



EUROPEAN PARLIAMENT

2014 - 2019

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*Committee on the Internal Market and Consumer Protection*

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**2014/2256(INI)**

25.3.2015

## **OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on Legal Affairs

on the implementation of 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 (2014/2256(INI))

Rapporteur: Catherine Stihler

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## SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the commitment of the Commission on further developing the EU digital agenda, including copyright issues, in the course of the new Commission mandate; welcomes the Commission Work Programme for 2015 insofar as it promises to deliver a Digital Single Market Package which includes a legislative proposal with the objective of modernising copyright rules to make them fit for the digital age;
2. Stresses the need to adapt the copyright legislative framework in order to ensure appropriate remuneration and adequate protection for holders of copyright and related rights in view of new consumer demands and the challenges posed by the digital economy and society; stresses also that the modernised copyright rules should safeguard a fair balance between all interested parties: consumers, users, creators and right holders;
3. Stresses that the comprehensive and coherent regulation of digital market is an essential precondition for economic growth;
4. Notes that Directive 2001/29/EC (Infosoc Directive) was adopted in 2001 and that the digital use and supply of material subject to copyright has changed and dramatically increased since then; highlights the need for the Commission to respond to technological developments and adapt current laws to existing and emerging challenges;
5. Highlights the fact that legislative differences in Member States cause legal uncertainties hindering the creation of Digital Single Market and cross-border accessibility of copyright content;
6. Recalls that the value generated in the digital economy by copyrighted works should be shared fairly with the rights holders; calls on the Commission to assess the extent and impact of this value transfer in favour of digital technical intermediaries;
7. Recalls that copyright and related rights play a key role, as they protect and stimulate both the development and marketing of new products and services and the creation and exploitation of their creative content, thereby contributing to improved competitiveness, employment and innovation across several industry sectors in the EU, so that any harmonisation of copyright must be taken at a high level of protection and acknowledge the changes in user behaviour; points out that the necessary adaptation of Directive 2001/29/EC to the digital era are likely to generate new businesses and start-ups which will be a source of jobs of the future for young people;
8. Stresses that copyright is only as effective as the enforcement measures in place to protect it and that in order to ensure a flourishing and innovative creative sector, copyright enforcement must be robust; stresses also that enforcement of copyright rules should be proportionate, and that any restriction of users' rights must be laid down in law;
9. Believes that the modernisation of copyright rules in the EU would be incomplete without

an update of Directive 2000/31/EC on electronic commerce and suggests that the European Commission should consider actions in this direction;

10. Recognises that the purpose of copyright is to better protect the rights of all categories of right holders so as to allow right holders to receive appropriate remuneration for their efforts when others make use of their work, and thus to encourage future creativity; recalls that, while the cultural and creative industries (CCI) employ more than seven million people and contribute 4.5 % of EU GDP annually, and, according to the European Parliament's Cost of Non-Europe study, 223 000 jobs will be created by the digital single market by 2020, and even though the services, technologies and options permitting the general public to access creative works grow every day, the earnings of right holders in the CCI sector keep decreasing; stresses the importance of effective copyright protection and the need to raise consumer awareness of the consequences of infringement of copyright and related rights;
11. Stresses the need to strengthen the bargaining position of authors and creators in the value chain in the digital age;
12. Highlights the fact that the Member States' provisions on copyright and related rights vary considerably, and that the exclusivity which copyright grants its owner is, in principle, limited to the territorial boundaries of the Member State where the right has been granted; believes that such territorial restrictions may often lead to market fragmentation and major divergences in enforcement across the EU; recalls that the European market is not homogeneous and that national markets evolve at different rates; recalls also that consumer preferences and consumption patterns, and hence content also, correspond to specific expectations in each Member State;
13. Highlights the importance of clear communication to consumers about the performances of the content they are buying in line with the EU Consumer Rights Directive;
14. Believes that common effort should be made in combatting copyright infringements in the EU in order to ensure the protection of copyright and fair remuneration for authors of copyrighted online content;
15. Stresses that territorial fragmentation may require users aspiring to offer content-related services across the EU to secure multiple licences; emphasises the fact that differences in limitations and exceptions too often create additional legal costs and legal uncertainty, thereby undermining innovation and investment, and contributing in some cases to market concentration; calls on the Commission, therefore, to examine which of the optional exceptions and limitations referred to in Directive 2001/29/EC could be transformed to mandatory ones, so as to allow equal access to cultural diversity across borders within the internal market and to improve legal security;
16. Recalls that consumers are too often denied access to certain content services on geographical grounds, which runs counter to the objective of Directive 2001/29/EC of implementing the four freedoms of the internal market; urges the Commission, therefore, to propose adequate solutions for better cross-border accessibility of services and copyright content for consumers;
17. Believes that consumers should be able to buy online content from another Member State;

stresses that clear information should be provided to consumers at the time of purchase of a digital content licence, including on the geographical limitations of the use of that content until these are overcome; highlights the fact that Europe's creative output is one of its richest resources, and that those who want to enjoy it should be able to pay to do so, even when it is only sold in another Member State;

18. Believes that although there is a need to find solutions which would ensure services portability i.e. when consumers travel between different Member States, it is of the utmost importance to preserve consumer choice in regard to access to different, including linguistically, cultural content;
19. Stresses the importance of bringing more clarity and transparency of the copyright regime for copyright users, in particular with regard to user-generated content and copyright levies, to foster creativity, the further development of online platforms, and ensure appropriate remuneration of copyright holders;
20. Reiterates the importance of a modern pro-competitive and consumers friendly copyright framework responding to the challenges of the digital environment; recognises the need of a holistic approach in the modernisation of the copyright rules to address the existent market fragmentations in particular for online rights management and to guarantee a safe, adequate and secure environment for consumers, creators and copyright users;
21. Welcomes, therefore, the adoption of Directive 2014/26/EU on collective rights management and multi-territorial licensing of rights, which provides the right balance between the public's access to cultural works, ease of rights clearance for users and adequate remuneration for creators, and believes that implementation of this directive will lead to a clearer set of EU-wide standards resulting in a faster and more flexible licensing infrastructure adapted to specific usage; notes, however, that fragmentation persists and that solutions must be considered, including in the area of common approaches providing for targeted exceptions that affect cross-border exchange of works, which is necessary for the completion of the digital single market;
22. Believes it is necessary to provide balanced solutions which help to move beyond and/or to improve cross-border access and the portability of products and services, which are essential to enable consumers to obtain services and products where and when they want them in a legal and authorised manner, in accordance with the latest consumer demands; believes that Europe's cultural diversity lies at the heart of European identity and that it should be fostered and promoted between Member States;
23. Stresses that consumers often face various limitations and the notion of consumers' rights in the copyright framework is very often absent; calls on the Commission to assess the effectiveness of the current copyright law from a consumers' perspective and to develop a set of clear and comprehensive consumers' rights;
24. Urges the Commission and the Member States to promote a higher level of harmonisation and a balanced framework for exceptions and limitations that does not cause any harm to right holders, conforms with consumer expectations, fosters both creativity and innovation, and adapts to the technology advances in the digital environment; encourages Member States to make use of exceptions in a targeted and technology-neutral way; emphasises the important role that exceptions and limitations agreed on for public-interest

reasons, for the purposes of research, education and teaching, play in providing access to knowledge as well as in encouraging cultural and societal participation; urges the Commission and the Member States to facilitate the inclusion of e-books in public lending schemes, provided that all the necessary agreements have been reached or attempted, so as to ensure fair remuneration and respect for the rights of the right holders; urges the Commission and the Member States to provide for a mechanism that allows libraries, archives and museums to make available for online access by the public protected works in their collections that are no longer managed by their right holders;

25. Welcomes the structured stakeholder dialogue ‘Licences for Europe’, launched by the Commission in 2013; believes, therefore, that relevant stakeholder engagement and sharing of best practices is essential if a more homogenous and evidence-based implementation of copyright laws across the EU is to be reached; calls on the Commission to monitor and report on the implementation of the ‘Licences for Europe’ pledges;
26. Highlights the importance of promoting greater interoperability, as lack of interoperability hampers innovation and reduces competition in the EU and slows down innovation; notes that the lack of interoperability is hampering the development of new content services to the detriment of artists seeking a broader public throughout Europe; believes that lack of interoperability may lead to market dominance of one particular product, which in turn stifles competition and limits consumer choice in the EU;
27. Highlights the importance of copyright exceptions that allow enhanced accessibility to digital content for people with disabilities; recognises that the inability to purchase content in an appropriate format for users with disabilities also creates a barrier to trade for businesses; further recognises that the inability to purchase content in an appropriate format that can support users with disabilities reduces the cultural output and content offer available across the Member States; stresses, therefore, that any legislative change in this area should ensure accessibility for people with disabilities to works and services that are protected by copyright and related rights and should adapt to the digital environment.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	24.3.2015
<b>Result of final vote</b>	+: 34 -: 3 0: 2
<b>Members present for the final vote</b>	Dita Charanzová, Carlos Coelho, Sergio Gaetano Cofferati, Lara Comi, Daniel Dalton, Nicola Danti, Pascal Durand, Vicky Ford, Ildikó Gáll-Pelcz, Evelyne Gebhardt, Maria Grapini, Antanas Guoga, Sergio Gutiérrez Prieto, Liisa Jaakonsaari, Antonio López-Istúriz White, Jiří Maštálka, Marlene Mizzi, Jiří Pospíšil, Virginie Rozière, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Igor Šoltes, Ivan Štefanec, Catherine Stihler, Róza Gräfin von Thun und Hohenstein, Mylène Troszczynski, Anneleen Van Bossuyt, Marco Zullo
<b>Substitutes present for the final vote</b>	Emma McClarkin, Roberta Metsola, Franz Obermayr, Adam Szejnfeld, Ulrike Trebesius, Sabine Verheyen, Inês Cristina Zuber
<b>Substitutes under Rule 200(2) present for the final vote</b>	Jonathan Arnott, Philippe De Backer, Andrey Novakov