

EUROPEAN PARLIAMENT

2004



2009

Committee on the Internal Market and Consumer Protection

2008/2121(INI)

19.11.2008

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Legal Affairs

on the report by the Commission on the application of Directive 2001/29/EC
on the harmonisation of certain aspects of copyright and related rights in the
information society
(2008/2121(INI))

Rapporteur: Janelly Fourtou

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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 in its motion for a resolution:

1. Notes that the creative industries are a growing sector that account for 2.6% of European Union GDP (2003) and employ over five million people;
2. Points out that the protection of copyright and related rights in the context of the information society is an important factor in the development of the internal market economy which underpins a virtuous circle of incentive, creation, investment, and dissemination to European consumers;
3. Recalls that the European Community and its Member States are required to respect the international copyright framework, namely Article 9(2) of the Berne Convention for the Protection of Literary and Artistic Works of 1886, and Article 13 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, the terms of which are set out in Article 5(5) of Directive 2001/29/EC;
4. Emphasises that it is important to allow everyone to access protected content in full respect of copyright;
5. Observes that technological measures must not excessively or unjustifiably damage the rights of those lawfully consuming copyright-protected products;
6. Recognises that wide dissemination of knowledge contributes to more inclusive and cohesive societies but emphasises that a high level of copyright protection is crucial for intellectual creation and that a balance must therefore be struck in order to ensure the preservation and development of creativity in the interests of all;
7. Emphasises that a European copyright framework providing a high level of protection is a necessary condition for continued innovation and investment by publishers in new electronic products and services, which make an essential contribution to the European Union's efforts to become the main player in the knowledge economy at world level;
8. Considers that exceptions to and limitations on copyright and related rights are most efficiently provided for on a national basis, as this ensures the most flexible solutions for the rapidly changing environment of the information society;
9. Notes that this initial report on the application of articles 5, 6 and 8 of Directive 2001/29/EC does not enable a meaningful assessment, owing to belated transposition by the Member States, and therefore calls on the Commission to concentrate its efforts on full implementation of Directive 2001/29/EC in all its aspects and to ensure a balance between ensuring rewards for rights owners and dissemination to the benefit of European consumers;
10. Regrets that, in its report, the Commission disregards the legislative practice of the countries which joined the European Union after the adoption of the Directive;
11. Hopes that the Commission will allow itself more time to draw up a fuller list of transposition measures and future case law;

12. considers that application of the Directive must take place within a broader framework, which should in particular take into account the provisions on electronic commerce set out in Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market¹, Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights² and the provisions on data protection set out in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data³;
13. Notes that Directive 2001/29/EC provides for legal recourse for the enforcement of rights and favours the further development and use of alternatives involving arbitration, mediation and self-regulation systems that involve the various players in the digital world;
14. Considers, on the one hand, that education and awareness-building are crucial, and, on the other hand, calls on the Commission to ensure the transparency and interoperability of digital rights management systems.

¹ OJ L 178, 17.7.2000, p. 1.

² OJ L 157, 30.4.2004, p. 45.

³ OJ L 281, 23.11.1995, p. 31.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	6.11.2008
Result of final vote	+: 34 -: 1 0: 1
Members present for the final vote	Mia De Vits, Janelly Fourtou, Evelyne Gebhardt, Martí Grau i Segú, Małgorzata Handzlik, Malcolm Harbour, Christopher Heaton-Harris, Anna Hedh, Iliana Malinova Iotova, Pierre Jonckheer, Kurt Lechner, Lasse Lehtinen, Toine Manders, Catiuscia Marini, Arlene McCarthy, Nickolay Mladenov, Zita Pleštinská, Giovanni Rivera, Zuzana Roithová, Heide Rühle, Leopold Józef Rutowicz, Salvador Domingo Sanz Palacio, Christel Schaldemose, Andreas Schwab, Marianne Thyssen, Jacques Toubon, Bernadette Vergnaud, Barbara Weiler, Marian Złotea
Substitute(s) present for the final vote	Wolfgang Bulfon, Colm Burke, Joel Hasse Ferreira, Andrea Losco, Manuel Medina Ortega, Anja Weisgerber
Substitute(s) under Rule 178(2) present for the final vote	Maddalena Calia, Francesco Ferrari, Mario Mauro, Willem Schuth