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05/09/2018

AMENDMENTS: 27

Axel Voss

Copyright in the Digital Single Market

A8-0245/2018

Proposal for a directive COM(2016)0593 - C8-0383/2016 – 2016/0280(COD)

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Amendments per language:

EN: 27

Amendment 1**Axel Voss**

on behalf of the PPE Group

Report**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018**Proposal for a directive****Recital 31***Text proposed by the Commission*

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as **rightholders**, licensing and enforcement in the digital environment is often complex and inefficient.

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. ***The increasing imbalance between powerful platforms and press publishers, which can also be news agencies, has already led to a remarkable regression of the media landscape on a regional level.*** In the transition from print to digital, publishers ***and news agencies*** of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as ***right holders***, licensing and enforcement in the digital environment is often complex and inefficient.

Or. en

5.9.2018

A8-0245/2

Amendment 2

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level **a harmonised** legal protection for press publications in **respect of** digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.

Amendment

(32) The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry **and thereby to guarantee the availability of reliable information**. It is therefore necessary **for Member States** to provide at Union level legal protection for press publications in **the Union for** digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses **in order to obtain fair and proportionate remuneration for such uses. Private uses should be excluded from this reference. In addition, the listing in a search engine should not be considered as fair and proportionate remuneration.**

Or. en

Amendment 3**Axel Voss**

on behalf of the PPE Group

Report**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018**Proposal for a directive****Recital 33***Text proposed by the Commission*

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking which ***do not constitute communication to the public.***

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published by a service provider, periodically or regularly updated in any media, for the purpose of informing or entertaining. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications which are published for scientific or academic purposes, such as scientific journals, should not be covered by the protection granted to press publications under this Directive. This protection does not extend to acts of hyperlinking. ***The protection shall also not extend to factual information which is reported in journalistic articles from a press publication and will therefore not prevent anyone from reporting such factual information.***

Or. en

5.9.2018

A8-0245/4

Amendment 4

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. **They** should **also** be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Amendment

(34) The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. **Member States** should be **able to** subject **those rights** to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.

Or. en

5.9.2018

A8-0245/5

Amendment 5

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. ***This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.***

Amendment

(35) The protection granted to publishers of press publications under this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the protection granted to them against authors and other rightholders. ***Authors whose work is incorporated in a press publication shall be entitled to an appropriate share of the new additional revenues press publishers receive for the secondary use of their press publications by information society service providers in respect to the rights provided for in Article 11 paragraph 1.***

Or. en

5.9.2018

A8-0245/6

Amendment 6

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Over the last years, the functioning of the online content *marketplace* has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration *for it*.

Amendment

(37) Over the last years, the functioning of the online content *market* has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to *copyright protected* content online. *Online services are means of providing wider access to cultural and creative works and offer great opportunities for cultural and creative industries to develop new business models. However, although they allow for diversity and ease of access to content, they also generate challenges when copyright protected content is uploaded without prior authorisation from rightholders.* This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration.

Or. en

5.9.2018

A8-0245/7

Amendment 7

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) Certain information society services, as part of their normal use, are designed to give access to the public to copyright protected content or other subject-matter uploaded by their users. The definition of an online content sharing service provider under this Directive shall cover information society service providers one of the main purposes of which is to store and give access to the public or to stream significant amounts of copyright protected content uploaded / made available by its users and that optimise content and promotes for profit making purposes, including amongst others displaying, tagging, curating, sequencing the uploaded works or other subject-matter, irrespective of the means used therefor, and therefore act in an active way. As a consequence, they cannot benefit from the liability exemption provided for in Article 14 of Directive 2000/31/EC. The definition of online content sharing service providers under this Directive does not cover microenterprises and small sized enterprises within the meaning of Title I of the Annex to Commission Recommendation 2003/361/EC and service providers that act in a non-commercial purpose capacity such as online encyclopaedia, and providers of online services where the content is uploaded with the authorisation of all

right holders concerned, such as educational or scientific repositories. Providers of cloud services for individual use which do not provide direct access to the public, open source software developing platforms, and online market places whose main activity is online retail of physical goods, should not be considered online content sharing service providers within the meaning of this Directive.

Or. en

Amendment 8**Axel Voss**

on behalf of the PPE Group

Report**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018**Proposal for a directive****Recital 38 – paragraph 1***Text proposed by the Commission**Amendment*

Where information society service providers store and provide access to the public to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are obliged to conclude licensing agreements with rightholders, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴.

Online content sharing service providers perform an act of communication to the public and therefore are responsible for their content and should therefore conclude fair and appropriate licensing agreements with rightholders. Where licensing agreements are concluded, they should also cover, to the same extent and scope, the liability of users when they are acting in a non-commercial capacity. In accordance with Article 11(2a) the responsibility of online content sharing providers pursuant to Article 13 does not extend to acts of hyperlinking with respect to press publications. The dialogue between stakeholders is essential in the digital world. They should define best practices to ensure the functioning of licensing agreements and cooperation between online content sharing service providers and rightholders. These best practices should take into account the extent of the copyright infringing content on the service.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

5.9.2018

A8-0245/9

Amendment 9

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 38 – paragraph 2

Text proposed by the Commission

Amendment

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

deleted

Or. en

5.9.2018

A8-0245/10

Amendment 10

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 38 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure the functioning of any licensing agreement, information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users should take appropriate and proportionate measures to ensure protection of works or other subject-matter, such as implementing effective technologies. This obligation should also apply when the information society service providers are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.

deleted

Or. en

5.9.2018

A8-0245/11

Amendment 11

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) ***Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement.***

(39) ***Member States should provide that where right holders do not wish to conclude licensing agreements, online content sharing service providers and right holders should cooperate in good faith in order to ensure that unauthorised protected works or other subject matter, are not available on their services. Cooperation between online content service providers and right holders should not lead to preventing the availability of non-infringing works or other protected subject matter, including those covered by an exception or limitation to copyright.***

Or. en

5.9.2018

A8-0245/12

Amendment 12

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 a) Member States should ensure that online content sharing service providers referred to in paragraph 1 put in place effective and expeditious complaints and redress mechanisms that are available to users in case the cooperation referred to in paragraph 2a lead to unjustified removals of their content. Any complaint filed under such mechanism should be processed without undue delay. Right holders should reasonably justify their decisions to avoid arbitrary dismissal of complaints. Moreover, in accordance with Directive 95/46/EC, Directive 200/58/EC and the General Data Protection Regulation, the cooperation should not lead to any identification of individual users nor the processing of their personal data. Member States should also ensure that users have access to an independent body for the resolution of disputes as well as to court or other relevant judicial authority to assert the use of an exception or limitation to copyright rules.

Or. en

5.9.2018

A8-0245/13

Amendment 13

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 39 b (new)

Text proposed by the Commission

Amendment

(39 b) As soon as possible after the entry into force of this Directive, the Commission and the Members States should organise dialogues between stakeholders to harmonise and to define best practices. They should issue guidance to ensure the functioning of licensing agreements and on cooperation between online content sharing service providers and right holders for the use of their works or other subject matter within the meaning of this Directive. When defining best practices, special account should be taken of fundamental rights, the use of exceptions and limitations. Special focus should also be given to ensuring that the burden on SMEs remain appropriate and that automated blocking of content is avoided.

Or. en

5.9.2018

A8-0245/14

Amendment 14

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4 a) ‘online content sharing service provider’ means a provider of an information society service one of the main purposes of which is to store and give access to the public to a significant amount of copyright protected works or other protected subject-matter uploaded by its users, which the service optimises and promotes for profit making purposes. Microenterprises and small-sized enterprises within the meaning of Title I of the Annex to Commission Recommendation 2003/361/EC and services acting in a non-commercial purpose capacity such as online encyclopaedia, and providers of online services where the content is uploaded with the authorisation of all right holders concerned, such as educational or scientific repositories, shall not be considered online content sharing service providers within the meaning of this Directive. Providers of cloud services for individual use which do not provide direct access to the public, open source software developing platforms, and online market places whose main activity is online retail of physical goods, should not be considered online content sharing service providers within the meaning of this Directive;

Or. en

5.9.2018

A8-0245/15

Amendment 15

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

Amendment

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC ***so that they may obtain fair and proportionate remuneration*** for the digital use of their press publications ***by information society service providers.***

Or. en

5.9.2018

A8-0245/16

Amendment 16

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The rights referred to in paragraph 1 shall not prevent legitimate private and non-commercial use of press publications by individual users.

Or. en

5.9.2018

A8-0245/17

Amendment 17

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Amendment

2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.

Or. en

5.9.2018

A8-0245/18

Amendment 18

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The rights referred to in paragraph 1 shall not extend to mere hyperlinks, which are accompanied by individual words.

Or. en

5.9.2018

A8-0245/19

Amendment 19

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

Amendment

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

Or. en

5.9.2018

A8-0245/20

Amendment 20

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 11 – paragraph 4

Text proposed by the Commission

4. The rights referred to in paragraph 1 shall expire **20** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Amendment

4. The rights referred to in paragraph 1 shall expire **5** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.
The right referred to in paragraph 1 shall not apply with retroactive effect.

Or. en

5.9.2018

A8-0245/21

Amendment 21

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States shall ensure that authors, receive an appropriate share of the additional revenues press publishers receive for the use of a press publication by information society service providers.

Or. en

5.9.2018

A8-0245/22

Amendment 22

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Use of protected content by **information society** service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

Amendment

Use of protected content by **online content sharing** service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

Or. en

5.9.2018

A8-0245/23

Amendment 23

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Information society*** service providers ***that store and provide*** to the public ***access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

1. ***1. Without prejudice to Article 3(1) and (2) of Directive 2001/29/EC, online content sharing*** service providers ***perform an act of communication*** to the public. ***They shall therefore conclude fair and appropriate licensing agreements with right holders.***

Or. en

5.9.2018

A8-0245/24

Amendment 24

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. ***Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.***

Amendment

2. ***Licensing agreements which are concluded by online content sharing service providers with right holders for the acts of communication referred to in paragraph 1, shall cover the liability for works uploaded by the users of such online content sharing services in line with the terms and conditions set out in the licensing agreement, provided that such users do not act for commercial purposes.***

Or. en

5.9.2018

A8-0245/25

Amendment 25

Axel Voss

on behalf of the PPE Group

Report

A8-0245/2018

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall provide that where right holders do not wish to conclude licensing agreements, online content sharing service providers and right holders shall cooperate in good faith in order to ensure that unauthorised protected works or other subject matter are not available on their services. Cooperation between online content service providers and right holders shall not lead to preventing the availability of non-infringing works or other protected subject matter, including those covered by an exception or limitation to copyright.

Or. en

5.9.2018

A8-0245/26

Amendment 26

Axel Voss

on behalf of the PPE Group

Report

A8-0245/2018

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive

Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Member States shall ensure that online content sharing service providers referred to in paragraph 1 put in place effective and expeditious complaints and redress mechanisms that are available to users in case the cooperation referred to in paragraph 2a lead to unjustified removals of their content. Any complaint filed under such mechanism shall be processed without undue delay and be subject to human review. Right holders shall reasonably justify their decisions to avoid arbitrary dismissal of complaints. Moreover, in accordance with Directive 95/46/EC, Directive 200/58/EC and the General Data Protection Regulation, the cooperation should not lead to any identification of individual users nor the processing of their personal data. Member States shall also ensure that users have access to an independent body for the resolution of disputes as well as to court or other relevant judicial authority to assert the use of an exception or limitation to copyright rules.

Or. en

5.9.2018

A8-0245/27

Amendment 27

Axel Voss

on behalf of the PPE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

3. **Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.**

Amendment

3. **As of [date of entry into force of this directive], the Commission and the Members States shall organise dialogues between stakeholders to harmonise and to define best practices and issue guidance to ensure the functioning of licensing agreements and on cooperation between online content sharing service providers and right holders for the use of their works or other subject matter within the meaning of this Directive. When defining best practices, special account shall be taken of fundamental rights, the use of exceptions and limitations as well as ensuring that the burden on SMEs remain appropriate and that automated blocking of content is avoided.**

Or. en