

European Commission: Infringement Proceedings Against 11 Member States for Failure to Implement the Directive on Copyright in the Information Society

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The European Commission has sent reasoned opinions (representing the second stage of the infringement procedure under Article 226 of the EC Treaty) to 11 Member States requesting them to implement Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the Information Society ("the Directive" see IRIS 2001-5: 3). The Directive, which was adopted in May 2001, was to be implemented into national law before 22 December 2002, but only Greece and Denmark met this deadline (see IRIS 2003-4: 13 and 15). Italy and Austria followed, implementing the Directive respectively in April (see IRIS 2003-6: 13) and in June 2003. The Member States to which a reasoned opinion has been sent are therefore: Belgium, Finland, France, Germany, Ireland, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the UK.

The Directive aims to harmonise and update the Member States' copyright legislation so as to take account of the digital environment. It is also the means by which the EU and its Member States are implementing the 1996 WIPO Copyright Treaty and 1996 WIPO Performances and Phonograms Treaty (see IRIS 2000-5: 3 and IRIS 1998-7: 5), which makes implementation of the Directive particularly urgent.

The Commission notes that most of the infringing Member States have indicated that they will implement the Directive during 2003; on its part, it will "pursue infringement procedures until all Member States have written the Directive into national law". At this stage, if the Member States concerned fail to provide a satisfactory reply to the Commission's reasoned opinion within the two-month deadline, the Commission may refer the matter to the European Court of Justice.

"Internal Market: Commission moves against 13 Member States for failure to implement EU legislation", Press Release of the European Commission IP/03/1005 of 14 July 2003

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