

Reda report, comparative chart

The following comparative chart shows the main provisions touching the book sector.

While Julia Reda called for a hasty harmonisation and the inconsiderate broadening of exceptions that would all have been made mandatory (thus endangering both the book industry and the rights of authors on their work), the European Parliament consistently calls for the respect of cultural diversity, of national circumstances and of the principles of proportionality and subsidiarity, as well as for targeted and balanced measures based on careful impact studies and taking into account the need to remunerate or compensate creators for any use of their works.

Julia Reda's initial proposals	Final text voted by the European Parliament, 9 July 2015
<p>On a Single European Copyright Title</p> <p>4. Considers the introduction of a single European Copyright Title based on Article 118 TFEU that would apply directly and uniformly across the Union, in compliance with the Commission's objective of better regulation, as a legal means to remedy the lack of harmonisation resulting from Directive 2001/29/EC;</p>	<p>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;</p>
<p>On exceptions and limitations in the digital environment</p> <p>9. Notes that exceptions and limitations should be enjoyed in the digital environment without any unequal treatment compared to those granted in the analogue world;</p>	<p>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;</p>

<p>On the harmonisation of exceptions</p> <p>10. Views with concern the increasing impact of differences among Member States in the implementation of exceptions, which creates legal uncertainty and has direct negative effects on the functioning of the digital single market, in view of the development of cross-border activities;</p>	<p>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;</p>
<p>On making all exceptions mandatory</p> <p>11. Calls on the Commission to make mandatory all exceptions and limitations referred to in Directive 2001/29/EC, to allow equal access to cultural diversity across borders within the internal market and to improve legal security;</p>	<p>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 an equal access to cultural diversity across borders within the internal market and to improve legal certainty;</p> <p>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;</p> <p>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;</p>
<p>On transformative uses</p> <p>12. Notes with interest the development of new forms of use of works on digital networks, notably of transformative uses;</p>	<p>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 an efficient protection that provides for proper remuneration and fair compensation for creators with the public interest for access to cultural goods and knowledge;</p>

<p>On an “open norm”</p> <p>13. Calls for the adoption of an open norm introducing flexibility in the interpretation of exceptions and limitations in certain special cases that do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author or rightholder.</p>	<p>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;</p>
<p>On text and data mining</p> <p>18. Stresses the need to enable automated analytical techniques for text and data (e.g. 'text and data mining') for all purposes, provided that the permission to read the work has been acquired;</p>	<p>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;</p> <p>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;</p>
<p>On an exception for education</p> <p>19. Calls for a broad exception for research and education purposes, which should cover not only educational establishments but any kind of educational or research activity, including non-formal education;</p>	<p>51. Calls for an exception for research and education purposes, which should cover not only educational establishments, but 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;</p> <p>52. Stresses that any new exceptions or limitations introduced to the EU copyright legal system needs to be duly justified by a sound and objective economic and legal analysis;</p>
<p>On an exception for e-lending</p> <p>20. Calls for the adoption of a mandatory exception allowing libraries to lend books to the public in digital formats, irrespective of the place of access;</p>	<p>53. Recognizes 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'</p>

	<p>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;</p> <p>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;</p> <p>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;</p>
<p>On statutory licences</p> <p>21. Calls on the EU legislator to preclude Member States from introducing statutory licenses for the compensation of rightholders for the harm caused by acts made permissible by an exception;</p>	<p>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;</p>
<p>On private copying levies</p> <p>22. Calls for the adoption of harmonised criteria for the definition of the harm caused to rightholders in respect of reproductions made by a natural person for private use, and for harmonised transparency measures as regards the private copying levies put in place in some Member States¹¹;</p>	<p>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 and the results of the latest mediation process conducted by the Commission, 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;</p> <p>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;</p>

	<p>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;</p> <p>60. Stresses the importance of bringing more clarity and transparency of 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;</p>
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