



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Culture and Education

27/02/2015

AMENDMENTS 1 - 18

Isabella Adinolfi

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

Draft opinion PE544.403 - 2014/2256(INI)

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United in diversity

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Amendment 1
Dietmar Köster
Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. 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 EU;

Or. en

Amendment 2
Dietmar Köster
Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. 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 3
Dietmar Köster
Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1 c. 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 4
Dietmar Köster
Draft opinion
Paragraph 1 d (new)

Draft opinion

Amendment

1 d. 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 5
Dietmar Köster
Draft opinion
Paragraph 1 e (new)

Draft opinion

Amendment

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

Or. en

Amendment 6
Dietmar Köster
Draft opinion
Paragraph 1 f (new)

Draft opinion

Amendment

1 f. 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 7
Dietmar Köster
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 embedd 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 8
Dietmar Köster
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. **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 9
Dietmar Köster
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 10
Dietmar Köster
Draft opinion
Paragraph 5 a (new)**

Draft opinion

Amendment

5 a. 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 11
Dietmar Köster
Draft opinion
Paragraph 5 b (new)**

Draft opinion

Amendment

5 b. 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 12
Dietmar Köster
Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5 c. 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 13
Dietmar Köster
Draft opinion
Paragraph 5 d (new)

Draft opinion

Amendment

5 d. Recalls that the Marrakech Treaty will require the EU 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 14
Dietmar Köster
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***

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***

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;

sectors;

Or. en

Amendment 15
Dietmar Köster
Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6 a. 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;

Or. en

Amendment 16
Dietmar Köster
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 **that the situation** of service providers **and intermediaries in relation to the profit from exploitation** of the **artist's work should be reviewed.**

Or. en

Amendment 17
Dietmar Köster
Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8 a. 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 18
Dietmar Köster
Draft opinion
Paragraph 8 b (new)**

Draft opinion

Amendment

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

Or. en