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INFORMATION NOTE

– Outcome of the European Parliament's second reading (Strasbourg, 12 to 15 February 2001)

I. INTRODUCTION

The rapporteur, Mr BOSELLI (PSE/IT), presented his report on behalf of the Committee on Legal Affairs and the Internal Market. When doing so, he pointed out that the Council's common position had been forwarded to the European Parliament eighteen months after the vote at first reading. That delay clearly showed that the common position was not only the result of long negotiations within the Council but also a delicate compromise balancing the interests of authors and consumers. The Parliament ought therefore to restrict itself to the adoption of amendments that were indispensable.

In addition, the rapporteur insisted on the amendments concerning the so-called "private" copies and on those concerning the so-called "technical" copies. Regarding the latter, he asked his colleagues to vote for the compromise amendments adopted by the Committee on Legal Affairs and the Internal Market.
Thereafter the following Members spoke: MEDINA ORTEGA (PSE/E), MANDERS (ELDR/NL), ECHERER (VERTS/ALE-A), FRAISSE (GUE/NGL-F), ABITBOL (UEN/F), KRARUP (EDD/DK), HARBOUR (PPE/DE-UK), ROTHLEY (PSE/D), THORS (ELDR/F), MacCORMICK (VERTS/ALE-UK), CROWLEY (UEN/IRL), FOURTOU (PPE/DE-F), MARINHO (PSE/P), DE CLERCQ (ELDR/B), CEDERSCHOLD (PPE/DE-S), BERGER (PSE/A), GRAÇA MOURA (PPE/DE-P), McCARTHY (PSE/UK), MURMELING (PPE/DE-D), VILLIERS (PPE/DE-UK), NIEBLER (PPE/DE-D) and ALACIO VALLELERSUNDI (PPE/DE-E).

II. VOTE

The Parliament adopted nine amendments to the common position. It emerged from what Commissioner BOLKESTEIN said before the plenary vote that the Commission is able to give a favourable opinion on all the amendments adopted by the Parliament.

The amendments may be described as follows:

**Amendment 3** (new recital 52a specifying the application of Article 6(4) of the future Directive).

**Amendment 5** (amends the definition of "private copying").

**Amendments 6, 7, 8 and 9** (this series of amendments to Article 5 replaces "whenever possible" in the common position by "unless this proves impossible").

**Amendment 10** (the Member States' option of providing for exceptions and limitations in connection with the promotion of certain events must be to the exclusion of any commercial use).

**Amendment 14** (stipulates that the contact committee established by Article 12 must also examine the impact of the future Directive on the internal market).

**Amendment 15** (reduces the time allowed for the transposition of the future Directive to eighteen months (the common position provided for two years)).

The texts of the amendments and of the European Parliament's legislative resolution are set out in Annex hereto.
I. Copyright in the Information Society ***II


(Codecision procedure: second reading)

The European Parliament,

– having regard to the Council common position (9512/1/2000 – C5-0520/2000) ¹,
– having regard to its position at first reading ² on the Commission proposal to Parliament and the Council (COM(1997) 628 ³),
– having regard to the amended Commission proposal (COM(1999) 250 ⁴),
– having regard to Article 251(2) of the EC Treaty,
– having regard to Rule 80 of its Rules of Procedure,
– having regard to the recommendation for second reading of the Committee on Legal Affairs and the Internal Market (A5-0043/2001),

1. Amends the common position as follows;

2. Instructs its President to forward its position to the Council and Commission.

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² OJ C 150, 28.5.1999, p.171.
Council common position

<table>
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<th>Amendments by Parliament</th>
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<tr>
<td>(Amendment 3)</td>
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<td>Recital 52a (new)</td>
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<td>(52a) The protection of technological measures should ensure a secure environment for the provision of interactive on-demand services, in such a way that members of the public may access works or other subject-matter from a place and at a time individually chosen by them. Where such services are governed by contractual arrangements, the first and second subparagraphs of Article 6(4) do not apply. Other forms of non-interactive online use remain subject to those provisions.</td>
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(Amendment 5)
Article 5(2)(b)

(b) in respect of reproductions on any medium made for the private use of a natural person and for non-commercial ends, on condition that the rightholders receive fair compensation which takes account of the application or non-application of technological measures referred to in Article 6 to the work or subject-matter concerned;

(Amendment 6)
Article 5(3)(a)

(a) use for the sole purpose of illustration for teaching or scientific research, as long as, whenever possible, the source, including the author’s name, is indicated and to the extent justified by the non-commercial purpose to be achieved;
(Amendment 7)
Article 5(3)(c)

(c) reproduction by the press, communication to the public or making available of published articles on current economic, political or religious topics or of broadcast works or other subject-matter of the same character, in cases where such use is not expressly reserved, and as long as the source, including the author’s name, is indicated, or use of works or other subject-matter in connection with the reporting of current events, to the extent justified by the informative purpose and as long as, whenever possible, the source, including the author’s name, is indicated;

(c) reproduction by the press, communication to the public or making available of published articles on current economic, political or religious topics or of broadcast works or other subject-matter of the same character, in cases where such use is not expressly reserved, and as long as the source, including the author’s name, is indicated, or use of works or other subject-matter in connection with the reporting of current events, to the extent justified by the informative purpose and as long as the source, including the author’s name, is indicated, unless this proves impossible;

(Amendment 8)
Article 5(3)(d)

(d) quotations for purposes such as criticism or review, provided that they relate to a work or other subject-matter which has already been lawfully made available to the public, that, whenever possible, the source, including the author’s name, is indicated, and that their use is in accordance with fair practice, and to the extent required by the specific purpose;

(d) quotations for purposes such as criticism or review, provided that they relate to a work or other subject-matter which has already been lawfully made available to the public, that, unless this proves impossible, the source, including the author’s name, is indicated, and that their use is in accordance with fair practice, and to the extent required by the specific purpose;

(Amendment 9)
Article 5(3)(f)

(f) use of political speeches as well as extracts of public lectures or similar works or subject-matter to the extent justified by the informative purpose and provided that, whenever possible, the source, including the author's name, is indicated;

(f) use of political speeches as well as extracts of public lectures or similar works or subject-matter to the extent justified by the informative purpose and provided that the source, including the author’s name, is indicated, except where this proves impossible;
(Amendment 10)
Article 5(3)(j)

(j) use for the purpose of advertising the public exhibition or sale of artistic works, to the extent necessary to promote the event;

(j) use for the purpose of advertising the public exhibition or sale of artistic works, to the extent necessary to promote the event, excluding any other commercial use;

(Amendment 14)
Article 12(4)(aa) (new)

(aa) to examine the impact of the Directive on the functioning of the internal market, and to highlight any difficulties,

(Amendment 15)
Article 13(1)

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before ... * . They shall forthwith inform the Commission thereof.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before ... * . They shall forthwith inform the Commission thereof.

* **Two years** after the entry into force of this Directive.

* **Eighteen months** after the entry into force of this Directive.