



EUROPEAN PARLIAMENT

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Committee on Industry, Research and Energy

2011/2313(INI)

26.4.2012

OPINION

of the Committee on Industry, Research and Energy

for the Committee on Culture and Education

on online distribution of audiovisual works in the EU
(2011/2313(INI))

Rapporteur: Maria Badia i Cutchet

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SUGGESTIONS

The Committee on Industry, Research and Energy calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Acknowledges the fragmentation of the on-line market, marked for example by technological barriers, complexity of licensing procedures, differences in methods of payment, lack of interoperability for crucial elements such as eSignature, and variations in certain taxes which apply to goods and services including VAT rates; believes, therefore, that there is a present need for a transparent, flexible and harmonised approach at European level in order to advance towards the digital single market; underlines that any proposed measure should take into account the reduction of administrative burdens and transaction costs in connection with the licensing of content;
2. Stress that digital services, such as video streaming services, should be made available to all EU citizens irrespective of the Member State in which they are located; calls on the Commission to request that European digital companies remove geographical controls (e.g. IP address blocking) for the whole Union and allow the purchase of digital services from outside the Member State of origin; asks the Commission to draft an analysis of the application of the Cable and Satellite Directive¹ to digital distribution;
3. Asks the Commission to present an analysis of whether the principle of mutual recognition could be applied to digital goods in the same manner as to physical goods;
4. Considers that greater attention should be given to respecting fundamental rights, notably the freedom of information and of speech, the protection of personal data and the right to privacy, and to improving the security of online distribution platforms, including online payments;
5. Stresses that there is a growing need to promote the emergence of legal and attractive on-line supply and encourage innovation, and that hence it is essential for new methods of distribution to be flexible in order to allow the emergence of new business models and make digital goods accessible to all EU citizens, regardless of their Member State of residence, and taking into account the principle of net neutrality;
6. Suggests a comprehensive approach at EU level which should involve greater cooperation between rights-holders, online distribution platforms and internet service providers to facilitate user-friendly and competitive access to audiovisual content;
7. Recognises however that, where legal alternatives do exist, piracy remains an issue and therefore the legal online availability of copyrighted cultural material needs to be supplemented with smarter online enforcement of copyright while fully respecting fundamental rights, notably the freedom of information and of speech, protection of personal data and the right to privacy as well as the 'mere conduit' principle;

¹ Directive 93/83/EEC.

8. Supports the creation of a legal framework to facilitate digitisation and the cross-border dissemination of orphan works on the digital single market, this being one of the key actions identified in the Digital Agenda for Europe, which is part of the Europe 2020 Strategy;
9. Recalls the importance of the online library Europeana and believes that greater attention should be given by the Member States and cultural institutions to ensuring its accessibility and visibility;
10. Underlines that the digital divide between Member States or regions of the EU represents a serious barrier to the development of the digital single market; therefore calls for the expansion of broadband internet access throughout the EU with a view to stimulating access to online services and to new technologies;
11. Considers that the digitisation and preservation of cultural resources, as well as enhanced access to such resources, offer great economic and social opportunities and represent an essential condition for the future development of Europe's cultural and creative capacities and for its industrial presence in this field; therefore supports the Commission's Recommendation of 27 October 2011 on the digitisation and online accessibility of cultural works and digital preservation, as well as the proposal to create an up-to-date package of measures to that end;
12. Recalls the necessity to ensure the proper remuneration of right-holders for on-line distribution of audiovisual materials; notes that, although this right has been recognised at European level since 2001, there still is a lack of proper remuneration for works being made available online;
13. Considers that this remuneration should aim to facilitate artistic creation, to increase European competitiveness and to take into account the characteristics of the sector, the interests of the different stakeholders and the need for significantly simplified licensing procedures; calls on the Commission to stimulate bottom-up solutions in cooperation with all stakeholders; in order to further develop specific EU legislation;
14. Believes that there is a need for up-to-date information on licensing conditions, licence holders and repertoires and for comprehensive studies at European level in order to facilitate transparency as well as to identify where problems are located and to find clear, efficient and appropriate mechanisms to solve them;
15. Calls upon the Commission to speed up the work on the proposal for a Directive on Collective Rights Management, which should also take into account the specificities of the audiovisual sector, and considers that this proposal should enable harmonisation of transparency and good governance rules;
16. Welcomes the new Creative Europe Programme proposed by the Commission, which underlines that online distribution is also having a massive and positive impact on the distribution of audiovisual works, especially in terms of reaching new audiences in Europe and beyond, and in enhancing social cohesion;
17. Stresses the fact that the Commission report on the application of Directive 2001/29/EC

established differences in implementation in the Member States of the provisions of Articles 5, 6 and 8, leading to different interpretations and decisions from the courts of Member States; recalls that these have become part of the specific body of case law;

18. Requests the Commission to continue the rigorous monitoring of the application of Directive 2001/29/EC and the periodic reporting of findings to the European Parliament and Council;
19. Invites the Commission to revise Directive 2001/29/EC, after consulting all the relevant stakeholders, in such a way that the provisions of Articles 5, 6 and 8 are worded more precisely, with a view to ensuring the harmonisation at Community level of the legal framework for copyright protection in the Information Society.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	24.4.2012
Result of final vote	+: 47 -: 5 0: 2
Members present for the final vote	Gabriele Albertini, Amelia Andersdotter, Josefa Andrés Barea, Zigmantas Balčytis, Ivo Belet, Bendt Bendtsen, Reinhard Bütikofer, Maria Da Graça Carvalho, Jürgen Creutzmann, Pilar del Castillo Vera, Christian Ehler, Vicky Ford, Gaston Franco, Adam Gierek, Norbert Glante, Robert Goebbels, András Gyürk, Fiona Hall, Edit Herczog, Kent Johansson, Romana Jordan, Krišjānis Kariņš, Lena Kolarska-Bobińska, Judith A. Merkies, Jaroslav Paška, Aldo Patriciello, Vittorio Prodi, Miloslav Ransdorf, Herbert Reul, Jens Rohde, Paul Rübig, Francisco Sosa Wagner, Konrad Szymański, Patrizia Toia, Claude Turmes, Niki Tzavela, Marita Ulvskog, Vladimir Urutchev, Adina-Ioana Vălean, Kathleen Van Brempt, Alejo Vidal-Quadras
Substitute(s) present for the final vote	Maria Badia i Cutchet, Yves Cochet, Ioan Enciu, Vicente Miguel Garcés Ramón, Roger Helmer, Jolanta Emilia Hibner, Yannick Jadot, Seán Kelly, Eija-Riitta Korhola, Werner Langen, Zofija Mazej Kukovič, Vladimír Remek, Silvia-Adriana Țicău