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TEXTS ADOPTED

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**P8\_TA(2015)0273**

**Harmonisation of certain aspects of copyright and related rights**

**European Parliament resolution of 9 July 2015 on the implementation of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (2014/2256(INI))**

*The European Parliament,*

- having regard to Articles 4, 26, 34, 114, 118 and 167 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 27 of the Universal Declaration of Human Rights,
- having regard to the 1994 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS),
- having regard to the UNESCO Convention of 20 October 2005 on the Protection and Promotion of the Diversity of Cultural Expressions,
- having regard to Articles 11, 13, 14, 16, 17, 22 and 52 of the Charter of Fundamental Rights of the European Union,
- having regard to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society<sup>1</sup>,
- having regard to the Berne Convention for the Protection of Literary and Artistic Works, and expressly to the Three-Step Test,
- having regard to the World Intellectual Property Organisation (WIPO) Copyright Treaty of 20 December 1996,
- having regard to the WIPO Performances and Phonograms Treaty of 20 December 1996,
- having regard to the WIPO Treaty on Audiovisual Performances, adopted by the WIPO Diplomatic Conference on the Protection of Audiovisual Performances in Beijing on 24 June 2012,

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<sup>1</sup> OJ L 167, 22.6.2001, p. 10.

- having regard to the September 2013 intellectual property rights (IPR) study carried out jointly by the European Patent Office (EPO) and the Office for Harmonisation in the Internal Market (OHIM), entitled ‘Intellectual property rights intensive industries: contribution to economic performance and employment in the European Union’,
- having regard to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled,
- having regard to Directive 2014/26/EU of the European Parliament and of the Council 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<sup>1</sup>,
- having regard to Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information<sup>2</sup>,
- having regard to Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works<sup>3</sup>,
- having regard to Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights<sup>4</sup>,
- having regard to Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights<sup>5</sup>,
- having regard to Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission<sup>6</sup>,
- having regard to Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights<sup>7</sup>,
- having regard to Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property<sup>8</sup>, which amends Council Directive 92/100/EEC<sup>9</sup>,
- having regard to Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art<sup>10</sup>,
- having regard to its resolution of 27 February 2014 on private copying levies<sup>1</sup>,

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<sup>1</sup> OJ L 84, 20.3.2014, p. 72.

<sup>2</sup> OJ L 175, 27.6.2013, p. 1.

<sup>3</sup> OJ L 299, 27.10.2012, p. 5.

<sup>4</sup> OJ L 372, 27.12.2006, p. 12.

<sup>5</sup> OJ L 265, 11.10.2011, p. 1.

<sup>6</sup> OJ L 248, 6.10.1993, p. 15.

<sup>7</sup> OJ L 157, 30.4.2004, p. 45.

<sup>8</sup> OJ L 376, 27.12.2006, p. 28.

<sup>9</sup> OJ L 346, 27.11.1992, p. 61.

<sup>10</sup> OJ L 272, 13.10.2001, p. 32.

- having regard to its resolution of 12 September 2013 on promoting the European cultural and creative sectors as sources of economic growth and jobs<sup>2</sup>,
  - having regard to its resolution of 11 September 2012 on the online distribution of audiovisual works in the European Union<sup>3</sup>,
  - having regard to its resolution of 22 September 2010 on enforcement of intellectual property rights in the internal market<sup>4</sup>,
  - having regard to the public consultation on the review of the EU copyright rules carried out by the Commission between 5 December 2013 and 5 March 2014,
  - having regard to its resolution of 16 February 2012 on Petition 0924/2011 by Dan Pescod (British), on behalf of the European Blind Union (EBU)/Royal National Institute of Blind People (RNIB), on access by blind people to books and other printed products<sup>5</sup>,
  - having regard to the Commission Green Paper on the online distribution of audiovisual works in the European Union: opportunities and challenges towards a digital single market (COM(2011)0427),
  - having regard to the Commission Green Paper entitled ‘Copyright in the Knowledge Economy’ (COM(2008)0466),
  - having regard to the Commission communication entitled ‘A Single Market for Intellectual Property Rights: Boosting creativity and innovation to provide economic growth, high quality jobs and first class products and services in Europe’ (COM(2011)0287),
  - having regard to the Memorandum of Understanding of 20 September 2011 on key principles on the digitisation and making available of out-of-commerce works, with a view to facilitating the digitisation and making available of books and learned journals for European libraries and similar establishments,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Industry, Research and Energy and the Committee on Internal Market and Consumer Protection (A8-0209/2015),
- A. whereas the revision of Directive 2001/29/EC is central to the promotion of creativity and innovation, cultural diversity, economic growth, competitiveness, the Digital Single Market and to access to knowledge and information, while at the same time also providing authors of literary and artistic works with sufficient recognition and protection of their rights;

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<sup>1</sup> Texts adopted, P7\_TA(2014)0179.

<sup>2</sup> Texts adopted, P7\_TA(2013)0368.

<sup>3</sup> OJ C 353 E, 3.12.2013, p. 64.

<sup>4</sup> OJ C 50 E, 21.2.2012, p. 48.

<sup>5</sup> OJ C 249 E, 30.8.2013, p. 49.

- B. whereas Article 167 of the Treaty on the Functioning of the European Union (TFEU) states that the European Union shall promote the flowering and diversity of the cultures of the Member States, particularly through artistic and literary creation;
- C. whereas Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society was aimed at adapting legislation on copyright and related rights to reflect technological developments;
- D. whereas Directive 2001/29/EC also addresses a number of EU obligations under international law, including the provisions of the Berne Convention for the Protection of Literary and Artistic Works, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty;
- E. whereas the Commission and the Member States are making considerable investments in the digitisation and online accessibility of the rich collections of Europe's cultural heritage institutions, so that citizens can enjoy access from anywhere on any device;
- F. whereas the European cultural and creative industries are an engine for economic growth and job creation in the EU and make a major contribution to the EU economy, as they employ more than 7 million people and generate more than 4,2 % of EU GDP according to the latest estimates, and whereas cultural industries continued to create jobs during the economic crisis of 2008-2012;
- G. whereas the September 2013 joint EPO and OHIM study shows that about 39 % of total economic activity in the EU, worth some EUR 4 700 billion a year, is generated by IPR-intensive industries, as is, in addition, 26 % of direct employment (or 56 million jobs), with indirect employment accounting for a further 9 % of the total number of jobs in the EU;
- H. whereas the digital revolution has brought with it new techniques and means of communication and opened the way to new forms of expression which, while calling into question the long-established three-way relationship between creators, cultural entrepreneurs and users, has spurred the emergence of a knowledge-based economy providing new jobs and helping to promote culture and innovation;
- I. whereas any political initiative concerning the digital single market must be in keeping with the Charter of Fundamental Rights of the European Union, and in particular Articles 11, 13, 14, 16, 17 and 22 thereof;
- J. whereas cultural diversity and language diversity extends beyond national borders, with some European languages spoken in multiple countries;
- K. whereas the Charter of Fundamental Rights protects freedom of expression, freedom of information and freedom of the arts and science, and guarantees protection of personal data and of cultural and linguistic diversity, the right to property and the protection of intellectual property, the right to education and the freedom to conduct a business;
- L. whereas the right of the creator to protection of his or her creative works must continue to apply in the digital age;
- M. whereas measures that contribute to the further development of cultural interchange and improve legal certainty in the sector need to be considered; whereas many creative online services have been developed since the application of Directive 2001/29/EC, and

consumers have never before had access to such a wide range of creative and cultural works; whereas users need access to a plentiful and diverse supply of high-quality content;

- N. whereas the harmonious and systematic development of the Europeana digital library, which was founded in 2008 as part of an EU initiative, has made works from Member States' libraries available;
  - O. whereas creative works are one of the main sources nourishing the digital economy and information technology players such as search engines, social media and platforms for user-generated content, but virtually all the value generated by creative works is transferred to those digital intermediaries, which refuse to pay authors or negotiate extremely low levels of remuneration;
  - P. whereas Directive 2011/77/EU and Directive 2006/116/EC harmonised the terms of protection of copyright and neighbouring rights by establishing a complete harmonisation of the period of protection for each type of work and each related right in the Member States;
  - Q. whereas the EU legislative authorities have a duty to promote a clear legal framework for copyright and related rights that can be understood by all stakeholders, in particular the general public, and that ensures legal certainty;
  - R. having regard to the competitive advantage and growing power of a number of Internet intermediaries and to the negative impact of this situation on authors' creative potential and on the development of services offered by other distributors of creative works;
  - S. whereas when defining the legal framework for copyright and related rights, account should be taken of the need to promote innovative industrial and commercial models, taking advantage of the opportunities offered by new technologies, in order to make EU businesses more competitive;
  - T. whereas the Commission's priority and the focus of its 2014-2019 programme is the creation of growth and jobs;
1. Points out that copyright is the tangible means of ensuring that creators are remunerated and that the creative process is funded;
  2. Welcomes the Commission's initiative in having conducted a consultation on copyright, which attracted great interest from a wide range of interested stakeholders, including the cultural sector and civil society<sup>1</sup>;
  3. Welcomes the commitment of the Commission on further developing the EU digital agenda, including copyright issues, in the course of the new Commission mandate; welcomes the Commission Work Programme for 2015 insofar as it promises to deliver a Digital Single Market Package which includes a legislative proposal with the objective of modernising copyright rules to make them fit for the digital age;
  4. Recalls that copyright and related rights protect and stimulate both the development and marketing of new products and services and the creation and exploitation of their creative

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<sup>1</sup> European Commission, DG MARKT, Report on the responses to the Public Consultation on the Review of the EU Copyright Rules, July 2014.

content, thereby contributing to improved competitiveness, employment and innovation across several industry sectors in the EU;

5. Stresses that copyright is only as effective as the enforcement measures in place to protect it and that in order to ensure a flourishing and innovative creative sector copyright enforcement must be robust;
6. Points out that the existence of copyright and related rights inherently implies territoriality; emphasises that there is no contradiction between that principle and measures to ensure the portability of content;
7. Emphasises that any revision of Directive 2001/29/EC should continue to safeguard the principle of fair remuneration for rightholders; calls for a reaffirmation of the principle of territoriality, enabling each Member State to safeguard the fair remuneration principle within the framework of its own cultural policy;
8. Notes that the range of works lawfully available to users has increased since the implementation of Directive 2001/29/EC; further notes that cross-border access to the diversity of uses that technological progress offers to consumers may require evidence-based improvements to the current legal framework in order to further develop the legal offer of diversified cultural and creative content online to allow access to European cultural diversity;
9. Recalls that consumers are too often denied access to certain content services on geographical grounds, which runs counter to the objective of Directive 2001/29/EC of implementing the four freedoms of the internal market; urges the Commission, therefore, to propose adequate solutions for better cross-border accessibility of services and copyright content for consumers;
10. Considers that lessons may be drawn for other types of content from the approach taken in Directive 2014/26/EU on collective rights management, but that issues concerning portability and geoblocking may not be solved by one all-encompassing solution but may require several different interventions, both regulatory and market-led;
11. Stresses that the creative output of the EU is one of its richest resources, and those who want to enjoy it should be able to pay to do so, even when it is only sold in another Member State;
12. Draws attention to the fact that multi-territorial licensing, as provided for in Directive 2014/26/EU on collective management of copyright, is an option when broadcasters want Europe-wide coverage;
13. Points out that the financing, production and co-production of films and television content depend to a great extent on exclusive territorial licences granted to local distributors on a range of platforms reflecting the cultural specificities of the various markets in Europe; that being so, emphasises that the ability, under the principle of freedom of contract, to select the extent of territorial coverage and the type of distribution platform encourages investment in films and television content and promotes cultural diversity; calls on the Commission to ensure that any initiative to modernise copyright is preceded by a wide-ranging study of its likely impact on the production, financing and distribution of films and television content, and also on cultural diversity;

14. Emphasises that industry geoblocking practices should not prevent cultural minorities living in EU Member States from accessing existing content or services in their language that are either free or paid for;
15. Supports the initiatives aimed at enhancing the portability, within the EU, of online services of legally acquired and legally made available content, whilst fully respecting copyright and the interests of rightholders;
16. Recalls that the European cultural markets are naturally heterogeneous on account of European cultural and linguistic diversity; notes that this diversity should be considered as a benefit rather than an obstacle to the single market;
17. Takes note of the importance of territorial licences in the EU, particularly with regard to audiovisual and film production which is primarily based on broadcasters' pre-purchase or pre-financing systems;
18. Notes with concern the growing number of illegal online services and the increasing incidence of piracy and, more generally, of infringements of intellectual property rights, a trend that poses a serious threat to Member States' economies and to creativity in the EU;
19. Emphasises that any reform of the copyright framework should be based on a high level of protection, since rights are crucial to intellectual creation and provide a stable, clear and flexible legal base that fosters investment and growth in the creative and cultural sector, whilst removing legal uncertainties and inconsistencies that adversely affect the functioning of the internal market;
20. Alongside the important task of expanding functioning structures for the digital single market, stresses that steps must also be taken to ensure that the analogue single market continues to function properly;
21. Points out that copyright-intensive industries employ more than seven million people in the EU; asks the Commission, therefore, to ensure that, in line with the principles of better regulation, any legislative initiative to modernise copyright be preceded by an exhaustive ex-ante assessment of its impact in terms of growth and jobs, as well as its potential costs and benefits;
22. Emphasises that any revision of EU copyright law must be properly focused and must be based on convincing data, with a view to securing the continued development of Europe's creative industries;
23. Recognises that commercial copyright infringing activities pose a serious threat to the functioning of the digital single market and to the development of the legal offer of diversified cultural and creative content online;
24. Deems it indispensable to strengthen the position of authors and creators and improve their remuneration with regard to the digital distribution and exploitation of their works;

### ***Exclusive rights***

25. Acknowledges the necessity for authors and performers to be provided with legal protection for their creative and artistic work; recognises that the dissemination of culture and knowledge is in the public interest; recognises the role of producers and publishers in bringing works to the market, and the need for fair and appropriate remuneration for all

categories of rightholders; calls for improvements to the contractual position of authors and performers in relation to other rightholders and intermediaries, notably by considering a reasonable period for the use of rights transferred by authors to third parties, after which those rights would lapse, as contractual exchanges may be marked by an imbalance of power; stresses in this connection the importance of contractual freedom;

26. Notes that a proportionate protection of copyright works and other protected matter is of great importance, including from a cultural standpoint, and that under Article 167 TFEU, the Union is required to take cultural aspects into account in its activity;
27. Stresses that authors and performers must receive fair remuneration in the digital environment and in the analogue world alike;
28. Invites the Commission to evaluate targeted and appropriate measures to improve legal certainty, in line with the Commission's objective of better regulation; calls on the Commission to study the impact of a single European Copyright Title on jobs and innovation, on the interests of authors, performers and other rightholders, and on the promotion of consumers' access to regional cultural diversity;
29. Points out that, in the fragile ecosystem which produces and finances creative work, exclusive rights and freedom of contract are key components because they make for improved risk sharing, enable a range of players to get involved in joint projects for a culturally diverse audience and underpin the incentive to invest in professional content production;
30. Recommends that the EU legislator should consider, in order to protect the public interest while protecting personal information, how to further lower the barriers to the re-use of public sector information; notes that such adjustment of the legislation should be made with due regard to Directive 2013/37/EU, the principles underpinning the copyright system and the relevant case law of the Court of Justice of the European Union;
31. Calls on the Commission to effectively safeguard public domain works, which are by definition not subject to copyright protection; urges the Commission, therefore, to clarify that once a work is in the public domain, any digitisation of the work which does not constitute a new, transformative work, stays in the public domain; also calls on the Commission to examine whether rightholders may be given the right to dedicate their works to the public domain, in whole or in part;
32. Calls on the Commission to further harmonise the term of protection of copyright, while refraining from any further extension of the term of protection, according to the international standards set out in the Berne Convention; encourages Member States to finalise the transposition and implementation of Directives 2006/116/EC and 2011/77/EU in a streamlined manner;

### ***Exceptions and limitations***

33. Calls on the EU legislator to remain faithful to the objective stated in Directive 2001/29/EC of providing adequate protection for copyright and neighbouring rights as one of the main ways of ensuring European cultural creativity, and of safeguarding a fair balance between the different categories of rightholders and users of protected subject-matter, as well as between the different categories of rightholders; further emphasises that any legislative change in this field should guarantee people with



disabilities access to works and services protected by copyright and related rights in any formats;

34. Underlines that copyright and related rights constitute the legal framework for the European cultural and creative industries, as also for the educational and research sector and for the sector benefiting from exceptions to and limitations on those rights, and form their basis for activity and employment;
35. Notes that exceptions and limitations must be applied in such a way as to take account of the purpose for which they were designed and the particular respective characteristics of the digital and analogue environments, while maintaining the balance between the interests of rightholders and the interests of the public; calls, therefore, on the Commission to examine the possibility of reviewing a number of the existing exceptions and limitations in order to better adapt them to the digital environment, taking into account the ongoing developments in the digital environment and the need for competitiveness;
36. Underlines the importance of exceptions and limitations being accessible for persons with disabilities; in this regard notes the conclusion of the Marrakesh Treaty, which will facilitate access for the visually impaired to books, and encourages swift ratification thereof without making the ratification conditional upon the revision of the EU legal framework; believes that the Treaty is a good step forward, but that much work remains to be done in order to open up access to content for people with different disabilities;
37. Notes the importance of European cultural diversity, and notes that the differences among Member States in the implementation of exceptions can be challenging for the functioning of the internal market in view of the development of cross-border activities and EU global competitiveness and innovation, and may also lead to legal uncertainty for authors and users; considers that some exceptions and limitations may therefore benefit from more common rules; remarks, however, that differences may be justified to allow Member States to legislate according to their specific cultural and economic interests, and in line with the principles of proportionality and subsidiarity;
38. Calls on the Commission to examine the application of minimum standards across the exceptions and limitations, and further to ensure the proper implementation of the exceptions and limitations referred to in Directive 2001/29/EC and equal access to cultural diversity across borders within the internal market, and to improve legal certainty;
39. Considers it necessary to strengthen exceptions for institutions of public interest, such as libraries, museums and archives, in order to promote wide-ranging access to cultural heritage, including through online platforms;
40. Calls on the Commission to consider with care to protect fundamental rights, particularly to combat discrimination or protect freedom of the press; recalls in this context that fair compensation should be provided for these exceptions;
41. Recalls the importance of small and medium-sized enterprises (SMEs) in the cultural and creative industries in terms of job creation and growth in the EU; stresses that the vast majority of SMEs in the cultural and creative industries take advantage of the flexibility of copyright rules to produce, invest in and distribute cultural and creative works, but also to develop innovative solutions which enable users to gain access to creative works online adapted to the preferences and specificities of local markets;

42. Notes with interest the development of new forms of use of works on digital networks, in particular transformative uses, and stresses the need to examine solutions reconciling efficient protection that provides for proper remuneration and fair compensation for creators with the public interest for access to cultural goods and knowledge;
43. Stresses that, where an exception or limitation already applies, new uses of content which are made possible by technological advances or new uses of technology should be, as far as possible, construed in line with the existing exception or limitation, provided that the new use is similar to the existing one, in order to improve legal certainty – this would be subject to the three-step test; acknowledges that such flexibility in the interpretation of exceptions and limitations may permit the adaptation of the exceptions and limitations in question to different national circumstances and social needs;
44. Highlights the need to ensure the technological neutrality and future-compatibility of exceptions and limitations by taking due account of the effects of media convergence, while serving the public interest by fostering incentives to create, finance and distribute new works and to make those works available to the public in new, innovative and compelling ways;
45. Suggests a review of the liability of service providers and intermediaries in order to clarify their legal status and liability with regard to copyright, to guarantee that due diligence is exercised throughout the creative process and supply chain, and to ensure fair remuneration for creators and rightholders within the EU;
46. Maintains that the development of the digital market is impossible unless creative and cultural industries are developed alongside it;
47. Emphasises the importance of the exception for caricature, parody and pastiche as a factor in the vitality of democratic debate; believes that the exception should strike the balance between the interests and rights of the creators and original characters and the freedom of expression of the user of a protected work who is relying on the exception for caricature, parody or pastiche;
48. Stresses the need to properly assess the enablement of automated analytical techniques for text and data (e.g. ‘text and data mining’ or ‘content mining’) for research purposes, provided that permission to read the work has been acquired;
49. Maintains that the development of the digital market is closely linked to, and must go hand in hand with, the development of creative and cultural industries, this being the only way to achieve lasting prosperity;
50. Notes that the right to private property is one of the fundamentals of modern society; also notes that facilitation of access to educational materials and cultural goods is of extreme importance for the development of the knowledge-based society and that this should be taken into account by the legislators;
51. Calls for an exception for research and education purposes, which should cover not only educational establishments but also accredited educational or research activities, including online and cross-border activities, linked to an educational establishment or institution recognised by the competent authorities, or legislation, or within the purview of an educational programme;

52. Stresses that any new exceptions or limitations introduced into the EU copyright legal system needs to be duly justified by a sound and objective economic and legal analysis;
53. Recognises the importance of libraries for access to knowledge and calls upon the Commission to assess the adoption of an exception allowing public and research libraries to legally lend works to the public in digital formats for personal use, for a limited duration, through the internet or the libraries' networks, so that their public interest duty of disseminating knowledge can be fulfilled effectively and in an up-to-date manner; recommends that authors should be fairly compensated for e-lending to the same extent as for the lending of physical books according to national territorial restrictions;
54. Calls upon the Commission to assess the adoption of an exception allowing libraries to digitalise content for the purposes of consultation, cataloguing and archiving;
55. Stresses the importance of taking into account the conclusions of the numerous experiments being undertaken by the book industry to establish fair, balanced and viable business models;
56. Notes that in some Member States statutory licences aimed at compensatory schemes have been introduced; stresses the need to ensure that acts which are permissible under an exception should remain so; recalls that compensation for the exercise of exceptions and limitations should only be considered in cases where acts deemed to fall under an exception cause harm to the rightholder; further calls on the European Observatory on Infringements of Intellectual Property Rights to carry out a full scientific evaluation of these Member State measures and their effect on each affected stakeholder;
57. Recalls the importance of the private copying exception that may not be technically limited, coupled with fair compensation of creators; invites the Commission to analyse, on the basis of scientific evidence, Parliament's resolution of 27 February 2014 on private copying levies<sup>1</sup> and the results of the latest mediation process conducted by the Commission<sup>2</sup>, the viability of existing measures for the fair compensation of rightholders in respect of reproductions made by natural persons for private use, in particular in regard to transparency measures;
58. Notes that private copying levies should be governed in such a way as to inform citizens of the actual amount of the levy, its purpose and how it is going to be used;
59. Stresses that digital levies should be made more transparent and optimised to safeguard rightholder and consumer rights and by taking into account Directive 2014/26/EU on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market;
60. Stresses the importance of bringing more clarity and transparency to the copyright regime for copyright users, in particular with regard to user-generated content and copyright levies, in order to foster creativity and the further development of online platforms, and to ensure appropriate remuneration of copyright holders;

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<sup>1</sup> Texts adopted, P7\_TA(2014)0179.

<sup>2</sup> António Vitorino's recommendations of 31 January 2013 resulting from the latest mediation process conducted by the Commission in respect of private copying and reprography levies.

61. Notes the importance of Article 6(4) of Directive 2001/29/EC and stresses that the effective exercise of exceptions or limitations, and access to content that is not subject to copyright or related rights protection, should not be waived by contract or contractual terms;
62. Calls on distributors to publish all available information concerning the technological measures necessary to ensure interoperability of their content;
63. Highlights the need to promote greater interoperability, in particular for software and terminals, as lack of interoperability hampers innovation, reduces competition and harms the consumer; believes that lack of interoperability leads to market dominance of one particular product or service, which in turn stifles competition and limits consumer choice in the EU;
64. Points out that the rapid rate of technological development in the digital market calls for a technologically neutral legislative framework for copyright;
65. Recognises the role of proportionate and effective enforcement in supporting creators, rightholders and consumers;
66. Calls on the Commission and the EU legislature to consider solutions for the displacement of value from content to services; stresses the need to adjust the definition of the status of intermediary in the current digital environment;
67. Stresses that consumers often face various limitations and the notion of consumers' rights in the copyright framework is very often absent; calls on the Commission to assess the effectiveness of the current copyright law from a consumers' perspective and to develop a set of clear and comprehensive consumers' rights;

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68. Instructs its President to forward this resolution to the Council and the Commission, and to the parliaments and governments of the Member States.