



**EDRi comments on the Amendments presented at the CULT Committee on the Draft Report 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**

**Amendment 1  
Marlene Mizzi  
Draft opinion  
Paragraph -1 (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>-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;</i></b>

**Amendment 2**  
**Helga Trüpel, Michel Reimon**  
**Draft opinion**  
**Paragraph -1 (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>-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;</i></b>

Or. en

**Amendment 3**  
**Helga Trüpel, Michel Reimon**  
**Draft opinion**  
**Paragraph -1 (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>-1. Urges to improve the contractual position of authors and performers in their relation to other rightholders and intermediaries;</i></b>

Or. en

**Amendment 4**  
**Helga Trüpel, Michel Reimon**  
**Draft opinion**  
**Paragraph -1 (new)**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>-1. Reminds that any harmonisation of copyright and related rights must take as a basis a high level of protection;</i></b>
The need for a « high level of protection » does not seem to have a significant meaning. In any event, enforcement is not the subject of this Report.	

Or. en

**Amendment 5****Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wentta, Davor Ivo Stier, Therese Comodini Cachia, Eva Paunova****Draft opinion****Paragraph 1**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<b>1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the EU;</b>	<b>deleted</b>
We fail to see why a common definition of public domain should not be achieved unless the goal is to spread uncertainty.	

Or. en

**Amendment 6****Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős****Draft opinion****Paragraph 1**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<b>1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the EU;</b>	<b>deleted</b>
Same as above	

Or. en

**Amendment 7****Andrew Lewer****Draft opinion****Paragraph 1**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<b>1. Highlights the need for a common definition of ‘public domain’ so as to ensure the widespread dissemination of cultural content across the EU;</b>	<b>deleted</b>
Same as above	

Or. en

**Amendment 8**  
**Michel Reimon, Ernest Maragall**  
**Draft opinion**  
**Paragraph 1**

SUPPORT	
<i>Draft opinion</i>	<i>Amendment</i>
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’ <b>works, which are by definition not subject to copyright protection</b> , so as to ensure the widespread dissemination of cultural content across the Union; <b>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;</b>

Or. en

**Amendment 9**  
**Isabella Adinolfi**  
**Draft opinion**  
**Paragraph 1**

SUPPORT	
<i>Draft opinion</i>	<i>Amendment</i>
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’ so as to ensure the widespread dissemination of cultural content across the Union <b>and guaranteeing a common level of protection of works out of copyright in Member States;</b>

Or. en

**Amendment 10**  
**Curzio Maltese, Martina Michels**  
**Draft opinion**  
**Paragraph 1**

OPPOSE	
<i>Draft opinion</i>	<i>Amendment</i>
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’ so as to ensure the widespread dissemination of cultural content across the Union <b>while having a balanced approach between rights of users and authors;</b>
We fail to see the need to balance when rights in this case since the work is on the public	

domain and thus not subject to copyright. The author has not exclusive right and the moral right always remains despite the work being on the public domain.

Or. en

**Amendment 11**  
**Michel Reimon, Ernest Maragall**  
**Draft opinion**  
**Paragraph 1 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 12**  
**Isabella Adinolfi**  
**Draft opinion**  
**Paragraph 1 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

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)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
Barriers to access to cultural content are not a benefit to culture, to European integration, to worker mobility or to the single market.	

Or. en

**Amendment 14****Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Marlene Mizzi****Draft opinion****Paragraph 1 c (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
Same as above	

Or. en

**Amendment 15****Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Norbert Erdős****Draft opinion****Paragraph 1 e (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Same as above

Or. en

**Amendment 16**

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

**Draft opinion**

**Paragraph 1 g (new)**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
This does not make sense linguistically and enforcement falls outside the scope of the Report.	

Or. en

Amendment 17

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

**Draft opinion**

**Paragraph 1 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
While there are positive elements in this amendment, enforcement falls outside the scope of the Report. The reference to « fair remuneration » is vague and the word « attains » makes little obvious sense.	

Or. enAmendment

18

**Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős**  
**Draft opinion**  
**Paragraph 1 b (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
Same as above	

Or. en

**Amendment 19**  
**Curzio Maltese, Martina Michels**  
**Draft opinion**  
**Paragraph 1 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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 strenghtening the contractual position of authors and creators regarding rightholders;</i></b>

Or. en



**Amendment 20**  
**Michel Reimon, Ernest Maragall, Helga Trüpel**  
**Draft opinion**  
**Paragraph 1 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>

Or. en

**Amendment 21**  
**Isabella Adinolfi**  
**Draft opinion**  
**Paragraph 1 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>

Or. en

**Amendment 22**  
**Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis**  
**Draft opinion**  
**Paragraph 1 d (new)**

<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>

**Amendment 23****Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta, Eva Paunova, Silvia Costa****Draft opinion****Paragraph 1 b (new)**

<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

**Amendment 24****Isabella Adinolfi****Draft opinion****Paragraph 1 c (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>S1c. Underlines the need to provide for appropriate remuneration of authors and all categories of rightholders;</i></b>
This Report is about the 2001/29/EC Directive, which already provides for fair compensation for rightsholders in relation to areas regulated by that instrument.	

**Amendment 25**

**Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős**

**Draft opinion**

**Paragraph 1 c (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>
The text of AM 26 is clearer.	

Or. en

**Amendment 26**

**Dietmar Köster, Luigi Morgano, Mary Honeyball**

**Draft opinion**

**Paragraph 1 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>

Or. en

**Amendment 27**

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

**Draft opinion**

**Paragraph 1 h (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
AM 26 is clearer. It is not obvious if this amendment, for example, is suggesting that the current level of protection is already a « high level of protection » or not.	

Or. en

**Amendment 28**

**Isabella Adinolfi**

**Draft opinion**

**Paragraph 1 d (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 29**

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

**Draft opinion**

**Paragraph 1 d (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>

Or. en

**Amendment 30**

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

**Draft opinion**

**Paragraph 1 d (new)**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>

Or. en

**Amendment 31**

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

**Draft opinion**

**Paragraph 1 g (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>1g. 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;</i></b></p>

Or. en

**Amendment 32**

**Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wentta, Therese Comodini Cachia**

**Draft opinion**

**Paragraph 1 e (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>1e. 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;</i></b>

Or. en

**Amendment 33**

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

**Draft opinion**

**Paragraph 1 c (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 34**

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

**Draft opinion**

**Paragraph 1 f (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 35****Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis****Draft opinion****Paragraph 1 e (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 36****Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős****Draft opinion****Paragraph 1 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
It is widely accepted that these “statistics” are based on deeply flawed methodologies. <a href="http://copyright4creativity.eu/myths-facts/">http://copyright4creativity.eu/myths-facts/</a>	

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)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
It is widely accepted that these “statistics” are based on deeply flawed methodologies. <a href="http://copyright4creativity.eu/myths-facts/">http://copyright4creativity.eu/myths-facts/</a>	

Or. en

**Amendment 38**

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

**Draft opinion**

**Paragraph 1 f (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>1f. 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;</i></b>
We are not aware of any such study	

Or. en



**Amendment 39**

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

**Draft opinion**

**Paragraph 2**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p><b><i>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;</i></b></p>	<p><b><i>deleted</i></b></p>
<p>The original text raises the need to clarify concepts and problematic issues that are indeed problems for users.</p>	

Or. en

**Amendment 40**

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

**Draft opinion**

**Paragraph 2**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p><b><i>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;</i></b></p>	<p><b><i>deleted</i></b></p>
<p>Same as above</p>	

Or. en

**Amendment 41**  
**Andrew Lewer**  
**Draft opinion**  
**Paragraph 2**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>2. <b><i>Stresses the need to address the problematic boundaries that exist</i></b> between the reproduction right and the right of communication to the public of works, <b><i>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;</i></b></p>	<p>2. <b><i>Highlights that the inter-play</i></b> between the reproduction right and the right of communication to the public of works, <b><i>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;</i></b></p>

Or. en

**Amendment 42**  
**Zdzisław Krasnodębski**  
**Draft opinion**  
**Paragraph 3**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>3. Stresses that <b><i>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;</i></b></p>	<p>3. Stresses that linking <b><i>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;</i></b></p>
<p>Copyright infringements are not « illegal content ». A film does not become illegal content because it was made available without legally required autorisation. Linking never requires a rightholder's permission. Also, as the UK government discovered, the target of a link can change, as shown by this case : <a href="http://www.itworld.com/article/2771577/networking-hardware/uk-gov-t-webpage-links-to-porn-site.html">http://www.itworld.com/article/2771577/networking-hardware/uk-gov-t-webpage-links-to-porn-site.html</a></p>	

Or. en

#### Amendment 43

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

Draft opinion

Paragraph 3

OPPOSE	
Draft opinion	Amendment
3. Stresses that embedding and linking <b>should not</b> be considered acts of communication to <b>the</b> public and <b>thus should not be subject to Article 3 of the directive</b> ;	3. Stresses that <b>the ability to link one resource to another is one of the fundamental building blocks of the Internet, but stresses that under certain circumstances</b> , embedding and linking <b>can</b> be considered <b>as</b> acts of communication to <b>a new</b> public and <b>therefore can constitute an infringement to copyrights</b> ;
This does not make logical sense. If information is already publicly available to the entire world, there is no « new public » to which the link can provide access.	

Or. en

#### Amendment 44

Dietmar Köster, Mary Honeyball

Draft opinion

Paragraph 3

OPPOSE	
Draft opinion	Amendment
3. Stresses that embedding and linking <b>should not</b> be considered acts of communication to <b>the</b> public and <b>thus should not be subject to Article 3 of the directive</b> ;	3. Stresses that <b>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</b> , embedding and linking <b>may</b> be considered <b>as</b> acts of communication to <b>a new</b> public and <b>therefore may constitute an infringement to copyrights</b> ;
Same as above.	

Or. en

#### Amendment 45

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

Draft opinion

Paragraph 3

OPPOSE	
Draft opinion	Amendment
3. Stresses that embedding and linking <b>should not</b> be considered acts of communication to <b>the</b> public and <b>thus should not be subject to Article 3 of the directive</b> ;	3. Stresses that <b>under certain circumstances</b> embedding and linking <b>can</b> be considered <b>as</b> acts of communication to <b>a new</b> public and <b>emphasizes the importance to protect the internet from</b>

	<i>any abuse and illegal sites providing links to infringing content;</i>
Same as above	

Or. en

**Amendment 46**  
**Andrew Lewer**  
**Draft opinion**  
**Paragraph 3**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
3. Stresses that embedding and linking should not be considered acts of communication to the public <b>and thus should not be</b> subject to <b>Article 3 of the directive;</b>	3. Stresses that embedding and linking should not be considered acts of communication to the public , <b>though encourages further work to be carried out to clarify how to protect from embedding works</b> subject to <b>paywalls and other types of content restrictions;</b>
While much better than the preceding amendments, this amendment is not as clear as AM 47.	

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**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
3. Stresses that embedding and linking <b>should not be considered</b> acts of communication to the public and thus should not be subject to Article 3 of the directive;	3. Stresses that embedding and linking <b>do not consist in</b> 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**

NO POSITION	
<i>Draft opinion</i>	<i>Amendment</i>
3. Stresses that <b><i>embedding and</i></b> linking should not be considered acts of communication to the public and thus should not be subject to Article 3 of the directive;	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;
This is better than several of the other amendments, but does not adequately respect recent CJEU case law. : <a href="https://edri.org/cjeu-embedding-copyright-infringement/">https://edri.org/cjeu-embedding-copyright-infringement/</a>	

Or. en

**Amendment 49**  
**Andrew Lewer**  
**Draft opinion**  
**Paragraph 4**

OPPOSE	
<i>Draft opinion</i>	<i>Amendment</i>
<b><i>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;</i></b>	<b><i>deleted</i></b>
It is clear that an update is needed.	

Or. en

**Amendment 50**  
**Zdzisław Krasnodębski, Angel Dzhambazki**  
**Draft opinion**  
**Paragraph 4**

OPPOSE	
<i>Draft opinion</i>	<i>Amendment</i>
<b><i>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;</i></b>	<b><i>deleted</i></b>
Same as above	

Or. en

#### Amendment 51

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

Draft opinion

Paragraph 4

OPPOSE	
Draft opinion	Amendment
<b>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;</b>	<b>deleted</b>
Same as above	

Or. en

#### Amendment 52

Dietmar Köster, Luigi Morgano, Giorgos Grammatikakis

Draft opinion

Paragraph 4

OPPOSE	
Draft opinion	Amendment
<b>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;</b>	<b>deleted</b>
Same as above.	

Or. en

#### Amendment 53

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

Erdős

Draft opinion

Paragraph 4

NO POSITION	
Draft opinion	Amendment
<b>4. Emphasises <i>the need to update the concept of ‘reproduction of works’</i> by taking into account the possibilities offered by digital technologies <i>in terms of communication to the public;</i></b>	<b>4. Emphasises <i>that further analysis is necessary to identify measures not enable the current legal framework to the demand for online content</i> by taking into account the possibilities offered by digital technologies <i>while ensuring adequate protect to rightholders;</i></b>
The amendment does not make sense.	

Or. en

**Amendment 54**  
**Mara Bizzotto**  
**Draft opinion**  
**Paragraph 4**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
4. evidenzia la necessità di aggiornare il concetto di «riproduzione di opere» tenendo conto delle possibilità offerte dalle tecnologie digitali in termini di comunicazione al pubblico;	4. evidenzia la necessità di aggiornare il concetto di «riproduzione di opere» tenendo conto delle possibilità offerte dalle tecnologie digitali in termini di comunicazione al pubblico <b>e di accessibilità per le persone portatrici di disabilità;</b>

Or. it

**Amendment 55**  
**Dietmar Köster, Luigi Morgano, Giorgos Grammatikakis**  
**Draft opinion**  
**Paragraph 4 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
The concept of having levies (taxes to compensate copies), digital protection measures (prohibition to make copies) and private copy exception (allowing citizens to make copies of their legally acquired content) in the same legal regime inconsistent and contradictory.	

Or. en

**Amendment 56****Jean-Marie Cavada, Angel Dzhambazki, Therese Comodini Cachia****Draft opinion****Paragraph 5**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<b><i>5. demande instamment l'introduction de limitations et d'exceptions au droit d'auteur revêtant un caractère obligatoire, au moins dans le cas des exceptions les plus importantes, telles que celles en faveur de l'enseignement, de la recherche et des bibliothèques, ce afin de favoriser une plus large diffusion des contenus culturels à travers l'Union européenne;</i></b>	<b><i>supprimé</i></b>
EDRi advocates for making all the existing exceptions and limitations mandatory, as well as any others which comply with the 3-step test of the Berne Convention. The original text is also too narrow.	

Or. fr

**Amendment 57****Dietmar Köster, Luigi Morgano, Giorgos Grammatikakis****Draft opinion****Paragraph 5**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<b><i>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;</i></b>	<b><i>deleted</i></b>
Same as above.	

Or. en



**Amendment 58**  
**Michel Reimon, Ernest Maragall**  
**Draft opinion**  
**Paragraph 5**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>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;</p>	<p><b><i>5. Notes that the ability to benefit from exceptions and limitations should be enjoyed in the digital environment without 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;</i></b></p>

Or. en

**Amendment 59**  
**Marc Joulaud**  
**Draft opinion**  
**Paragraph 5**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>5. Urges <b>for the establishment of mandatory limitations and exceptions</b> to copyright, <b>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;</b></p>	<p>5. Urges <b>the Commission, when examining whether certain exceptions and limitations</b> to copyright <b>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;</b></p>
<p>If an exception/limitation does not interfere with the normal exploitation of the work by the rightsholder – in line with the 3-step test, a failure to implement this exception/limitation does not reflect an appropriate balance between the rights at stake.</p>	

Or. en

**Amendment 60**  
**Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős**  
**Draft opinion**  
**Paragraph 5**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>5. <b>Urges for the establishment of mandatory limitations and exceptions</b> to copyright, <b>at least</b> 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;</p>	<p>5. <b>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</b> to copyright <b>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,</b> 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;</p>
<p>Same as above.</p>	

Or. en

**Amendment 61**  
**Zdzisław Krasnodębski**  
**Draft opinion**  
**Paragraph 5**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>5. Urges for the establishment of mandatory limitations and exceptions <b>to copyright, at least with regard to the most important exceptions</b>, such as those in the field of education, research <b>and libraries</b>, to allow for the more widespread dissemination of <b>cultural</b> content across the EU;</p>	<p>5. Urges for the establishment of mandatory limitations and exceptions <b>provided for in existing copyright legislation</b>, such as those in the field of education, research, <b>libraries and museums</b>, to allow for the more widespread dissemination of content across the Union, <b>while taking into account the freedom of expression and information, freedom of the arts and sciences, religious and linguistic diversity</b>;</p>
<p>The first half of the amendment is positive. However, the second half of the amendment is entirely redundant.</p>	

Or. en

**Amendment 62**  
**Andrew Lewer**  
**Draft opinion**  
**Paragraph 5**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>5. <b>Urges for the establishment of mandatory</b> limitations and exceptions <b>to copyright, at least with regard to the most important exceptions</b>, such as those in the field of education, research <b>and libraries</b>, to allow for the more widespread dissemination of <b>cultural content</b> across the EU;</p>	<p>5. <b>Encourages the Member States to take up the</b> limitations and exceptions <b>provided for in existing copyright legislation</b>, such as those in the field of education, research, <b>libraries and museums</b> to allow for the more widespread dissemination of <b>resources</b> across the Union;</p>
<p>This is a broadly positive amendment, but still leaves it up to Member States to implement the exceptions/limitations that they have not implemented in the last 14 years.</p>	

Or. en

**Amendment 63**  
**Curzio Maltese, Martina Michels**  
**Draft opinion**  
**Paragraph 5**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>5. Urges for the establishment of mandatory limitations and exceptions to copyright, <b>at least</b> 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;</p>	<p>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;</p>
<p>There is no obvious reason to restrict the text in this way</p>	

Or. en

**Amendment 64**  
**Helga Trüpel, Michel Reimon**  
**Draft opinion**  
**Paragraph 5 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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</i></b></p>

	<b>compensation of authors;</b>
The motivations behind this amendment are positive. However, the EU has an obligation to respect freedom of expression and information. Therefore, any exception that respects the 3-step test must be mandatory. t	

;Or. en

**Amendment 65**  
**Sylvie Guillaume**  
**Draft opinion**  
**Paragraph 5 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>5 bis. insiste sur la nécessité d'adopter des dispositions permettant, grâce à des limitations et exceptions aux droits des titulaires du droit d'auteur, la reproduction, la distribution et la mise à disposition d'oeuvres publiées dans des formats accessibles aux déficients visuels ; ces mesures sont indispensables pour assurer la pleine participation des personnes en situation de handicap à la vie sociale, culturelle et économique;</i></b>

Or. fr

**Amendment 66**  
**Michel Reimon, Ernest Maragall**  
**Draft opinion**  
**Paragraph 5 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 67**  
**Isabella Adinolfi**  
**Draft opinion**  
**Paragraph 5 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>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;</i>

Or. en

**Amendment 68**  
**Jean-Marie Cavada, Angel Dzhambazki, Therese Comodini Cachia**  
**Draft opinion**  
**Paragraph 5 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>5 bis. Note que la marge de manœuvre laissée aux États membres en vertu du principe de subsidiarité a permis d'adapter les exceptions et limitations à la réalité sociale et économique des États membres;</i>
<p>This amendment adds the principle of subsidiarity. In the current system a harmonization of norms would clearly benefit the EU copyright system. For example, users have raised concerns on the multiple failures of the system and the need for harmonization in the EC Consultation: <a href="http://ec.europa.eu/internal_market/consultations/2013/copyright-rules/docs/contributions/consultation-report_en.pdf">http://ec.europa.eu/internal_market/consultations/2013/copyright-rules/docs/contributions/consultation-report_en.pdf</a></p>	

Or. fr

**Amendment 69**  
**Marc Joulaud, Sabine Verheyen**  
**Draft opinion**  
**Paragraph 5 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
<p>In order to respect the obligations arising from Article 11 of the Charter, every 3-step-test compliant exception/limitation should be made mandatory. The number of way that exceptions and limitations can be implemented in the Member States is incredibly high (<a href="https://edri.org/edriqramnumber9-22copyright-combinatronics/">https://edri.org/edriqramnumber9-22copyright-combinatronics/</a> ) and that does not seem to benefit or result from national cultural policies but from private interests in having a fragmented market. For example, EDRI cannot understand how not having an exception to parody benefits cultural policies of any Member State.</p>	

Or. en

**Amendment 70**  
**Therese Comodini Cachia, Andrea Bocskor, Sabine Verheyen, Marc Joulaud, Norbert Erdős**  
**Draft opinion**  
**Paragraph 5 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
<p>This statement of existing international law is unnecessary.</p>	

Or. en

**Amendment 71****Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Eider Gardiazabal Rubial****Draft opinion****Paragraph 5 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
Same as above	

Or. en

**Amendment 72****Michel Reimon, Ernest Maragall****Draft opinion****Paragraph 5 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 73****Helga Trüpel, Michel Reimon****Draft opinion****Paragraph 5 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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 rightholders available for online access by the public;</i></b>



**Amendment 74**  
**Isabella Adinolfi**  
**Draft opinion**  
**Paragraph 5 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

**Amendment 75**  
**Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta, Eva Paunova**  
**Draft opinion**  
**Paragraph 5 b (new)**

<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
It is not clear why commercial text and data mining – which does not interfere with the normal exploitation of the works in question by their rightsholders – should be excluded.	

**Amendment 76**

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

**Draft opinion**

**Paragraph 5 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><i>5 ter. Demande à la Commission de veiller à la bonne mise en œuvre des exceptions et limitations; demande dans le même temps aux États membres de fournir toutes les informations relatives aux bonnes pratiques et aux obstacles rencontrés durant la mise en œuvre des exceptions et limitations, afin de promouvoir un accès égal à la diversité culturelle par-delà les frontières dans le marché intérieur et améliorer la sécurité juridique;</i></p>

Or. fr

**Amendment 77**

**Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta**

**Draft opinion**

**Paragraph 5 f (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><i>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;</i></p>
<p>There is no « need » for 3-step compliant exceptions to be narrowly implemented.</p>	

Or. en

**Amendment 78****Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis****Draft opinion****Paragraph 5 b (new)**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>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;</i>
Same as above	

Or. en

**Amendment 79****Michel Reimon, Ernest Maragall****Draft opinion****Paragraph 5 c (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>5c. Emphasizes that the exception for caricature, parody and pastiche should apply regardless of the purpose of the parodic use;</i>

Or. en

**Amendment 80****Isabella Adinolfi****Draft opinion****Paragraph 5 c (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>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;</i>

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)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>5 quater. Note la nécessité d'un examen approfondi de l'exception à des fins de recherche et d'enseignement avant d'envisager toute modification de l'acquis communautaire en la matière;</i></b>
If no Member State is reporting problems with implementation of the existing exception, there is no « necessity » to analyse this further.	

Or. fr

**Amendment 82****Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős****Draft opinion****Paragraph 5 b (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
There is no reason to treat e-books differently from physical books, so no additional contractual or licence-based restrictions are needed.	

Or. en

**Amendment 83**

**Marc Joulaud, Bogdan Brunon Wentz, Eva Paunova**

**Draft opinion**

**Paragraph 5 c (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>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;</i>
Same as above	

Or. en

**Amendment 84**

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

**Draft opinion**

**Paragraph 5 c (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>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;</i>
Same as above.	

Or. en

**Amendment 85**  
**Jean-Marie Cavada, Therese Comodini Cachia**  
**Draft opinion**  
**Paragraph 5 d (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>5 quinquies. Reconnaît l'importance des bibliothèques pour l'accès à la connaissance; encourage les parties intéressées à définir des solutions appropriées pour permettre aux bibliothèques de réaliser leur potentiel dans l'environnement numérique tout en respectant les intérêts des ayants droit;</i></b>

Or. fr

**Amendment 86**  
**Michel Reimon, Ernest Maragall**  
**Draft opinion**  
**Paragraph 5 d (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 87**  
**Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős**  
**Draft opinion**  
**Paragraph 5 c (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
<p>There is also no reason and no excuse to delay the implementation of this measure until the adoption of a new Directive updating 2001. It is disgraceful that the Treaty has not entered into force in the 21 months since the it was adopted. It is now six months since Commissioner Barnier said that «Europe is ready to support the rapid entry into force of this important</p>	

Treaty. » .

Or. en

**Amendment 88**

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

**Draft opinion**

**Paragraph 5 d (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
The Treaty does require – not « will require » the exception to be implemented. There is also no reason and no excuse to delay the implementation of this measure until the adoption of a new Directive updating 2001. It is disgraceful that the Treaty has not entered into force in the 21 months since the it was adopted. It is now six months since Commissioner Barnier said that «Europe is ready to support the rapid entry into force of this important Treaty. »	

Or. en

**Amendment 89**

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

**Draft opinion**

**Paragraph 5 d (new)**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
The Treaty does require – not « will require » the exception to be implemented. There is also no reason and no excuse to delay the implementation of this measure until the adoption of a new Directive updating 2001. It is disgraceful that the Treaty has not entered into force in the 21 months since the it was adopted. It is now six months since Commissioner Barnier said that «Europe is ready to support the rapid entry into force of this important Treaty. »	

Or. en

**Amendment 90**  
**Andrew Lewer**  
**Draft opinion**  
**Paragraph 6**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p><b>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;</b></p>	<p><i>deleted</i></p>
<p>Any such exception would need to comply with the 3-step-test and would therefore not interfere with the normal exploitation of the work.</p>	

Or. en

**Amendment 91**  
**Zdzisław Krasnodębski, Angel Dzhambazki**  
**Draft opinion**  
**Paragraph 6**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p><b>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;</b></p>	<p><i>deleted</i></p>
<p>As above</p>	

Or. en



**Amendment 92**  
**Michel Reimon, Ernest Maragall**  
**Draft opinion**  
**Paragraph 6**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p><b>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;</b></p>	<p><i>deleted</i></p>
<p>As above</p>	

Or. en

**Amendment 93**  
**Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta, Eva Paunova**  
**Draft opinion**  
**Paragraph 6**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>6. Highlights the fact that a general exception <i>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;</i></p>	<p>6. Highlights the fact that a general <b><i>flexible</i></b> exception <b><i>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;</i></b></p>
<p>Legal certainty is undermined for consumers in a situation where all but one exception is optional.</p>	

Or. en

**Amendment 94****Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis****Draft opinion****Paragraph 6**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>6. Highlights the fact that a general exception <b><i>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;</i></b></p>	<p>6. Highlights the fact that a general <b><i>flexible</i></b> exception <b><i>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;</i></b></p>
<p>As above.</p>	

Or. en

**Amendment 95****Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős****Draft opinion****Paragraph 6**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>6. <b><i>Highlights the fact that a general exception</i></b> should be <b><i>introduced to offer a broader interpretation of the current exceptions based on the analogue model,</i></b> 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;</p>	<p>6. <b><i>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,</i></b> 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;</p>
<p>It is already clear that a collection of optional exceptions is not capable of providing predictability or certainty in a borderless online environment.</p>	

Or. en

Amendment 96  
**Isabella Adinolfi**  
 Draft opinion  
 Paragraph 6 a (new)

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b>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;</b></p>

Or. en

Amendment 97  
**Michel Reimon, Ernest Maragall**  
 Draft opinion  
 Paragraph 6 a (new)

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b>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;</b></p>

Or. en

**Amendment 98****Jean-Marie Cavada, Marc Joulaud, Sabine Verheyen, Therese Comodini Cachia****Draft opinion****Paragraph 6 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>6 bis. Souligne le fait que les exceptions et limitations doivent être appliquées en tenant compte des caractéristiques propres à l'environnement numérique et à l'environnement analogique et qu'elles ne doivent ni porter atteinte à l'exploitation normale de l'œuvre ni causer un préjudice injustifié aux intérêts légitimes de l'auteur ou du titulaire du droit ; elles sont créées pour des motifs bien spécifiques et doivent être strictement interprétées par les États membres;</i></b>
As long as they respect the 3-step test, they do not need to be interpreted strictly (and differently) by Member States.	

Or. fr

**Amendment 99****Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta****Draft opinion****Paragraph 6 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 100****Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis, Eider Gardiazabal Rubial****Draft opinion****Paragraph 6 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 101****Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős****Draft opinion****Paragraph 7**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<b><i>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;</i></b>	<b><i>deleted</i></b>
It is not clear why modernisation of this system would not be a considered a welcome initiative.	

Or. en

**Amendment 102**  
**Andrew Lewer**  
**Draft opinion**  
**Paragraph 7**

SUPPORT	
<i>Draft opinion</i>	<i>Amendment</i>
<p>7. Stresses that digital levies should be <b><i>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;</i></b></p>	<p>7. Stresses that digital levies should be <b><i>phased out across the Union as part of modernised approach to</i></b> copyright;</p>

Or. en

**Amendment 103**  
**Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta**  
**Draft opinion**  
**Paragraph 7**

OPPOSE	
<i>Draft opinion</i>	<i>Amendment</i>
<p>7. Stresses that digital levies should be <b><i>modernised in light of the development of digital technologies</i></b> 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;</p>	<p>7. Stresses that digital levies should be <b><i>made more transparent and optimised</i></b> 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;</p>
<p>It is not clear why modernisation of this system would not be a welcome initiative.</p>	

Or. en

**Amendment 104**  
**Michel Reimon, Ernest Maragall**  
**Draft opinion**  
**Paragraph 7**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>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;</p>	<p>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; <b><i>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;</i></b></p>
<p>The amendment assumes a « harm » which may not exist. For example, it is entirely possible that the ability to make copies has driven sales of cultural goods (see <a href="http://www.europeandigitalmedia.org/uploads/Press/documents/EDiMA-CCIA_Technology%20is%20Culture.pdf">http://www.europeandigitalmedia.org/uploads/Press/documents/EDiMA-CCIA_Technology%20is%20Culture.pdf</a>). In this circumstance, it is not clear what the rightholder would need to be compensated for.</p>	

Or. en

**Amendment 105**  
**Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős**  
**Draft opinion**  
**Paragraph 7 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>
<p>This amendment does not make sense.</p>	

Or. en

Amendment 106  
Isabella Adinolfi  
Draft opinion  
Paragraph 7 a (new)

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><i>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;</i></p>
<p>The underlying issue of what specific harm is caused to rightsholders needs to be credibly addressed first.</p>	

Or. en



**Amendment 107**  
**Andrew Lewer**  
**Draft opinion**  
**Paragraph 8**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<b>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.</b>	<b>deleted</b>
<p>It is not clear what this amendment and the original text are aiming at. The involvement of intermediaries in enforcement of IP rights is a matter of concern for EDRI (<a href="https://edri.org/wp-content/uploads/2014/02/EDRi_HumanRights_and_PrivLaw_web.pdf">https://edri.org/wp-content/uploads/2014/02/EDRi_HumanRights_and_PrivLaw_web.pdf</a> ). In any case EDRI opposes any measures aimed at keeping the current situation where intermediaries act as police and judges of the Internet.</p>	

Or. en

**Amendment 108**  
**Therese Comodini Cachia, Andrea Bocskor, Norbert Erdős**  
**Draft opinion**  
**Paragraph 8**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<b>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.</b>	<b>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.;</b>
<p>The original text is unclear and both the original text and the amendment are outside the scope of the subject matter of the report.</p>	

Or. en

**Amendment 109****Marc Joulaud, Therese Comodini Cachia, Bogdan Brunon Wenta****Draft opinion****Paragraph 8**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
8. Suggests a review of the liability of service providers <b>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.</b>	8. Suggests a review of the liability of service providers <b>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.;</b>
Same as above	

Or. en

**Amendment 110****Zdzisław Krasnodębski, Angel Dzhambazki****Draft opinion****Paragraph 8**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
8. Suggests a review of the liability of service providers <b>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;</b>	8. Suggests a review of the liability of service providers <b>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;</b>
Same as above	

Or. en

**Amendment 111****Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis****Draft opinion****Paragraph 8**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
8. Suggests <b>a review of the liability</b> of service providers <b>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</b>	8. Suggests <b>that the situation</b> of service providers <b>and intermediaries in relation to the profit from exploitation of the artist's work should be reviewed;</b>

<b>Human Rights;</b>	
The amendment's meaning is not clear.	

Or. en

**Amendment 112**

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

**Draft opinion**

**Paragraph 8**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
8. suggère de procéder à une révision de la responsabilité <b>des prestataires</b> de services en vue de garantir la diffusion de la culture <b>dans l'Union européenne, dans le respect de la charte des droits fondamentaux de l'Union européenne et de la convention européenne des droits de l'homme;</b>	8. suggère de procéder à une révision de la responsabilité <b>et du statut des fournisseurs</b> de services en vue de garantir la diffusion <b>légale</b> de la culture <b>et une juste rémunération</b> de la <b>création dans</b> l'Union;
The meaning of the amendment is not clear. Neither text is within the scope of the Report.	

Or. fr

**Amendment 113**

**Helga Trüpel, Michel Reimon**

**Draft opinion**

**Paragraph 8 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b>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;</b>

Or. en

**Amendment 114**  
**Isabella Adinolfi**  
**Draft opinion**  
**Paragraph 8 a (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>

Or. en

**Amendment 115**  
**Zdzisław Krasnodębski**  
**Draft opinion**  
**Paragraph 8 a (new)**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>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;</i></b></p>

Or. en

**Amendment 116****Marc Joulaud, Jean-Marie Cavada, Sabine Verheyen, Bogdan Brunon Wenta****Draft opinion****Paragraph 8 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
This is outside the scope of the Report.	

Or. en

**Amendment 117****Dietmar Köster, Luigi Morgano, Mary Honeyball, Giorgos Grammatikakis****Draft opinion****Paragraph 8 a (new)**

<b>OPPOSE</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>
This is outside the scope of the report.	

Or. en

**Amendment 118****Isabella Adinolfi****Draft opinion****Paragraph 8 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>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;</i></b>

Or. en

**Amendment 119**

**Marc Joulaud, Sabine Verheyen, Bogdan Brunon Wenta**

**Draft opinion**

**Paragraph 8 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b>8b. Points out that the rapid rate of technological development in the digital market calls for a technologically neutral legislative framework for copyrights;</b>

Or. en

**Amendment 120**

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

**Draft opinion**

**Paragraph 8 b (new)**

<b>SUPPORT</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b>8b. Points out that the rapid rate of technological development in the digital market calls for a technologically neutral legislative framework for copyrights;</b>

Or. en

**Amendment 121**

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

**Draft opinion**

**Paragraph 8 c (new)**

<b>NO POSITION</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<b>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;</b>

Or. en