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Committee on Legal Affairs

2013/2114(INI)

21.10.2013

AMENDMENTS

1 - 190

Draft report
Françoise Castex
(PE519.560v02-00)

Private copying levies
(2013/2114(INI))

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PE521.789v01-00

EN

United in diversity

EN

AM_Com_NonLegReport

Amendment 1
Marielle Gallo

Motion for a resolution
Citation 4

Motion for a resolution

– having regard to the judgments of the Court of Justice of the European Union, particularly in cases C-467/08, Padawan v SGAE, of 21 October 2010, C-457/11 – C-460/11, VG Wort v Kyocera Mita and others, of 27 June 2013, and C-521/11, Austro Mechana v Amazon, of 11 July 2013,

Amendment

– having regard to the judgments of the Court of Justice of the European Union, particularly in cases C-467/08, Padawan v SGAE, of 21 October 2010, **C-462/09, *Stichting de ThuisKopie v Opus Supplies Deutschland GmbH and others, of 16 June 2011***, C-457/11 – C-460/11, VG Wort v Kyocera Mita and others, of 27 June 2013, and C-521/11, Austro Mechana v Amazon, of 11 July 2013,

Or. fr

Amendment 2
Françoise Castex

Motion for a resolution
Citation 4

Motion for a resolution

– having regard to the judgments of the Court of Justice of the European Union, particularly in cases C-467/08, Padawan v SGAE, of 21 October 2010, C-457/11 – C-460/11, VG Wort v Kyocera Mita and others, of 27 June 2013, and C-521/11, Austro Mechana v Amazon, of 11 July 2013,

Amendment

– having regard to the judgments of the Court of Justice of the European Union, particularly in cases C-467/08, Padawan v SGAE, of 21 October 2010, **C-462/09, *Stichting de ThuisKopie v Opus Supplies Deutschland GmbH and others, of 16 June 2011, C-277/10, Martin Luksan v Petrus van der Let, of 9 February 2012***, C-457/11 – C-460/11, VG Wort v Kyocera Mita and others, of 27 June 2013, and C-521/11, Austro Mechana v Amazon, of 11 July 2013,

Or. fr

Amendment 3
Jean-Marie Cavada

Motion for a resolution
Citation 4

Motion for a resolution

– having regard to the judgments of the Court of Justice of the European Union, particularly in cases C-467/08, Padawan v SGAE, of 21 October 2010, C-457/11 – C-460/11, VG Wort v Kyocera Mita and others, of 27 June 2013, **and** C-521/11, Austro Mechana v Amazon, of 11 July 2013,

Amendment

– having regard to the judgments of the Court of Justice of the European Union, particularly in cases C-467/08, Padawan v SGAE, of 21 October 2010, C-457/11 – C-460/11, VG Wort v Kyocera Mita and others, of 27 June 2013, C-521/11, Austro Mechana v Amazon, of 11 July 2013, **and C-462/09, Stichting de Thuiskopie v Opus Supplies Deutschland GmbH and others, of 16 June 2011,**

Or. fr

Amendment 4
Angelika Niebler

Motion for a resolution
Citation 4

Motion for a resolution

– having regard to the judgments of the Court of Justice of the European Union, particularly in cases C-467/08, Padawan v. SGAE, of 21 October 2010, C-457/11 – C-460/11, VG Wort v. Kyocera Mita and others, of 27 June 2013, and C-521/11, Austro Mechana v. Amazon, of 11 July 2013,

Amendment

- having regard to the judgments of the Court of Justice of the European Union, particularly in cases C-467/08, Padawan v. SGAE, of 21 October 2010, **C-462/09, Stichting de Thuiskopie v. Opus and others, of 16 June 2011,** C-457/11 – C-460/11, VG Wort v. Kyocera Mita and others, of 27 June 2013, and C-521/11, Austro Mechana v. Amazon, of 11 July 2013,

Or. de

Amendment 5
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Citation 6 a (new)

Motion for a resolution

Amendment

- having regard to the impact assessment accompanying the document "Proposal for a Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market

Or. en

Amendment 6
Angelika Niebler

Motion for a resolution
Citation 7

Motion for a resolution

Amendment

– having regard to **the** recommendations resulting from the mediation on private copying and reprography levies of 31 January 2013,

- having regard to **António Vitorino's** recommendations resulting from the mediation on private copying and reprography levies of 31 January 2013,

Or. de

Amendment 7
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Citation 9 a (new)

Motion for a resolution

Amendment

- having regard to the Working Document of the Committee on Legal Affairs "Copyright in the music and audiovisual sectors", approved on 29 June 2011,

Amendment 8

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Recital A

Motion for a resolution

A. whereas culture and artistic creation form the bedrock of the European identity past and present, ***and will play a vital role in the*** economic and social development of the European Union in the future;

Amendment

A. whereas culture and artistic creation form the bedrock of the European identity past and present ***and make manifest the fabric of*** economic and social development of the European Union ***now, and*** in the future;

Amendment 9

Jean-Marie Cavada

Motion for a resolution

Recital B

Motion for a resolution

B. whereas cultural content plays a pivotal role in the digital economy, whereas Europe's digital growth will depend in future on having a varied supply of high-quality cultural content, and whereas it has emerged from consultations and several independent surveys that the cultural and creative sectors are facing common challenges from digitisation and globalisation, ***along with funding problems, and that EU-level action is needed to resolve these problems;***

Amendment

B. whereas cultural content plays a pivotal role in the digital economy, whereas Europe's digital growth will depend in future on having a varied supply of high-quality cultural content, and whereas it has emerged from consultations and several independent surveys that the cultural and creative sectors are facing common challenges from digitisation and globalisation;

Amendment 10

Nadja Hirsch

Motion for a resolution

Recital B

Motion for a resolution

B. whereas cultural content plays a pivotal role in the digital economy, whereas Europe's digital growth will depend in future on having a varied supply of high-quality cultural content, and whereas it has emerged from consultations and several independent surveys that the cultural and creative sectors are facing common challenges from digitisation *and globalisation, along with funding problems*, and that EU-level action is needed to resolve these problems;

Amendment

B. whereas cultural content plays a pivotal role in the digital economy, whereas Europe's digital growth will depend in future on having a varied supply of high-quality cultural content, and whereas it has emerged from consultations and several independent surveys that the cultural and creative sectors are facing common challenges from digitisation, globalisation *and new business models*, and that EU-level action is needed to resolve these problems *jointly so that a digital single market can be created*;

Or. de

Amendment 11

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Recital B

Motion for a resolution

B. whereas *cultural content plays a pivotal role in* the digital economy, whereas *Europe's digital growth will depend in future on having a varied supply of high-quality cultural content*, and whereas it has emerged from consultations *and several independent surveys that the cultural and creative sectors are facing common challenges from digitisation and globalisation, along with funding problems*, and that EU-level action is needed to resolve these problems;

Amendment

B. whereas *culture and artistic creation is integral to* the digital economy, whereas *expression of both high-end and mundane cultural content relies on equal access to Europe's digital growth*, and whereas it has emerged from consultations *that the European digital market still has not delivered on the promises of effective distribution, fair remuneration to creators and of fair and effective distribution of income within the cultural sector in general*, and that EU-level action is needed to resolve these problems;

Amendment 12

Nadja Hirsch

Motion for a resolution

Recital C

Motion for a resolution

C. whereas digitisation is having a huge impact on the way in which cultural goods are being produced, distributed, marketed and consumed, and whereas lower distribution costs and the appearance of new distribution channels can facilitate access to creative works and culture and improve the circulation of those works around the world;

Amendment

C. whereas digitisation is having a huge impact on the way in which cultural goods are being produced, distributed, marketed and consumed, and whereas lower distribution costs and the appearance of new distribution channels can facilitate access to creative works and culture and improve the circulation of those works around the world; ***whereas the market opportunities for new services and businesses have increased enormously as a result;***

Or. de

Amendment 13

Marietje Schaake

Motion for a resolution

Recital C

Motion for a resolution

C. whereas digitisation is having a huge impact on the way in which cultural ***goods are*** being produced, distributed, marketed and consumed, and whereas lower distribution costs and the ***appearance*** of new distribution channels ***can*** facilitate access to creative works and culture ***and improve*** the circulation of those works around the world;

Amendment

C. whereas digitisation is having a huge impact on the way in which cultural ***content is*** being produced, distributed, marketed and consumed, and whereas lower distribution costs and the ***increasing popularity*** of new distribution channels facilitate access to creative works and culture ***thereby improving*** the circulation of those works around the world ***and providing artists with new artistic and economic outlets;***

Amendment 14

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Recital C

Motion for a resolution

C. whereas digitisation is having a huge impact on the way in which cultural **goods** are being **produced**, distributed, **marketed and consumed**, and whereas lower **distribution costs** and the appearance of new distribution channels **can facilitate** access to creative works and culture and improve the circulation **of those works** around the world;

Amendment

C. whereas digitisation is having a huge impact on the way in which cultural **identities** are being **expressed**, distributed **and developed**, and whereas lower **barriers for participation** and the appearance of new distribution channels **facilitates** access to creative works and culture and improve the circulation, **discovery and re-discovery of culture and artistic creation** around the world **and provides opportunities for creators and artists**;

Amendment 15

Angelika Niebler

Motion for a resolution

Recital C a (new)

Motion for a resolution

Ca. whereas the author's claim to protection for his creative work and right to equitable remuneration for that work must also exist in the digital age;

Amendment 16

Angelika Niebler

Motion for a resolution
Recital C b (new)

Motion for a resolution

Amendment

Cb. whereas digital private copying has taken on major economic importance as a result of technological progress and the shift to the Internet and Cloud, and the existing system of private copying levies does not take sufficient account of developments in the digital age; whereas there is currently no alternative approach in this area that would ensure appropriate remuneration for the rightholder and at the same time make private copying possible; whereas a discussion therefore needs to be conducted in the long term on a more efficient and up-to-date approach that takes more account of technological progress;

Or. de

Amendment 17
Nadja Hirsch

Motion for a resolution
Recital D

Motion for a resolution

Amendment

D. whereas the proposal for a Directive on the collective management of copyright and related rights currently being discussed ***reinforces that approach to the management of copyright, placing*** particular emphasis on the transparency of the flows of remuneration collected, distributed and paid to rightholders by collecting societies, ***including for private copying;***

D. whereas the proposal for a Directive on the collective management of copyright and related rights currently being discussed ***places*** particular emphasis on the transparency of the flows of remuneration collected, distributed and paid to rightholders by collecting societies;

Or. de

Amendment 18

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Recital D

Motion for a resolution

D. whereas the proposal for a Directive on the collective management of copyright and related rights currently being discussed reinforces that ***approach to*** the management of copyright, ***placing*** particular emphasis on the transparency of the flows of remuneration collected, distributed and paid to rightholders by collecting societies, including for private copying;

Amendment

D. whereas the proposal for a Directive on the collective management of copyright and related rights currently being discussed reinforces that the management of copyright ***requires*** particular emphasis on the transparency of the flows of remuneration collected, distributed and paid to rightholders by collecting societies, including for private copying;

Or. en

Amendment 19

Angelika Niebler

Motion for a resolution

Recital E

Motion for a resolution

E. whereas under Directive 2001/29 /EC, Member States may provide for an exception or limitation to the reproduction right for certain types of reproduction of audio, visual and audio-visual material for private use, accompanied by fair remuneration, and may allow consumers in countries that have introduced that limitation to copy their music and audio-visual collections from one medium or type of multimedia material to another freely and as frequently as they wish, without seeking authorisation from the rightholders, provided this is for their private use; whereas any levies should be calculated on the basis of the possible harm to the rightholders resulting from the

Amendment

E. whereas under Directive 2001/29 /EC, Member States may provide for an exception or limitation to the ***rightholder's exclusive*** reproduction right for certain types of reproduction of audio, visual and audio-visual material for private use, accompanied by fair remuneration ***for the rightholder***, and may allow consumers in countries that have introduced that limitation to copy their music and audio-visual collections from one medium or type of multimedia material to another freely and as frequently as they wish, ***unless they are protected by technological protection measures***, without seeking authorisation from the rightholders, provided this is for their private use; whereas any levies should

private copying act in question;

be calculated on the basis of the possible harm to the rightholders resulting from the private copying act in question;

Or. de

Amendment 20
Marietje Schaake

Motion for a resolution
Recital E

Motion for a resolution

E. whereas under Directive 2001/29 /EC, Member States may provide for an exception or limitation to the reproduction right for certain types of reproduction of audio, visual and audio-visual material for private use, accompanied by fair remuneration, and may allow consumers in countries that have introduced that limitation to copy their music and audio-visual collections from one medium or type of multimedia material to another freely and as frequently as they wish, without seeking authorisation from the rightholders, provided this is for their private use;
whereas any levies should be calculated on the basis of the possible harm to the rightholders resulting from the private copying act in question;

Amendment

E. whereas under Directive 2001/29 /EC, Member States may provide for an exception or limitation to the reproduction right for certain types of reproduction of audio, visual and audio-visual material for private use, accompanied by fair remuneration, and may allow consumers in countries that have introduced that limitation to copy their music and audio-visual collections from one medium or type of multimedia material to another freely and as frequently as they wish, without seeking authorisation from the rightholders, provided this is for their private use;

Or. en

Amendment 21
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Recital E

Motion for a resolution

E. whereas under Directive 2001/29 /EC,

Amendment

E. whereas under Directive 2001/29/EC,

Member States may provide for an exception or limitation to the reproduction right for certain types of reproduction of audio, visual and audio-visual material for private use, accompanied by fair remuneration, and may allow consumers in countries that have introduced that limitation to copy their music and audio-visual collections from one medium or type of multimedia material to another freely and as frequently as they wish, without **seeking** authorisation from the rightholders, provided this is for their private use; whereas **any levies should be calculated** on the basis of the possible harm to the rightholders resulting from the private copying act **in question**;

Member States may provide for an exception or limitation to the reproduction right for certain types of reproduction of audio, visual and audio-visual material for private use, accompanied by fair remuneration, and may allow consumers in countries that have introduced that limitation to copy their music and audio-visual collections from one medium or type of multimedia material to another freely and as frequently as they wish, without **seeking** authorisation from the rightholders, provided this is for their private use; whereas **the pervasive nature and ubiquitous presence of digital works makes calculation of levies** on the basis of the possible harm to the rightholders resulting from the private copying act **an impossible task**;

Or. en

Amendment 22
Josef Weidenholzer

Motion for a resolution
Recital E

Motion for a resolution

E. whereas under Directive 2001/29 /EC, Member States may provide for an exception or limitation to the reproduction right for certain types of reproduction of audio, visual and audio-visual material for private use, accompanied by fair remuneration, and may allow consumers in countries that have introduced that limitation to copy their music and audio-visual collections from one medium or type of multimedia material to another **freely and as frequently as they wish**, without seeking authorisation from the rightholders, provided this is for their private use; whereas any levies should be calculated on the basis of the possible harm

Amendment

E. whereas under Directive 2001/29 /EC, Member States may provide for an exception or limitation to the reproduction right for certain types of reproduction of audio, visual and audio-visual material for private use, accompanied by fair remuneration, and may allow consumers in countries that have introduced that limitation to copy their music and audio-visual collections from one medium or type of multimedia material to another, without seeking authorisation from the rightholders, provided this is for their private use; whereas any levies should be calculated on the basis of the possible harm to the rightholders resulting from the

to the rightholders resulting from the
private copying act in question;

private copying act in question;

Or. de

Amendment 23
Marietje Schaake

Motion for a resolution
Recital E a (new)

Motion for a resolution

Amendment

Ea. whereas the concept of private copying levies is founded on the false assumption that consumers who make private copies would otherwise have bought multiple licensed copies of the same audio, visual or audio-visual material;

Or. en

Amendment 24
Nadja Hirsch

Motion for a resolution
Recital F

Motion for a resolution

Amendment

F. whereas the sum total of private copying levies collected in 23 of the 28 EU Member ***has more than tripled since Directive 2001/29/EC came into force and***, according to the Commission's estimates, now stands at over EUR 600 million, ***and whereas this constitutes a considerable amount for the artists;***

F. whereas the sum total of private copying levies collected in 23 of the 28 EU Member ***States***, according to the Commission's estimates, now stands at over EUR 600 million; ***whereas, however, these figures should always be considered in relation to the overall amount contributed to gross value added by the creative sector;***

Or. de

Amendment 25

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Recital F

Motion for a resolution

F. whereas the sum total of private copying levies collected in 23 of the 28 EU Member has more than tripled since Directive 2001/29/EC came into force and, according to the Commission's estimates, now stands at over EUR 600 million, and whereas this constitutes *a considerable amount for the artists*;

Amendment

F. whereas the sum total of private copying levies collected in 23 of the 28 EU Member has more than tripled since Directive 2001/29/EC came into force and, according to the Commission's estimates, now stands at over EUR 600 million, and whereas this constitutes *less than 17% of the amount EUR 3.6 billion worth of liabilities to rightholders major collective management organisations had accumulated in 2010*;

Or. en

Amendment 26

Nadja Hirsch

Motion for a resolution

Recital G

Motion for a resolution

G. whereas these levies only constitute a small proportion of the turnover of manufacturers and importers of traditional and digital recording media and material;

Amendment

deleted

Or. de

Amendment 27

Josef Weidenholzer

Motion for a resolution

Recital G

Motion for a resolution

Amendment

G. whereas these levies only constitute a small proportion of the turnover of manufacturers and importers of traditional and digital recording media and material;

deleted

Or. de

Amendment 28
Françoise Castex

Motion for a resolution
Recital G

Motion for a resolution

Amendment

G. whereas these levies only constitute a ***small*** proportion of the turnover of manufacturers and importers of traditional and digital recording media and material;

G. whereas these levies only constitute a ***minute*** proportion of the turnover – ***estimated to total more than EUR 1 000 billion*** – of manufacturers and importers of traditional and digital recording media and material, ***which for the most part are non-European companies;***

Or. fr

Amendment 29
Jean-Marie Cavada

Motion for a resolution
Recital G

Motion for a resolution

Amendment

G. whereas these levies only constitute a small proportion of the turnover of ***manufacturers and importers of traditional and digital recording media and material;***

G. whereas there are now virtually no European manufacturers or importers of traditional and digital recording media and material; whereas the non-European companies operating on the market today usually transfer their operations to sites enabling them to produce ever more

cheaply; and whereas these levies only constitute a small proportion of *their* turnover;

Or. fr

Amendment 30

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Recital G

Motion for a resolution

G. whereas these levies *only* constitute a *small proportion* of the *turnover of manufacturers and importers of* traditional and digital recording media and material;

Amendment

G. whereas these levies, *in some cases*, constitute a *substantial percentage* of the *price consumers pay for* traditional and digital recording media and material;

Or. en

Amendment 31

Angelika Niebler

Motion for a resolution

Recital G a (new)

Motion for a resolution

Ga. whereas many mobile terminals allow copying for private purposes in theory but are in fact not used for this purpose; calls, consequently, for long-term discussions to be conducted with a view to developing a more efficient and up-to-date approach that may not necessarily be based on a flat-rate levy on equipment;

Or. de

Amendment 32
Jean-Marie Cavada

Motion for a resolution
Recital G a (new)

Motion for a resolution

Amendment

Ga. whereas when the prices at which material sells in a country that charges the levy are compared with those in one that does not, it becomes clear that the private copying levy has no appreciable impact on the prices of products;

Or. fr

Amendment 33
Josef Weidenholzer

Motion for a resolution
Recital I

Motion for a resolution

Amendment

I. whereas Directive 2001/29/EC and the case law of the Court of Justice of the European Union do not require Member States to see that rightholders receive direct payment of the full levy collected for private copying, and whereas the Member States have broad powers of discretion to establish that part of that remuneration should be paid indirectly;

I. whereas Directive 2001/29/EC and the case law of the Court of Justice of the European Union do not require Member States to see that rightholders receive direct payment of the full levy collected for private copying, and whereas the Member States have broad powers of discretion to establish that part of that remuneration should be paid indirectly; ***whereas there must be no discrimination between national and EU rightholders as regards access to cultural and social payments from social and cultural funds;***

Or. de

Amendment 34
Marietje Schaake

Motion for a resolution
Recital J

Motion for a resolution

J. whereas the private copying levy is paid by consumers when purchasing recording or storage media or services ***and they are therefore entitled to know of its existence and quantum;***

Amendment

J. whereas the private copying levy is paid by consumers when purchasing recording or storage media or services ***irrespective of whether the intended use of those media or services is for the purpose of private copying of audio, visual and audio-visual material;***

Or. en

Amendment 35
Nadja Hirsch

Motion for a resolution
Recital K

Motion for a resolution

K. whereas media and material prices do not vary according to the different rates of private copying levy applied across the Union, and whereas the abolition of private copying levies in Spain in 2012 has had no impact on media and material prices;

Amendment

deleted

Or. de

Amendment 36
Josef Weidenholzer

Motion for a resolution
Recital K

Motion for a resolution

K. whereas media and material prices do not vary according to the different rates of private copying levy applied across the

Amendment

deleted

Union, and whereas the abolition of private copying levies in Spain in 2012 has had no impact on media and material prices;

Or. de

Amendment 37

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Recital K

Motion for a resolution

K. whereas media and material prices do **not** vary according to the different rates of private copying levy applied across the Union, and whereas the abolition of private copying levies in Spain in 2012 has had no impact on media and material prices;

Amendment

K. whereas media and material prices do vary according to the different rates of private copying levy applied across the Union; ***whereas manufacturers cross-subsidise levies across the EU in cases where levies are a very significant proportion of the purchase price of a device;*** and whereas the abolition of private copying levies in Spain in 2012 has had no impact on media and material prices;

Or. en

Amendment 38

Marielle Gallo

Motion for a resolution

Recital L

Motion for a resolution

L. whereas disparities exist between the various models and collection rates for private copying levies and between their impact on **consumers and** the single market; and whereas a European framework should be created that guarantees that equivalent conditions apply

Amendment

L. whereas disparities exist between the various models and collection rates for private copying levies and between their impact on the single market; ***whereas a European framework needs to be laid down in order to afford a high degree of transparency for rightholders,***

to rightholders, consumers, manufacturers and importers of equipment and service providers across the Union;

manufacturers and importers of equipment, consumers, and service providers across the Union; and whereas, ***in so far as this is possible***, a European framework should be created that guarantees that equivalent conditions apply to rightholders, consumers, manufacturers and importers of equipment and service providers across the Union;

Or. fr

Amendment 39
Françoise Castex

Motion for a resolution
Recital L

Motion for a resolution

L. whereas disparities exist between the various models and collection rates for private copying levies and between their impact on consumers and the single market; and whereas a European framework ***should be*** created that guarantees that equivalent conditions apply to rightholders, consumers, manufacturers and importers of equipment and service providers across the Union;

Amendment

L. whereas disparities exist between the various models and collection rates for private copying levies and between their impact on consumers and the single market; and whereas, ***to preserve the underlying stability of the system in the digital age in these days of the single market, the royalty arrangements in many Member States should be modernised and*** a European framework created that guarantees that equivalent conditions apply to rightholders, consumers, manufacturers and importers of equipment and service providers across the Union;

Or. fr

Amendment 40
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Recital L

Motion for a resolution

L. whereas disparities exist between the various models and collection rates for private copying levies and between their impact on consumers and the single market; and whereas a European framework should be created that guarantees that equivalent conditions apply to rightholders, consumers, manufacturers and importers of equipment and service providers across the Union;

Amendment

L. whereas disparities exist between the various models and collection rates for private copying levies and between their impact on consumers and the single market; and whereas a European framework should be created that guarantees that equivalent conditions apply to rightholders, consumers, manufacturers and importers of equipment and service providers across the Union ***until levies have been phased out;***

Or. en

Amendment 41
Marielle Gallo

Motion for a resolution
Recital M

Motion for a resolution

M. whereas the exemption and reimbursement arrangements for professional uses which have been introduced in the Member States are far from satisfactory and ***the*** judicial decisions ***adopted in some Member States*** have not been applied;

Amendment

M. whereas the exemption and reimbursement arrangements for professional uses which have been introduced in the Member States ***have to be effective; whereas in some Member States these arrangements*** are far from satisfactory and judicial decisions have not been applied;

Or. fr

Amendment 42
Jean-Marie Cavada

Motion for a resolution
Recital M

Motion for a resolution

M. whereas the exemption and reimbursement arrangements for professional uses which have been introduced in the Member States are ***far from satisfactory*** and the judicial decisions adopted in some Member States have not been applied;

Amendment

M. whereas the exemption and payment arrangements for professional uses which have been introduced in the Member States are ***necessary*** and the judicial decisions adopted in some Member States have not ***always*** been applied;

Or. fr

Amendment 43
Sebastian Valentin Bodu

Motion for a resolution
Recital N

Motion for a resolution

N. whereas in the case of online music sales, licence-granting practices are ***being viewed as an alternative to*** the system of private copying levies;

Amendment

N. whereas in the case of online music sales, licence-granting practices are ***supplemented by*** the system of private copying levies;

Or. en

Amendment 44
Tadeusz Zwiefka, Piotr Borys

Motion for a resolution
Recital N

Motion for a resolution

N. whereas in the case of online music sales, licence-granting practices are ***being viewed as an alternative to*** the system of private copying levies;

Amendment

N. whereas in the case of online music sales, licence-granting practices are ***complementary to*** the system of private copying levies;

Or. en

Amendment 45
Nadja Hirsch

Motion for a resolution
Recital N

Motion for a resolution

N. whereas in the case of online music sales, licence-granting practices ***are being viewed as*** an alternative to the system of private copying levies;

Amendment

N. whereas in the case of online music sales, licence-granting practices ***represent*** an alternative to the system of private copying levies;

Or. de

Amendment 46
Angelika Niebler

Motion for a resolution
Recital N

Motion for a resolution

N. whereas in the case of online music sales, licence-granting practices ***are being viewed as*** an alternative to the system of private copying levies;

Amendment

N. whereas in the case of online music sales, licence-granting practices ***may provide*** an alternative to the system of private copying levies ***until a more efficient and up-to-date approach can be found***;

Or. de

Amendment 47
Sajjad Karim

Motion for a resolution
Recital N

Motion for a resolution

N. whereas in the case of online ***music*** sales, licence-granting practices are ***being viewed as an alternative to*** the system of private copying levies;

Amendment

N. whereas in the case of online ***works***, ***both in terms of access and*** sales, licence-granting practices are ***complementary*** the system of private copying levies;

Or. en

Amendment 48
Josef Weidenholzer

Motion for a resolution
Recital N

Motion for a resolution

N. whereas in the case of online *music* sales, *licence-granting practices are being viewed as an alternative to the system of private copying* levies;

Amendment

N. whereas in the case of online sales, *additional* levies *should not give rise to double payments*;

Or. de

Amendment 49
Angelika Niebler

Motion for a resolution
Recital N a (new)

Motion for a resolution

Amendment

Na. whereas in the digital field in particular the classic copying process is being replaced by streaming systems where no copy of the copyrighted works is placed on the user's terminal, and preference should therefore be given to licensing models in these cases;

Or. de

Amendment 50
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg, Sajjad Karim

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Points out that the cultural sector provides **5 million** jobs in the EU and **2.6 % of** its GDP, **that it is one of the main drivers for growth in Europe and a wellspring for new and non-relocatable jobs, and that it stimulates innovation and offers an effective means of combating the current recession;**

Amendment

1. Points out that the cultural sector provides **millions of** jobs in the EU and **contributes to** its GDP, **and is therefore in need of a modern legal framework adapted to the digital market;**

Or. en

Amendment 51

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg, Sajjad Karim

Motion for a resolution

Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Notes that only some Member States have opted to introduce an exception for private copying, with compensation for right holders, and that the cultural sector is a strong driving force for growth also in Member States which have not opted to impose private copy levies;

Or. en

Amendment 52

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 1 b (new)

Motion for a resolution

Amendment

1b. Recalls that copyright law should balance the interests of inter alia creators and consumers; in this context considers

that all European consumers should have a right to make private copies of legally acquired content;

Or. en

Amendment 53

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 1 c (new)

Motion for a resolution

Amendment

1c. Therefore calls upon the Commission to present a legislative proposal to review Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society including a provision to fully harmonize exceptions and limitations with regards, inter alia, to private copying;

Or. en

Amendment 54

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg, Sajjad Karim

Motion for a resolution

Paragraph 1 d (new)

Motion for a resolution

Amendment

1d. Considers further that private copying of legally acquired content constitutes a normal use of the acquired products or services by the consumer which does not harm the legitimate interests of right holders and which should thus not warrant any compensation;

Or. en

Amendment 55
Nadja Hirsch

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. Emphasises that in times of budget austerity, private copying levies constitute a vital source of revenue for the cultural sector, and particularly for the performance arts;

deleted

Or. de

Amendment 56
Josef Weidenholzer

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. Emphasises that in times of budget austerity, private copying levies constitute a vital source of revenue for the cultural sector, and particularly for the performance arts;

deleted

Or. de

Amendment 57
Marietje Schaake

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. Emphasises *that in times of budget austerity, private copying levies constitute*

2. Emphasises *that the current fragmented copyright regime needs to be reformed to*

a vital source of revenue for the cultural sector, and particularly for the performance arts;

facilitate access to, and increase (global) circulation of, cultural and creative content, and in such a way as to enable artists, creators, consumers, businesses and audiences to benefit from digital developments, new distribution channels, new business models and other opportunities, especially in times of budget austerity;

Or. en

Amendment 58

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Emphasises that in times of budget austerity, private copying levies constitute *a vital source of revenue for the cultural sector, and particularly for the performance arts;*

Amendment

2. Emphasises that in times of budget austerity, private copying levies constitute *a substantial cost for consumers without providing a socially accepted source of revenue* for the *cultural sector*;

Or. en

Amendment 59

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg, Sajjad Karim

Motion for a resolution

Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Notes that private copying levies currently constitute a source of income which is of varying importance for different categories of right holders and that its importance varies significantly between Member States;

Amendment 60
Tadeusz Zwiefka, Piotr Borys

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Believes that the private copying system is a virtuous system that balances the **right to copying** for private use with fair remuneration to rightholders, and that it is a system worth preserving;

Amendment

3. Believes that the private copying system is a virtuous system that balances the **exception to copy** for private use with **the right to** fair remuneration to rightholders, and that it is a system worth preserving, **especially in cases when rightholders are not in a position to license directly the reproduction right on multiple devices**;

Or. en

Amendment 61
Sebastian Valentin Bodu

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Believes that the private copying system is a virtuous system that balances the **right to copying** for private use with fair remuneration to rightholders, and that it is a system worth preserving;

Amendment

3. Believes that the private copying system is a virtuous system that balances the **exception** to copying for private use with fair remuneration to rightholders, and that it is a system worth preserving;

Or. en

Amendment 62
Jean-Marie Cavada

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Believes that the private copying system is a virtuous system that balances the right to copying for private use with fair remuneration to rightholders, and that it is a system worth preserving;

Amendment

3. Believes that the private copying system is a virtuous system that balances ***the option of, and*** the right to, copying for private use with fair remuneration to rightholders, and that it is a system worth preserving;

Or. fr

Amendment 63
Nadja Hirsch

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Believes that the private copying system ***is a virtuous system that balances*** the right to copying for private use with fair remuneration to rightholders, ***and that it is*** a system ***worth preserving***;

Amendment

3. Believes that the ***current*** private copying system, ***which seeks to balance*** the right to copying for private use with fair remuneration to rightholders, ***should be fundamentally rethought and in the long term replaced by a more efficient*** system ***that keeps step with the developments brought about by digitisation***;

Or. de

Amendment 64
Angelika Niebler

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Believes that the private copying system is a virtuous system that balances the ***right to*** copying for private use with fair remuneration to rightholders, and that it is a system worth preserving;

Amendment

3. Believes that the private copying system is a virtuous system that balances the ***exception for*** copying for private use with fair remuneration to rightholders, and that it is a system worth preserving ***in the***

absence of alternatives in the short term; stresses, however, that discussions need to be held in the long term with a view to developing a more efficient and up-to-date approach that takes suitable account of specific circumstances in the 21st century;

Or. de

Amendment 65
Marietje Schaake

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Believes that the private copying system is *a virtuous* system *that balances the right to copying for private use with fair remuneration to rightholders, and that it is a system worth preserving;*

Amendment

3. Believes that the private copying system is *an outdated system that should be substituted for a modern and harmonized system of copyright and related rights which strengthens the position and choice of artists and creators whilst creating a dynamic society where creative works can be easily accessed and built upon by artists and consumers alike, for example by permitting the right to freely make copies for private use;*

Or. en

Amendment 66
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Believes that the private copying system is *a virtuous* system that *balances the right to copying for private use with* fair remuneration *to rightholders, and that it is a system worth preserving;*

Amendment

3. Believes that the private copying *levy* system is *an obsolete old fashioned* system that *should be phased out to give room for* fair remuneration *of artists and the right to make copies for private use;*

Amendment 67
Cecilia Wikström, Christian Engström

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Emphasises that the major disparities between national systems for the collection of levies, especially as regards the types of product subject to the levy and the rates of levy, *can distort* competition *and give rise to 'forum shopping' within* the internal market;

Amendment

4. Emphasises that the major disparities between national systems for the collection of levies, especially as regards the types of product subject to the levy and the rates of levy, *distorts* competition, *incites double payment of levies, impedes the proper functioning of* the internal market *and deteriorates the support for copyright among citizens*;

Amendment 68
Sajjad Karim

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Invites the Member States to decide on a common definition of the private copying levy, to look for common ground as regards which products should be subject to the levy and to harmonise the negotiating arrangement for the rates applicable to private copying; calls on the Commission to facilitate that process;

Amendment

deleted

Amendment 69
Marielle Gallo

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Invites *the Member States* to *decide on a common definition of the private copying levy, to look for* common ground as regards which products should be subject to the levy and to harmonise the negotiating arrangement for the rates applicable to private copying; *calls on the Commission to facilitate that process;*

Amendment

5. Invites *the Commission* to *conduct a study on the essential elements of private copying, including the concept of 'fair compensation', which at present is not explicitly regulated by Directive 2001/29/EC, and the concept of 'harm' to an author resulting from unauthorised reproduction of his or her work for private use; calls on the Commission to study the possibility of finding* common ground as regards which products should be subject to the levy and to harmonise *or, failing that, coordinate* the negotiating arrangement for the rates applicable to private copying;

Or. fr

Amendment 70
Nadja Hirsch

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Invites the Member States to decide on a common *definition of the private copying levy, to look for common ground as regards which products should be subject to the levy* and to harmonise the negotiating arrangement for the rates applicable to private copying; calls on the Commission to facilitate that process;

Amendment

5. Invites the Member States to decide on common *criteria for the effective and transparent setting of rates and a uniform definition of the notion of 'harm' pursuant to Directive 2001/29/EC*, and to harmonise the negotiating arrangement for the rates applicable to private copying; calls on the Commission to facilitate that process;

Or. de

Amendment 71
Marietje Schaake

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Invites the *Member States to decide on a common definition of the private copying levy, to look for common ground as regards which products should be subject to the levy and to harmonise the negotiating arrangement for the rates applicable to private copying; calls on the Commission to facilitate that process;*

Amendment

5. Invites the *European Commission to put forward a proposal to review Directive 2001/29/EC with the aim of establishing a harmonized and flexible system of copyright and related rights in the EU, fit for the digital age;*

Or. en

Amendment 72
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Invites the Member States to *decide on a common definition of the* private copying *levy*, to look for common ground as regards which products should be subject to the levy and to harmonise the negotiating arrangement for the rates *applicable to* private copying; calls on the Commission to facilitate that process;

Amendment

5. Invites the Member States to *phase out* private copying *levies and* to look for common ground as regards *to* which products should *not* be subject to the levy and to harmonise the negotiating arrangement for *agreeing on* the rates *of decrease of* private copying *levy rates*; calls on the Commission to facilitate that process;

Or. en

Amendment 73
Françoise Castex

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Calls on the Commission and the Member States to consider whether they might implement an enhanced cooperation procedure with a view to establishing a European private copying levy system;

Or. fr

Amendment 74
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Subheading 2

Motion for a resolution

Amendment

Single collection procedure, clearer consumer information and more efficient reimbursement procedures

Single collection procedure, clearer consumer information and more efficient reimbursement procedures ***during the phase out period***

Or. en

Amendment 75
Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. Considers that the private copying levy should apply to all material, media and services whose value resides in their private recording and storage capacity;

deleted

Or. pl

Amendment 76
Josef Weidenholzer

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. Considers that the private copying levy should apply to all material, media and services whose value resides in their private recording and storage capacity;

deleted

Or. de

Amendment 77
Jean-Marie Cavada

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. Considers that the private copying levy should apply to all material, media **and services** whose value resides in their private recording and storage capacity;

6. Considers that the private copying levy should apply to all material **and** media whose value resides in their private recording and storage capacity **and their use by consumers to copy protected works;**

Or. fr

Amendment 78
Nadja Hirsch

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. Considers that the private copying levy should apply to **all** material, media and services **whose value resides in their**

6. Considers that the private copying levy should apply to material, media and services **where they cause harm pursuant**

private recording and storage capacity;

to Directive 2001/29/EC;

Or. de

Amendment 79
Sajjad Karim

Motion for a resolution
Paragraph 6

Motion for a resolution

6. *Considers* that the private copying levy *should apply to all* material, *media and services* whose value resides in their private recording and storage capacity;

Amendment

6. *Recalls the right of Member States to provide exceptions for private copying, and the right of creators to receive compensation for such copying, to the extent that it causes unreasonable harm. In this regard, believes* that the private copying levy *applies to* material *and media* whose value resides in their private recording and storage capacity;

Or. en

Amendment 80
Hans-Peter Martin

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Considers that the private copying levy should apply to *all* material, media and services *whose value resides in their* private recording and storage *capacity*;

Amendment

6. Considers that the private copying levy should apply *only* to material, media and services *that are used exclusively or almost exclusively for* private recording and storage;

Or. de

Amendment 81
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Considers that the private copying levy should ***apply to all material***, media and services whose value resides in their ***private recording and*** storage capacity;

Amendment

6. Considers that the private copying levy should ***not be extended to include new materials***, media and services whose value resides in their storage capacity;

Or. en

Amendment 82
Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 6 a (new)

Motion for a resolution

Amendment

6a. Stresses that the notion of private copies should be clearly defined for all materials and that the user should be able to access the copyright content on all media on the basis of a single payment; calls for arrangements already in force in Member States, such as exceptions and levy exemptions, to be respected and for it to be possible for them to apply in parallel on the market;

Or. pl

Amendment 83
Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Considers that private copying levies should be payable by manufacturers or

deleted

importers; notes that, if the levy were transferred to retailers, this would result in an excessive administrative burden for small and medium-sized distribution companies and collective rights management organisations;

Or. pl

Amendment 84
Josef Weidenholzer

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Considers that private copying levies should be payable by manufacturers or importers; notes that, if the levy were transferred to retailers, this would result in an excessive administrative burden for small and medium-sized distribution companies and collective rights management organisations;

deleted

Or. de

Amendment 85
Cecilia Wikström, Christian Engström

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Considers that private copying levies should be payable by **manufacturers or importers**; notes that, if the levy were transferred to retailers, this would **result in an excessive** administrative burden for small and medium-sized distribution companies **and** collective rights management organisations;

7. Considers that private copying levies should be payable by **the final retailer and not the manufacturer as a short and medium term measure to reach the goal of a completely phased out levy system**; notes that, if the levy were transferred to retailers, this would **support the development of new technologies for content delivery which reduce**

administrative burden for small and medium-sized distribution companies **as well as** collective rights management organisations;

Or. en

Amendment 86

Nadja Hirsch

Motion for a resolution Paragraph 7

Motion for a resolution

7. Considers that private copying levies ***should be*** payable by manufacturers or importers; ***notes*** that, ***if*** the levy ***were transferred*** to retailers, ***this would*** result in an excessive administrative burden ***for small and medium-sized distribution companies and collective rights management organisations***;

Amendment

7. Considers that, ***in the light of the ECJ judgments***, private copying levies payable by manufacturers or importers ***should be examined***; ***cautions, however***, that the ***consequences of transferring*** the levy to retailers ***could*** result in an excessive administrative burden;

Or. de

Amendment 87

Lidia Joanna Geringer de Oedenberg

Motion for a resolution Paragraph 7 a (new)

Motion for a resolution

7a. Considers that private copying levies should be payable by retailers, as this would simplify procedures and prevent double payments;

Amendment

Or. pl

Amendment 88

Françoise Castex

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Recommends that, in addition to this primary responsibility incumbent upon manufacturers and importers, there should be a joint responsibility applying to all those involved in the sales chain, extending as far as the ultimate consumer, the object being to prevent fraud and unfair competition;

Or. fr

Amendment 89
Jean-Marie Cavada

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which the product is placed on the market and that the product then be allowed to circulate freely in the internal market without being subject to additional levies;

deleted

Or. fr

Amendment 90
Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Recommends that, in the case of cross-

8. Recommends that, in the case of cross-

border transactions, private copying levies be collected in the Member State in which the product *is placed on the market* and that the product then be allowed to circulate freely in the internal market without being subject to additional levies;

border transactions, private copying levies be collected in the Member State in which *receipt is taken of* the product *or service* and that the product then be allowed to circulate freely on the internal market without being subject to additional levies;

Or. pl

Amendment 91

Tadeusz Zwiefka, Piotr Borys

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which the *product is placed on the market and that the product then be allowed to circulate freely in the internal market without being subject to additional levies*;

Amendment

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which the *final user resides*;

Or. en

Amendment 92

Cecilia Wikström, Christian Engström

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which *the product is placed on the market and that the product then* be allowed to circulate freely *in the internal market* without being subject to additional levies;

Amendment

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which *final customer resides; notes that if a* product is placed on the market *it shall* be allowed to circulate freely without being subject to additional levies;

Or. en

Amendment 93
Marielle Gallo

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which the product is *placed on the market and that the product then be allowed to circulate freely in the internal market without being subject to additional levies*;

Amendment

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which the product is *purchased by the consumer*;

Or. fr

Amendment 94
Françoise Castex

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State *in which the product is placed on the market and that the product then be allowed to circulate freely in the internal market without being subject to additional levies*;

Amendment

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State *of residence of the end user, in keeping with the Court of Justice's Opus ruling*;

Or. fr

Amendment 95
Angelika Niebler

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which the product is *placed on the market* and that the product then be allowed to circulate freely in the internal market without being subject to additional levies;

8. Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which the product is *sold to the end-user* and that the product then be allowed to circulate freely in the internal market without being subject to additional levies;

Or. de

Amendment 96
Eija-Riitta Korhola

Motion for a resolution
Paragraph 8

Motion for a resolution

8. *Recommends that, in the case of cross-border transactions, private copying levies be collected in the Member State in which the product is placed on the market and that the product then be allowed to circulate freely in the internal market without being subject to additional levies;*

Amendment

8. *Supports the country of destination rule in cases of cross-border transactions at EU level. The need for compensation arises, not from the cross-border transactions, but from the reproduction made on those media/equipment by a natural person for private use. Therefore, payment of the applicable levy should be done according to the law of the country where the equipment used for private copying is purchased by the final consumer;*

Or. en

Amendment 97
Françoise Castex

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

8a. *Calls on the Commission to assess the desirability of setting up a European declaration portal to lighten the workload and simplify the declaration process for manufacturers and importers; notes that*

Amendment

the purpose of such a portal would be to provide a single site on which importers and distance sellers could declare cross-border sales and movements of eligible products;

Or. fr

Amendment 98
Jean-Marie Cavada

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Calls for confirmation at EU level that the country of destination rule applies where cross-border transactions are concerned; notes that the harm to be made good is brought about not by the movement of recording media, but by the reproduction carried out on those media by a natural person for a private use; considers that the distance seller must therefore be liable for payment of the levy chargeable under the law of the country where the media are purchased by the end users;

Or. fr

Amendment 99
Jean-Marie Cavada

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Takes the view that, accordingly, private copying levies cannot be collected by a collective management organisation of a Member State if remuneration of the same kind has already been collected in

deleted

another Member State;

Or. fr

Amendment 100

Marielle Gallo

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Takes the view that, accordingly, private copying levies *cannot* be collected *by a collective management organisation of a Member State if remuneration of the same kind has already been collected in another Member State;*

Amendment

9. Takes the view that, accordingly, private copying levies *should* be collected *only once in the case of cross-border transactions;*

Or. fr

Amendment 101

Françoise Castex

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Takes the view that, accordingly, private copying levies cannot be collected *by a collective management organisation of a Member State if remuneration of the same kind has already been collected in another Member State;*

Amendment

9. Takes the view that, accordingly, private copying levies cannot be collected *for the same product in several Member States; any levies unduly paid in a Member State other than that of the end user should be reimbursed;*

Or. fr

Amendment 102

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Takes the view that, **accordingly**, private copying levies **cannot** be collected by a collective management organisation of **a** Member State if remuneration of the same kind has already been collected in another Member State;

Amendment

9. Takes the view that private copying levies **should not** be collected by a collective management organisation of **one** Member State if remuneration of the same kind has already been collected in another Member State;

Or. en

Amendment 103
Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Takes the view that Member States in which levies are currently charged or collected should simplify and harmonise their levy rates;

Or. pl

Amendment 104
Jean-Marie Cavada

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Calls for the principle of precluding any double payment of private copying levies where sales involve several Member States to be recognised at Community level; recommends, in this regard, that systems be established that provide for, on the one hand, the reimbursement or

exemption of manufacturers and distributors where the levies paid concern exported products which had not been made available on the national market and, on the other hand, the possibility for rightholders to carry out checks and audits to determine the quantity of products imported, exported or made available on national markets.

Or. fr

Amendment 105

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Calls on the Member States, in consultation with all stakeholders, to simplify procedures for **setting** the levies in such a way as to ensure fairness and objectivity;

Amendment

10. Calls on the Member States, in consultation with all stakeholders, to simplify procedures for the **phasing out of** levies in such a way as to ensure fairness and objectivity;

Or. en

Amendment 106

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg, Sajjad Karim

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of artists and cultural dissemination; urges Member States and rightholders to replace their anti-piracy campaigns with ‘positive’ campaigns highlighting the

Amendment

deleted

benefits of private copying levies;

Or. en

Amendment 107

Tadeusz Zwiefka, Piotr Borys

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of artists and cultural dissemination; urges Member States **and rightholders to replace** their anti-piracy campaigns with ‘positive’ campaigns highlighting the benefits of private copying levies;

Amendment

11. Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of artists and cultural dissemination; urges Member States **to complement** their anti-piracy campaigns with ‘positive’ campaigns highlighting the benefits of private copying levies;

Or. en

Amendment 108

Marielle Gallo

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of artists and cultural dissemination; urges Member States and rightholders to **replace their anti-piracy campaigns with** ‘positive’ campaigns highlighting the benefits of private copying levies;

Amendment

11. Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of artists and cultural dissemination; urges Member States and rightholders to **launch** ‘positive’ campaigns highlighting the benefits of private copying levies;

Or. fr

Amendment 109
Jean-Marie Cavada

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of artists and cultural dissemination; urges Member States and rightholders to **replace** their anti-piracy campaigns **with** 'positive' campaigns highlighting the benefits of private copying levies;

Amendment

11. Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of artists and cultural dissemination; urges Member States and rightholders to **conduct, alongside** their anti-piracy campaigns, 'positive' campaigns highlighting the benefits of private copying levies;

Or. fr

Amendment 110
Nadja Hirsch
Motion for a resolution
Paragraph 11

Motion for a resolution

11. ***Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of artists and cultural dissemination;*** urges Member States and rightholders to replace their anti-piracy campaigns with 'positive' campaigns highlighting the ***benefits of*** private copying levies;

Amendment

11. urges Member States and rightholders to replace their anti-piracy campaigns with 'positive' campaigns highlighting the ***reasons for*** private copying levies ***for the remuneration of artists;***

Or. de

Amendment 111
Angelika Niebler
Motion for a resolution
Paragraph 11

Motion for a resolution

11. Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of

Amendment

11. Stresses the need to make clear to consumers the role of the private copying system with regard to remuneration of

artists and cultural dissemination; urges Member States and rightholders to **replace their** anti-piracy campaigns with ‘positive’ campaigns highlighting the benefits of private copying levies;

artists and cultural dissemination;urges Member States and rightholders to **accompany justified** anti-piracy campaigns with ‘positive’ campaigns highlighting the benefits of private copying levies;

Or. de

Amendment 112
Sebastian Valentin Bodu

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Takes the view that consumers must be informed of the amount of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is indicated on packaging and, as far as possible, on invoices and receipts issued to consumers;

Amendment

12. Takes the view that consumers must be informed of the amount **and the purpose** of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is indicated on packaging and, as far as possible, on invoices and receipts issued to consumers;

Or. en

Amendment 113
Marielle Gallo

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Takes the view that consumers must be informed of the amount of the levy paid by them; urges the Commission and Member States accordingly, **in consultation** with manufacturers, importers, retailers and consumer associations, **to ensure that this information is indicated on packaging**

Amendment

12. Takes the view that consumers must be informed of the amount of the levy paid by them; urges the Commission and Member States accordingly **to consult** with manufacturers, importers, retailers and consumer associations;

and, as far as possible, on invoices and receipts issued to consumers;

Or. fr

Amendment 114
Jean-Marie Cavada

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Takes the view that consumers must be informed of the amount of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers *and* consumer associations, to ensure that this information is indicated on packaging and, as far as possible, on invoices and receipts issued to consumers;

Amendment

12. Takes the view that consumers must be informed of the amount of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers, consumer associations *and rightholders*, to ensure that this information is indicated on packaging and, as far as possible, on invoices and receipts issued to consumers;

Or. fr

Amendment 115
Sajjad Karim

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Takes the view that consumers must be informed of the amount of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is indicated on packaging and, as far as possible, on invoices and receipts issued to consumers;

Amendment

12. Takes the view that consumers must be informed of the amount *and purpose* of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is indicated on packaging and, as far as possible, on invoices and receipts issued to consumers;

Or. en

Amendment 116
Hans-Peter Martin
Motion for a resolution
Paragraph 12

Motion for a resolution

12. Takes the view that consumers must be informed of the amount of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is indicated on packaging *and, as far as possible, on invoices and receipts issued to consumers*;

Amendment

12. Takes the view that consumers must be informed of the amount of the levy paid by them *and the use to which it is put*; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is indicated on packaging;

Or. de

Amendment 117
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Takes the view that consumers must be informed of the amount of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is *indicated on packaging and, as far as possible, on invoices and receipts issued to consumers*;

Amendment

12. Takes the view that consumers must be informed of the *exact* amount of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is *explicit* on invoices and receipts issued to consumers *at the retailer level*;

Or. en

Amendment 118
Angelika Niebler

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Takes the view that consumers must be informed of the amount of the levy paid by them; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is indicated on packaging **and, as far as possible**, on invoices and receipts issued to consumers;

Amendment

12. Takes the view that consumers must be informed of the amount of the levy paid by them **and, if possible, the use to which it is put**; urges the Commission and Member States accordingly, in consultation with manufacturers, importers, retailers and consumer associations, to ensure that this information is indicated on packaging **or** on invoices and receipts issued to consumers;

Or. de

Amendment 119

Cecilia Wikström, Christian Engström

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Urges Member States to adopt **more** transparent exemption **arrangements** regarding professional uses;

Amendment

13. Urges Member States to adopt transparent exemption **rules** regarding professional uses **to ensure that they are exempt, also in practice, from private copy levies in compliance with CJEU case law**;

Or. en

Amendment 120

Cecilia Wikström, Christian Engström

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Calls on the Member States to **introduce efficient arrangements for the reimbursement of** private copy levies where the media in question is used for professional purposes;

Amendment

14. Calls on the Member States to **ensure that** private copy levies **never have to be paid** where the media in question is used for professional purposes **and that various arrangements for the reimbursement of**

levies paid for professional users are replaced with systems which guarantee that these users are not liable to pay the levy in the first place;

Or. en

Amendment 121

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Subheading 3

Motion for a resolution

Transparency regarding allocation of revenue *and cultural policy*

Amendment

Transparency regarding allocation of revenue

Or. en

Amendment 122

Nadja Hirsch

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Urges Member States to ensure greater transparency regarding the allocation of *revenue* from private copying levies;

Amendment

16. Urges Member States to ensure greater transparency regarding the allocation of *proceeds* from private copying levies;

Or. de

Amendment 123

Nadja Hirsch

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Calls on the Member States to earmark at least 25% of revenue from private copying levies to promote the

deleted *Amendment*

creative and performance arts;

Or. de

Amendment 124

Sajjad Karim

Motion for a resolution

Paragraph 17

Motion for a resolution

Amendment

17. Calls on the Member States to earmark at least 25% of revenue from private copying levies to promote the creative and performance arts;

deleted

Or. en

Amendment 125

Sebastian Valentin Bodu

Motion for a resolution

Paragraph 17

Motion for a resolution

Amendment

17. Calls on the Member States to earmark at least 25% of revenue from private copying levies to promote the creative and performance arts;

17. Calls on the Member States to earmark at least 25% of revenue from private copying levies to promote the creative and performance arts *and their production*;

Or. en

Amendment 126

Hans-Peter Martin

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Calls on the Member States to earmark at least **25%** of revenue from private

Amendment

17. Calls on the Member States to earmark at least **35%** of revenue from private

copying levies to promote the creative and performance arts;

copying levies to promote the creative and performance arts *and young artists*;

Or. de

Amendment 127

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Calls on the Member States to earmark at least 25% of revenue from private copying levies to promote the *creative and performance arts*;

Amendment

17. Calls on the Member States to earmark at least 25% of revenue from private copying levies to promote the *smooth phasing out of the system as a whole*;

Or. en

Amendment 128

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Calls on the Member States to publish reports on allocation of *proceeds in open source format with interpretable data*;

Amendment

18. Calls on the Member States to publish reports on *the* allocation of *resources for the smooth phasing out of the system as a whole*;

Or. en

Amendment 129

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 19

Motion for a resolution

Amendment

19. Urges the organisers of cultural events and performances receiving funding from private copying levies to make their public more aware of this by means of additional publicity;

deleted

Or. en

Amendment 130

Sajjad Karim

Motion for a resolution

Paragraph 20

Motion for a resolution

Amendment

20. Points out that private copying exemption arrangements enable consumers to copy freely their musical and audio-visual material from one medium or type of multimedia material to another without the need to seek the authorisation of rightholders, provided that this is for private use;

deleted

Or. en

Amendment 131

Tadeusz Zwiefka, Piotr Borys

Motion for a resolution

Paragraph 20

Motion for a resolution

Amendment

20. Points out that **private copying exemption** arrangements **enable consumers to copy freely their musical and audio-visual material from one medium or type of multimedia material to another without the need to seek the**

20. Points out that **contractual** arrangements **between services providers and right holders are increasingly enabling the licensing of the reproduction right, enabling consumers to access their musical and audio-visual material from**

authorisation of rightholders, provided that this is for private use;

several devices;

Or. en

Amendment 132
Nadja Hirsch

Motion for a resolution
Paragraph 20

Motion for a resolution
20. Points out that private copying exemption arrangements enable consumers to copy *freely* their musical and audio-visual material from one medium or type of multimedia material to another without the need to seek the authorisation of rightholders, provided that this is for private use;

Amendment
20. Points out that private copying exemption arrangements enable consumers to copy their musical and audio-visual material from one medium or type of multimedia material to another without the need to seek the authorisation of rightholders, provided that this is for private use *and no protection measures have been taken;*

Or. de

Amendment 133
Angelika Niebler

Motion for a resolution
Paragraph 20

Motion for a resolution
20. Points out that private copying exemption arrangements enable consumers to copy freely their musical and audio-visual material from one medium or type of multimedia material to another without the need to seek the authorisation of rightholders, provided that this is for private use;

Amendment
20. Points out that private copying exemption arrangements enable consumers to copy freely their musical and audio-visual material from one medium or type of multimedia material to another without the need to seek the authorisation of rightholders, provided that this is for private use; *and provided that reproduction of the works is not restricted by the application of technical protection mechanisms;*

Or. de

Amendment 134

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Points out that private copying exemption ***arrangements enable consumers*** to copy freely their musical and audio-visual material from one medium or type of multimedia material to another without the need to seek the authorisation of rightholders, provided that this is for private use;

Amendment

20. Points out that private copying exemption ***gives citizens the right*** to copy freely their musical and audio-visual material from one medium or type of multimedia material to another without the need to seek the authorisation of rightholders, provided that this is for private use;

Or. en

Amendment 135

Tadeusz Zwiefka, Piotr Borys

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Calls for the elimination of technical protection measures causing an imbalance between freedom to copy and fair remuneration for rightholders under private copying arrangements;

Amendment

deleted

Or. en

Amendment 136

Sebastian Valentin Bodu

Motion for a resolution

Paragraph 21

Motion for a resolution

Amendment

21. Calls for the elimination of technical protection measures causing an imbalance between freedom to copy and fair remuneration for rightholders under private copying arrangements; *deleted*

Or. en

Amendment 137
Marielle Gallo

Motion for a resolution
Paragraph 21

Motion for a resolution

Amendment

21. Calls for the elimination of technical protection measures causing an imbalance between freedom to copy and fair remuneration for rightholders under private copying arrangements; *deleted*

Or. fr

Amendment 138
Jean-Marie Cavada

Motion for a resolution
Paragraph 21

Motion for a resolution

Amendment

21. Calls for the elimination of technical protection measures causing an imbalance between freedom to copy and fair remuneration for rightholders under private copying arrangements; *deleted*

Or. fr

Amendment 139
Sajjad Karim

Motion for a resolution
Paragraph 21

Motion for a resolution

Amendment

21. Calls for the elimination of technical protection measures causing an imbalance between freedom to copy and fair remuneration for rightholders under private copying arrangements;

deleted

Or. en

Amendment 140
Angelika Niebler

Motion for a resolution
Paragraph 21

Motion for a resolution

21. Calls for the elimination of technical protection measures causing an imbalance between freedom to copy and fair remuneration for rightholders under private copying arrangements;

Amendment

21. Stresses that, particularly in the digital age, it is necessary to authorise the deployment of technical protection measures to restore the balance between, freedom to make copies for private use and exclusive copying rights;

Or. de

Amendment 141
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 21

Motion for a resolution

Amendment

21. Calls for the elimination of technical protection measures causing an imbalance between freedom to copy and fair remuneration for rightholders under

21. Calls for the elimination of technical protection measures which would impede the freedom of citizens to make use of their legal right to make copies for

private copying arrangements;

personal use as it also undermines a fair remuneration of artists;

Or. en

Amendment 142
Jean-Marie Cavada

Motion for a resolution
Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. Stresses that technical protection measures should not prevent consumers from making copies or rightholders from being fairly remunerated for private copying.

Or. fr

Amendment 143
Sebastian Valentin Bodu

Motion for a resolution
Paragraph 22

Motion for a resolution

Amendment

22. Points out that the implementation of exclusive rights does not guarantee all rightholders, and in particular performance artists, a fair and proportional share of revenue arising from the use of their works;

deleted

Or. en

Amendment 144
Cecilia Wikström, Christian Engström, Sajjad Karim

Motion for a resolution
Paragraph 22

Motion for a resolution

Amendment

22. Points out that the implementation of exclusive rights does not guarantee all rightholders, and in particular performance artists, a fair and proportional share of revenue arising from the use of their works;

deleted

Or. en

Amendment 145
Françoise Castex

Motion for a resolution
Paragraph 22

Motion for a resolution

Amendment

22. Points out that the implementation of exclusive rights does not guarantee all rightholders, and in particular performance artists, a fair and proportional share of revenue arising from the use of their works;

22. Points out that the implementation of exclusive rights does not guarantee all rightholders, and in particular performance artists ***and certain categories of author in a number of Member States***, a fair and proportional share of revenue arising from the use of their works;

Or. fr

Amendment 146
Josef Weidenholzer

Motion for a resolution
Paragraph 23

Motion for a resolution

Amendment

23. Observes that, despite permanent access to online works, downloading, storage and private copying for offline use is continuing; takes the view that a private copying levy system cannot therefore be replaced by a licencing system;

deleted

Amendment 147
Sebastian Valentin Bodu

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Observes that, despite permanent access to online works, downloading, storage and private copying for offline use is continuing; takes the view that a private copying levy **system cannot therefore be replaced by a** licencing system;

Amendment

23. Observes that, despite permanent access to online works, downloading, storage and private copying for offline use is continuing; takes the view that a private copying levy **supplements the** licencing system;

Or. en

Amendment 148
Tadeusz Zwiefka, Piotr Borys

Motion for a resolution
Paragraph 23

Motion for a resolution

23. **Observes that, despite permanent access to online works,** downloading, storage and private copying for offline use **is continuing;** takes the view that a private copying levy system **cannot therefore be replaced by a** licencing system;

Amendment

23. **In the view of** downloading, storage and private copying for offline use takes the view that a private copying levy system **remains complementary to a** licencing system;

Or. en

Amendment 149
Nadja Hirsch

Motion for a resolution
Paragraph 23

Motion for a resolution

Amendment

23. *Observes that, despite permanent access to online works, downloading, storage and private copying for offline use is continuing; takes the view that a private copying levy system cannot therefore be replaced by a licencing system;*

23. *Takes the view that, because of permanent access to online works, downloading, storage and private copying for offline use will decline without, however, becoming negligible; believes therefore that licencing systems will become increasingly important;*

Or. de

Amendment 150
Sajjad Karim

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Observes that, *despite* permanent access to online works, downloading, storage and private copying for offline use *is continuing*; takes the view that *a* private copying levy *system cannot* therefore *be replaced by a* licencing system;

Amendment

23. Observes that, *in addition to* permanent access to online works, *licensing practices may enable* downloading, storage and private copying for offline use; takes the view that private copying levy *systems are* therefore *complemented by* licencing practices;

Or. en

Amendment 151
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Observes that, *despite permanent access to online* works, *downloading, storage and private copying for offline use is continuing*; takes the view that a private copying levy system cannot therefore be *replaced by a licencing system*;

Amendment

23. Observes that *storage and copying of works for offline use is increasing with increasing storage capacity of storage media*; takes the view that a private copying levy system cannot therefore be *upheld and has to be phased out*;

Amendment 152
Hans-Peter Martin

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Observes that, despite permanent access to online works, downloading, storage and private copying for offline use is continuing; takes the view that a private copying levy system cannot therefore be replaced by a licencing system;

Amendment

23. Observes that, despite permanent access to online works, downloading, storage and private copying for offline use is continuing, *that opportunities for the legal downloading and storage of music and audiovisual material will be welcomed by consumers and that measures to encourage such legal alternatives is the most effective way of preventing infringements of the law*; takes the view that a private copying levy system cannot therefore be replaced by a licencing system;

Or. de

Amendment 153
Sajjad Karim

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Observes that, *despite* permanent access to online works, downloading, storage and private copying for offline use *is continuing*; takes the view that *a* private copying levy *system cannot* therefore *be replaced by a* licencing *system*;

Amendment

23. Observes that, *in addition to* permanent access to online works, *licensing practices may enable* downloading, storage and private copying for offline use; takes the view that private copying levy *systems are* therefore *complemented by* licencing *practices*;

Or. en

Amendment 154

Angelika Niebler

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Observes that, despite permanent access to online works, downloading, storage and private copying for offline use is continuing; takes the view that a private copying levy system cannot therefore be replaced by a licencing system;

Amendment

23. Observes that, despite permanent access to online works, downloading, storage and private copying for offline use is continuing; takes the view **therefore** that a private copying levy system cannot therefore **in every case** be replaced by a licencing system; **stresses, however, that preference should always be given to licencing models if no copies of the copyright work are saved on the user's terminal equipment and that, where the rightholder already receives a fair share of proceeds through licencing models, there is no need for an additional flat-rate levy;**

Or. de

Amendment 155

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. Notes that the modern digital economy is providing a large multitude of online services where some services technically require copying of the content and others do not and where some of these services would thus be subject to private copying levies and others would not; takes the view that a private copying levy system should therefore be phased out in order not to discriminate between services;

Or. en

Amendment 156
Nadja Hirsch

Motion for a resolution
Paragraph 24

Motion for a resolution

Amendment

24. Stresses that, as for online services, contractual authorisations cannot be allowed to prevail to the detriment of private copying exception arrangements;

deleted

Or. de

Amendment 157
Sajjad Karim

Motion for a resolution
Paragraph 24

Motion for a resolution

Amendment

24. Stresses that, as for online services, contractual authorisations cannot be allowed to prevail to the detriment of private copying exception arrangements;

deleted

Or. en

Amendment 158
Sebastian Valentin Bodu

Motion for a resolution
Paragraph 24

Motion for a resolution

Amendment

24. Stresses that, as for online services, contractual authorisations ***cannot be allowed to prevail to the detriment of*** private copying exception arrangements;

24. Stresses that, as for online services, contractual authorisations ***are supplemented by*** private copying exception arrangements;

Amendment 159
Tadeusz Zwiefka, Piotr Borys

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Stresses that, as for online services, contractual authorisations ***cannot be allowed to prevail to the detriment of private copying exception arrangements***;

Amendment

24. Stresses that, as for online services, contractual authorisations ***can be supplemented by private copying levies***;

Amendment 160
Marielle Gallo

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Stresses that, ***as for*** online services, contractual authorisations ***cannot be allowed to prevail to the detriment of private copying exception arrangements***;

Amendment

24. Stresses that ***private copying exception arrangements should apply to certain*** online services, ***including certain cloud computing services***;

Amendment 161
Jean-Marie Cavada

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Stresses that, as for online services, contractual authorisations cannot be

Amendment

24. Stresses that, as for online services, contractual authorisations ***concerning***

allowed to prevail to the detriment of
private copying exception arrangements;

private copies cannot be allowed to prevail
to the detriment of *the* exception
arrangements *for this private copying*;

Or. fr

Amendment 162
Angelika Niebler

Motion for a resolution
Paragraph 24

Motion for a resolution
24. Stresses that, as for online services,
contractual authorisations *cannot be*
allowed to prevail to the detriment of
private copying exception arrangements;

Amendment
24. Stresses that, as for online services,
contractual authorisations *can exist*
alongside or as an alternative to private
copying exception arrangements;

Or. de

Amendment 163
Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Stresses that, *as for online services*,
contractual authorisations cannot be
allowed to prevail to the detriment of
private copying exception arrangements;

Amendment

24. Stresses that *licensing provisions*
should not limit the legal rights of citizens
to make private copies of legally acquired
content;

Or. en

Amendment 164
Josef Weidenholzer

Motion for a resolution
Paragraph 24

Motion for a resolution
24. Stresses that, as for online services,
contractual authorisations cannot be

Amendment
24. Stresses that, as for online services,
licencing conditions cannot be allowed to

allowed to prevail to the detriment of
private copying exception arrangements;

prevail to the detriment of private copying
exception arrangements;

Or. de

Amendment 165
Jean-Marie Cavada

Motion for a resolution
Paragraph 24 a (new)

Motion for a resolution

Amendment

***24a. The enforcement of exclusive rights,
which is the primary means of exercising
copyright and related rights, particularly
in the digital environment, does not allow
effective and proper control over the
private use of protected works and items;***

Or. fr

Amendment 166
Lidia Joanna Geringer de Oedenberg

Motion for a resolution
Paragraph 25

Motion for a resolution

Amendment

***25. Takes the view that private copies of
protected works made using cloud
computing technology may have the same
purpose as those made using traditional
and/or digital recording media and
materials; considers that these copies
should be taken into account by the
private copying compensation
mechanisms;***

deleted

Or. pl

Amendment 167
Marielle Gallo

Motion for a resolution
Paragraph 25

Motion for a resolution

Amendment

25. Takes the view that private copies of protected works made using cloud computing technology may have the same purpose as those made using traditional and/or digital recording media and materials; considers that these copies should be taken into account by the private copying compensation mechanisms;

deleted

Or. fr

Amendment 168
Nadja Hirsch

Motion for a resolution
Paragraph 25

Motion for a resolution

Amendment

25. Takes the view that private copies of protected works made using cloud computing technology may have the same purpose as those made using traditional and/or digital recording media and materials; considers that these copies should be taken into account by the private copying compensation mechanisms;

deleted

Or. de

Amendment 169
Angelika Niebler

Motion for a resolution
Paragraph 25

Motion for a resolution

Amendment

25. Takes the view that private copies of protected works made using cloud computing technology may have the same purpose as those made using traditional and/or digital recording media and materials; considers that these copies should be taken into account by the private copying compensation mechanisms;

deleted

Or. de

**Amendment 170
Josef Weidenholzer**

**Motion for a resolution
Paragraph 25**

Motion for a resolution

Amendment

25. Takes the view that private copies of protected works made using cloud computing technology may have the same purpose as those made using traditional and/or digital recording media and materials; considers that these copies should be taken into account by the private copying compensation mechanisms;

deleted

Or. de

**Amendment 171
Jean-Marie Cavada**

**Motion for a resolution
Paragraph 25**

Motion for a resolution

Amendment

25. Takes the view that **private** copies of protected works made using cloud computing technology may have the same purpose as those made using traditional and/or digital recording media and

25. Takes the view that copies of protected works made using cloud computing technology may **in some cases** have the same purpose as those made using traditional and/or digital recording media

materials; considers that these copies ***should*** be taken into account by the private copying compensation mechanisms;

and materials; considers that these copies ***could*** be taken into account by the private copying compensation mechanisms;

Or. fr

Amendment 172

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Takes the view that private copies of protected works made using cloud computing technology may have ***the same purpose as*** those made using traditional and/or digital recording media and materials; considers that ***these copies should be taken into account by the*** private copying compensation mechanisms;

Amendment

25. Takes the view that private copies of protected works made using ***new*** cloud computing technology may have ***new purposes as compared to*** those made using traditional and/or digital recording media and materials; considers that ***such new media and services should not be included in current*** private copying compensation mechanisms;

Or. en

Amendment 173

Ivo Belet

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Takes the view that private copies of protected works made using cloud computing technology may have the same purpose as those made using traditional and/or digital recording media and materials; considers that these copies should be taken into account by the private copying compensation mechanisms;

Amendment

25. Takes the view that private copies of protected works made ***by natural persons*** using cloud computing technology may have the same purpose as those made using traditional and/or digital recording media and materials ***as far as these copies fulfil the conditions of Article 5(2)(b) and article 5(5) of Directive 2001/29/EC;*** considers that these copies should be taken into account by the private copying

compensation mechanisms; *Stresses however that cloud computing services that are directly or indirectly part of a commercial activity cannot be covered by the private copy exception; Therefore calls on the Commission to assess the legitimacy of music or audiovisual services which claim to be based on the private copying exception, in particular their impact on the development of legal offers;*

Or. en

Amendment 174
Jean-Marie Cavada

Motion for a resolution
Paragraph 26

Motion for a resolution

Amendment

26. Calls on the Commission to assess the impact on the private copying system of the use of cloud computing technology for the private recording and storage of protected works, so as to determine how these private copies of protected works should be taken into account by the private copying compensation mechanisms;

deleted

Or. fr

Amendment 175
Nadja Hirsch

Motion for a resolution
Paragraph 26

Motion for a resolution

Amendment

26. Calls on the Commission to assess the impact on the private copying system of the use of cloud computing technology for the private recording and storage of

deleted

protected works, so as to determine how these private copies of protected works should be taken into account by the private copying compensation mechanisms;

Or. de

Amendment 176
Josef Weidenholzer

Motion for a resolution
Paragraph 26

Motion for a resolution

Amendment

deleted

26. Calls on the Commission to assess the impact on the private copying system of the use of cloud computing technology for the private recording and storage of protected works, so as to determine how these private copies of protected works should be taken into account by the private copying compensation mechanisms;

Or. de

Amendment 177
Angelika Niebler

Motion for a resolution
Paragraph 26

Motion for a resolution

26. Calls on the Commission to assess the impact on the private copying system of the use of cloud computing technology for the private recording and storage of protected works, so as to determine how these private copies of protected works should be taken into account by the private copying compensation mechanisms;

Amendment

26. Calls on the Commission to assess the impact on the private copying system of the use of cloud computing technology for the private recording and storage of protected works, so as to determine ***whether*** these private copies of protected works should be taken into account by the private copying compensation mechanisms ***and, if so, how this should be done ;***

Or. de

Amendment 178

Cecilia Wikström, Christian Engström, Lidia Joanna Geringer de Oedenberg

Motion for a resolution

Paragraph 26

Motion for a resolution

26. Calls on the Commission to assess the impact on the private copying system of the use of cloud computing technology for the private recording and storage of protected works, so as to determine how these private copies of protected works should be ***taken into account by the*** private copying compensation mechanisms;

Amendment

26. Calls on the Commission to assess the impact on the private copying system of the use of cloud computing technology for the private recording and storage of protected works, so as to determine how these private copies of protected works should be ***excluded from*** private copying compensation mechanisms;

Or. en

Amendment 179

Jean-Marie Cavada

Motion for a resolution

Paragraph 26 a (new)

Motion for a resolution

26a. Calls on the Commission to assess the impact on private copying systems of the use of cloud computing services for private recording and storage of protected works, so as to determine how these private copies of protected works should be taken into account by private copying compensation mechanisms; stresses the need to look into the legal arrangements for cloud computing services as regards the principles of intellectual property.

Amendment

Or. fr

Amendment 180
Tadeusz Zwiefka, Piotr Borys

Motion for a resolution
Paragraph 27

Motion for a resolution

Amendment

27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity; *deleted*

Or. en

Amendment 181
Sebastian Valentin Bodu

Motion for a resolution
Paragraph 27

Motion for a resolution

Amendment

27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity; *deleted*

Or. en

Amendment 182
Marielle Gallo

Motion for a resolution
Paragraph 27

Motion for a resolution

Amendment

27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity; *deleted*

Or. fr

**Amendment 183
Jean-Marie Cavada**

**Motion for a resolution
Paragraph 27**

Motion for a resolution

Amendment

27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity; *deleted*

Or. fr

**Amendment 184
Nadja Hirsch**

**Motion for a resolution
Paragraph 27**

Motion for a resolution	Amendment
27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity;	<i>deleted</i>

Or. de

Amendment 185

Angelika Niebler

Motion for a resolution

Paragraph 27

Motion for a resolution

Amendment

27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity; *deleted*

Or. de

Amendment 186

Cecilia Wikström, Sajjad Karim

Motion for a resolution

Paragraph 27

Motion for a resolution

Amendment

27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity; *deleted*

Or. en

Amendment 187

Eija-Riitta Korhola

Motion for a resolution

Paragraph 27

Motion for a resolution

Amendment

27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity;

deleted

Or. en

**Amendment 188
Luigi Berlinguer**

**Motion for a resolution
Paragraph 27**

Motion for a resolution

Amendment

27. Calls on the Commission and Member States to examine the **possibility of legalising works sharing for non-commercial purposes** so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity;

27. calls on the Commission and Member States to examine the **interpretation of the copying behaviours in the digital environment, and come forward with solutions**, so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity;

Or. en

**Amendment 189
Marietje Schaake**

**Motion for a resolution
Paragraph 27**

Motion for a resolution

Amendment

27. Calls on the Commission and Member States to **examine the possibility** of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of

27. Calls on the Commission and Member States to **assess the impact** of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real

content and real choice in terms of cultural diversity;

choice in terms of cultural diversity;

Or. en

Amendment 190
Josef Weidenholzer

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity;

Amendment

27. Calls on the Commission and Member States to examine the possibility of legalising works sharing for non-commercial purposes so as to guarantee consumers access to a wide variety of content and real choice in terms of cultural diversity ***und put forward possible solutions to facilitate the non-commercial and transformative use of works in the everyday digital world without complicated rights clearance procedures and free of legal uncertainty;***

Or. de