Implementation of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

2014/2256(INI) - 09/07/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 445 votes to 45 with 32 abstentions, a resolution 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.

Parliament recognised that the revision of Directive 2001/29/EC was central to the promotion of creativity and innovation, cultural diversity, economic growth, competitiveness, the Digital Single Market and to access to knowledge and information. It emphasised that any revision of Directive 2001/29/EC should continue to safeguard the principle of fair remuneration for rightholders. It called for a reaffirmation of the principle of territoriality, enabling each Member State to **safeguard the fair remuneration principle** within the framework of its own cultural policy.

Improving access to cross border services: recalling that consumers were too often denied access to certain content services on geographical grounds, Members urged the Commission, to propose adequate solutions for better cross-border accessibility of services and copyright content for consumers. They emphasised that industry geoblocking practices should not prevent cultural minorities living in EU Member States from accessing existing content or services in their language that were either free or paid for.

Whilst taking note of the importance of territorial licences in the EU, particularly with regard to audiovisual and film production the report, Parliament supported the initiatives aimed at enhancing the portability, within the EU, of online services of legally acquired and legally made available content, and at the same time fully respecting copyright and the interests of rightholders. Members felt that issues concerning portability and geoblocking might not be solved by one all-encompassing solution but might require **several different interventions, both regulatory and market-led.**

Any reform of the copyright framework should be based on a **high level of protection, 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.

Exclusive rights: Parliament acknowledged the necessity for authors and performers to be provided with legal protection for their creative and artistic work, and the need for fair and appropriate remuneration for all categories of rightholders.

Members called for improvements to **the contractual position of authors** and performers in relation to other rightholders and intermediaries, stressing the principle of freedom to contract.

The Commission was asked to:

- evaluate targeted measures to improve legal certainty,

- study the impact of a **single European Copyright Title** on jobs and innovation, on the interests of authors, performers and other rightholders, and on the promotion of consumers' access to regional cultural diversity;
- effectively protect works in the public domain and clarify that once a work was in the public domain, any digitisation of the work which does not constitute a new, transformative work, stays in the public domain;
- further harmonise the term of **protection of copyright**, while refraining from any further extension of the term of protection.

Exceptions and limitations: noting the importance of European cultural diversity, Parliament considered that the **differences among Member States** in the implementation of exceptions could be challenging for the functioning of the internal market in view of the development of cross-border activities and might also lead to legal uncertainty for authors and users. Some exceptions and limitations might therefore benefit from more common rules.

However, **differences might be justified** to allow Member States to legislate according to their specific cultural and economic interests.

The Commission was called upon to:

- examine the possibility of **reviewing a number of the existing exceptions and limitations in order to better adapt them to the digital environment**; these exceptions should be accessible for persons with disabilities;
- examine the application of **minimum standards** across the exceptions and limitations, and further to ensure the proper implementation of the exceptions and limitations and equal access to cultural diversity across borders within the internal market;
- consider the possibility of making certain exceptions mandatory where the purpose is to **protect fundamental rights**, particularly to combat discrimination or protect freedom of the press;
- assess the adoption of an exception allowing **public and research libraries** to legally lend works to the public in digital formats for personal use, for a limited duration, through the internet or the libraries' networks.

Parliament considered it necessary to strengthen exceptions for institutions of public interest, such as libraries, museums and archives, in order to promote wide-ranging access to cultural heritage, including through online platforms. It wanted to see exceptions for: (i) **research and education purposes**, which should cover not only educational establishments but also accredited educational or research activities, and (ii) **libraries to digitalise content** for the purposes of consultation, cataloguing and archiving.

Parliament recalled the importance of the **private copying exception** that might not be technically limited, coupled with fair compensation for creators. It invited the Commission to analyse, on the basis of scientific evidence, and Parliament's resolution of 27 February 2014 on private copying levies, the viability of existing measures for the fair compensation of rightholders in respect of reproductions made by natural persons for private use, in particular in regard to transparency measures.

Lastly, Parliament highlighted the need to **ensure the technological neutrality** and future-compatibility of exceptions and limitations by taking due account of the effects of media convergence.