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*Mr Florin JORDACHE
President of the Camera Deputaților
Palace of the Parliament
Str. Izvor nr. 2-4, sector 5
RO – 050563 BUCHAREST*

Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Towards a modern, more European copyright framework" {COM(2015) 626 final}.

The Communication's aim is to set out a pragmatic and priority based approach to the modernisation of the European copyright framework in order to be in a position to deliver fast results. It forms part of a broader package of ambitious measures designed to take forward the Digital Single Market Strategy with a step-by-step approach, as announced in the 2016 Commission Work Programme.

The Commission's action plan is built on four complementary pillars: First, it aims to widen online access to content across the EU, including in the light of the results of the review of the Satellite and Cable Directive. Its second pillar consists in adapting exceptions to copyright rules to a digital and cross-border environment, focussing in particular on those exceptions and limitations which are key for the functioning of the digital single market and the pursuit of public policy objectives (such as those in the area of education, research - including text and data mining - and access to knowledge). The third pillar proposes measures to create a fair marketplace, including as regards the role of online intermediaries when they distribute copyright-protected content. Finally, the action plan suggests initiatives to strengthen the enforcement system.

As a first step, the Commission has presented a legislative proposal on cross-border portability¹, which will ensure that subscribers to online content services can continue using them while temporarily present in another Member State. As set out in the Commission Communication, further copyright strengthening measures will follow in 2016.

¹ COM(2015) 627 final.

The Commission welcomes the Camera Deputaților's support for the aims of the Communication, namely the need for action to adapt the European copyright framework and to ensure a well-functioning single market. The Commission shares the view of the Camera Deputaților that an appropriate balance must be struck between the interests of all stakeholders. The proposal on cross-border portability specifically is currently in the legislative process with both co-legislators.

The Commission is pleased to have this opportunity to provide further details on the issues raised by the Camera Deputaților in the attached Annex.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Camera Deputaților and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Günther H. Oettinger
Member of the Commission*

ANNEX

The Commission has carefully considered the issues raised by the Camera Deputaților in its Opinion and would like to offer the following observations grouped by main topics and with reference to the respective more relevant paragraphs of the Camera Deputaților's Opinion.

- 1) Concerning the Commission's proposal for a Regulation of the European Parliament and the Council on ensuring the cross-border portability of online content services in the internal market (paragraph 2, 4th and 8th indents of the Opinion) the Commission welcomes the Camera Deputaților's support and agrees that the concept of "temporarily present" is key for the proposal. This concept is closely linked to the concept of "the Member State of residence" and the verification of the latter. The Commission trusts the co-legislators to reach a result which would be adequate for the needs of European consumers and would at the same time provide the necessary safeguards for rightholders and service providers. Discussions on the proposal are currently progressing in the Council and the Commission hopes that the legislative proceedings will be swiftly dealt with in the European Parliament as well.*
- 2) As regards the importance of the territoriality principle (paragraph 2, 7th indent of the Opinion), the Commission would like to assure the Camera Deputaților that it is aware of the fact that territoriality plays an important role for the financing of the film industry as well as for cultural diversity. As indicated in the Communication, the Commission is proposing a gradual approach to removing obstacles to cross-border access to content and to the circulation of works. Further to the proposal for a regulation on the "portability" of online content services, the Commission is assessing options and further measures. The overall objective set out in the Digital Single Market Strategy is to achieve a fully functioning digital single market in which selling, buying and using creative content and online content services across borders is easy and attractive to consumers and service providers. The Commission recently held a public consultation on the Satellite and Cable Directive and launched a study on the application of the Directive. Together with the impact assessment work, this will be the basis to decide the next steps in this area.*
- 3) Regarding the Camera Deputaților's comments on exceptions (paragraph 4, 4th indent and paragraph 6, indents 1 to 7 of the Opinion and on text and data mining, in particular, paragraph 2, 5th indent and paragraph 4, 3rd indent of the Opinion), the Commission's approach is to address those exceptions that are key to the Digital Single Market, in particular in the areas of access to knowledge, education and research, including text and data mining. As outlined in the Communication, the Commission is assessing various options and further measures. The overall objective is to increase the level of harmonisation of relevant copyright exceptions and enable digital and cross-border uses, while maintaining a high level of protection for rights. In that context, the need to allow public interest research organisations to carry out text and data mining (TDM) of content they have lawful access to, for scientific research purposes, is being*

arefully assessed. The Commission welcomes the Camera Deputaţilor's support in this regard.

- 4) *Regarding the need to develop clear rules on copyright licensing and revenue sharing (paragraph 3, indents 3 to 6 and paragraph 5, 6th indent of the Opinion), the Commission would like to assure the Camera Deputaţilor that these aspects are important elements of its copyright modernisation strategy. The Commission believes that the 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 market² will bring substantial benefits, including by easing the multi-territorial licensing by collective management organisations of authors' rights in musical works for online use and, importantly, by increasing transparency vis-à-vis users. Moreover, as indicated in the Communication, the Commission will also further promote tools to bring more European works into the single market, including the development of licensing hubs and a larger use of standard identifiers of works.*

As announced in the Communication, the Commission is also assessing options and will consider legislative proposals to achieve a well-functioning copyright market place. The objective is to make sure that the EU copyright rules enable the benefits generated by the online uses of creative works to be fairly shared. The need to increase legal certainty, transparency and balance in the system that governs the remuneration of authors and performers in the EU is also being carefully evaluated.

² OJ L 84, 20.3.2014, pp. 72–98.