

Annex - Compromise amendments

AMC 1

Replacing AM 139 (Dzhambazki, Karim), AM 140 (Rozière), AM 138 (Szájér), AM 146 (Cavada, Comodini), AM 147 (Comodini, Svoboda, Cavada, Szajer, de Grandes Pascual, Ferragut, Toti, Verheyen), AM 141 (Voss), AM 142 (Gasbarra), AM 144 (Le Grip, Joulaud, Verheyen), AM 148 (Honeyball, Köster), ITRE 4

Draft Report

1. Welcomes the Commission's initiative of conducting a consultation on copyright, which attracted great interest from *civil society with more than 9 500 replies, 58.7 % of which came from end users*¹;

Amendment

1. Welcomes the Commission's initiative *in having conducted* a consultation on copyright, which attracted great interest *from a wide range of interested stakeholders, including the cultural sector and civil society*²;

AMC 2

Replacing AM 153 (Szájér), AM 154 (Comodini, Paunova, Svoboda, Joulaud, Szájér, Ferragut, Pasqual, Zver, Verheyen), AM 155 (Voss), AM 156 (Cavada), AM 157 (Le Grip, Joulaud, Verheyen), AM 159 (Gasbarra), AM 160 (Dzhambazki, Karim), AM 164 (Dzhambazki, Karim), AM 167 (Cavada), AM 174 (Ehler, Verheyen), ITRE 2, ITRE 3, ITRE 9, ITRE 12, ITRE 14, ITRE 17, ITRE 23, ITRE 24, ITRE 26., ITRE 30, IMCO 5, IMCO 12, IMCO 17, IMCO 18, IMCO 20, IMCO 21, IMCO 22

Draft Report

2. Notes *with concern* that the vast majority of end-user respondents report facing problems when trying to access online services across the Member States, particularly where technological protection measures are used to enforce territorial restrictions;

Amendment

2. Notes that *the range of works lawfully available to users has increased since the implementation of Directive 2001/29/EC; further notes that cross-border access to the diversity of uses that technological progress offers to consumers may require evidence-based improvements to the current legal framework to further develop the legal offer of diversified cultural and creative content on-line, to allow access to European cultural diversity*;

1 Commission, DG MARKT, Report on the responses to the Public Consultation on the Review of the EU Copyright Rules, July 2014, *p. 5*.

2 Commission, DG MARKT, Report on the responses to the Public Consultation on the Review of the EU Copyright Rules, July 2014, ~~*p. 5*~~.

AMC 3

Replacing AM 162 (Szájér), AM 163 (Comodini, Paunova, Svoboda, Joulaud, Le Grip, Toti, Estaràs Ferragut, de Grandes Pascual, Verheyen), AM 171 (Ehler), AM 173 (Le Grip, Ehler, Jouland, Verheyen), AM 178 (Chrysogonos), AM 179 (Szájér), AM 181 (López Aguilar, Gutiérrez Prieto, Gardiazabal Rubial, Blanco López), AM 183 (Niebler), AM 184 (GUE: Chrysogonos, Mastalka), AM 186 (Gasbarra), AM 187 (Durand), AM 191 (Geringer de Oedenberg), AM 192 (Cofferati, Geringer de Oedenberg, Honeyball), AM 193 (Rozière, Delvaux), AM 194 (Trüpel, Hautala), AM 195 (Comodini Cachia, Svoboda, Joulaud, Szájér, de Grandes Pascual, Estaràs Ferragut, Verheyen), AM 196 (Honeyball, Köster), AM 197 (Honeyball, Regner, Geringer de Oedenberg), AMD 202 (Jakovcic), AM 205 (Ferrara), ITRE 6, ITRE 9, ITRE19, ITRE 36, IMCO 2, IMCO 6, IMCO 9, IMCO 11

Draft Report

3. Acknowledges the necessity for authors and performers to be provided with legal protection for their creative and artistic work; recognises the role of producers and publishers in bringing works to the market, and the need for *appropriate remuneration* for all categories of rightholders; calls for improvements to the contractual position of authors and performers in relation to other rightholders and intermediaries;

Amendment

3. Acknowledges the necessity for authors and performers to be provided with legal protection for their creative and artistic work; recognises the role of producers and publishers in bringing works to the market, and the need for *fair and* appropriate remuneration for all categories of rightholders; calls 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, as contractual exchanges may be marked by an imbalance of power;*

AMC 4

Replacing AM 219 (Le Grip, Jouland, Verheyen), AM 220 (Dzhambazki, Karim), AM 221 (Gasbarra), AM 222 (Reda, Negrescu, Honeyball, Weidenholzer, Köster, Delvaux), AM 228 (Wikström), ITRE 3, ITRE 9, ITRE 10, ITRE 17, IMCO 15, IMCO 24

Draft Report

4. *Considers* the introduction of a single European Copyright Title *on the basis of Article 118 TFEU* that would apply directly and uniformly across the *EU, in accordance* with the *Commission's* objective of better regulation, *as a legal means to remedy the lack of harmonisation resulting from Directive 2001/29/EC*;

Amendment

4. *Invites the Commission to evaluate targeted and appropriate measures to improve legal certainty, in line with the Commission's objective of better regulation; calls on the Commission 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*;

AMC 5

Replacing AM 247 (Negrescu), AM, AM 248 (Gaetano Cofferati & Geringer de Oedenberg), AM 249 (Gasbarra & Costa), AM 250 (Reda, Negrescu, Weidenholzer), AM 251 (Dzhambazki & Karim), ITRE 40

Draft report

5. Recommends that the EU legislator further lower the barriers to the re-use of public sector information by exempting works produced *by the public sector – as part of the* political, legal and administrative process – from copyright protection;

Amendment

5. Recommends that the EU legislator *should consider, to protect the public interest while protecting personal information, how to* further lower the barriers *to the* re-use of public sector *information; notes that such adjustment of the legislation should be made with due regard of directive 2013/37/EU, of the principles underpinning the copyright system and of the relevant case law of the EU Court of Justice*;

AMC 6

Replacing AM 258 (Honeyball, Rozière, Köster), AM 260 (Trüpel & Hautala), AM 261 (Ferrara), AM 264 (Reda, Negrescu, Weidenholzer), AM 265 (Gasbarra & Costa)

Draft report

6. Calls on the Commission to safeguard public domain works, which are by definition not subject to copyright protection and should therefore *be able to* be used and re-used without technical or contractual barriers; also calls on the Commission to *recognise the freedom of rightholders to voluntarily relinquish their rights and* dedicate their works to the public domain;

Amendment

6. Calls on the Commission to *effectively safeguard* public domain works, which are by definition not subject to copyright protection; *therefore urges the Commission to clarify that once a work is in the public domain, any digitisation of the work which does not constitute a new, transformative work, stays in the public domain;* also calls on the Commission to *examine whether rightholders may be given the right to* dedicate their works to the public domain, *in whole or in part;*

AMC 7

Replacing AM 272 (Cavada), AM 273 (Boutonnet), AM 276 (Maštálka), AM 277 (Wikström), AM 281 (Chrysogonos, Maštálka), AM 282 (Trüpel & Hautala)

Draft report

7. Calls on the Commission to harmonise the term of protection of copyright to a duration that does not exceed the current international standards set out in the Berne Convention;

Amendment

7. Calls on the Commission to *further* harmonise the term of protection of copyright, *while refraining from any further extension of the term of protection, according to the international standards set out in the Berne Convention, encourages Member States to finalise the transposition and implementation of Directives 2006/116/EC and 2011/77/EU in a streamlined manner;*

AMC 8

Replacing AM 286 (Ferrara), 285 (Maštálka) + 287 (Chrysogonos, Maštálka), AM 289 (López Aguilar, Gutierrez Prieto, Gardiazabal Rubial, Blanco López), ITRE 2, ITRE 8, ITRE 14, ITRE 33, IMCO 2, IMCO 20, IMCO 27

Draft Report

8. Calls on the EU legislator to remain faithful to the objective stated in Directive 2001/29/EC of safeguarding a fair balance between the different categories of rightholders and users of protected **subject-matter**, as well as between the different categories of rightholders;

Amendment

8. Calls on the EU legislator to remain faithful to the objectives stated in Directive 2001/29/EC ***of providing an adequate protection for copyright and neighbouring rights as one of the main ways of ensuring European cultural creativity, and*** of safeguarding a fair balance between the different categories of rightholders and users of protected content, as well as between the different categories of rightholders; ***further emphasises that any legislative change in this field should guarantee people with disabilities access to works and services protected by copyright and related rights in any formats;***

AMC 9

Replacing AM 291 (Gasbarra), AM 292 (Cavada, Rozière), AM 293 (Szájer), AM 295 (Dzhambazki & Karim,)AM 297 (Comodini Cachia, Paunova, Svoboda, Szájer, Toti, Estaràs Ferragut, de Grandes Pascual, Zver, Verheyen), AM 298 (Honeyball, Costa), AM 303 (Negrescu), AM 305 (Reda, Negrescu, Weidenholzer), AM 304 (Trüpel & Hautala), AM 301 (Lopez Aguilar, Blanco López, Gutierrez Prieto, Gardiazabal Rubial), ITRE 15, ITRE 25, ITRE 33, ITRE 38, IMCO 2, IMCO 24, IMCO 27

Draft Report

9. Notes that exceptions and limitations in the digital environment should be enjoyed without any unequal treatment as compared with those granted in the analogue world;

Amendment

9. Notes that exceptions and limitations *must be applied in such a way as to take account of the purpose for which they were designed and the particular respective characteristics of the digital and analogue environments, while maintaining the balance between the interests of rightholders and the interests of the public*; therefore calls on the Commission to examine the possibility of reviewing a number of the existing exceptions and limitations in order to better adapt them to the digital environment, taking into account the ongoing developments in the digital environment and the need for competitiveness ;

9.1 (new) Underlines the importance of exceptions and limitations being accessible for persons with disabilities; in this regard notes the conclusion of the Marrakesh Treaty, which will facilitate access for the visually impaired to books, and encourages swift ratification; believes that the Treaty is a good step forward, but that much work remains to be done in order to open up access to content for people with different disabilities;

AMC 10

Replacing AM 310 (Dzhambazki, Karim), AM 311 (Boutonnet), AM 312 (Le Grip), AM 313 (Szájer), AM 314 (Niebler), AM 315 (Cavada, Rozière), AM 316 (Honeyball, Griffin), AM 317 (Comodini Cachia, Joulaud, Honeyball, Szájer, Toti, de Grandes Pascual, Estaràs Ferragut, Verheyen), AM 318 (Voss), AM 320 (Cofferati, Geringer de Oedenberg), AM 321 (Reda, Ehler, Weidenholzer), ITRE 3, ITRE 5, ITRE 15, ITRE 23, ITRE 26, ITRE 38, IMCO 12, IMCO 22, IMCO 24

Draft Report

10. *Views with concern the increasing impact of differences among Member States in the implementation of exceptions, which creates legal uncertainty and has direct negative effects on the functioning of the digital single market, in view of the development of cross-border activities;*

Amendment

10. *Notes the importance of European cultural diversity, and notes that the differences among Member States in the implementation of exceptions can be challenging for the functioning of the internal market in view of the development of cross-border activities and EU global competitiveness and innovation, and may also lead to legal uncertainty for authors and users, considers that some exceptions and limitations may therefore benefit from more common rules; remarks however that differences may be justified to allow Member States to legislate according to their specific cultural and economic interests, and in line with the principles of proportionality and subsidiarity;*

AMC 11

Replacing AM 334 (Voss), 335 (Cavada), 336 (Zwiefka, Wenta), 337 (López Aguilar, Gutiérrez Prieto, Gardiazabal Rubial, Blanco López), AM 338 (Dzhambazki, Karim), AM 339 (Szájer), AM 340 (Wikström), AM 341 (Geringer de Oedenberg), AM 342 (Trüpel, Hautala), AM 343 (Comodini Cachia, de Grandes Pascual, Estaràs Ferragut, Joulaud, Svoboda, Cavada, Szájer, Toti, Verheyen), AM 344 (Honeyball), AM 347 (Jakovic), ITRE 9, ITRE 15, ITRE 23, ITRE 28, IMCO 15, IMCO 21, IMCO 22

Draft Report

11. Calls on the Commission to *make mandatory* all the exceptions and limitations referred to in Directive 2001/29/EC, to allow equal access to cultural diversity across borders within the internal market and to improve legal certainty;

Amendment

11. Calls on the Commission to *examine the application of minimum standards across the exceptions and limitations, and further to ensure the proper implementation of the exceptions and limitations referred to in Directive 2001/29/EC, and an equal access to cultural diversity across borders within the internal market and to improve legal certainty;*

AMC 12

Replacing AM 357 (Le Grip), AM 358 (Szájer), AM Amendment 361 (Comodini Cachia, Paunova, Svoboda, Joulaud, Cavada, Szájer, Toti, Estaràs Ferragut, de Grandes Pascual, Zver, Verheyen), AM 362 (Honeyball), ITRE 30, IMCO 6, IMCO 7

Draft Report

12. Notes with interest the development of new forms of use of works on digital networks, in particular transformative uses;

Amendment

12. Notes with interest the development of new forms of use of works on digital networks, in particular transformative uses, *and stresses the need to examine solutions reconciling an efficient protection that provides for proper remuneration and fair compensation for creators with the public interest for access to cultural goods and knowledge;*

AMC 13

Replacing AM 375 (Comodini Cachia, Paunova, Cavada, Szájer, Toti, de Grandes Pascual, Estaràs Ferragut, Verheyen), AM 376 (Reda, Honeyball, Weidenholzer), AM 377 (Szájer), AM 378 (Voss), AM 380 (Gasbarra, Costa), AM 381 (Trüpel, Hautala), AM 382 (Dzhambazki, Karim), ITRE 15, ITRE 31, IMCO 4, IMCO 7

Draft Report

13. *Calls for the adoption of an open norm introducing flexibility in the interpretation of exceptions and limitations* 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;

Amendment

13. *Stresses that, where an exception or limitation already applies, new usages of content which are made possible by technological advances or new uses of technology should be, insofar as possible, construed in line with the existing exception or limitation, provided that the new usage is similar to the existing one, in order to improve legal certainty; this would be subject to the three-step-test; acknowledges that such flexibility in the interpretation of exceptions and limitations may permit the adaptation of the concerned exceptions and limitations to different national circumstances and social needs;*

AMC 14

Replacing AM 383 (Rozière, Delveaux), AM 385 (Szájer), AM 392 (Comodini, Paunova, Cavada, Le Grip, Estaràs Ferragut, Szájer, Toti, de Grandes Pascual, Zver, Verheyen), AM 393 (Honeyball, Costa), AM 395 (Geringer de Oedenberg), ITRE 15, ITRE 17, ITRE 25

Draft Report

14. Urges the European legislator to ensure the technological neutrality and future-compatibility of exceptions and limitations by taking due account of the effects of media convergence; ***considers, in particular, that the exception for quotation should expressly include audio-visual quotations in its scope;***

Amendment

14. ***Highlights the need*** to ensure the future-compatibility of exceptions and limitations by taking due account of the effects of media convergence, ***while serving the public interest by fostering incentives to create, finance and distribute new works and to make those works available to the public in new, innovative and compelling ways;***

AMC 15

Replacing AM 397 (Boutonnet), AM 398 (Le Grip), AM 399 (López Aguilar, Gutiérrez Prieto, Gardiazabal Rubial, Blanco López), AM 400 (Szájer), AM 401 (Cavada), AM 402 (Niebler), AM 403 (Honeyball), AM 404 (Voss), AM 405 (Dzhambazki, Karim), AM 406 (Wikström), AM 407 (Comodini Cachia, Svoboda, Joulaud, Le Grip, Szájer, Toti, Estaràs Ferragut, de Grandes Pascual, Zver, Verheyen), AM 408 (Gasbarra, Costa), AM 409 (Rozière, Delvaux), AM 410 (Reda, Weidenholzer), ITRE 35

Draft report

15. Stresses that the ability to freely link from one resource to another is one of the fundamental building blocks of the internet; calls on the EU legislator to make it clear that reference to works by means of a hyperlink is not subject to exclusive rights, as it does not consist in a communication to a new public³;

Amendment

~~15. Stresses that the ability to freely link from one resource to another is one of the fundamental building blocks of the internet; calls on the EU legislator to make it clear that reference to works by means of a hyperlink is not subject to exclusive rights, as it does not consist in a communication to a new public⁴;~~
(deleted)

³ Order of the Court of Justice of 21 October 2014 in Case C-348/13, *BestWater International GmbH v Michael Mebes and Stefan Potsch* (request for a preliminary ruling from Germany's Bundesgerichtshof).

⁴ ~~Order of the Court of Justice of 21 October 2014 in Case C-348/13, *BestWater International GmbH v Michael Mebes and Stefan Potsch* (request for a preliminary ruling from Germany's Bundesgerichtshof).~~

AMC 17

Replacing AM 434 (Reda, Weidenholzer), AM 435 (Szájer), 436 (Rozière), AM 439 (Comodini Cachia, Honeyball, Joulaud, de Grandes Pascual, Estaràs Ferragut, Toti, Szájer, Zver, Verheyen), AM 440 (Honeyball)

Draft report

17. Emphasises *that* the exception for caricature, parody and pastiche should apply regardless of the purpose of the parodic use;

Amedment

17. Emphasises *the importance of* the exception for caricature, parody and pastiche *as a factor in the vitality of democratic debate; which should strike the balance between the interests and rights of the creators and original characters and the freedom of expression of the user of a protected work who is relying on the exception for caricature, parody or pastiche;*

AMC 18

Replacing AM 441 (Le Grip, Joulaud, Verheyen), AM 442 (Szájer), AM 443 (Therese Comodini Cachia, Pavel Svoboda, Mary Honeyball, Rosa Estaràs Ferragut, Luis de Grandes Pascual, Giovanni Toti, József Szájer, Sabine Verheyen), AM 444 (Axel Voss), AM 445 (Dzhambazki, Karim), AM 448 (Rozière, Delvaux), AM 452 (Ehler, Verheyen, Joulaud), ITRE 28

Draft Report

18. Stresses the need to enable automated analytical techniques for text and data (e.g. ‘text and data mining’) for *all* purposes, provided that permission to read the work has been acquired;

Amendment

18. Stresses the need to *properly assess the enablement of* automated analytical techniques for text and data (e.g. ‘text and data mining’ *or ‘content mining’*) for *research* purposes, provided that permission to read the work has been acquired;

AMC 19

Replacing AM 456 (Le Grip), AM 457 (López Aguilar, Gutiérrez Prieto, Gardiazabal Rubial, Blanco López), AM 458 (Szájer), AM 459 (Rozière), AM 460 (Voss), AM 461 (Gasbarra), AM 463 (Ferrara), AM 464 (Negrescu), AM 465 (Boutonnet), AM 466 (Cofferati, Geringer de Oedenberg), AM 468 (Reda, Negrescu, Weidenholzer), AM 469 (Comodini, Paunova, Cavada, Honeyball, de Grandes Pascual, Szájer, Toti, Estaràs Ferragut, Verheyen), AM 470 (Zuber), ITRE 15, IMCO 24

Draft Report

19. Calls for a broad exception for research and education purposes, which should cover not only educational establishments *but any kind of educational or research activity, including non-formal education*;

Amendment

19. Calls for an exception for research and education purposes, which should cover not only educational establishments, *but accredited educational or research activities, including online and cross-border activities, linked to an educational establishment or institution recognised by the competent authorities or legislation or within the purview of an educational programme*;

AMC 20

Replacing AM 474 (Szájer), AM 475 (Cavada), , AM 477 (Voss, Ehler), AM 478 (Comodini, Paunova, Svoboda, Joulaud, Estaràs Ferragut, de Grandes Pascual, Szájer, Toti, Zver, Verheyen), AM 479 (Honeyball), AM 480 (Niebler), AM 482 (Negrescu), AM 483 (López Aguilar, Gutiérrez Prieto, Gardiazabal Rubial, Blanco López), AM 484 (Trüpel, Hautala), AM 485 (Cofferati, Geringer de Oedenberg, Regner), AM 486 (Reda, Negrescu, Weidenholzer), AM 488 (Ferrara), ITRE 15, ITRE 16, ITRE 22, ITRE 32, IMCO 24

Draft Report

20. Calls for the adoption of a mandatory exception allowing libraries to lend books to the public in digital formats, irrespective of the place of access;

Amendment

20. *Recognizes the importance of libraries for access to knowledge and calls upon the Commission to 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 libraries' networks, so that their public interest duty of disseminating knowledge can be fulfilled effectively and in an up-to-date manner; recommends that authors should be fairly compensated for e-lending to the same extent as this is the case for the lending of physical books according to national territorial restrictions;***

20.a (new) Calls upon the Commission to assess the adoption of an exception allowing libraries to digitalise content for the purposes of consultation, cataloguing and archiving;

AMC 21

Replacing all amendments (from AM 489 to AM 506).

Draft Report

Amendment

21. Calls on the EU legislator to *preclude* Member States from introducing *statutory licences for the compensation of rightholders for the harm caused by acts made permissible by an exception;*

21. *Notes that in some Member States statutory licences aimed at compensatory schemes have been introduced; stresses the need to ensure that acts which are permissible under an exception should remain so; reminds that compensation for the exercise of exceptions and limitations should only be considered in cases where acts deemed to fall under an exception cause harm to the right holder; further calls on the OHIM Observatory for a full scientific evaluation of these Member state measures and their effect on each affected stakeholder;*

AMC 22

Replacing AM 510 (Cavada), AM 512 (Wikström), AM 513 (Trüpel), AM 514 (Le Grip, Joulaud, Cavada, Verheyen), AM 516 (Voss), AM 517 (Comodini Cachia, Paunova, Estaràs Ferragut, Szájer, Toti, de Grandes Pascual, Verheyen), AM 518 (Szajer), AM 519 (Rozière, Cavada), AM 520 (Dzhambazki, Karim), AM 522 (Ferrara), ITRE 5, ITRE 13, ITRE 27, ITRE 31

Draft Report

Amendment

22. *Calls for the adoption of harmonised criteria for defining 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*⁵;

22. *Recalls the importance of the private copying exception that may not be technically limited, coupled with fair compensation of creators; invites the Commission to analyse on the basis of scientific evidence, the European Parliament's resolution of February 2014⁶ and the results of the latest mediation process conducted by the Commission⁷, 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;*

⁵ As stated in António Vitorino's recommendations of 31 January 2013 resulting from the latest mediation process conducted by the Commission in respect of private copying and reprography levies.

⁶ *European Parliament Resolution (2013/2114(INI)) on private copying levies.*

⁷ António Vitorino's recommendations of 31 January 2013 resulting from the latest mediation process conducted by the Commission in respect of private copying and reprography levies.

AMC 23

Replacing AM 533 (Cavada, Rozière), AM 535 (Reda, Weidenholzer), AM 536 (Durand), ITRE 19

Draft Report

23. Stresses that the effective exercise of exceptions or limitations, and access to content that is not subject to copyright or related rights protection, should not be hindered by technological measures;

Amendment

23. *Notes the importance of article 6(4) of Directive 2001/29/EC* and stresses that the effective exercise of exceptions or limitations, and access to content that is not subject to copyright or related rights protection, should not be *waived by contract* or hindered by technological measures of protection or *contractual terms*;

AMC 24

Replacing AM 1 (Szájer), AM 2 (Le Grip, Ehler), AM 3 (Voss, Ehler), AM 4 (Cavada, Comodini Cachia, Rozière), AM 5 (Comodini Cachia, Joulaud, Zwiefka, Cavada, Toti, Honeyball, Wentz, Szájer, de Grandes Pascual, Estaràs Ferragut, Zver, Verheyen), IMCO 24

Draft Report

– having regard to Articles 4, 26, 34, 114 *and 118* of the Treaty on the Functioning of the European Union (TFEU),

Amendment

– having regard to Articles 4, 26, 34, 114, *118 and 167* of the Treaty on the Functioning of the European Union (TFEU),

AMC 25

Replacing AM 8 (Szájer), AM 9 (Le Grip, Ehler), AM 10 (Voss, Ehler), AM 11 (Cavada, Comodini Cachia), AM 12 (Comodini Cachia, Joulaud, Zwiefka, Wentz, Toti, Cavada, Honeyball, Wentz, Szájer, Estaràs Ferragut, de Grandes Pascual, Zver, Verheyen)

Draft Report

– having regard to Articles 11, 13, 14, 16, 17 *and 52* of the Charter of Fundamental Rights of the European Union,

Amendment

– having regard to Articles 11, 13, 14, 16, 17, *22 and 52* of the Charter of Fundamental Rights of the European Union,

AMC 26

Replacing AM 13 (Szájer), AM 14 (Voss, Ehler), AM 15 (Cavada, Comodini Cachia), AM 16 (Comodini Cachia, Svoboda, Joulaud, Cavada, Honeyball, Le Grip, Szájer, Toti, de Grandes Pascual, Estaràs Ferragut, Zver, Verheyen)

Draft Report

– having regard to the Berne Convention for the Protection of Literary and Artistic Works,

Amendment

– having regard to the Berne Convention for the Protection of Literary and Artistic Works, *and expressly to the Three Step Test,*

AMC 27

Compromise amendment replacing AM 38 (Szájer), AM 39 (Le Grip), AM 16 (Comodini Cachia, Joulaud, Zwiefka, Wenta, Honeyball, Szájer, Toti, de Grandes Pascual, Estaràs Ferragut, Zver, Verheyen), AM 42 (Cavada)

Draft Report

Amendment

- *having regard to its resolution of 11 September 2012 on the online distribution of audiovisual works in the European Union (2011/2313(INI)),*

AMC 28

Replacing AM 47 (Szájer), AM 50 (Gasbarra), AM 52 (Voss, Ehler), AM 53 (Le Grip, Ehler, Cavada), AM 54 (Dzhambazki, Karim), AM 55 (Comodini, Joulaud, Paunova, Wenta, Zwiefka, Honeyball, Le Grip, Szájer, Toti, Estaràs, de Grandes Pascual, Verheyen), ITRE 1, ITRE 2, ITRE 6, ITRE 9, ITRE 10, ITRE 11, IMCO 3, IMCO 10

Draft Report

A. whereas the European legal framework for copyright and related rights is central to the promotion of creativity and innovation, and to access to knowledge and information;

Amendment

A. whereas *the revision of the InfoSoc directive* is central to the promotion of creativity and innovation, *cultural diversity, economic growth, competitiveness, the Digital Single Market* and to access to knowledge and information; *while at the same time also providing authors of literary and artistic works with sufficient recognition and protection of their rights;*

AMC 29

Replacing AM 61 (López Aguilar, Gutiérrez Prieto, Gardiazabal Rubial, Blanco López), AM 62 (Szájer), AM 65 (Comodini Cachia, Paunova, de Grandes Pascual, Estaràs Ferragut, Svoboda, Joulaud, Cavada, Honeyball, Toti, Szájer, Zver, Verheyen), AM 66 (Le Grip, Joulaud, Verheyen), AM 67 (Honeyball, Delvaux), AM 68 (Cavada), AM 72 (Cavada), IMCO 4

Draft Report

B. whereas Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society was aimed at adapting legislation on copyright and related rights to reflect technological developments;

Amendment

B. whereas Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society was aimed at adapting legislation on copyright and related rights to reflect technological developments;

B. a. (new) whereas Directive 2001/29/EC also addresses a number of EU obligations under international law, including the provisions of the Berne Convention for the Protection of Literary and Artistic Works, of the WIPO Copyright Treaty and of the WIPO Performances and Phonograms Treaty;

AMC 30

Replacing AM 84 (López Aguilar, Gutiérrez Prieto, Gardiazabal Rubial, Blanco López), AM 85 (Szájer), AM 86 (Niebler), AM 87 (Gasbarra), AM 88 (Dzhambazki, Karim), AM 89 (Voss), AM 90 (Trüpel, Hautala), AM 91 (Le Grip, Joulaud, Verheyen), AM 92 (Cavada, Rozière), AM 93 (Comodini Cachia, Svoboda, Paunova, de Grandes Pascual, Estaràs Ferragut, Zwiefka, Brunon Wenta, Honeyball, Szájer, Zver, Verheyen), AM 95 (Szájer), AM 96 (Le Grip), AM 97 (Dzhambazki, Karim), AM 98 (Voss), AM 99 (Cavada, Comodini Cachia), AM 100 (Comodini Cachia, Paunova, de Grandes Pascual, Estaràs Ferragut, Svoboda, Joulaud, Cavada, Honeyball, Toti, Szájer, Zver, Verheyen)

Draft Report

C. whereas the Charter of Fundamental Rights protects *the* freedom of expression, *the* freedom of the arts *and scientific research*, the right to education and the freedom to conduct a business;

D. whereas Article 17 of the Charter of Fundamental Rights enshrines the right to property, drawing a distinction between the protection of possessions, on the one hand (paragraph 1), and the protection of intellectual property, on the other (paragraph 2);

Amendment

C. whereas the Charter of Fundamental Rights protects freedom of expression, *freedom of information*, freedom of the arts and *science*, *guarantees protection of personal data and protection of cultural and linguistic diversity*, *the right to property and the protection of intellectual property*, the right to education and the freedom to conduct a business;

D. deleted

AMC 31

Replacing Amendment AM 113 (Niebler, Voss), AM 115 (Szajer), AM 118 (Comodini Cachia, Svoboda, Honeyball, Le Grip, Szajer, Estaras Ferragut, de Grandes Pascual, Toti, Zver, Verheyen), AM 131 (Cavada), AM 134 (Cavada, Rozière), ITRE 2, ITRE 6, ITRE 34, ITRE 37, ITRE 39, IMCO 8, IMCO 13, IMCO 14, IMCO 20, IMCO 25

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E. whereas *decisions on* technical standards can have a significant impact on human rights – *including the right to freedom of expression, protection of personal data and user security – as well as on access to content*¹;

1. Opinion of the European Economic and Social Committee of 16 December 2014 on the ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Internet policy and governance – Europe’s role in shaping the future of internet governance’.

Amendment

E. whereas measures that contribute to the further development of cultural interchange and improve legal certainty in the sector need to be considered; whereas many creative on-line services have developed since the application of the Directive, and consumers have never before had access to such a wide range of creative and cultural works, while users need access to a plentiful and diverse supply of high-quality content;

~~*1. Opinion of the European Economic and Social Committee of 16 December 2014 on the ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Internet policy and governance – Europe’s role in shaping the future of internet governance’.*~~