



2016/0284(COD)

23.6.2017

AMENDMENTS

24 - 200

Draft report
Tiemo Wölken
(PE604.674v01-00)

Rules on the exercise of copyright and related rights applicable to certain
online transmissions of broadcasting organisations and retransmissions of
television and radio programmes

Proposal for a regulation
(COM(2016)0594 – C8-0384/2016 – 2016/0284(COD))

Amendment 24
Daniel Buda

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) In order to contribute to the functioning of the internal market, it is necessary to provide for wider dissemination of television and radio programmes originating in other Member States for the benefit of users across the Union by facilitating licensing of copyright and related rights in works and other protected subject-matter contained in broadcasts of such programmes. Indeed, television and radio programmes are important means of promoting cultural and linguistic diversity, social cohesion and access to information.

Amendment

1. In order to contribute to the functioning of the internal market, it is necessary to provide for wider dissemination of television and radio programmes originating in other Member States for the benefit of users across the Union by facilitating licensing of copyright and related rights in works and other protected subject-matter contained in broadcasts of such programmes. ***This equates to adopting a common approach across the Union while maintaining a high level of protection for right holders.*** Indeed, television and radio programmes are important means of promoting cultural and linguistic diversity, social cohesion and access to information.

Or. ro

Amendment 25
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) In order to contribute to the functioning of the internal market, it is necessary to provide for wider dissemination of television and radio programmes originating in other Member States for the benefit of users across the Union by facilitating licensing of copyright and related rights in works and other protected subject-matter contained in broadcasts of such programmes. ***Indeed,***

Amendment

(1) In order to contribute to the functioning of the internal market, ***to move towards a fully-fledged digital single market, to promote cultural and linguistic diversity, social cohesion and to increase access to information and content,*** it is necessary to provide for wider dissemination of television and radio programmes originating in other Member States, for the benefit of users ***and***

television and radio programmes are important means of promoting cultural and linguistic diversity, social cohesion and access to information.

businesses across the Union by facilitating licensing of copyright and related rights in works and other protected subject-matter contained in broadcasts of such programmes.

Or. en

Amendment 26
Mady Delvaux, Petra Kammerevert

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The development of digital technologies and internet has transformed the distribution of and access to television and radio programmes. Users increasingly expect to have access to television and radio programmes both live and on-demand, using traditional channels such as satellite or cable and also through online services. Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of television and radio programmes, online services *ancillary* to their *broadcast*, such as simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. On the part of users, there is a growing demand for access to broadcasts of television and radio programmes not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from

Amendment

(2) The development of digital technologies and internet has transformed the distribution of and access to television and radio programmes. Users increasingly expect to have access to television and radio programmes both live and on-demand, using traditional channels such as satellite or cable and also through online services. Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of television and radio programmes, online services *that are complementary* to their *traditional linear output*, such as simulcasting, *webcasting* and catch-up services. *Furthermore, broadcasting organisations are also making television- and radio-like programmes available only online or online first, which represent a growing reality due to changing market realities and consumer demands.* Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open

persons who live in another Member State than their Member State of origin.

internet. *The distribution of and access to television and radio programmes is therefore increasingly done on a multi-platform and technology-neutral basis.* On the part of users, there is a growing demand for access to broadcasts of television and radio programmes *on any platform in a borderless environment, therefore* not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin.

Or. en

Amendment 27

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The development of digital technologies and internet has transformed the distribution of and access to television and radio programmes. Users increasingly expect to have access to television and radio programmes both live and on-demand, using traditional channels such as satellite or cable and also through online services. Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of television and radio programmes, online services ancillary to their broadcast, such as simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various

Amendment

(2) The development of digital technologies and internet has transformed the *production, the* distribution of and access to television and radio programmes, *changing tremendously the market and contributing to stimulate competition with established players and ultimately fostering creativity.* Users increasingly expect to have access to television and radio programmes, *as well as other services,* both live and on-demand, using traditional channels such as satellite or cable and also through online services. Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of television and radio programmes, online services ancillary to their broadcast, such as simulcasting and catch-up services. *Furthermore, broadcasting organisations and service*

techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. On the part of users, there is a growing demand for access to broadcasts of television and radio programmes not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin.

providers are also making TV and radio-like programmes available through linear online-only transmissions (for example, webcasting services), which represent a growing reality in the market, offering a new user experience. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. On the part of users, there is a growing demand for access to broadcasts of television and radio programmes not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin.

Or. en

Amendment 28
Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The development of digital technologies and internet has transformed the distribution of and access to television and radio programmes. Users increasingly expect to have access to television and radio programmes both live and on-demand, using traditional channels such as satellite or cable and also through online services. Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of television and

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radio programmes, online services ancillary to their broadcast, such as simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. On the part of users, there is a growing demand for access to broadcasts of television and radio programmes not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin.

radio programmes, online services ancillary to their broadcast, such as simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes, ***including catch-up services***, into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. On the part of users, there is a growing demand for access to broadcasts of television and radio programmes not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin ***as well as persons who study other languages than their mother tongue.***

Or. en

Amendment 29

Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Francesc Gambús, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tóké, Izaskun Bilbao Barandica, Ramon Tremosa i Balcells, Iuliu Winkler, Ádám Kósa, Mady Delvaux, Pavel Svoboda

Proposal for a regulation

Recital 2

Text proposed by the Commission

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services. Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of television and radio programmes, online services ancillary to their broadcast, such as simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. On the part of users, there is a growing demand ***and need*** for access to broadcasts of television and radio programmes, ***including catch-up services***, not only originating in their Member State but also in other Member States of the Union, ***especially*** from members of linguistic minorities of the Union, persons who live in another Member State than their Member State of origin ***as well as persons who study other languages than their mother tongue***.

Or. en

Amendment 30
Julia Reda

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The development of digital technologies and internet has transformed the distribution of and access to television and radio programmes. Users increasingly expect to have access to television and radio programmes both live and on-demand, using traditional channels such as satellite or cable and also through online

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services. Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of television and radio programmes, online services ***ancillary to their broadcast***, such as simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users ***simultaneously to the initial transmission of the broadcast***, unaltered ***and unabridged***, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. On the part of users, there is a growing demand for access to ***broadcasts of television and radio programmes*** not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin.

services. Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of television and radio programmes, online services, such as simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users unaltered, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. On the part of users, there is a growing demand for access to television and radio, ***including catch-up services***, not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin.

Or. en

Amendment 31

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The development of digital technologies and internet has transformed the distribution of and access to television and radio programmes. ***Users increasingly expect to have*** access to television and radio programmes both live and on-demand, using traditional channels such as satellite or cable and also through online services. ***Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of***

Amendment

(2) The development of digital technologies and internet has transformed the distribution of, and access to, television and radio programmes, ***putting traditional audiovisual media services against increasingly fierce international competition, particularly from on-line platforms. To meet user demand for*** access to television and radio programmes both live and on-demand, using traditional channels such as satellite or cable and also

television and radio programmes, online services ancillary to their *broadcast, such as* simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. *On the part of users, there is a growing demand for access to broadcasts of television and radio programmes not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin.*

through online services, *broadcasting* organisations *have managed to adapt and offer innovative solutions such as* online services ancillary to their *broadcasts, like* simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based or mobile networks as well as the open internet. *These new techniques have made it possible to offer users a broad choice and increasingly easy access to high-quality content.*

Or. fr

Amendment 32 **Sajjad Karim**

Proposal for a regulation **Recital 2**

Text proposed by the Commission

(2) The development of digital technologies and internet has transformed the distribution of and access to television and radio programmes. Users increasingly expect to have access to television and radio programmes both live and on-demand, using traditional channels such as satellite or cable and also through online services. Broadcasting organisations are therefore increasingly offering, in addition to their own broadcasts of television and radio programmes, online services ancillary to their broadcast, such as

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simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based *or mobile* networks as well as the open internet. On the part of users, there is a growing demand for access to broadcasts of television and radio programmes not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin.

simulcasting and catch-up services. Retransmission services operators, which aggregate broadcasts of television and radio programmes into packages and provide them to users simultaneously to the initial transmission of the broadcast, unaltered and unabridged, use various techniques of retransmission such as cable, satellite, digital terrestrial, closed circuit IP-based networks as well as the open internet. On the part of users, there is a growing demand for access to broadcasts of television and radio programmes not only originating in their Member State but also in other Member States of the Union, including from members of linguistic minorities of the Union as well as from persons who live in another Member State than their Member State of origin.

Or. en

Amendment 33 **Virginie Rozière**

Proposal for a regulation **Recital 3**

Text proposed by the Commission

(3) ***A number of barriers hinder the provision of online services which are ancillary to broadcasts and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union.***

Broadcasting organisations transmit daily many hours of news, ***cultural***, political, ***documentary or entertainment*** programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for

Amendment

(3) Broadcasting organisations transmit daily many hours of news, political ***or current affairs*** programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often, the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders,

different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have the required rights to works and other protected subject matter for all the relevant territories which further increases the complexity of the rights' clearance.

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Or. fr

Amendment 34

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) ***A number of barriers hinder the provision of online services which are ancillary to broadcasts and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union.***

Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. ***That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have***

Amendment

(3) Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under ***national bodies of law and*** Union law. ***Territorially based sales of rights and exclusivity clauses play a major role in the financing and distribution of this content. This investment is particularly relevant in the case of the cross-border distribution of content across the Union, as was pointed out by the European Audiovisual Observatory in its study on territoriality in 2015, because the Union market is heterogeneous and very fragmented – owing to differences in the language, culture and tastes of the public – and, therefore, obliges broadcasting organisations to adapt to national circumstances.***

the required rights to works and other protected subject matter for all the relevant territories which further increases the complexity of the rights' clearance.

Or. fr

Amendment 35
Constance Le Grip

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) A number of barriers hinder the provision of online services which are ancillary to broadcasts and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union. Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have the required rights to works and other protected subject matter for all the relevant territories which further increases the complexity of the rights' clearance.

Amendment

(3) A number of barriers hinder the provision of online services which are ancillary to broadcasts and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union. Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have the required rights to works and other protected subject matter for all the relevant territories which, ***given the fragmentation of the law applicable to copyright and related rights between Member States***, further increases the complexity of the rights' clearance.

Amendment 36
Sajjad Karim

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) A number of barriers hinder the provision of online services which are ancillary to broadcasts and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union. Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have the **required** rights to works and other **protected** subject matter for all the relevant territories **which further increases the complexity of the rights' clearance**.

Amendment

(3) A number of barriers hinder the provision of online services which are ancillary to broadcasts and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union. Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have the **acquired** rights to works and other **protect** subject matter for all the relevant territories.

Or. en

Amendment 37
Julia Reda

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) A number of barriers hinder the provision of online services ***which are ancillary to broadcasts*** and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union. Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have the required rights to works and other protected subject matter for all the relevant territories which further increases the complexity of the rights' clearance.

Amendment

(3) A number of barriers hinder the provision of online services and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union. Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have the required rights to works and other protected subject matter for all the relevant territories which further increases the complexity of the rights' clearance.

Or. en

Amendment 38

Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) A number of barriers hinder the provision of online services ***which are ancillary to broadcasts*** and the provision of retransmission services and thereby the

Amendment

(3) A number of barriers hinder the provision of online services and the provision of retransmission services and thereby the free circulation of television

free circulation of television and radio programmes within the Union. Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have the required rights to works and other protected subject matter for all the relevant territories which further increases the complexity of the rights' clearance.

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Or. en

Amendment 39

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) A number of barriers hinder the provision of online services ***which are ancillary to broadcasts*** and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union. Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic

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works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other protected subject matter. Often the rights need to be cleared in a short time-frame, in particular when preparing programmes such as news or current affairs. In order to make their online services available across borders, broadcasting organisations need to have the required rights to works and other protected subject matter for all the relevant territories which further increases the complexity of the rights' clearance.

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Or. en

Amendment 40

Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) A number of barriers hinder the provision of online services ***which are ancillary to broadcasts*** and the provision of retransmission services and thereby the free circulation of television and radio programmes within the Union. Broadcasting organisations transmit daily many hours of news, cultural, political, documentary or entertainment programmes. These programmes incorporate a variety of content such as audiovisual, musical, literary or graphic works, which is protected by copyright and/or related rights under Union law. That results in a complex process to clear rights from a multitude of right holders and for different categories of works and other

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Or. en

Amendment 41 **Mary Honeyball**

Proposal for a regulation **Recital 4**

Text proposed by the Commission

(4) Operators of retransmission services, *that* normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have a very short time-frame for obtaining the necessary licences and hence also face a significant rights clearing burden. There is also a risk for right holders of having their works and other protected subject matter exploited without authorisation or payment of remuneration.

Amendment

(4) Operators of retransmission services *of television or radio programmes including works or other protected subject matter carry out an act of communication to the public irrespective of whether the retransmission of the television or radio programme is made by the same technical means or different technical means than those used for the initial act of broadcasting, and irrespective of whether or not such retransmission takes place within the actual or intended area of reception of the initial broadcast* As *retransmission services*, normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, *operators of retransmission services* have a very short time-frame for obtaining the necessary licences and hence also face a significant rights clearing burden. There is also a risk for right holders of having their works and other protected subject matter

exploited without authorisation or payment of remuneration.

Or. en

Amendment 42
Sajjad Karim

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have ***a very short time-frame for obtaining the necessary licences and hence also face a significant rights clearing burden. There is also a risk for right holders of having their works and other protected subject matter exploited without authorisation or payment of remuneration.***

Amendment

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have ***the possibility, due to freedom of contract, to obtain the necessary licences.***

Or. en

Amendment 43
Stefano Maullu

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have ***a very short time-frame for*** obtaining the necessary licences

Amendment

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have ***the possibility of***

and hence also face a significant rights clearing burden. There is also a risk for right holders of having their works and other protected subject matter exploited without authorisation or payment of remuneration.

obtaining the necessary licences, *which is a crucial facet of contractual freedom.*

Or. en

Amendment 44

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) In order to *contribute to the functioning of the internal market*, it is necessary to *provide for wider dissemination of* television and radio programmes originating in other Member States for the benefit of *users across the Union by facilitating licensing of* copyright and related rights in works and other protected subject-matter contained in broadcasts of such programmes. Indeed, television and radio programmes are important means of promoting cultural and linguistic diversity, social cohesion and access to information.

Amendment

(1) In order to *continue to support the European cultural and creative industries*, it is necessary to *embed the principle of territoriality, including for* television and radio programmes originating in other Member States, for the benefit of *enterprises but also of users, by enshrining the principle of* copyright and related rights in works and other protected subject-matter contained in broadcasts of such programmes. Indeed, television and radio programmes are important means of promoting cultural and linguistic diversity, social cohesion and access to information, *and it is therefore vital to ensure that schemes for the financing of audiovisual works are not jeopardised.*

Or. fr

Amendment 45

Virginie Rozière

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have a very short time-frame for obtaining the necessary licences and hence also face a significant rights clearing burden. ***There is also a risk for right holders of having their works and other protected subject matter exploited without authorisation or payment of remuneration.***

Amendment

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have a very short time-frame for obtaining the necessary licences and hence also face a significant rights clearing burden.

Or. fr

Amendment 46

Axel Voss

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have a very short time-frame for obtaining the necessary licences and hence also face a significant rights clearing burden. There is also a risk for right holders of ***having*** their works and other protected subject matter exploited without authorisation or payment of remuneration.

Amendment

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have a very short time-frame for ***identifying right holders*** obtaining the necessary licences and hence also face a significant rights clearing burden. There is also a risk for right holders of ***either losing out on the possibility to authorise and exploit*** their works and other protected subject matter ***or having them*** exploited without authorisation or payment of remuneration.

Or. en

Amendment 47
Angelika Niebler

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, ***have a very short time-frame for*** obtaining the necessary licences ***and hence also face a significant rights clearing burden. There is also a risk for right holders of having*** their works and other protected subject matter exploited without authorisation or payment of remuneration.

Amendment

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, ***already have the possibility at present of*** obtaining the necessary licences. ***As regards right holders, it should be ensured that*** their works and other protected subject matter ***may not be*** exploited without authorisation or payment of remuneration. ***The remuneration should be determined in accordance with the Directive on copyright in the Digital Single Market.***

Or. de

Amendment 48
Jean-Marie Cavada, Marc Joulaud

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, ***that normally offer multiple programmes which use a multitude of*** works ***and*** other protected subject matter ***included in the retransmitted television and radio programmes, have a very short time-frame for obtaining the necessary licences and hence also face a significant rights clearing burden. There is also a risk for right holders of having their*** works and other protected subject matter

Amendment

(4) Operators of retransmission services ***which retransmit television or radio programmes including*** works ***or*** other protected subject matter ***perform an act of communication to the public, whether the television or radio programmes are retransmitted using the same technology as that used for the original broadcast or a different one and whether or not the retransmission is performed in the area of reception, actual or intended, of the original broadcast.***

exploited without authorisation or payment of remuneration.

Or. fr

Amendment 49

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have a very short time-frame for obtaining the necessary licences and hence also face a significant rights clearing burden. There is also a risk for right holders of having their works and other protected subject matter exploited without authorisation or payment of remuneration.

Amendment

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have a very short time-frame for obtaining the necessary licences and hence also face a significant rights clearing burden. There is also a risk for **authors, creators and** right holders of having their works and other protected subject matter exploited without authorisation or payment of **fair** remuneration.

Or. en

Amendment 50

Sajjad Karim

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have a very short time-

Amendment

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have a very short time-

frame for obtaining the necessary licences and *hence* also face a significant rights clearing burden. There is also a risk for right holders of having their works and other protected subject matter exploited without authorisation or payment of remuneration.

frame for obtaining the necessary licences and *may* also face a significant rights clearing burden. There is also a risk for right holders of having their works and other protected subject matter exploited without authorisation or payment of remuneration.

Or. en

Amendment 51

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have *a very short time-frame for* obtaining *the* necessary licences and *hence also face a significant rights clearing burden. There is also a risk for right holders of having their works and other protected subject matter exploited without authorisation or payment of remuneration.*

Amendment

(4) Operators of retransmission services that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have *the possibility, in the context of contractual freedom, of* obtaining necessary licences and *thereby guaranteeing right holders the necessary equitable remuneration they need so that they can continue to offer a wide variety of content, also in the consumer's interest.*

Or. en

Justification

The exclusive rights assigned under the copyright directive 2001/29/EC have the main objective to ensure a high level of protection and a fair remuneration of the copyright holder. This has been affirmed by the Court in all recent case law on the interpretation of “communication to the public”. The “right of retransmission” is an individual exclusive right of the respective rightholder.

Amendment 52

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Operators of retransmission services, that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have ***a very short time-frame for*** obtaining the necessary licences ***and hence also face a significant rights clearing burden. There is also a risk for right holders of having their works and other protected subject matter exploited without authorisation or payment of remuneration.***

Amendment

(4) Operators of retransmission services that normally offer multiple programmes which use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, have ***the possibility of*** obtaining the necessary licences, ***which is a facet of contractual freedom and guarantees right holders the remuneration they need for their livelihoods and to continue to offer a wide variety of content, which is necessary in order to preserve cultural diversity in Europe.***

Or. fr

Amendment 53
Jean-Marie Cavada, Marc Joulaud

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) ***To the extent that retransmission services that normally offer multiple programmes use a multitude of works and other protected subject matter included in the retransmitted television and radio programmes, they have the possibility, in the context of contractual freedom, of obtaining the necessary licences and thereby guaranteeing right holders equitable remuneration so that they can continue to offer a wide variety of content, also in the consumer's interest.***

Or. fr

Amendment 54

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) There is the need to strike the right balance between a high-level protection of authors, creators and rightholders and the public goal of favouring the dissemination and access to information, knowledge and content within the internal market. In this view, the right of citizens and consumers to have cross-border access to television and radio programmes as well as other online services should be guaranteed.

Or. en

Amendment 55

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) ***The*** rights in works and other protected subject matter ***are*** harmonised, ***among others***, through Directive 2001/29/EC of the European Parliament and of the Council¹⁵ and Directive 2006/115/EC of the European Parliament and of the Council.¹⁶

(5) ***It is also necessary to point out that this legal protection of right holders, which forms part of the constitutional traditions and legal systems of most Member States, is also enshrined in Union law, since*** rights in works and other protected subject matter ***have been*** harmonised, ***inter alia***, through Directive 2001/29/EC of the European Parliament and of the Council¹⁵ and Directive 2006/115/EC of the European Parliament and of the Council.¹⁶

¹⁵ Directive 2001/29/EC of the European Parliament and of the Council of 22 May

¹⁵ Directive 2001/29/EC of the European Parliament and of the Council of 22 May

2001 on the harmonisation of certain aspects of copyright and related rights in the information society OJ L 167, 22.6.2001, p. 10–19.

¹⁶ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property OJ L 376, 27.12.2006, p. 28–35.

2001 on the harmonisation of certain aspects of copyright and related rights in the information society OJ L 167, 22.6.2001, p. 10–19.

¹⁶ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property OJ L 376, 27.12.2006, p. 28–35.

Or. fr

Amendment 56

Daniel Buda

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The rights in works and other protected subject matter are harmonised, among others, through Directive 2001/29/EC of the European Parliament and of the Council¹⁵ and Directive 2006/115/EC of the European Parliament and of the Council.¹⁶

¹⁵ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society OJ L 167, 22.6.2001, p. 10–19.

¹⁶ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property OJ L 376, 27.12.2006, p. 28–35.

Amendment

(5) The rights in works and other protected subject matter are harmonised, among others, through Directive 2001/29/EC of the European Parliament and of the Council⁽¹⁵⁾ and Directive 2006/115/EC of the European Parliament and of the Council¹⁶, ***instruments which have as their principal objective to establish and ensure a high level of protection for rightholders.***

⁽¹⁵⁾ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society OJ L 167, 22.6.2001, p. 10–19.

¹⁶ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property OJ L 376, 27.12.2006, p. 28–35.

Amendment 57
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The rights in works and other protected subject matter are harmonised, among others, through Directive 2001/29/EC of the European Parliament and of the Council¹⁵ and Directive 2006/115/EC of the European Parliament and of the Council.¹⁶

Amendment

(5) The rights in works and other protected subject matter are harmonised, among others, through Directive 2001/29/EC of the European Parliament and of the Council and Directive 2006/115/EC of the European Parliament and of the Council, ***which serves in particular to ensure protection of right holders.***

¹⁵ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society OJ L 167, 22.6.2001, p. 10–19.

¹⁶ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property OJ L 376, 27.12.2006, p. 28–35.

Justification

The exclusive rights assigned under the copyright directive 2001/29/EC have the main objective to ensure a high level of protection and a fair remuneration of the copyright holder.

Amendment 58
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable of television and radio programmes from other Member States of the Union. However, the provisions of that Directive on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services *ancillary to broadcast* while the provisions concerning retransmissions of television and radio programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems *and do not extend to such retransmissions by means of other technologies*.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission OJ L 248, 6.10.1993, p. 15–21.

Amendment

(6) Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable of television and radio programmes from other Member States of the Union. However, the provisions of that Directive on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services while the provisions concerning retransmissions of television and radio programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission OJ L 248, 6.10.1993, p. 15–21.

Or. en

Amendment 59
Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable

Amendment

(6) Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable

of television and radio programmes from other Member States of the Union. However, the provisions of that Directive on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services *ancillary to broadcast* while the provisions concerning retransmissions of television and radio programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems *and do not extend to such retransmissions by means of other technologies*.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission OJ L 248, 6.10.1993, p. 15–21.

of television and radio programmes from other Member States of the Union. However, the provisions of that Directive on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services while the provisions concerning retransmissions of television and radio programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission OJ L 248, 6.10.1993, p. 15–21.

Or. en

Amendment 60

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable of television and radio programmes from other Member States of the Union. *However, the provisions of that Directive* on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services ancillary to broadcast while the provisions concerning retransmissions

Amendment

(6) **While** Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable of television and radio programmes from other Member States of the Union, *its* provisions on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services ancillary to broadcast while the provisions concerning retransmissions of television and radio

of television and radio programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems and do not extend to such retransmissions by means of other technologies.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission OJ L 248, 6.10.1993, p. 15–21.

programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems and do not extend to such retransmissions by means of other technologies.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission OJ L 248, 6.10.1993, p. 15–21.

Or. fr

Amendment 61

Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable of television and radio programmes from other Member States of the Union. However, the provisions of that Directive on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services *ancillary to broadcast* while the provisions concerning retransmissions of television and radio programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems and do not extend to

Amendment

(6) Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable of television and radio programmes from other Member States of the Union. However, the provisions of that Directive on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services while the provisions concerning retransmissions of television and radio programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems and do not

such retransmissions by means of other technologies.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission OJ L 248, 6.10.1993, p. 15–21.

extend to such retransmissions by means of other technologies.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission OJ L 248, 6.10.1993, p. 15–21.

Or. en

Amendment 62

Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable of television and radio programmes from other Member States of the Union. However, the provisions of that Directive on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services *ancillary to broadcast* while the provisions concerning retransmissions of television and radio programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems and do not extend to such retransmissions by means of other technologies.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to

Amendment

(6) Council Directive 93/83/EEC¹⁷ facilitates cross-border satellite broadcasting and retransmission by cable of television and radio programmes from other Member States of the Union. However, the provisions of that Directive on transmissions of broadcasting organisations are limited to satellite transmissions and therefore do not apply to online services while the provisions concerning retransmissions of television and radio programmes from other Member States are limited to simultaneous, unaltered and unabridged retransmission by cable or microwave systems and do not extend to such retransmissions by means of other technologies.

¹⁷ Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to

satellite broadcasting and cable
retransmission OJ L 248, 6.10.1993, p. 15–
21.

satellite broadcasting and cable
retransmission OJ L 248, 6.10.1993, p. 15–
21.

Or. en

Amendment 63
Rosa Estaràs Ferragut, Luis de Grandes Pascual

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) Therefore, cross-border provision of online services ancillary to broadcast and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

deleted

Or. es

Amendment 64
Stefano Maullu

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) Therefore, cross-border provision of online services ancillary to broadcast and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

(7) Therefore, cross-border provision of online services ancillary to broadcast and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for this activity. Whereas the adaptation of the legal framework may result in limitations on the exercise of exclusive rights, it should only apply in certain

special cases which do not conflict with the normal exploitation of the work or other protected subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder. Therefore, also bearing in mind the importance of the principle of territoriality for the financing and production of creative content, and in particular of audio-visual works, any legislative intervention should necessarily be extremely limited and narrow and be in line with the Union principles of necessity and proportionality.

Or. en

Amendment 65
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Therefore, cross-border provision of online services ancillary to broadcast and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

Amendment

(7) Therefore, cross-border provision of online services ancillary to broadcast and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities. *Whereas the adaptation of the legal framework may result in limitations on the exercise of exclusive rights, it should only apply in certain special cases which do not conflict with the normal exploitation of the work or other protected subject-matter and do not unreasonably prejudice legitimate interests of the rightholders.*

Or. en

Amendment 66
Angelika Niebler, Axel Voss

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Therefore, ***cross-border provision of online services ancillary to broadcast and*** retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

Amendment

(7) Therefore, retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

Or. de

Amendment 67
Constance Le Grip

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Therefore, cross-border provision of online services ancillary to broadcast and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

Amendment

(7) Therefore, cross-border provision of online services ancillary to broadcast and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities ***and on the applicable law for that purpose.***

Or. en

Amendment 68
Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) *Therefore, cross-border provision of online services ancillary to broadcast and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.*

(7) *Bearing in mind the importance of the principle of territoriality for the financing of cultural and creative content, and in particular of audiovisual works, the provisions of Directive 93/83/EEC on cross-border satellite broadcasting and retransmission by cable should not be extended to on-line services ancillary to broadcasting and retransmission.*

Or. fr

Amendment 69

Julia Reda

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) Therefore, cross-border provision of online services *ancillary to broadcast and retransmissions of television and radio programmes* originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

(7) Therefore, cross-border provision of online services *of broadcasters* originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

Or. en

Amendment 70

Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) Therefore, cross-border provision of online services *ancillary to broadcast* and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

(7) Therefore, cross-border provision of online services *of broadcasters* and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

Or. en

Amendment 71
Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Therefore, cross-border provision of online services *ancillary to broadcast* and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

Amendment

(7) Therefore, cross-border provision of online services *of broadcasters* and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright and related rights relevant for those activities.

Or. en

Amendment 72
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Therefore, cross-border provision of online services *ancillary to broadcast* and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of

Amendment

(7) Therefore, cross-border provision of online services and retransmissions of television and radio programmes originating in other Member States should be facilitated by adapting the legal framework on the exercise of copyright

copyright and related rights relevant for those activities.

and related rights relevant for those activities.

Or. en

Amendment 73
Angelika Niebler

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) *The ancillary online services covered by this Regulation are those services offered by broadcasting organisations which have a clear and subordinate relationship to the broadcast. They include services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, within a defined time period after the broadcast, to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). In addition, ancillary online services include services which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content. The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an ancillary online service. Similarly, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall*

deleted

under the definition of ancillary online service.

Or. de

Amendment 74

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) *The ancillary online services covered by this Regulation are those services offered by broadcasting organisations which have a clear and subordinate relationship to the broadcast. They include services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, within a defined time period after the broadcast, to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). In addition, ancillary online services include services which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content. The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an ancillary online service. Similarly, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall*

deleted

under the definition of ancillary online service.

Or. en

Justification

The „right of retransmission“ is limited to the right of unaltered and unabridged retransmission of an initial transmission. As it is an exclusive right it needs the authorisation of the rightholder. Including types of use would overstretch the definition of retransmission and should be avoided.

Amendment 75

Axel Voss

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) *The ancillary online services covered by this Regulation are those services offered by broadcasting organisations which have a clear and subordinate relationship to the broadcast. They include services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, within a defined time period after the broadcast, to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). In addition, ancillary online services include services which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content. The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio*

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programme should not be regarded as an ancillary online service. Similarly, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall under the definition of ancillary online service.

Or. en

Amendment 76

Mady Delvaux, Petra Kammerevert

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The **ancillary** online services covered by this Regulation are those services offered by broadcasting organisations **which have a clear and subordinate relationship to the broadcast**. They include services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, **within a defined time period** after the broadcast, to television and radio programmes which have been previously broadcast by the broadcasting organisation (**so-called catch-up services**). In addition, **ancillary online services** include services which give access to material which enriches **or otherwise expands** television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content. **The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an ancillary online service. Similarly, the**

Amendment

(8) The online services covered by this Regulation are **exclusively** those services offered by broadcasting organisations. They include services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access **in a non linear manner during, before or** after the broadcast, to television and radio programmes which have been previously **or will be** broadcast by the broadcasting organisation (**e.g. catch-up services, webcasting or previews**). In addition, **they** include services which give access to material which enriches, **otherwise expands or improves the accessibility of** television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content. **In order to reach younger audiences, which mainly consume audio and audiovisual content online, it is crucial to enable broadcasting organisations to also disseminate across borders content designed for the online**

provision of access to works or other protected subject matter *independently of broadcast*, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall under the definition of *ancillary* online service.

environment. Therefore, online services also include services by or under the control and responsibility of a broadcasting organisation giving access only online to audio and audiovisual content. The provision of access to *individual* works or other protected subject matter, such as services giving access to individual musical or audiovisual works, music albums or videos, *by service providers other than broadcasting organisations, e.g. video-on-demand or music-streaming platforms*, do not fall under the definition of *an* online service *for the purpose of this Regulation.*

Or. en

Amendment 77

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The *ancillary* online services covered by this Regulation are those services offered by broadcasting organisations which have a clear and subordinate relationship to the broadcast. They include services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, within a defined time period after the broadcast, to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). *In addition, ancillary online services include* services which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant

Amendment

(8) The online services covered by this Regulation are those services offered by broadcasting organisations *and service providers*, which *could* have a clear and subordinate relationship to the broadcast *or consist in online-only TV and radio-like services*. They include services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, within a defined time period after the broadcast, to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services) *and* services which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending,

programme's content. ***The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an ancillary online service. Similarly, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall under the definition of ancillary online service.***

supplementing or reviewing the relevant programme's content. ***In addition, online services include: online-only linear transmission (for example, webcasting), not linked to the broadcast, transmitted by broadcasting organisations and/or services providers, services provided simultaneously with, or for a defined period of time after, their transmission, services giving access to any material, produced by or for the broadcasting organisation or the service provider, ancillary to such transmission. The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an online service.***

Or. en

Amendment 78

Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The ***ancillary*** online services covered by this Regulation are ***those services offered by broadcasting organisations which have a clear and subordinate relationship to the broadcast. They include*** services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, ***within a defined time period after the broadcast***, to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). In addition, ancillary online

Amendment

(8) The online services covered by this Regulation are services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). In addition, ancillary online services include services which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending,

services include services which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content. The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an ancillary online service. Similarly, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall under the definition of ancillary online service.

supplementing or reviewing the relevant programme's content. The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an ancillary online service. Similarly, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall under the definition of ancillary online service.

Or. en

Amendment 79

Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The **ancillary** online services covered by this Regulation are **those services offered by broadcasting organisations which have a clear and subordinate relationship to the broadcast. They include** services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, within a defined time period after the broadcast, to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). **In addition, ancillary online services** include services which give access to material which enriches or otherwise expands television and radio programmes

Amendment

(8) The online services covered by this Regulation are services **giving access to television and radio content including** services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, within a defined time period after the broadcast, to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). **They** include services which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or

broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content. ***The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an ancillary online service. Similarly, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall under the definition of ancillary online service.***

reviewing the relevant programme's content, ***as well as material genuinely produced for the online environment. Public broadcasters in particular need to be able to use different dissemination channels to reach different audiences in order to fulfil their public service mandate. In order to reach all categories of audiences, the possibility to disseminate services designed specifically for the online environment is crucial. Therefore, the provision of access to individual works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos and webcasting are included in the scope of the definition of online service.***

Or. en

Amendment 80

Tiemo Wölken, Josef Weidenholzer, Evelyn Regner, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Victor Negrescu

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) The ***ancillary*** online services covered by this Regulation are those services ***offered by broadcasting organisations which have a clear and subordinate relationship to the broadcast.*** They include services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, ***within a defined time period after the broadcast,*** to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). In addition, ***ancillary*** online services include services which give access

Amendment

(8) The online services covered by this Regulation are those services ***giving access to television and radio content offered by broadcasting organisations.*** They include services giving access to television and radio programmes in a linear manner simultaneously to the broadcast and services giving access, to television and radio programmes which have been previously broadcast by the broadcasting organisation (so-called catch-up services). In addition, online services include services which give access to material which enriches or otherwise expands television and radio programmes broadcast

to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content. ***The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an ancillary online service. Similarly, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall under the definition of ancillary online service.***

by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content, ***as well as material genuinely produced for the digital environment. Such access is particularly important to reach younger audiences. Younger audiences are the main users of the internet as a means of watching television and listening to radio programmes. Therefore it is essential to enable broadcasters to disseminate also such kinds of programmes online across national borders. In particular broadcasters with a public service mission, which are financed by public funds, paid by citizens' contributions, need to adapt to this changing consumer behaviour. Otherwise their right to exist might be put into question in the future.***

Or. en

Amendment 81

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The ***ancillary*** online services covered by this Regulation are ***those services offered by broadcasting organisations which have a clear and subordinate relationship to the broadcast. They include*** services giving access to television and radio ***programmes in a linear manner simultaneously to the broadcast and*** services giving access, ***within a defined time period after the broadcast,*** to television and radio programmes which have been previously ***broadcast*** by the broadcasting organisation (so-called catch-up services). ***In addition, ancillary online services*** include services

Amendment

(8) The online services covered by this Regulation are services giving access to television and radio ***content including*** services giving access to television and radio programmes which have been previously ***broadcasted*** by the broadcasting organisation (so-called catch-up services). ***They*** include services which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content, ***as well as content genuinely***

which give access to material which enriches or otherwise expands television and radio programmes broadcast by the broadcasting organisation, including by way of previewing, extending, supplementing or reviewing the relevant programme's content. ***The provision of access to individual works or other protected subject matter that have been incorporated in a television or radio programme should not be regarded as an ancillary online service. Similarly, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos, do not fall under the definition of ancillary online service.***

produced or licensed for the online environment. Public broadcasters in particular need to be able to use different dissemination channels to reach different audiences in order to fulfil their public service mandate. In order to reach younger audiences, the possibility to disseminate services designed for the online environment is crucial. Therefore, the provision of access to works or other protected subject matter independently of broadcast, such as services giving access to individual musical or audiovisual works, music albums or videos licensed for the broadcaster, and webcasting are included in the scope of the definition of online services.

Or. en

Amendment 82 Angelika Niebler

Proposal for a regulation Recital 9

Text proposed by the Commission

Amendment

(9) In order to facilitate the clearance of rights for the provision of ancillary online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ancillary online service. That principle of country of origin should apply exclusively to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and solely for the purpose of the provision of, the access to or the use of an ancillary online

deleted

service. The principle of country of origin should not apply to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ancillary online service.

Or. de

Amendment 83
Virginie Rozière

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) In order to facilitate the clearance of rights for the provision of ancillary online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ancillary online service. That principle of country of origin should apply exclusively to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and solely for the purpose of the provision of, the access to or the use of an ancillary online service. The principle of country of origin should not apply to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ancillary online service.

deleted

Or. fr

Amendment 84

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) In order to facilitate the clearance of rights for the provision of ancillary online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ancillary online service. That principle of country of origin should apply exclusively to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and solely for the purpose of the provision of, the access to or the use of an ancillary online service. The principle of country of origin should not apply to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ancillary online service. *deleted*

Or. fr

Justification

Extending the country of origin principle would jeopardise the principle of territoriality. It is also liable to foster tax dumping by encouraging broadcasters to locate in a country offering weaker copyright protection.

Amendment 85

Axel Voss

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) In order to facilitate the clearance of rights for the provision of ancillary online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ancillary online service. That principle of country of origin should apply exclusively to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and solely for the purpose of the provision of, the access to or the use of an ancillary online service. The principle of country of origin should not apply to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ancillary online service.

deleted

Or. en

**Amendment 86
Sajjad Karim**

**Proposal for a regulation
Recital 9**

Text proposed by the Commission

Amendment

(9) In order to facilitate the clearance of rights for the provision of ancillary online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ancillary online service. That principle of country of origin should apply exclusively to the relationship between right holders (or

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entities representing right holders such as collective management organisations) and broadcasting organisations and solely for the purpose of the provision of, the access to or the use of an ancillary online service. The principle of country of origin should not apply to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ancillary online service.

Or. en

Amendment 87

Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) In order to facilitate the clearance of rights for the provision of ***ancillary*** online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ***ancillary*** online service. That principle of country of origin should apply exclusively to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and ***solely for the purpose of the provision of, the access to or the use of an ancillary online service. The principle of country of origin should not apply*** to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ***ancillary*** online service.

Amendment

(9) In order to facilitate the clearance of rights for the provision of online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an online service. That principle of country of origin should apply exclusively to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the online service.

Amendment 88
Julia Reda

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In order to facilitate the clearance of rights for the provision of **ancillary** online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an **ancillary** online service. That principle of country of origin should apply **exclusively** to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and **solely for the purpose of the provision of, the access to or the use of an ancillary online service. The principle of country of origin should not apply** to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ancillary online service.

Amendment

(9) In order to facilitate the clearance of rights for the provision of online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an online service. That principle of country of origin should apply to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ancillary online service.

Amendment 89
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) In order to facilitate the clearance of rights for the provision of **ancillary** online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an **ancillary** online service. That principle of country of origin should apply **exclusively** to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations **and solely for the purpose of the provision of, the access to or the use of an ancillary online service. The principle of country of origin should not apply** to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the **ancillary** online service.

(9) In order to facilitate the clearance of rights for the provision of online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an online service. That principle of country of origin should apply to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations **or service providers and** to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the online service.

Or. en

Amendment 90 Virginie Rozière

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) In order to facilitate the clearance of rights **for the provision of** ancillary online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ancillary online service. That principle of country of origin should apply exclusively to the relationship between right holders (or entities representing right

Amendment

(9) In order to facilitate the clearance of rights **allowing the broadcaster to provide** ancillary online services **relating to political news or current affairs programmes** across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ancillary online service. That principle of country of origin should apply

holders such as collective management organisations) and broadcasting organisations and solely for the purpose of the provision of, the access to or the use of an ancillary online service. The principle of country of origin should not apply to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ancillary online service.

exclusively to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and solely for the purpose of the provision of, the access to or the use of an ancillary online service. The principle of country of origin should not apply to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and which is contained in the ancillary **broadcaster** online service.

Or. fr

Amendment 91 Constance Le Grip

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) In order to facilitate the clearance of rights for the provision of ancillary online services across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ancillary online service. That principle of country of origin should apply exclusively to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and solely for the purpose of the provision of, the access to or the use of **an** ancillary online **service**. The principle of country of origin should not apply to any subsequent communication to the public or reproduction of content which is protected by copyright or related rights and

Amendment

(9) In order to facilitate the clearance of rights for the provision of ancillary online services **comprised solely of programmes dedicated to news or current affairs** across borders it is necessary to provide for the establishment of the country of origin principle as regards the exercise of copyright and related rights relevant for acts occurring in the course of the provision of, the access to or the use of an ancillary online service. That principle of country of origin should apply exclusively to the relationship between right holders (or entities representing right holders such as collective management organisations) and broadcasting organisations and solely for the purpose of the provision of, the access to or the use of **such** ancillary online **services**. The principle of country of origin should not apply to any subsequent communication to the public or reproduction of content which

which is contained in the ancillary online service.

is protected by copyright or related rights and which is contained in the ancillary online service.

Or. en

Amendment 92
Jean-Marie Cavada, Marc Joulaud

Proposal for a regulation
Recital 9a (new)

Text proposed by the Commission

Amendment

(9a) *The country of origin principle provided for in Article 2 should not apply to ancillary online services which are primarily or solely targeted to a Member State other than that in which the broadcasting organisation has its principal establishment. Such a service, primarily or solely targeted at a particular Member State, is a service whose programme is clearly aimed at the population of a specific Member State other than that in which the broadcasting organisation has its principal place of establishment, whose audience is clearly limited to that population and for which it is unlikely that listeners or viewers will be found outside the State at which it is targeted. Aspects which make it possible to identify the target audience include in particular language, including the language used in subtitles, advertising, dubbing, the audience at which the promotion of the broadcasting service is aimed and/or the local character of the programming.*

Or. fr

Amendment 93
Axel Voss

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) Since the provision of, the access to or the use of an ancillary online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the ancillary online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the ancillary online service is accessed and used, and the language version.

deleted

Or. en

Amendment 94
Angelika Niebler

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) Since the provision of, the access to or the use of an ancillary online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the

deleted

amount of the payment to be made for the rights in question, the parties should take into account all aspects of the ancillary online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the ancillary online service is accessed and used, and the language version.

Or. de

Amendment 95

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) Since the provision of, the access to or the use of an ancillary online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the ancillary online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the ancillary online service is accessed and used, and the language version.

deleted

Or. fr

Justification

Extending the country of origin principle would jeopardise the principle of territoriality. It is also liable to foster tax dumping by encouraging broadcasters to locate in a country offering weaker copyright protection.

Amendment 96

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Since the provision of, the access to or the use of an **ancillary** online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the **ancillary** online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the **ancillary** online service is accessed and used, and **the** language **version**.

Amendment

(10) Since the provision of, the access to or the use of an online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the online service is accessed and used, and **all available language versions**. **The consideration of language versions is particularly important as they often limit the audience in Member States other than the Member States in which the broadcasting organisation has its principal establishment considerably. The use of freely licensed content by broadcasters, such as public sector information which is regularly published under a free license in line with Directive 2003/98/EC, is an important public policy goal. This goal would be undermined by the imposition of any unwaivable remuneration, as unwaivable**

remuneration is fundamentally incompatible with free licenses, which by definition allow a non-exclusive re-use free of charge. In order to ensure that broadcasters can continue to use freely licensed content under the country of origin principle set out in this Regulation, it is necessary to exclude any imposition of unwaivable remuneration by Member States.

Or. en

Amendment 97
Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Since the provision of, the access to or the use of an *ancillary* online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the *ancillary* online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the *ancillary* online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the *ancillary* online service is accessed and used, and *the language version*.

Amendment

(10) Since the provision of, the access to or the use of an online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the online service is accessed and used, and *all available language versions. In the case of radio programmes, payments for the use of protected works with Collective Management Organizations follow a different method, due to different business model from music-only services : radio is a mixture of audio content which is well-edited and well-produced. Content is*

Free-To-Air/Free-To-Access, transmitted via wired or wireless means-such as, first and foremost, broadcast, but also cable, satellite or online-and typically consists of talk, stories, entertainment, news and music. The payments done for the rights in question are usually set as a percentage of the radios' revenues. So, as long as the actual, real and proven cross border audience remains minimal, no additional aspect needs to be taken into account for the payment of the considered rights.

Or. en

Amendment 98

Tiemo Wölken, Josef Weidenholzer, Evelyn Regner, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Victor Negrescu

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Since the provision of, the access to or the use of an ancillary online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the ancillary online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the ancillary online service is accessed and used, and the language version.

Amendment

(10) Since the provision of, the access to or the use of an ancillary online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the ancillary online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the ancillary online service is accessed and used, and the language version. ***However, that does not imply any particular fee calculation methods, such as fees calculated on a 'per use' basis.***

Amendment 99
Constance Le Grip

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Since the provision of, the access to or the use of an ancillary online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the ancillary online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the ancillary online service is accessed and used, and the language version.

Amendment

(10) Since the provision of, the access to or the use of an ancillary online service ***comprised solely of programmes dedicated to news or current affairs*** is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the ancillary online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the ancillary online service is accessed and used, and the language version.

Amendment 100
Sajjad Karim

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Since the provision of, the access to or the use of an ancillary online service is deemed to occur solely in the Member

Amendment

(10) Since the provision of, the access to or the use of an ancillary online service is deemed to occur solely in the Member

State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the ancillary online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the ancillary online service is accessed and used, and the language version.

State in which the broadcasting organisation has its principal establishment, while de facto the ancillary online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should *use objective criteria and* take into account all aspects of the ancillary online service such as the features of the service, the *actual* audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the ancillary online service is accessed and used, and the language version.

Or. en

Amendment 101

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Since the provision of, the access to or the use of an *ancillary* online service is deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment, while de facto the *ancillary* online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the *ancillary* online service such as the features of the service, the audience, including the audience in the Member State in which the broadcasting organisation has its principal establishment and in other Member States in which the *ancillary* online service is

Amendment

(10) Since the provision of, the access to or the use of an online service is deemed to occur solely in the Member State in which the broadcasting organisation *or the service provider* has its principal establishment, while de facto the online service can be provided across borders to other Member States, it is necessary to ensure that in arriving at the amount of the payment to be made for the rights in question, the parties should take into account all aspects of the online service such as the *nature and* features of the service, the audience, including the audience in the Member State in which the broadcasting organisation *or service provider* has its principal establishment and in other Member States in which the online

accessed and used, and the language version.

service is accessed and used, and the language version.

Or. en

Amendment 102

Daniel Buda

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Through the principle of contractual freedom it will be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law.

Amendment

11. Through the principle of contractual freedom it will be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law.
Hence, while maintaining the principle of territoriality and freedom of contract so vital to the long-term viability of Europe's audio-visual sector, this modernised regulatory framework will support an innovative audio-visual industry and provide an effective legislative basis with which to meet the present and future challenges of the digital single market.

Or. ro

Amendment 103

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) Through the principle of contractual freedom *it will* be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law.

(11) Through the principle of contractual freedom *and in order to support existing licensing models, such as exclusive territorial licensing which enables the financing mechanism which are vital to audiovisual production, optimal distribution and the promotion of cultural diversity it should* be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission, *such as geoblocking and geo-filtering*, or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law.

Or. en

Amendment 104 **Constance Le Grip**

Proposal for a regulation **Recital 11**

Text proposed by the Commission

(11) *Through the principle of contractual freedom it will be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that* any such limitations of the exploitation of those rights are in compliance with Union law.

Amendment

(11) *The application of the country of origin principle should not hamper the contractual freedom of right-holders to licence and define the best way to exploit their copyright protected matters, in particular on a territorial basis, nor should it limit the possibility for broadcasters to restrict the exploitation of the rights affected by geo-blocking access to online ancillary services for territories for which they received no licence, or for right-holders to require such restrictions by contract, insofar* any such limitations of the exploitation of those rights are in compliance with Union law.

Or. en

Amendment 105
Sajjad Karim

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Through the principle of contractual freedom it will be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, *especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law.*

Amendment

(11) Through the principle of contractual freedom it will be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation.

Or. en

Amendment 106
Julia Reda

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Through the principle of contractual freedom it will be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law.

Amendment

(11) *It is important to recall that,* through the principle of contractual freedom it will be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, *as the implementation of Directive 93/83/EEC has proven,* especially as far as certain technical means of transmission or certain language versions *and the nature and execution of certain contracts* are concerned, provided that any such limitations of the exploitation of those

rights are in compliance with *national and* Union law.

Or. en

Justification

This language comes from the opinion adopted in IMCO.

Amendment 107

Mady Delvaux, Petra Kammerevert

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Through the *principle of* contractual freedom it will *be* possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law.

Amendment

(11) Through the *principles of territorial exploitation of rights and* contractual freedom it will *remain* possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, *as the implementation of Council Directive 93/83/EEC has proven*, especially as far as certain technical means of transmission, *such as geo-blocking and geo-filtering*, or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law.

Or. en

Amendment 108

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Through the principle of contractual freedom it *will be possible* to continue limiting the exploitation of the

Amendment

(11) Through the principle of contractual freedom it *is necessary* to continue limiting the exploitation of the

rights *affected by the principle of country of origin laid down* in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, *provided that any such limitations of the exploitation of those rights are in compliance with Union law*.

rights *set out* in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned.

Or. fr

Amendment 109 **Virginie Rozière**

Proposal for a regulation **Recital 11**

Text proposed by the Commission

(11) *Through* the principle of contractual freedom *it will* be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union *law*.

Amendment

(11) *It is essential to recall that, through* the principle of contractual freedom, *it should* be possible to continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with *national and Union laws*.

Or. fr

Amendment 110 **Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

Proposal for a regulation **Recital 11**

Text proposed by the Commission

(11) Through the principle of contractual freedom it will be possible to

Amendment

(11) Through the principle of contractual freedom it will be possible to

continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law.

continue limiting the exploitation of the rights affected by the principle of country of origin laid down in this Regulation, especially as far as certain technical means of transmission or certain language versions are concerned, provided that any such limitations of the exploitation of those rights are in compliance with Union law, ***in particular competition provisions.***

Or. en

Amendment 111
Mady Delvaux, Petra Kammerevert

Proposal for a regulation
Recital 11a (new)

Text proposed by the Commission

Amendment

(11 a) The underlying rationale of many international co-production agreements is that the rights in the co-production are exercised separately and independently by each co-producer, by dividing the exploitation rights between them along territorial lines. In exercising the rights of each co-producer, the rights of another co-producer have to be taken into account while respecting the financing share of the parties. In the situation where authorisation of communication to the public or making available of co-produced audiovisual works by one co-producer would seriously prejudice the value of the exploitation rights of another co-producer, agreements between the co-producers could foresee that the latter co-producer has to give his consent to the authorisation by the former co-producer. This is for example the case where the language version or versions of the making available, including where the version is dubbed or subtitled, coincide with the language or the languages widely understood in the territory allotted by the

*agreement to another co-producer.
Therefore, agreements between the co-producers could request, to the extent compatible with Union law, the use of technical measures in order to prevent the party from interfering in other party's agreed territorial exploitation.*

Or. en

Amendment 112

Tiemo Wölken, Josef Weidenholzer, Evelyn Regner, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Victor Negrescu

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) While the principle of contractual freedom remains untouched by this regulation, an abuse of negotiating positions through the application of the "country of origin principle" should be prevented. Therefore Member States should ensure that either party may call upon the assistance of impartial mediators, whose task is to assist negotiations and who may submit proposals, in order to enable them reaching an agreement on terms acceptable to both parties.

Or. en

Amendment 113

Constance Le Grip

Proposal for a regulation

Recital 11a (new)

Text proposed by the Commission

Amendment

(11 a) In order to facilitate the negotiation of licencing schemes for the provision of online ancillary services by a broadcasting organisation, it should be foreseen that the law applicable for the purpose of exercising copyright to such contracts should be of the country where the broadcasting organisation has its principal establishment.

Or. en

Amendment 114

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile and similar networks, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when

Amendment

(12) In view of the principle of contractual freedom, and although the collective management model might be encouraged, it would be recommendable not to implement new legislation pertaining to rights clearance procedures for secondary retransmissions of programmes by operators of packages of television and radio channels by means of IPTV or other closed electronic communication networks. Moreover, no changes of a legal nature should be made at this stage in respect of retransmission services offered on the open internet.

compared for example to cable or closed circuit IP-based networks.

Or. fr

Amendment 115

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile and similar networks, provide services which are equivalent to those provided by operators of cable retransmission services *when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.*

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile and similar networks, provide services which are equivalent to those provided by operators of cable retransmission services. *They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. In order to adapt to the development of digital technologies and to the changing user behaviour, this mechanism should include the retransmission, in an unaltered manner, via the Internet (so called over-the-top (OTT) service providers). The retransmission does not have to be simultaneous, as this would run counter to the principle of technological neutrality, whereas some technologies may require a certain delay in retransmission, and because catch-up TV services by cable retransmission providers should also be facilitated, in order to achieve a level playing-field. The inclusion of OTT is crucial for allowing, in line with consumer expectations, portability of such services within the Member State of residence, as well as beyond, through the mechanism established by Regulation 2017/... of the European Parliament and of the Council^{1a}.*

Amendment 116

Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, ***closed circuit*** IP-based, mobile and similar networks, provide services ***which are equivalent to those provided by operators of cable retransmission services*** when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, ***where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights.***

Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation ***as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.***

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial, IP-based, mobile and similar networks, provide services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes. ***They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. In order to adapt to the development of digital technologies and to the changing user behaviour, this mechanism should include the retransmission, in an unaltered manner, via the internet by over the top (OTT) service providers.*** Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation ***if they can not*** to ensure a controlled environment, ***including IP based, which is given if the user group is definable by a closed user group.***

Amendment 117

Axel Voss

Proposal for a regulation**Recital 12***Text proposed by the Commission*

(12) Operators of retransmission services offered on satellite, digital terrestrial, ***closed circuit*** IP-based, mobile and similar networks, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation ***as those services have different characteristics. They are not linked to any particular infrastructure and their ability to*** ensure a controlled environment ***is limited*** when compared for example to cable or closed circuit IP-based networks.

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial, ***open and closed*** IP-based, mobile and similar networks, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should ***only*** be excluded from the scope of this Regulation ***if they cannot*** ensure a controlled environment when compared for example to cable or closed circuit IP-based networks.

Amendment 118

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile and *similar networks*, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite **but excluding** online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be **excluded from** the scope of this Regulation **as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.**

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile and **via an open internet access service provided in accordance with Regulation (EU) No 2015/2120 of the European Parliament and of the Council**, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite **and** online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be **included within** the scope of this Regulation **if they can ensure a controlled environment and therefore there is a definable number of users. Access to such environment could be granted in exchange of monetary or non monetary consideration.**

Or. en

Amendment 119
Jean-Marie Cavada, Marc Joulaud

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, ***closed circuit*** IP-based, mobile and similar networks, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services ***which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.***

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial, IP-based, mobile and similar networks, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services, ***both offered on closed-circuit IP networks and on the open internet should be included in the scope of this Regulation where they are provided to a defined number of users (e.g. subscribers, registered users) and therefore comparable to closed circuit networks.***

Or. fr

Amendment 120
Virginie Rozière

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, ***closed circuit*** IP-based, mobile and similar networks, provide services which are equivalent to those provided by

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial, IP-based, mobile and similar networks, provide services which are equivalent to those provided by operators

operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights.

Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. ***IP-based retransmission services, both offered on closed-circuit networks and on the open internet should be included in the scope of this Regulation as long as they are provided to a defined number of users (e.g. subscribers, registered users) and comparable to closed circuit networks.***

Or. fr

Amendment 121

Mady Delvaux, Petra Kammerevert

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile and similar networks, provide services ***which*** are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile and similar networks ***and via an internet access service in accordance with Regulation (EU) No 2015/2120 of the European Parliament and of the Council,*** provide services ***that*** are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by

air, including by satellite **but excluding** online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services **which** are offered on the open internet should be excluded from the scope of this Regulation **as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited** when compared for example to cable or closed circuit IP-based networks.

the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite **as well as** online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services **that** are offered on the open internet should **only** be excluded from the scope of this Regulation **if they cannot** ensure a **closed** environment when compared for example to cable or closed circuit IP-based networks.

Or. en

Amendment 122 Angelika Niebler

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, **mobile and similar** networks, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights.

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial **or** closed circuit IP-based networks provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are

Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

Or. de

Amendment 123
Daniel Buda

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, **mobile and similar** networks, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial **or** closed circuit IP-based networks provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited

compared for example to cable or closed circuit IP-based networks.

when compared for example to cable or closed circuit IP-based networks.

Or. ro

Amendment 124

Rosa Estaràs Ferragut, Luis de Grandes Pascual

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, **mobile and similar** networks, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial **or** closed circuit IP-based networks provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

Or. es

Amendment 125

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, **mobile and similar** networks, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial **or** closed circuit IP-based networks provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

Or. en

Amendment 126

Stefano Maullu

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, **mobile and similar networks**, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial **or** closed circuit IP-based, provide services which are equivalent to those provided by operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

Or. en

Amendment 127
Sajjad Karim

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, **mobile and similar** networks, provide services which are equivalent to those provided by

Amendment

(12) Operators of retransmission services offered on satellite, digital terrestrial, **or** closed circuit IP-based networks, provide services which are equivalent to those provided by operators

operators of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

of cable retransmission services when they retransmit simultaneously, in an unaltered and unabridged manner, for reception by the public, an initial transmission from another Member State of television or radio programmes, where this initial transmission is by wire or over the air, including by satellite but excluding online transmissions, and intended for reception by the public. They should therefore be within the scope of this Regulation and benefit from the mechanism introducing mandatory collective management of rights. Retransmission services which are offered on the open internet should be excluded from the scope of this Regulation as those services have different characteristics. They are not linked to any particular infrastructure and their ability to ensure a controlled environment is limited when compared for example to cable or closed circuit IP-based networks.

Or. en

Amendment 128

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile or similar networks, ***and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise*** the right to grant or refuse

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile or similar networks, ***emphasis should be placed on the principle of contractual freedom, which ensures genuine protection of right holders and content creators in general. It is also necessary to underscore the possibility of exercising*** the right to grant or refuse authorisation to an operator of a

authorisation to an operator of a retransmission service through a collective management organisation. ***This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.***

retransmission service through a collective management organisation ***or otherwise.***

¹⁸ ***Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.***

Or. fr

Amendment 129
Jean-Marie Cavada, Marc Joulaud

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, ***closed circuit*** IP-based, mobile or similar networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, IP-based, mobile or similar networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management

choice of a collective management organisation.

organisation. ***The right of prohibition as such is maintained, and only the way in which it is exercised is regulated to a certain extent. This also implies that it is always possible to decide whether or not to grant the right of retransmission.***

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. fr

Amendment 130

Angelika Niebler

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, ***mobile or similar*** networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial ***or*** closed circuit IP-based networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation. ***The right of prohibition as such remains intact, and only the manner***

of exercising that right is regulated to some extent. This also means that retransmission rights can still be assigned.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. de

Justification

Wording based on Directive 93/83/EEC.

Amendment 131
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, *mobile or similar* networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial *or* closed circuit IP-based networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management

choice of a collective management organisation.

organisation. ***The right of prohibition as such is maintained, and only the way in which it is exercised is regulated to a certain extent. This also means that retransmission rights remain assignable.***

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. en

Amendment 132

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile or similar networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile or similar networks, ***as well as via the open internet as long as the number of users is definable***, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. en

Amendment 133

Stefano Maullu

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, **mobile or similar** networks, **and to overcome disparities in national law regarding such retransmission services**, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in **that Directive** include the **obligation** to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. **This is** without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial **or** closed circuit IP-based networks, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. **However** the rules established in **this Regulation shall** include the **option** to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. **If so chosen, this would be** without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical

works for online use in the internal market,
OJ L 84, 20.3.2014, p. 72–98.

works for online use in the internal market,
OJ L 84, 20.3.2014, p. 72–98.

Or. en

Amendment 134

Axel Voss

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, **closed circuit** IP-based, mobile or similar networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, **open and closed** IP-based, mobile or similar networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. en

Amendment 135
Julia Reda

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile or similar networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, mobile or similar networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. en

Amendment 136
Rosa Estaràs Ferragut, Luis de Grandes Pascual

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, **mobile or similar** networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial **or** closed circuit IP-based networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. es

Amendment 137
Daniel Buda

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, **mobile or similar** networks, and to overcome disparities in

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial **or** closed circuit IP-based networks, and to overcome disparities in national law

national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. ro

Amendment 138

Virginie Rozière

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, **closed circuit** IP-based, mobile or similar networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, IP-based, mobile or similar networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a

retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. fr

Amendment 139

Sajjad Karim

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based, *mobile or similar* networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

Amendment

(13) In order to provide legal certainty to operators of retransmission services offered on satellite, digital terrestrial, closed circuit IP-based networks, and to overcome disparities in national law regarding such retransmission services, rules similar to those that apply to cable retransmission as defined in Directive 93/83/EEC should apply. The rules established in that Directive include the obligation to exercise the right to grant or refuse authorisation to an operator of a retransmission service through a collective management organisation. This is without prejudice to Directive 2014/26/EU¹⁸ and in particular to its provisions concerning rights of right holders with regard to the choice of a collective management organisation.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

¹⁸ Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L 84, 20.3.2014, p. 72–98.

Or. en

Amendment 140
Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) The technology neutral application of Directive 93/83/EEC should extend to the clarification of the application of the mandatory collective management rules to operators of retransmission services who pick up the broadcasters' signal through direct injection. In addition, it should be clarified that both broadcasters and operators of retransmission services have to obtain separate authorisations from rightholders for the act of communication to the public they perform jointly. Indeed, according to the Airfield CJEU judgment of 13 October 2011 (C-431/09 and C-432/09), several different entities can jointly constitute the same act of communication to the public in an uninterrupted chain allowing the simultaneous, unaltered and unabridged transmissions and/or retransmissions of audiovisual programme-carrying signals, each entity being therefore responsible towards rightholders for its own intervention.

Or. en

Amendment 141
Mady Delvaux, Petra Kammerevert

Proposal for a regulation
Recital 13a (new)

Text proposed by the Commission

Amendment

(13 a) In order to meet with consumer demands, the exercise of retransmission rights as defined in this Regulation and in Council Directive 93/83/EEC should also apply to functionalities, which are closely connected to the linear broadcast for which the retransmission rights are obtained. Time shifted services, which are only made available for a certain period of time, as agreed by contract between the parties, during or after the retransmission, such as internet-based PVR (personal video recording) and restart-TV, should be regarded as such functionalities. A functionality which substitutes a broadcasting organisation's online services should not be considered as a functionality, which is closely connected to the linear broadcast for which the retransmission rights are obtained. The exercise of retransmission rights should therefore not apply to such a functionality offered by a retransmission operator.

Or. en

Amendment 142
Mady Delvaux, Petra Kammerevert

Proposal for a regulation
Recital 13b (new)

Text proposed by the Commission

Amendment

(13 b) Nevertheless, there is a growing demand for the re-use of online services offered by broadcasting organisations, in particular their catch-up services, on a cross-platform basis. The licensing system therefore needs to be facilitated in order to be able to respond to this user expectation. Extended collective licensing (ECL) has proved to be a flexible and effective mechanism to facilitate voluntary collective agreements where individual licensing would be cumbersome and inefficient. These agreements can be extended by law to non-represented right-holders, who have a possibility to opt out of such arrangements and exercise their rights differently.

Or. en

Amendment 143

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) *Any* rights held by broadcasting organisations themselves in respect of their broadcasts, including rights in the content of the programmes, should be ***exempted from the mandatory collective management of rights applicable for retransmissions. Operators*** of retransmission services and broadcasting organisations generally have ongoing commercial relations ***and as*** a result the identity of broadcasting organisations is known to operators of retransmission services and hence the clearance of rights with broadcasting organisations is ***comparatively simple. Thus, to obtain the necessary licences from broadcasting organisations, operators of retransmission***

Amendment

(14) ***The aforesaid principles also apply to*** rights held by broadcasting organisations themselves in respect of their broadcasts, including rights in the content of the programmes. ***It should be noted in this respect that operators*** of retransmission services and broadcasting organisations generally have ongoing commercial relations. ***As*** a result, the identity of broadcasting organisations is known to operators of retransmission services and hence the clearance of rights with broadcasting organisations is ***relatively*** simple. Therefore, there is no need for the simplification of the licensing process with regard to rights held by broadcasting organisations.

services do not face the same burden as they face to obtain licences from holders of rights in works and other protected subject matter included in the retransmitted television and radio programmes. Therefore, there is no need for the simplification of the licensing process with regard to rights held by broadcasting organisations.

Or. fr

Amendment 144
Mady Delvaux, Petra Kammerevert

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Any rights held by broadcasting organisations themselves in respect of their broadcasts, including rights in the content of the programmes, should be exempted from the mandatory collective management of rights applicable for retransmissions. Operators of retransmission services and broadcasting organisations generally have ongoing commercial relations and as a result the identity of broadcasting organisations is known to operators of retransmission services and hence the clearance of rights with broadcasting organisations is comparatively simple. Thus, to obtain the *necessary* licences from broadcasting organisations, operators of retransmission services do not face the same burden as they face to obtain licences from holders of rights in works and other protected subject matter included in the retransmitted television and radio programmes. Therefore, there is no need for the simplification of the licensing process with regard to rights held by broadcasting organisations.

Amendment

(14) Any rights held by broadcasting organisations themselves in respect of their broadcasts, including rights in the content of the programmes, should be exempted from the mandatory collective management of rights applicable for retransmissions. Operators of retransmission services and broadcasting organisations generally have ongoing commercial relations and as a result the identity of broadcasting organisations is known to operators of retransmission services and hence the clearance of rights with broadcasting organisations is comparatively simple. Thus, to obtain the licences from broadcasting organisations *that are necessary for each means of retransmission and for each service or functionality*, operators of retransmission services do not face the same burden as they face to obtain licences from holders of rights in works and other protected subject matter included in the retransmitted television and radio programmes. Therefore, there is no need for the simplification of the licensing process with

regard to rights held by broadcasting organisations.

Or. en

Amendment 145

Tiemo Wölken, Josef Weidenholzer, Evelyn Regner, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Victor Negrescu

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) To prevent the abuse of negotiating positions, Member States should ensure by means of civil or administrative law, that the parties enter and conduct negotiations regarding authorisation for retransmission in good faith and do not prevent or hinder negotiation without valid justification.

Or. en

Amendment 146

Jean-Marie Cavada, Bogdan Brunon Wenta, Marc Joulaud

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Broadcasters that transmit their programme carrying signals through a direct injection process to distributors (in accordance with the Bern Convention, these are third parties in relation to the broadcaster) for reception by the public should be jointly liable with their distributors for the single and indivisible acts of communication to the public and making available to the public, as defined in Article 3 of Directive 2001/29/EC,

which they carry out together. Such broadcasting organisations and such distributors should therefore obtain an authorisation from the right holders in question for their respective participation in such acts.

Or. fr

Amendment 147
Mary Honeyball

Proposal for a regulation
Recital 14a (new)

Text proposed by the Commission

Amendment

(14 a) Broadcasting organisations that transmit their programme carrying signals through a direct injection process to distributors of TV packages for reception by the public and such distributors are jointly liable for the single and indivisible acts of communication to the public and making available to the public, as defined in Article 3 of Directive 2001/29/EC, which they carry out together. In such a situation, both the broadcasting organisations and the distributors involved in the process should obtain an authorisation from the relevant rights holders as concerns their respective participation and exploitation in such acts.

Or. en

Amendment 148
Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation
Recital 14a (new)

(14 a) Distributors, such as cable or platform operators, that receive programme carrying signals through a direct injection process for reception by the public should be covered by the mandatory collective management provisions outlined in this Regulation, even if a communication to the public has not taken place prior to the transmission of the signal by the distributor. Distributors should therefore obtain an authorisation from the relevant rightholders as concerns their respective participation in such acts, subject to mandatory collective management. The notion of "direct injection" is a technical term for the specific situation in which cable or other platform operators receive the broadcast signal directly from the broadcaster's premises or via a privately-closed network, so that such broadcast signal is not transmitted for reception by the public before it is transmitted by the operator receiving the signal. In this situation, which typically occurs within a Member State, there is only one, single communication to the public of such a programme-carrying signal. This clarification is important in order to avoid further complexity in the interpretation of the notion of communication to the public, which would have consequences beyond the issue of retransmission.

Or. en

Amendment 149

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Recital 14 b (new)

(14 b) Pursuant to Article 101(1) and Article 101(3) of the Treaty on the Functioning of the European Union, Article 53(1) of the EEA Agreement and Commission Regulation (EU) No 330/2010^{1a} and having regard to the case law of the Court of Justice of the European Union, where a licence agreement is designed to prohibit or limit the cross-border provision of broadcasting services, it is deemed to have as its object the restriction of competition, unless other circumstances falling within its economic and legal context justify the finding that such an agreement is not liable to impair competition^{1b}. Furthermore, agreements imposing on broadcasters or retransmission services obligations designed to prohibit or limit cross-border passive sales are liable to be incompatible with the common market objective, even when they involve the exploitation of an IP right^{1c}. Passive sales should be understood as 'responding to unsolicited requests from individual customers including delivery of goods or services to such customers. General advertising or promotion that reaches customers in other distributors' (exclusive) territories or customer groups but which is a reasonable way to reach customers outside those territories or customer groups, for instance to reach customers in one's own territory, are passive sales'^{1d}. This Regulation does not regulate the content of licencing agreements between rightholders and service providers beyond ensuring that contractual provisions that prohibit responding to passive sales are void.

^{1a} Commission Regulation (EU) No 30/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements

and concerted practices (OJ L 102, 23.4.2010, p. 1).

^{1b} Judgment of the Court of Justice of 4 October 2011, Joined Cases C-403/08 and C-429/08, ECLI:EU:C:2011:631.

^{1c} Judgment of the Court of Justice of 13 July 1966, Joined Cases 56 and 58/64, ECLI:EU:C:1966:41.

^{1d} Commission Guidelines on Vertical Restraints (SEC(2010)411).

Or. en

Amendment 150

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Recital 14 c (new)

Text proposed by the Commission

Amendment

(14 c) In a number of Member States, rights clearance for the communication to the public or making available of television and radio programmes or related services, in a linear or non-linear form, is facilitated through extended collective licencing agreements. In order to take account of this situation and to improve legal certainty for all concerned parties in light of the judgment of the Court of Justice in Case C-301/15, this Regulation clarifies that such agreements are in line with Union law. The definition of information society services already exists in Directive 98/34/EC of the European Parliament and of the Council^{1a} and in Directive 98/84/EC of the European Parliament and of the Council^{1b}; this definition covers any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual

request of a recipient of a service. The definition of linear and non-linear audiovisual media service should be in line with Directive 2010/13/EU.

^{1a} Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services (OJ L 204, 21.7.1998, p. 37).

^{1b} Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access (OJ L 320, 28.11.1998, p. 54).

Or. en

Amendment 151

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Recital 14d (new)

Text proposed by the Commission

Amendment

(14 d) In light of the case law of the Court of Justice of the European Union, it is also necessary to provide an additional exception to the rights of reproduction and communication to the public laid down in Article 2(a) and Article 3(1) of Directive 2001/29/EC, as established in Article 5(2) of that Directive, in order to provide legal certainty, and to allow service providers to make such programmes and services available on the basis of extended collective licencing.

Or. en

Amendment 152

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Recital 14e (new)

Text proposed by the Commission

Amendment

(14 e) The application of copyright and related rights is in some cases divided into numerous territorially defined national rights, with different rightholders and exercised in some cases by a different entity. A database maintained by collective management organisations is therefore needed to facilitate the identification of rightholders and the ability of broadcasting organisations and retransmission operators to conclude licensing agreements.

Or. en

Amendment 153

Virginie Rozière

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The exemption provided for in Article 4 for the rights exercised by broadcasting organisations should not limit the choice of holders of rights to transfer their rights to a collective management organisation and thereby have a direct share in the remuneration paid by the operator of a retransmission service.

Or. fr

Amendment 154
Virginie Rozière

Proposal for a regulation
Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) In addition to retransmission of radio and television programmes originating in other Member States, consumers also wish to have access to the catch-up television services provided by broadcasters. In order for these services to be taken up by providers of retransmission services other than the broadcasting organisation under whose control and responsibility the service was initially made available, it is necessary to acquire the requisite rights from the broadcasters in the case of rights that the latter hold themselves and from other right holders for underlying rights. In view of the large number of right holders and the fact that the contracting parties are generally the same as for the acquisition of the rights required for retransmission, the acquisition of the rights for catch-up services should be facilitated by means of the mandatory collective rights management scheme. That would enable retransmission service providers to extend the range of services they offer to consumers while enabling the right holders to be remunerated.

Or. fr

Amendment 155
Sajjad Karim

Proposal for a regulation
Recital 14a (new)

Text proposed by the Commission

Amendment

(14 a) In order to address any legal uncertainty in relation to liability with regard to direct injections, Member States may opt to provide further evidence-based clarifications, if appropriate.

Or. en

Amendment 156
Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation
Recital 14a (new)

Text proposed by the Commission

Amendment

(14 a) The exemption provided for in Article 4 for the rights exercised by broadcasting organisations should not limit the choice of holders of rights to transfer their rights to a collective management organisation and thereby have a direct share in the remuneration paid by the operator of a retransmission service.

Or. en

Amendment 157
Daniel Buda

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an ancillary online service as well as the access to or the use of an ancillary online

deleted

service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

Or. ro

Amendment 158
Sajjad Karim

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an ancillary online service as well as the access to or the use of an ancillary online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

deleted

Or. en

Amendment 159
Virginie Rozière

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of

deleted

an ancillary online service as well as the access to or the use of an ancillary online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

Or. fr

Amendment 160

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an ancillary online service as well as the access to or the use of an ancillary online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

deleted

Or. fr

Justification

Extending the country of origin principle would jeopardise the principle of territoriality. It is also liable to foster tax dumping by encouraging broadcasters to locate in a country offering weaker copyright protection.

Amendment 161

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision *of an ancillary online service* as well as the access to or the use of an *ancillary* online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

Amendment

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision as well as the access to or the use of an online service, it is necessary to apply the principle of country of origin also to existing agreements but with a *limited* transitional period.

Or. en

Amendment 162
Constance Le Grip

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In order to prevent circumvention of the application of the *country of origin principle* through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an ancillary online service as well as the access to or the use of an ancillary online service, it is necessary to apply *the principle of country of origin* also to existing agreements but with a transitional period.

Amendment

(15) In order to prevent circumvention of the application of the *principles set in article 2 and 2a* through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an ancillary online service as well as the access to or the use of an ancillary online service, it is necessary to apply *these principles* also to existing agreements but with a transitional period.

Or. en

Amendment 163
Julia Reda

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an *ancillary* online service as well as the access to or the use of an *ancillary* online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

Amendment

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an online service as well as the access to or the use of an online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

Or. en

Amendment 164

Herbert Dorfmann, Csaba Sógor, Valdemar Tomaševski, Ramon Tremosa i Balcells, Francesc Gambús, Iuliu Winkler, Ernest Urtasun, Kinga Gál, Josep-Maria Terricabras, Ian Hudghton, Nils Torvalds, László Tőkés, Izaskun Bilbao Barandica, Ádám Kósa, Mady Delvaux, Pavel Svoboda

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an *ancillary* online service as well as the access to or the use of an *ancillary* online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

Amendment

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an online service as well as the access to or the use of an online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

Or. en

Amendment 165

Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an *ancillary* online service as well as the access to or the use of an *ancillary* online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

Amendment

(15) In order to prevent circumvention of the application of the country of origin principle through the extension of the duration of existing agreements concerning the exercise of copyright and related rights relevant for the provision of an online service as well as the access to or the use of an online service, it is necessary to apply the principle of country of origin also to existing agreements but with a transitional period.

Or. en

Amendment 166
Virginie Rozière

Proposal for a regulation
Recital 15a (new)

Text proposed by the Commission

Amendment

(15a) Broadcasters that transmit their programme carrying signals through a direct injection process to distributors for reception by the public should be jointly liable with their distributors for the single and indivisible acts of communication to the public and making available to the public, as defined in Article 3 of Directive 2001/29/EC, which they carry out together. Such broadcasting organisations and distributors should therefore obtain a separate authorisation from the right holders in question for their respective participation in such acts.

Or. fr

Amendment 167
Angelika Niebler, Axel Voss

Proposal for a regulation
Recital 15a (new)

Text proposed by the Commission

Amendment

(15a) Broadcasters that transmit their programme-carrying signals through a direct injection process to distributors for reception by the public shall be jointly liable with their distributors for acts of communication to the public and making available to the public, as defined in Article 3 of Directive 2001/29/EC, which they carry out together. Such broadcasting organisations and distributors should therefore obtain an authorisation from the right holders concerned as regards their participation in such acts.

Or. de

Amendment 168
Jean-Marie Cavada, Marc Joulaud

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective management is required for the exercise of the right of communication to the public with regard to retransmission services, it is necessary to prescribe such a condition in a targeted manner for specific services and in order to allow more widespread cross-

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective management is required for the exercise of the right of communication to the public with regard to retransmission services, it is necessary to prescribe such a condition in a targeted manner for specific services and in order to allow more widespread cross-

border dissemination of television and radio programmes by facilitating the clearance of these rights.

border dissemination of television and radio programmes by facilitating the clearance of these rights. ***It is possible to decide whether or not to grant this right, in view of contractual freedom. The possibility provided for the Member States to regulate the activities of collective management organisations does not impinge on the free contractual negotiation of rights provided for in this Regulation.***

Or. fr

Amendment 169
Sajjad Karim

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. ***Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective management is required*** for the exercise of the right of communication to the public with regard to retransmission services, ***it is necessary to prescribe such a condition in a targeted manner for specific services and in order to allow more widespread cross-border dissemination of television and radio programmes by facilitating the clearance of these rights.***

Amendment

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. ***Without prejudice to freedom of contract, collective management may take place*** for the exercise of the right of communication to the public with regard to retransmission services.

Or. en

Amendment 170
Stefano Maullu

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. ***Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective management is required for the exercise of the right of communication to the public with regard to retransmission services, it is necessary to prescribe such a condition in a targeted manner for specific services and in order to allow more widespread cross-border dissemination of television and radio programmes by facilitating the clearance of these rights.***

Amendment

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. ***Hence, in light of the principle of contractual freedom, collective management for the exercise of the right of communication to the public with regard to retransmission services is voluntary.***

Or. en

Amendment 171
Daniel Buda

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective management is required for the exercise of the right of communication to the public with regard to retransmission services, it is necessary to prescribe such a condition in a targeted manner for specific services and in

Amendment

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective management is required for the exercise of the right of communication to the public with regard to retransmission services, it is necessary to prescribe such a condition in a targeted manner for specific services and in

order to allow more widespread cross-border dissemination of television and radio programmes by facilitating the clearance of these rights.

order to allow more widespread cross-border dissemination of television and radio programmes by facilitating the clearance of these rights. ***By encouraging the cross-border broadcasting and reception of television and radio programmes originating in other Member States, this regulation will also have a positive effect on freedom of expression and of information, which are enshrined in Article 11 of the Charter.***

Or. ro

Amendment 172

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective management is required for the exercise of the right of communication to the public with regard to retransmission services, ***it is necessary to prescribe such a condition in a targeted manner for specific services and in order to allow more widespread cross-border dissemination of television and radio programmes by facilitating the clearance of these rights.***

Amendment

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union ***while also taking account of the rules laid down in Directive 2001/29/EC, which aims to ensure a high level of protection of the affected copyright, related rights and other subject-matter.*** Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective management is required for the exercise of the right of communication to the public with regard to retransmission services, ***in the light of contractual freedom, such a condition should be voluntary. The possibility provided for the Member States to regulate the activities of collective management organisations does not impinge on the free contractual negotiation of rights provided for in this Regulation.***

Amendment 173

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) This Regulation respects fundamental rights *and observes the principles recognised in the Charter of Fundamental Rights of the European Union. Whilst there may be an interference with the exercise of the rights of right holders insofar as* mandatory collective management *is required* for the exercise of the right of communication to the public with regard to retransmission services, *it is necessary to prescribe such a condition in a targeted manner for specific services and in order to allow more widespread cross-border dissemination of television and radio programmes by facilitating the clearance of these rights.*

Amendment

(16) This Regulation respects fundamental rights, *particularly the principle of contractual freedom. Accordingly,* mandatory collective management for the exercise of the right of communication to the public with regard to retransmission services *should be ruled out, as it might additionally impact on the exercising of the rights of right holders.*

Amendment 174

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective

Amendment

(16) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. Whilst there may be an interference with the exercise of the rights of right holders insofar as mandatory collective

management is required for the exercise of the right of communication to the public with regard to retransmission services, it is necessary to prescribe such a condition in a targeted manner for specific services and in order to allow more widespread cross-border dissemination of television and radio programmes by facilitating the clearance of these rights.

management is required for the exercise of the right of communication to the public with regard to retransmission services, it is necessary to prescribe such a condition in a targeted manner for specific services and in order to allow more widespread cross-border dissemination of television and radio programmes **as well as access to information and content**, by facilitating the clearance of these rights

Or. en

Amendment 175

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 17

Text proposed by the Commission

Amendment

(17) In order to achieve the objective of promoting the cross-border provision of ancillary online services and of facilitating retransmissions of television and radio programmes originating in other Member States, it is appropriate to adopt a Regulation, which directly applies in Member States. A Regulation is necessary in order to guarantee a uniform application of the rules across Member States and their entering into force at the same time with regard to all the concerned transmissions and retransmissions. The direct applicability of a Regulation reduces legal fragmentation and provides greater uniformity by introducing a harmonised set of rules which promote the free circulation of television and radio programmes originating in other Member States.

deleted

Or. fr

Amendment 176

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In order to achieve the objective of promoting the cross-border provision of **ancillary** online services and of facilitating retransmissions of television and radio **programmes** originating in other Member States, it is appropriate to adopt a Regulation, which directly applies in Member States. A Regulation is necessary in order to guarantee a uniform application of the rules across Member States and their entering into force at the same time with regard to all the concerned transmissions and retransmissions. The direct applicability of a Regulation reduces legal fragmentation and provides greater uniformity by introducing a harmonised set of rules which promote the free circulation of television and radio **programmes** originating in other Member States.

Amendment

(17) In order to achieve the objective of promoting the cross-border provision of online services and of facilitating retransmissions of television and radio **content** originating in other Member States, it is appropriate to adopt a Regulation, which directly applies in Member States. A Regulation is necessary in order to guarantee a uniform application of the rules across Member States and their entering into force at the same time with regard to all the concerned transmissions and retransmissions. The direct applicability of a Regulation reduces legal fragmentation and provides greater uniformity by introducing a harmonised set of rules which promote the free circulation of television and radio **content** originating in other Member States. ***At the same time, the Regulation should not in any way limit or prohibit already existing mandatory collective management systems in Member States that go beyond what is required by this Regulation, particularly in domestic situations, because this would run counter to the Regulation's objective of facilitating retransmissions. Therefore, this regulation should be without prejudice to any existing mandatory or extended collective management solutions for retransmission existing in a Member State that go beyond what is required in this Regulation.***

Or. en

Amendment 177

Mady Delvaux, Petra Kammerevert

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In order to achieve the objective of promoting the cross-border provision of **ancillary** online services and of facilitating retransmissions of television and radio programmes originating in other Member States, it is appropriate to adopt a Regulation, which directly applies in Member States. A Regulation is necessary in order to guarantee a uniform application of the rules across Member States and their entering into force at the same time with regard to all the concerned transmissions and retransmissions. The direct applicability of a Regulation reduces legal fragmentation and provides greater uniformity by introducing a harmonised set of rules which promote the free circulation of television and radio programmes originating in other Member States.

Amendment

(17) In order to achieve the objective of promoting the cross-border provision of online services and of facilitating retransmissions of television and radio programmes originating in other Member States, it is appropriate to adopt a Regulation, which directly applies in Member States. A Regulation is necessary in order to guarantee a uniform application of the rules across Member States and their entering into force at the same time with regard to all the concerned transmissions and retransmissions. The direct applicability of a Regulation reduces legal fragmentation and provides greater uniformity by introducing a harmonised set of rules which promote the free circulation of television and radio programmes **as well as of audio and audiovisual content exclusively disseminated online** originating in other Member States.

Or. en

Amendment 178

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In order to achieve the objective of promoting the cross-border provision of **ancillary** online services and of facilitating retransmissions of television and radio programmes originating in other Member States, it is appropriate to adopt a Regulation, which directly applies in Member States. A Regulation is necessary

Amendment

(17) In order to achieve the objective of promoting the cross-border provision of online services and of facilitating retransmissions of television and radio programmes originating in other Member States, it is appropriate to adopt a Regulation, which directly applies in Member States. A Regulation is necessary

in order to guarantee a uniform application of the rules across Member States and their entering into force at the same time with regard to all the concerned transmissions and retransmissions. The direct applicability of a Regulation reduces legal fragmentation and provides greater uniformity by introducing a harmonised set of rules which promote the free circulation of television and radio programmes originating in other Member States.

in order to guarantee a uniform application of the rules across Member States and their entering into force at the same time with regard to all the concerned transmissions and retransmissions. The direct applicability of a Regulation reduces legal fragmentation and provides greater uniformity by introducing a harmonised set of rules which promote the free circulation of television and radio programmes **and other online-only linear transmissions** originating in other Member States.

Or. en

Amendment 179
Julia Reda

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among others, to what extent the cross-border provision of **ancillary** online services has increased to the benefit of European consumers and hence also to the benefit of improved cultural diversity in the Union.

Amendment

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among others, to what extent the cross-border provision of online services has increased to the benefit of European consumers and hence also to the benefit of improved cultural diversity in the Union. ***This review should be coordinated with provisions aimed at improving the cross-border accessibility of content on video-on-demand platforms that were included in Article 10 of Directive 2017/... of the European Parliament and of the Council^{1a}, in the form of a dispute resolution mechanism. Should this mechanism not lead to a significant increase in the cross-border availability of content on video-on-demand platforms, the inclusion of these services in the scope of this Regulation should be considered.***

Amendment 180

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among others, to what extent the cross-border provision of **ancillary** online services has increased to the benefit of European consumers and hence also to the benefit of improved cultural diversity in the Union.

Amendment

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among others, to what extent the cross-border provision of online services has increased to the benefit of European consumers and **businesses, and** hence also to the benefit of improved cultural diversity in the Union. ***Such a review should also include an impact assessment on the necessity to include in the scope of this Regulation those operators that transmit to the public television and/or radio programmes of broadcasting organisations received through direct injection techniques.***

Amendment 181

Daniel Buda

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) A review of the Regulation should be undertaken after the Regulation has

Amendment

(18) A review of the Regulation should be undertaken after the Regulation has

been in force for a period of time, in order to assess, *among others, to what* extent the cross-border provision of ancillary online services has increased to the benefit of European consumers and hence also to the benefit of improved cultural diversity in the Union.

been in force for a period of time, in order to assess *the impact of the Regulation on Europe's creative industries, on the financing of European audio-visual works and on rightholders. However, the review should also take into account the extent to which* the cross-border provision of ancillary online services has increased to the benefit of European consumers and hence also to the benefit of improved cultural diversity in the Union.

Or. ro

Amendment 182

Marie-Christine Boutonnet, Dominique Bilde, Mylène Troszczynski

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among *others*, to what extent *the cross-border provision of ancillary online services has increased to the benefit of European consumers and hence also to the benefit of improved* cultural diversity in *the Union*.

Amendment

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among *other things*, to what extent *it helps protect copyright holders and the principle of territoriality, which underpins the financing of cultural creation and is therefore highly symbolic in terms of preserving* cultural diversity in *Europe*.

Or. fr

Amendment 183

Virginie Rozière

Proposal for a regulation

Recital 18

Text proposed by the Commission

Amendment

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among others, to what extent the cross-border provision of ancillary online services has increased to the benefit of European consumers and hence also to the benefit of improved cultural diversity in the Union.

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among others, to what extent the cross-border provision of ancillary online services, *and its impact on investment in new content*, has increased to the benefit of European consumers and hence also to the benefit of improved cultural diversity in the Union.

Or. fr

Amendment 184

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among others, to what extent the cross-border provision of *ancillary* online services has increased to the benefit of European consumers and hence also to the benefit of improved cultural diversity in the Union.

Amendment

(18) A review of the Regulation should be undertaken after the Regulation has been in force for a period of time, in order to assess, among others, to what extent the cross-border provision of online services has increased to the benefit of European consumers and hence also to the benefit of improved cultural diversity in the Union.

Or. en

Amendment 185

Jean-Marie Cavada, Marc Joulaud

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Since the objective of this Regulation, namely promoting the cross-border provision of ancillary online

Amendment

(19) Since the objective of this Regulation, namely promoting the cross-border provision of ancillary online

services and facilitating retransmissions of television and radio programmes originating in other Member States, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve its objective. As concerns the cross-border provision of ancillary online services, this Regulation establishes enabling mechanisms to facilitate the clearance of copyright and related rights. This Regulation does not oblige broadcasting organisations to provide such services across borders. Neither does this Regulation oblige operators of retransmission services to include in their services television or radio programmes originating in other Member States. This Regulation concerns *only* the exercise of certain retransmission rights to the extent necessary to simplify the licensing of copyright and related rights *for such services and only with regard to television and radio programmes originating in other Member States of the Union,*

services and facilitating retransmissions of television and radio programmes originating in other Member States, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve its objective. As concerns the cross-border provision of ancillary online services, this Regulation establishes enabling mechanisms to facilitate the clearance of copyright and related rights. This Regulation does not oblige broadcasting organisations to provide such services across borders. Neither does this Regulation oblige operators of retransmission services to include in their services television or radio programmes originating in other Member States. This Regulation concerns the exercise of certain retransmission rights to the extent necessary to simplify the licensing of copyright and related rights *with a view to providing such services in any MemberState.*

Or. fr

Amendment 186

Julia Reda

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Since the objective of this Regulation, namely promoting the cross-border provision of *ancillary* online

Amendment

(19) Since the objective of this Regulation, namely promoting the cross-border provision of online services and

services and facilitating retransmissions of television and radio *programmes* originating in other Member States, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve its objective. As concerns the cross-border provision of *ancillary* online services, this Regulation establishes enabling mechanisms to facilitate the clearance of copyright and related rights. This Regulation does not *oblige* broadcasting organisations to provide such services across borders. Neither does this Regulation oblige operators of retransmission services to include in their services television or radio programmes originating in other Member States. This Regulation concerns only the exercise of certain retransmission rights to the extent necessary to simplify the licensing of copyright and related rights for such services *and only with regard to television and radio programmes originating in other Member States of the Union,*

facilitating retransmissions of television and radio *content* originating in other Member States, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve its objective. As concerns the cross-border provision of online services, this Regulation establishes enabling mechanisms to facilitate the clearance of copyright and related rights. This Regulation does not *add obligations for* broadcasting organisations to provide such services across borders. Neither does this Regulation oblige operators of retransmission services to include in their services television or radio programmes originating in other Member States. This Regulation concerns only the exercise of certain retransmission rights to the extent necessary to simplify the licensing of copyright and related rights for such services,

Or. en

Amendment 187
Virginie Rozière

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Since the objective of this Regulation, namely promoting the cross-border provision of ancillary online

Amendment

(19) Since the objective of this Regulation, namely promoting the cross-border provision of ancillary online

services and facilitating retransmissions of television and radio programmes originating in other Member States, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve its objective. As concerns the cross-border provision of ancillary online services, this Regulation establishes enabling mechanisms to facilitate the clearance of copyright and related rights. This Regulation does not oblige broadcasting organisations to provide such services across borders. Neither does this Regulation oblige operators of retransmission services to include in their services television or radio programmes originating in other Member States. This Regulation concerns only the exercise of certain retransmission rights to the extent necessary to simplify the licensing of copyright and related rights for such services and only with regard to television and radio programmes originating in other Member States of the Union,

services *of broadcasters* and facilitating retransmissions of television and radio programmes originating in other Member States, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve its objective. As concerns the cross-border provision of ancillary online services *of broadcasters*, this Regulation establishes enabling mechanisms to facilitate the clearance of copyright and related rights. This Regulation does not oblige broadcasting organisations to provide such services across borders. Neither does this Regulation oblige operators of retransmission services to include in their services television or radio programmes originating in other Member States. This Regulation concerns only the exercise of certain retransmission rights to the extent necessary to simplify the licensing of copyright and related rights for such services and only with regard to television and radio programmes originating in other Member States of the Union,

Or. fr

Amendment 188

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Since the objective of this Regulation, namely promoting the cross-

Amendment

(19) Since the objective of this Regulation, namely promoting the cross-

border provision of *ancillary* online services and facilitating retransmissions of television and radio programmes originating in other Member States, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve its objective. As concerns the cross-border provision of *ancillary* online services, this Regulation establishes enabling mechanisms to facilitate the clearance of copyright and related rights. This Regulation does not oblige broadcasting organisations to provide such services across borders. Neither does this Regulation oblige operators of retransmission services to include in their services television or radio programmes originating in other Member States. This Regulation concerns only the exercise of certain retransmission rights to the extent necessary to simplify the licensing of copyright and related rights for such services and only with regard to television and radio programmes originating in other Member States of the Union,

border provision of online services and facilitating retransmissions of television and radio programmes originating in other Member States, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve its objective. As concerns the cross-border provision of online services, this Regulation establishes enabling mechanisms to facilitate the clearance of copyright and related rights. This Regulation does not oblige broadcasting organisations to provide such services across borders. Neither does this Regulation oblige operators of retransmission services to include in their services television or radio programmes originating in other Member States. This Regulation concerns only the exercise of certain retransmission rights to the extent necessary to simplify the licensing of copyright and related rights for such services and only with regard to television and radio programmes originating in other Member States of the Union,

Or. en

Amendment 189

Rosa Estaràs Ferragut, Luis de Grandes Pascual

Proposal for a regulation

Recital 19 a(new)

Text proposed by the Commission

Amendment

(19a) The retransmission of programmes from other Member States is an act

subject to copyright and, in some cases, related rights. Online services should therefore obtain the authorisation of every right holder for each part of the retransmitted programme. In accordance with this Regulation, authorisations should be granted contractually, unless a temporary exception is provided for under existing legal licence schemes.

Or. es

Amendment 190

Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation

Recital 19 a(new)

Text proposed by the Commission

Amendment

(19 a) The retransmission of programmes from other Member States is an act subject to copyright and, as the case may be, rights related to copyright. The online-service must, therefore, obtain the authorisation from every holder of rights in each part of the programme retransmitted. Pursuant to this regulation, the authorisations should be granted contractually unless a temporary exception is provided for in the case of existing legal licence schemes.

Or. en

Amendment 191

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Article –1 (new)

Text proposed by the Commission

Amendment

Article -1

Subject Matter

1. This Regulation establishes legal mechanisms to facilitate the clearance of copyright and related rights relevant for the cross-border provision of online services and to facilitate digital retransmissions of television and radio content as well as broadcasting organisations' on-demand services originating in other Member States.

2. Those legal mechanisms include the establishment of the country of origin principle as regards the exercise of those rights. The legal mechanisms also include provisions on mandatory collective management of copyright and related rights relevant for retransmission, on legal presumptions of representation by collective management organisations, on the exercise of retransmission rights by broadcasting organisations and on the application of the mandatory collective management rules set out in this Regulation to direct injection.

Or. en

Amendment 192
Stefano Maullu

Proposal for a regulation
Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) "ancillary online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation as well as of any material produced by or for the broadcasting

deleted

organisation which is ancillary to such broadcast;

Or. it

Amendment 193

Daniel Buda

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *"ancillary online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation as well as of any material produced by or for the broadcasting organisation which is ancillary to such broadcast;* *deleted*

Or. ro

Amendment 194

Angelika Niebler

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *"ancillary online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with or for a defined period of time after their broadcast by the broadcasting* *deleted*

organisation as well as of any material produced by or for the broadcasting organisation which is ancillary to such broadcast;

Or. de

Amendment 195
Sajjad Karim

Proposal for a regulation
Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *"ancillary online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation as well as of any material produced by or for the broadcasting organisation which is ancillary to such broadcast;* *deleted*

Or. en

Amendment 196
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a regulation
Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *"ancillary online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously* *deleted*

with or for a defined period of time after their broadcast by the broadcasting organisation as well as of any material produced by or for the broadcasting organisation which is ancillary to such broadcast;

Or. en

Amendment 197

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) "***ancillary*** online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, ***of radio or television programmes*** simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation as well as ***of*** any material produced by or for the broadcasting organisation which is ancillary to such broadcast;

Amendment

(a) "online service" means an online service consisting in the provision to the public ***of:***
i) radio or television programmes, by or under the control and responsibility of a broadcasting organisation, simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation as well as any material produced by or for the broadcasting organisation which is ancillary to such broadcast; ***or***
ii) linear transmissions of radio or television-like programmes, under the control and responsibility of a broadcasting organisation or a service provider and on the basis of a schedule, which are not linked to a broadcast but transmitted only online, and any other service provided simultaneously with, or for a defined period of time after, such transmissions as well as services giving access to material, produced by or for the broadcasting organisation or the service provider, ancillary to such transmissions;

Or. en

Amendment 198

Julia Reda, Max Andersson, Lidia Joanna Geringer de Oedenberg

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) "**ancillary** online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with **or for a defined period of time** after their broadcast by the broadcasting organisation as well as of any material produced by or for the broadcasting organisation **which is ancillary to such broadcast**;

Amendment

(a) "online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with, **before, during or** after their broadcast by the broadcasting organisation as well as of any material produced, **co-produced or commissioned** by or for the broadcasting organisation **or licenced to it and any service by the broadcasting organisation providing access to works under the editorial responsibility of the broadcasting organisation**;

Or. en

Amendment 199

Mady Delvaux, Petra Kammerevert

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) "**ancillary** online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with **or for a defined period of time** after their broadcast by the broadcasting organisation as well as of any **material** produced by or for the broadcasting organisation **which is ancillary to such broadcast**;

Amendment

(a) "online service" means an online service consisting in the provision to the public, by or under the control and responsibility of a broadcasting organisation, of radio or television programmes simultaneously with **their broadcast, during their broadcast, before and/or** after their broadcast by the broadcasting organisation, **of any material produced by or for the broadcasting organisation supplementing the linear broadcast** as well as of any **content**

produced by or for the broadcasting organisation *for the online dissemination only*;

Or. en

Amendment 200

Jiří Maštálka, Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) "***ancillary*** online service" means an online service consisting in the provision to the public, ***by or under the control and responsibility of a broadcasting organisation, of radio or television programmes*** simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation ***as well as of any material produced by or for the broadcasting organisation which is ancillary to such broadcast***;

Amendment

(a) " online service" means an online service consisting in the provision to the public, ***of linear and non-linear radio or television programmes including programmes provided before,*** simultaneously with or for a defined period of time after their broadcast by the broadcasting organisation.

Or. en