
Support Compromise amendments: 2, 3, 4, 5, 9, 11

Oppose Compromise amendments: 1, 6, 7, 8

grey for amendments in which we do not have a position.

A short justification is given, when relevant.

VOTING LIST
DRAFT OPINION

Rapporteur: José Blanco López

2014/2256(INI) ITRE/8/02360

PA/PE 549.303v01-00 - AM/PE 549.304v1

<table>
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<th>Text</th>
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**Paragraph 2**

<p>| CA 2 | S&amp;D | Covering AMs 7, 10-14, 16-18, 20, 25 and 51 |
|      |     | If adopted, AMs 7, 10-14, 16-18, 20, 25 and 51 fall |</p>
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<th>Flavio Zanonato, Patrizia Toia, Enrico Gasbarra</th>
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<td>➔ MOVE TO AM 27</td>
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<p>| AM 19 | Christian Ehler, Pervenche Berès |
| AM 22 | Adina-Ioana Valean, Christian Ehler, José Blanco López |
| AM 23 | Michel Reimon |
| AM 24 | Krišjānis Karinš |
| AM 26 | Adina-Ioana Valean, Christian Ehler |
| AM 33 | Christian Ehler, Pervenche Berès |
| AM 34 | Michal Boni |
| AM 35 | Kaja Kallas |
| AM 36 | Michel Reimon |
| AM 37 | Pervenche |</p>
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<td>Juan Carlos Girauta Vidal, Fredrick Federley, Philippe De Backer, Pavel Telicka, Morten Helveg Petersen</td>
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| AM 39 | Catherine Stihler, Mary Honeyball, Theresa Griffin |

| AM 40 | Flavio Zanonato, Patrizia Toia, Enrico Gasbarra |

| AM 41 | Cornelia Ernst |

| AM 42 | Pilar del Castillo Vera |

| AM 43 | Theresa Griffin, Mary Honeyball, Catherine Stihler, Jude Kirton-Darling |

| AM 50 | Pilar del Castillo Vera |

| AM 107 | Nadine Morano |

| Paragraph 2 b (new) | AM 27 | Pervenche Berès, José Blanco López, Juan Carlos Girauta Vidal |

| Paragraph 2 b (new) | AM 28 | Theresa Griffin, Catherine Stihler, Jude Kirton-Darling |

<p>| Paragraph 2 | AM 29 | Christian |</p>
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**Paragraph 3 a (new)**

| AM 48 | Adina-Ioana Valean, José Blanco López, Michal Boni, Seán Kelly |

**Paragraph 3 a (new)**

| AM 49 | Fredrick Federley |

**Paragraph 4**

<p>| CA 4 | S&amp;D | Covering AMs 53, 55, 56, 57, 58 |</p>
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**Paragraph 6**

| CA 6 | S&D | Covering AMs 46, 74, 83-88, 124 |
|      |     | *If adopted, AMs 46, 74, 83-88, 124 fall* |

**AM 46**

| José Blanco |
| AM 74 | Adina-Ioana Valean |
| AM 83 | Christian Ehler, Pervenche Berès |
| AM 84 | Theresa Griffin, Catherine Stihler, Jude Kirton-Darling |
| AM 85 | András Gyürk |
| AM 86 | Cornelia Ernst |
| AM 87 | Sampo Terho |
| AM 88 | Pervenche Berès, Christian Ehler |
| AM 124 | Hans-Olaf Henkel, Anneleen Van Bossuyt, Branislav Škripka |

| Paragraph 5 a (new) | AM 75 | Christian Ehler |
| Paragraph 5 a (new) | AM 76 | Michel Reimon |
| Paragraph 5 b (new) | AM 77 | Michel Reimon |
| Paragraph 5 b (new) | AM 78 | Christian Ehler |

<p>| Paragraph 6 a (new) | CA 9 | S&amp;D | Covering AMs 81, 96, 106, 108, 109, 126, 132 |
|                     |     |     | If adopted, 81, 96, 106, 108, 109, 126, 132 fall |
|                     |     |     | ➔MOVE TO AM 89 |
| AM 81 | Michel Reimon |
| AM 96 | Adina-Ioana Valean, José Blanco López |
| AM 106 | Theresa Griffin, Mary Honeyball |
| AM 108 | Cornelia Ernst |
| AM 109 | Kaja Kallas, Fredrick Federley |
| AM 126 | Juan Carlos Girauta Vidal, Pavel Telicka, Morten Helveg Petersen |
| AM 132 | Christian Ehler |
| Paragraph 6a (new) | AM 89 | Juan Carlos Girauta Vidal, Kaja Kallas, Fredrick Federley, José Blanco López, Pavel Telicka, Morten Helveg Petersen |
| Paragraph 6a (new) | AM 90 | Michel Reimon |
| Paragraph 6a (new) | AM 91 | Theresa Griffin, Catherine Stihler, Jude Kirton-Darling |
| Paragraph 6b (new) | AM 93 | Juan Carlos Girauta Vidal, Fredrick Federley, Morten Helveg |</p>
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### Zanonato

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| AM 130 | Juan Carlos Girauta Vidal, Pavel Telicka, Philippe De Backer, José Blanco López, Morten Helveg Petersen |
|        |                                                                                   |

| AM 134 | Pervenche Berès, Christian Ehler |
|        |                                                                                   |

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<th>For:</th>
<th>Against:</th>
<th>Abstention:</th>
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### Final Vote

**For:**

**Against:**

**Abstention:**

+  

### CA 1

Covering AMs 1-6, 21 and 31

If adopted, AMs 1-6, 21 and 31 fall
1. Stresses that the European cultural and creative industries are an engine for economic growth and job creation in the EU, as they employ more than 7 million people and generate more than 4.2 % of EU GDP; emphasises that cultural industries continued to create jobs during the economic crisis of 2008-2012;

1. Notes the importance of European cultural and linguistic diversity, which provides opportunities rather than obstacles to the Single Market and stresses that the European cultural and creative industries are an engine for economic growth, innovation and job creation in the EU, as they employ more than 7 million people and generate more than 4.2 % of EU GDP; emphasises that cultural and creative industries continued to create jobs during the economic crisis of 2008-2012 and have played an important role in boosting European Union’s competitiveness; highlights, however, that recent economic growth in the sector has mainly been generated by its ICT-related activities and that new business models and innovative services online have been created.

Comment: The compromise appears to support all views.

CA 2

Covering AMs
7, 10-14, 16-18, 20, 25 and 51

If adopted, AMs
7, 10-14, 16-18, 20, 25 and 51
fall
2. Underlines that copyright and related rights constitute the legal framework for the European cultural and creative industries and form the basis for their ability to generate economic activity and employment; however, highlights that while the productivity of the sector continues to grow, the earnings of rights-holders in the sector are decreasing and stresses that the current fragmented and outdated system is hindering the full development and functioning of the European digital single market;

CA 3

Covering AMs
19, 22, 23, 24, 26, 33-43, 50, 107

If adopted,
AMs 19, 22, 23, 24, 26, 33-43, 50, 107
fall
3. Acknowledges the need to review Directive 2001/29/EC in order to ensure appropriate remuneration for copyright holders and appropriate protection of these rights in a changing and constantly evolving technological environment, which brings both opportunities and challenges;

3. **Welcomes the commitment of the Commission on further developing the EU Digital Agenda, including the objective of modernising copyright rules.** Acknowledges the need to review Directive 2001/29/EC in order to ensure appropriate remuneration for authors, performers, and other copyright holders, appropriate protection of these rights, and a fair balance in the European cultural economy between all parties involved: consumers, users, creators and right holders in a Digital Era which is a changing and constantly evolving technological environment and brings about changes in user's behaviours, with opportunities and challenges;

this review should provide the necessary legal clarity, stability and certainty, as well as the flexibility needed to foster investment and growth in the creative and cultural sector whilst removing legal uncertainties and inconsistencies that adversely affect the functioning of the internal market;

Also asks for a strong engagement on the principle to re-open as soon as possible by coherence, the Directive 2000/31/EC on electronic commerce, or at the very least Articles 12 to 15 of this legislation.

One of the main aims of this
Comment: There are several questionable statements in this amendment. For example, nobody, to our knowledge, is arguing that the 2001/29 Directive needs to be reopened for the purpose of ensuring appropriate remuneration for rightsholders. Similarly, it is not clear what «on the principle to re-open as soon as possible by coherence» might mean in relation to the E-Commerce Directive.

Overall, however, the amendment does not appear to be harmful and the final paragraph is positive.

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<tr>
<th>CA 4</th>
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</thead>
<tbody>
<tr>
<td>Covering AMs 53, 55, 56, 57, 58</td>
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<tr>
<td>If adopted, AMs 53, 55, 56, 57, 58 fall</td>
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Draft opinion
Paragraph 4

Neutral

4. Considers it necessary to develop a legal framework to strengthen the negotiating and contractual position of authors and performers in relation to other right holders and intermediaries;

4. **Underlines the importance of contractual freedom for all right holders, who should be able to freely exercise their rights;** considers it necessary to develop a legal framework that will be evidence-based, taking into account the experience of all relevant stakeholders, while also
strengthening the negotiating and contractual position of all creatives in relation to other right holders and intermediaries;

Comment: This amendment appears to support the right of rightsholders (explicitly not « creatives ») to impose restrictions, while supporting the right of « creatives » to negotiate more freely.

CA 5

Covering AMs
64, 66, 67, 68, 70-73, 82, 92, 128

If adopted, AMs 64, 66, 67, 68, 70-73, 82, 92, 128 fall

Draft opinion
Paragraph 5

Neutral

Draft opinion

5. Welcomes the multi-territorial licensing of rights under Directive 2014/26/EU as an example and a way of overcoming the fragmented internal market; encourages the development of balanced and flexible solutions that help overcome the existing barriers to cross-border access and availability of products and services;

Compromise Amendment

5. Believes that citizens should be able to access and buy online content from another Member State and considers that the practice to restrict access to online content based on the location of the users hinders the development of the single digital market, welcomes the multi-territorial licensing of rights under Directive 2014/26/EU as an
example and a way of overcoming the fragmented internal market; encourages the development of balanced, flexible and market-driven solutions that help overcome any existing barriers to cross-border access and availability of products and services while respecting cultural diversity and including the development of mechanisms enhancing the cross-border portability within the EU of lawfully acquired and lawfully made available content;

Comment: This amendment is void of meaning, as the final section contradicts the first section.
technologically neutral legal legislative framework for copyrights; stresses that protection of copyright and related rights must be respected both online and offline but also notes that the digital environment is not the same as the analogue world and stresses the need to closely examine whether additional or alternative forms of copyright protection are needed to address this and to contribute to economic growth, competitiveness and the full development of the Digital Single Market;

Comment: This amendment appears to support the kind of experimentation with copyright that has failed so comprehensively, to the detriment of all stakeholders, in Spain and Germany.
### Oppose

**Draft opinion**

**Paragraph 7**

7. Stresses that any legislative change in this area should ensure accessibility for people with disabilities to products and services protected by copyright and related rights;

7. Stresses that any legislative change in this area should ensure accessibility for all and especially for people with disabilities to products and services protected by copyright and related rights and adapt accordingly to the digital environment; recognises that the inability to purchase content in an appropriate format for users with disabilities may create a barrier to trade for enterprises as well as reduce the cultural output and content offer available across the Member States;

**Urges the EU to ratify the Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities which requires to have a mandatory exception 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;

Comment: There is no need to interpret the meaning of the Marrakesh Treaty. This amendment could be misinterpreted as being in favour of a delay for implementation of the Treaty until an update of the 2001/29 Directive.

Draft opinion
Paragraph 8

8. Urges the Commission to take into account the rapidly growing user-created content on the internet when reviewing copyright rules; any new proposal should aim to find a fair balance between protecting IPR and fostering a dynamic and creative internet.

8. Urges the Commission to take into account the rapidly growing usage of creative works on user-generated content and social media platforms on the internet that benefit from public’s access to those works without remunerating their creators and to enhance user information regarding obligations for anyone who knowingly provides hyperlinks to unauthorised content or links that circumvent paywalls, when reviewing copyright framework; any new proposal should aim to find a way to address this transfer of value to fairly remunerate creators, protecting IPR and the
end-users while also fostering a dynamic internet where technology and internet access can continue to empower individuals to be innovative and creative.

Moreover, the Commission could propose a legal definition of 'public domain' works and making sure that these works to be protected against private appropriation, either through digitisation or through other means;

Comment: This amendment incorrectly describes « user generated content ». Also, a paywall prevents access to content – links can only function if the paywall has not been installed correctly. Therefore, this part of the text is also incorrect.

CA 9 - SUPPORT

Covering AMs
81, 96, 106, 108, 109, 126, 132

If adopted,
81, 96, 106, 108, 109, 126, 132
fall

Compromise Amendment

6. a (new paragraph) Calls on the Commission to assess and enable solutions for automated analytical techniques for text and data (‘text and data mining’) for scientific research purposes, especially for non-commercial purposes, provided that permission to read the work has been obtained and taking into account options such as the licensing model, already developed in some Member States to allow researchers to maintain Europe's competitive edge in a global environment;

CA 10 – NO POSITION
Compromise Amendment

8 b. (new paragraph) Believes that common effort should be made in combating copyright infringements in the EU in order to ensure the protection of copyright and fair remuneration; stresses the need to raise consumer awareness of the consequence of infringement of copyright and related rights and urges to find a proper solution to ensure that no one should make a profit out of copyright infringements;

Compromise Amendment

3b (new paragraph)

a. Reminds that exceptions and limitations to copyright are a key aspect of the copyright system and notable contribution to the economic growth, innovation, and job creation in the EU is generated by institutions relying on exceptions and limitations to copyright, Calls on the Commission to propose a harmonised framework for exceptions and limitations to address the fragmented market, improve legal security and foster cross-
border accessibility of copyright content, to allow equal access to cultural diversity across the EU and to conform to consumer expectations.

b. Recalls that when Member States provide for exceptions and limitations, they should ensure 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 right holder,

c. Calls for a broad exception for research and education purposes, which should cover educational and research activities linked to an educational establishment or institution recognised by national authorities or legislation or within the purview of an educational or research programme,

d. Urges the Commission to find ways for public and research libraries to lend books to the public in digital formats for personal use, irrespective of the place of access and ensuring a fair remuneration to right holders.