

European Parliament

2014 - 2019



05/09/2018

AMENDMENTS: 21

Axel Voss

Copyright in the Digital Single Market

A8-0245/2018

Proposal for a directive COM(2016)0593 - C8-0383/2016 – 2016/0280(COD)

Amendments created with

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Amendments per language:

EN: 21

5.9.2018

A8-0245/1

Amendment 1

Julia Reda

Report

A8-0245/2018

Axel Voss

Copyright in the Digital Single Market
COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21 a) The reconciliation of the public's interest to participate in the public sphere by means of an exception regarding the use of depictions of buildings and permanent structures is necessary. Professional photographers and other authors, rightholders, consumers, institutional users and service providers are predominantly using depictions of works on the basis of national 'freedom of panorama' exceptions and rely on legal certainty for cross-border usage.

Or. en

5.9.2018

A8-0245/2

Amendment 2

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. ***In the transition from print to digital, publishers of press publications are facing problems in licensing the online use of their publications and recouping their investments. In the absence of recognition of publishers of press publications as rightholders, licensing and enforcement in the digital environment is often complex and inefficient.***

Amendment

(31) A free and pluralist press is essential to ensure quality journalism and citizens' access to information. It provides a fundamental contribution to public debate and the proper functioning of a democratic society. ***The sustainability of the press publishing industry should therefore be ensured.***

Or. en

5.9.2018

A8-0245/3

Amendment 3

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 31 a (new)

Text proposed by the Commission

Amendment

(31 a) In the transition from print to digital, publishers of press publications are increasingly facing problems in licensing the online use of their publications and recouping their investments. Press publications contain mostly literary works but increasingly include other types of works and subject-matter, notably photographs and videos. Due to the large number of authors and other rightholders involved in the creation of a press publication, licensing and enforcement of the rights in press publications are often complex and inefficient in the digital environment. Publishers can face difficulties notably when proving that rights in such works and other subject-matter have been transferred or licensed to them for the purposes of concluding licences or enforcing the rights in respect of their press publications.

Or. en

5.9.2018

A8-0245/4

Amendment 4

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 31 b (new)

Text proposed by the Commission

Amendment

(31 b) Publishers of press publications need to acquire all the relevant economic rights from the authors and other rightholders to incorporate their works or other subject-matter in a press publication. This principle should continue to apply. However, the licensing and enforcement of the rights acquired vis-à-vis third parties should be facilitated, while at the same time not affecting contractual arrangements concluded between the publishers of press publications, on the one side, and the authors and other rightholders, on the other side. It is therefore necessary to provide at Union level a rebuttable presumption to allow the publisher to be regarded as the person entitled to conclude licences and enforce the rights of reproduction and making available to the public concerning the digital use of works and other subject-matter contained in the press publication provided that the name of the publisher appears on the publication.

Or. en

5.9.2018

A8-0245/5

Amendment 5

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) *The organisational and financial contribution of publishers in producing press publications needs to be recognised and further encouraged to ensure the sustainability of the publishing industry. It is therefore necessary to provide at Union level a harmonised legal protection for press publications in respect of digital uses. Such protection should be effectively guaranteed through the introduction, in Union law, of rights related to copyright for the reproduction and making available to the public of press publications in respect of digital uses.* *deleted*

Or. en

Amendment 6**Julia Reda**

on behalf of the Verts/ALE Group

Report**A8-0245/2018****Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive**Recital 33***Text proposed by the Commission*

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published *by a service provider*, periodically or regularly updated *in any media, for the purpose of informing or entertaining*. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications *which are* published for scientific or academic purposes, such as scientific journals, should not be covered by the *protection* granted to press publications *under* this Directive. *This protection does not extend to acts of hyperlinking which do not constitute communication to the public.*

Amendment

(33) For the purposes of this Directive, it is necessary to define the concept of press publication in a way that embraces only journalistic publications, published *in any media, including on paper, and such that it is understood as an economic activity which constitutes a provision of services under Union law. The press publications that should be covered are those whose purpose is to inform the general public and which are* periodically or regularly updated. Such publications would include, for instance, daily newspapers, weekly or monthly magazines of general or special interest and news websites. Periodical publications published for scientific or academic purposes, such as scientific journals, should not be covered by the *presumption of rights* granted to *publishers for* press publications *laid down in* this Directive.

Or. en

5.9.2018

A8-0245/7

Amendment 7

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 34

Text proposed by the Commission

Amendment

(34) *The rights granted to the publishers of press publications under this Directive should have the same scope as the rights of reproduction and making available to the public provided for in Directive 2001/29/EC, insofar as digital uses are concerned. They should also be subject to the same provisions on exceptions and limitations as those applicable to the rights provided for in Directive 2001/29/EC including the exception on quotation for purposes such as criticism or review laid down in Article 5(3)(d) of that Directive.* **deleted**

Or. en

Amendment 8**Julia Reda**

on behalf of the Verts/ALE Group

Report**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018**Proposal for a directive****Recital 35***Text proposed by the Commission*

(35) The ***protection granted to*** publishers of press publications ***under*** this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the ***protection granted to them*** against authors and other rightholders. ***This is without prejudice to contractual arrangements concluded between the publishers of press publications, on the one side, and authors and other rightholders, on the other side.***

Amendment

(35) The ***presumption for*** publishers of press publications ***laid down in*** this Directive should not affect the rights of the authors and other rightholders in the works and other subject-matter incorporated therein, including as regards the extent to which authors and other rightholders can exploit their works or other subject-matter independently from the press publication in which they are incorporated. Therefore, publishers of press publications should not be able to invoke the ***presumption laid down in this Directive*** against authors and other rightholders ***or against other authorised users of the same works*** and other ***subject-matter***.

Or. en

Amendment 9

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) ***Over the last years, the functioning of the online content marketplace has gained in complexity. Online services providing access to copyright protected content uploaded by their users without the involvement of right holders have flourished and have become main sources of access to content online. This affects rightholders' possibilities to determine whether, and under which conditions, their work and other subject-matter are used as well as their possibilities to get an appropriate remuneration for it.***

Amendment

(37) ***Evolution of digital technologies has led to the emergence of new business models and reinforced the role of the Internet as the main marketplace for the distribution of copyright protected content. Over the years, online services enabling their users to upload works and make them accessible to the public have flourished and have become important sources of access to content online, allowing for diversity and ease of access to content but also generating challenges when copyright protected content is uploaded without prior authorisation from rightholders.***

Or. en

5.9.2018

A8-0245/10

Amendment 10

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) Today more creative content is being consumed than ever before. That is facilitated by online platforms and aggregation services. They are a means of providing wider access to cultural and creative works and offer great opportunities for cultural and creative industries to develop new business models. At the same time, artists and authors have struggled to see comparable increases in revenues from this increase in consumption. One of the reasons for this could be the lack of clarity regarding the status of these online services under e-commerce law. Consideration is to be made of how this process can function with more legal certainty and respect for all affected parties including artists and users and it is important to ensure transparency and a fair level playing field. The Commission should develop guidance on the implementation of the intermediary liability framework in order to allow online platforms to comply with their responsibilities and the rules on liability and in order to enhance legal certainty and increase user confidence

Or. en

Amendment 11**Julia Reda**

on behalf of the Verts/ALE Group

Report**A8-0245/2018****Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

Proposal for a directive**Recital 38***Text proposed by the Commission**Amendment*

(38)

Where information society service providers *store* and provide access to the public *to copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public, they are* obliged to conclude licensing agreements with rightholders, unless *they are* eligible for the liability *exemption* provided in *Article 14 of Directive 2000/31/EC* of the European Parliament and of the Council³⁴ .

In respect of Article 14, it is necessary to verify whether the service provider plays an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them, irrespective of the nature of the means used therefor.

(38)

Where information society service providers *offer users content storage services* and provide *the public with* access to *content and where such activity constitutes an act of communication* to the public *and is not of a merely technical, automatic and passive nature, they should be* obliged to conclude licensing agreements with rightholders *as regards copyright protected works or other subject-matter*, unless *they are* eligible for the liability *exemptions* provided in *Directive 2000/31/EC* of the European Parliament and of the Council³⁴ .

In order to ensure the functioning of any licensing agreement, information society service providers ***storing and providing access*** to the public ***to large amounts of copyright protected works or other subject-matter uploaded by their users*** should take appropriate and proportionate measures to ensure protection of works or other subject-matter, ***such as implementing effective technologies***. ***This obligation should also apply when the information society service providers are eligible for the liability exemption provided*** in Article 14 of Directive 2000/31/EC.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

In order to ensure the functioning of any licensing agreement, information society service providers ***actively and directly involved in allowing users to upload, making works available and promoting works*** to the public should take appropriate and proportionate measures to ensure protection of works or other subject-matter. ***Such measures should respect the Charter of Fundamental Rights of the European Union and should not impose a general obligation on information society service providers to monitor the information which they transmit or store as referred to*** in Article 15 of Directive 2000/31/EC.

³⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000, p. 1–16).

5.9.2018

A8-0245/12

Amendment 12

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 38 b (new)

Text proposed by the Commission

Amendment

(38 b) For the implementation of such measures, the cooperation between information society service providers and rightholders is essential. Rightholders should accurately identify to information society service providers the works or other subject-matter in respect of which they claim to have the copyright. Rightholders should retain responsibility for claims made by third parties over the use of works which they would have identified as being their own in the implementation of any agreement reached with the information society service provider.

Or. en

5.9.2018

A8-0245/13

Amendment 13

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Recital 39

Text proposed by the Commission

Amendment

(39) Collaboration between information society service providers storing and providing access to the public to large amounts of copyright protected works or other subject-matter uploaded by their users and rightholders is essential for the functioning of technologies, such as content recognition technologies. In such cases, rightholders should provide the necessary data to allow the services to identify their content and the services should be transparent towards rightholders with regard to the deployed technologies, to allow the assessment of their appropriateness. The services should in particular provide rightholders with information on the type of technologies used, the way they are operated and their success rate for the recognition of rightholders' content. Those technologies should also allow rightholders to get information from the information society service providers on the use of their content covered by an agreement. **deleted**

Or. en

5.9.2018

A8-0245/14

Amendment 14

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining as regards works and other subject-matter that are lawfully available online, provided that the rightholder has not reserved such uses in a machine readable format.

This exception shall not apply to text and data mining of press publications within the meaning of Article 2 paragraph 4 of this Directive or to text and data mining of any works and other subject-matter incorporated in a press publication provided that publishers of these press publications express such reservation by listing their websites in a central point of information online.

Reproductions and extractions made for the process of text and data mining of such works and other subject-matter shall be deleted as soon as they are no longer required for this purpose.

Or. en

5.9.2018

A8-0245/15

Amendment 15

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions of works or other subject-matter to which they have acquired lawful access made in order to carry out on a non-for-profit basis text and data mining for the purposes of scientific research by research organisations and cultural heritage institutions.

Any contractual provision contrary to the exception provided for in paragraph 1 b) shall be unenforceable.

Reproductions and extractions made for text and data mining purposes shall be stored in a secure manner. As soon as the research activity has ended the copies shall be deleted or, if Member States choose to make use of this possibility, stored by trusted bodies appointed for this purpose.

Or. en

5.9.2018

A8-0245/16

Amendment 16

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In cases other than the ones mentioned in paragraph 1, a license under which the licensee is allowed to carry out extractions and reproductions from a work or other protected-subject matter shall be deemed to allow for text-and-data-mining, including, where applicable, by their subcontractors, without requiring any specific permission of the rightholders, unless the parties agree otherwise and the rightholder reserves such uses in a machine readable format. Reproductions and extractions made for the process of text and data mining of such works and other subject-matter shall be deleted as soon as they are no longer required for this purpose. Any reproductions of works or other subject matter retained for longer than required are excluded from the scope of this paragraph.

Or. en

5.9.2018

A8-0245/17

Amendment 17

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Use of extracts from pre-existing works and other subject-matter in content uploaded or made available by users

(1) Member States shall provide for an exception to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, point (a) of Article 4(1) of Directive 2009/24/EC and Article 11 of this Directive in order to allow for the use of extracts from pre-existing works and other subject-matter in content uploaded or made available by users, other than in the course of their work, for purposes such as criticism, review, illustration, caricature, parody or pastiche, provided that the extracts:

(a) relate to works or other subject-matter that have been lawfully made available to the public;

(b) are accompanied by the indication of the source, including the author's name, unless this turns out to be impossible; and

(c) are used in accordance with fair practice and in a manner that does not extend beyond the specific purpose for which they are being used.

(2) Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

(3) Online content sharing services providers shall not be able invoke for their benefit the exception provided for in paragraph 1 of this Article in order to limit their liability or the extent of their obligations under the agreements concluded with rightholders in application of Article 13 of this Directive.

Or. en

5.9.2018

A8-0245/18

Amendment 18

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

Freedom of Panorama

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places.

2. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

Or. en

Amendment 19**Julia Reda**

on behalf of the Verts/ALE Group

Report**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018**Proposal for a directive****Article 11***Text proposed by the Commission***Protection of** press publications concerning digital uses

1. Member States shall provide **publishers of** press **publications with** the rights provided for in Article 2 and **Article 3(2)** of Directive 2001/29/EC **for** the digital use of **their** press **publications**.

2. The **rights referred to** in paragraph 1 shall **leave intact and shall in no way** affect any rights **provided for** in Union law to authors and other rightholders, in respect of the works **and other** subject-matter incorporated in a press publication. **Such rights may** not be invoked against **those** authors and other **rightholders and**, in particular, may not deprive them of their right to exploit their **works and** other subject-matter independently from the press publication in which **they are** incorporated.

*Amendment***Licensing and enforcement of rights in** press publications concerning digital uses

1. Member States shall provide **that, in the absence of proof to the contrary, the publisher of a press publication shall be regarded as the person entitled to conclude licences and to seek application of the measures, procedures and remedies referred to in Directive 2004/48/EC and Article 8 of Directive 2001/29/EC in respect of** the rights provided for in Article 2 and 3(2) of Directive 2001/29/EC **concerning** the digital use of **the works and other subject-matter incorporated in such a press publication, provided that the name of the publisher appears on the publication**.

2. The **presumption provided for** in paragraph 1 shall **not** affect any rights **provided for** in Union law to authors and other rightholders, in respect of the works **and other** subject-matter incorporated in a press publication. **The presumption may** not be invoked against **the** authors and other **rightholders and**, in particular, may not deprive them of their right to exploit their **works and** other subject-matter independently from the press publication in which **they are** incorporated.

3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.

4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

5.9.2018

A8-0245/20

Amendment 20

Julia Reda

on behalf of the Verts/ALE Group

Report

Axel Voss

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018

Proposal for a directive

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a

Provision of hyperlinks to works

The provision on a website of hyperlinks to works available on another website, where such links only contain information necessary to find or request the source's contents, shall not constitute a communication to the public.

Or. en

Amendment 21**Julia Reda**

on behalf of the Verts/ALE Group

Report**Axel Voss**

Copyright in the Digital Single Market

COM(2016)0593 – C8-0383/2016 – 2016/0280(COD)

A8-0245/2018**Proposal for a directive****Article 13***Text proposed by the Commission*

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. Information society service providers **that store** and provide **to** the public access to **large amounts of works or other subject-matter uploaded by their users** shall, **in cooperation with rightholders**, take measures to ensure the functioning of agreements concluded with rightholders **for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.**

Amendment

Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users

1. **Where** information society service providers **offer users content storage services** and provide the public **with** access to **content and where such activity is not eligible for the liability exemptions provided for in Directive 2000/31/EC, they** shall take **appropriate and proportionate** measures to ensure the functioning of **licensing** agreements concluded with rightholders. **The implementation of such agreements shall respect the fundamental rights of users and shall not impose a general obligation on information society service providers to monitor the information which they transmit or store, in accordance with Article 15 of Directive 2000/31/EC.**

1 a. For the purpose of ensuring the functioning of licensing agreements, as referred to in paragraph 1, information society service providers and rightholders shall cooperate with each other. Rightholders shall accurately identify to information society service providers the works or other subject-matter in respect of which they have the copyright. The information society service providers shall inform rightholders of the measures employed and the accuracy of their functioning as well as, when relevant, periodically report on the use of the works and other subject-matter.

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints ***and redress*** mechanisms that are available to users in case of disputes over the ***application*** of the ***measures*** referred to in paragraph 1.

2. Member States shall ensure that the service providers referred to in paragraph 1 ***in cooperation with rightholders*** put in place complaints mechanisms that are available to users in case of disputes over the ***implementation*** of the ***licensing agreements*** referred to in paragraph 1.

2 a. Member States shall ensure that users have access to a court or another competent authority for the purpose of asserting their right of use under an exception or limitation and to appeal any restrictive measures agreed upon pursuant to paragraph 3.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***such as*** appropriate and proportionate ***content recognition technologies, taking*** into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers ***referred to in paragraph 1, user representatives*** and rightholders through stakeholder dialogues to define best practices ***for the implementation of paragraph 1. The measures undertaken shall be*** appropriate and proportionate ***and shall take*** into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en