

**No. 4137**

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**NATIONAL ASSEMBLY**

CONSTITUTION OF 4 OCTOBER 1958

FOURTEENTH LEGISLATURE

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Recorded at the Presidency of the National Assembly on 18 October 2016

**MOTION FOR A EUROPEAN RESOLUTION**

*On the proposals of the European Commission on copyright (COM(2016) 593 final; COM(2016) 594 final; COM(2016) 595 final; COM(2016) 596 final);*

(Committed to the Cultural Affairs and Education Committee, failing the appointment of a special committee in the time period set down by Articles 30 and 31 of the Rules of Procedure)

TABLED

ON BEHALF OF THE EUROPEAN AFFAIRS COMMITTEE,

BY Mrs MARIETTA KARAMANLI AND Mr HERVE GAYMARD

Rapporteurs,

## MOTION FOR A EUROPEAN RESOLUTION

### **Single article**

The National Assembly,

In the light of Article 88-4 of the Constitution,

In the light of Article 151-4 of the Rules of Procedure of the National Assembly,

In the light of Article 167 of the Treaty on the Functioning of the European Union,

In the light of the directive 2001/29/EC of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society,

In the light of the directive 2006/116/EC of 12 December 2006 on the term of protection of copyright and certain related rights, amended by the directive 2011/77/EU of 27 September 2011,

In the light of the directive 2012/28/EU of 25 October 2012 on certain permitted uses of orphan works,

In the light of the directive 2014/26/EU of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market,

In the light of the communication of the European Commission of 9 December 2015 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: 'Towards a modern, more European copyright framework' COM(2015) 626 final,

In the light of the proposal for a directive 2016/0278 of 14 September 2016 on certain permitted uses of works and other copyright-protected subject matter and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled and amending the directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society,

In the light of the regulation 2016/0279 of 14 September 2016 on the cross-border exchange, between the Union and third countries, of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled,

In the light of the proposal for a directive 2016/0280 of 14 September 2016 on copyright in the digital single market,

In the light of the regulation 2016/0284 of 14 September 2016 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes,

Considering that the single market strategy is a major challenge for intelligent, sustainable and inclusive growth, in compliance with Europe's strategy to promote growth,

Considering also that the digital single market cannot be built without the affirmation and fulfilment of the right of creators to fair remuneration and preservation of European cultural diversity,

Considering that exceptions to copyright must as a principle be framed, proportionate to the goal pursued and respect the principles of adaptability and subsidiarity,

Considering in particular that these exceptions cannot be mandatory unless expressly justified by cross-border practice or a significant added value at the continental level,

Considering that European citizens could profit from having access to a greater number of European works via all the media,

Considering that creators must enjoy fair remuneration reflecting the economic value of their works, including in the exploitation phase,

Considering that the territoriality principle is essential for the public and private funding of cultural works,

Considers that the mandatory exceptions introduced by the legislative proposals are

adequate and proportionate provided they are framed by provisions permitting the remuneration of beneficiaries,

Hails the respect for the freedom left to Member States as regards the freedom of panorama,

Supports the creation of a related right to ensure fair remuneration for press publishers in disseminating their online articles,

Hails the necessary harmonisation of the exception to copyright promoting access to works by persons who are blind, visually impaired or otherwise print disabled,

Opposes any challenging of the territoriality principle in the framework of the transmission of works by digital channels, such as IPTV networks,

Demands that the disproportion in remuneration between distributors and creators be reduced in the digital field, and, in particular, calls for greater contribution to the funding of creation on the part of distributors,

Demands the taking into account of the need, as part of the digital book exception, to guarantee the economic viability of publishing while promoting the development of digital reading in libraries and remotely, in closed electronic networks,

Demands that creators be able to avail themselves of the most transparent information possible as regards the formation of the value of their works, including in the exploitation phase,

Demands that the fight against piracy and counterfeiting remain priorities, without the proposed technological solutions hindering the development of European platforms,

Demands that the status of web hosts, as laid down by the directive 2000/31/EC, be reviewed, to restrict their irresponsibility regime on account of the content they host.