



ADOPTED TEXT No **750**  
*'Provisional'*

# **NATIONAL ASSEMBLY**

CONSTITUTION OF 4 OCTOBER 1958

FOURTEENTH PARLAIMENTARY TERM

**ORDINARY SESSION, 2015-2016**

**3 June 2016**

## **EUROPEAN RESOLUTION**

*on copyright protection in the European Union*

*The following resolution is considered as final in accordance  
with Article 151-7 of the Rules of Procedure:*

See Nos: **3713** and **3758**.

## **Sole Article**

The National Assembly,

Having regard to Article 88-4 of the Constitution,

Having regard to Article 167 of the Treaty on the Functioning of the European Union,

Having regard to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society,

Having regard to Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights, as amended by Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011,

Having regard to Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works,

Having regard to Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market,

Having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 6 May 2015 'A Digital Single Market Strategy for Europe' (COM(2015) 192 final),

Having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 9 December 2015 'Towards a modern, more European copyright framework' (COM(2015) 626 final),

Whereas the European Union, by virtue of Article 167 of the Treaty on the Functioning of the European Union, is committed to maintaining cultural diversity and developing artistic and cultural creation, while contributing to improving the dissemination of works across all the Member States,

Whereas the European Commission has announced a programme of reform of the current legal framework for copyright, consisting in a proposal for a Regulation ensuring the portability of access to works and a proposal for a Directive to adapt exceptions to digital and cross-border environments,

Whereas the aim of the European Commission to set up a Digital Single

Market, is valid but will not achieve the harmonisation of copyright protection across the European Union and must be carried out in strict observance of the principle of subsidiarity,

Whereas the European Union is competent to take measures to support, coordinate or supplement Member States' actions for culture, and whereas, by virtue of Article 167 of the Treaty on the Functioning of the European Union, legally binding acts proposed by the Commission do not require harmonisation of Member States' laws and regulations,

Whereas the currently optional nature of the exceptions to copyright, under European law, confer on the Member States sufficient flexibility to protect creators and ensure circulation of works,

Whereas in particular the principle of territoriality, on which the financing model of many cultural branches is based, in particular in the audiovisual and cinematographic sectors, must be preserved,

Whereas the emergence of platforms active in the classing, referencing and presentation of content calls for a redefinition of the arrangement for hosting liability set out by Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'),

Whereas, furthermore, the sudden appearance of these digital content distribution platforms has distorted the traditional value chain for cultural goods, to the detriment of authors and editors,

Whereas the fight against piracy and counterfeiting must be a priority to ensure effective implementation of copyright and fair remunerations for creators,

1. Takes note of the desire of the European Commission to launch a wide-ranging reform of copyright against the backdrop of the establishment of a digital single market;

2. Is concerned by the possible proliferation of compulsory exceptions to copyright, which is likely to restrict Member States' potential for adaptation;

3. Reiterates that it is in favour of maintaining the length of copyright protection currently in force;

4. Requests that:

a) the principle of territoriality of rights should be observed and,

consequently, that the duration of cross-border portability of cultural content should be determined precisely and adequately;

b) existing cross-border contractual solutions should be given greater prominence;

c) in the framework of the exception for digital books, the need to guarantee the economic viability of publishing should be taken into account, while fostering the development of digital reading both in libraries and remotely, on closed electronic networks;

d) the French stance on ‘panorama freedom’ (*‘liberté de panorama’*) – e.g. use of pictures, video clips or other pictures of works permanently on display in public places – should be taken into account, as set out in the Law for a Digital Republic (*‘Loi pour une République numérique’*);

e) the free dissemination of public research results should be improved, in the framework of ‘green’ open access model (archiving of copies with open access for the public). This system safeguards the rights of scientific researchers and research bodies while enabling access to the publications for other researchers;

f) thought should be given on how to redefine the status and responsibilities of hosting services within the above-mentioned ‘Directive on electronic commerce’;

g) the current private copyright system should be adhered to;

5. Requests that the Treaty of Marrakesh signed on 30 April 2014 should be taken into account in copyright reform, and consequently that an exception should be created for the purpose of facilitating access to published works for persons who are blind, visually impaired, or otherwise print disabled;

6. Wishes to improve the distribution of remuneration within the value chain for cultural goods by means of a greater contribution from platforms which benefit economically from distributing online content;

7. Calls on the European Commission to use all the means at its disposal to fight against piracy and counterfeiting and requests the adoption of a charter of good practices for developing the use of smart IT tools, designed to prevent copyright infringement in the digital environment.

*Paris, 3 June 2016*

*Signed: The President,*