

Proposal for a Directive of the European Parliament and of the Council
on copyright in the Digital Single Market

COM (2016) 593 final - 2016/0280 (COD)

PART 2: ARTICLES

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
105.		TITLE I GENERAL PROVISIONS	TITLE I GENERAL PROVISIONS	TITLE I GENERAL PROVISIONS	TITLE I GENERAL PROVISIONS
106.	Art.1, title	<i>Article 1</i> <i>Subject matter and scope</i>	<i>Article 1</i> <i>Subject matter and scope</i>	<i>Article 1</i> <i>Subject matter and scope</i>	<i>Article 1</i> <i>Subject matter and scope</i>
107.	Art. 1, para 1	1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the	1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the	1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the	GREEN 1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the

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		internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.	internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.	internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.	framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.
108.	Art. 1, para 2	2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.	2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2000/31/EC , 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.	2. Except in the cases referred to in Article 617 , this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2000/31/EC , 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.	GREEN 2. Except in the cases referred to in Article 617 , this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2000/31/EC , 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
109.	Art. 2, title	<i>Article 2 Definitions</i>	<i>Article 2 Definitions</i>	<i>Article 2 Definitions</i>	<i>Article 2 Definitions</i>
110.	Art. 2, introductory part	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	GREEN For the purposes of this Directive, the following definitions shall apply:
111.	Art. 2, para 1, introductory part	(1) ‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:	(1) ‘research organisation’ means a university, <i>including its libraries</i> , a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:	(1) ‘research organisation’ means a university, a research institute or any other organisation <u>an entity</u> , the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services <u>involving also the conduct of scientific research</u> :	GREEN (1) ‘research organisation’ means a university, <i>including its libraries</i> , a research institute or any other <i>entity</i> the primary goal of which is to conduct scientific research <i>or to carry out educational activities involving also the conduct of scientific research</i> :
112.	Art. 2, para 1, point (a)	(a) on a non-for-profit basis or by reinvesting all the profits in its scientific research; or	(a) on a non-for-profit basis or by reinvesting all the profits in its scientific research; or	(a) on a non-for-profit basis or by reinvesting all the profits in its scientific research; or	GREEN (a) on a non-for-profit basis or by reinvesting all the profits in its scientific research; or

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113.	Art. 2, para 1, point (b)	(b) pursuant to a public interest mission recognised by a Member State;	(b) pursuant to a public interest mission recognised by a Member State;	(b) pursuant to a public interest mission recognised by a Member State;	GREEN (b) pursuant to a public interest mission recognised by a Member State;
114.	Art. 2, para 1, closing phrase	in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisation;	in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a <i>significant</i> influence upon such organisation;	in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisation;	GREEN in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a <i>significant</i> decisive influence upon such organisation;
115.	Art. 2, para 2	(2) ‘text and data mining’ means any automated analytical technique aiming to analyse text and data in digital form in order to generate information such as patterns, trends and correlations;	(2) ‘text and data mining’ means any automated analytical technique <i>which analyses works and other subject matter</i> in digital form in order to generate information, <i>including, but not limited to</i> , patterns, trends and correlations.	(2) ‘text and data mining’ means any automated analytical technique aiming to analyse text and data in digital form in order to generate information such as patterns, trends and correlations;	GREEN (2) ‘text and data mining’ means any automated analytical technique aiming to analyse text and data in digital form in order to generate information, <i>including, but not limited to</i> , patterns, trends and correlations;

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116.	Art. 2, para 3	(3) ‘cultural heritage institution’ means a publicly accessible library or museum, an archive or a film or audio heritage institution;	(3) ‘cultural heritage institution’ means a publicly accessible library or museum, an archive or a film or audio heritage institution;	(3) ‘cultural heritage institution’ means a publicly accessible library or museum, an archive or a film or audio heritage institution;	GREEN (3) ‘cultural heritage institution’ means a publicly accessible library or museum, an archive or a film or audio heritage institution;
117.	Art. 2, para 4	(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative,	(4) ‘press publication’ means a fixation by publishers or news agencies of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any	(4) ‘press publication’ means a fixation of a collection composed mainly of literary works of a journalistic nature; which : <i>[remaining part of this paragraph was split up in points (a) to (d) - see following rows 118-121]</i>	GREEN (4) ‘press publication’ means a collection composed mainly of literary works of a journalistic nature which:

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		editorial responsibility and control of a service provider.	media under the initiative, editorial responsibility and control of a service provider. <i>Periodicals which are published for scientific or academic purposes, such as scientific journals, shall not be covered by this definition;</i>		
118.	Art. 2, para 4, point (a)			<u>(a)</u> may also comprise <u>include</u> other works or subject-matter and; <i>[See Article 2(4) of COM proposal and of EP text (row 117)]</i>	GREEN (a) may also include other works or subject matter;
119.	Art. 2, para 4, point (b)			<u>(b)</u> constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, ;	GREEN (b) constitutes an individual item within a periodical or regularly updated publication under a single title, such as a newspaper or a general or special interest magazine;

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				<i>[See Article 2(4) of COM proposal and of EP text (row 117)]</i>	
120.	Art. 2, para 4, point (c)			<p>(c) has having the purpose of providing the general public with information related to news or other topics; and</p> <p><i>[See Article 2(4) of COM proposal and of EP text (row 117)]</i></p>	<p>GREEN</p> <p>(c) has the purpose of providing the general public with information related to news or other topics; and</p>
121.	Art. 2, para 4, point (d)			<p>(d) is published in any media under the initiative, editorial responsibility and control of a service provider; and</p> <p><i>[See Article 2(4) of COM proposal and of EP text (row 117)]</i></p>	<p>GREEN</p> <p>(d) is published in any media under the initiative, editorial responsibility and control of a service provider.</p> <p>Periodicals which are published for scientific or academic purposes, such as scientific journals, shall not be considered as press publications for the purposes of this Directive.</p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
122.	Art. 2, para 4a, introductor y part		<i>(4a) ‘out of commerce work’ means:</i>		<i>[Deleted]</i>
123.	Art. 2, para 4a, point (a)		<i>(a) an entire work or other subject matter in any version or manifestation that is no longer available to the public in a Member State through customary channels of commerce;</i>		<i>[Deleted]</i>
124.	Art. 2, para 4a, point (b)		<i>(b) a work or other subject matter that has never been in commerce in a Member State, unless, from the circumstances of that case, it is apparent that its author objected to making it available to the public;</i>		<i>[Deleted]</i>
125.	Art. 2, para 4b		<i>(4b) ‘online content sharing service provider’</i>	<u>(5) ‘online content sharing service provider’ means a provider of an</u>	5) ‘online content sharing service provider’

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
	(EP)/para 5 (Council)		<p><i>means a provider of an information society service one of the main purposes of which is to store and give access to the public to a significant amount of copyright protected works or other protected subject-matter uploaded by its users, which the service optimises and promotes for profit making purposes.</i></p> <p><i>Microenterprises and small-sized enterprises within the meaning of Title I of the Annex to Commission Recommendation 2003/361/EC and services acting in a non-commercial purpose capacity such as online encyclopaedia, and providers of online</i></p>	<p><u>information society service whose main or one of the main purposes is to store and give the public access to a large amount of works or other subject-matter uploaded by its users which it organises and promotes for profit-making purposes.</u></p> <p><u>Providers of services such as non-for-profit online encyclopaedias, non-for-profit educational and scientific repositories, non-for-profit open source software developing platforms, as well as internet access service providers, online marketplaces and providers of cloud services which allow users, including businesses for their internal purposes, to upload content for their</u></p>	<p>means a provider of an information society service whose main or one of the main purposes is to store and <i>give the public access to a large</i> amount of copyright protected works or other protected subject-matter <i>uploaded by its users</i> which <i>it</i> organises and promotes for profit-making purposes.</p> <p>[EP: Microenterprises and small-sized enterprises within the meaning of Title I of the Annex to Commission Recommendation 2003/361/EC] Pproviders of services such as not-for profit online encyclopedias, not-for profit educational and scientific repositories, open source software developing and sharing platforms, electronic</p>

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			<i>services where the content is uploaded with the authorisation of all right holders concerned, such as educational or scientific repositories, shall not be considered online content sharing service providers within the meaning of this Directive. Providers of cloud services for individual use which do not provide direct access to the public, open source software developing platforms, and online market places whose main activity is online retail of physical goods, should not be considered online content sharing service providers within the meaning of this Directive;</i>	<u>own use shall not be considered online content sharing service providers within the meaning of this Directive;</u>	communication service providers as defined in the <u>new Telecom Code-Directive 2018/1972 establishing the European Electronic Communication Code,</u> online marketplaces and business-to business cloud services and cloud services which allow users to upload content for their own use shall not be considered online content sharing service providers within the meaning of this Directive.

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126.	Art. 2, para 4c (EP)/para 6 (Council)		<p><i>(4c) ‘information society service’ means a service within the meaning of point (b) of Article 1(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council^{1a};</i></p> <hr/> <p><i>^{1a} Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</i></p>	<p><u>(6) ‘information society service’ means a service within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535.</u></p>	<p><u>GREEN</u></p> <p><i>(6) ‘information society service’ means a service within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535^{1a}.</i></p> <hr/> <p><i>^{1a} Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</i></p>
127.	Art. 2, para 4d		<p><i>(4d) ‘automated image referencing service’ means any online service which reproduces or makes</i></p>		<p><i>Deleted</i></p>

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			<i>available to the public for indexing and referencing purposes graphic or art works or photographic works collected by automated means via a third-party online service.</i>		
128.		TITLE II MEASURES TO ADAPT EXCEPTIONS AND LIMITATIONS TO THE DIGITAL AND CROSS- BORDER ENVIRONMENT	TITLE II MEASURES TO ADAPT EXCEPTIONS AND LIMITATIONS TO THE DIGITAL AND CROSS- BORDER ENVIRONMENT	TITLE II MEASURES TO ADAPT EXCEPTIONS AND LIMITATIONS TO THE DIGITAL AND CROSS- BORDER ENVIRONMENT	TITLE II MEASURES TO ADAPT EXCEPTIONS AND LIMITATIONS TO THE DIGITAL AND CROSS- BORDER ENVIRONMENT
129.	Art. 3, title	<i>Article 3 Text and data mining</i>	<i>Article 3 Text and data mining</i>	<i>Article 3 Text and data mining <u>for the purposes of scientific research</u></i>	GREEN <i>Article 3 Text and data mining <u>for the purposes of scientific research</u></i>
130.	Art. 3, para 1	1. 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	1. 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	1. 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	GREEN 1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a)

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		96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.	<p>96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access <i>research organisations have lawful access and made in order to carry out text and data mining</i> for the purposes of scientific research <i>by such organisations.</i></p> <p><i>Member States shall provide for educational establishments and cultural heritage institutions conducting scientific research within the meaning of point (1)(a) or (1)(b) of Article 2, in such a way that the access to the results generated by the scientific research cannot be</i></p>	<p>Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations <u>and cultural heritage institutions</u> in order to carry out text and data mining of works or other subject-matter to which they have lawful access, for the purposes of scientific research.</p>	<p>and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations <i>and cultural heritage institutions</i> in order to carry out text and data mining of works or other subject-matter to which they have lawful access, for the purposes of scientific research.</p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisations, to also be able to benefit from the exception provided for in this Article.</i>		
131.	Art. 3, para 1a		<i>1a. Reproductions and extractions made for text and data mining purposes shall be stored in a secure manner, for example by trusted bodies appointed for this purpose.</i>	<u>1a. Copies of works or other subject-matter made in compliance with paragraph 1 shall be stored with an appropriate level of security and not be retained for longer than necessary for achieving the purposes of scientific research.</u>	GREEN <i>1a. Copies of works or other subject-matter made in compliance with paragraph 1 shall be stored with an appropriate level of security and may be retained for the purposes of scientific research, including for the verification of research results.</i>
132.	Art. 3, para 2	2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.	2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.	2. <i>[Moved to Article 6(1)]</i>	GREEN <i>[Moved to Article 6(1)]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>[See Council's Article 6(1) (row 155)]</i>		
133.	Art. 3, para 3	3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.	3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.	3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.	GREEN 3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.
134.	Art. 3, para 4	4. Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.	4. Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3 <i>may continue to provide text and data mining exceptions in accordance</i>	4. Member States shall encourage rightholders and, research organisations <u>and cultural heritage institutions</u> to define commonly-agreed best practices concerning the application of the <u>obligation and</u> measures referred to <u>respectively</u> in paragraphs <u>1a and 3</u> .	GREEN 4. Member States shall encourage rightholders and, research organisations and cultural heritage institutions to define commonly-agreed best practices concerning the application of the obligation and measures referred to respectively in paragraphs 1a and 3.

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			<i>with point (a) of Article 5(3) of Directive 2001/29/EC.</i>		<i>[the relation with existing exceptions under InfoSoc Directive under Article 17a (see row 306)]</i>
135.	Art. 3a, title		<u><i>Article 3a</i></u> <u><i>Optional exception or limitation for text and data mining</i></u>	<u><i>Article 3a</i></u> <u><i>Optional exception or limitation for text and data mining</i></u>	<u><i>Article 3a</i></u> <u><i>Optional eException or limitation for text and data mining</i></u>
136.	Art. 3a, para 1		1. <i>Without prejudice to Article 3 of this Directive, Member States may provide for an exception or a limitation 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 lawfully accessible works and other subject-matter that form a</i>	1. <u><i>Without prejudice to Article 3 of this Directive Member States may provide for an exception or a limitation 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 temporary reproductions and extractions of lawfully accessible works and other subject-matter that form a part of the</i></u>	1. <i>Without prejudice to Article 3 of this Directive,</i> <i>Member States may/shall provide for an exception or a limitation to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) and (b) of Directive 2009/24/EC and Article 11(1) of this Directive for temporary reproductions and extractions of lawfully accessible works and other</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>part of the process of text and data mining, provided that the use of works and other subject matter referred to therein has not been expressly reserved by their rightholders, including by machine readable means.</i>	<u>process of text and data mining.</u>	<i>subject-matter that form a part of the process for the purposes of text and data mining.</i>
137.	Art. 3a, para 2 (EP)		<i>2. Reproductions and extractions made pursuant to paragraph 1 shall not be used for purposes other than text and data mining.</i>		GREEN <i>2. Reproductions and extractions made pursuant to paragraph 1 may be retained as long as necessary for the purposes of text and data mining.</i>
138.	Art. 3a, para 2 (Council)			<u>2. The exception or limitation provided for in paragraph 1 shall apply provided that the use of works and other subject matter referred to therein</u>	GREEN

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<p><u>has not been expressly reserved by their rightholders including by technical means.</u></p> <p>[See para. 1 of EP text (row 136)]</p>	<p>2. <i>The exception or limitation provided for in paragraph 1 shall apply provided that the use of works and other subject matter referred to therein has not been expressly reserved by their rightholders in an appropriate manner, such as machine readable means for the content made publicly available online.</i></p>
139.	Art. 3a, para 3		<p>3. <i>Member States may continue to provide text and data mining exceptions in accordance with point (a) of Article 5 (3) of Directive 2001/29/EC.</i></p>		<p>GREEN</p> <p>3. <u>This Article shall not affect the application of Article 3 of this Directive.</u></p> <p>[This phrase replaces the 'Without prejudice'-clarification previously contained in paragraph 1.]</p>
140.	Art. 4, title	<p><i>Article 4</i></p> <p><i>Use of works and other subject-matter in digital</i></p>	<p><i>Article 4</i></p> <p><i>Use of works and other subject-matter in digital</i></p>	<p><i>Article 4</i></p> <p><i>Use of works and other subject-matter in digital</i></p>	<p><i>Article 4</i></p> <p><i>Use of works and other subject-matter in digital and</i></p>

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		<i>and cross-border teaching activities</i>	<i>and cross-border teaching activities</i>	<i>and cross-border teaching activities</i>	<i>cross-border teaching activities</i>
141.	Art. 4, para 1	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, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:	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, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:	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, Articles-5(a), (b), (d) and (e) and Article 7(1) of Directive 96/9/EC, Article 4(1) (a) and (b) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the such use:	GREEN 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, Articles 5(a), (b), (d) and (e) and 7(1) of Directive 96/9/EC, Article 4(1) (a), and (b) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that such use:
142.	Art. 4, para 1, point (a)	(a) takes place on the premises of an educational establishment or through a	(a) takes place on the premises of an educational establishment, or in any	(a) takes place on under the premises responsibility responsibility of an	GREEN (a) takes place under the responsibility of an

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;	<i>other venue in which the teaching activity takes place under the responsibility of the educational establishment,</i> or through a secure electronic network <i>environment</i> accessible only by the educational establishment's pupils or students and teaching staff;	educational establishment, <u>on its premises or other venues</u> , or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff; <u>and</u>	educational establishment, <i>on its premises or other venues</i> , or through a secure electronic <i>environment</i> accessible only by the educational establishment's pupils or students and teaching staff; <i>and</i>
143.	Art. 4, para 1, point (b)	(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.	(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible <i>for reasons of practicability</i> .	(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.	GREEN (b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.
144.	Art. 4, para 2, sub-para 1	2. Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the	2. Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, <i>such as material which is primarily intended for the</i>	2. <u>Notwithstanding Article 6(1)</u> , Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific <u>uses or</u> types of works or other subject-matter, to the	GREEN 2. <i>Notwithstanding Article 6(1)</i> , Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific <i>uses or</i> types of works or other subject-

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		acts described in paragraph 1 are easily available in the market.	<i>educational market or sheet music</i> , to the extent that adequate licences licences <i>licencing agreements</i> authorising the acts described in paragraph 1 <i>and tailored to the needs and specificities of educational establishments</i> are easily available in the market.	extent that adequate licences <u>covering the needs of educational establishments and</u> authorising the acts described in paragraph 1 are easily available in the market.	matter, <i>such as material which is primarily intended for the educational market or sheet music</i> , to the extent that <i>suitable</i> licences authorising the acts described in paragraph 1 <i>covering the needs and specificities of educational establishments</i> are easily available in the market.
145.	Art. 4, para 2, sub-para 2	Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.	Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.	Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of that <u>rightsholders make</u> the licences authorising the acts described in paragraph 1 <u>available and visible</u> for educational establishments.	GREEN Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.
146.	Art. 4, para 3	3. The use of works and other subject-matter for the sole purpose of	3. The use of works and other subject-matter for the sole purpose of	3. The use of works and other subject-matter for the sole purpose of	GREEN 3. The use of works and other subject-matter for the

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.	illustration for teaching through secure electronic networks environments undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.	illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.	sole purpose of illustration for teaching through secure electronic environments undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.
147.	Art. 4, para 4	4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.	4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.	4. Member States may provide for fair compensation for the harm incurred by the to rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.	GREEN 4. Member States may provide for fair compensation for the harm incurred by the to rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.
148.	Art. 4, para 4a		4a. Without prejudice to paragraph 2, any contractual provision contrary to the exception or limitation adopted		<i>[contractual override dealt with under Article 6(1)]</i> <i>[as regards the provision on royalty free licences: agreement on having instead]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<p><i>pursuant to paragraph 1 shall be unenforceable. Member States shall ensure that rightholders have the right to grant royalty-free licences authorising the acts described in paragraph 1, generally or as regards specific types of works or other subject-matter that they may choose.</i></p> <p><i>[See Council's Article 6(1) (row 155)]</i></p>		<p><i>a general recital on free licences: see recital 43b, row 90 final part]</i></p>
149.	Art. 5, title	<p><i>Article 5</i> <i>Preservation of cultural heritage</i></p>	<p><i>Article 5</i> <i>Preservation of cultural heritage</i></p>	<p><i>Article 5</i> <i>Preservation of cultural heritage</i></p>	<p><i>Article 5</i> <i>Preservation of cultural heritage</i></p>
150.	Art. 5, [para 1 (EP)]	<p>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, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this</p>	<p>1. 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, Article 4(1)(a) of Directive 2009/24/EC and Article</p>	<p>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, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this</p>	<p>GREEN</p> <p>1. 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, Article 4(1)(a) of Directive 2009/24/EC and</p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.	11(1) of this Directive, permitting cultural heritage institutions to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose purposes of preservation of such works or other subject-matter and to the extent necessary for such preservation.	Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.	Article 11(1) of this Directive, permitting cultural heritage institutions to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for purposes of preservation of such works or other subject-matter and to the extent necessary for such preservation.
151.	Art. 5, para 1a		<i>1a. Member States shall ensure that any material resulting from an act of reproduction of material in the public domain shall not be subject to copyright or related rights, provided that such reproduction is a faithful reproduction for purposes of preservation of the original material.</i>		<i>1a. Member States shall provide that, when the term of protection of a work of visual art has expired, any material resulting from an act of reproduction of that work shall not be subject to copyright or related rights, unless the material resulting from that act of reproduction is original in the sense that it is the author's own intellectual creation.</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
					<i>[as the text set out above is not about an exception, Trilogue of 11.02 agreed to place it outside Article 5/ into as separate provision after Article 10 Negotiation mechanism; see new Article 10b, in new rows 214A and 214B]</i>
152.	Art. 5, para 1b		1b. <i>Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.</i> <i>[See Council's Article 6(1) (row 155)]</i>		GREEN <i>[contractual override dealt with under Article 6(1)]</i>
153.	Art. 6, title	<i>Article 6 Common provisions</i>	<i>Article 6 Common provisions</i>	<i>Article 6 Common provisions</i>	<i>Article 6 Common provisions</i>
154.	Art. 6, para 1 (EP)		1. <i>Accessing content covered by an exception provided for in this Directive shall not confer on users any entitlement to</i>		GREEN <i>Deleted</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>use it pursuant to another exception.</i>		
155.	Art. 6, para 1 (Council)			<p>1. Any contractual provision contrary to the exceptions provided for in Articles 3, 4(1) and 5 shall be unenforceable.</p> <p><i>[See Article 3(2) of the COM proposal and Parliament's Articles 3(2) and 4(4a) and 5(1b)]</i></p>	<p>GREEN</p> <p>1. Any contractual provision contrary to the exceptions provided for in Articles 3, 4 and 5 shall be unenforceable.</p> <p><i>[provisionally agreed at trilogue 25/10/2018]</i></p>
156.	Art. 6, para 2	Article 5(5) and the first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.	2. Article 5(5) and the first, third, fourth and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.	<p>2. Article 5(5) and the of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title. The first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions Articles 3, 4(1) and the limitation</p>	<p>2. Article 5(5) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title. The first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to Articles 3, 3a, 4 and 5 of the exceptions and the limitations provided for in this Directive.</p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				provided for under <u>5</u> of this Title <u>Directive</u> .	
157.		TITLE III MEASURES TO IMPROVE LICENSING PRACTICES AND ENSURE WIDER ACCESS TO CONTENT	TITLE III MEASURES TO IMPROVE LICENSING PRACTICES AND ENSURE WIDER ACCESS TO CONTENT	TITLE III MEASURES TO IMPROVE LICENSING PRACTICES AND ENSURE WIDER ACCESS TO CONTENT	TITLE III MEASURES TO IMPROVE LICENSING PRACTICES AND ENSURE WIDER ACCESS TO CONTENT
158.		CHAPTER 1 Out-of-commerce works	CHAPTER 1 Out-of-commerce works	CHAPTER 1 Out-of-commerce works	CHAPTER 1 Out-of-commerce works
159.	Art. 7, title	<i>Article 7</i> <i>Use of out-of-commerce works by cultural heritage institutions</i>	<i>Article 7</i> <i>Use of out-of-commerce works by cultural heritage institutions</i>	<i>Article 7</i> <i>Use of out-of-commerce works by cultural heritage institutions</i>	<i>Article 7</i> <i>Use of out-of-commerce works by cultural heritage institutions</i>
160.	Art. 7, para 1, introductory part	1. Member States shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution,	1. Member States shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the digitisation, distribution,	1. Member States shall provide that when a collective management organisation, on behalf of <u>in accordance with</u> its members, concludes <u>mandates, may</u> <u>conclude</u> a non-exclusive licence for non-commercial purposes with a cultural	GREEN 1. Member States shall provide that a collective management organisation, in accordance with its mandates, may conclude a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:	communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation, provided that:	heritage institution for the digitisation reproduction , distribution, communication to the public or making available to the public of out-of-commerce works or other subject-matter permanently in the collection of the institution, such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those irrespective of whether all rightholders covered by the licence who are not represented by have mandated the collective management organisation, provided that:	reproduction, distribution, communication to the public or making available to the public of out-of-commerce works or other subject-matter permanently in the collection of the institution, irrespective of whether all rightholders covered by the licence have mandated the collective management organisation, provided that:
161.	Art. 7, para 1, point (a)	(a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category	(a) the collective management organisation is, on the basis of mandates from rightholders, broadly representative of rightholders in the category	(a) the collective management organisation is, on the basis of mandates from rightholders, broadly sufficiently representative of	GREEN (a) the collective management organisation is, on the basis of mandates from rightholders, sufficiently representative of

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		of works or other subject-matter and of the rights which are the subject of the licence;	of works or other subject-matter and of the rights which are the subject of the licence;	rightholders in the category relevant type of works or other subject-matter and of the rights which are the subject of the licence;	rightholders in the relevant type of works or other subject-matter and of the rights which are the subject of the licence;
162.	Art. 7, para 1, point (b)	(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;	(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;	(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;	(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence.
163.	Art. 7, para 1, point (c)	(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.	(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.	(c) all rightholders may at any time object <u>exclude the possibility for collective management organisations to license</u> their works or other subject-matter being deemed to be out of commerce and in <u>accordance with this Article, either in general or in specific cases, or</u> exclude the application of the <u>any</u> licence <u>granted in accordance with this</u>	GREEN <i>[This point is moved to new paragraph 1b below – row 167]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>Article</u> to their works or other subject-matter.	
164.	Art. 7, para 1a		1a. <i>Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, and Article 11(1) of this Directive, permitting cultural heritage institutions to make copies available online of out-of-commerce works that are located permanently in their collections for not-for-profit purposes, provided that:</i>		GREEN 1a. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a), (b), (d) and (e) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, and Article 11(1) of this Directive, in order to allow cultural heritage institutions to make available out-of-commerce works or other subject-matter that are permanently in their collections for non-commercial purposes, provided that:
165.	Art. 7, para 1a, point (a)		(a) <i>the name of the author or any other identifiable rightholder is</i>		GREEN (a) the name of the author or any other identifiable rightholder is

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>indicated, unless this turns out to be impossible;</i>		indicated, unless this turns out to be impossible;
166.	Art. 7, para 1a, point (b)		(b) <i>all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the exception to their works or other subject-matter.</i>		GREEN (b) such works or other subject-matter are made available on non-commercial websites. <i>[Text of EP covered in new paragraph 1b below – row 167]</i>
167.	Art. 7, para 1b		1b. Member States shall provide that the exception adopted pursuant to paragraph 1a does not apply in sectors or for types of works where appropriate licensing-based solutions, including but not limited to solutions provided for in paragraph 1, are available. Member States shall, in consultation with authors, other rightholders, collective management		GREEN 1b. Member States shall provide that the exception or limitation referred to in the previous paragraph only applies to types of works or other subject-matter for which no collective management organisation exists that fulfils the conditions referred to in point (a) of paragraph 1. 1c. Member States shall provide that all rightholders may at any time, easily and

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>organisations and cultural heritage institutions, determine the availability of extended collective licensing-based solutions for specific sectors or types of works.</i>		effectively, exclude their works or other subject-matter from the licensing mechanism referred to in paragraph 1 or from uses under the exception or limitation referred to in paragraph 1a, either in general or in specific cases, including after the conclusion of a licence or the beginning of the use concerned.
168.	Art. 7, para 2, sub-para 1	2. A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.	2. A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so. <i>Member States may</i>	2. A work or other subject-matter shall be deemed to be out-of-commerce when <u>it can be presumed in good faith that</u> the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.	GREEN 2. A work or other subject-matter shall be deemed to be out-of-commerce when it can be presumed in good faith that the whole work or other subject-matter is not available to the public through customary channels of commerce after a reasonable effort is made to determine such availability.

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>provide a cut-off date in relation to determining whether a work previously commercialised is deemed to be out of commerce.</i> <i>[See definition of out-of-commerce work in Parliament's Article 2(4a) (rows 122-126)]</i>	<u>after a reasonable effort is made to determine such availability.</u>	
169.	Art. 7, para 2, sub-para 2	Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when	Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 <i>or used in accordance with paragraph 1a</i> do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of	Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the <u>may provide for specific</u> requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do. <u>Such requirements shall</u> not extend beyond what is necessary and reasonable, and do shall not preclude the possibility to determine the out-of-	GREEN Member States may provide for specific requirements, <u>such as a cut-off date</u> , to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 or used under the exception or limitation referred to in paragraph 1a. Such requirements shall not extend beyond what is necessary and reasonable, and shall not preclude the possibility to determine the out-of-commerce status of a

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.	a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.	commerce status of a collection as <u>set of works or other subject-matter</u> <u>as</u> a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out-of-commerce.	set of works or other subject-matter as a whole, when it is reasonable to presume that all works or other subject-matter are out-of-commerce.
170.	Art. 7, para 3, introductory part	3. Member States shall provide that appropriate publicity measures are taken regarding:	3. Member States shall provide that appropriate publicity measures are taken regarding:	3. <i>[Moved to new Article 8a(2)]</i>	3. <i>[Moved to new Article 8a(2)]</i>
171.	Art. 7, para 3, point (a)	(a) the deeming of works or other subject-matter as out of commerce;	(a) the deeming of works or other subject-matter as out of commerce;		
172.	Art. 7, para 3, point (b)	(b) the licence, and in particular its application to unrepresented rightholders;	(b) the <i>any</i> licence, and in particular its application to unrepresented rightholders;		
173.	Art. 7, para 3, point (c)	(c) the possibility of rightholders to object, referred to in point (c) of paragraph 1;	(c) the possibility of rightholders to object, referred to in point (c) of paragraph 1 <i>and point (b) of paragraph 1a;</i>		

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
174.	Art. 7, para 3, closing phrase	including during a reasonable period of time before the works or other subject-matter are digitised, distributed, communicated to the public or made available.	including during a reasonable period of time <i>at least six months</i> before the works or other subject-matter are digitised, distributed, communicated to the public or made available.		
175.	Art. 7, para 4, introductory part / Art. 7, para 4 (Council)	4. Member States shall ensure that the licences referred to in paragraph 1 are sought from a collective management organisation that is representative for the Member State where:	4. Member States shall ensure that the licences referred to in paragraph 1 are sought from a collective management organisation that is representative for the Member State where:	4. Member States shall ensure that the licences referred to in paragraph 1 are sought from a collective management organisation that is representative for the Member State where: <u>the cultural heritage institution is established.</u>	GREEN 4. Member States shall ensure that the licences referred to in paragraph 1 are sought from a collective management organisation that is representative for the Member State where the cultural heritage institution is established.
176.	Art. 7, para 5, introductory part (Council)			<u>5. This Article shall not apply to sets of out-of-commerce if, following the reasonable effort to determine commercial availability, there is</u>	GREEN 5. This Article shall not apply to sets of out-of-commerce works if, on the basis of the reasonable effort referred to in paragraph 2, there is evidence that such

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>evidence that such sets predominantly consist of:</u>	sets predominantly consist of:
177.	Art. 7, para 4, point (a) (EP)/ Art. 7, para 5, point (a) (Council)	(a) the works or phonograms were first published or, in the absence of publication, where they were first broadcast, except for cinematographic and audiovisual works;	(a) the works or phonograms were first published or, in the absence of publication, where they were first broadcast, except for cinematographic and audiovisual works;	(a) the works or <u>other subject-matter</u> phonograms were first published or, in the absence of publication, where they were first broadcast <u>in a third country</u> , except for cinematographic and <u>or</u> audiovisual works;	GREEN (a) works or other subject-matter first published or, in the absence of publication, first broadcast in a third country, except for cinematographic or audiovisual works;
178.	Art. 7, para 4, point (b) (EP)/ Art. 7, para 5, point (b) (Council)	(b) the producers of the works have their headquarters or habitual residence, for cinematographic and audiovisual works; or	(b) the producers of the works have their headquarters or habitual residence, for cinematographic and audiovisual works; or	(b) <u>cinematographic or audiovisual works</u> , the producers of the <u>works which</u> have their headquarters or habitual residence, for cinematographic and audiovisual works <u>in a third country</u> ; or	GREEN (b) cinematographic or audiovisual works, the producers of which have their headquarters or habitual residence in a third country; or
179.	Art. 7, para 4, point (c) (EP) /Art. 7, para 5,	(c) the cultural heritage institution is established, when a Member State or a third country could not be determined, after	(c) the cultural heritage institution is established, when a Member State or a third country could not be determined, after	c) the cultural heritage institution is established, <u>works or other subject-matter of third country nationals</u> when a Member	GREEN c) works or other subject-matter of third country nationals when a

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
	point (c) (Council)	reasonable efforts, according to points (a) and (b).	reasonable efforts, according to points (a) and (b).	State or a third country could not be determined, after <u>a</u> reasonable efforts <u>effort</u> , according to points (a) and (b); 1 ;	Member State or a third country could not be determined, after a reasonable effort, according to points (a) and (b);
180.	Art. 7, para 5 (EP)/ Art. 7, para 5, closing phrase (Council)	5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject- matter of third country nationals except where points (a) and (b) of paragraph 4 apply.	5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject- matter of third country nationals except where points (a) and (b) of paragraph 4 apply.	5. — Paragraphs 1, 2 and 3 shall not apply to <u>unless</u> the works or other subject- matter <u>collective</u> <u>management</u> <u>organisation is</u> <u>sufficiently</u> <u>representative of</u> <u>rightholders of that</u> third country nationals except where points <u>in the</u> <u>meaning of point</u> (a) and (b) of paragraph 4 apply <u>1</u> .	GREEN unless the collective management organisation is sufficiently representative of rightholders of that third country in the meaning of point (a) of paragraph 1.
181.	Art. 8, title	<i>Article 8</i> <i>Cross-border uses</i>	<i>Article 8</i> <i>Cross-border uses</i>	<i>Article 8</i> <i>Cross-border uses</i>	<i>Article 8</i> <i>Cross-border uses</i>
182.	Art. 8, para 1	1. Works or other subject-matter covered by a licence granted in accordance with Article 7 may be used by the cultural heritage institution in	1. Works Out-of- commerce works or other subject-matter covered by a licence granted in accordance with Article 7 may be used by the cultural	1. Works or other subject-matter covered by a <u>A</u> licence granted in accordance with Article 7 may be used <u>allow the use</u> <u>of out-of-commerce</u>	GREEN 1. A licence granted in accordance with Article 7 may allow the use of out-of- commerce works or other

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		accordance with the terms of the licence in all Member States.	heritage institution in accordance with the terms of the licence <i>that Article</i> in all Member States.	<u>works or other subject-matter</u> by the cultural heritage institution in accordance with the terms of the licence in all <u>any</u> Member States <u>State</u> .	subject-matter by the cultural heritage institution in any Member State. 2. The uses of works and other subject-matter under the exception or limitation referred to in Article 7(1a) shall be deemed to occur solely in the Member State where the cultural heritage institution undertaking that use is established.
183.	Art. 8, para 2	2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are	2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in <i>point (c) of Article 7(1) and point (b) of Article 7(1a)</i> are made publicly <i>permanently, easily and effectively</i>	2. <i>[Moved to new Article 8a(1)]</i>	GREEN 2. <i>[Moved to new Article 8a(1)]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.	accessible in a <i>public</i> single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, <i>or in the cases covered by Article 7(1a), where the cultural heritage institution is established</i> and for the whole duration of the licence.		
184.	Art. 8, para 3	3. The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.	3. The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.	3. <i>[Moved to new Article 8a(1) second subparagraph]</i>	GREEN 3. <i>[Moved to new Article 8a(1) second subparagraph]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
185.	Art. 8a, title			<u>Article 8a</u> <u>Publicity measures</u>	GREEN <u>Article 8a</u> <u>Publicity measures</u>
186.	Art. 8a, para 1, sub- para 1			1. Member States shall ensure that information that allows for <u>the purposes of</u> the identification of the <u>out-of-commerce</u> works or other subject-matter covered by a licence granted in accordance with Article 7 and as well as information about the possibility <u>possibilities</u> of rightholders to object referred to in Article 7(1)(c) are , <u>and, as soon as it is available, information on the parties to the licence, the covered territories and the allowed uses is</u> made publicly accessible in a single online portal for from at least six months	GREEN 1. Member States shall ensure that information <u>from cultural heritage institutions, collective management organisations or relevant public authorities</u> for the purposes of the identification of the out-of-commerce works or other subject-matter <u>covered by a licence granted in accordance with Article 7(1) or used under the exception or limitation referred to in Article 7(1a) as well as</u> information about the possibilities of rightholders referred to in Article 7(1c), and, as soon as it is available <u>and where</u>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<p>before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of to the public in accordance with the licence.</p> <p><i>[Article 8(2) of the COM proposal, amended]</i></p>	<p>relevant, information on the parties to the licence, the covered territories and the allowed uses is made permanently, easily and effectively accessible in a public single online portal from at least six months before the works or other subject-matter are distributed, communicated to the public or made available to the public in accordance with the licence or under the exception or limitation.</p> <p><i>[Article 8(2) of the COM proposal, amended]</i></p>
187.	Art. 8a, para 1, sub-para 2			<p>3. — The portal referred to in paragraph 2 shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.</p>	<p>GREEN</p> <p>The portal shall be established and managed by the European Union Intellectual Property Office in accordance with Regulation (EU) No 386/2012.</p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<i>[Article 8(3) of the COM proposal, amended]</i>	<i>[Article 8(3) of the COM proposal, amended]</i>
188.	Art. 8a, para 2			<p>2. Member States shall provide that, <u>if necessary for the general awareness of rightholders, further</u> appropriate publicity measures are taken regarding: (a) the deeming of works or other subject-matter as out of commerce; (b) the licence, and in particular its application to unrepresented rightholders; <u>the possibility for collective management organisations to license works or other subject-matter in accordance with Article 7, the licences granted and</u> (c) the possibilities to object of rightholders referred to in</p>	<p>GREEN</p> <p>2. Member States shall provide that, if necessary for the general awareness of rightholders, further appropriate publicity measures are taken regarding the possibility for collective management organisations to license works or other subject-matter in accordance with Article 7, the licences granted, the uses under the exception or limitation referred to in Article 7(1a) and the possibilities of rightholders referred to in Article 7(1c).</p> <p>The additional appropriate publicity measures shall be taken in the Member State where the licence is sought</p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<p>point (c) of paragraph 1 Article 7(1)(c)–;</p> <p>Including during a reasonable period of time before the works or other subject-matter are digitised, distributed, communicated to the public or made available.</p> <p><u>The additional appropriate publicity measures shall be taken in the Member State where the licence is sought. If there is evidence, such as the origin of the works or other subject-matter, to suggest that the awareness of rightholders could be more efficiently raised in other Member States or third countries, such publicity measures shall also cover those Member States and third countries.</u></p>	<p>in accordance to Article 7(1) or, for uses under the exception or limitation referred to in Article 7(1a), where the cultural heritage institution is established. If there is evidence, such as the origin of the works or other subject-matter, to suggest that the awareness of rightholders could be more efficiently raised in other Member States or third countries, such publicity measures shall also cover those Member States and third countries.</p> <p><i>[Article 7(3) of the COM proposal, amended]</i></p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<i>[Article 7(3) of the COM proposal, amended]</i>	
189.	Art. 9, title	<i>Article 9 Stakeholder dialogue</i>	<i>Article 9 Stakeholder dialogue</i>	<i>Article 9 Stakeholder dialogue</i>	<i>Article 9 Stakeholder dialogue</i>
190.	Art 9	Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1), ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).	Member States shall ensure a regular dialogue between representative users' and rightholders' organisations, and any other relevant stakeholder organisations, to, on a sector-specific basis, foster the relevance and usability of the licensing mechanisms referred to in Article 7(1) and the exception referred to in Article 7(1a) , ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in	Member States shall ensure <u>consult rightholders, collective management organisations and cultural heritage institutions in each sector before establishing specific requirements pursuant to Article 7(2), and encourage</u> a regular dialogue between representative users' and rightholders' organisations, <u>including collective management organisations,</u> and any other relevant stakeholder organisations, to , on a sector-specific basis, <u>to</u> foster the relevance and usability of the licensing mechanisms referred to in	GREEN Member States shall <u>consult</u> rightholders, collective management organisations and cultural heritage institutions in each sector before establishing specific requirements pursuant to Article 7(2), and encourage a regular dialogue between representative users' and rightholders' organisations, including collective management organisations, and any other relevant stakeholder organisations, on a sector-specific basis, to foster the relevance and usability of the licensing mechanisms referred to in Article 7(1) and to ensure the effectiveness of the

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			the second subparagraph of Article 7(2).	Article 7(1), <u>and to</u> ensure the effectiveness of the safeguards for rightholders referred to in this Chapter, notably as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2).	safeguards for rightholders referred to in this Chapter.
191.				<u>CHAPTER 1a</u> <u>Measures to facilitate collective licensing</u>	<u>CHAPTER 1a</u> <u>Measures to facilitate collective licensing</u>
192.	Art. 9a, title			<u>Article 9a</u> <u>Collective licensing with an extended effect</u>	<u>Article 9a</u> <u>Collective licensing with an extended effect</u>
193.	Art. 9a, para 1			<u>1. Member States may provide, as far as the use within their national territory is concerned and subject to safeguards provided for in this Article, that when a</u>	1. Member States may provide, as far as the use within their national territory is concerned and subject to safeguards provided for in this Article, that when a collective management

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>collective management organisation, in accordance with its mandates from rightholders, enters into a licensing agreement for the exploitation of works or other subject-matter such an agreement may be extended to apply to the rights of rightholders who have not authorised the organisation to represent them by way of assignment, licence or any other contractual arrangement; or, with respect to such an agreement, the organisation has a legal mandate or is presumed to represent rightholders who have not authorised the organisation accordingly.</u>	organisation, to which is <u>subject to the national rules implementing Article 2 of Directive 2014/26/EU, applies and which</u> , in accordance with its mandates from rightholders, enters into a licensing agreement for the exploitation of works or other subject-matter such an agreement may be extended to apply to the rights of rightholders who have not authorised the that <u>collective management</u> organisation to represent them by way of assignment, licence or any other contractual arrangement; or, with respect to such an agreement, the organisation has a legal mandate or is presumed to represent rightholders who have not authorised the organisation accordingly.

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
194.	Art. 9a, para 2			<u>2. Member States shall ensure that the licensing mechanism referred to in paragraph 1 is only applied within well-defined areas of use where obtaining authorisations from rightholders on an individual basis is typically onerous and impractical to a degree that makes the required licensing transaction unlikely due to the nature of the use or of the types of works or other subject-matter concerned and that such mechanism safeguards the legitimate interests of rightholders.</u>	2. Member States shall ensure that the licensing mechanism referred to in paragraph 1 is only applied within well-defined areas of use where obtaining authorisations from rightholders on an individual basis is typically onerous and impractical to a degree that makes the required licensing transaction unlikely due to the nature of the use or of the types of works or other subject-matter concerned and that such licensing mechanism safeguards the legitimate interests of rightholders .
195.	Art. 9a, para 3			<u>3. The safeguards referred to in paragraph 1 must ensure that:</u>	3. The safeguards referred to in paragraph 1 must ensure shall provide that:

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
196.	Art. 9a, para 3, point (a)			<u>(a) the organisation is, on the basis of mandates from rightholders, sufficiently representative of rightholders in the relevant type of works or other subject-matter and of the rights which are the subject of the licence for the relevant Member State;</u>	(a) the <u>collective right management</u> organisation is, on the basis of mandates from rightholders, sufficiently representative of rightholders in the relevant type of works or other subject-matter and of the rights which are the subject of the licence for the relevant Member State;
197.	Art. 9a, para 3, point (b)			<u>(b) equal treatment is guaranteed to all rightholders in relation to the terms of the licence;</u>	(b) equal treatment is guaranteed to all rightholders, <u>including</u> in relation to the terms of the licence;
198.	Art. 9a, para 3, point (c)			<u>(c) rightholders who have not authorised the organisation operating the licence may at any time easily and effectively exclude their works or other subject-matter from the licensing mechanism established in</u>	(c) rightholders who have not authorised the organisation operating the licence may at any time easily and effectively exclude their works or other subject-matter from the licensing mechanism

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>accordance with this Article;</u>	established in accordance with this Article;
199.	Art. 9a, para 3, point (d)			<u>(d) appropriate publicity measures are taken to raise the awareness of rightholders regarding the possibility for organisations to license works or other subject-matter and the licensing taking place in accordance with this Article, and the possibilities of rightholders referred to in point (c) starting from a reasonable period before the works or other subject-matter are used under the licence. Publicity measures should be effective without the need to inform each rightholder individually.</u>	(d) appropriate publicity measures are taken to raise the awareness of inform rightholders regarding the possibility for the collective management organisations to license works or other subject-matter and the licensing taking place in accordance with this Article, and the possibilities of rightholders referred to in point (c) starting from a reasonable period before the works or other subject-matter are used under the licence. Publicity measures should be effective without the need to inform each rightholder individually.

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
200.	Art. 9a, para 4			<u>4. The rules provided for in this Article are without prejudice to the application of collective licensing mechanisms with an extended effect in conformity with other provisions of Union law, including those which allow exceptions or limitations, and shall not apply to mandatory collective management of rights.</u>	4. The rules provided for in this Article are without prejudice to the application of collective licensing mechanisms with an extended effect in conformity with other existing provisions of Union law, including those provisions which allow exceptions or limitations. <u>This article shall not apply to mandatory collective management of rights.</u> <u>Article 7 of Directive 2014/26/EU shall apply to the licensing mechanism provided for in this Article.</u>
201.	Art. 9a, para 5			<u>5. Where the law of a Member State provides for a licensing mechanism in accordance with this Article, the</u>	5. Where the law of a Member State provides for a licensing mechanism in accordance with this Article, the Member State concerned

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>Member State concerned shall inform the Commission about the scope of that law, purposes and types of licences that may be introduced under that law as well as contact details for organisations issuing licences in accordance with the mechanism in paragraph 1. The Commission shall publish this information.</u>	shall inform the Commission about the scope of that law, purposes and types of licences that may be introduced under that law as well as contact details for organisations issuing licences in accordance with the mechanism in paragraph 1, <u>and the way in which information on the licensing and the possibilities of rightholders referred to in point (c) of paragraph 3 can be obtained.</u> The Commission shall publish this information.
202.	Art. 9a, para 6			<u>6. Based on the information received pursuant to paragraph 5 and on the discussions in the contact committee referred to in Article 12(3) of Directive 2001/29/EC, the Commission shall, by 31</u>	6. Based on the information received pursuant to paragraph 5 and on the discussions in the contact committee referred to in Article 12(3) of Directive 2001/29/EC, the Commission shall, by 10 April 2021 , submit to the

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<p><u>December 2020, submit to the European Parliament and to the Council a report on the use of such mechanisms referred to in paragraph 1 in the EU and their impact on licensing and rightholders. The Commission's report shall be accompanied, if appropriate, by a legislative proposal, including</u> as regards publicity measures, and, where applicable, assist in the establishment of the requirements referred to in the second subparagraph of Article 7(2). <u>the cross-border effect of such national schemes.</u></p>	<p>European Parliament and to the Council a report on the use of such mechanisms referred to in paragraph 1 in the EU, <u>and their impact on licensing and rightholders, including right-holders who are not members and/or who are nationals of, or resident in, another Member State, their effectiveness to facilitate the -dissemination of cultural content, -and the impact on the internal market, including the cross-border provision of services and competition.</u> The Commission's report shall be accompanied, if appropriate, by a legislative proposal, including as regards the cross-border effect of such national schemes.</p>
203.		CHAPTER 2 Access to and availability	CHAPTER 2 Access to and availability	CHAPTER 2 Access to and availability	CHAPTER 2

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		of audiovisual works on video-on-demand platforms	of audiovisual works on video-on-demand platforms	of audiovisual works on video-on-demand platforms	Access to and availability of audiovisual works on video-on-demand platforms
204.	Art. 10, title	<i>Article 10 Negotiation mechanism</i>	<i>Article 10 Negotiation mechanism</i>	<i>Article 10 Negotiation mechanism</i>	<i>Article 10 Negotiation mechanism</i>
205.	Art. 10, sub-para 1	Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they may rely on the assistance of an impartial body with relevant experience. That body shall provide assistance with negotiation and help reach agreements.	Member States shall ensure that where parties wishing to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of audiovisual rights, they may rely on the assistance of an impartial body with relevant experience. That body The impartial body created or designated by the Member State for the purpose of this Article shall provide assistance to the parties with negotiation and help them to reach agreement.	Member States shall ensure that where parties wishing facing difficulties related to the licensing of rights when seeking to conclude an agreement for the purpose of making available audiovisual works on video-on-demand platforms face difficulties relating to the licensing of rights, they services , may rely on the assistance of an impartial body with relevant experience. That or of mediators. The body or mediators shall provide assistance to the parties with negotiation their negotiations and help them reach agreements,	GREEN Member States shall ensure that parties facing difficulties related to the licensing of rights when seeking to conclude an agreement for the purpose of making available audiovisual works on video-on-demand services, may rely on the assistance of an impartial body or of mediators. The impartial body created or designated by the Member State for the purpose of this Article or mediators shall provide assistance to the parties with their negotiations and help them reach agreements, including, where

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>including, where appropriate, by submitting proposals to the parties.</u>	appropriate, by submitting proposals to the parties.
206.	Art. 10, sub-para 2	No later than [date mentioned in Article 21(1)] Member States shall notify to the Commission the body referred to in paragraph 1.	No later than [date mentioned in Article 21(1)] Member States shall notify inform the Commission of the body referred to in paragraph 1. they create or designate pursuant to the first paragraph.	No later than [date mentioned in Article 21(1)] Member States shall notify to the Commission the body or mediators referred to in paragraph 1 <u>no later than [date mentioned in Article 21(1)]. In cases where Member States have chosen to rely on mediation, the notification to the Commission shall at least include, when available, the source where relevant information on the entrusted mediators can be found.</u>	GREEN Member States shall notify to the Commission the body or mediators referred to in paragraph 1 no later than [date mentioned in Article 21(1)]. In cases where Member States have chosen to rely on mediation, the notification to the Commission shall at least include, when available, the source where relevant information on the entrusted mediators can be found.
207.	Art. 10, sub-para 3		<i>To encourage the availability of audiovisual works on video-on-demand platforms,</i>		GREEN <i>Deleted</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>Member States shall foster dialogue between representative organisations of authors, producers, video-on-demand platforms and other relevant stakeholders.</i>		
208.			<i>CHAPTER 2a Access to Union publications</i>		<i>Deleted</i>
209.	Art. 10a, title		<i>Article 10 a Union Legal Deposit</i>		<i>Deleted</i>
210.	Art. 10a, para 1		<i>1. Any electronic publication dealing with Union-related matters such as Union law, Union history and integration, Union policy and Union democracy, institutional and parliamentary affairs, and politics, that is made available to the public in the Union shall be subject to a Union Legal Deposit.</i>		<i>Deleted</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
211.	Art. 10a, para 2		<i>2. The European Parliament Library shall be entitled to delivery, free of charge, of one copy of every publication referred to in paragraph 1.</i>		<i>Deleted</i>
212.	Art. 10a, para 3		<i>3. The obligation set out in paragraph 1 shall apply to publishers, printers and importers of publications for the works they publish, print or import in the Union.</i>		<i>Deleted</i>
213.	Art. 10a, para 4		<i>4. From the day of the delivery to the European Parliament Library, the publications referred to in paragraph 1 shall become part of the European Parliament Library permanent collection. They shall be made available to users at the European Parliament Library's premises exclusively for the purpose</i>		<i>Deleted</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>of research or study by accredited researchers and under the control of the European Parliament Library.</i>		
214.	Art. 10a, para 5		<i>5. The Commission shall adopt acts to specify the modalities relating to the delivery to the European Parliament Library of publications referred to in paragraph 1.</i>		<i>Deleted</i>
214A	Art. 10b				<i>Article 10b</i>
214B	ex Article 5 para. 1a (EP's text)		<i>1a. Member States shall ensure that any material resulting from an act of reproduction of material in the public domain shall not be subject to copyright or related rights, provided that such reproduction is a faithful reproduction for purposes of preservation of the original material.</i>		<i>Member States shall provide that, when the term of protection of a work of visual art has expired, any material resulting from an act of reproduction of that work shall not be subject to copyright or related rights, unless the material resulting from that act of reproduction is original in the sense that it is the</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
					<i>author's own intellectual creation.</i> <i>[text taken (unchanged) from 4th column row 151]</i>
215.		TITLE IV MEASURES TO ACHIEVE A WELL- FUNCTIONING MARKETPLACE FOR COPYRIGHT	TITLE IV MEASURES TO ACHIEVE A WELL- FUNCTIONING MARKETPLACE FOR COPYRIGHT	TITLE IV MEASURES TO ACHIEVE A WELL- FUNCTIONING MARKETPLACE FOR COPYRIGHT	TITLE IV MEASURES TO ACHIEVE A WELL-FUNCTIONING MARKETPLACE FOR COPYRIGHT
216.		CHAPTER 1 Rights in publications	CHAPTER 1 Rights in publications	CHAPTER 1 Rights in publications	CHAPTER 1 Rights in publications
217.	Art. 11, title	<i>Article 11 Protection of press publications concerning digital uses</i>	<i>Article 11 Protection of press publications concerning digital uses</i>	<i>Article 11 Protection of press publications concerning digital<u>online</u> uses</i>	<i>Article 11 Protection of press publications concerning <u>online</u> uses</i>
218.	Art. 11, para 1	1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of	1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2)	1. Member States shall provide publishers of press publications <u>established in a Member State</u> with the rights	GREEN 1. Member States shall provide publishers of press publications established in a Member State with the

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		Directive 2001/29/EC for the digital use of their press publications.	of Directive 2001/29/EC <i>so that they may obtain fair and proportionate remuneration</i> for the digital use of their press publications <i>by information society service providers</i> .	provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital <u>online</u> use of their press publications <u>by information society service providers</u> .	rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the online use of their press publications <i>by information society service providers</i> . <i>These rights shall not apply to private or non-commercial uses of press publications carried out by individual users.</i> The protection granted under the first subparagraph shall not apply to acts of hyperlinking.
219.	Art. 11, para 1, sub-para 2			<u>The rights referred to in the first subparagraph shall not apply in respect of uses of insubstantial parts of a press publication. Member States shall be free to determine the insubstantial nature of parts of press publications taking into account whether these</u>	GREEN <u>The rights referred to in the first subparagraph shall not apply in respect of uses of individual words or very short extracts of a press publication.</u>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>parts are the expression of the intellectual creation of their authors, or whether these parts are individual words or very short excerpts, or both criteria.</u>	
220.	Art. 11, para 1a		<i>1a. The rights referred to in paragraph 1 shall not prevent legitimate private and non-commercial use of press publications by individual users.</i>		<i>[integrated into paragraph 1, row 218]</i>
221.	Art. 11, para 2	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	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	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 <u>The rights referred to in paragraph 1</u> may not be invoked against those	GREEN 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. <i>The rights referred to in paragraph 1</i> may not be invoked against

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		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.	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.	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.	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.
222.	Art. 11, para 2, sub- para 2			<u>When a work or other subject-matter is incorporated in a press publication on the basis of a non-exclusive licence, the rights referred to in paragraph 1 may not be invoked to prohibit the use by other authorised users. The rights referred to in paragraph 1 may not be invoked to prohibit the use of works or other subject-matter whose protection has expired.</u>	GREEN <i>When a work or other subject-matter is incorporated in a press publication on the basis of a non-exclusive licence, the rights referred to in paragraph 1 may not be invoked to prohibit the use by other authorised users. The rights referred to in paragraph 1 may not be invoked to prohibit the use of works or other subject matter whose protection has expired.</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
223.	Art. 11, para 2a		<i>2a. The rights referred to in paragraph 1 shall not extend to mere hyperlinks which are accompanied by individual words.</i>		GREEN <i>[integrated into paragraph 1, row 218]</i>
224.	Art. 11, para 3	3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply <i>mutatis mutandis</i> in respect of the rights referred to in paragraph 1.	3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply <i>mutatis mutandis</i> in respect of the rights referred to in paragraph 1.	3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply <i>mutatis mutandis</i> in respect of the rights referred to in paragraph 1.	GREEN 3. Articles 5 to 8 of Directive 2001/29/EC and Directives 2012/28/EU and (EU) 2017/1564 shall apply <i>mutatis mutandis</i> in respect of the rights referred to in paragraph 1.
225.	Art. 11, para 4	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.	4. The rights referred to in paragraph 1 shall expire 20 5 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. <i>The right referred to in paragraph 1 shall not apply with retroactive effect.</i>	4. The rights referred to in paragraph 1 shall expire 20 years 1 year after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date o publication.	GREEN 4. The rights referred to in paragraph 1 shall expire 20 years 1 year [5 years] 2 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. <i>Paragraph 1 shall not apply</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
					<i>to press publications first published before [entry into force of the Directive].</i>
226.	Art. 11, para 4a		<i>4a. Member States shall ensure that authors receive an appropriate share of the additional revenues press publishers receive for the use of a press publication by information society service providers</i>		GREEN <i>4a. Member States shall provide that the authors of the works incorporated in a press publication receive an appropriate share of the additional revenues that press publishers receive for the use of their press publications by information society service providers.</i>
227.	Art. 11, para 5			5. Paragraph 1 shall not apply to press publications first published before [entry into force of the Directive].	GREEN <i>[integrated into paragraph 4; see last sentence in row 225]</i>
228.	Art, 12, title	<i>Article 12 Claims to fair compensation</i>	<i>Article 12 Claims to fair compensation</i>	<i>Article 12 Claims to fair compensation</i>	<i>Article 12 Claims to fair compensation</i>
229.	Art. 12, sub-para 1	Member States may provide that where an	Member States with compensation-sharing	Member States may provide that where an	GREEN

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
	(EP)/ Art. 12, introductory part (Council)]	author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.	<i>systems between authors and publishers for exceptions and limitations</i> may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right, <i>provided that an equivalent compensation-sharing system was in operation in that Member State before 12 November 2015.</i>	author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim <u>be entitled to</u> a share of-; <i>[remaining part of this paragraph of the COM proposal was moved to new point (a) (see row 230)]</i>	Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to be entitled to a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.
230.	Art. 12, point (a)			<u>(a)</u> the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right-; <u>and</u>	GREEN <i>[integrated into row 229]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<i>[See Parliament's sub-paragraph 1 of Article 12 (row 229)]</i>	
231.	Art. 12, point (b)			<u>(b) the remuneration for public lending provided for in Article 6(1) of Directive 2006/115/EC.</u>	GREEN <i>Deleted</i>
232.	Art. 12, sub-para 2		<i>The first paragraph shall be without prejudice to the arrangements in Member States concerning public lending rights, the management of rights not based on exceptions or limitations to copyright, such as extended collective licensing schemes, or concerning remuneration rights on the basis of national law.</i>		GREEN The first paragraph shall be without prejudice to existing and future arrangements in Member States concerning public lending rights.
233.			CHAPTER 1a <i>Protection of sport event organizers</i>		<i>Deleted</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
234.	Art. 12a, title		Article 12a <i>Protection of sport event organizers</i>		<i>Deleted</i>
235.	Art. 12a		<i>Member States shall provide sport event organizers with the rights provided for in Article 2 and Article 3 (2) of Directive 2001/29/EC and Article 7 of Directive 2006/115/EC.</i>		<i>Deleted</i>
236.		CHAPTER 2 Certain uses of protected content by online services	CHAPTER 2 Certain uses of protected content by online services	CHAPTER 2 Certain uses of protected content by online services	CHAPTER 2 Certain uses of protected content by online services
237.	Art. 13, title	<i>Article 13</i> <i>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</i>	<i>Article 13</i> <i>Use of protected content by information society online content sharing service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users</i>	<i>Article 13</i> <i>Use of protected content by information society online content sharing service providers storing</i>	<i>[the compromise text of Article 13 is set out in row 237A]</i>
237A		GREEN			

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		<p style="text-align: center;"><i>Article 13</i></p> <p style="text-align: center;"><i>Use of protected content by online content sharing service providers</i> <i>[storing and giving access to large amounts of works and other subject matter uploaded by their users]</i></p>			
		<p>GREEN</p> <p>1. Member States shall provide that an online content sharing service provider performs an act of communication to the public or an act of making available to the public for the purposes of this directive when it gives the public access to copyright protected works or other protected subject matter uploaded by its users.</p>			
		<p>GREEN</p> <p>An online content sharing service provider shall therefore obtain an authorisation from the rightholders referred to in Article 3(1) and (2) of Directive 2001/29/EC, for instance by concluding a licencing agreement, in order to communicate or make available to the public works or other subject matter.</p>			
		<p>GREEN</p> <p>2. Member States shall provide that when an authorisation has been obtained, including via a licensing agreement, by an online content sharing service provider, this authorisation shall also cover acts carried out by users of the services falling within Article 3 of Directive 2001/29/EC when they are not acting on a commercial basis <u>or their activity does not generate significant revenues.</u></p>			
		<p>GREEN</p> <p>3. When an online content sharing service provider performs an act of communication to the public or an act of making available to the public, under the conditions established under this Directive, the limitation of liability established in Article 14(1) of Directive 2000/31/EC shall not apply to the situations covered by this Article. This</p>			

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		shall not affect the <i>possible</i> application of Article 14(1) of Directive 2000/31/EC to these service providers for purposes falling outside the scope of this Directive.			
		<p>GREEN</p> <p>4. If no authorisation is granted, online content sharing service providers shall be liable for unauthorised acts of communication to the public of copyright protected works and other subject matter, unless the service providers demonstrate that they have:</p> <ul style="list-style-type: none"> (a) made best efforts to obtain an authorisation, and (b) made, in accordance with high industry standards of professional diligence, best efforts to ensure the unavailability of specific works and other subject matter for which the rightholders have provided the service providers with the relevant and necessary information, and in any event (c) acted expeditiously, upon receiving a sufficiently substantiated notice by the rightholders, to remove from their websites or to disable access to the notified works and subject matters, and made best efforts to prevent their future uploads in accordance with paragraph (b). 			
		<p>GREEN</p> <p>4a. In determining whether the service has complied with its obligations under paragraph 4 and in the light of the principle of proportionality the following should, among others be taken into account:</p> <ul style="list-style-type: none"> (a) the type, the audience and the size of the service s and (b) the number and type of works or other subject matter uploaded by the users of the service; (e-b) the availability of suitable and effective <i>means</i> and their cost for service providers. 			
		GREEN			

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		<p>4aa. Member States shall provide that when new online content sharing service providers whose services have been available to the public in the Union for less than three years and which have an annual turnover below EUR 10 million within the meaning of the Commission Recommendation 2003/361/EC, the conditions applicable to them under the liability regime set out in paragraph 4 are limited to the compliance with the letter (a) above point (a) of paragraph 4 and to acting expeditiously, upon receiving a sufficiently substantiated notice, to remove the notified works and subject matters from its website or to disable access to them.</p> <p>Where the average number of monthly unique visitors of these service providers exceeds 5 million, calculated on the basis of the last calendar year, they shall also demonstrate that they have made best efforts to prevent further uploads of the notified works and other subject matter for which the rightholders have provided relevant and necessary information.</p> <p>5. The cooperation between online content service providers and rightholders shall not result in the prevention of the availability of works or other subject matter uploaded by users which do not infringe copyright and related rights, including where such works or subject matter are covered by an exception or limitation.</p> <p>Users shall be allowed to upload and make available content generated by themselves or by other users and which includes parts of, existing protected works and subject matter for purposes of, quotation, criticism, review, caricature, parody or pastiche.</p> <p><u>Member States shall ensure that users in all Member States* are able to rely on the following existing exceptions and limitations when uploading and making available content generated by users on online content sharing services:</u></p> <p><u>(a) quotation, criticism, review;</u></p> <p><u>(b) use for the purpose of caricature, parody or pastiche.</u></p>			

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		[* exact wording of “in all Member States to be revised by lawyer-linguists”]			
		GREEN 6. <i>(deleted/merged into paragraph 4)</i>			
		GREEN 7. The application of the provisions in this article shall not lead to any general monitoring obligation as defined in Article 15 of Directive 2000/31/EC. Member States shall provide that online content sharing service providers shall provide rightholders, at their request, with adequate information on the functioning of their practices with regard to <i>the cooperation referred to in paragraph 4</i> and, where licensing agreements are concluded between service providers and rightholders, information on the use of content covered by the agreements.			
		GREEN 8. Member States shall provide that an online sharing service provider puts in place an effective and expeditious complaint and redress mechanism that is available to users of the service in case of disputes over the removal of or blocking or disabling access to <i>of or</i> works or other subject matter uploaded by them.			
		When rightholders request to remove or disable access to their specific works or other subject matter, they shall duly justify the reasons for their requests. Complaints submitted under this mechanism shall be processed without undue delay and decisions to remove or disable access to uploaded content shall be subject to human review.			

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		<p>Member States shall also ensure that <i>out-of-court redress mechanisms are available for the settlement of disputes. Such mechanisms shall enable disputes to be settled impartially and shall not deprive the user of the legal protection afforded by national law, without prejudice to the rights of users to have recourse to efficient judicial remedies. In particular, Member States shall ensure that users have access to a court or another relevant judicial authority to assert the use of an exception or limitation to copyright rules.</i> users have access to an independent body for the resolution of disputes and that there are national procedural rules in place to allow users to assert their rights before a court.</p> <p>GREEN</p> <p>This Directive shall in no way affect legitimate uses, such as uses under exceptions and limitations provided for in Union law, and shall not lead to any identification of individual users nor to the processing of their personal data, in accordance with Directive 95/46/EC, Directive 2002/58/EC and the General Data Protection Regulation.</p> <p>GREEN</p> <p><i>Online content sharing service providers shall inform the users <u>in their terms and conditions</u> about the possibility for them to use works and other subject matter under exceptions or limitations to copyright and related rights provided for in Union law.</i></p> <p>GREEN</p> <p>9. As of [date of entry into force of this Directive] the Commission in cooperation with the Member States shall organise stakeholder dialogues to discuss best practices for the cooperation between the online content sharing service providers and rightholders. The Commission shall, in consultation with online content sharing service providers, rightholders, users associations and other relevant stakeholders and taking into account the results of the stakeholder dialogues, issue guidance on the application of Article 13 in particular regarding cooperation <i>referred to in paragraph 4</i>. When discussing the best practices, <u>special account shall be taken, among others, of</u> the need</p>			

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		to balance the fundamental rights and the use of exceptions and limitations shall be taken into account. For the purpose of this stakeholders dialogue, users associations shall have access to adequate information from online content sharing service providers on the functioning of their practices with regard to paragraph 4.			
238.	Art. 13, para 1	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,	1. <i>Without prejudice to Article 3(1) and (2) of Directive 2001/29/EC, online content sharing</i> Information society service providers that store and provide <i>perform an act of communication</i> to the public access to large amounts of works or other subject-matter uploaded by their users. <i>They</i> 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	1. <u>Member States shall provide that an online content sharing service provider performs an act of communication to the public or an act of making available to the public when it gives the public access to copyright protected works or other protected subject matter uploaded by its users.</u> <u>An online content sharing service provider shall obtain an authorisation from the rightholders referred to in Article 3(1) and giving access to large amounts of (2) of Directive 2001/29/EC in order to communicate or make available to the public</u>	[see compromise text in row 237A]

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		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.	cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be <i>therefore conclude fair and</i> 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. <i>licensing agreements with right holders.</i>	<u>works or other subject matter. Where no such authorisation has been obtained, the service provider shall prevent the availability on its service of those works and other subject-matter uploaded by matter, including through the application of measures referred to in paragraph 4. This subparagraph shall apply without prejudice to exceptions and limitations provided for in Union law.</u> <u>Member States shall provide that when an authorisation has been obtained, including via a licensing agreement, by an online content sharing service provider, this authorisation shall also cover acts of uploading by the users of the service falling within Article 3 of</u>	

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>Directive 2001/29/EC when they are not acting on a commercial basis.</u> <i>[Last two sentences of COM proposal were moved to Council's paragraphs 5 and 6 respectively]</i>	
239.	Art. 13, para 2 (EP)		<p>2. Member States shall ensure that the <i>Licensing agreements which are concluded by online content sharing</i> service providers <i>with right holders for the acts of communication</i> 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., <i>shall cover the liability for works uploaded by the users of such online content sharing services in line with the terms and</i></p>		<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<p><i>conditions set out in the licensing agreement, provided that such users do not act for commercial purposes.</i></p> <p><i>[See Council's paragraph 1, subparagraph 3 (row 238)]</i></p>		
240.	Art. 13, para 2a (EP)		<p>2a. Member States shall provide that where right holders do not wish to conclude licensing agreements, online content sharing service providers and right holders shall cooperate in good faith in order to ensure that unauthorised protected works or other subject matter are not available on their services. Cooperation between online content service providers and right holders shall not lead to preventing the availability of non-infringing works or other protected subject</p>		<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>matter, including those covered by an exception or limitation to copyright.</i>		
241.	Art. 13, para 2 / para 2b (EP)	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.	<i>2b. Members States shall ensure that online content sharing service providers referred to in paragraph 1 put in place effective and expeditious complaints and redress mechanisms that are available to users in case the cooperation referred to in paragraph 2a leads to unjustified removals of their content. Any complaint filed under such mechanisms shall be processed without undue delay and be subject to human review. Right holders shall reasonably justify their decisions to avoid arbitrary dismissal of complaints. Moreover, in accordance with Directive 95/46/EC,</i>	<i>[Paragraph 2 of the COM proposal was moved to new paragraph 7 of Council's text]</i>	<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<p><i>Directive 2002/58/EC and the General Data Protection Regulation, the cooperation shall not lead to any identification of individual users nor the processing of their personal data. Member States shall also ensure that users have access to an independent body for the resolution of disputes as well as to a court or another relevant judicial authority to assert the use of an exception or limitation to copyright rules.</i></p> <p><i>[See Council's Article 13(7) (row 252)]</i></p>		
242.	Art. 13, para 3 (EP)	3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder	<p>3. <i>As of [date of entry into force of this directive], the Commission and the Member States shall facilitate where appropriate, the cooperation</i> organise</p>	<i>[See new paragraph 8 of Council's text]</i>	<p><i>[stakeholder dialogues were moved to row 253, now paragraph 8 in row 237A]</i></p> <p><i>[see compromise text in row 237A]</i></p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		<p>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.</p>	<p>dialogues between the information society service providers and rightholders through stakeholder dialogues <i>stakeholders to harmonise and</i> 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. <i>and issue guidance to ensure the functioning of licensing agreements and on cooperation between online content sharing service providers and right holders for the use of their works or other subject matter within the meaning of this Directive. When defining best practices,</i></p>		

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>special account shall be taken of fundamental rights, the use of exceptions and limitations as well as ensuring that the burden on SMEs remains appropriate and that automated blocking of content is avoided.</i>		
243.	Art. 13, para 3 (Council)			<u>3. When an online content sharing service provider performs an act of communication to the public or an act of making available to the public, it shall not be eligible for the exemption of liability provided for in Article 14 of Directive 2000/31/EC for unauthorised acts of communication to the public and making available to the public, without prejudice to the possible application of Article 14 of Directive</u>	<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>2000/31/EC to those services for purposes other than copyright relevant acts.</u>	
244.	Art. 13, para 4, introductory part			<u>4. In the absence of the authorisation referred to in the second subparagraph of paragraph 1, Member States shall provide that an online content sharing service provider shall not be liable for acts of communication to the public or making available to the public within the meaning of this Article when:</u>	<i>[see compromise text in row 237A]</i>
245.	Art. 13, para 4, point (a)			<u>(a) it demonstrates that it has made best efforts to prevent the availability of specific works or other subject matter by implementing effective and</u>	<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>proportionate measures, in accordance with paragraph 5, to prevent the availability on its services of the specific works or other subject matter identified by rightholders and for which the rightholders have provided the service with relevant and necessary information for the application of these measures; and</u>	
246.	Art. 13, para 4, point (b)			<u>(b) upon notification by rightholders of works or other subject matter, it has acted expeditiously to remove or disable access to these works or other subject matter and it demonstrates that it has made its best efforts to prevent their users' future availability through the measures referred to in point (a).</u>	<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
247.	Art. 13, para 5, introductor y part			<u>5. The measures referred to in point (a) of paragraph 4 shall be effective and proportionate, taking into account, among other factors:</u>	<i>[see compromise text in row 237A]</i>
248.	Art. 13, para 5, point (a)			<u>(a) the nature and size of the services, in particular whether they are provided by a microenterprise or a small-sized enterprise within the meaning of Title I of the Annex to Commission Recommendation 2003/361/EC, and their audience;</u>	<i>[see compromise text in row 237A]</i>
249.	Art. 13, para 5, point (b)			<u>(b) the amount and the type of works or other subject matter uploaded by the users of the services;</u>	<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
250.	Art. 13, para 5, point (c)			<u>(c) the availability and costs of the measures as well as their effectiveness in light of technological developments in line with the industry best practice referred to in paragraph 8.</u>	<i>[see compromise text in row 237A]</i>
251.	Art. 13, para 6			<u>6. Member States shall ensure that online content sharing service providers and rightholders cooperate with each other in a diligent manner to ensure the effective functioning of the measures referred to in point (a) of paragraph 4 over time. Online content sharing service providers shall provide rightholders, at their request, with adequate information on the deployment and functioning of these</u>	<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>measures to allow the assessment of their effectiveness, in particular information on the type of measures used and, where licensing agreements are concluded between service providers and rightholders, information on the use of content covered by the agreements.</u>	
252.	Art. 13, para 7			7. _____ Member States shall ensure that <u>the measures referred to in paragraph 4 are implemented by the online content sharing service provider without prejudice to the possibility for their users to benefit from exceptions or limitations to copyright. For that purpose,</u> the service providers referred to in	<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<p>paragraph 1 shall put in place a complaints and redress mechanisms that are is available to users of the service in case of disputes over the application of the measures referred to in paragraph 1 to their content.</p> <p><u>Complaints submitted under this mechanism shall be processed by the online content sharing service provider in cooperation with relevant rightholders within a reasonable period of time. Rightholders shall duly justify the reasons for their requests to remove or block access to their specific works or other subject matter. Member States shall endeavour to put in place independent bodies to assess complaints related</u></p>	

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>to the application of the measures.</u> <i>[Paragraph 2 of the COM proposal, amended]</i>	
253.	Art. 13, para 8			<u>8. The Commission and the Member States shall encourage stakeholder dialogues to define best practices for the measures referred to in point (a) of paragraph 4. Member States shall also endeavour to establish mechanisms to facilitate the assessment of the effectiveness and proportionality of these measures and provide the Commission regularly with information on those mechanisms. The Commission shall, in consultation with online content sharing service providers, rightholders and other relevant stakeholders and taking</u>	<i>[see compromise text in row 237A]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>into account the results of the stakeholder dialogues and the national mechanisms, issue guidance on the application of the measures referred to in point (a) of paragraph 4.</u> <i>[Paragraph 3 of the COM proposal, reworded]</i>	
254.	Art. 13a, title		<i>Article 13a</i>		Deleted
255.	Art. 13a, sub-para 1		<i>Member States shall provide that disputes between successors in title and information society services regarding the application of Article 13(1) may be subject to an alternative dispute resolution system.</i>		Deleted
256.	Art. 13a, sub-para 2		<i>Member States shall establish or designate an impartial body with the necessary expertise, with</i>		Deleted

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>the aim of helping the parties to settle their disputes under this system.</i>		
257.	Art. 13a, sub-para 3		<i>The Member States shall inform the Commission of the establishment of this body no later than (date mentioned in Article 21(1)).</i>		Deleted
258.	Art. 13b, title		<i>Article 13b</i> <i>Use of protected content by information society services providing automated image referencing</i>		Deleted
259.	Art. 13b		<i>Member States shall ensure that information society service providers that automatically reproduce or refer to significant amounts of copyright-protected visual works and make them available to the public for the purpose of indexing</i>		Deleted

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>and referencing conclude fair and balanced licensing agreements with any requesting rightholders in order to ensure their fair remuneration. Such remuneration may be managed by the collective management organisation of the rightholders concerned.</i>		
260.				<u>TITLE IV</u> <u>MEASURES TO ACHIEVE A WELL-FUNCTIONING MARKETPLACE FOR COPYRIGHT</u>	[Deleted]
261.		CHAPTER 3 Fair remuneration in contracts of authors and performers	CHAPTER 3 Fair remuneration in contracts of authors and performers	CHAPTER 3 Fair remuneration in exploitation contracts of authors and performers	<i>CHAPTER 3</i> <i>Fair remuneration in exploitation contracts of authors and performers</i>
262.	Art. -14, title		<i>Article -14</i>		GREEN <i>Article -14</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>Principle of fair and proportionate remuneration</i>		<i>Principle of fair appropriate and proportionate remuneration</i>
263.	Art. -14, para 1		<i>1. Member States shall ensure that authors and performers receive fair and proportionate remuneration for the exploitation of their works and other subject matter, including for their online exploitation. This may be achieved in each sector through a combination of agreements, including collective bargaining agreements, and statutory remuneration mechanisms.</i>		GREEN 1. Member States shall ensure that when authors and performers license or transfer their exclusive rights for the exploitation of their works or other subject matter they are entitled to receive appropriate and proportionate remuneration.
264.	Art. -14, para 2		<i>2. Paragraph 1 shall not apply where an author or performer grants a non-exclusive usage right for the benefit of all users free of charge.</i>		GREEN 2. In the implementation of this principle into national law, Member States shall be free to use different mechanisms and take into

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
					account the principle of contractual freedom and a fair balance of rights and interests.
265.	Art. -14, para 3		3. Member States shall take account of the specificities of each sector in encouraging the proportionate remuneration for rights granted by authors and performers.		Deleted
266.	Art. -14, para 4		4. Contracts shall specify the remuneration applicable to each mode of exploitation.		Deleted
267.	Art. 14, title	<i>Article 14 Transparency obligation</i>	<i>Article 14 Transparency obligation</i>	<i>Article 14 Transparency obligation</i>	<i>Article 14 Transparency obligation</i>
268.	Art. 14, para 1	1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the	1. Member States shall ensure that authors and performers receive on a regular basis, not less than once a year , and	1. Member States shall ensure that authors and performers receive on a regular basis, at least once a year , and taking	1. Member States shall ensure that authors and performers receive on a regular basis, at least once a year , and taking into account

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.	taking into account the specificities of each sector <i>and the relative importance of each individual contribution</i> , timely adequate and sufficient , <i>accurate, relevant and comprehensive</i> information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, <i>direct and indirect</i> revenues generated, and remuneration due.	into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights <u>or their successors in title</u> , notably as regards modes of exploitation, revenues generated and remuneration due.	the specificities of each sector <i>and the relative importance of each individual contribution</i> timely, [adequate and sufficient] <i>up to date, relevant and comprehensive</i> information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights <i>or their successors in title</i> , notably as regards modes of exploitation, <i>direct and indirect all</i> revenues generated and remuneration due.
269.	Art. 14, para 1a		<i>1a. Member States shall ensure that where the licensee or transferee of rights of authors and performers subsequently licenses those rights to another party, such party shall share all information</i>	<u>1a. Member States shall ensure that where the rights referred to in paragraph 1 have subsequently been licensed to another party, authors and performers may, at their request,</u>	1a. Member States shall ensure that where the rights referred to in paragraph 1 have subsequently been licensed, authors and performers <i>or their representatives shall</i> , at their request, receive <i>from</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>referred to in paragraph 1 with the licensee or transferee.</i>	<u>receive from those third parties additional information if their first contractual counterpart does not hold all the information that would be necessary for the purposes of the information provision set out in paragraph 1. Member States may provide that such request to those third parties is made directly by the author or performer or indirectly through the contractual counterpart of the author or the performer.</u>	<i>sub-licensees</i> additional information if their first contractual counterpart does not hold all the information that would be necessary for the purposes of paragraph 1. <i>Where this information is requested, the first contractual counterpart of authors and performers shall provide information on the identity of those sub-licensees.</i> Member States may provide that <i>any</i> such request to those <i>sub-licensees</i> is made directly or indirectly through the contractual counterpart of the author or the performer.
270.	Art. 14, para 1a, sub-para 2		<i>The main licensee or transferee shall pass all the information referred to in the first subparagraph on to the author or</i>		<i>Deleted</i> <i>[integrated into row 219]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<p><i>performer. That information shall be unchanged, except in the case of commercially sensitive information as defined by Union or national law, which, without prejudice to Articles 15 and 16a, may be subject to a non-disclosure agreement, for the purpose of preserving fair competition. Where the main licensee or transferee does not provide the information as referred to in this subparagraph in a timely manner, the author or performer shall be entitled to request that information directly from the sub-licensee.</i></p> <p><i>[See Council's Article 14(1a) (row 269)]</i></p>		

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
271.	Art. 14, para 2	2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.	2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate a high level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate a high level of transparency.	2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. However, in those Member States may provide that in duly justified cases where the administrative burden resulting from the obligation in paragraph 1 would be become disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that is limited to the obligation remains effective types and ensures an appropriate level of transparency. information that can reasonably be expected in such cases.	GREEN 2. The obligation in paragraph 1 shall be proportionate and effective and shall to ensure an appropriate a high level of transparency in every sector. Member States may provide that in duly justified cases where the administrative burden resulting from the obligation in paragraph 1 would be become disproportionate in view of the revenues generated by the exploitation of the work or performance, the obligation is limited to the types and level of information that can reasonably be expected in such cases.

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
272.	Art. 14, para 3	3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.	<i>Deleted</i>	3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.	<p>3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance, <i>unless the author or performer demonstrates that he requires the information for exercising his rights under Article 15(1) and requests the information for that purpose.</i></p> <p>[note to translators: “demonstrates”: EN equivalent for DE “darlegen”/“bescheinigen”]</p>
273.	Art. 14, para 3a			<u>3a. Members States may provide that for agreements subject to or based on collective bargaining agreements the transparency rules of</u>	<p>GREEN</p> <p><i>3a. Members States may provide that for agreements subject to or based on collective bargaining agreements the</i></p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>the relevant collective bargaining agreement are applicable provided that they meet the minimum criteria laid down in the national provisions adopted in conformity with the requirements of paragraphs 1 to 3.</u>	<i>transparency rules of the relevant collective bargaining agreement are applicable provided that they are comparable to the obligations / meet the minimum criteria laid down in the national provisions adopted in conformity with the requirements of paragraphs 1 to 3.</i>
274.	Art. 14, para 4	4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.	4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU <i>or to collective bargaining agreements, where those obligations or agreements provide for transparency requirements comparable to those referred to in paragraph 2.</i>	4. Paragraph 1 shall not be applicable to <u>agreements concluded by</u> entities subject to the transparency obligations established by <u>defined in Article 3(a) and (b) of</u> Directive 2014/26/EU; <u>or by other entities subject to the national rules implementing Directive 2014/26/EU.</u>	GREEN <i>4. When Article 18 of Directive 2014/26/EU is applicable, the obligation laid down in paragraph 1 shall not apply in respect of agreements concluded by entities defined in Article 3(a) and (b) of Directive 2014/26/EU or by other entities subject to the national rules implementing Directive 2014/26/EU.</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
275.	Art. 15, title	<i>Article 15 Contract adjustment mechanism</i>	<i>Article 15 Contract adjustment mechanism</i>	<i>Article 15 Contract adjustment mechanism</i>	<i>Article 15 Contract adjustment mechanism</i>
276.	Art. 15, [para 1 (Council)]	Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.	Member States shall ensure, <i>in the absence of collective bargaining agreements providing for a comparable mechanism, that authors and performers or any representative organisation acting on their behalf</i> are entitled to request <i>claim</i> additional, appropriate <i>and fair</i> remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant <i>direct or indirect</i> revenues and benefits derived from the	<u>1.</u> Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights <u>or their successors in title,</u> when the remuneration originally agreed is <u>turns out to be</u> disproportionately low compared to the subsequent relevant revenues and benefits derived from the <u>actual</u> exploitation of the works or performances.	GREEN 1. Member States shall ensure, <i>in the absence of an applicable collective bargaining agreement providing for a comparable mechanism,</i> that authors and performers <u>or their representatives</u> are entitled to <i>claim</i> additional, appropriate <i>and fair</i> remuneration from the party with whom they entered into a contract for the exploitation of the rights or their successors in title, when the remuneration originally agreed turns out to be disproportionately low compared to <i>all</i> the subsequent relevant revenues and derived from

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			exploitation of the works or performances. <i>[See Council's Article 15(1a) (row277)]</i>		the exploitation of the works or performances.
277.	Art. 15, para 1a			<u>1a. Members States may provide that for agreements subject to or based on collective bargaining agreements the rules of the relevant collective bargaining agreement for the adjustment of remuneration are applicable instead of the national provisions implementing the contract adjustment mechanism.</u>	<i>[Article 15(1a) Council's text deleted/incorporated into paragraph 1]</i>
278.	Art. 15, para 2			<u>2. Paragraph 1 shall not be applicable to agreements concluded by entities defined in Article 3(a) and (b) of Directive 2014/26/EU or by other entities subject to the</u>	<u>2.</u> Paragraph 1 shall not be applicable to agreements concluded by entities defined in Article 3(a) and (b) of Directive 2014/26/EU or by other entities <i>which are already</i> subject to the

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
				<u>national rules implementing Directive 2014/26/EU.</u>	national rules implementing Directive 2014/26/EU.
279.	Art. 16, title	<i>Article 16 Dispute resolution mechanism</i>	<i>Article 16 Dispute resolution mechanism</i>	<i>Article 16 Dispute resolution mechanism<u>procedure</u></i>	GREEN <i>Article 16 Dispute resolution procedure</i>
280.	Art. 16, [para 1 (Council)]	Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.	Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure. <i>Member States shall ensure that representative organisations of authors and performers may initiate such procedures at the request of one or more authors and performers.</i>	<u>1.</u> Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.	GREEN Member States shall provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure. <i>Member States shall ensure that representative organisations of authors and performers may initiate such procedures at the specific request of one or</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>[See Council's Article 16(2) (row 281)]</i>		<i>more authors and performers.</i>
281.	Art. 16, para 2		<i>[See Parliament's Article 16 last phrase (row 280)]</i>	2. <u>Member States shall ensure that representative organisations of authors and performers, including collective management organisations, may initiate such disputes on behalf of one or more authors and performers at their request.</u>	<i>[Article 16(2) Council's text deleted/incorporated into paragraph 1]</i>
282.	Art. 16a (Council), title			<u>Article 16a</u> <u>Contractual provisions</u>	GREEN <u>Article 16a</u> <u>Contractual Common provisions</u> <i>[Note to lawyer linguists: this Article 16a (rows 282-283) should be moved after Article 16a set out in rows 284-288)]</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
283.	Art. 16a (Council)			<u>Member States shall ensure that any contractual provision which prevents the compliance with the provisions in Articles 14 and 15 of this Directive shall be unenforceable in relation to authors and performers.</u>	<p>GREEN</p> <p><u>1. Member States shall ensure that any contractual provision which prevents the compliance with the provisions in Articles 14 and 15 of this Chapter(*) Directive shall be unenforceable in relation to authors and performers.</u></p> <p><u>2. Members States shall provide that Articles -14 to 16a(**) of this Directive do not apply to authors of a computer program in the sense of Article 2 of Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs.¹</u></p>

¹ Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (Codified version), OJ L 111, 5.5.2009, p. 16-22

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
					<p>[(*) 'Chapter' refers to Articles 14,15 and 16, ie the provisions of the initial Commission proposal; see also recital (43a), row 99]</p> <p><u>[(**)the reference to Article 16a here should be understood as reference to Article 16a on revocation right, rows284-288)]</u></p>
284.	Art. 16a (EP), title		<i>Article 16 a</i> <i>Right of revocation</i>		GREEN <i>Article 16 a</i> <i>Right of revocation</i>
285.	Art. 16a (EP), para 1		1. <i>Member States shall ensure that where an author or a performer has licensed or transferred her or his rights concerning a work or other protected subject-matter on an exclusive basis, the author or performer has a right of revocation where there is an absence of exploitation of the work or other</i>		GREEN 1. Member States <u>shall ensure</u> if may provide that where an author or a performer has licensed or transferred her or his rights concerning a work or other protected subject-matter on an exclusive basis, the author or performer may revoke in whole or in part the licence or the transfer of rights where there is a lack

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>protected subject matter or where there is a continuous lack of regular reporting in accordance with Article 14. Member States may provide for specific provisions taking into account the specificities of different sectors and works and anticipated exploitation period, notably provide for time limits for the right of revocation.</i>		of exploitation of the work or other protected subject-matter [EP: or where there is a continuous lack of regular reporting in accordance with Article 14].
286.	Art. 16a (EP), para 2		<i>2. The right of revocation provided for in paragraph 1 may be exercised only after a reasonable time from the conclusion of the licence or transfer agreement, and only upon written notification setting an appropriate deadline by which the exploitation of the licensed or transferred rights is to take place.</i>		GREEN2. Specific provisions for the mechanism for revocation shall may be provided for in national law taking into account (a) the specificities of the different sectors and the different types of works and performances; and

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>After the expiration of that deadline, the author or performer may choose to terminate the exclusivity of the contract instead of revoking the rights. Where a work or other subject-matter contains the contribution of a plurality of authors or performers, the exercise of the individual right of revocation of such authors or performers shall be regulated by national law, laying down the rules on the right of revocation for collective works, taking into account the relative importance of the individual contributions.</i>		<p>(b) where a work or other subject-matter contains the contribution of more than one author or performer, the relative importance of the individual contributions and the legitimate interests of all authors and performers affected by the exercise of the revocation mechanism by an individual author or performer.</p> <p>Member States may exclude works or other subject matter from the application of the mechanism if such works or subject matter usually contain contributions of a plurality of authors or performers.</p> <p>Member States may provide that the revocation mechanism shall be exercised only within a specific time frame, where this is duly justified by the</p>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
					specificities of the sector, type of work or protected subject matter concerned. Member States may provide that that authors or performers may choose to terminate the exclusivity of the contract instead of revoking the rights.
287.	Art. 16a (EP), para 3		<i>3. Paragraphs 1 and 2 shall not apply if the non-exercise of the rights is predominantly due to circumstances which the author or the performer can be reasonably expected to remedy.</i>		GREEN3. Member States may shall provide that the revocation provided for in paragraph 1 may be exercised only after a reasonable time after the conclusion of the licence or transfer agreement. The author or performer shall notify the person to whom the rights have been licensed or transferred and set an appropriate deadline by which the exploitation of the licensed or transferred rights is to take place. After the

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
					expiration of that deadline, the author or performer may choose to terminate the exclusivity of the contract instead of revoking the license or the transfer.
288.	Art. 16a (EP), para 4		<i>4. Contractual or other arrangements derogating from the right of revocation shall be lawful only if concluded by means of an agreement which is based on a collective bargaining agreement.</i>		GREEN EP: 4. Paragraph 1 shall not apply if the non-exercise of the rights is predominantly due to circumstances which the author or the performer can be reasonably expected to remedy. EP: 5. Member States may provide that any contractual provision derogating from the revocation mechanism shall be enforceable only if it is based on a collective bargaining agreement.
289.		TITLE V FINAL PROVISIONS	TITLE V FINAL PROVISIONS	TITLE V FINAL PROVISIONS	TITLE V FINAL PROVISIONS

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
290.	Art. 17, title	<i>Article 17 Amendments to other directives</i>	<i>Article 17 Amendments to other directives</i>	<i>Article 17 Amendments to other directives</i>	<i>Article 17 Amendments to other directives</i>
291.	Art. 17, para 1	1. Directive 96/9/EC is amended as follows:	1. Directive 96/9/EC is amended as follows:	1. Directive 96/9/EC is amended as follows:	1. Directive 96/9/EC is amended as follows:
292.	Art. 17, para 1, point (a)	(a) In Article 6(2), point (b) is replaced by the following:	(a) In Article 6(2), point (b) is replaced by the following:	(a) In Article 6(2), point (b) is replaced by the following:	(a) In Article 6(2), point (b) is replaced by the following:
293.	Art. 17, para 1, point (a)	"(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];"	"(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];"	"(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Articles 3 and 4 of Directive [this Directive];"	GREEN "(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Articles 3 and 4 of Directive [this Directive];"

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
294.	Art. 17, para 1, point (b)	(b) In Article 9, point (b) is replaced by the following:	(b) In Article 9, point (b) is replaced by the following:	(b) In Article 9, point (b) is replaced by the following:	(b) In Article 9, point (b) is replaced by the following:
295.	Art. 17, para 1, point (b)	"(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];"	"(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];"	"(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Articles 3 and 4 of Directive [this Directive];"	GREEN "(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Articles 3 and 4 of Directive [this Directive];"
296.	Art. 17, para 2	2. Directive 2001/29/EC is amended as follows:	2. Directive 2001/29/EC is amended as follows:	2. Directive 2001/29/EC is amended as follows:	2. Directive 2001/29/EC is amended as follows:
297.	Art. 17, para 2, point (a)	(a) In Article 5(2), point (c) is replaced by the following:	(a) In Article 5(2), point (c) is replaced by the following:	(a) In Article 5(2), point (c) is replaced by the following:	(a) In Article 5(2), point (c) is replaced by the following:

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
298.	Art. 17, para 2, point (a)	"(c) in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];"	"(c) in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];"	"(c) in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage, without prejudice to the exceptions and the limitation <u>exception</u> provided for in Article 5 of Directive [this Directive];"	GREEN "(c) in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage, without prejudice to the exception and the limitations provided for in Article 5 of Directive [this Directive];"
299.	Art. 17, para 2, point (b)	(b) In Article 5(3), point (a) is replaced by the following:	(b) In Article 5(3), point (a) is replaced by the following:	(b) In Article 5(3), point (a) is replaced by the following:	(b) In Article 5(3), point (a) is replaced by the following:
300.	Art. 17, para 2, point (b)	"(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is	"(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is	"(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is	GREEN "(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];"	indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];"	indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Articles 3 and 4 of Directive [this Directive];"	author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Articles 3 and 4 of Directive [this Directive];"
301.	Art. 17, para 2, point (c)	(c) In Article 12(4), the following points are added:	(c) In Article 12(4), the following points are added:	(c) In Article 12(4), the following points are added:	(c) In Article 12(4), the following points are added:
302.	Art. 17, para 2, point (c)	"(e) to examine the impact of the transposition of Directive [this Directive] on the functioning of the internal market and to highlight any transposition difficulties;	"(e) to examine the impact of the transposition of Directive [this Directive] on the functioning of the internal market and to highlight any transposition difficulties;	"(e) to examine the impact of the transposition of Directive [this Directive] on the functioning of the internal market and to highlight any transposition difficulties;	"(e) to examine the impact of the transposition of Directive [this Directive] on the functioning of the internal market and to highlight any transposition difficulties;

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
303.	Art. 17, para 2, point (c)	(f) to facilitate the exchange of information on the relevant developments in legislation and case law as well as on the practical application of the measures taken by Member States to implement Directive [this Directive];	(f) to facilitate the exchange of information on the relevant developments in legislation and case law as well as on the practical application of the measures taken by Member States to implement Directive [this Directive];	(f) to facilitate the exchange of information on the relevant developments in legislation and case law as well as on the practical application of the measures taken by Member States to implement Directive [this Directive];	(f) to facilitate the exchange of information on the relevant developments in legislation and case law as well as on the practical application of the measures taken by Member States to implement Directive [this Directive];
304.	Art. 17, para 2, point (c)	(g) to discuss any other questions arising from the application of Directive [this Directive]."	(g) to discuss any other questions arising from the application of Directive [this Directive]."	(g) to discuss any other questions arising from the application of Directive [this Directive]."	(g) to discuss any other questions arising from the application of Directive [this Directive]."
305.	Art. 17a, title		<i>Article 17 a</i>		GREEN <i>Article 17 a</i>
306.	Art. 17a		<i>Member States may adopt or maintain in force broader provisions, compatible with the exceptions and limitations existing in Union law, for uses covered by the</i>		GREEN <i>Member States may adopt or maintain in force broader provisions, compatible with the exceptions and limitations set out in</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
			<i>exceptions or the limitation provided for in this Directive.</i>		<i>Directives 96/9/EC and 2001/29/EC, for uses or fields covered by the exceptions or limitations provided for in this Directive and on condition that their application does not adversely affect nor circumvent the mandatory rules set out in this Directive.</i>
307.	Art. 18	<i>Article 18 Application in time</i>	<i>Article 18 Application in time</i>	<i>Article 18 Application in time</i>	<i>Article 18 Application in time</i>
308.	Art. 18, para 1	1. This Directive shall apply in respect of all works and other subject-matter which are protected by the Member States' legislation in the field of copyright on or after [the date mentioned in Article 21(1)].	1. This Directive shall apply in respect of all works and other subject-matter which are protected by the Member States' legislation in the field of copyright on or after [the date mentioned in Article 21(1)].	1. This Directive shall apply in respect of all works and other subject-matter which are protected by the Member States' legislation in the field of copyright on or after [the date mentioned in Article 21(1)].	1. This Directive shall apply in respect of all works and other subject-matter which are protected by the Member States' legislation in the field of copyright on or after [the date mentioned in Article 21(1)].
309.	Art. 18, para 2	2. The provisions of Article 11 shall also apply to press publications published before [the date	<i>Deleted</i>	2. <i>[Deleted]</i>	<i>(Deleted)</i>

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		mentioned in Article 21(1)].			
310.	Art. 18, para 3	3. This Directive shall apply without prejudice to any acts concluded and rights acquired before [the date mentioned in Article 21(1)].	3. This Directive shall apply without prejudice to any acts concluded and rights acquired before [the date mentioned in Article 21(1)].	3. This Directive shall apply without prejudice to any acts concluded and rights acquired before [the date mentioned in Article 21(1)].	3. This Directive shall apply without prejudice to any acts concluded and rights acquired before <i>[the date mentioned in Article 21(1)]</i> .
311.	Art. 19, title	<i>Article 19 Transitional provision</i>	<i>Article 19 Transitional provision</i>	<i>Article 19 Transitional provision</i>	<i>Article 19 Transitional provision</i>
312.	Art. 19	Agreements for the licence or transfer of rights of authors and performers shall be subject to the transparency obligation in Article 14 as from [one year after the date mentioned in Article 21(1)].	Agreements for the licence or transfer of rights of authors and performers shall be subject to the transparency obligation in Article 14 as from [one year after the date mentioned in Article 21(1)].	Agreements for the licence or transfer of rights of authors and performers shall be subject to the transparency obligation in Article 14 as from [one year after the date mentioned in Article 21(1)].	Agreements for the licence or transfer of rights of authors and performers shall be subject to the transparency obligation in Article 14 as from <i>[one year after the date mentioned in Article 21(1)]</i> .
313.	Art. 20, title	<i>Article 20 Protection of personal data</i>	<i>Article 20 Protection of personal data</i>	<i>Article 20 Protection of personal data</i>	<i>Article 20 Protection of personal data</i>
314.	Art. 20	The processing of personal data carried out within the framework of this Directive	The processing of personal data carried out within the framework of this Directive	The processing of personal data carried out within the framework of this Directive	The processing of personal data carried out within the framework of this Directive

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		shall be carried out in compliance with Directives 95/46/EC and 2002/58/EC.	shall be carried out in compliance with Directives 95/46/EC and 2002/58/EC.	shall be carried out in compliance with Directives 95/46/EC and 2002/58/EC.	shall be carried out in compliance with Directives 95/46/EC and 2002/58/EC.
315.	Art. 21, title	<i>Article 21 Transposition</i>	<i>Article 21 Transposition</i>	<i>Article 21 Transposition</i>	<i>Article 21 Transposition</i>
316.	Art. 21, para 1	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [12 months after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [12 months after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [12 24 months after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [12 24] months after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.
317.	Art. 21, para 1, sub- para 2	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
		determine how such reference is to be made.	determine how such reference is to be made.	determine how such reference is to be made.	shall determine how such reference is to be made.
318.	Art. 21, para 2	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.
319.	Art. 22, title	<i>Article 22 Review</i>	<i>Article 22 Review</i>	<i>Article 22 Review</i>	<i>Article 22 Review</i>
320.	Art. 22, para 1	1. No sooner than [five years after the date mentioned in Article 21(1)], the Commission shall carry out a review of this Directive and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee.	1. No sooner than [five years after the date mentioned in Article 21(1)], the Commission shall carry out a review of this Directive and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee.	1. No sooner than [five years after the date mentioned in Article 21(1)], the Commission shall carry out a review of this Directive and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee.	1. No sooner than [five years after the date mentioned in Article 21(1)], the Commission shall carry out a review of this Directive and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee.
320A					The Commission shall, by [three years after the end

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
					of transposition deadline set out in Article 21(1)], assess the impact of the specific liability regime of Article 13 applicable to online content sharing service providers which have an annual turnover of less than EUR 10 million and whose services have been available to the public in the Union for less than three years under(4aa) and, if appropriate, take action in accordance with the conclusions of its assessment.
321.	Art. 22, para 2	2. Member States shall provide the Commission with the necessary information for the preparation of the report referred to in paragraph 1.	2. Member States shall provide the Commission with the necessary information for the preparation of the report referred to in paragraph 1.	2. Member States shall provide the Commission with the necessary information for the preparation of the report referred to in paragraph 1.	2. Member States shall provide the Commission with the necessary information for the preparation of the report referred to in paragraph 1.

	Location	COMMISSION PROPOSAL COM(2016)593	EP TEXT	COUNCIL TEXT doc. 9134/18	POSSIBLE COMPROMISE SOLUTION
322.	Art. 23, title	<i>Article 23 Entry into force</i>	<i>Article 23 Entry into force</i>	<i>Article 23 Entry into force</i>	<i>Article 23 Entry into force</i>
323.	Art. 23	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .
324.	Art. 24, title	<i>Article 24 Addressees</i>	<i>Article 24 Addressees</i>	<i>Article 24 Addressees</i>	<i>Article 24 Addressees</i>
325.	Art. 24	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.