

European Parliament: Amendments adopted to the proposed copyright reform

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After a period of strong controversy regarding certain provisions in particular included by the EU Commission in the proposed copyright reform for the Digital Single Market (see IRIS 2016-9/4), on 12 September 2018, the plenary session of the EU Parliament agreed on a new proposal for the final round of negotiations (trilogue) with the EU Commission and the Council of the European Union.

On 20 June 2018, the Legal Affairs Committee of the European Parliament (JURI) voted in favour of the key provisions of the proposed Draft Directive on Copyright in the Digital Single Market. The vote gave a mandate to the Rapporteur MEP Axel Voss (EPP) to start trilogue negotiations on the draft Directive with the Council and Commission.

However, on 5 July 2018, during a plenary session, the European Parliament challenged the JURI committee vote. As certain provisions contained in the JURI report raised much criticism, the report was rejected by 318 to 278 votes, with 31 abstentions.

The new proposal has tried to deal with that criticism and find some compromise solutions. For instance, in Article 11 on the protection of press publications concerning digital uses, the new proposal points out the need for “fair and proportionate remuneration for the digital use” of publishers’ contents and it furthermore includes specific protection for authors regarding the distribution of revenues received for the use of a press publication by information society service providers. Moreover, the new proposal envisages an explicit exclusion for hyperlinks which are accompanied by individual words, as well as a reduction of the term of this right from 8 to 5 years.

Article 13 on the 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, immediately - and more clearly - prescribes the duty for online content-sharing service providers to conclude fair and appropriate licensing agreements with rightsholders. Moreover, it adds a specific reference to the General Data Protection Regulation as far as it concerns the identification of individual users uploading protected work. This provision is consistent with a more general concentration of digital platforms’ liabilities. Nonetheless, the new

proposal highlights the need to ensure respect for fundamental rights, avoiding the automatic blocking of uploaded contents, as well as to ensure “that the burden on SMEs remains appropriate”.

On 12 September 2018, the Parliament finally adopted this new proposal on the Copyright Directive, with 438 votes in favour, 226 against, and 39 abstentions.

After the Parliament voted, trilogue negotiations started and a final vote is envisaged to take place in the early months of 2019.

European Parliament, Report on the proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market A8-0245/2018, 29 June 2018

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONGML+REPORT+A8-2018-0245+0+DOC+PDF+V0//EN>

European Parliament, Amendments adopted by the European Parliament on 12 September 2018 on the proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market, P8_TA-PROV(2018)0337, 12 September 2018

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONGML+TA+P8-TA-2018-0337+0+DOC+PDF+V0//EN>

