



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Culture and Education

2014/2256(INI)

6.3.2015

AMENDMENTS

1 - 121

Draft opinion

Isabella Adinolfi

(PE544.403v01-00)

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))

AM_Com_NonLegOpinion

Amendment 1
Marlene Mizzi

Draft opinion
Paragraph -1 (new)

Draft opinion

Amendment

-1. Reiterates the importance of a modern pro-competitive and citizens 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;

Or. en

Amendment 2
Helga Trüpel, Michel Reimon

Draft opinion
Paragraph -1 (new)

Draft opinion

Amendment

-1. Highlights that adequate protection of copyright works and subject matter of related rights is also of great importance from a cultural standpoint. Article 167 of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action;

Or. en

Amendment 3
Helga Trüpel, Michel Reimon

Draft opinion
Paragraph -1 (new)

Draft opinion

Amendment

-1. Urges to improve the contractual position of authors and performers in their relation to other rightholders and intermediaries;

Or. en

Amendment 4
Helga Trüpel, Michel Reimon

Draft opinion
Paragraph -1 (new)

Draft opinion

Amendment

-1. Reminds that any harmonisation of copyright and related rights must take as a basis a high level of protection;

Or. en

Amendment 5
Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wentz, Davor Ivo Stier, Therese Comodini Cachia, Eva Paunova

Draft opinion
Paragraph 1

Draft opinion

Amendment

1. Highlights the need for a common definition of 'public domain' so as to ensure the widespread dissemination of cultural content across the EU;

deleted

Or. en

Amendment 6

Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion

Paragraph 1

Draft opinion

Amendment

1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the EU;

deleted

Or. en

Amendment 7

Andrew Lewer

Draft opinion

Paragraph 1

Draft opinion

Amendment

1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the EU;

deleted

Or. en

Amendment 8

Michel Reimon, Ernest Maragall

Draft opinion

Paragraph 1

Draft opinion

Amendment

1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the EU;

1. Highlights the need for a common definition of ‘public domain’ ***works, which are by definition not subject to copyright protection,*** so as to ensure the widespread

dissemination of cultural content across the Union; *therefore urges the Commission to clarify that the digitisation of a work that is in the public domain will stay in the public domain; also calls on the Commission to recognise the freedom of authors to dedicate their works to the public domain;*

Or. en

Amendment 9
Isabella Adinolfi

Draft opinion
Paragraph 1

Draft opinion

1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the EU;

Amendment

1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the Union *and guaranteeing a common level of protection of works out of copyright in Member States;*

Or. en

Amendment 10
Curzio Maltese, Martina Michels

Draft opinion
Paragraph 1

Draft opinion

1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the EU;

Amendment

1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the Union *while having a balanced approach between rights of users and authors;*

Amendment 11
Michel Reimon, Ernest Maragall

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Notes that the rules laid down by the Term Directive have been implemented in different ways by Member States leading to divergences in termination of copyright protection and when works fall into the public domain in different Member States; therefore calls on the Commission to harmonise the term of protection of copyright and the way it is calculated across the Union to ensure it does not exceed the current international standards set out in the Berne Convention;

Or. en

Amendment 12
Isabella Adinolfi

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Calls for the revision of the Directive in the light of development of digital technologies in the last decade and their considerable impact on the way content is created, produced and disseminated;

Or. en

Amendment 13

Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta, Davor Ivo Stier, Eva Paunova

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1a. Recalls that the European cultural markets are naturally heterogeneous because of the European cultural and linguistic diversity, notes that this diversity should be considered as a benefit rather than an obstacle to the Single Market;

Or. en

Amendment 14

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Marlene Mizzi

Draft opinion

Paragraph 1 c (new)

Draft opinion

Amendment

1c. Recalls that the European cultural markets are naturally heterogeneous because of the European cultural and linguistic diversity, notes that this diversity should be considered as a benefit rather than an obstacle to the Single Market;

Or. en

Amendment 15

Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Norbert Erdős

Draft opinion

Paragraph 1 e (new)

Draft opinion

Amendment

1e. Recalls that the European cultural markets are heterogeneous representing the European cultural and linguistic diversity, notes that this diversity should be considered as a benefit rather than an obstacle to the Single Market;

Or. en

Amendment 16

Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta, Davor Ivo Stier, Therese Comodini Cachia, Eva Paunova

Draft opinion

Paragraph 1 g (new)

Draft opinion

Amendment

1g. Stresses that the copyright framework and its effective enforcement, that attain and safeguard a fair remuneration for artists, creators and rightholders play a vital role in encouraging creativity, fostering cultural diversity and ensuring the creation of new creative and cultural content across the Union;

Or. en

Amendment 17

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Eider Gardiazabal Rubial

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1a. Stresses that the copyright framework and its enforcement on the basis of the

Charter of Fundamental Rights of the EU, that attains and safeguards a fair remuneration for artists, creators and rightholders plays a vital role in encouraging creativity, fostering cultural diversity and ensuring the creation of new creative and cultural content across the Union;

Or. en

Amendment 18

Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion

Paragraph 1 b (new)

Draft opinion

Amendment

1b. Stresses that the copyright framework and its effective enforcement, that attain and safeguard a fair remuneration for artists, creators and rightholders play a vital role in encouraging creativity, fostering cultural diversity and ensuring the creation of new creative and cultural content across the Union;

Or. en

Amendment 19

Curzio Maltese, Martina Michels

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1a. Stresses that a fair remuneration of authors and creators is key to support Union cultural contents and to ensure effective freedom to create; underlines however that interests of intermediaries

and rightholders are not equivalent to author's interests and urges therefore the Commission to explore new legal solutions with the objective of strengthening the contractual position of authors and creators regarding rightholders;

Or. en

Amendment 20
Michel Reimon, Ernest Maragall, Helga Trüpel

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Recommends that the EU legislator should, while protecting personal information, further lower the barriers for re-use of public sector information by exempting official works, which are produced by government employees as part of their official duty within the political, legal and administrative process, from copyright protection;

Or. en

Amendment 21
Isabella Adinolfi

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Acknowledges the important role played by copyright legislation in safeguarding the interests of artists, creators and authors, whilst stimulating creativity, cultural and artistic livelihoods;

Amendment 22

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis

Draft opinion

Paragraph 1 d (new)

Draft opinion

Amendment

1d. Recalls that there is nothing within the current legal framework to prohibit the use of multi-territorial and pan-European licences, notes however that the demand for those licences remains weak, and stresses that these licences should remain optional; emphasizes that multi-territorial and pan-European licenses should ensure the fair remuneration of artists, creators and right-holders;

Or. en

Amendment 23

Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wentz, Eva Paunova, Silvia Costa

Draft opinion

Paragraph 1 b (new)

Draft opinion

Amendment

1b. Recalls that there is nothing within the current legal framework to prohibit the use of multi-territorial and pan-European licences, calls for an easier access to those optional licences; emphasizes that multi-territorial and pan-European licenses should ensure the fair remuneration of artists, creators and right-holders;

Or. en

Amendment 24
Isabella Adinolfi

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1c. Underlines the need to provide for appropriate remuneration of authors and all categories of rightholders;

Or. en

Amendment 25
Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1c. Emphasizes that any reform of the copyright framework should take as a basis a high level of protection, and develop an evidence-based approach taking into consideration the interest of small and medium-sized enterprises, since rights are crucial to intellectual creation and provide a stable, clear and flexible legal base that fosters investment and growth in the creative and cultural sector, whilst removing legal uncertainties and inconsistencies that adversely affect the functioning of the internal market to the prejudice of consumers and rightholders;

Or. en

Amendment 26
Dietmar Köster, Luigi Morgano, Mary Honeyball

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Emphasizes that any reform of the copyright framework should take as a basis of proportional and adequate protection, since rights are crucial to intellectual creation and provide a stable, clear and flexible legal base that fosters investment and growth in the creative and cultural sector, whilst removing legal uncertainties and inconsistencies that adversely affect the functioning of the internal market;

Or. en

Amendment 27

Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wentz, Davor Ivo Stier

Draft opinion

Paragraph 1 h (new)

Draft opinion

Amendment

1h. Emphasizes that any reform of the copyright framework should take as a basis a high level of protection, since rights are crucial to intellectual creation and provide a stable, clear and flexible legal base that fosters investment and growth in the creative and cultural sector, whilst removing legal uncertainties and inconsistencies that adversely affect the functioning of the internal market;

Or. en

Amendment 28

Isabella Adinolfi

Draft opinion

Paragraph 1 d (new)

Draft opinion

Amendment

1d. Acknowledges the role of producers, publishers and distributors in disseminating cultural works and highlights the need of safeguarding a fair balance between the interests of all parties;

Or. en

Amendment 29

Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Marc Joulaud, Norbert Erdős

Draft opinion

Paragraph 1 d (new)

Draft opinion

Amendment

1d. Stresses that any reform on copyright needs to find the best balance between an efficient protection that provides for a proper remuneration for creators and the objective of the public interest for access to cultural goods and knowledge, and which enables users to access services but at the same time can generate sufficient benefits to promote Europe's cultural content and to generate more content;

Or. en

Amendment 30

Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta, Eva Paunova

Draft opinion

Paragraph 1 d (new)

Draft opinion

Amendment

1d. Recalls that the Union, as well as the

Member States, are parties to international treaties on copyright that involve a certain number of obligations and guarantees that should be respected;

Or. en

Amendment 31

Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Norbert Erdős

Draft opinion

Paragraph 1 g (new)

Draft opinion

Amendment

Ig. Acknowledges the high interest of all stakeholders, including consumers, rightholders and other stakeholders in the copyright reform, as indicated by the responses to the public consultation conducted by the Commission;

Or. en

Amendment 32

Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta, Therese Comodini Cachia

Draft opinion

Paragraph 1 e (new)

Draft opinion

Amendment

Ie. Acknowledges the high interest of all stakeholders, including consumers, rightholders and other stakeholders in the copyright reform, as indicated by the responses to the public consultation conducted by the Commission;

Or. en

Amendment 33

Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta, Therese Comodini Cachia, Eva Paunova, Silvia Costa

Draft opinion

Paragraph 1 c (new)

Draft opinion

Amendment

1c. Supports the initiatives aimed at enhancing the portability, within the Union, of online services of legally acquired and legally made available content, whilst fully respecting copyrights and the interests of right-holders;

Or. en

Amendment 34

Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Norbert Erdős

Draft opinion

Paragraph 1 f (new)

Draft opinion

Amendment

1f. Supports the initiatives aimed at enhancing the portability, within the Union, of online services of legally acquired and legally made available content, whilst fully respecting copyrights and the interests of right-holders;

Or. en

Amendment 35

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis

Draft opinion

Paragraph 1 e (new)

Draft opinion

Amendment

1e. Supports the initiatives aimed at enhancing the portability of online services of legally acquired and legally made available content within the Union, whilst fully respecting copyrights and the interests of right-holders;

Or. en

Amendment 36

Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1a. Notes that several studies have demonstrated that the cultural and creative sectors, often copyright intensive, already account for up to 4.5% of GDP and up to 8.5 million jobs in the Union and are not only essential for cultural diversity but also significantly contribute to social and economic development, competitiveness, growth and jobs;

Or. en

Amendment 37

Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta, Davor Ivo Stier, Eva Paunova

Draft opinion

Paragraph 1 f (new)

Draft opinion

Amendment

1f. Notes that several studies have demonstrated that the cultural and creative sectors, often copyright intensive,

already account for up to 4.5% of GDP and up to 8.5 million jobs in the Union and are not only essential for cultural diversity but also significantly contribute to social and economic development;

Or. en

Amendment 38

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Marlene Mizzi, Eider Gardiazabal Rubial

Draft opinion

Paragraph 1 f (new)

Draft opinion

Amendment

If. Notes that several studies have demonstrated that the cultural and creative sectors, often copyright intensive, and are not only essential for cultural diversity but also significantly contribute to social and economic development;

Or. en

Amendment 39

Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta, Therese Comodini Cachia, Eva Paunova

Draft opinion

Paragraph 2

Draft opinion

Amendment

2. Stresses the need to address the problematic boundaries that exist between the reproduction right and the right of communication to the public of works, and to clarify the concept of ‘communication to the public’ in light of the recent case law of the Court of Justice of the European Union;

deleted

Amendment 40

Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Norbert Erdős

Draft opinion

Paragraph 2

Draft opinion

2. Stresses the need to address the problematic boundaries that exist between the reproduction right and the right of communication to the public of works, and to clarify the concept of ‘communication to the public’ in light of the recent case law of the Court of Justice of the European Union;

Amendment

deleted

Amendment 41

Andrew Lewer

Draft opinion

Paragraph 2

Draft opinion

2. Stresses the need to address the problematic boundaries that exist between the reproduction right and the right of communication to the public of works, and to clarify the concept of ‘communication to the public’ in light of the recent case law of the Court of Justice of the European Union;

Amendment

2. Highlights that the inter-play between the reproduction right and the right of communication to the public of works, as seen by the recent case law of the Court of Justice of the European Union, would benefit from further analysis, particularly in light of the continued growth online services;

Amendment 42

Zdzisław Krasnodębski

Draft opinion
Paragraph 3

Draft opinion

3. Stresses that *embedding and linking should not be considered acts of communication to the public and thus should not be subject to Article 3 of the directive*;

Amendment

3. Stresses that *linking from one resource to another is one of the fundamental building blocks of the internet; calls on the EU legislator to make clear that, as a technical tool, linking may be used both for copyright non-relevant activities and for copyright relevant activities that require rightholders' permission; therefore building business models based on mass linking to illegal content should be regarded as copyright infringement*;

Or. en

Amendment 43

Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta

Draft opinion
Paragraph 3

Draft opinion

3. Stresses that embedding and linking *should not* be considered acts of communication to *the* public and *thus should not be subject to Article 3 of the directive*;

Amendment

3. Stresses that *the ability to link one resource to another is one of the fundamental building blocks of the Internet, but stresses that under certain circumstances, embedding and linking can be considered as acts of communication to a new public and therefore can constitute an infringement to copyrights*;

Or. en

Amendment 44

Dietmar Köster, Mary Honeyball

Draft opinion
Paragraph 3

Draft opinion

3. Stresses that embedding and linking ***should not*** be considered acts of communication to ***the*** public and ***thus should not be subject to Article 3 of the directive***;

Amendment

3. Stresses that ***the ability to link one resource to another or to embed is an important feature of the internet, but stresses that under certain circumstances, in particular commercial uses***, embedding and linking ***may*** be considered ***as*** acts of communication to ***a new*** public and ***therefore may constitute an infringement to copyrights***;

Or. en

Amendment 45

Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Norbert Erdős

**Draft opinion
Paragraph 3**

Draft opinion

3. Stresses that embedding and linking ***should not*** be considered acts of communication to ***the*** public and ***thus should not be subject to Article 3 of the directive***;

Amendment

3. Stresses that ***under certain circumstances*** embedding and linking ***can*** be considered ***as*** acts of communication to ***a new*** public and ***emphasizes the importance to protect the internet from any abuse and illegal sites providing links to infringing content***;

Or. en

**Amendment 46
Andrew Lewer**

**Draft opinion
Paragraph 3**

Draft opinion

3. Stresses that embedding and linking should not be considered acts of communication to the public ***and thus***

Amendment

3. Stresses that embedding and linking should not be considered acts of communication to the public , ***though***

should not be subject to *Article 3 of the directive*;

encourages further work to be carried out to clarify how to protect from embedding works subject to *paywalls and other types of content restrictions*;

Or. en

(Justification

There have been recent cases, in particular Svensson, that have dealt with this point and which should be part of the Commission's analysis when it comes forward with proposals.)

Amendment 47
Michel Reimon, Ernest Maragall

Draft opinion
Paragraph 3

Draft opinion

3. Stresses that embedding and linking *should not be considered* acts of communication to the public and thus should not be subject to Article 3 of the directive;

Amendment

3. Stresses that embedding and linking *do not consist in* acts of communication to the public and thus should not be subject to Article 3 of the directive;

Or. en

Amendment 48
Curzio Maltese, Martina Michels

Draft opinion
Paragraph 3

Draft opinion

3. Stresses that *embedding and* linking should not be considered acts of communication to the public and thus should not be subject to Article 3 of the directive;

Amendment

3. Stresses that linking should not be considered acts of communication to the public and thus should not be subject to Article 3 of the directive;

Amendment 49
Andrew Lewer

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Emphasises the need to update the concept of ‘reproduction of works’ by taking into account the possibilities offered by digital technologies in terms of communication to the public;

deleted

Or. en

Amendment 50
Zdzisław Krasnodębski, Angel Dzhambazki

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Emphasises the need to update the concept of ‘reproduction of works’ by taking into account the possibilities offered by digital technologies in terms of communication to the public;

deleted

Or. en

Amendment 51
Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Emphasises the need to update the concept of ‘reproduction of works’ by taking into account the possibilities offered by digital technologies in terms of communication to the public;

deleted

Or. en

Amendment 52

Dietmar Köster, Luigi Morgano, Giorgos Grammatikakis

Draft opinion

Paragraph 4

Draft opinion

Amendment

4. Emphasises the need to update the concept of ‘reproduction of works’ by taking into account the possibilities offered by digital technologies in terms of communication to the public;

deleted

Or. en

Amendment 53

Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Marc Joulaud, Norbert Erdős

Draft opinion

Paragraph 4

Draft opinion

Amendment

4. Emphasises *the need to update the concept of ‘reproduction of works’* by taking into account the possibilities offered by digital technologies *in terms of communication to the public;*

4. Emphasises *that further analysis is necessary to identify measures not enable the current legal framework to the demand for online content* by taking into account the possibilities offered by digital technologies *while ensuring adequate protect to rightholders;*

Amendment 54
Mara Bizzotto

Draft opinion
Paragraph 4

Draft opinion

4. Emphasises the need to update the concept of ‘reproduction of works’ by taking into account the possibilities offered by digital technologies in terms of communication to the public;

Amendment

4. Emphasises the need to update the concept of ‘reproduction of works’ by taking into account the possibilities offered by digital technologies in terms of communication to the public ***and accessibility for persons with disabilities;***

Or. it

Amendment 55
Dietmar Köster, Luigi Morgano, Giorgos Grammatikakis

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Recalls the European Parliament resolution of 27 February 2014 on private copying levies (2013/2114 (INI)) and ask the Commission to implement those proposals in a coherent manner;

Or. en

Amendment 56
Jean-Marie Cavada, Angel Dzhambazki, Therese Comodini Cachia

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Urges for the establishment of mandatory limitations and exceptions to copyright, at least with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the EU;

deleted

Or. fr

Amendment 57

Dietmar Köster, Luigi Morgano, Giorgos Grammatikakis

Draft opinion

Paragraph 5

Draft opinion

Amendment

5. Urges for the establishment of mandatory limitations and exceptions to copyright, at least with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the EU;

deleted

Or. en

Amendment 58

Michel Reimon, Ernest Maragall

Draft opinion

Paragraph 5

Draft opinion

Amendment

5. Urges for the establishment of mandatory limitations and exceptions to copyright, at least with regard to the most

5. Notes that the ability to benefit from exceptions and limitations should be enjoyed in the digital environment without

important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the EU;

any unequal treatment compared to those granted in the analogue world; urges for the establishment of mandatory limitations and exceptions to copyright, at least with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the Union; stresses that the exception for research and education purposes should not only cover educational establishments but any kind of educational and research activities, including distant education; Emphasizes that the exception allowing public and research libraries to lend books to the public in digital formats for personal use, while not conflicting with the normal exploitation of the work should be irrespective of the place of access;

Or. en

Amendment 59
Marc Joulaud

Draft opinion
Paragraph 5

Draft opinion

5. Urges *for the establishment of mandatory limitations and exceptions* to copyright, *at least with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the EU;*

Amendment

5. Urges *the Commission, when examining whether certain exceptions and limitations* to copyright *need to be reviewed or harmonized, to ensure that there is a clear cross-border impact and that these exceptions and limitations are proportionate; moreover stresses that national circumstances lead to the need for different exceptions and limitations across Member States and thus there is a need for a flexible framework of optional exceptions;*

Or. en

Amendment 60

Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion

Paragraph 5

Draft opinion

5. Urges for the establishment of **mandatory limitations and** exceptions to copyright, **at least** with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the EU;

Amendment

5. Stresses that different national circumstances indicate a need for flexible legal framework of optional exceptions and the Commission in examining whether certain exceptions and limitations to copyright **need to be reviewed, is urged to ensure respect for the principle of subsidiarity and proceed instances where there is evidence of clear cross-border impact**, with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the Union;

Or. en

Amendment 61

Zdzisław Krasnodębski

Draft opinion

Paragraph 5

Draft opinion

5. Urges for the establishment of mandatory limitations and exceptions **to copyright, at least with regard to the most important exceptions**, such as those in the field of education, research **and libraries**, to allow for the more widespread dissemination of **cultural** content across the EU;

Amendment

5. Urges for the establishment of mandatory limitations and exceptions **provided for in existing copyright legislation**, such as those in the field of education, research, **libraries and museums**, to allow for the more widespread dissemination of content across the Union, **while taking into account the freedom of expression and information, freedom of the arts and sciences, religious**

and linguistic diversity;

Or. en

Amendment 62
Andrew Lewer

Draft opinion
Paragraph 5

Draft opinion

5. *Urges for the establishment of mandatory* limitations and exceptions *to copyright, at least with regard to the most important exceptions*, such as those in the field of education, research *and libraries*, to allow for the more widespread dissemination of *cultural content* across the EU;

Amendment

5. *Encourages the Member States to take up the* limitations and exceptions *provided for in existing copyright legislation*, such as those in the field of education, research, *libraries and museums* to allow for the more widespread dissemination of *resources* across the Union;

Or. en

Amendment 63
Curzio Maltese, Martina Michels

Draft opinion
Paragraph 5

Draft opinion

5. Urges for the establishment of mandatory limitations and exceptions to copyright, *at least* with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the EU;

Amendment

5. Urges for the establishment of mandatory limitations and exceptions to copyright, with regard to the most important exceptions, such as those in the field of education, research and libraries, to allow for the more widespread dissemination of cultural content across the Union;

Or. en

Amendment 64
Helga Trüpel, Michel Reimon

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Reminds that a fair balance of rights and interests between the different categories of rightholders, as well as between the different categories of rightholders and users of protected subject-matter must be safeguarded; the existing exceptions and limitations to the rights as set out by the Member States have to be reassessed in the light of the new electronic environment; existing differences in the exceptions and limitations to certain restricted acts have direct negative effects on the functioning of the internal market of copyright and related rights; such differences could well become more pronounced in view of the further development of transborder exploitation of works and cross-border activities; in order to ensure the proper functioning of the internal market, such exceptions and limitations should be defined and implemented more harmoniously; the degree of their harmonisation should be based on their impact on the smooth functioning of the internal market and improving of cultural production, while ensuring fair compensation of authors;

;Or. en

Amendment 65
Sylvie Guillaume

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Stresses the need to adopt provisions which enable, due to limitations and exceptions to the rights of copyright holders, works published in formats that are accessible to visually impaired people to be reproduced, distributed and made available; these measures are vital for ensuring that people with disabilities are able to fully participate in social, cultural and economic life;

Or. fr

Amendment 66
Michel Reimon, Ernest Maragall

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Urges the European legislator to ensure technological neutrality and future-compatibility of exceptions and limitations by taking due account of the effects of media convergence; therefore calls on the EU legislator to expressly include audio-visual quotations in the existing quotation exception in order to enable the use of quotations in new media formats; these quotations should be adequate in terms of length in relation to the type of source material;

Or. en

Amendment 67
Isabella Adinolfi

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Encourages, to fully exploit the possibilities offered by new digital technologies and favour learning and widespread culture dissemination, to provide for new mechanisms of content fruition such as e-lending;

Or. en

Amendment 68

Jean-Marie Cavada, Angel Dzhambazki, Therese Comodini Cachia

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Notes that the room for manoeuvre left to Member States in accordance with the subsidiarity principle has enabled them to adapt exceptions and limitations to their social and economic circumstances;

Or. fr

Amendment 69

Marc Joulaud, Sabine Verheyen

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Recalls that no Member State has applied, or expressed the desire to apply, all the exceptions listed within the 2001/29/EC Directive, recalls that the facultative list of exceptions results from the variety of national cultural policies and provides a necessary flexibility to the

Member States;

Or. en

Amendment 70

Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Marc Joulaud, Norbert Erdős

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Stresses that when Member States provide for exceptions and limitations they should ensure that rightholders receive fair compensation and that the exceptions or limitations do not conflict with a normal exploitation of the work or subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder;

Or. en

Amendment 71

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Eider Gardiazabal Rubial

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Stresses that when Member States provide for exceptions and limitations they should ensure that creators or rightholders receive fair compensation and that the exceptions or limitations do not conflict with a normal exploitation of the work or subject-matter;

Or. en

Amendment 72
Michel Reimon, Ernest Maragall

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Calls on the European legislator to ensure that the use of photographs, video footage or other images of works which are permanently located in public places are permitted;

Or. en

Amendment 73
Helga Trüpel, Michel Reimon

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Urges the Commission and Member states to provide for an updated exception that allows Libraries, Archives and Museums to make protected works in their collections that are not in commercial circulations anymore or otherwise actively managed by their rightsholders available for online access by the public;

Or. en

Amendment 74
Isabella Adinolfi

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Highlights that, in order to widespread disseminate culture and increase educational possibilities, new technologies should be used to increase the legal offer of content by encouraging re-use mechanisms and the birth of a digital second-hand market;

Or. en

Amendment 75

Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta, Eva Paunova

Draft opinion

Paragraph 5 b (new)

Draft opinion

Amendment

5b. Acknowledge that Text and data Mining is an emerging and promising practice, in particular for the research field, recalls that innovative licensing solutions are established, but that any preferential treatment should only be applied for non-commercial use;

Or. en

Amendment 76

Jean-Marie Cavada, Angel Dzhambazki, Marc Joulaud, Sabine Verheyen, Juan Carlos Girauta Vidal, Therese Comodini Cachia

Draft opinion

Paragraph 5 b (new)

Draft opinion

Amendment

5b. Calls on the Commission to ensure that exceptions and limitations are properly implemented; calls on Member States, at the same time, to provide all

possible information concerning best practices and the obstacles encountered in the implementation of those exceptions and limitations, in order to promote equal access to cultural diversity across borders within the internal market and to improve legal certainty;

Or. fr

Amendment 77

Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta

Draft opinion

Paragraph 5 f (new)

Draft opinion

Amendment

5f. Where exceptions and limitations are provided for, stresses the need for them to be targeted and narrow whilst reflecting modern digital use, and for clarity to the user with regards to the scope and limits of these exceptions and limitations in order to avoid consumer confusion and ensure legal certainty;

Or. en

Amendment 78

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis

Draft opinion

Paragraph 5 b (new)

Draft opinion

Amendment

5b. Where exceptions and limitations are provided for, stresses the need for them to be targeted whilst reflecting modern digital use, and for clarity to the user with regards to the scope and limits of these exceptions and limitations in order to avoid consumer confusion and ensure

legal certainty;

Or. en

Amendment 79
Michel Reimon, Ernest Maragall

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Emphasizes that the exception for caricature, parody and pastiche should apply regardless of the purpose of the parodic use;

Or. en

Amendment 80
Isabella Adinolfi

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Suggests to the Commission to limit the cases of impediment of free movement of goods and services by blocking the access to content on a territorial basis so that measures put in place are proportionate and applied to avoid the creation of detrimental barriers to legitimate trade and therefore calls for providing safeguards against abuses;

Or. en

Amendment 81
Jean-Marie Cavada, Marc Joulaud, Sabine Verheyen, Fernando Maura Barandiarán, Juan Carlos Girauta Vidal, Therese Comodini Cachia

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Notes the need to carry out an in-depth study of exceptions for research and education purposes before contemplating any changes to the relevant Community rules;

Or. fr

Amendment 82
Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Recognises the importance of libraries for accessing knowledge and encourages the efforts made by the stakeholders to find market-based, contractual and license-based voluntary solutions to allow libraries to make use of the digital environment while respecting the rightholders' interests; notes that the technology allows e-lending of digital content in a way that permit an effective control, calls the Commission to take this into account;

Or. en

Amendment 83
Marc Joulaud, Bogdan Brunon Wentă, Eva Paunova

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Recognises the importance of libraries for accessing knowledge and encourages the efforts made by the stakeholders to find voluntary solutions to allow libraries to make use of the digital environment while respecting the rightholders' interests; notes that the technology allow e-lending of e-books in a way that permit an effective control, making it similar to the lending of physical copies, calls the Commission to take this into account;

Or. en

Amendment 84

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Marlene Mizzi

Draft opinion

Paragraph 5 c (new)

Draft opinion

Amendment

5c. Recognises the importance of libraries for accessing knowledge and encourages the efforts made by the stakeholders to find solutions to allow libraries to make use of the digital environment while respecting the rightholders' interests; notes that the technology allows e-lending of e-books in a way that permits an effective control, making it similar to the lending of physical copies;

Or. en

Amendment 85

Jean-Marie Cavada, Therese Comodini Cachia

Draft opinion

Paragraph 5 d (new)

Draft opinion

Amendment

5d. Acknowledges the importance of libraries for access to knowledge; encourages stakeholders to find appropriate solutions to enable libraries to fulfil their potential in the digital environment whilst respecting rightholders' interests;

Or. fr

Amendment 86

Michel Reimon, Ernest Maragall

Draft opinion

Paragraph 5 d (new)

Draft opinion

Amendment

5d. Stresses the need to enable automated analytical techniques for text and data ('text and data mining'), for all purposes, provided that the permission to read the work has been acquired;

Or. en

Amendment 87

Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion

Paragraph 5 c (new)

Draft opinion

Amendment

5c. Recalls that the Marrakech Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities requires to have a mandatory exception to copyrights for the non-commercial uses to the benefit of persons with a disability, which are

directly related to the disability, to the extent required by the specific disability;

Or. en

Amendment 88

Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta, Silvia Costa

Draft opinion

Paragraph 5 d (new)

Draft opinion

Amendment

5d. Recalls that the Marrakech Treaty will require the Union to have a mandatory exception to copyrights for the non-commercial uses to the benefit of persons with a disability, which are directly related to the disability, to the extent required by the specific disability;

Or. en

Amendment 89

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Marlene Mizzi

Draft opinion

Paragraph 5 d (new)

Draft opinion

Amendment

5d. Recalls that the Marrakech Treaty will require the Union to have a mandatory exception to copyrights for the non-commercial uses to the benefit of persons with a disability, which are directly related to the disability, to the extent required by the specific disability;

Or. en

Amendment 90
Andrew Lewer

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Highlights the fact that a general exception should be introduced to offer a broader interpretation of the current exceptions based on the analogue model, while taking into account the freedom of expression and information, freedom of the arts and sciences and cultural, religious and linguistic diversity, as referred to in the Charter of Fundamental Rights of the European Union;

deleted

Or. en

Amendment 91
Zdzisław Krasnodębski, Angel Dzhambazki

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Highlights the fact that a general exception should be introduced to offer a broader interpretation of the current exceptions based on the analogue model, while taking into account the freedom of expression and information, freedom of the arts and sciences and cultural, religious and linguistic diversity, as referred to in the Charter of Fundamental Rights of the European Union;

deleted

Or. en

Amendment 92
Michel Reimon, Ernest Maragall

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Highlights the fact that a general exception should be introduced to offer a broader interpretation of the current exceptions based on the analogue model, while taking into account the freedom of expression and information, freedom of the arts and sciences and cultural, religious and linguistic diversity, as referred to in the Charter of Fundamental Rights of the European Union;

deleted

Or. en

Amendment 93

Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta, Eva Paunova

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Highlights the fact that a general exception *should be introduced to offer a broader interpretation of the current exceptions based on the analogue model, while taking into account the freedom of expression and information, freedom of the arts and sciences and cultural, religious and linguistic diversity, as referred to in the Charter of Fundamental Rights of the European Union;*

6. Highlights the fact that a general ***flexible*** exception ***is not adapted to the European legal system and would undermine the legal certainty necessary for both the consumers and the creative and cultural sectors;***

Or. en

Amendment 94

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis

Draft opinion
Paragraph 6

Draft opinion

6. Highlights the fact that a general exception *should be introduced to offer a broader interpretation of the current exceptions based on the analogue model, while taking into account the freedom of expression and information, freedom of the arts and sciences and cultural, religious and linguistic diversity, as referred to in the Charter of Fundamental Rights of the European Union;*

Amendment

6. Highlights the fact that a general *flexible* exception *is not adapted to the European legal system and would undermine the legal certainty necessary for both the consumers and the creative and cultural sectors;*

Or. en

Amendment 95

Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion
Paragraph 6

Draft opinion

6. *Highlights the fact that a general exception* should be *introduced to offer a broader interpretation of the current exceptions based on the analogue model,* while taking into account the freedom of expression and information, freedom of the arts and sciences and cultural, religious and linguistic diversity, as referred to in the Charter of Fundamental Rights of the European Union;

Amendment

6. *Notes that technological changes have led to renewed interest in exceptions and limitations, especially their role in the digital environment and considers that the rights enjoyed by the creators of work in the digital world should be identical to those enjoyed in the analogue world, subject to the exceptions and limitations set out. Stresses that further analysis is necessary of these exceptions and limitations designed in an analogue environment can serve the public in the digital age,* while taking into account the freedom of expression and information, freedom of the arts and sciences and cultural, religious and linguistic diversity, as referred to in the Charter of Fundamental Rights of the European Union;

Amendment 96
Isabella Adinolfi

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls for the introduction of a de minimis exception and limitation that applies analogically the discipline already provided in Article 5.3, in cases that are not regulated, especially bearing in mind the swift technological evolution; this de minimis exception should be evaluated in light of the qualitative and quantitative parameters of three-step test, as provided for by Article 5.5 of the Directive;

Or. en

Amendment 97
Michel Reimon, Ernest Maragall

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls for a flexible interpretation of exceptions and limitations to exclusive rights, allowing to apply exceptions and limitations to uses that are similar to the ones in the original legal provisions, thereby ensuring that exceptions and limitations can be adapted to new forms of usage emerging due to technological change; such flexibility would be subject to the three-step-test, which grants limitations and exceptions in certain special cases that do not conflict with the

normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author or rightholder;

Or. en

Amendment 98

Jean-Marie Cavada, Marc Joulaud, Sabine Verheyen, Therese Comodini Cachia

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6a. Stresses the fact that exceptions and limitations should be applied whilst taking account of the specific individual features of digital and analogue environments and should neither conflict with the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author or rightholder; they are established for very specific reasons and should be strictly interpreted by the Member States;

Or. fr

Amendment 99

Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6a. Encourages the Commission to safeguard the fair balance between all key actors in the creative process and supply chain in the copyright framework whilst fully respecting the Charter of Fundamental Rights of the European Union;

Amendment 100

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Eider Gardiazabal Rubial

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6a. Encourages the Commission to safeguard the fair balance between all key actors in the creative process and supply chain in the copyright framework whilst fully respecting the Charter of Fundamental Rights of the European Union;

Amendment 101

Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion

Paragraph 7

Draft opinion

Amendment

7. Stresses that digital levies should be modernised in light of the development of digital technologies to safeguard rightholder and consumer rights and by taking into account 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;

deleted

Amendment 102
Andrew Lewer

Draft opinion
Paragraph 7

Draft opinion

7. Stresses that digital levies should be *modernised in light of the development of digital technologies to safeguard rightholder and consumer rights and by taking into account 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;*

Amendment

7. Stresses that digital levies should be *phased out across the Union as part of modernised approach to* copyright;

Or. en

Amendment 103
Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wentz

Draft opinion
Paragraph 7

Draft opinion

7. Stresses that digital levies should be *modernised in light of the development of digital technologies* to safeguard rightholder and consumer rights and by taking into account 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;

Amendment

7. Stresses that digital levies should be *made more transparent and optimised* to safeguard rightholder and consumer rights and by taking into account 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;

Or. en

Amendment 104
Michel Reimon, Ernest Maragall

Draft opinion
Paragraph 7

Draft opinion

7. Stresses that digital levies should be modernised in light of the development of digital technologies to safeguard rightholder and consumer rights and by taking into account 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;

Amendment

7. Stresses that digital levies should be modernised in light of the development of digital technologies to safeguard rightholder and consumer rights and by taking into account 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; ***in particular calls for the adoption of harmonised criteria for the interpretation of the harm caused to rightholders in respect of reproductions made by a natural person for private use, and for harmonised transparency measures as regards the private copying levies put in place in some Member States;***

Or. en

Amendment 105
Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7a. Notes that further analysis is necessary on the viability of measures to the fair compensation of rightholders in respect of reproductions made by natural persons for private use, while seeks more transparency and better optimisation for

the existing measures as digital levies to safeguard rightholder and consumer rights;

Or. en

Amendment 106
Isabella Adinolfi

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7a. Suggests to follow the instructions included in António Vitorino's recommendations, of 31 January 2013 resulting from the last mediation process on private copying and reprography levies conducted by the Commission, especially with regard to the clear indication of the percentage to be allocated to private copying in sales to consumers and the introduction of the principle of perception of private copying proceeds directly by authors, ensuring that this allocation is not intermediated by a third party, or that there are intermediate steps that do not impair the right of the author to see themselves fully recognised the fair compensation; fair compensation may not apply to the business sector and professional users, given the incompatibility of such use with the concept of private copying;

Or. en

Amendment 107
Andrew Lewer

**Draft opinion
Paragraph 8**

Draft opinion

Amendment

8. Suggests a review of the liability of service providers to guarantee the dissemination of culture across the EU and in accordance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.

deleted

Or. en

Amendment 108

Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős

**Draft opinion
Paragraph 8**

Draft opinion

Amendment

8. Suggests a review of the liability of service providers *to guarantee the dissemination of culture across the EU and in accordance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.*

8. Suggests a review of the liability of service providers *and intermediaries in order to clarify their legal status and liability with regards to copyrights, to guarantee that due diligence is exercised throughout the creative process and supply chain, and to ensure a fair remuneration for creators and rightholders within the Union.;*

Or. en

Amendment 109

Marc Joulaud, Therese Comodini Cachia, Bogdan Brunon Wenta

**Draft opinion
Paragraph 8**

Draft opinion

Amendment

8. Suggests a review of the liability of

8. Suggests a review of the liability of

service providers *to guarantee the dissemination of culture across the EU and in accordance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.*

service providers *and intermediaries in order to clarify their legal status and liability with regards to copyrights, to guarantee that due diligence is exercised throughout the creative process and supply chain, and to ensure a fair remuneration for creators and rightholders within the Union.;*

Or. en

Amendment 110

Zdzisław Krasnodębski, Angel Dzhambazki

Draft opinion Paragraph 8

Draft opinion

8. Suggests a review of the liability of service providers *to guarantee the dissemination of culture across the EU and in accordance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights;*

Amendment

8. Suggests a review of the liability of service providers *and intermediaries in order to clarify their legal status and liability with regards to copyrights to ensure a fair remuneration for creators and rightholders and to guarantee the dissemination of culture across the Union;*

Or. en

Amendment 111

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis

Draft opinion Paragraph 8

Draft opinion

8. Suggests *a review of the liability* of service providers *to guarantee the dissemination of culture across the EU and in accordance with the Charter of Fundamental Rights of the European Union and the European Convention on*

Amendment

8. Suggests *that the situation* of service providers *and intermediaries in relation to the profit from exploitation of the artist's work should be reviewed;*

Human Rights;

Or. en

Amendment 112

Jean-Marie Cavada, Fernando Maura Barandiarán, Therese Comodini Cachia

Draft opinion

Paragraph 8

Draft opinion

8. Suggests a review of the liability of service providers to guarantee the dissemination of culture *across* the EU *and in accordance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights;*

Amendment

8. Suggests a review of the liability *and status* of service providers to guarantee the *legal* dissemination of culture *and fair remuneration for creation in* the EU;

Or. fr

Amendment 113

Helga Trüpel, Michel Reimon

Draft opinion

Paragraph 8 a (new)

Draft opinion

8a. Calls for the introduction of Community provisions in the area of contract law applicable to copyright, particularly safeguarding authors' rights to bring their works to the market in case a rightholder has refrained from making use of an exclusive right to the work in question for an extended period of time;

Amendment

Or. en

Amendment 114
Isabella Adinolfi

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8a. Urges to establish that the orders against intermediaries to protect copyright are given only by the competent judicial authority with reference to the limits imposed by Directive 2004/48 (ex Art. 11), the Charter of Fundamental Rights of the European Union, Article. 51, par. 1, and Article. 6 TEU;

Or. en

Amendment 115
Zdzisław Krasnodebski

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8a. Stresses the necessity for authors and performers to be provided with legal protection for their creative and artistic work; taking into account specificity of the audiovisual sector recommends introducing an unwaivable right to remuneration for authors of audiovisual works for making their works available;

Or. en

Amendment 116
Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8a. Recognizes that commercial copyright infringing activities pose a serious threat to the functioning of the digital single market and to the development of the legal offer of diversified cultural and creative content online;

Or. en

Amendment 117

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis

Draft opinion

Paragraph 8 a (new)

Draft opinion

Amendment

8a. Recognizes that commercial copyright infringing activities pose a serious threat to the functioning of the digital single market and to the development of the legal offer of diversified cultural and creative content online;

Or. en

Amendment 118

Isabella Adinolfi

Draft opinion

Paragraph 8 b (new)

Draft opinion

Amendment

8b. Suggests to strengthen the safe harbour principles in the matter of liability of service providers to guarantee widespread dissemination of culture within the EU and in accordance with the Charter of Fundamental Rights of the European Union and ECHR;

Amendment 119

Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta

Draft opinion

Paragraph 8 b (new)

Draft opinion

Amendment

8b. Points out that the rapid rate of technological development in the digital market calls for a technologically neutral legislative framework for copyrights;

Or. en

Amendment 120

Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Marlene Mizzi

Draft opinion

Paragraph 8 b (new)

Draft opinion

Amendment

8b. Points out that the rapid rate of technological development in the digital market calls for a technologically neutral legislative framework for copyrights;

Or. en

Amendment 121

Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta

Draft opinion

Paragraph 8 c (new)

Draft opinion

Amendment

8c. Takes note of the importance of

*territorial licenses in the Union,
particularly with regards to audiovisual
and film production which is primarily
based on broadcasters pre-purchase or
pre-financing systems;*

Or. en