



**2016/0280(COD)**

28.4.2017

# **AMENDMENTS**

## **873 - 996**

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

Copyright in the Digital Single Market

Proposal for a directive  
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))



**Amendment 873**

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

**Proposal for a directive**

**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

*Member States shall provide that disputes between successors in title and information society services regarding the application of Article 13(1) may be subject to an alternative dispute resolution system.*

*Member States shall establish or designate an impartial body with the necessary expertise, with the aim of helping the parties to settle their disputes under this system.*

*The Member States shall inform the Commission of the establishment of this body no later than (date mentioned in Article 21(1)).*

Or. fr

**Amendment 874**

**Pascal Durand, Helga Trüpel, Bart Staes**

**Proposal for a directive**

**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13 a**

*Where a performer has transferred or assigned the exclusive right of making available on demand, and independent of any agreed terms for such transfer or assignment, the performer shall have the right to obtain an equitable remuneration to be paid by the user for the making available to the public of his fixed performance. The right of the performer to obtain an equitable remuneration for*

*the making available to the public of his performance shall be unwaivable and collected and administered by a performers' collective management organization.*

Or. en

**Amendment 875**

**Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**

**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13 a**

***Unwaivable right to remuneration***

***Member States shall ensure that when an author has transferred or assigned his making available right to a producer, that author shall retain the right to obtain equitable remuneration. This right is unwaivable and inalienable. This right can be entrusted to collective management organisations representing authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to authors for their making available right.***

Or. en

*Justification*

*An unwaivable and inalienable right to remuneration for authors would ensure a financial reward for them, proportional to the real exploitation of their works, without hindering or complicating the exploitation chain of their works.*

**Amendment 876**

**Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, Frédérique Ries**

**Proposal for a directive**

**Chapter 4 a (new)**

**CHAPTER 2a**

**PROTECTION OF AUDIOVISUAL  
AUTHORS FOR THE MAKING  
AVAILABLE OF THEIR WORKS**

**Article -14**

**1. Member States shall provide that when an audiovisual author or performer has transferred his/her making available to the public right to a producer, that author or performer shall retain the right to obtain equitable remuneration that is proportionate to the revenues generated by the exploitation of the work, provided that these measures are not included in the initial contract.**

**2. That right to equitable and proportional remuneration shall be non-transferable and may not be waived.**

Or. fr

**Amendment 877**  
**Stefano Maullu**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors **and performers** receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably **as regards** modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States shall ensure that authors, **performers, publishers, producers and their respective successors in title, in connection with the licensing agreements under Article 13**, receive on a regular basis and taking into account the specificities of each sector, timely, adequate, **accurate** and sufficient information **and reporting** on the exploitation of their works, **plays** and performances from those to whom they have licensed or transferred their rights, notably **by indicating** modes of exploitation, **modes of promotion**, revenues generated and remuneration due.

Or. it

## Amendment 878

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

### Proposal for a directive

#### Article 14 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate **and sufficient** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States shall ensure that authors and performers, **who are in a contractual relationship where there are ongoing payment obligations**, receive on a regular basis and **no less than once a year and** taking into account the specificities of each sector, timely, adequate, **accurate and comprehensive** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, **or their successors in title**, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

*Justification*

*The legal relationship and status of authors and performers, the time of their payment obligations, as well as the quality of the obtained information shall be clear and workable.*

## Amendment 879

Julia Reda

### Proposal for a directive

#### Article 14 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that authors **and performers** receive on a regular basis and taking into account the specificities of each sector, timely, **adequate and sufficient** information on the exploitation of **their** works and performances from those to whom **they have** licensed or **transferred their rights**, notably as regards modes of exploitation,

*Amendment*

1. Member States shall ensure that authors, **performers, and those bodies who use public money for the purchase of content**, receive on a regular basis and taking into account the specificities of each sector, timely, **and comprehensive** information on the exploitation of works and performances from those to whom **or by whom works are** licensed or **rights are**

revenues generated and remuneration due.

*transferred*, notably as regards modes of exploitation, *payments made*, revenues generated and remuneration due. ***Such information should be made freely available in the public domain.***

Or. en

**Amendment 880**  
**Jens Rohde**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States shall ensure that authors and performers ***in case of contracts with ongoing payment obligations*** receive on a regular basis, ***and at least once a year***, and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights ***or from any other third party holding such information***, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

*Justification*

*Performers of commissioned productions should not be excluded from a right of information. The information should at least be received once per year as is the usual practice in the sector and be limited to contracts with payment obligations.*

**Amendment 881**  
**Axel Voss**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that authors and performers receive ***on a regular basis*** and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

1. Member States shall ensure that authors and performers receive ***upon request once a year at the most*** and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due. ***This claim does not apply to subordinate contributions to works.***

Or. de

### **Amendment 882**

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

#### **Proposal for a directive Article 14 – paragraph 1**

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

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, ***timely, adequate and sufficient*** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

##### *Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis, ***and no less than once a year*** and taking into account the specificities of each sector, ***accurate and comprehensive*** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, ***including subsequent transferees or licensees***, notably as regards modes of exploitation, ***promotion***, revenues generated and remuneration due.

Or. en

### **Amendment 883**

**Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella**

#### **Proposal for a directive Article 14 – paragraph 1**

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

##### *Amendment*



1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, **accurate**, timely, adequate and sufficient information on the exploitation **and promotion** of their works and performances from those to whom they have licensed or transferred their rights, **including subsequent transferees or licensees**, notably as regards modes of **promotion**, exploitation, revenues generated and remuneration due.

Or. en

**Amendment 884**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and **no less than once a year and** taking into account the specificities of each sector, timely, adequate, **accurate** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights **or their successors in title**, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

**Amendment 885**  
**Angelika Niebler, Christian Ehler, Axel Voss**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that  
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*Amendment*

1. Member States shall ensure that

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authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

authors and performers receive on a regular basis, **but at least once a year** and taking into account the specificities of each sector, **precise**, timely, adequate and sufficient information on the exploitation **and promotion** of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. de

**Amendment 886**  
**Jytte Guteland**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, **adequate and sufficient** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and **remuneration** due.

*Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, **accurate and comprehensive** information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, **the direct and indirect** revenues generated and **the remunerations** due.

Or. en

**Amendment 887**  
**Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely,

*Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely,

adequate and sufficient information on the exploitation of their works and performances *from those to whom they have licensed or transferred their rights*, notably as regards modes of exploitation, revenues generated and remuneration due.

adequate and sufficient information on the exploitation of their works and performances , notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

### **Amendment 888**

**Tadeusz Zwiefka, Bogdan Brunon Wenta**

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

#### **Article 14 – paragraph 1**

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

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

##### *Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, **accurate** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, **modes of promotion**, revenues generated and remuneration due.

Or. en

### **Amendment 889**

**Therese Comodini Cachia**

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

#### **Article 14 – paragraph 1**

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

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights,

##### *Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, **accurate** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred

notably as regards modes of exploitation, revenues generated and remuneration due.

their rights, notably as regards modes of exploitation, **modes of promotion**, revenues generated and remuneration due.

Or. en

#### **Amendment 890**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

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

#### **Article 14 – paragraph 1**

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

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate **and sufficient** information on the exploitation of their works and performances from those to whom **they have** licensed or **transferred** their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

##### *Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, **accurate and comprehensive** information on the exploitation of their works and performances from those to whom **their works are** licensed or their rights **are transferred**, notably as regards **all** modes of exploitation, revenues generated and remuneration due.

Or. en

#### **Amendment 891**

**Pavel Svoboda**

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

#### **Article 14 – paragraph 1**

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

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

##### *Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, **accurate** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation **and promotion**, revenues generated and remuneration due.

**Amendment 892**

**Evelyn Regner, Josef Weidenholzer**

**Proposal for a directive**

**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, **adequate and sufficient** information on the exploitation of their works and performances from those to whom **they have** licensed or **transferred** their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, **accurate and comprehensive** information on the exploitation of their works and performances from those to whom **their works are** licensed or their rights **are transferred**, notably as regards **all** modes of exploitation, revenues generated and remuneration due.

Or. en

**Amendment 893**

**Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Virginie Rozière, Sergio Gaetano Cofferati, Mary Honeyball**

**Proposal for a directive**

**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, **adequate** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, **accurate** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

**Amendment 894**

**Julia Reda**

**Proposal for a directive**

**Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. If those to whom the authors' or performers' works have been licensed or transferred, have licensed themselves the works or transferred themselves the rights to third parties, then authors and performers and those bodies who use public money for the purchase of content, shall also be able to rely upon the provision of information in accordance with paragraph 1 from those third parties, provided that the third parties' acts of usage are substantial for the commercial exploitation of the work.***

Or. en

**Amendment 895**

**Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**

**Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Member states shall provide that producers compulsorily communicate, free of charge, to collective management organisations for the purpose of effective administration of rights, complete and accurate information as is necessary in order to identify the use of the work or other subject matter and the corresponding right-holders.***

Or. en

**Amendment 896**

**Victor Negrescu**

**Proposal for a directive**  
**Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Copyright holders and intermediaries are responsible for taking concrete action to avoid the dissemination of content in violation of copyright.***

Or. ro

**Amendment 897**  
**Victor Negrescu**

**Proposal for a directive**  
**Article 14 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Copyright holders and intermediaries are responsible for integrating verification codes and automatic verification systems into the content disseminated.***

Or. ro

**Amendment 898**  
**Stefano Maullu**

**Proposal for a directive**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains***

***deleted***

*effective and ensures an appropriate level of transparency.*

Or. it

#### **Amendment 899**

**Julia Reda**

#### **Proposal for a directive Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure *an appropriate* level of transparency in every sector. *However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.*

*Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure *a high* level of transparency in every sector.

Or. en

#### **Amendment 900**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

#### **Proposal for a directive Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. *However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1,*

*Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector.



*provided that the obligation remains effective and ensures an appropriate level of transparency.*

Or. en

#### **Amendment 901**

**Lidia Joanna Geringer de Oedenberg, Virginie Rozière, Sergio Gaetano Cofferati, Evelyn Regner, Jytte Guteland, Mary Honeyball**

#### **Proposal for a directive Article 14 – paragraph 2**

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

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. *However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.*

##### *Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector.

Or. en

#### **Amendment 902**

**Mary Honeyball, Virginie Rozière, Julie Ward, Marc Tarabella, Pervenche Berès, Theresa Griffin**

#### **Proposal for a directive Article 14 – paragraph 2**

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

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure *an appropriate* level of transparency in every sector. *However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the*

##### *Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure *a high* level of transparency in every sector, *as well as author's right to audit.*

*revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.*

Or. en

### **Amendment 903**

**Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva**

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

#### **Article 14 – paragraph 2**

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

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

##### *Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector, ***as well as authors' right to audit***. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1 ***under the condition that the level of disproportionality is duly justified, and*** provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

##### *Justification*

*Allowing exceptions to transparency such as in those cases where the resulting "administrative burden" would be "disproportionate in view of the revenues generated by the work" is too general and could lead therefore to abuses of the right to transparent reporting. To prevent this it is required that any derogation from the reporting obligation must be duly justified.*

### **Amendment 904**

**Pavel Svoboda**

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

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## Article 14 – paragraph 2

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall ***be proportionate and effective and shall ensure an appropriate level*** of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

*Amendment*

2. The obligation in paragraph 1 shall ensure ***a high degree*** of transparency in every sector, ***as well as authors' right to audit***. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1 ***only if the level of disproportionality could be justified, and*** provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

### Amendment 905 Emil Radev

#### Proposal for a directive Article 14 – paragraph 2

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures ***an appropriate*** level of transparency.

*Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector, ***as well as a right of authors to audit***. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures ***a high*** level of transparency.

Or. bg

### Amendment 906 Antanas Guoga

**Proposal for a directive**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall ***be proportionate and effective and shall ensure an appropriate level*** of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

*Amendment*

2. The obligation in paragraph 1 shall ensure ***a high degree*** of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, ***under the condition that the level of disproportionality is duly justified***, provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

**Amendment 907**  
**Angelika Niebler, Christian Ehler, Axel Voss**

**Proposal for a directive**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

*Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. de

**Amendment 908**

**Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella**

**Proposal for a directive**

**Article 14 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. Member States shall ensure that sector-specific standard reporting statements and procedures are developed through stakeholder dialogues.**

Or. en

**Amendment 909**

**Lidia Joanna Geringer de Oedenberg, Virginie Rozière, Sergio Gaetano Cofferati, Mary Honeyball**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.** *deleted*

Or. en

**Amendment 910**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.** *deleted*

Or. en

**Amendment 911**

**Julia Reda**

**Proposal for a directive  
Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.** *deleted*

Or. en

**Amendment 912**

**Pavel Svoboda**

**Proposal for a directive  
Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.** *deleted*

Or. en

**Amendment 913**

**Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive  
Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.** *deleted*

**Amendment 914**  
**Jens Rohde**

**Proposal for a directive**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. **Member States may decide that the** obligation in paragraph 1 does not apply when the contribution of the author or performer **is not significant having** regard to the overall work or performance.

*Amendment*

3. The obligation in paragraph 1 does not apply when the contribution of the author or performer **has no relevance with regard to the overall work or performance or when reporting obligations have been agreed by the parties, for example through collective bargaining agreements which are reflected in the terms of the contract with the author or performer or which are otherwise applicable.**

Or. en

*Justification*

*The exception would need to be more concise. To avoid creating further layers of burdensome administrative and financial obligations, renegotiation of contracts should not be possible in the event that collective bargaining agreements already apply.*

**Amendment 915**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. **Member States may decide that the** obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

*Amendment*

3. The obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance **or when reporting obligations have been agreed by parties, for instance through collective bargaining agreements which are reflected in terms of the contract.**

**Amendment 916**

**Axel Voss**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

*Amendment*

3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance ***or there is no significant link between the specific work or performance and those obliged to provide remuneration.***

Or. de

**Amendment 917**

**Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Member States ***may decide*** that the ***obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.***

*Amendment*

3. Member States ***shall ensure*** that the ***representative organizations of relevant stakeholders determine sector-specific standard reporting statements and procedures and foster in particular automated processing making use of digital technologies and international identifiers of works.***

Or. en

*Justification*

*The wording of this paragraph is too vague and could potentially undermine the effectiveness of the whole article. This derogation shall be therefore deleted. Concrete situations shall be addressed in the sector-specific standard reporting statements and procedures to be negotiated at national level.*



**Amendment 918**

**Mary Honeyball, Virginie Rozière, Julie Ward, Marc Tarabella, Pervenche Berès, Mady Delvaux**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Member States *may decide* that the *obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.*

*Amendment*

3. Member States *shall ensure* that the *representative organisations of relevant stakeholders determine sector-specific standard reporting statements and procedures and foster automated processing making use of digital technologies and international identifiers of works.*

Or. en

**Amendment 919**

**Daniel Buda**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. *Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.*

*Amendment*

3. *The obligation in paragraph 1 does not apply when the transparency obligation has already been established by agreement between the parties or when the contribution of the author or performer is not significant having regard to the overall work or performance.*

Or. ro

**Amendment 920**

**Julia Reda**

**Proposal for a directive**

**Article 14 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.**

**deleted**

Or. en

#### **Amendment 921**

**Sajjad Karim, Angel Dzhambazki**

#### **Proposal for a directive Article 14 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Paragraph 1 shall not be applicable to **entities** subject to the transparency obligations established by Directive 2014/26/EU.

4. Paragraph 1 shall not be applicable to **agreements** subject to the transparency obligations established by Directive 2014/26/EU **or to agreements with collective management organisations or agreements with individual authors or performers, which are based on collective bargaining or equivalent provisions.**

Or. en

#### **Amendment 922**

**Julia Reda**

#### **Proposal for a directive Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 14 a**

##### ***Establishment of a central database***

***1. The Commission is empowered to take measures for the establishment of a central database enabling the electronic transfer of data on works subject to copyright and other related rights from existing databases of collective management organisations and providing the possibility for independent authors or***

*performers to submit individually the data related to their respective works.*

*2. The database shall provide the following non exhaustive information regarding the work subject to copyright and related rights :*

*(a) the type of use*

*(b) the means of distribution*

*(c) the territory*

*(d) the duration of the copyright*

*(e) the name of the holder(s) of the relevant rights*

*(d) the organisation or person managing the rights*

*(f) the rights metadata*

*3. For the purpose of paragraph 1, collective management organisations shall make their databases available in the public domain.*

*4. The database shall provide to the user the possibility to request, obtain and pay for the use of the content subject to copyright and related rights through a secure online platform, or in cases where the content cannot be obtained directly, the possibility to contact the collective management organisation or any other third party managing the rights.*

*5. The Commission is empowered to take measures to ensure that the database is managed in an independent and transparent manner.*

Or. en

#### **Amendment 923**

**Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin, Helga Trüpel**

#### **Proposal for a directive Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 14 a**

***Unwaivable right to equitable remuneration***

- 1. Member States shall ensure that when a performer or audiovisual author has transferred or assigned his making available right to a producer, that performer or audiovisual author shall retain the right to obtain an equitable remuneration.***
- 2. This right to obtain an equitable remuneration for the making available of the performer or audiovisual author's work is inalienable and cannot be waived.***
- 3. The administration of this right to obtain an equitable remuneration for the making available of the performer or audiovisual author's work shall be entrusted to collective management organisations representing audiovisual authors and/or performers, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to performers or audiovisual authors for their making available right.***
- 4. Performers' and audiovisual authors' collective management organisations shall collect the equitable remuneration from audiovisual media services making works available to the public.***

Or. en

**Amendment 924**

**Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**

**Article 15 – title**

*Text proposed by the Commission*

*Amendment*

***Contract adjustment mechanism***

***Remuneration for the use of works or performances***

Or. en

**Amendment 925**

**Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**

**Article 15 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1 Member States shall ensure that authors and performers are entitled to a proportionate and equitable remuneration of the revenues derived from the exploitation of their works. Member States shall also ensure that representative organizations of authors and performers, whether collective management organizations, unions or guilds, and representative organizations of users, set standards for equitable and proportionate remuneration of authors and performers for the use of their works and performances, taking into account the specificities of each sector.***

Or. en

*Justification*

*The fair remuneration of authors and performers should be here affirmed as a general EU principle and not just implicitly as a consequence of a contract adjustment mechanism. This may contribute to a just protection of their work in accordance to the fundamental principles of EU law. Given that authors' and performers' careers are usually too unstable for them to challenge their contracts in courts, it will be in practice very useful and less expensive for them to allow representative organizations to challenge collectively their contracts or interests in court.*

**Amendment 926**

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

**Proposal for a directive**

**Article 15 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1 Member States shall ensure that authors and performers are entitled to proportionate and equitable remuneration***

*of the revenues derived from the  
exploitation of their works.*

Or. de

**Amendment 927**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

**Proposal for a directive**

**Article 15 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1 Member States shall, in any case, ensure that authors and performers are entitled to a fair and proportionate remuneration of the revenues derived from the exploitation of their works.***

Or. en

**Amendment 928**

**Evelyn Regner, Josef Weidenholzer**

**Proposal for a directive**

**Article 15 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1 Member States shall ensure that authors and performers are entitled to a proportionate remuneration of the revenues derived from all models of exploitation and every use of their works.***

Or. en

**Amendment 929**

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

**Proposal for a directive**

**Article 15 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

**-1** *Member States shall ensure that authors and performers are entitled to a proportionate remuneration of the revenues derived from all modes of exploitation and every use of their works.*

Or. en

**Amendment 930**

**Jytte Guteland**

**Proposal for a directive**

**Article 15 – paragraph -1 a (new)**

*Text proposed by the Commission*

*Amendment*

**-1 a** *Member States shall ensure that authors and performers are entitled to proportionate and equitable remuneration of the revenues derived from the exploitation of their works.*

Or. en

**Amendment 931**

**Luis de Grandes Pascual**

**Proposal for a directive**

**Article 15 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that authors and performers are entitled to **request** additional, **appropriate** remuneration from the party with whom **they entered into** a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately **low compared to the subsequent relevant** revenues and benefits **derived from the exploitation of the works or performances.**

Member States shall ensure that authors and performers are entitled to additional **equitable** remuneration **derived** from the **exploitation of their works.** **The additional remuneration shall be adjusted for the** party with whom a contract for the exploitation of the rights **was entered into**, when the remuneration originally agreed is disproportionately **lower than the net** revenues and benefits **received and provided for at the start of such exploitation.**

*Justification*

*Authors and performers are often obliged to surrender their rights for prices that are lower than the value of their work. When their works increase in value substantially, it needs to be ensured that their remuneration is adjusted according to the actual and unforeseen exploitation of those works.*

**Amendment 932****Daniel Buda****Proposal for a directive****Article 15 – paragraph 1***Text proposed by the Commission*

Member States ***shall ensure that*** authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed ***is*** disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

*Amendment*

Member States ***may decide whether*** authors and performers ***whose contribution is significant having regard to the overall work or performance*** are entitled to request ***an adjustment to the contract or*** additional appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed ***becomes*** disproportionately low compared to the subsequent relevant ***net*** revenues and benefits derived from the exploitation of the works or performances. ***When assessing the disproportionality, the corresponding circumstances of each case, including the nature and significance of the contribution of the authors and performers to the overall work or performance, shall be taken into account.***

**Amendment 933****Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto****Proposal for a directive****Article 15 – paragraph 1***Text proposed by the Commission**Amendment*



Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low *or unexpected* compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances, *provided that these measures are not included in the initial contract.* *Member States may provide that this right expires if it is not exercised within a reasonable period from the act of exploitation in question.*

Or. fr

**Amendment 934**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to *request additional*, appropriate remuneration *from the party with whom they entered into a contract* for the exploitation of *the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the* works or performances.

*Amendment*

Member States shall ensure that authors and performers are entitled to *an* appropriate remuneration for the exploitation of *their* works or performances.

Or. en

**Amendment 935**  
**Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to **request** additional, **appropriate remuneration** from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from **the** exploitation of the works or performances.

*Amendment*

Member States shall ensure that authors and performers are entitled to **claim** additional, **equitable contractual adjustments** from the party with whom they entered into a contract for the exploitation of the rights, **or their successors in title**, when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from **all forms of** exploitation, **direct or indirect** of the works or performances. **Authors and performers may individually or collectively appoint a representative organization to file such claim on their behalf.**

Or. en

*Justification*

*Rights in completed works and catalogues of works are frequently sold, production companies disappear, and very often the company in control is no longer the production company with whom authors or performers entered into the contract. Therefore it shall be clarified, that they can claim contractual adjustments, including additional remuneration, from the producer's successor in title if this happens.*

**Amendment 936**

**Emil Radev**

**Proposal for a directive**

**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to **request** additional, **appropriate** remuneration from **the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant** revenues and benefits derived from the exploitation of **the** works or performances.

*Amendment*

Member States shall ensure that authors and performers are entitled to **proportionate and equitable** remuneration from revenues and benefits derived from the exploitation of **their** works.

Or. bg

**Amendment 937**  
**Jens Rohde**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

*Amendment*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the ***unanticipated*** subsequent relevant ***net*** revenues and benefits derived from the exploitation of the works or performances. ***This mechanism shall guarantee fair compensation, taking into account the specificities of each sector.***

Or. en

*Justification*

*The revenues must be unexpected, not only for the author or performer but also the contracting party before a right of renegotiation can be afforded. Due costs and investments to the work need to be taken into account when assessing the revenue. In order to avoid legal uncertainty, the special features of different sectors need to be taken into account.*

**Amendment 938**  
**Sajjad Karim**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States ***shall ensure that*** authors and performers ***are entitled*** to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration ***originally*** agreed is disproportionately low compared to the subsequent relevant revenues and benefits

*Amendment*

Member States ***may provide for*** authors and performers to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the

derived from the exploitation of the works or performances.

exploitation of the works or performances.  
***Factors determining disproportionate remuneration shall include the nature, significance and contribution to the work of the author or performer.***

Or. en

#### **Amendment 939**

**Virginie Rozière, Mary Honeyball, Sylvie Guillaume, Pervenche Berès, Marc Tarabella**

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

#### **Article 15 – paragraph 1**

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

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights **when** the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

##### *Amendment*

Member States shall ensure that authors and performers, ***or representatives they appoint, fair, or their successor in title, when it is duly justified to claim that*** the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

#### **Amendment 940**

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

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

#### **Article 15 – paragraph 1**

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

Member States shall ensure that authors and performers are entitled to request additional, ***appropriate*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the

##### *Amendment*

Member States shall ensure that authors and performers are entitled to request additional, ***equitable*** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the

subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

#### **Amendment 941**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

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

#### **Article 15 – paragraph 1**

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

Member States shall ensure that authors and performers are entitled to *request* additional, *appropriate* remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

##### *Amendment*

Member States shall ensure that authors and performers, *individually or through representative organisations*, are entitled to *claim an* additional *and equitable* remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

#### **Amendment 942**

**Jytte Guteland**

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

#### **Article 15 – paragraph 1**

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

Member States shall ensure that authors and performers are entitled to *request* additional, *appropriate* remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent *relevant* revenues and benefits derived from the exploitation of the works

##### *Amendment*

*Member States shall ensure that authors and performers or any representatives appointed by them* are entitled to *claim additional* remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent revenues and benefits derived

or performances.

from the exploitation of the works or performances.

Or. en

#### **Amendment 943**

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

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

#### **Article 15 – paragraph 1**

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

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

##### *Amendment*

Member States shall **furthermore** ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. de

#### **Amendment 944**

**Tadeusz Zwiefka, Bogdan Brunon Wenta**

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

#### **Article 15 – paragraph 1**

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

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

##### *Amendment*

Member States shall ensure that authors and performers **or their representative organisations** are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

**Amendment 945**  
**Sergio Gaetano Cofferati**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

*Amendment*

Member States shall ensure that authors and performers are entitled to request additional, ***proportionate and*** appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

**Amendment 946**  
**Stefano Maullu**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States ***shall ensure*** that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is ***disproportionately low*** compared to the subsequent relevant ***revenues and benefits*** derived from the exploitation of the works or performances.

*Amendment*

Member States ***may require*** that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is ***clearly disproportionately*** compared to the ***unanticipated*** subsequent relevant ***net revenues*** derived from the exploitation of the works or performances

Or. en

**Amendment 947**  
**Evelyn Regner, Josef Weidenholzer**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to **request** additional, **appropriate** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

*Amendment*

Member States shall ensure that authors and performers are entitled to **claim** additional, **equitable** remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

**Amendment 948**  
**Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva**

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

*Text proposed by the Commission*

*Amendment*

***Where a performer has transferred or assigned an exclusive right of making available on demand, and independent of any agreed terms for such transfer or assignment, the performer shall have the right to obtain an equitable remuneration to be paid by the user for the making available to the public of his fixed performance. The right of the performer to obtain an equitable remuneration for the making available to the public of his performance shall be unwaivable and collected and administrated by a performer's collective management organisation.***

Or. en



**Amendment 949**

**Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva**

**Proposal for a directive**

**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. The transfer of licensing of exclusive economic rights in a given work or performance may not include or be deemed to include rights that do or did not exist at the time of the signature of the contractual arrangement.*

*In addition, the scope of such transfer or licensing may not include or may not be deemed to have included territories, formats, modes of exploitation, technologies or any other aspect that do or did not exist at the time of the signature of the contractual arrangement.*

Or. en

**Amendment 950**

**Antanas Guoga, Eva Maydell**

**Proposal for a directive**

**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Member States shall ensure that authors and performers or their representative organisations are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when originally agreed remuneration is disproportionately low in comparison to the unexpected success and therefore net revenues derived from the exploitation of their works or performances.*

Or. en

**Amendment 951**  
**Pavel Svoboda**

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

*Text proposed by the Commission*

*Amendment*

*1a. Member states shall ensure that authors and performers or their representative organisations are entitled to claim additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to subsequent revenues and benefits derived from the exploitation of the works or performances.*

Or. en

**Amendment 952**  
**Tadeusz Zwiefka, Bogdan Brunon Wenta**

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

*Text proposed by the Commission*

*Amendment*

*Member States shall provide authors with a reversion right to enable them to terminate a contract when the other party fails to meet its obligation to exploit, to promote copyright-protected works or to pay the remuneration foreseen as well as when it does not meet its regular reporting duties as foreseen in Article 14(1).*

Or. en

**Amendment 953**  
**Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva**

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

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*Text proposed by the Commission*

*Amendment*

***Member States shall provide authors and performers with a reversion right to enable them to terminate a contract in case of insufficient exploitation and promotion, payment of the remuneration foreseen, as well as insufficient or lack of regular reporting.***

Or. en

*Justification*

*As most copyright contracts contain rights assignments for the entire term duration of the copyright. However, publishers and producers stop frequently promoting and exploiting these rights after 5 or 10 years. Therefore it useful to introduce a rights reversion right, as notably was introduced in Germany, allowing authors and performers to claim back their rights after a certain period of time. In this way may be ensured a fair level playing field for authors and performers*

**Amendment 954**  
**Jens Rohde**

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

*Text proposed by the Commission*

*Amendment*

***Paragraph 1 shall not apply when the contribution of the author or performer is not significant having regard to the overall work or performance or a collective bargaining agreement is in place or forms the basis for an individual agreement.***

Or. en

*Justification*

*As in Article 14, a certain significance should be established before the right of renegotiation should be entitled. In the case of collective bargaining agreements the author or performer seem to be already sufficiently protected.*

**Amendment 955**  
**Evelyn Regner, Josef Weidenholzer**  
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**EN**

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

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that representative organisations of authors and performers may make the claim for additional, equitable remuneration on behalf of their members.***

Or. en

**Amendment 956**

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

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

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that representative organisations of authors and performers may make the claim for additional, equitable remuneration on behalf of their members.***

Or. en

**Amendment 957**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

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

*Text proposed by the Commission*

*Amendment*

***Any contractual provision contrary to paragraph 1 shall be null and void.***

Or. en

**Amendment 958**

**Pavel Svoboda**

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

*Text proposed by the Commission*

*Amendment*

***Member States shall provide authors with reversion right to enable them to terminate a contract in case of insufficient exploitation and promotion, payment of the remuneration foreseen and also in case of insufficient reporting.***

Or. en

**Amendment 959  
Angelika Niebler, Christian Ehler, Axel Voss**

**Proposal for a directive  
Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 15 a***

***Call-back right in the event of failure to exercise an exclusive right***

***The Member States shall lay down provisions whereby authors and performers may recall an exclusive right of use where the holder of the exclusive right of use fails to exercise this right or does so only inadequately, thereby seriously violating the legitimate interests of the author.***

Or. de

**Amendment 960  
Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano**

**Proposal for a directive  
Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 15a*

*Mandatory term for the use of transferred rights*

*Member States, in order to restore balance to the bargaining power between authors and publishers, may provide for a mandatory period, of reasonable duration, for the use of the rights transferred from an author to a third party, after which those rights would lapse.*

Or. it

**Amendment 961**

**Lidia Joanna Geringer de Oedenberg, Victor Negrescu, Virginie Rozière, Sergio Gaetano Cofferati**

**Proposal for a directive**

**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 15 a*

*Member States shall ensure that contracts include a rights reversion mechanism, allowing authors to terminate a contract in cases of unsatisfactory promotion, remuneration or lack of transparency.*

Or. en

**Amendment 962**

**Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva**

**Proposal for a directive**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 *may* be submitted to *a* voluntary, alternative dispute resolution procedure.

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 *shall* be submitted to *an* voluntary, alternative dispute resolution procedure.

*The author's or the performer's*

*contractual counterpart shall take part, in good faith, in the dispute resolution procedure.*

Or. en

**Amendment 963**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

**Proposal for a directive**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

Member States *shall* provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

*Amendment*

*Without prejudice to other judicial remedies*, Member States *may* provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary *and public* alternative dispute resolution procedure.

Or. en

**Amendment 964**

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

**Proposal for a directive**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to *a voluntary*, alternative dispute resolution procedure.

*Amendment*

Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to *an* alternative dispute resolution procedure.

Or. en

**Amendment 965**

**Angel Dzhambazki**

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**Proposal for a directive**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

Member States *shall* provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

*Amendment*

Member States *may* provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Or. en

**Amendment 966**

**Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

**Proposal for a directive**

**Article 16 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*Such mechanism shall guarantee impartiality and be affordable, equally accessible and shall comply with the national constitutional rights and safeguards provided for the parties.*

Or. en

**Amendment 967**

**Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**

**Article 16 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Proceedings in respect of a dispute may also be brought on behalf of authors and performers by their representative organizations, whether collective management organizations, unions or guilds.*

Or. en



*Justification*

*Mediation already exists in all EU Member States and can be useful to avoid court proceedings. However, individual authors may be as reluctant to refer to the alternative dispute mechanism, as they are to a court. It would therefore be useful to open the proceedings to representative organizations of authors.*

**Amendment 968**  
**Evelyn Regner, Josef Weidenholzer**

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

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that representative organisations of authors and performers may represent their members in the alternative dispute resolution procedure.***

Or. en

**Amendment 969**  
**Mary Honeyball, Virginie Rozière, Julie Ward, Giorgos Grammatikakis, Marc Tarabella, Pervenche Berès, Theresa Griffin, Mady Delvaux**

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

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that representative organisations of authors and performers may represent their members in the alternative dispute resolution procedure.***

Or. en

**Amendment 970**  
**Antanas Guoga**

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

*Text proposed by the Commission*

*Amendment*

***Proceedings in respect of a dispute may be also brought on behalf of authors and performers by their representative organisations.***

Or. en

**Amendment 971**  
**Jytte Guteland**

**Proposal for a directive**  
**Article 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 16 a***

***When an organisation, on behalf of rightholders whose rights it represents, enters into a collective agreement for the exploitation of works or other subject matter, Member States may provide, subject to safeguards provided for in national law, that such an agreement may be extended to apply to rights of rightholders who are not represented by the organisation.***

Or. en

*Justification*

*A well-functioning copyright is dependent on the useful opportunities to license copyright content. Collective licensing agreements that has been existing for a long time in several Member States provide a flexible solution that enables to use a large amount of works both benefiting users and copyright holders. The new copyright directive within the digital single market should clarify the status of collective licensing agreements at EU level.*

**Amendment 972**  
**Julia Reda**

**Proposal for a directive**  
**Article 17 – paragraph 1 – point -a (new)**  
Directive 96/9/EC  
Article 1 – paragraph 3a (new)

**(-a) In Article 1, the following paragraph is added:**

**"3a. Protection under this Directive shall apply only to databases that are recorded in a single publicly accessible online registry established and managed by the European Union Intellectual Property Office."**

Or. en

**Amendment 973**

**Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton**

**Proposal for a directive**

**Article 17 – paragraph 1 – point a**

Directive 96/9/EC

Article 6 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the **optional** exceptions and the limitation provided for in Directive [this Directive];

Or. fr

**Amendment 974**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 1 – point a**

Directive 96/9/EC

Article 6 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is

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(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is

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indicated and to the extent justified by the **non-commercial** purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

indicated and to the extent justified by the purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

#### **Amendment 975**

**Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton**

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

#### **Article 17 – paragraph 1 – point b**

Directive 96/9/EC

Article 9 – point b

#### *Text proposed by the Commission*

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

#### *Amendment*

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the **optional** exceptions and the limitation provided for in Directive [this Directive];

Or. fr

#### **Amendment 976**

**Julia Reda**

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

#### **Article 17 – paragraph 1 – point b**

Directive 96/9/EC

Article 9 – point b

#### *Text proposed by the Commission*

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the **non-commercial** purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

#### *Amendment*

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

**Amendment 977**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point -a (new)**

Directive 2001/29/EC

Article 2 – introductory part

*Text proposed by the Commission*

*Amendment*

***(-a) In Article 2 the introductory part is replaced by the following:***

***"2. Member States shall provide for the exclusive right to authorise or prohibit direct or indirect, temporary or permanent reproduction by any means and in any form that preserves the inner structure of the work or other subject-matter, in whole or in part:***

Or. en

**Amendment 978**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point -a a (new)**

Directive 2001/29/EC

Article 5 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(-a a) In Article 5(1), subparagraph 1 a (new) is added:***

***"The acts of reproduction referred to in Article 2 are considered to be permissible if they are a necessary precondition for lawful acts of communication to the public or making available in accordance with Article 3.***

Or. en

**Amendment 979**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point -a b (new)**

Directive 2001/29/EC

Article 5 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

***(-a b) In Article 5 (2) the introductory part is replaced by the following:***

***"2. Member States shall provide for exceptions or limitations to the reproduction right provided for in Article 2 in the following cases:"***

Or. en

**Amendment 980**

**Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton**

**Proposal for a directive**

**Article 17 – paragraph 2 – point a**

Directive 2001/29/EC

Article 5 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

(c) in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

(c) in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage, without prejudice to the ***optional*** exceptions and the limitation provided for in Directive [this Directive];.

Or. fr

**Amendment 981**

**Evelyn Regner, Josef Weidenholzer**

**Proposal for a directive**

**Article 17 – paragraph 2 – point a a (new)**

Directive 2001/29/EC

Article 5 – paragraph 2 – introductory part

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*Text proposed by the Commission*

*Amendment*

*(a a) In Article 5 (2), the introductory part is replaced by the following:*

*"2. Member States shall provide for exceptions or limitations to the reproduction right provided for in Article 2 in the following cases:"*

Or. en

**Amendment 982**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point a a (new)**

Directive 2001/29/EC

Article 5 – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

*(a a) In Article 5(3) the introductory part is replaced by the following:*

*"3. Member States shall provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases :"*

Or. en

**Amendment 983**

**Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton**

**Proposal for a directive**

**Article 17 – paragraph 2 – point b**

Directive 2001/29/EC

Article 5 – paragraph 3 – point a

*Text proposed by the Commission*

*Amendment*

(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent

(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent

justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

justified by the non-commercial purpose to be achieved, without prejudice to the *optional* exceptions and the limitation provided for in Directive [this Directive];.

Or. fr

**Amendment 984**  
**Julia Reda**

**Proposal for a directive**  
**Article 17 – paragraph 2 – point b**  
Directive 2001/29/EC  
Article 5 – paragraph 3 – point a

*Text proposed by the Commission*

(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the *non-commercial* purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

*Amendment*

(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

**Amendment 985**  
**Julia Reda**

**Proposal for a directive**  
**Article 17 – paragraph 2 – point b a (new)**  
Directive 2001/29/EC  
Article 5 – paragraph 3 – point n

*Text proposed by the Commission*

*Amendment*

**(b a) In Article 5(3), point (n) is replaced by the following:**

***"(n) use through communication or making available, for the purpose of research or private study, to members of the public of works and other subject-matter by establishments referred to in point (c) of paragraph 2 which are***



*contained in their collections;"*

Or. en

**Amendment 986**

**Evelyn Regner, Josef Weidenholzer**

**Proposal for a directive**

**Article 17 – paragraph 2 – point b a (new)**

Directive 2001/29/EC

Article 5 – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

***(b a) In Article 5(3) the introductory part is replaced by the following:***

***"3. Member States shall provide for exceptions or limitations to the rights provided for in Article 2 and 3 in the following cases:"***

Or. en

**Amendment 987**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point b b (new)**

Directive 2001/29/EC

Article 5 – paragraph 3 – point o a (new)

*Text proposed by the Commission*

*Amendment*

***(b b) In Article 5(3), the following point is added:***

***"(oa) use through communication or making available by libraries, educational establishments, museums or archives for the purpose of publicly available catalogues of their respective collections;"***

Or. en

**Amendment 988**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point b c (new)**

Directive 2001/29/EC

Article 5 – paragraph 5

*Text proposed by the Commission*

*Amendment*

**(b c) Article 5(5) is replaced by the following:**

**"5. Any contractual provision contrary to the exceptions and limitations provided for in paragraphs 1, 2, 3 and 4 shall be unenforceable."**

Or. en

**Amendment 989**

**Julia Reda, Lucy Anderson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a directive**

**Article 17 – paragraph 2 – point b d (new)**

Directive 2001/29/EC

Article 6 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**(b d) In Article 6, paragraph 3 is replaced by the following:**

**"3. For the purposes of this Directive, the expression "technological measures" means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorised by the rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC, and which are not authorised by national or Union law. Technological measures shall be deemed "effective" where the use of a protected work or other subject-matter is controlled by the rightholders through application of an access control**

*or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective."*

Or. en

**Amendment 990**

**Julia Reda, Lucy Anderson, Lidia Joanna Geringer de Oedenberg**

**Proposal for a directive**

**Article 17 – paragraph 2 – point b e (new)**

Directive 2001/29/EC

Article 6 – paragraph 4

*Text proposed by the Commission*

*Amendment*

*(b e) In Article 6(4), the following subparagraph is added:*

*"The protections provided for in paragraph 1 and 2 shall not apply to acts described in paragraph 1 and 2 whose sole purpose is to enable a user's right to enjoy the exceptions and limitations to copyright and related rights outlined in this Directive or in Directive 96/9/EC, Directive 2009/24/EC Directive 2012/28/EU or Directive ... [this directive], to the extent necessary to benefit from that exception or limitation and where that beneficiary has legal access to the protected work or subject-matter concerned;"*

Or. en

**Amendment 991**

**Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton**

**Proposal for a directive**

**Article 17 – paragraph 2 – point c**

Directive 2001/29/EC

Article 12 – paragraph 4 – point e

*Text proposed by the Commission*

*Amendment*

(e) to examine the impact of the transposition of Directive [this Directive] on the *functioning of the internal market* and to highlight any transposition difficulties;

(e) to examine the impact of the transposition of Directive [this Directive] on the *proper balance between the interests of all parties involved* and to highlight any transposition difficulties;

Or. fr

#### **Amendment 992**

**Jean-Marie Cavada, Robert Rochefort, Frédérique Ries, Joëlle Bergeron, António Marinho e Pinto**

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

**Article 17 – paragraph 2 a (new)**

Directive 2001/29/EC

Article 12 – paragraph 4 – point g a (new)

*Text proposed by the Commission*

*Amendment*

**2a. In Article 12(4) the following point is added:**

***"(ga) to add publishers and press agencies to the list of beneficiaries of related rights listed in Article 2 of Directive 2001/29/EC as regards the reproduction right."***

Or. fr

#### **Amendment 993**

**Kosma Złotowski**

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

**Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. Member States may adopt or maintain in force broader provisions, compatible with the exceptions and limitations existing in Union law, for uses covered by the exceptions or the limitation provided for in this Directive**

.

Or. en

## Amendment 994

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

### Proposal for a directive

#### Article 17 – paragraph 2 a (new)

Directive 2006/115/EC

Article 6 – paragraph 1

#### *Present text*

"Member States may derogate from the exclusive right provided for in Article 1 in respect of public lending, provided that at least authors obtain a remuneration for such lending. Member States shall be free to determine this remuneration taking account of their cultural promotion objectives."

#### *Amendment*

#### **2 a. Article 6 - paragraph 1 is replaced by the following:**

"Member States may derogate from the exclusive right provided for in Article 1 in respect of public lending, provided that at least authors obtain a remuneration for such lending, ***without prejudice to the exceptions provided for in Directive [this Directive]***. Member States shall be free to determine this remuneration taking account of their cultural promotion objectives."

Or. en

*(This amendment seeks to amend a provision within the existing act - Article 6, paragraph 1 - that was not referred to in the Commission proposal.)*

## Amendment 995

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Dita Charanzová, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Heidi Hautala, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Victor Negrescu, Jozo Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Catherine Stihler, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

### Proposal for a directive

#### Article 18 – paragraph 2

#### *Text proposed by the Commission*

**2. The provisions of Article 11 shall also apply to press publications published**

#### *Amendment*

**deleted**

*before [the date mentioned in Article 21(1)].*

Or. en

**Amendment 996**  
**Daniel Buda**

**Proposal for a directive**  
**Article 18 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *The provisions of Article 15 shall apply only in situations where the remuneration has become strikingly disproportionate after [the date mentioned in Article 21(1)].*

Or. ro