
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 12 – paragraph 3

Text proposed by the Commission

3. For the purposes of paragraph 2, measures to identify and locate rightholders shall include verifying membership records and making available to the members of the collecting society **as well as to the public** a list of works and other subject matter for which one or more rightholders have not been identified or located.

Amendment

3. For the purposes of paragraph 2, measures to identify and locate rightholders shall include verifying membership records and making available to the members of the collecting society **who are rightholders and to the other collecting societies** a list of works and other subject matter for which one or more rightholders have not been identified or located.

Or. fr

Amendment 307
Marietje Schaake

Proposal for a directive
Article 12 – paragraph 3

Text proposed by the Commission

3. For the purposes of paragraph 2, measures to identify and locate rightholders shall include verifying membership records and making available

Amendment

3. For the purposes of paragraph 2, **the collecting society shall put in place effective** measures to identify and locate rightholders **while ensuring appropriate**

to the members of the collecting society as well as to the public a list of works and other subject matter for which one or more rightholders have not been identified or located.

*safeguards to deter fraud. Such measures shall include verifying membership records and making available **regularly and at least annually** to the members of the collecting society as well as to the public a list of works and other subject matter for which one or more rightholders have not been identified or located.*

Or. en

Amendment 308

Lothar Bisky

Proposal for a directive Article 14 – paragraph 1

Text proposed by the Commission

1. **The collecting society** shall not apply deductions, other than management fees, to the rights revenue derived from the rights it manages on the basis of a representation agreement with another **collecting society**, **unless the other collecting society expressly consents to such deductions.**

Amendment

1. **After a set period, the collective management organisation** shall not apply deductions, other than management fees, to the rights revenue derived from the rights it manages on the basis of a representation agreement with another **collective management organisation**

Or. de

Amendment 309

Marietje Schaake

Proposal for a directive Article 14 – paragraph 2

Text proposed by the Commission

2. The collecting society shall regularly, diligently **and** accurately distribute and pay amounts due to other collecting societies.

Amendment

2. The collecting society shall regularly, diligently, accurately **and without undue delay** distribute and pay amounts due to other collecting societies.

Or. en

Amendment 310
Nadja Hirsch

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. The collecting society shall regularly, diligently and accurately distribute and pay amounts due to other collecting societies.

Amendment

2. The collecting society shall regularly, diligently, ***in good time*** and accurately distribute and pay amounts due to other collecting societies.

Or. de

Amendment 311
Sabine Verheyen

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that collecting societies respond to licensing requests within 14 calendar days and make an offer to the user within 60 calendar days following receipt of the request, provided that the collecting society has received all the information it needs to make such an offer.

Or. de

Amendment 312
Nadja Hirsch

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Licensing terms shall be based on objective criteria, in particular in relation to tariffs.

Amendment

Licensing terms shall be based on objective, ***non-discriminatory*** criteria, in particular in relation to tariffs.

Or. de

Amendment 313
Jean-Marie Cavada

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Tariffs for exclusive rights shall ***reflect the economic value*** of the rights ***in trade and of the service provided by*** the collecting society.

Amendment

Tariffs for exclusive rights ***and rights to fair remuneration must take account of the need for rightholders to receive reasonable remuneration, the overall value of the repertoire of*** the collecting society ***and of the economic benefit which users obtain from the collective management of their rights.***

Or. fr

Amendment 314
Nadja Hirsch

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Tariffs for exclusive rights shall reflect the economic value of the rights in trade and of the service provided by the ***collecting society***.

Amendment

Tariffs for exclusive rights ***and rights to remuneration*** shall reflect the economic value of ***the use of*** the rights in trade and ***the economic value*** of the service provided by the ***collective management organisation***.

Or. de

Amendment 315
Nadja Hirsch

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

In the absence of any national law which establishes the amounts due to rightholders in respect of a right to remuneration and a right to compensation, the collecting society shall base its own determination of those amounts due, on the economic value of those rights in trade. *deleted*

Or. de

Amendment 316
Jean-Marie Cavada

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

In the absence of any national law which establishes the amounts due to rightholders in respect of ***a right to remuneration and*** a right to compensation, the collecting society shall base its own determination of those amounts due, on the economic value of those rights in trade.

In the absence of any national law which establishes the amounts due to rightholders in respect of a right to compensation, the collecting society shall base its own determination of those amounts due, on the economic value of those rights in trade.

Or. fr

Amendment 317
Jean-Marie Cavada

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

An author or performer may decide to opt for collective management of a category of rights even though he or she had previously agreed to assign those rights.

Or. fr

Amendment 318
Jean-Marie Cavada

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 3 b (new)

Text proposed by the Commission

Amendment

In order to deter any attempt to defer payment to collecting societies on the grounds that the tariffs are being challenged and to discourage delaying tactics of any kind, a mechanism shall be introduced whereby the sums in question are frozen.

Or. fr

Amendment 319
Jean-Marie Cavada

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 3 c (new)

Text proposed by the Commission

Amendment

Member States shall ensure that users forward to collecting societies declarations concerning the use of the works and other subject matter, in an agreed format and by a set deadline, in such a way as to enable collecting societies to determine what fees are applicable and distribute the amounts due

to rightholders in an appropriate manner consistent with the provisions of this Directive.

Or. fr

Amendment 320
Jean-Marie Cavada

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 3 d (new)

Text proposed by the Commission

Amendment

If a general tariff applies, or if such a tariff has been set by a court, Member States shall ensure that users pay the fees due to collecting societies by a set deadline.

Or. fr

Amendment 321
Sabine Verheyen

Proposal for a directive
Article 15 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Users should report to collective management organisations on the usage of works and other subject matter in an agreed and if possible machine-readable format, on time and accurately in order to allow collective management organisations to determine applicable fees and to distribute the amounts due to rightholders accurately and in accordance with the obligations imposed by this directive. Where users fail to report to collective management organisations in a manner that enables them to make timely and accurate distributions to individual

rightholders, Member States shall ensure that collective management organisations shall be discharged of their obligations under this Directive related to distribution of rights revenue to individual rightholders.

Or. en

Amendment 322
Sabine Verheyen

Proposal for a directive
Article 15 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Users should pay licence fees or remuneration to the collective management organisation in a timely manner whenever there is a generally applicable or court-determined tariff in force. Where users fail to pay such licence fees or remuneration in a timely manner, Member States shall ensure that collective management organisations may charge such users additional fees to cover the administrative costs caused by the failure to voluntarily pay the licence fees or remuneration.

Or. en

Amendment 323
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Information provided to collective

management organisations

Member States shall ensure that collective management organisations have the right to request from users to provide any information and documents necessary to determine the nature and scope of the use of works and other protected subject-matter they represent, as well as the amounts of rights revenue. When necessary, these information and documents should be provided in an electronic form allowing for its processing by the collective management organisation.

Or. en

Amendment 324
Piotr Borys

Proposal for a directive
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Refusal to grant a license

1. The collective management organisation shall not, without important and justified reasons, refuse to grant a license for the use of works or other protected subject-matter within the scope of the repertoire it represents. In particular, the collective management organisation shall not refuse to grant a license, including a multi-territorial license, for the reasons related to profitability of such license.

2. When refusing to grant a license, the collective management organisation shall inform rightholders it represents, other collective management organisations on whose behalf it manages rights under a representation agreement and the user, of

the reasons of such refusal.

Or. en

Amendment 325
Marietje Schaake

Proposal for a directive
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Reporting and invoicing

1. Collecting societies shall establish appropriate communication procedures allowing the user to provide all necessary information on the use of the licence, including a report on actual use of the works, to the collecting society accurately and within the deadline jointly agreed in relation to that licence.

2. Collecting societies shall establish a cooperation procedure among themselves for the benefit of their rightholders, members and users. Such a cooperation procedure shall include at least pooling of information on the licences issued and the use of works and other protected subject-matter in a common database, coordinated and joint invoicing and collection of rights revenues.

3. The cooperation procedure referred to in paragraph 2 shall enable the collecting societies to coordinate the invoicing of the users in such a way that a single user receives a single joint invoice in respect of the rights in the works and other protected subject-matter which have been licensed. The single invoice shall be transparent and shall identify the collecting societies concerned, the lists of works and other protected subject-matter which have been licensed and the corresponding actual

uses. The invoice should also indicate clearly at least the proportionate amounts due to rightholders and the amounts to be used to cover management fees.

Or. en

Justification

Consistent with draft opinion from IMCO

Amendment 326
Marietje Schaake

Proposal for a directive
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that a collecting society makes available at least once a year, by electronic means, the following information to each rightholder it represents:

Amendment

Member States shall ensure that a collecting society makes available ***on a rolling basis or*** at least once a year, by electronic means, the following information to each rightholder it represents:

Or. en

Amendment 327
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 16 – paragraph 1 – point b

Text proposed by the Commission

b) the rights revenue collected on behalf of the rightholder;

Amendment

b) the rights revenue collected on behalf of the rightholder ***once the collecting society determined the amount involved;***

Or. fr

Amendment 328
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 16 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

ba) the members of a collecting society must forward to the latter, within a reasonable period, detailed information concerning the possible uses of the work, with a view to facilitating the smooth running of the society;

Or. fr

Amendment 329
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 16 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the amounts due to the rightholder per category of rights managed, and type of use, paid by the ***collecting society*** to the rightholder in the period concerned;

(c) the amounts due to the rightholder per category of rights managed, and type of use, paid by the ***collective management organisation*** to the rightholder in the period concerned;

Or. en

Amendment 330
Piotr Borys

Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a
Information provided to users

The collective management organisation shall invoice users, whenever possible, by electronic means. The standard invoice shall identify, to the extent this is possible, the works and rights which are licensed in whole or in part and the corresponding actual uses.

Or. en

Amendment 331
Marietje Schaake

Proposal for a directive
Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that a collecting society makes the following information available, at least once a year by electronic means, to the collecting society on whose behalf it manages rights under a representation agreement for a particular period:

Amendment

Member States shall ensure that a collecting society makes the following information available, ***on a rolling basis or*** at least once a year by electronic means, to the collecting society on whose behalf it manages rights under a representation agreement for a particular period:

Or. en

Amendment 332
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 17 – paragraph 1 – point a

Text proposed by the Commission

(a) the amounts due to rightholders per category of rights managed, and per type of use paid by the ***collecting society*** for the licensing of the rights it manages under the representation agreement;

Amendment

(a) the amounts due to rightholders per category of rights managed, and per type of use paid by the ***collective management organisation*** for the licensing of the rights it manages under the representation agreement;

Or. en

Amendment 333
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 18 – title

Text proposed by the Commission

Information provided to rightholders,
members, other *collecting societies* and
users on request

Amendment

Information provided to rightholders,
members, other *collective management*
organisations and users on request

Or. en

Amendment 334
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

***1. Member States shall ensure that a
collecting society makes the following
information available at the request of
any rightholder whose rights it represents,
any collecting society on whose behalf it
manages rights under a representation
agreement or any user, by electronic
means, without undue delay:***

***(a) standard licensing contracts and
applicable tariffs;***

***(b) the repertoire and rights it manages
and the Member States covered;***

***(c) a list of representation agreements it
has entered into, including information
on other collecting societies involved, the
repertoire represented and the territorial
scope covered by any such agreement.***

Amendment

deleted

Or. en

Amendment 335
Marek Henryk Migalski

Proposal for a directive
Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that a collecting society makes the following information available at the request of any rightholder whose rights it represents, any collecting society on whose behalf it manages rights under a representation agreement or any user, by electronic means, without undue delay:

Amendment

1. Member States shall ensure that a collecting society makes the following information available, ***while respecting personal data protection***, at the request of any rightholder whose rights it represents, any collecting society on whose behalf it manages rights under a representation agreement or any user, by electronic means, without undue delay:

Or. pl

Amendment 336
Nadja Hirsch

Proposal for a directive
Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that a collecting society makes the following information available at the request of any rightholder whose rights it represents, any collecting society on whose behalf it manages rights under a representation agreement or any user, by electronic means, without undue delay:

Amendment

1. Member States shall ensure that a collecting society makes the following information available at the ***duly justified*** request of any rightholder whose rights it represents, any collecting society on whose behalf it manages rights under a representation agreement or any user, by electronic means, without undue delay:

Or. de

Amendment 337
Marietje Schaake

Proposal for a directive
Article 18 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) standard licensing contracts and applicable tariffs; *deleted*

Or. en

Amendment 338
Marietje Schaake

Proposal for a directive
Article 18 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the repertoire and rights it manages and the Member States covered; *deleted*

Or. en

Amendment 339
Marietje Schaake

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. In addition, a collecting society shall make available at the request of any rightholder or any collecting society, any information on works for which one or more rightholders have not been identified including, where available, the title of the work, the name of the author, the name of the publisher and any other relevant information available which could be necessary to identify the rightholders. *deleted*

Or. en

Amendment 340
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. ***In addition***, a ***collecting society*** shall make available at the request of any rightholder or any ***collecting society***, any information on works for which one or more rightholders have not been identified including, where available, the title of the work, the name of the author, the name of the publisher and any other relevant information available which could be necessary to identify the rightholders.

Amendment

2. A ***collective management organisation*** shall make available at the request of any rightholder or any ***collective management organisation***, any information on works for which one or more rightholders have not been identified including, where available, the title of the work, the name of the author, the name of the publisher and any other relevant information available which could be necessary to identify the rightholders.

Or. en

Amendment 341
Rolandas Paksas

Proposal for a directive
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

2a. Member States shall ensure that users communicate, free of charge, and in an electronic format, to collective management organisations for the purpose of the effective administration of rights, complete and accurate information as is necessary in order to identify the use of the work or other subject matter and the corresponding rightholder.

Or. en

Amendment 342
Piotr Borys, Róza Gräfin von Thun und Hohenstein, Emma McClarkin

Proposal for a directive
Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that a *collecting society* makes *public* the following information:

Amendment

1. Member States shall ensure that a *collective management organisation* makes *available through a publicly accessible website at least* the following information:

Or. en

Amendment 343
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 19 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) standard licensing contracts and applicable tariffs;

Or. en

Amendment 344
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 19 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) the repertoire and rights it manages and the Member States covered;

Or. en

Amendment 345
Piotr Borys

Proposal for a directive
Article 19 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) a list of representation agreements it has entered into, including information on other collecting societies involved, the repertoire represented and the territorial scope covered by any such agreement;

Or. en

Amendment 346
Nadja Hirsch

Proposal for a directive
Article 19 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

ba) standard licensing contracts and applicable tariffs, including discounts;

Or. de

Amendment 347
Marietje Schaake

Proposal for a directive
Article 19 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) standard licensing contracts and applicable tariffs;

Or. en

Amendment 348
Piotr Borys

Proposal for a directive
Article 19 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) a list of representation agreements it has entered into, including information on other collective management organisations involved, the repertoire represented and the territorial scope covered by any such agreement.

Or. en

Amendment 349
Marietje Schaake

Proposal for a directive
Article 19 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) where available, the title of the work, the name of the author, the name of the publisher and any other relevant information available which could be necessary to identify the rightholders on works for which one or more rightholders have not been identified;

Or. en

Amendment 350
Marietje Schaake

Proposal for a directive
Article 19 – paragraph 1 – point g b (new)

Text proposed by the Commission

Amendment

(gb) the repertoire and rights it manages and the Member States covered.

Amendment 351
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 19 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The information referred to in paragraph 1 shall be **published** on the website of the collecting society **and shall remain available to the public on that website**.

Amendment

The information referred to in paragraph 1 shall be **made available to the public** on the website of the collecting society.

Amendment 352
Marie-Thérèse Sanchez-Schmid

Proposal for a directive
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that, irrespective of its legal form under national law, a collecting society draws up and make public an annual transparency report, including a special report, for each financial year no later than six months following the end of the financial year. The annual transparency report shall be signed by **all directors**.

Amendment

Member States shall ensure that, irrespective of its legal form under national law, a collecting society draws up and make public an annual transparency report, including a special report, for each financial year no later than six months following the end of the financial year. The annual transparency report shall be signed by **a director designated by the administrative board of the organisation**.

Amendment 353
Jean-Marie Cavada

Proposal for a directive
Article 20 – paragraph 2

Text proposed by the Commission

2. The annual transparency report shall contain at least the information set out in Annex I.

Amendment

2. The annual transparency report shall contain at least the information set out in Annex I. ***The Commission shall carry out a feasibility study before the annex enters into force.***

Or. fr

Amendment 354
Jean-Marie Cavada, Piotr Borys

Proposal for a directive
Article 20 – paragraph 5

Text proposed by the Commission

5. Member States may decide that points 1 (a), (f) and (g) of Annex I shall not apply to a collecting society which on its balance sheet date does not exceed the limits of two of the three following criteria:

a) balance sheet total: EUR 350.000;

b) net turnover: EUR 700 000;

c) average number of employees during the financial year: ten.

Amendment

deleted

Or. fr

Amendment 355
Marietje Schaake

Proposal for a directive
Article 20 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States may decide that points 1 (a), (f) and (g) of Annex I shall not apply to a collecting society which on its balance sheet date does not exceed the limits of two of the three following criteria:

deleted

(a) balance sheet total: EUR 350 000;

(b) net turnover: EUR 700 000;

(c) average number of employees during the financial year: ten.

Or. en

Amendment 356
Sabine Verheyen

Proposal for a directive
Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall promote and encourage collective management organisations and commercial operators to set up an accurate, comprehensive and updated Global Repertoire Database to facilitate multi-territorial and multi-repertoire licensing.

Or. en

Amendment 357
Nadja Hirsch

Proposal for a directive
Article 25 – paragraph 1

Text proposed by the Commission

Amendment

1. A *collecting society* shall *monitor* the

1. **The Member States** shall *ensure that*

use of online rights in musical works which it represents, in whole or in part, by online music service providers to which it has granted a multi-territorial licence for those rights.

the collective management organisation monitors the use of online rights in musical works which it represents, in whole or in part, by online music service providers to which it has granted a multi-territorial licence for those rights.

Or. de

Amendment 358
Marietje Schaake

Proposal for a directive
Article 25 – paragraph 2

Text proposed by the Commission

2. The collecting society shall offer online music service providers the possibility of reporting the actual use of online rights in musical works by electronic means. The collecting society shall offer the use of a least one method of reporting which takes into account voluntary industry standards or practices developed at international or Union level for the electronic exchange of such data. The collecting society may refuse to accept reporting by the user in a proprietary format if the society allows for reporting using an industry standard for the electronic exchange of data.

Amendment

2. The collecting society shall offer online music service providers the possibility of reporting the actual use of online rights in musical works, *in accordance with Article 15a(1)*, by electronic means. The collecting society shall offer the use of a least one method of reporting which takes into account voluntary industry standards or practices developed at international or Union level for the electronic exchange of such data. The collecting society may refuse to accept reporting by the user in a proprietary format if the society allows for reporting using an industry standard for the electronic exchange of data.

Or. en

Amendment 359
Nadja Hirsch

Proposal for a directive
Article 25 – paragraph 4

Text proposed by the Commission

4. The collecting society shall invoice the

Amendment

4. The collecting society shall invoice the

online music service provider accurately and without delay after the actual use of the online rights in that musical work is reported, except where a delay is attributable to the online music service provider.

online music service provider accurately and without delay after the actual use of the online rights in that musical work is reported ***fully and in good time in accordance with Article 12(1a)(new)***, except where a delay is attributable to the online music service provider.

Or. de

Amendment 360
Marietje Schaake

Proposal for a directive
Article 25 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. For the purposes of paragraphs 3 and 4, the collecting society shall establish a cooperation procedure with other collecting societies to ensure that the online music service provider is issued a single joint invoice as provided for in Article 15a.

Or. en

Amendment 361
Marietje Schaake

Proposal for a directive
Article 25 – paragraph 5

Text proposed by the Commission

Amendment

5. The collecting society shall have adequate procedures in place for the online music service provider to challenge the accuracy of the invoice, including when the online music service provider receives ***invoices from one or more collecting societies*** for the same online rights in the same musical work.

5. The collecting society shall have adequate procedures in place for the online music service provider to challenge the accuracy of the invoice, including when the online music service provider receives ***more than one invoice*** for the same online rights in the same musical work.

Amendment 362
Lothar Bisky

Proposal for a directive
Article 26 – paragraph 4

Text proposed by the Commission

4. Where a **collecting society** mandates another **collecting society** to grant multi-territorial licences for the online rights in musical works under Articles 28 and 29, the mandated collecting society shall distribute the amounts referred to in paragraph 1 and provide the information referred to in paragraph 2 to the mandating collecting society, which shall be responsible for its subsequent distribution and information to rightholders, **unless they agree otherwise**.

Amendment

4. Where a **collective management organisation** mandates another **collective management organisation** to grant multi-territorial licences for the online rights in musical works under Articles 28 and 29, the mandated collecting society shall distribute the amounts referred to in paragraph 1 and provide the information referred to in paragraph 2 to the mandating collecting society, which shall be responsible for its subsequent distribution and information to rightholders.

Or. de

Amendment 363
Sabine Verheyen

Proposal for a directive
Article 28 – paragraph 1

Text proposed by the Commission

1. Any representation agreement between **collecting societies** whereby a **collecting society** mandates another **collecting society** to grant multi-territorial licences for the online rights in musical works in its own music repertoire shall be of a non-exclusive nature. **The mandated collecting society shall manage those online rights on non-discriminatory terms.**

Amendment

1. Any representation agreement between **collective management organisations** whereby a **collective management organisation** mandates another **collective management organisation** to grant multi-territorial licences for the online rights in musical works in its own music repertoire shall be of a non-exclusive nature. **This does not preclude the relevant collective management organisation's right to entrust a limited number of the other**

collective management organisations or online rights pools to grant multi-territorial licences for the online rights in musical works in its own music repertoire, and to participate in a limited number of online rights pools.

Or. en

Amendment 364
Sabine Verheyen

Proposal for a directive
Article 28 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The mandated collective management organisation shall manage those online rights on non-discriminatory terms.

Or. en

Amendment 365
Sabine Verheyen

Proposal for a directive
Article 28 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall promote and encourage cooperation between collective management organisations in the fields of management, administration and licensing of rights.

Or. en

Amendment 366
Sabine Verheyen

Proposal for a directive
Article 28 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Member States shall ensure that collective management organisations retain the right to determine autonomously the conditions, in particular in relation to tariffs, according to which they authorize the use of their repertoire.

Or. en

Amendment 367
Sabine Verheyen

Proposal for a directive
Article 28 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Member States shall ensure that representation agreements and online rights pools, exchanges of information as well as other forms of cooperation among collective management organisations for the purpose of granting and administration of multi-territorial and multi-repertoire licences and/or for the purpose of establishing mutually agreeable tariffs and conditions for such licences are exempted from the application of competition law provisions prohibiting agreements and concerted practices which have the object or effect of restricting competition.

Or. en

Amendment 368
Nadja Hirsch

Proposal for a directive
Article 28 – paragraph 2

Text proposed by the Commission

2. The mandating **collecting society** shall inform **its members** of the duration of the agreement, the costs of the services provided by the other **collecting society** and any other significant terms of the agreement.

Amendment

2. The mandating **collective management organisation** shall inform **the rightholders** of the duration of the agreement, the costs of the services provided by the other **collective management organisation** and any other significant terms of the agreement.

Or. de

Amendment 369
Marietje Schaake

Proposal for a directive
Article 29 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The requested collecting society shall accept such a request if it is already granting or offering to grant multi-territorial licences for the same category of online rights in musical works in the repertoire of one or more other collecting societies.

Amendment

The requested collecting society shall accept such a request **within 1 month after receipt**, if it is already granting or offering to grant multi-territorial licences for the same category of online rights in musical works in the repertoire of one or more other collecting societies.

Or. en

Amendment 370
Nadja Hirsch

Proposal for a directive
Article 29 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The management fee for the service provided by the requested collecting society to the requesting society shall not

Amendment

The management fee for the service provided by the requested collecting society to the requesting society shall not

exceed the costs reasonably incurred by the requested collecting society in managing the repertoire of the requesting collecting society and a *reasonable* profit margin.

exceed the costs reasonably incurred by the requested collecting society in managing the repertoire of the requesting collecting society and a *normal market* profit margin *regarded as economically justifiable by all parties*.

Or. de

Amendment 371

Lothar Bisky

Proposal for a directive Article 29 – paragraph 3

Text proposed by the Commission

3. The requesting *collecting society* shall make available to the requested collecting society the information on its own music repertoire required for the provision of multi-territorial licences for online rights in musical works. Where information is insufficient or provided in a form that does not allow the requested *collecting society* to meet the requirements of this Title, the requested *collecting society* shall be entitled to charge for the reasonable costs incurred in meeting such requirements or to exclude those works for which information is insufficient or cannot be used.

Amendment

3. The requesting *collective management organisation* shall make available to the requested collecting society the information on its own music repertoire required for the provision of multi-territorial licences for online rights in musical works, *on the basis of standardised information categories*. Where information is insufficient or provided in a form that does not allow the requested *collective management organisation* to meet the requirements of this Title, the requested *collective management organisation* shall be entitled to charge for the reasonable costs incurred in meeting such requirements or to exclude those works for which information is insufficient or cannot be used.

Or. de

Amendment 372

Nadja Hirsch

Proposal for a directive Article 29 – paragraph 3

Text proposed by the Commission

3. The requesting **collecting society** shall make available to the requested **collecting society** the information on its own music repertoire required for the provision of multi-territorial licences for online rights in musical works. Where information is insufficient or provided in a form that does not allow the requested **collecting society** to meet the requirements of this Title, the requested **collecting society** shall be entitled to charge for the reasonable costs incurred in meeting such requirements or to exclude those works for which information is insufficient or cannot be used.

Amendment

3. The requesting **collective management organisation** shall make available to the requested **collective management organisation, in electronic form**, the information on its own music repertoire required for the provision of multi-territorial licences for online rights in musical works. Where information is insufficient or provided in a form that does not allow the requested **collective management organisation** to meet the requirements of this Title, the requested **collective management organisation** shall be entitled to charge for the reasonable costs incurred in meeting such requirements or to exclude those works for which information is insufficient or cannot be used.

Or. de

Amendment 373

Nadja Hirsch

Proposal for a directive
Article 30 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where a **collecting society** does not grant or offer to grant multi-territorial licences in online rights in musical works or does not allow another **collecting society** to represent those rights for such purpose by one year after the transposition date of this Directive, rightholders who have authorised that **collecting society** to represent their online rights in musical works can grant multi-territorial licences in their online rights in musical works themselves or through any **collecting society** complying with the provisions of

Amendment

Member States shall ensure that where a **collective management organisation** does not grant or offer to grant multi-territorial licences in online rights in musical works or does not allow another **collective management organisation** to represent those rights for such purpose by one year after the transposition date of this Directive, rightholders who have authorised that **collective management organisation** to represent their online rights in musical works can grant multi-territorial licences in their online rights in musical works themselves or through any

this Title or any other party they authorise. The *collecting society* which does not grant or offer to grant multi-territorial licences shall continue to grant or offer to grant licences for the online rights in musical works of such rightholders for their use in the territory of the Member State where the collecting society is established, unless the rightholders terminate their authorisation to manage them.

collective management organisation complying with the provisions of this Title or any other party they authorise. ***The rightholders shall notify the affected collective management organisation of their decision without delay.*** The *collective management organisation* which does not grant or offer to grant multi-territorial licences shall continue to grant or offer to grant licences for the online rights in musical works of such rightholders for their use in the territory of the Member State where the collecting society is established, unless the rightholders terminate their authorisation to manage them.

Or. de

Amendment 374
Nadja Hirsch

Proposal for a directive
Article 31 – paragraph 1

Text proposed by the Commission

Articles 18(1)(a), 18(1)(c), 22, 23, 24, 25, 26, 27, 32 and **36** shall also apply to entities owned, in whole or in part, by a collecting society and which offer or grant multi-territorial licences for online rights in musical works.

Amendment

Articles 18(1)(a), 18(1)(c), **19, 20**, 22, 23, 24, 25, 26, 27, 32 and 34 **to 38** shall also apply to entities owned, in whole or in part, by a collecting society and which offer or grant multi-territorial licences for online rights in musical works.

Or. de

Amendment 375
Jean-Marie Cavada

Proposal for a directive
Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

***Derogation for online music rights
required for radio and television
programmes***

The requirements under this Title shall not apply to collecting societies which grant, on the basis of the voluntary aggregation of the required rights, in compliance with the competition rules under Articles 101 and 102 TFEU, a multi-territorial licence for the online rights in musical works required by a broadcaster to communicate or make available to the public its radio or television programmes simultaneously with or after their initial broadcast as well as any online material produced by the broadcaster which is ancillary to the initial broadcast of its radio or television programme.

Or. fr

Amendment 376

Petra Kammerevert

Proposal for a directive

Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

***Derogation for online music rights
required for radio and television
programmes***

The requirements under this Title shall not apply to collecting societies which grant, on the basis of the voluntary aggregation of the required rights, in compliance with the competition rules under Articles 101 and 102 TFEU, a

multi-territorial licence for the online rights in musical works required by a broadcaster to communicate or make available to the public its radio or television programmes simultaneously with or after their initial broadcast as well as any online material produced by the broadcaster which is ancillary to the initial broadcast of its radio or television programme.

Or. de

Amendment 377
Silvia Costa

Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

The requirements under this Title shall not apply to collecting societies which grant, on the basis of the voluntary aggregation of the required rights, in compliance with the competition rules under Articles 101 and 102 TFEU, a multi-territorial licence for the online rights in musical works required by *a broadcaster* to communicate or make available to the public its radio or television programmes simultaneously with or after their initial broadcast as well as any online material produced by the broadcaster which is ancillary to the initial broadcast of its radio or television programme.

Amendment

The requirements under this Title shall not apply to collecting societies which grant, on the basis of the voluntary aggregation of the required rights, in compliance with the competition rules under Articles 101 and 102 TFEU, a multi-territorial licence for the online rights in musical works required by *an audiovisual media service provider* to communicate or make available to the public its radio or television programmes simultaneously with or after their initial broadcast as well as any online material produced by the broadcaster which is ancillary to the initial broadcast of its radio or television programme.

Or. it

Amendment 378
Marietje Schaake

Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

The requirements under this Title shall not apply to collecting societies which grant, on the basis of the voluntary aggregation of the required rights, in compliance with the competition rules under Articles 101 and 102 TFEU, a multi-territorial licence for the online rights in musical works required by a broadcaster to communicate or make available to the public its radio or television programmes simultaneously with or after their initial broadcast as well as any online material produced by the broadcaster which is ancillary to the initial broadcast of its radio or television programme.

Amendment

The requirements under this Title shall not apply to collecting societies which grant, on the basis of the voluntary aggregation of the required rights, in compliance with the competition rules under Articles 101 and 102 TFEU, a multi-territorial licence for the online rights in musical works required by a broadcaster to communicate or make available to the public its radio or television programmes **before** simultaneously with or after their initial broadcast as well as any online material produced by the broadcaster which is ancillary to the initial broadcast of its radio or television programme.

Or. en

Amendment 379
Emma McClarkin, Piotr Borys

Proposal for a directive
Article 34 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that collecting **societies** make available to their members and rightholders effective and timely procedures for dealing with complaints and for resolving disputes in particular in relation to authorisation to manage rights and termination or withdrawal of rights, membership terms, the collection of amounts due to rightholders, deductions and distributions.

Amendment

1. Member States shall ensure that collecting **management organisations** make available to their members and rightholders effective and timely procedures for dealing with complaints and for resolving disputes in particular in relation to authorisation to manage rights and termination or withdrawal of rights, membership terms, the collection of amounts due to rightholders, deductions and distributions. **The procedures for dealing with complaints and for resolving disputes shall be independent.**

Or. en

Amendment 380
Jean-Marie Cavada

Proposal for a directive
Article 35 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that disputes between collecting societies and users concerning existing and proposed licensing conditions, tariffs, and any refusal to grant a licence can be submitted to a court, and if appropriate, to an independent and impartial dispute resolution body.

Amendment

1. Member States shall ensure that disputes between collecting societies and users concerning existing or proposed licensing conditions, tariffs or any refusal to grant a licence for example can be submitted to a court, and if appropriate, to an independent and impartial dispute resolution body.
However, if the law of the Member State concerned so permits, priority shall be given to mediation.

Or. fr

Amendment 381
Marietje Schaake

Proposal for a directive
Article 35 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that disputes between collecting societies and users concerning existing and proposed licensing conditions, tariffs, and any refusal to grant a licence can be submitted to a court, and if appropriate, to an independent and impartial dispute resolution body.

Amendment

1. Member States shall ensure that disputes between collecting societies and users concerning existing and proposed licensing conditions, tariffs, ***the calculation of tariffs*** and any refusal to grant a licence can be submitted to a court, and if appropriate, to an independent and impartial dispute resolution body.

Or. en

Amendment 382
Marietje Schaake

Proposal for a directive
Article 35 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The administrative costs of seeking recourse to such a dispute resolution shall be reasonable.

Or. en

Amendment 383
Jean-Marie Cavada

Proposal for a directive
Article 35 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that if users challenge the tariffs charged by a collecting society before a court or an independent and impartial dispute resolution body the sums in question are frozen until such time as the dispute has been settled.

Or. fr

Amendment 384
Lothar Bisky

Proposal for a directive
Article 35 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The dispute resolution body shall have all the necessary powers to permit the procedure to take place in good time and be completed rapidly in the interests of all parties.

Or. de

Amendment 385
Marietje Schaake

Proposal for a directive
Article 36 – paragraph 1 – point c

Text proposed by the Commission

(c) disputes with another collecting society on the application of Articles 24, 25, 26, 28 and 29.

Amendment

(c) disputes with another collecting society on the application of Articles **22, 23, 24, 25, 26, 28** and 29.

Or. en

Amendment 386
Nadja Hirsch

Proposal for a directive
Article 37 – title

Text proposed by the Commission

Complaints

Amendment

Compliance with the Directive

Or. de

Amendment 387
Nadja Hirsch

Proposal for a directive
Article 37 – paragraph 2

Text proposed by the Commission

2. Member States shall ***take all the necessary measures to ensure that the complaints procedures referred to in paragraph 1 are administered by the competent authorities empowered to ensure*** compliance with the provisions of national law adopted pursuant to the requirements laid down in this Directive.

Amendment

2. Member States shall ensure that compliance ***by the collective management organisations established on their territory*** with the provisions of national law adopted ***and implemented*** pursuant to the requirements laid down in this Directive ***is monitored by the authorities empowered to do so.***

Amendment 388
Piotr Borys, Jean-Marie Cavada

Proposal for a directive
Article 38 – paragraph 1

Text proposed by the Commission

1. Member States shall **provide** that **their respective** competent authorities **may take** appropriate **administrative** sanctions and measures where the provisions of **the** national **provisions** adopted in the implementation of this Directive have not been complied with, **and shall ensure that they are applied**. **The** sanctions and measures shall be effective, proportionate and dissuasive.

Amendment

1. Member States shall **ensure** that competent authorities **have the power to impose** appropriate sanctions and **to take appropriate** measures where the provisions of national **law** adopted in the implementation of this Directive have not been complied with. **These** sanctions and measures shall be effective, proportionate and dissuasive.

Amendment 389
Helga Trüpel

Proposal for a directive
Article 38 – paragraph 1

Text proposed by the Commission

1. Member States shall provide that their respective competent authorities may take appropriate administrative sanctions and measures where the provisions of the national provisions adopted in the implementation of this Directive have not been complied with, and shall ensure that they are applied. The sanctions and measures shall be effective, proportionate and dissuasive.

Amendment

1. **Member States shall designate competent authorities which continuously monitor collective management organisations established in their territory.** Member States shall provide that their respective competent authorities may take appropriate administrative sanctions and/or measures where the provisions of the national provisions adopted in the implementation of this Directive have not been complied with, and shall ensure that they are applied. The sanctions and measures shall be effective, proportionate and dissuasive.

Amendment 390
Piotr Borys, Emma McClarkin

Proposal for a directive
Article 38 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall notify the Commission of the rules referred to in paragraph 1 by [date] and shall notify it without delay of any subsequent amendment affecting them.

deleted