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NOTE

From: Commission

To: Council

Subject: Information by the Commission about the second copyright package

Delivering on its Digital Single Market strategy, the Commission is rolling out an ambitious modernisation of the EU copyright framework. The objective is to make EU copyright rules fit for the digital age.

Following the adoption on 9 December 2015 of a Communication on a modern and more European copyright framework and the Proposal for a Regulation on cross-border portability of online content services, the Commission adopted a **second Copyright Package** on 14 September 2016, which forms a key part of the Digital Single Market strategy.

The proposed reform delivers on the Commission's December 2015 action plan for the modernisation of EU copyrights rules (as set out in the above mentioned Communication from 9 December 2015), with the aim to bring EU rules in line with technological developments and with the rapidly-changing behaviour of viewers online. The package consists of:

- A proposed **Regulation** which will **facilitate the clearance of copyright and related rights for cross-border online transmissions of television and radio programmes and retransmissions over closed networks**, therefore fostering the cross-border distribution of television and radio programmes.
- A proposed **Directive on copyright in the Digital Single Market**, which will:
 - **Adapt key exceptions to the digital and cross-border environments**, focusing on digital and online uses for educational purposes, text and data mining to boost research and innovation as well as preservation of works in the collections of cultural heritage institutions;
 - **Facilitate the licensing mechanisms** for the digitisation and making available of **out-of-commerce works** and the licensing of **audiovisual works on Video-on-Demand services**;
 - Achieve a **well-functioning marketplace for copyright**, focusing on issues related to the sharing of value in the online market place. This covers in particular the introduction of a new related right for press publishers for the use of their publications in digital environments as well as a new requirement for video-sharing platforms to cooperate with right holders. New rules are also introduced to ensure increased transparency to authors and performers on the exploitation and remuneration of their works.

In addition the Commission proposes:

- **A Directive aiming at implementing the Marrakesh Treaty to Facilitate Access to Published Works for Persons who Are Blind, Visually Impaired, or Otherwise Print Disabled.** The text introduces a new mandatory exception allowing people who are blind, have other visual impairments or are otherwise print disabled to access books and other content in formats that are accessible to them, including across borders.
- **A Regulation which will govern the exchanges of accessible format copies between the EU and third countries that are parties to the Marrakesh Treaty.**

This second set of legislative proposals allow for:

- Better choice and access to content online and across borders
- Improved copyright rules on education, research, cultural heritage and inclusion of disabled people
- A fairer and sustainable marketplace for creators, the creative industries and the press

The Commission will formally present the proposed Second Copyright Package to the Competitiveness Council of 28 November 2016 as an AOB point in order to raise awareness on political level and to prepare the ground for further discussions on technical level.
