Basic information

2014/2256(INI) INI - Own-initiative procedure	Procedure completed
Implementation of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society See also Directive 2001/29/EC 1997/0359(COD) **Subject** 3.50.15 Intellectual property, copyright	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	REDA Felix (Verts/ALE)	13/10/2014
	Shadow rapporteur COMODINI CACHIA Therese (PPE) HONEYBALL Mary (S&D) DZHAMBAZKI Angel (ECR) CAVADA Jean-Marie (ALDE) CHRYSOGONOS Kostas (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	BLANCO LÓPEZ José (S&D)	10/02/2015
IMCO Internal Market and Consumer Protection	STIHLER Catherine (S&D)	03/12/2014
CULT Culture and Education	ADINOLFI Isabella (EFDD)	01/12/2014

European Commission

Commission DG	Commissioner
Communications Networks, Content and Technology	MOEDAS Carlos

Key events

Date	Event	Reference	Summary
15/01/2015	Committee referral announced in Parliament		
16/06/2015	Vote in committee		
24/06/2015	Committee report tabled for plenary	A8-0209/2015	Summary
09/07/2015	Decision by Parliament	T8-0273/2015	Summary
09/07/2015	Results of vote in Parliament		
09/07/2015	End of procedure in Parliament		

Technical information

Procedure reference	2014/2256(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
Amendments and repeals	See also Directive 2001/29/EC 1997/0359(COD)
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/02354

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE546.580	15/01/2015	
Amendments tabled in committee		PE549.435	05/03/2015	
Amendments tabled in committee		PE549.469	05/03/2015	
Committee opinion	IMCO	PE549.108	25/03/2015	
Committee opinion	ITRE	PE549.303	20/04/2015	
Committee report tabled for plenary, single reading		A8-0209/2015	24/06/2015	Summary
Text adopted by Parliament, single reading		T8-0273/2015	09/07/2015	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2015)575	01/12/2015	

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.

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

2014/2256(INI) - 24/06/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted an own-initiative report by Julia REDA (Greens/EFA, DE) 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.

The report 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. At the same time the directive also provided authors of literary and artistic works with sufficient recognition and protection of their rights.

Geographical location: 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, the report 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.

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: the report acknowledged the necessity for authors and performers to be provided with legal protection for their creative and artistic work. They must receive **fair remuneration** in the digital environment and in the analogue world alike.

Members called for improvements to **the contractual position of authors** and performers in relation to other rightholders and intermediaries, notably by considering a reasonable period for the use of rights transferred by authors to third parties, after which those rights would lapse.

The Commission was asked to:

- evaluate targeted measures to improve legal certainty, and to 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;
- 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, the report 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.

Members 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;

On the other hand, the commercial use of photographs, video footage or other images of works which are permanently located in physical public places should always be subject to prior authorisation from the authors or any proxy acting for them.

Members 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.