28.4.2017

AMENDMENTS
673 - 872

Draft report
Therese Comodini Cachia
(PE601.094v01-00)

Copyright in the Digital Single Market

Proposal for a directive
Amendment 673
Julia Reda

Proposal for a directive
Article 6 – paragraph 1

*Text proposed by the Commission*

**Article 5(5) and the first, third and fifth**
subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

*Amendment*

The first and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Or. en

Amendment 674
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 6 – paragraph 1 a (new)

*Text proposed by the Commission*

**Except in the cases covered by Article 17,**
this Directive shall leave intact and shall in no way affect the exceptions and limitations provided for in Article 5(2) and (3) of Directive 2001/29/EC, Articles 6 and 9 of Directive 96/9/EC and Articles 5 and 6 of Directive 2009/24/EC, including the optional nature thereof.

*Amendment*

Or. fr

Amendment 675
Julia Reda

Proposal for a directive
Article 6 – paragraph 1 a (new)

*Text proposed by the Commission*

**Any contractual provision contrary to the exceptions and limitations provided for in this Directive shall be unenforceable.**
Amendment 676
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>Use of out-of-commerce works by cultural heritage institutions</td>
<td>Use of out-of-commerce works by cultural heritage institutions, <em>educational establishments or other non-commercial documentation centers</em></td>
</tr>
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Amendment 677
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive
Article 7 – title

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Amendment 678
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive
Article 7 – paragraph 1 – introductory part

<table>
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<tr>
<td>1. Member States <em>shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution</em> for the digitisation, distribution, communication to the public or making available of out-of-commerce works</td>
<td>1. Member States <em>after consulting with rightholders and their representing organisations, cultural heritage institutions and other users, shall provide a legal mechanism enabling exclusive or non-exclusive licences</em> for the digitisation, distribution, communication to the public or making available of out-of-commerce works</td>
</tr>
</tbody>
</table>
works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:

Or. en

Amendment  679
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:

Amendment

1. Member States may, without prejudice to their national model for unavailable works, provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:

Or. fr

Amendment  680
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – paragraph 1 – introductory part
1. Member States shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:

Amendment 681
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

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

Text proposed by the Commission

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

Amendment
deleted

Amendment 682
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

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

Text proposed by the Commission

(a) the collective management

Amendment
(a) the organisation in charge of
organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category of works or other subject-matter and of the rights which are the subject of the licence; granting licences is broadly representative of rightholders according to the law of the Member State;

Amendment 683
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

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

Text proposed by the Commission

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

Amendment
deleted

Or. en

Amendment 684
Jiří Maštálka, Kostadinka Kuneva

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

Text proposed by the Commission

(b a) Right-holders may at any time object to their works or other subject-matter being deemed to be out of commerce and may exclude their works from being made available on the secure electronic network of the cultural heritage institution.

Amendment

Or. en

Amendment 685
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – paragraph 1 – point c
Text proposed by the Commission

(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

Amendment

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

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

Text proposed by the Commission

(c) all rightholders are duly informed and may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

Or. en

Amendment 687
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

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

Text proposed by the Commission

When implementing the exception laid down in the first subparagraph, Member States may provide for remuneration schemes to compensate any unreasonable prejudice to the legitimate interests of rightholders. Rightholders may at any time, on the basis of reasonable evidence, object to their works or other subject-matter being deemed to be out of commerce and be able to exclude the
application of the exception laid down in the first subparagraph.

Or. en

Amendment 688
Sajjad Karim, Angel Dzhambazki
Proposal for a directive
Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission
Amendment
(c a) Member States shall, in consultation with rightsholders, collective management organisations and cultural heritage institutions, evaluate the effectiveness of such licensing solutions.

Or. en

Amendment 689
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella
Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission
Amendment
This legal mechanism may, among others, be based on extended collective licensing, a legal mandate or a presumption.

Or. en

Amendment 690
Julia Reda
Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission
Amendment
This legal mechanism may, among others, be based on extended collective licensing,
a legal mandate or a presumption.

Or. en

Amendment 691
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

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

Text proposed by the Commission

1 a. Member States may establish that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of out-of-commerce works or other subject-matter, to the extent that operational non-exclusive licences, concluded between a collective management organisation, on behalf of its member, and a cultural heritage institution, an educational establishment or another non-commercial documentation center, authorising the uses provided for in paragraph 1, exist and are easily available. In this case, such non-exclusive licences may be extended or presumed to apply to rightholders of the same category as those covered by the licences who are not represented by the collective management organisation, provided that:

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

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

(c) all rightholders may at any time, on the basis of reasonable evidence, object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.
Proposal for a directive  
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

1 a. Member States shall provide for an exception or limitation to the rights provided for in Article 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of out-of-commerce works that are located in their collections available online, provided that:

(a) the name of the author or any other identifiable rightholder is indicated, unless this turns out to be impossible;

(b) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the exception to their works or other subject-matter.

Amendment

1 a. Member States shall provide for exceptions to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Article 5(a) and Article 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow cultural
heritage institutions to make copies of out-of-commerce works that are permanently located in their collections publicly available for non-commercial purposes on their websites, provided that the name of the author or another identifiable rightholder is indicated, unless such indication turns out to be impossible.

Or. en

Amendment 694
Julia Reda

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

Text proposed by the Commission

Amendment

1 b. Member States may provide that the exception adopted pursuant to paragraph 1a does not apply in sectors or for types of works where extended collective licensing-based solutions provided for in paragraph 1 are available. Member states shall, in consultation with authors, other rightholders, collective management organisations and cultural heritage institutions, determine the availability of extended collective licensing-based solutions for specific sectors or types of works.

Or. en

Amendment 695
Julia Reda

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

Text proposed by the Commission

Amendment

1 c. Member States shall, in consultation with rightholders, collective management organisations and cultural
heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 or used in accordance with paragraph 1a do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce. In any case, works that have first been published at least 10 years ago shall be deemed to be out of commerce, without prejudice to the possibility for rightsholders to object to their works or other subject-matter being deemed to be out of commerce in accordance with paragraph 1 or 1a.

Amendment 696
Julia Reda

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Member States shall, in consultation with rightsholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce. In any case, works that have first been published at least 10 years ago shall be deemed to be out of commerce, without prejudice to the possibility for rightsholders to object to their works or other subject-matter being deemed to be out of commerce in accordance with paragraph 1 or 1a.
commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Amendment 697
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Or. en

Amendment 698
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary, easily accessible, channels of commerce. Out-of-commerce works shall also include works that have never been, or were never intended, to be in commerce.

Or. en
Amendment 699
József Szájer, Andrea Bocskor

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Amendment

A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so in the Member States where the cultural heritage institution is established.

Or. en

Justification

Translations should not be included in the first subparagraph, because this approach does not take into consideration the linguistic and cultural diversity of the Member States. This approach may have a negative effect on cultural diversity, because certain language versions of a work may disappear as they cannot be considered out-of-commerce while another language version is still available. The out-of-commerce status shall be assessed in each country separately and not on the EU level.

Amendment 700
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

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

Text proposed by the Commission

Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-

Amendment

Member States shall, in consultation with rightholders, collective management organisations, cultural heritage institutions, educational establishments or other non-commercial documentation centers, ensure that the requirements used to determine whether works and other subject-matter can be deemed to be out of commerce, do not extend beyond what is reasonable and proportionate and do not
commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.

Or. en

Amendment 701
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall provide that appropriate publicity measures are taken regarding:

Amendment

3. Member States shall provide that appropriate and effective publicity measures are taken regarding:

Or. en

Amendment 702
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) the licence, and in particular its application to unrepresented rightholders;

Amendment

(b) any licence, and in particular its application to unrepresented rightholders;

Or. en

Amendment 703
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – paragraph 3 – point c – paragraph 1

Text proposed by the Commission

the possibility of rightholders to object, referred to in point (c) of paragraph 1;

Amendment

the possibility of rightholders to object, referred to in the second subparagraph of
paragraph 1 and in point (c) of paragraph 1a;

Or. en

Amendment 704
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive
Article 7 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States shall ensure that the licences referred to in paragraph 1 are sought from a collective management organisation that is representative for the Member State where:

Amendment

4. Member States shall ensure that the licences referred to in paragraph 1 are in the Member State where:

Or. en

Amendment 705
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – paragraph 4 – point c

Text proposed by the Commission

(c) the cultural heritage institution is established, when a Member State or a third country could not be determined, after reasonable efforts, according to points (a) and (b).

Amendment

(c) the cultural heritage institution, educational establishment or non-commercial documentation center is established, when a Member State or a third country could not be easily determined according to points (a) and (b).

Or. en

Amendment 706
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 7 – paragraph 5
Text proposed by the Commission

5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject-matter of third country nationals except where points (a) and (b) of paragraph 4 apply.

Amendment

707
Julia Reda

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject-matter of third country nationals except where points (a) and (b) of paragraph 4 apply.

Amendment

708
Jytte Guteland

Proposal for a directive
Article 7 a (new)

Text proposed by the Commission

Article 7 a
Use at national level by cultural heritage institutions of works in their collection

Member States may provide that Article 7 shall not apply in situations where a collective agreement between an organisation and a cultural heritage institution concerning the use in that Member State of works or other subject matter in the collection of the institution, by virtue of national law, is extended to apply also to rights of rightholders not represented by the organisation.
Proposal for a directive

Article 8

Text proposed by the Commission

Amendment

Article 8 deleted

Cross-border uses

1. Works or other subject-matter covered by a licence granted in accordance with Article 7 may be used by the cultural heritage institution in accordance with the terms of the licence in all Member States.

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

3. The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.

Amendment 710
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 8 – paragraph 1
Text proposed by the Commission

1. Works or other subject-matter covered by a licence granted in accordance with Article 7 may be used by the cultural heritage institution in accordance with the terms of the licence in all Member States.

Amendment

Or. fr

Amendment 711
Julia Reda

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. Works or other subject-matter covered by a licence granted in accordance with Article 7 may be used by the cultural heritage institution in accordance with the terms of the licence in all Member States.

Amendment

Or. en

Amendment 712
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. Works or other subject-matter covered by a licence granted in accordance with Article 7 may be used by the cultural heritage institution in accordance with the terms of the licence in all Member States.

Amendment

Or. en

Amendment 713

PE604.544v01-00 20/110 AM\1124644EN.docx
Proposal for a directive  
Article 8 – paragraph 2

Text proposed by the Commission   

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Or. fr

Amendment 714  
Daniel Buda

Proposal for a directive  
Article 8 – paragraph 2

Text proposed by the Commission   

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

(Does not affect the English version.)

Or. ro
Proposal for a directive
Article 8 – paragraph 2

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Amendment 715
Julia Reda

Proposal for a directive
Article 8 – paragraph 2

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Or. en

Amendment 716
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 8 – paragraph 2

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Amendment

2. Member States shall ensure that information that allows the identification of the works or other subject-matter used in accordance with Article 7 and information about the possibility of rightholders to object referred to in the second subparagraph of Article 7(1) and Article 7(1a)(c) are made permanently, easily and effectively accessible in a public single online portal, and in any case for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States.
Amendment 717
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission
Amendment

3. The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.

Or. fr

Amendment 718
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission
Amendment

Member States shall ensure a regular dialogue between representative users’ and rightholders’ organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Member States shall ensure a regular dialogue between representative users’ and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the effectiveness of the measures applied to implement the exception referred to in Article 7, including the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Or. en
Amendment  719  
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton  
Proposal for a directive  
Article 9 – paragraph 1  

Text proposed by the Commission

Member States shall ensure a regular dialogue between representative users’ and rightholders’ organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Amendment

Member States may ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).

Or. fr

Amendment  720  
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella  
Proposal for a directive  
Article 9 a (new)  

Text proposed by the Commission

Article 9 a

Exploitation of European audiovisual works on video-on-demand platforms

1. Member States shall ensure that producers and the transferees of the rights make their best efforts to make European audiovisual works available to the public on at least one video-on-demand platform.

2. Member States shall take appropriate measures to ensure the application of paragraph 1, including by encouraging the conclusion of professional agreements between representative organisations of authors, including their collective
management organisations and representative organisations of producers and other stakeholders, as well as video-on-demand platforms, in a larger context of continuous exploitation of European audiovisual works.

Amendment 721
Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a
Exploitation of audiovisual works on video-on-demand platforms
1. Member States shall ensure that producers and the transferees of the rights make their best efforts to make European audiovisual works on at least one video-on-demand platform.
2. Member States shall take appropriate measures to ensure the application of paragraph 1, including by encouraging the conclusion of professional agreements between representative organisations of authors and representative organisations of producers and other stakeholders, as well as video-on-demand platforms in a larger of continuous exploitation of audiovisual works.

Amendment 722
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 9 a (new)
**Article 9 a**

**Public domain**

Member States shall ensure that once a work or other subject-matter is in the public domain, faithful reproductions, in any format or medium, in full or in part of that work or subject matter, which does not constitute a new work or subject matter, shall equally not be subject to copyright or related rights.

Or. en

**Amendment 723**

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

**Proposal for a directive**

**Article 10 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

*Amendment*

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

*This paragraph shall not apply to the licensing of copyrighted works and subject matter by the organisations referred to in Articles 3(a) et 2(3) of Directive 2014/26/EC.*

Or. fr

**Amendment 724**

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

**Proposal for a directive**

**Article 10 – paragraph 1**
Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment 725
Jens Rohde

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial public body with relevant experience. That body shall provide impartial and affordable assistance with negotiation and help reach agreements.

Or. en

Amendment 726
Daniel Buda

Proposal for a directive
Article 10 – paragraph 1

Justification

In order to address ambiguity it should be specified that this article concerns only the audiovisual licensing.
Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where the relevant parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance to facilitate the negotiations.

Or. ro

Amendment 727
Angel Dzhambazki

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Amendment

Member States shall ensure that where SMEs wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.

Or. en

Justification

The amendment seeks to clarify the intention behind this article, as it is SME's, who are the parties facing difficulties to the licensing of rights.
Article 10 a

Union Legal Deposit

1. Member States shall ensure that publications covered by national legal deposit requirements and published within the Union or related to Union matters shall also be subject to a Union Legal Deposit.

2. The European Parliament Library shall be entitled to delivery, free of charge, of one copy of every publication referred to in paragraph 1.

3. The obligation set out in paragraph 1 shall be rendered under equivalent terms as the national deposit requirements and shall apply to publishers, printers and importers of publications for the works they publish, print or import in the Union. Member States shall allow for the bulk collection and bulk delivery of publications referred to in paragraph 1 by national libraries or other designated agents.

4. From the day of the delivery to the European Parliament Library, the publications referred to in paragraph 1 shall become part of the European Parliament Library permanent collection. They shall be made available to users of the European Parliament Library’s services.

5. The Commission shall be empowered to adopt decisions and delegated acts to specify the modalities relating to the delivery to the European Parliament Library of publications referred to in paragraph 1 and also of publications created or published by the Union and its institutions.
Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Member States shall require producers and the transferees of the rights to make every effort to ensure continuous exploitation of European audiovisual works, for example by making such works available to the public on video-on-demand platforms.

Member States shall take appropriate measures to ensure compliance with the provisions of paragraph 1, for example by encouraging the conclusion of professional agreements between organisations representing authors, on the one hand, and producers and other stakeholders, on the other, as well as video-on-demand platforms, so as to ensure the continuous exploitation of audiovisual works.

Or. fr

Amendment 730
Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10b

These provisions shall be without prejudice to the application of the rules relating to media chronology, the freedom of a producer or distributor to accord exclusive rights to the exploitation of the audiovisual works in question and the freedom of a broadcaster or on-demand video platform to acquire and distribute or make available on demand the works of its choice, in line with its editorial
Amendment 731

Proposal for a directive
Article 11

Text proposed by the Commission

Amendment

Article 11 deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply

freedom and responsibility.

Or. fr
mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 732
Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11 deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.


4. The rights referred to in paragraph 1 shall expire 20 years after the publication
of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment 733
József Szájer, Andrea Bocskor

Proposal for a directive
Article 11

Text proposed by the Commission Amendment

Article 11 deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.


4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.
Justification

The introduction of a new neighbouring right for publishers regarding the online uses of certain specified publications as defined in Article 2 and in the related recitals is not reasonable. The planned new right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright but on certain other criteria. Therefore, it seems create be a parallel protection beside the copyright on certain publications.

Amendment 734
Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Marju Lauristin

Proposal for a directive
Article 11

Text proposed by the Commission Amendment

**Article 11**

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.


4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall
be calculated from the first day of January of the year following the date of publication.

Justification

The introduction of press publishers right is unnecessary as publishers are already protected by copyright law, based on transfers or licences of the author's rights from the respective authors. The challenges currently faced by news sector cannot be solved by granting additional rights. Approach based on partnership negotiation, self-regulation, existing technical tools, new business models and most of all innovation, to preserve open access to information, is more suitable for the digital era.

Amendment  735
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 11

Text proposed by the Commission  Amendment

Article 11  deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights
referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment 736
Pavel Svoboda

Proposal for a directive
Article 11

Text proposed by the Commission Amendment

Article 11 deleted

Protection of press publications concerning digital uses

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.


4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall
be calculated from the first day of January of the year following the date of publication.

Amendment 737
Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Article 11 – title

<table>
<thead>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
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<td>Protection of press publications</td>
<td>Protection of press publications concerning digital uses</td>
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Amendment 738
Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive
Article 11 – title

<table>
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<th>Text proposed by the Commission</th>
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Amendment 739
Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès

Proposal for a directive
Article 11 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<td>Protection of press publications</td>
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Or. cs
Or. fr
Or. de
Or. en
Amendment 740  
Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive  
Article 11 – title

*Text proposed by the Commission*  
Protection of press publications  
*Amendment*  
Protection of press publications  
*concerning digital uses*

Or. en

Amendment 741  
Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Stefano Mauullu, Pascal Arimont

Proposal for a directive  
Article 11 – title

*Text proposed by the Commission*  
Protection of press publications  
*Amendment*  
Protection of press publications  
*concerning digital uses*

Or. en

Amendment 742  
Angel Dzhambazki

Proposal for a directive  
Article 11 – title

*Text proposed by the Commission*  
Protection of press publications  
*Amendment*  
Protection of press publications  
*concerning digital uses*

Or. en

*Justification*

The rights of publishers of press publications should encompass digital as well as analogue uses
Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Or. en

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.
1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Or. en

Amendment 746
Axel Voss

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the use of their press publications, including an unwaivable right to equitable remuneration for this use. That unwaivable right to equitable remuneration can be enforced only by a collective management organisation.

Or. de

Amendment 747
Mady Delvaux, Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin, Sorin Moisă

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications and shall ensure that a fair share of the revenue derived from the uses of the press publishers right is attributed to journalists and other employees.
Amendment  748
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC and Article 3 and 9 of Directive 2006/115/EC for the use of their press publications and an unwaivable right to obtain an equitable remuneration for such use.

Justification

Publishers of press publications should be treated equally to other holders of ancillary rights such as film production companies, phonogram producers, broadcasting stations, etc. Therefore, their rights should encompass all the basic rights irrespective of digital and/or analogue use.

The introduction of an unwaivable right to obtain an equitable remuneration would prevent market-dominating search engine operators from thwarting such a right, as was the case in Germany.

Amendment  749
Antanas Guoga, Eva Maydell

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with a presumption of representation of authors of literary works contained in publications and the legal possibility to sue in their own name when defending the rights of such author for the digital use of their publications.
press publications.

Amendment 750
Kosma Złotowski

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment


Or. en

Amendment 751
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States may, if they so decide, provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Or. fr

Amendment 752
Rosa Estaràs Ferragut

Proposal for a directive
Article 11 – paragraph 1
Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC and Articles 3 and 9 of Directive 2006/115/EC for the use of their press publications.

Or. es

Justification

The proposal only grants rights for digital uses, but the publisher's role and investment in publishing firms covers both print and digital uses, regardless of the method of dissemination. Other holders of related rights enjoy full rights. Granting rights for digital uses only suggests that the print edition does not merit the same level of protection, and does not take account of unauthorised reproduction, distribution and rental or loan. The failure to include similar rights would be akin to failing to cover CDs and DVDs for film makers.

Amendment 753
Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States may provide publishers of press publications and press agencies with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Or. fr

Amendment 754
Sajjad Karim

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the

Amendment

1. Member States may provide publishers of press publications the legal
rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications. *capacity to sue in their own name when defending the rights of authors* for the digital use of their press publications.

**Amendment 755**
Tadeusz Zwiefka, Bogdan Brunon Wenta, Andrzej Grzyb

Proposal for a directive
Article 11 – paragraph 1

<table>
<thead>
<tr>
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**Amendment 756**
Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès

Proposal for a directive
Article 11 – paragraph 1

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**Amendment 757**
Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Stefano Maullu, Pascal Arimont

Proposal for a directive
Article 11 – paragraph 1

PE604.544v01-00 44/110 AM\1124644EN.docx
1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

**Amendment** 758
Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive
Article 11 – paragraph 1

**Text proposed by the Commission**

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

**Amendment**

Or. en

**Amendment 759**
Mady Delvaux

Proposal for a directive
Article 11 – paragraph 1 a (new)

**Text proposed by the Commission**

1 a. Member States shall ensure that the private and non-commercial use of content through links and other means, such as citations, are excluded from the provisions and rights laid down in paragraph 1.

**Amendment**

Or. en

**Amendment 760**

AM\1124644EN.docx 45/110 PE604.544v01-00
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1 a (new)

Text proposed by the Commission
Amendment

1 a. Member States may provide that rights set forth in paragraph 1 and related to the use of excerpts of press publications by search engines and other aggregators can be exercised by collective management organisations.

Or. en

Justification
Taking into consideration that there are different approaches regarding the enforcement of the right to equitable remuneration, the Directive should at least stipulate that Member States may enable collective management organisations to exercise the rights. A better enforcement is needed in order to provide publishers of press publications with sufficient bargaining power and to prevent strong market players from undermining their rights.

Amendment 761
Mary Honeyball, Virginie Rozière, Marc Tarabella, Pervenche Berès, Sorin Moisă, Theresa Griffin

Proposal for a directive
Article 11 – paragraph 1 a (new)

Text proposed by the Commission
Amendment

1 a. Member States shall provide publishers of press publications with an unwaivable right to obtain equitable remuneration for the use of their press publications.

Or. en

Amendment 762
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1 b (new)
I b. Member States shall provide for the following exception or limitation in respect of the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC with regard to the use by search engines and providers of services which process the content correspondingly:

(a) The reproduction of printed and electronic press publications for the purpose of indexing or other comparable systematic data capture, and making excerpts available to the public or embedding them in other ways in their own offers, by providers of search engines and providers of services which process the content correspondingly;

(b) Excerpts from press publications that are:

- textual content: text excerpt up to a length of [250] characters including spaces and heading;
- visual content: thumbnail up to a maximum resolution of [250 x 250] pixels;
- audio content: audio excerpt up to a maximum length of [30] seconds;
- video content: video excerpt up to a maximum length of [30] seconds;

Where a press publication is used within the meaning of point (a), the source is to be clearly cited at all times; the descriptors required for this purpose shall not be taken into account when determining the admissible excerpts set out in point (b).

Member States shall ensure that the providers of search engines and services which process the content correspondingly, as a compensation for the exception or limitation set out in points (a) and (b) and in the conditions set out in the second subparagraph, shall be under obligation to set aside at least once a year a percentage of the revenues they
have received from operating the search engine and/or from providing services which process the content correspondingly in the territory of the Member States during the year immediately preceding the year for which such compensation is to be paid. Such payments shall accrue in full to the holders of copyrights or ancillary rights, including the producers of the press publications. The expression "revenues" shall refer to the proceeds obtained by the providers of search engines and/or by providers of services which process the content correspondingly and payment in kind before the deduction of costs.

The Member States shall ensure that the publishers of press publications receive a minimum share of the remuneration to be paid pursuant to third subparagraph.

Or. en

Amendment 763
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 1 c (new)

Text proposed by the Commission

1 c. Member States shall ensure that the claim to payment of fair compensation as set out in third and fourth subparagraphs of paragraph 1b can only be exercised by collective management organisations in compliance with the following provisions:

(a) the claim is unwaivable and may only be assigned to a collective management organisation in advance; this shall not apply to any assignment of the claim by an author or a holder of ancillary rights to publishers of a press publication which contains the rightholder's work or subject-matter for the purpose of transferring it to a collective management...
organisation;

(b) to avoid imposing an unreasonable burden, the Member States may provide that the obligation to pay equitable compensation shall not apply to microenterprises if the payments are patently not in a reasonable ratio to the costs involved in collecting and administering the revenues;

(c) where a party entitled to a claim has not transferred the management of its claim to a collective management organisation, the organisation which manages claims of the same category shall be deemed to be mandated to manage that party's claim; in the event that more than one collective management organisation is eligible, those collective management organisations shall be deemed jointly mandated; should the party entitled to a claim choose a specific collective management organisation, then this organisation shall be deemed to be mandated.

(d) a party entitled to a claim shall have the same rights and obligations resulting from the agreement between the user and the collective management organisation which is deemed to be mandated to manage that party's right as the parties to a claim which have mandated that collective management organisation; the party entitled to a claim may exercise its claim within a term, to be fixed by the Member State concerned which, calculated from the date upon which the relevant press publication excerpt has been made available to the public or otherwise embedded as set out in paragraph 1b, which may not be shorter than three years.

Or. en
Proposal for a directive
Article 11 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1 d. At regular intervals, the Commission shall review the length of the press publications excerpts as set out in point (b) of paragraph 1b, as well as the amount of the fair compensation as set out in third and fourth subparagraphs of that paragraph and adopt any necessary amendments by means of delegated acts.

Or. en

Amendment 765
Jens Rohde

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

deleted

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 766
Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission  
Amendment

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Amendment 767
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission  
Amendment

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Or. en
Amendment  768
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Amendment

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for under national legal systems and Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Or. fr

Amendment  769
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Amendment

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors, performers and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Or. en
Performers are in fact included and for coherency-purposes, this should be stated here as well.

Amendment 770
Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

2a. The rights referred to in paragraph 1 shall not extend to acts of hyperlinking which do not constitute acts of communication to the public.

Or. de

Amendment 771
Antanas Guoga, Eva Maydell

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission


Or. en

Amendment 772
Jens Rohde

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of

deleted
the rights referred to in paragraph 1.

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 773
Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission  Amendment

3. Articles 5 to 8 of Directive  deleted
2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

Amendment 774
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission  Amendment

3. Articles 5 to 8 of Directive  deleted
2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

Amendment 775
Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Article 11 – paragraph 3

3. News aggregators shall use press agencies' and publishers' content and shall be responsible for the content that they make publicly available.

Amendment 776
Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Article 11 – paragraph 3 a (new)

Text proposed by the Commission

3a. Publishers and news agencies must also be safeguarded, by licensing arrangements for example, when it comes to the mass exploitation of their content, particularly with regard to content aggregators or rightholders.

Or. fr

Amendment 777
Jens Rohde

Proposal for a directive
Article 11 – paragraph 4

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

deleted

Or. en

Justification

The market relevance of such an intervention mechanism has not been demonstrated.
Amendment 778
Antanas Guoga, Eva Maydell

Proposal for a directive
Article 11 – paragraph 4

  Text proposed by the Commission

  Amendment

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 779
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 11 – paragraph 4

  Text proposed by the Commission

  Amendment

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 780
Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Marju Lauristin

Proposal for a directive
Article 11 – paragraph 4

  Text proposed by the Commission

  Amendment

4. The rights referred to in paragraph 1 shall expire 20 years after

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the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment 781
Constance Le Grip, Angelika Niebler, Luis de Grandes Pascual, Rosa Estaràs Ferragut, Stefano Maullu, Daniel Buda, Pascal Arimont

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment

4. The rights referred to in paragraph 1 shall expire 15 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 782
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment

4. The rights referred to in paragraph 1 shall expire 30 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

Amendment 783
Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive
Article 11 – paragraph 4

EN
4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment 784
Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive
Article 11 – paragraph 4 a (new)

Text proposed by the Commission

4a. Member States shall ensure that journalists, authors and other rightholders have a fair share of the remuneration derived from the use of the rights referred to in paragraph 1 arising from a press publication.

Or. de

Amendment 785
Julia Reda

Proposal for a directive
Article 11 a (new)

Text proposed by the Commission

Article 11 a

Provision of hyperlinks to works

The provision on a website of hyperlinks to works available on another website, where such links only contain information necessary to find or request the source's contents, shall not constitute a communication to the public.

Or. en
Proposal for a directive
Article 12

Text proposed by the Commission

Amendment

Article 12 deleted

Claims to fair compensation

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment  787
Julia Reda

Proposal for a directive
Article 12

Text proposed by the Commission

Amendment

Article 12 deleted

Claims to fair compensation

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment  788
Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 789
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

Amendment 790
Jens Rohde

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

Member States may provide that where an author has transferred or licensed a right

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to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Justification

The market relevance of such an intervention mechanism has not been demonstrated.

Amendment 791
Enrico Gasbarra, Luigi Morgano, Silvia Costa, Mary Honeyball

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Amendment

Member States shall provide that where an author has transferred or licensed a right to a publisher, that publisher is a rightholder by virtue and to the extent of such a transfer or a licence. Therefore, this transfer or licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception, statutory collective licensing or limitation to the transferred or licensed right.

Amendment 792
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the

Amendment

Member States shall provide that where an author has transferred, assigned or licensed a right, including a right to claim a share of income, to a publisher, such a transfer,
publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right. **assignment** or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred, **assigned** or licensed right.

**Amendment 793**
Angel Dzhambazki

**Proposal for a directive**
**Article 12 – paragraph 1**

*Text proposed by the Commission*

Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

*Amendment*

Member States may provide that where an author or **performer** has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

**Or. en**

**Amendment 794**
Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

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

*Text proposed by the Commission*

Member States may provide for an exception or limitation to the rights referred to in Articles 2 and 3 of Directive 2001/29/EC so that works can be made available to the public by means of automated image referencing, provided that rightholders are compensated fairly.

*Amendment*

**Or. fr**
Amendment 795
Tadeusz Zwiefka, Bogdan Brunon Wenta, Santiago Fisas Ayxelà, Ivo Belet, Virginie Rozière, Marc Tarabella, Hannu Takkula, Jean-Marie Cavada, Constance Le Grip

Proposal for a directive
Chapter 3 a (new)

Text proposed by the Commission

Amendment

Chapter 3 a

Protection of sport event organizers

Member States shall provide sport event organizers with the rights provided for in Article 2 and Article 3 (2) of Directive 2001/29/EC and Article 7 of Directive 2006/115/EC.

Or. en

Justification

Article 165(1) TFEU states that the Union is to contribute to the promotion of European sporting issues. The protection of intellectual property of sport event organisers has already been envisaged in recital 52 to Directive 2010/13/EU and was supported by the European Parliament in several reports on sport. The Court held in Joined cases C-403/08 and C-429/08, FAPL, EU:C:2011:631, that sporting events have a unique and original character worthy of protection comparable to the protection of works. To date five Member States have granted a neighbouring right to sport event organisers.

Amendment 796
Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive
Chapter 4 – title

Text proposed by the Commission

Amendment

Certain uses of protected content by online services

Certain uses of protected content by the users of online services.

Or. en

Amendment 797
Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Michel Reimon, Max Andersson, Brando Benifei
Proposal for a directive
Chapter 4 – title

Text proposed by the Commission

Certain uses of protected content by online services

Amendment

Certain uses of protected content by users of online services

Or. en

Amendment 798
Julia Reda

Proposal for a directive
Article 13

Text proposed by the Commission

Article 13

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

Amendment

Article 13 deleted

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.
2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment 799
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 13

Text proposed by the Commission

Amendment

Article 13  deleted

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures,
such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment  800
Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive
Article 13

Text proposed by the Commission

Article 13

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users
shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment 801
Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive
Article 13 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>Use of protected content by information society service providers storing and using</td>
<td>Use of protected content in certain</td>
</tr>
</tbody>
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giving access to large amounts of works and other subject-matter uploaded by their users

information society services.

Amendment 802
Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive
Article 13 – title

<table>
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<th>Amendment</th>
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<td>Use of copyright protected content uploaded by users of information society service providers</td>
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Amendment 803
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Article 13 – title

<table>
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<td>Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users</td>
<td>Use of protected content by information society service providers storing and giving access to significant amounts of copyright protected works and other subject-matter uploaded by their users</td>
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Amendment 804
Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 13 – title
Text proposed by the Commission

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

Amendment

Use of protected content by information society service providers storing information provided by their users

Or. en

Amendment 805
Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive
Article 13 – title

Text proposed by the Commission

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

Amendment

Use of protected content by information society service providers storing and giving access to works or subject-matter uploaded by their users

Or. fr

Amendment 806
Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – title

Text proposed by the Commission

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

Amendment

Use of protected content by information society service providers storing and giving access to works and other subject-matter uploaded by their users

Or. en

Amendment 807
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano
1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

O. en
rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

An information society service provider who fails to put in place technical measures quickly and efficiently to respond to requests from rightholders under this Article shall not benefit from the protection provided for in Article 14 (1) of Directive 2000/31/EC.

Unless they are acting in a professional capacity, the liability of service users for copyright acts is covered by the licensing contracts concluded with the service providers.

Information society service providers playing an active part but not required by rightholders to conclude a licensing agreement for works or other subject-matter stored by them and to which they provide public access shall, in cooperation with rightholders, take measures to prevent the availability on their services of works or other subject-matter identified by rightholders in cooperation with the service providers.

Information society service providers eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC that nevertheless store and make available to the public a significant quantity of copyrighted works or other subject-matter shall, in cooperation with rightholders, take measures to ensure the proper functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers.

Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and
use of the works and other subject-matter. **Rightholders, for their part, shall provide information society service providers with the necessary details to ensure the proper functioning of measures taken by the service providers.**

Or. fr

**Amendment 809**
Lidia Joanna Geringer de Oedenberg, Catherine Stihler

**Proposal for a directive**
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

*Amendment*

1. Information society service providers that store and provide to the public access to large amounts of copyright protected content uploaded by their users shall conclude agreements with rightholders, unless they fall under the scope of Articles 12, 13, 14 and 15 of Directive 2000/31/EC. User uploads, storing and granting public access to that upload, amount to a single use that shall be covered by one agreement.

Rightholders and information society services shall conduct negotiations in good faith. Agreements shall be fair and balanced and take into account the interests of users of information society services. In particular, rightholders shall offer the conclusion of pan-European agreements. The implementation of such agreements shall respect users' rights under the Charter of Fundamental Rights of the European Union. No obligation shall be imposed on service providers to monitor the information which they transmit or store, nor an obligation shall be imposed upon them to actively seek facts or circumstances indicating illegal activity. This Article is without prejudice to the ability of rightholders to request the
removal of infringing content in accordance with Directive 2000/31/EC. Member States shall ensure that agreements provide adequate level of transparency, legal certainty and predictability to users, without prejudice to trade and commercial secrets. Where appropriate, reporting shall be conducted under the conditions set out by Directive 2014/26/EU.

Justification

Internet today is the most crucial source of information available to many users. Making online service providers responsible for the uploaded content, including texts, videos or images to be filtered and monitored is against users' interests and the rights of creators. Monitoring and filtering large volume of materials before it is uploaded on the web will not only be financially challenging for small companies, but it will change the Internet as we know. The eCommerce directive provides for a well balanced practice with removal of the illegal content following the notification.

Amendment 810
Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. **Information** society service providers that store and provide to the public access to **large amounts of** works or other subject-matter uploaded by their users **shall, in cooperation with** rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information

Amendment

1. **Member States shall ensure that any licencing agreement between** information society service providers, that store and provide to the public access to **protected** works or other subject-matter uploaded by their users, **and** rightholders, shall **include**:
on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 811
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to works and other subject-matter uploaded by their users are performing an act of communication to the public or making available to the public. Where those service providers store and provide access to large amounts of works or other subject-matter uploaded by their users, service providers shall, in cooperation with rightholders, take effective measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. es

Amendment 812

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Sergio Gaetano Cofferati, Silvia Costa

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall either conclude agreements with rightholders for the use of their works or other subject-matter and take measures, in cooperation with rightholders, to ensure the functioning of such agreements or take measures to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. The measures referred to in the first sentence shall be appropriate and proportionate and shall respect users’ rights and process personal data according to Directive 95/46/EC and the General Data Protection Regulation. The service providers shall provide rightholders with adequate information on the functioning of those measures, as well as, when relevant, adequate reporting on the use of the works and other subject-matter. This paragraph shall cover all the service providers which play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, and that are therefore not covered by Article 14 of Directive 2000/31/EC.

Or. en

Amendment 813
Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

AM\1124644EN.docx 75/110 PE604.544v01-00
1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment 814
Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders, perform an act of communication to the public shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or, in case such agreements have not been concluded, to prevent the availability on their services of works or other subject-matter identified by rightholders. Those measures, such as the use of effective content recognition technologies, shall be appropriate, proportionate and compliant with the relevant industry standards. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the rightholders’ own works and other subject-matter in a commonly agreed reporting format. The rightholders shall provide the service providers with the necessary data to allow the services to identify their content, such as reference files and metadata.

Amendment

1. Information society service providers that store or provide to the public with access to large amounts of copyright-protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of
rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter. Communication to the public, are obliged to conclude licensing agreements with rightholders. Those service providers shall not benefit from the liability exemption provided for in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council, since that applies only to totally neutral and passive online service providers. Those service providers shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter. Service providers that are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC shall, in cooperation with rightholders, take measures to ensure that the availability on their services of works or other subject-matter identified by rightholders is prevented.

Amendment 815
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide

Amendment

1. Information society service providers that store and provide to the public access to significant amounts of copyright-protected works or other subject-matter uploaded by their users shall enter into fair licensing agreements with any requesting rightholder of such works or other subject matter. Under the terms of such agreements concluded with the rightholders, such information society service providers shall take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter. Where information society service providers are eligible to the liability exemption provided for in Article 14 of
rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Directive 2000/31/EC but store and provide access to the public to significant amounts of copyright-protected works or other subject matter, such information society service providers shall take measures to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate.

Amendment 816
Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store information provided by a recipient of the service and enable users to upload works in such a way as to make them available to the public shall, upon obtaining knowledge or awareness that an uploaded work subject to copyright and other related rights is used in an unauthorised manner, act expeditiously to remove or to disable access to the content, except where service providers conclude a licensing agreement with rightholders enabling the content to remain available.
Amendment 817
Luis de Grandes Pascual

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide to the public access to works or other subject-matter uploaded by their users perform an act of communication or making available to the public. In cases where those service providers store and provide access to large amounts of works or other subject-matter uploaded by their users, the service providers shall, in cooperation with rightholders, take effective measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Justification

In order to provide legal certainty about the status of UUC services that build their businesses on the use of copyright content, it is necessary to clarify that UUC services that store and provide access to protected content fall under copyright.

Amendment 818
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 13 – paragraph 1
1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment 819
Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that are actively involved in making available digital content uploaded by their users, including by promoting and curating to the public copyright protected work and with knowledge of the copyright protected content in question, shall, in cooperation with rightholders in the creative sectors, take effective measures to ensure the functioning of agreements concluded with rightholders for the use of their digital content, works or other subject matter or to prevent the availability on their services of digital content, works or other subject matter identified by rightholders through the cooperation with active service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The active service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the digital content, works or other subject matter.

Or. en
rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate, and shall ensure the protection of individual user data as far as possible, in compliance with Directive 95/46/EC and Directive 2002/58/EC, and the General Data Protection Regulation. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 820
Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide

Amendment

1. Where information society service providers that store information provided by recipients of the service, conclude agreements with rightholders, the implementation of such agreements shall respect the users’ fundamental rights and shall in particular not convey an obligation upon the information society service provider to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity. The service providers shall cooperate and work together with rightholders to ensure that the functioning and implementation of such agreements are full and transparent towards the
rightholders with adequate information on the functioning and deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

**Amendment 821**
Stefano Maullu

**Proposal for a directive**
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

*Amendment*

1. Information society service providers that, irrespective of the nature of the means used, are involved in making available to the public third-party works uploaded by their users, and where such activity is not of a mere technical, automatic and passive nature, shall take appropriate and proportionate measures to ensure the functioning of agreements which must be concluded with rightholders for the use of their works, or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

*Or. en*

**Amendment 822**
Antanas Guoga, Eva Maydell

**Proposal for a directive**

*Or. it*
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store and provide access to the public to copyright-protected works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take reasonable and appropriate measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter. Those measures may take into account various available technological developments that would be appropriate for the nature of services of the information society provider. The service providers shall cooperate with rightholders and provide them with adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 823
Jens Rohde

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with

Amendment

1. Information society service providers that store and provide access to the public to significantly large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of license agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by
the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate and shall ensure the fair redistribution of value towards the rightholders. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Justification

It is important to introduce a de minimis threshold in order to limit these obligations to information society service providers which are hosting indeed above the average large amounts of copyright protected material in order to avoid bureaucratic or financial burden for SMEs. The aim of the Article should be the sharing of generated value with the rightholders.

Amendment 824
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with

Amendment

1. Information society service providers that store and provide to the public access to a significant amount of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate and conform to the relevant industry standards. The
adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. es

Amendment 825
Daniel Buda

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

1. Information society service providers that store, index, classify and provide to the public access to works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Amendment

1. Information society service providers that store, index, classify and provide to the public access to works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take effective measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the unauthorised availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. ro

Amendment 826
Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – paragraph 1 – point a (new)

Text proposed by the Commission

(a) an obligation for the information service provider to take measures, such as the use of content recognition technologies, to ensure the effective functioning of the agreement concluded for the use of the protected works or other subject-matters;

Or. en

Amendment 827
Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – paragraph 1 – point b (new)

Text proposed by the Commission

(b) the coverage of the content uploaded by the users, as well as their liability, including where they perform an act of reproduction and/or of communication to the public, insofar they act on a non-professional basis.

Or. en

Amendment 828
Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

1 a. Where information society service providers take the measures referred to in paragraph 1, such measures shall not violate any privacy rights of the users, and shall be in compliance with Directives 95/46/EC and 2002/58/EC, as well as the General Data Protection Regulation. Measures to prevent the availability of
copyright protected works or other subject-matter shall be limited to preventing the availability of specifically identified and duly notified works and shall not consist in an active monitoring of all the data of each user of the service.

Or. en

Amendment 829
Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

1 a. Member States shall ensure that in the absence of a licencing agreement as referred to in paragraph 1, either because it was not required by rightholders or because the information society service provider is eligible to the liability exemption regime set out in Article 14 of Directive 2000/31/EC, information service providers shall take measures to prevent the availability on their services of protected works or other subject-matter identified by rightholders through the cooperation with the service providers.

Or. en

Amendment 830
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

1 a. Rightholders shall provide the information society service providers with the necessary data to ensure the proper functioning of the measures deployed by the providers in application of paragraph 1. The service providers shall provide
rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 831
Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

1a. The measures referred to in paragraph 1 shall include, for example, effective content recognition technologies. These measures shall be appropriate and proportionate. All service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. de

Amendment 832
Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

1 a. In order to be valid, the notification of an unauthorised protected content shall include, in particular, the identification by the right holder of the work subject to copyright and related rights claimed to have been infringed and the identification of the uploaded work, including its exact location, that is
considered to be using work subject to copyright and related rights.

Or. en

Amendment  833
Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In order to ensure the transparency of the agreements mentioned in paragraph 1, rightholders shall provide, in a publicly accessible database, all the necessary data related to the holder of the right, the protected subject matter and relevant territories, in order to allow the service providers to identify accurately their content.

Or. en

Amendment  834
Antanas Guoga

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. For this purpose, rightholders shall provide service providers with accurately identified works or subject matter over which they enjoy rights.

Or. en

Amendment  835
Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei
Proposal for a directive
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

1 b. In order to ensure a proportionate implementation of the voluntary agreements mentioned in paragraph 1, Member States shall take appropriate measures to ensure that rightholders and information society service providers make available to the beneficiary of an exception or limitation provided for in national law in accordance with Article 5 of Directive 2001/29 and with [Articles XXX of this Directive] the means of benefiting from that exception or limitation, to the extent necessary to benefit from that exception or limitation.

Or. en

Amendment 836
Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

1 b. The measures, referred to in paragraphs 1 and 1a shall be appropriate and proportionate.

Or. en

Amendment 837
Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – paragraph 1 c (new)

Text proposed by the Commission

1 c. For the purpose of ensuring a proper application of the measures referred to in paragraphs 1 and 1a :
a) rightholders shall provide information society service providers with all relevant and necessary information in order to identify protected works and other-subject matter available on their services, and

b) the service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures referred to in paragraphs 1 and 1a, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

Amendment 838
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1. deleted

Or. en

Amendment 839
Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1. These
measures referred to in paragraph 1. mechanisms shall in particular ensure that where the removal of the content referred to in paragraph 1 is not justified, the content in question shall be reinstated online within a reasonable time. As a last resort, Member States shall ensure the possibility of judicial redress.

Amendment 840
Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1, for example regarding content uploaded by users and withdrawn by service providers for no valid reason. The rightholders concerned must deal with the complaint within a reasonable period and provide adequate justification for the rights claimed by them.

Or. fr

Amendment 841
Daniel Buda

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1, for example regarding content uploaded by users and withdrawn by service providers for no valid reason. The rightholders concerned must deal with the complaint within a reasonable period and provide adequate justification for the rights claimed by them.
case of disputes over the application of the measures referred to in paragraph 1.

Amendment 842
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1, in particular regarding the possible application of an exception or an authorisation of use relating to the content concerned. Such mechanisms must not, without reason, undermine the effectiveness of the measures referred to in paragraph 1.

Justification

In some cases, content that users of UUC services upload could be affected by the measures that are applied, for example when it is covered by an exception. It therefore needs to be made clear that the complaint and compensation must take this into account, and that it should not affect the application of the measures.

Amendment 843
Lidia Joanna Geringer de Oedenberg, Catherine Stihler

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure that end users have the means to communicate effectively with the rightholders who have requested the measures referred to in paragraph 1 in order to challenge the application of those measures such as when they are applied to a use which falls under a copyright limitation or exception or to public domain material. Services referred to in paragraph 1 shall not be required to disclose the identity of users to rightholders.

Or. en

Amendment 844
Antanas Guoga

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure and provide measures that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Or. en

Amendment 845
Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the

Amendment

2. Member States shall ensure that
service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

national law provides users with access to a court or other relevant authority for the purpose of asserting their right of use under an exception or limitation.

Or. en

Amendment 846
Constance Le Grip, Angelika Niebler, Daniel Buda, Sirpa Pietikäinen

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Amendment

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraphs 1 and 1a.

Or. en

Amendment 847
Stefano Maullu

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

2a. The measures referred to in paragraph 1 shall be without prejudice to the use of works made within an exception or limitation to copyright and the use of original user-created content. To that end, Member States shall ensure that users are allowed to communicate rapidly and in an effective manner with the rightholders who have requested the measures referred to in paragraph 1 in order to challenge the application of those measures.
Amendment 848
Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The agreements referred to in paragraph 1 shall be implemented without prejudice to the use of works made within an exception or limitation to copyright. To this end, Member States shall ensure that users are allowed to communicate rapidly and in an effective manner with the rightholders who have requested any measures within the scope of agreements referred to in paragraph 1 in order to challenge the application of those measures.

Or. en

Amendment 849
Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Regarding disputes over the application of the measures referred to in paragraph 1, for example as regards the application of a possible exception or authorisation for use for the content concerned, such mechanisms may not unduly detract from the effectiveness of the measures referred to in paragraph 1.

Or. fr
Amendment 850
Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

2 a. In order to ensure uniform protection of users and right holders across the Union, the European Commission shall develop guidelines on the conditions that need to be met for the validity of the notification referred to in paragraph 1a and for the complaint and redress mechanisms referred to in paragraph 2.

Or. en

Amendment 851
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

2 a. Any complaint filed under the mechanism referred to in paragraph 2 shall be dealt with by the relevant rightholder within a reasonable period of time and in an effective manner. The rightholder shall provide due justification for the rights it claims.

Or. en

Amendment 852
Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

2 a. Where a user makes use of the
complaints and redress mechanisms referred to in paragraph 2, service providers and rightholders whose content is involved in any such conflict or dispute shall be obliged to resolve such conflict or dispute in a timely manner.

Or. en

Amendment  853
Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Marju Lauristin, Josef Weidenholzer

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall ensure that users have access to a court or other relevant judicial authority.

Or. en

Amendment  854
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Member States shall provide that disputes between rightholders and information society service providers concerning the application of paragraph 1 of this Article may be submitted to an alternative dispute resolution mechanism.

Member States shall create or designate an impartial body with relevant expertise to assist the parties in the resolution of their dispute under the mechanism provided for in the first subparagraph of this paragraph.

No later than [date mentioned in Article 21(1)] Member States shall notify to the
Commission the body referred to in second subparagraph of this paragraph.

Or. en

Amendment 855
Julia Reda, Kaja Kallas, Marietje Schaake, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. **Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.**

Or. en

Amendment 856
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. **Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.**

Or. en
effectiveness in light of technological developments.

Amendment  857
Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues.

Justification

Copyright legislation should regulate activities and not technologies. Since the rationale of this article is to encourage collaboration, it is necessary to have a wording that is not restrictive and leaves enough flexibility for all parties to discuss what serves their mutual interests.

Amendment  858
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through
stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments. In cooperation with the Member States, the Commission shall encourage the exchange of best practices regarding the results of any cooperation established pursuant to paragraph 1 of this Article.

Or. en

Amendment 859
Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. The Commission, in cooperation with Member States shall facilitate, where appropriate, the cooperation between the information society service providers referred to in paragraph 1, users and right holders through stakeholder dialogues to define best practices for the implementation of paragraph 1.

Or. en

Amendment 860
Jean-Marie Cavada, Robert Rochefort, Pervenche Berès, António Marinho e Pinto

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

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EN
3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment 861
Antanas Guoga

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, of measures that are proportionate and effective to ensure the protection of rightholders' works or other subject matter, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. fr

Amendment 862
Luis de Grandes Pascual

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, of measures that are proportionate and effective to ensure the protection of rightholders' works or other subject matter, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.
3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendments

3. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1, in particular regarding the possible application of an exception or an authorisation of use relating to the content concerned. Such mechanisms shall not unreasonably prejudice the effectiveness of measures referred to in paragraph 1.

Justification

In some cases the content uploaded by users on UUC services can be affected by the implemented measures, for instance when it is covered by an exception. Therefore, it is necessary to clarify that the complaints and redress mechanism needs to take this into account, while at the same time not affecting the implementation of the measures.

Amendment 863
Sergio Gaetano Cofferati

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Amendment

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.
Amendment 864
Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

3 a. Member States shall ensure that where service providers take voluntary measures, these measures do not infringe the fundamental rights of users, namely their right to protection of their personal data and their freedom to receive or impart information, in accordance with Articles 8 and 11 of the Charter of Fundamental Rights of the European Union, in particular their rights to the use of works made within an exception or limitation to copyright.

Or. en

Amendment 865
Rosa Estaràs Ferragut

Proposal for a directive
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

3 a. Member States must implement proportionate and dissuasive solutions in the event of a failure to comply with the obligations set out in paragraph 1 above.

Or. es

Justification

This is common practice: when a legislative proposal introduces a specific obligation, it must also contain a corresponding provision on the sanctions that apply in the event of a failure to comply with the obligation concerned.

Amendment 866
Tadeusz Zwiefka, Bogdan Brunon Wenta
Proposal for a directive
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment
3 a. Member States shall implement proportionate and dissuasive remedies for non-compliance with the obligations set out in paragraph 1.

Or. en

Amendment 867
Mary Honeyball, Virginie Rozière, Mady Delvaux, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin

Proposal for a directive
Article 13 a (new)

Text proposed by the Commission

Article 13 a

Licensing agreements for information society service providers that store and/or provide access to the public to significant amounts of copyright protected works or other subject-matter uploaded by their users

1. Information society service providers that store and/or provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public and of reproduction, shall conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council.

2. Service providers that play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, are not eligible for the safe harbour liability exemption.
3. Licenses acquired by information society service providers shall cover all the acts of their individual users, which are not for direct or indirect economic or commercial advantage.

Or. en

Amendment 868
Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive
Article 13a (new)

Text proposed by the Commission

Amendment

Article 13a

Protection of audiovisual authors for the making available of their works

1. Member States shall ensure that when an audiovisual author has transferred or assigned his making available right to a producer, that author shall retain the right to obtain a fair and proportionate remuneration.

2. This right to obtain a fair and proportionate remuneration for the making available of the author's work is inalienable and cannot be waived.

3. The administration of this right to obtain a fair and proportionate remuneration for the making available of the author's work shall be entrusted to collective management organisations representing audiovisual authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to audiovisual authors for their making available right.

4. Authors' collective management organisations shall collect the fair and proportionate remuneration from audiovisual media services making audiovisual works available to the public.
Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

User Generated Content

Member States shall provide for an exception to the rights provided for in Articles 2, 3, and 4 of Directive 2001/29/EC, Article 5 and Article 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, Articles 7(1) and 8(1) of Directive 2006/115/EC and Article 11 (1) of this Directive in order to allow natural persons to use an existing work or other subject-matter in the creation of a new work or other subject-matter and use the new work or other subject-matter, provided that:

(a) the work or other subject-matter has already been lawfully made available to the public;

(b) the source, including, if available, the name of the author, performer, producer, or broadcaster - is indicated;

(c) there is a certain level of creativity in the new work which substantially differentiates it from the original work.

Or. en

Amendment 870
Rosa Estaràs Ferragut

Proposal for a directive

Article 13 a (new)

Text proposed by the Commission

Amendment
**Article 13a**

*Inalienable right of remuneration*

1. Member States shall ensure that authors of audiovisual works have the right to be fairly remunerated where they have transferred or assigned their right of making available to an audiovisual producer.

2. The right to be fairly remunerated for making an author’s work available is inalienable and unassignable.

3. This right to fair remuneration for making works available to the public shall be administered by collective management organisations representing the authors of audiovisual works.

4. The authors’ collective management organisations shall collect the sums corresponding to fair remuneration for the audiovisual services that make audiovisual works available to the public.

**Justification**

This right has to be based on the revenue received as a result of the commercial exploitation of the audiovisual work, with payment being the responsibility of the platform or final distributor that makes the audiovisual works available to the public, thereby guaranteeing the author a proportional financial remuneration for the actual exploitation of the work. The task of administering this right must be conferred upon collective management organisations, who will centralise payments and act as a kind of one-stop-shop, facilitating settlement by users and boosting the level of legal certainty in the market.

**Amendment 871**

*Proposal for a directive*

*Article 13a (new)*

Text proposed by the Commission

Amendment

*Article 13a*

Modification to Directive 2001/29/EC

Directive 2001/29/EC shall be amended as
The following Article shall be added:

**Article 5(3) bis**

**User Generated Content**

Member States shall provide for an exception or limitation to the rights set out in Articles 2, 3 and 4 for the use by natural persons of an existing work or other subject-matter in the creation of a new work or other subject-matter, provided that:

(a) the work or other subject-matter has already been lawfully made available to the public;

(b) the source, including, if available, the name of the author, is indicated;

(c) there is a certain level of originality in the new work.

This exception is without prejudice to the exceptions and limitations provided for in Article 5.
2. The right of use of a work or other subject-matter in accordance to paragraph 1 shall not be limited by technological measures in application of Article 6 of Directive 2001/29/EC.