

## Plenary discussion on Copyright in the Digital Single Market

11 September 2018

Chairs: Pavel Telička and Rainer Wieland

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All transcriptions are based on the English translation provided in the plenary recording, available at: <http://www.europarl.europa.eu/website/webstreaming.html?event=20180911-0900-PLENARY>

Transcriptions have been edited for length and clarity only. More specific statistics and analysis of the vote on 12 September 2018 is available via [Votewatch](http://www.votewatch.eu/): <http://www.votewatch.eu/>

*17:47 Axel Voss, Rapporteur of the Copyright in the Digital Single Market Directive, European People's Party (Christian Democrats)*

We have all been working very intensively on this file. What is at stake today? We are talking about the copyright reform that we are voting on tomorrow. There are a number of things at stake: exploitation of works by our European artists and authors which we want to regulate this in the internet world; big tech firms making massive profits on the backs of authors artists and creators of the European Union. This is something we can't continue to countenance.

We had an opportunity since the summer to have a fresh look at this. We had a negative vote the last time and now have an opportunity for the creators of Europe, rather than constantly looking for excuses and hiding behind potential ways out and letting the large tech firms have it all their own way. We should stand firmly on the side of our artists and creators and protect their values and interests. It is therefore not just a question of monetising, it's also a question of the self-assertion and self-esteem of Europe and Europe's intellectual property, which is something we would normally

consider worthwhile protecting, online or offline. This also needs to be protected in the parallel digital universe, and this is something we don't have in place just yet. This is what we're looking at.

There needs to be responsibility for regulating the content which is on a platform. This isn't something we've demanded hitherto. The E-Commerce Directive in 2000 made provisions apply to platforms, but they were a completely different thing at that time. There are developments which mean there are huge violations of copyright infringement taking place and, it's imperative for us to make sure there's a better balance between the rights of artists and creators on one hand and platforms on other.

There is a further point, which is cultural theft. We as Europeans are very proud, and rightly so, of our content and this is something as Europeans we should protect. The European Parliament feels strongly about this. This is not about trying to destroy the internet. People were banding about this ill-conceived notion in the summer with misconceived campaigns. This is not a campaign of undermining creative operation. Nobody wants to destroy anything, no one wants to constrain legitimate freedoms or expressing creativity. It is about the other side of the coin.

Copyright is very important, and we need to stop the violation of copyright law. What's wrong with that? What's wrong with fair remuneration for publishers, journalists and artists? What is wrong with regulating the big platforms so they behave responsibly? What's wrong with making sure there are rights and responsibilities that are commensurate with each other? What is wrong with having a balanced policy on copyright? I think if we could deliver that it would serve as excellent signal to the creative world of the European Union, and would be very welcome

*17:52 Catherine Stihler, Rapporteur of the Opinion of the Internal Market and Consumer Protection Committee, Progressive Alliance of Socialists and Democrats*

As IMCO rapporteur with joint responsibility in article 13, this article remains problematic. The proposals are so restrictive that they could have a detrimental effect on freedom of expression. There is a broad consensus across this house that we should protect the work of artists. But I agree with consumer organisations, user groups and academics, developers - the list goes on; article 13 as proposed goes too far and could dramatically restrict the internet freedoms of our citizens. To fundamentally change platform liability through copyright and not the E-Commerce Directive is dangerous and deceitful. What will this lead to? Filtering. Where error-prone and highly sensitive algorithms will remove anything that poses a risk. This will include legal content. If this is not censorship, then I don't know what is. On article 13 I ask colleagues to support IMCO's balanced text protecting citizens' fundamental rights.

*17:53 Mariya Gabriel, Commissioner on behalf of the Commission, Citizens for European Development of Bulgaria (GERB)*

Firstly, I'd like to thank the rapporteur, Mr Voss, and all the shadows for their hard work to update the European framework for copyright. It's a priority for the Digital Single Market and a priority for this Commission. Since the Commission came forward with the proposal exactly two years ago, I think we all know that discussions were very complicated and at times difficult, and of course there has been a great deal of lobbying from all sides. We are at a crucial stage in all of this. All stakeholders and society at large agree that changes to copyright are necessary. Current rules date back to a now disappeared world without high-speed internet, smart phones or social media. These new rules will mean the EU will give advantages to our citizens, researchers, teachers, creators and institutions that manage our cultural heritage. It will do so in a balanced way.

These new rules include a new exception to what is essential for European research and innovation. Also exceptions for educational establishments that ensure the preservation of cultural heritage and access to this for citizens. It improves transparency in remuneration for our artists and creators. These are all advantages for our societies and creators and should therefore be supported. But they won't happen if the European Parliament doesn't adopt a mandate tomorrow.

I am aware of two intense debates on the proposal, article 11 and article 13. In both of these instances the aims contained therein are essential. Article 11 seeks to promote quality journalism which is facing serious difficulties and remains essential for a pluralist democracy. Article 13 on other hand seeks to ensure online consumption of creative content. The principle is that [authors and creators] should be fairly remunerated. Allow me to shed some light on this. This is not a tax on links or access to information, far from it. It includes certain protections for hyperlinks, but no change in the scope of what is already protected by existing copyright. Similarly, article 13 does not create private censorship or obstacles to freedom of expression. Those that generate content can have a way to influence the way their content is made available by platforms. They should get their fair share of the income generated by the use of this content. Article 13 does not carve out legitimate uses and their right to make available content and doesn't limit parody or freedom of expression either. It includes mechanisms and solid guarantees to protect the rights of individual users.

The Commission's proposal is balanced, and there are many amendments submitted. But a lot of them seek to improve the proposal without altering the essence of it. No positions discussed will destroy the internet nor will they mean the end of Wikipedia. Neither will they undermine European cultural heritage. Tomorrow's vote is about European creative capacity. It is a vote to begin dialogue and indicate that Europe can reform copyright modernise our society. This will safeguard our values and democracy.

*17:58 Zdzisław Krasnodębski, Rapporteur of the Opinion of the Committee on Industry, Research and Energy, European Conservatives and Reformists Group*

We are trying to come to terms with a very difficult question: how to maintain freedom on the internet whilst protecting authors rights. I agree the value gap is a significant problem. We need to build adequate provisions so that in our digital era, authors can still create their works. This is why we need to ensure that there is equitable remuneration for the creative works that are also on the internet. But we must also bear in mind the rights of the consumers who are not passive. They contribute to publishing and are, above all, authors and the creators of the internet. We need well balanced solutions so as not to encroach on freedoms of internet users. We know there have been many protests and unrest on their part, and we have not yet found an adequate solution. Some provisions proposed are far too restrictive, such as article 3, 11 and 13.

*17:59 Marc Joulaud, Rapporteur of the Opinion of the Committee on Culture and Education, European People's Party (Christian Democrats)*

Copyright is an issue that really makes us feel very strongly, sometimes these are also lives. Journalists who risk their lives to write articles. We are now apparently stopping people accessing this information. Artists who tend to be the contenders of freedom of expression now allegedly would like to prohibit citizens from exercising this freedom themselves. We're also told that Europe, that protect these freedoms in the world, would like to censor citizens and ban them from acting. As you can see, these accusations are absurd. Of course, there are worries and legitimate concerns and we have responded to these. We have new proposals that allow us to guarantee the fundamental rights of every party concerned. The problem is that citizens are being used as an excuse to kill off this Directive. What citizens actually want is for artists to be remunerated fairly, and that platforms act with responsibility. If this Directive does not go through, then basically artists will be paid through

tips. Our choice tomorrow is simple: either we defend these rights or defend other interests that are not European.

*18:01 Michal Boni, Rapporteur of the Opinion of the Committee on Civil Liberties, Justice and Home Affairs, Group of the European People's Party (Christian Democrats)*

Europe needs to adapt its copyright laws to the digital world, with new conditions of rewarding creators for their work. But the rights of authors should be equal to the rights of users, rather than introduced at their expense. Article 13 provisions are of key importance here, with general filtering obligations and no possibility of appeal for users if their rights are infringed. Zealous platform administrations will remove content just in case. This would be harmful to users in terms of content sharing, and to the platforms also who must decide on possible infringement. There is no benefit to authors. Excessive restrictions in article 13 will limit innovation and the open internet and will not contribute to good quality journalism. We have made progress since July, and there are amendments in article 13 which reconcile the needs of users and smaller digital companies. Let's adopt them.

*18:03 Luis de Grandes Pascual, Rapporteur of the Opinion of the Committee on Legal Affairs, Group of the European People's Party (Christian Democrats)*

The Spanish EPP delegation is absolutely in favour of this text and we are supporting the amendments from the rapporteur and his text. We think it deals with the value gap and the possible adverse consequences of breaches of copyright. It's absolutely in line with existing copyright legislation and it gives sufficient protection to users, rights holders and platforms. Article 13 has been much mentioned, and there are many different recitals which meet the needs of the sector and therefore this would be a shared responsibility for those uploading content. It would protect the public,

the platforms and the holders of intellectual property rights. Platforms have hitherto been able to exploit creative material without constraint, and this is wrong and abusive, therefore some regulation is in order. This is a series of amendments that will reign in these injustices. We need a clear framework going forward, where there is communication to the public taking place, and people are not incorrectly invoking defences from the E-Commerce Directive, which are not relevant. It is important to ensure we have a clear framework and conditions enabling users to manage this situation.

*18:05 Lidia Joanna Geringer de Oedenberg, Shadow Rapporteur of the Copyright in the Digital Single Market Directive, Group of the Progressive Alliance of Socialists and Democrats in the European Parliament*

Tomorrow's vote on the draft Directive on copyright will be of key importance to the functioning of digital economy. Above all, it's important to digital users. After significant reflection I hope MEPs will eliminate those provisions which have been adopted by the JURI committee, which go against the interests of the internet. I do support the concept of presumption of copyright instead of introducing a related right, which has not worked in Germany or Spain. This presumption of copyright will enable publishers to pursue their claims. The introduction of a new provision will not contribute to the elimination of fake news, but instead will strengthen the position of larger publishers whilst eliminating smaller publishers which can't afford the costs to use this so-called "snippet". This would mean we will be reducing diversity. Many experts also warn us that this would be a threat to neutral content searches, and thereby reducing choice for users and their rights on the internet.

As for article 13, I do not agree to automatic filtering of platform users. This would be *de facto* censorship of the internet. We have already once refused to adopt censorship under the form of ACTA.

I would ask for your support to adopt the compromise of the IMCO committee, which is well balanced and reasonable and would ensure balanced approach to both publishers and users.

*18:07 Sajjad Karim, European Conservatives and Reformists Group*

May I start by recognising the tremendous work that the author of the report, my good friend Mr Voss, has carried out - and indeed the shadow rapporteurs also. If there was anyone in any doubt about the power of platforms, the exercise of these platforms in targeting members of this Parliament (and indeed policy advisors and staff working on our behalf), should be left in no doubt about the tremendous power that they wield. That was not an exercise in democracy, that was an exercise in manipulation. We must ensure there is a greater balance that comes out of this process that we are undertaking at this moment in time.

Much of the campaigning focussed on articles 11 and 13. There are a lot of improvements, and indeed we will be voting on that, and much will receive support from our group. Our position on article 11, the publishers right, is to support it whilst narrowing the remit so that it would not apply to insubstantial parts of articles or short extracts. I think this is a balanced solution. On article 13, I support the rapporteurs approach which I consider to be the only text on the table which addresses the liability of large platforms such as Youtube and ensures that artists and authors are fairly remunerated. And very finally, I am pleased to introduce proportionality into the text so that small and micro enterprise platforms [...]

*18:09 Jean-Marie Cavada, Shadow Rapporteur of the Copyright in the Digital Single Market Directive, Group of the Alliance of Liberals and Democrats for Europe*

The press is necessary. It's essential to the vitality of democracy, and we saw that in a debate with the Hungarian Prime Minister just now. Let that be a warning to all of us. Culture is also an economy. 135 billion euros every year. 7.2 million people working in culture. We have no digital industry as such. For all these reasons this Parliament needs to support [culture], because there is an imbalance there. European public opinion per recent polls show that users want and demand that platforms fairly pay those who create, such as artists or journalists.

My group has submitted amendments that try to help the rapporteur achieve his objectives more effectively on article 11. We need to be a little bit more specific and need to get rid of the hurdle that was created on 5 July. Political groups need to pull together to get a vote in favour of protection. On article 13, we need to be more specific here too, but I won't go into details. Creators should be able to tell platforms what works, and which creations are free of copyright, and which are not. They should be able to communicate that. I don't trust platforms on this. We know how harmful they can be, we saw that on 5 July. We can't expect them to reach out to copyright holders and pay them fairly. We need to be a bit tighter on this in the wording. I 100% endorse Commissioner Gabriella - it was absolutely accurate.

*18:12 Julia Reda, Shadow Rapporteur of the Copyright in the Digital Single Market Directive, Group of the Greens/European Free Alliance*

Copyright law is complex, and when it comes to tomorrow's vote, all of you have been getting mixed messages. And there is a reason for that. The problems that rapporteur Voss wants to solve are serious, but they are not caused by copyright law. Copyright law cannot bring back lost subscriptions or lost advertising revenues. If that's the problem we want to solve, we need to ask the Commission to bring in online advertising regulations, because this is how tech companies are threatening to destroy the news business.

The truth is, newspaper articles are already protected by copyright and platforms use them without paying they are already breaking the law. Our proposal will allow publishers to enforce that law without limiting the freedom to link. The neighbouring right on the other hand has been tried and failed before. Simply wishing it will work this time around is not a solution. It's time that we turned the discussion from what we would really like the proposals to do to what they will actually do.

If we make platforms directly liable for everything, they won't be able to get a licence from every rightsholder in the world. Even if they could find all the rightsholders, if only one of them refuses the licence, the platforms will have to filter. Mr Voss may deny that, or say the filters will only block illegal content, but simply wishing that automatic filters can do that is not going to make it true. Until algorithms are smart enough to have a sense of humour then they won't know the difference between a parody and copyright infringement - they will simply block both. If we want Youtube or Facebook to pay creators, lets write that into the law, like many of the alternative amendments that the left-side of the house actually do. Upload filters will give platforms like Youtube and Facebook an excuse not to pay. Instead they will sell filters to small European platforms. This is a danger that even the United Nations Special Rapporteur for freedom of expression had called by its name - censorship.

The proposals may be well intended but suffer from a reality gap. We have to stick to what copyright can actually do to benefit creators, rather than trying to solve other problems and without threatening fundamental rights. That's what the amendments I've filed do. They're not what big tech wants, and they're certainly not the Pirate Party position. They're the proposals by the IMCO committee and previous rapporteur, and they are 100% supported by Europe's leading copyright academics. Please vote for them so that they can actually preserve the important parts of this Directive which will actually help creators.

*18:15 Jiří Maštálka, Shadow Rapporteur of the Copyright in the Digital Single Market Directive, Confederal Group of the European United Left - Nordic Green Left*

Working on the draft Copyright Directive has been one of the most difficult jobs in all my time here at the European Parliament. It is an area in which too many interests clash, and it's really difficult to find a compromise. We probably all agree copyright should be modernised for the digital era. But how to modernise it is a different story. Just how controversial this issue is obvious from 166 amendments that have been tabled, and the hundreds of emails we receive every day. But unlike the rapporteur, I don't think this is just a seditious campaign, we all want to pursue good legislation that won't be a step backwards.

I thank all my colleagues that have taken part in the difficult work. In the JURI committee, I believe we have done a good job on some parts of the proposals, but there are still some parts that can be improved. I hope colleagues will support our amendments to article 4 so we can make sure that educational institutions can use digital materials, such as excerpts of songs, in their work without having to enter into licensing agreements. I am against the wording of article 13. I know there are divisions, but I hope we can find compromise.

*18:17 Isabella Adinolfi, Shadow Rapporteur of the Copyright in the Digital Single Market Directive, Europe of Freedom and Direct Democracy Group*

We have divided the world artificially in two: those that defend authors and creators on one hand, and web giants on the other hand. I have always defended authors and creators. But this Directive has become a punitive measure against the internet *vis a vis* platforms. The internet has revolutionised the creative community by giving them a global platform for their work. What has happened in

reality is that creators' rights have been instrumentalised to justify the maintenance of market profit considerations in the face of all others.

The problem of fair remuneration of internet content is a very serious one, but that doesn't mean automatic controls implemented via algorithms are a solution. This doesn't resolve the problem, and instead gives greater power to multi-nationals. The Directive won't be preventing fake news either. Article 11 essentially introduces a link tax on the publication of links in articles. This is a punitive position in terms of the freedom of internet. We in Five Star want to protect citizens' rights and don't want to work in the old and tired structures of the past.

*18:18 Marie-Christine Boutonnet, Shadow Rapporteur of the Copyright in the Digital Single Market Directive, Europe of Nations and Freedom Group*

This vote on the Copyright Directive is of crucial importance in terms of European future for two reasons. First of all, politically. A recent poll showed that the broad majority of Europeans believe that American internet giants hold more power than the EU these days. They feel that they are potential risks for the functioning of our democracies. Will the European Parliament give in to the millions of spams and remote-controlled tweets coming from Silicon Valley?

Secondly, from a social point of view, the platforms are themselves quoted on stock exchanges and have unprecedented capitalisation. Are we going to deny creators and artists fair remuneration?

They are the workers that create the wealth foreign companies use. It is time to stand up to the internet giants and say that Europe is not a big market they can just help themselves to, with impunity and without fee. Are we not going to support creators and artists? I will be voting in favour of the rapporteurs' amendments tomorrow.

*18:19 Dobromir Sosnierz, Non-attached Members*

We must first of all ask ourselves: is there a shortage of films throughout the world? Do we have too little music? Do we opt for the entertainment industry or run away from it? Perhaps authors are themselves starting their profiles on Twitter and other media. Actions speak louder than words.

If we ask any professional group, you hear that they don't earn enough, they will always say that the world is not fair to them and that they don't get adequate remuneration. But we see ourselves that artists prefer to go on Youtube, discounting any losses they may suffer. If it is the case that we do have enough films and artwork, let us not try to improve what is not broken. Also, Mr Tajani should give up his office.

*18:21 Angelika Niebler, Group of the European People's Party (Christian Democrats)*

Why are we reforming copyright law? Digitisation has changed the framework for copyright, our creators, journalists, musicians, artists, and filmmakers. They will be in a better position to defend themselves from platforms that benefit from what our creators do. Platforms prevent the flourishing of European culture and fair remuneration. We want them to be able to negotiate as equal players with big American platforms. The American model is based on exploiting our creators.

Nobody wants to censor the internet. Nobody wants to prevent hyperlinks or do anything else about them. All sorts of assertions have been made in this debate that simply aren't true. We want to help the European creative industry, and I would urge colleagues to get behind Mr Voss's balanced proposals, so that creators can keep a decent position in the digital age and be able to stand up to others.

*18:23 Josef Weidenholzer, Group of the Progressive Alliance of Socialists and Democrats*

The decision in July to have a further debate was quite right. Many amendments have been submitted over the course of the summer, showing need for further discussion. In order for us to complete the Digital Single Market in an appropriate way, my group has been fighting for compromises for articles 14-16.

Articles 11 and 13 have been very controversial, and hitherto no successful compromise has been reached, though I'd have been happy to come up with one. My group is concerned about the balance of rights between authors and consumers, and to ensure the creative industry can be protected for the future. It's vital for future of Europe. We will vote accordingly and deliver these goals.

*18:24 Kosma Zlotowski, Group of the Progressive Alliance of Socialists and Democrats*

Intellectual property and copyright are protected at EU level. Unfortunately, our debate for the last few weeks has only concentrated on both sides of this dispute. Both the Commission and Voss have lost sight of what is most important, that is the needs and rights of internet users. It is difficult to imagine freedom of expression and speech without the internet. Freedom to upload content and comment is an important element for modern democracy. We do not agree that huge press corporations should get tools that lead to censorship. Users cannot be treated as live target by publishers, but also cannot be victims of Facebook or Google. We do need a real compromise. Mr Voss's report is not such a compromise.

*18:25 Marietje Schaake, Group of the Alliance of Liberals and Democrats for Europe*

Our copyright needs updating, but [this Directive] is not the direction that Europe needs. This has been a depressing debate with claims of fake news flying back and forth, rockstar experts and excessive lobbying from big companies on both sides of the argument. But this should not distract us from the substance of what's at stake. So with fifty other colleagues, we seek a compromise that puts the public interest first, and is proportionate between the need to enforce copyright but also to respect fundamental rights.

So that means no upload filters, but proportionate remuneration for creators. It means no publishers right, but a presumption right. It means new and clear text and data mining exceptions, which has not been discussed much but is crucial for the development of the European artificial intelligence industry, which is something of great concern as well. We also speak of freedom of panorama and an exception for user-generated content. I hope for your support so that we can move on together and show compromise can work.

*18:26 Max Andersson, Group of the Greens/European Free Alliance*

This proposal for a change in copyright is unacceptable. It means having upload filters on large swathes of the internet and these filters are quite simply stupid. They prevent people from legally sharing pictures, or music, or indeed political comments. This will affect whole series of platforms whose models have nothing to do with copyright infringement. Sites such as Trip Advisor which give us advice about cosy restaurants, or places to visit. Many of these sites won't be able to afford filters.

We must try to ignore the copyright lobby and look at the interests of the general public first. Therefore, I ask you to vote against the proposed upload filters and support IMCO's proposal, which talks

about balanced copyright where the artists are better remunerated, but the public have their entitlement to a well-functioning internet.

*18:27 Gerard Batten, Europe of Freedom and Direct Democracy Group*

This report has caused MEPs to receive thousands of emails from constituents. The vast majority have asked me to vote against it, or to vote for amendments which would mitigate its worst effects. The only reason that we're having this vote tomorrow is because in July, UKIP MEPs and some others, invoked s69c of the Rules of Procedure. Otherwise this report would have went unopposed for negotiation to the Commission, and we wouldn't be stuck with whatever came out of the legislative sausage machine.

This report is another example of the one-size-fits-all legislation that supersedes national legislation and will cause bigger problems than those they suppose to fix. Of course, authors should have their works protected and fair remuneration under a fair and proportionate copyright law, but this legislation is not the answer.

The proposals have been widely criticised as a means of introducing censorship to the internet and social media. It's been criticised by no lesser person than Tim Berners-Lee, the creator of the world wide web. Many people now rely on alternative media like Twitter which are not reported in mainstream media and would otherwise not be seen.

These proposals will also represent a barrier to entry for entrepreneurs with new requirements for social media start-ups to comply with, and will inhibit competition. We should not make it harder for people to publish material of interest to the public, or restrict small voices from being heard. I

urge MEPs to vote for the EFDD amendment to reject the proposal completely, and if that fails, to vote for the amendments which mitigate the worst effects of the legislation.

*18:30 Stanisław Żółtek, Europe of Nations and Freedom Group*

Internet has given freedom to people. They don't have to simply watch television as source of information; they can get information from wherever they need and share it. This means the internet is taking away profits of broadcasting corporations and reduces the powers of officials and administrators. This is the only reason for this Directive. It's not talking about copyright but talking about the protection of profit and power wielded by some groups. There are thousands of beautiful words, and so many amendments aimed at covering up the essence of articles 11 and 13, which introduce censorship which was unheard of even under communist states. If you adopt this Directive, and I will not, your children will be living in an Orwellian world.

*18:31 Bogdan Brunon Wenta, Group of the European People's Party (Christian Democrats)*

The motto of the EU is "united in diversity", and it is the protection of this diversity which should be the heart of this debate. Music and arts are integral to European culture and reflect our values. That's why we should do our best to protect them. There have been a lot of lies, myths, and fake news concerning this Directive. It's not true that the European Parliament want to censor content on internet. Nor is it true that we want to ban memes, or selfies taken with your favourite football player. Users are still able to comment and share content they like, or think is important. We only want the effort of artists which has been invested in creating content to be fairly remunerated.

The left side of the Parliament talks about fair pay; does this not also concern European creators, musicians, artists, and journalists? I come from the world of sport, which is governed by rules of

fair play. However, when we are flooded with hundreds of thousands of automatically generated emails, a lot of false information, this has nothing to do with fair play. For the first time I see this cynical campaign against the Directive. Let's protect European culture and identity, and those who at the moment stand no chance in a confrontation with platforms.

*18:33 Theresa Griffin, Group of the Progressive Alliance of Socialists and Democrats*

The essence of the vote tomorrow is to ensure creators are fairly paid for their work, and not exploited by large platforms. We have to close the value gap and have money to reinvest in content to create new work. This is not about censorship. This is not about making individuals liable for everyday internet use, despite the myths. Would we dream of turning to other European workers and ask them to give their work for free? Why are we not ensuring creators such basic guarantees? The vote tomorrow is about European values, paying creators properly for their work, protecting them from exploitation, and ending the unfair monopoly of few big platforms.

*18:34 Daniel Dalton, European Conservatives and Reformists Group*

I don't support articles 11 and 13 and never have. I don't think either will do what you want them to do. I don't think creators or publishers will make any more money from these. It won't hurt Google. But it will hurt consumers. Big platforms will face even less competition. We need to recognise that the internet has changed everything, and we need a balanced debate on how to regulate it, but we need to do it carefully and not threaten the entire ecosystem of internet.

Article 11 threatens news aggregators that drive traffic to news websites, especially small news websites. It threatens the ability to post links to social media. It's not proportionate. Article 13 forces platforms to check and filter all content, and it will take down legal content. I accept there

are genuine problems, particularly with the music industry, but we must solve them without effecting how people use the internet. Think about vlogs, Twitch feeds, and memes. I hope constructive compromises come out of the vote tomorrow, but I can't support the report that came out of JURI.

*18:36 Yana Toom, Group of the Alliance of Liberals and Democrats for Europe*

The European Parliament has become a battleground for giants, between the music and publishing industry against the tech industry. Creators are used as pawns in this game. But what is the problem? Not enough money finds its way to creators, while someone else cashes in on their work. Creators need fair remuneration for their work but making platforms liable will not solve this problem. Neither will the creation of a publishers right. But it will impact users. What we need is a balanced approach between the creators right and rights of the users. We have introduced compromises because the rapporteur failed to do so. There are reasonable amendments on the table, supported by academics in the field of intellectual property and information law. They strengthen the position of creators and introduce exceptions for users. We have to strike a balance and not fight on the side of one giant against others.

*18:37 Helga Triipel, Group of the Greens/European Free Alliance*

The Voss amendments are balanced approach. I would like to remind you that the artists who spoke to us want us to vote in favour because they are pleased. The question is, are the consumers pleased? What do they get? Legal certainty. We make platforms, the most powerful and richest monopolies on the globe, to fairly pay artists by agreeing contracts with collective management organisations. We have it in the analogue world, and we want it in the digital world too.

Consumers are not under threat. Filters are out of the Voss amendments. There is no censorship or filtering. Political censorship is a different thing - look at China and Saudi Arabia filtering content according to political ideas. This proposal makes very rich companies be socially respectful. On the question of freedom, if we have unlimited freedom then that becomes very Neo-liberal, and only the bigger ones win. What i want to do with this reform is to combine responsibility and freedom, and that is the balanced approach. It's not against the consumers. It's in favour of legal certainty and fair payment. Like we want to regulate Uber, and the socialists want it for good reasons to make sure workers paid. We want cultural workers to be paid as well.

*18:39 Jiří Payne, Europe of Freedom and Direct Democracy Group*

Article 11 will mean that the services that we have been used to in Google and other search engines will be limited, to the detriment of citizens. Article 13 will mean the files created by us, or our children, and uploaded will then be censored by robots. Robots will decide our freedom and ownership, things normally only decided by courts. The EU is not interested in people and what they need. The EU wants to concentrate power in Brussels and that's why we need to replace the EU with an alternative.

*18:40 Marcus Pretzell, Europe of Nations and Freedom Group*

Copyright is part of intellectual property law, and it has to be protected as such. But, we are talking about Google, Youtube, Facebook, and other internet giants having too much power and exploiting creators and authors. That's all very well, but we're guilty of overlooking an important factor, which is that political accountability involved here too. There is also the need to avoid censorship. If we're going to have algorithms determining the scope of freedom of [expression], or private companies gaining even greater power, then we're circumventing the rule of law. Users won't win, or

creators. The only winners would be major publishers, or possibly major music labels *vis a vis* other internet giants. Smaller creators and operators, as usual, fall through the network, and this is the perennial problem of the EU. The EU only ever thinks about the big man, occasionally the middle man, but always there is the small one falling through the net - and that's happening here yet again.

*18:42 Grammatikakis Giorgos, Group of the Progressive Alliance of Socialists and Democrats*

What will be decided tomorrow is not if creative people will survive, but rather if the EU has the courage to create the necessary legal framework for the functioning of internet giants. We have many examples of their might and their possibility to mislead people. The JURI opinion is a balanced compromise and much improved by the Voss proposals. We at the CULT committee, where I was a shadow, have many doubts but I would ask you to vote for the Voss amendments. The vote tomorrow is not only about the future of artists, but the quality of democracy in Europe.

*18:43 Anneleen Van Bossuyt, European Conservatives and Reformists Group*

Should the European Parliament be deciding how copyright should be reformed? It is important for us to have a louder voice in shaping copyright for the 21st century, which reflects how the internet works, factors in digitalisation, and the need to protect all parties. We need clear legislation, not unclear legislation which is open to confusion, which the current legislation is. It's vital for authors and creative people to get proper remuneration, but not at the cost of innovation or freedom of expression. We're against upload filters being made mandatory, and against any link tax, as this is disproportionate and unhelpful in the extreme.

*18:44 António Marinho e Pinto, Group of the Alliance of Liberals and Democrats for Europe*

The Commission proposal backed by the Legal Affairs Committee amendments is good, because it strikes a healthy balance between the rights of creators and the rights of users, particularly the right to freedom of expression. We can't accept that we have these very profitable businesses which are based on making available other people's creations for free without respecting copyright. Press editors that make available independent and quality information can't just be reduced to free content providers for the big platforms that now predominant on the internet. At the end of the day, the question is of extending copyright protection to the internet, the same way as outside of the digital world. What is at stake is choosing between defending European culture, and the cultures of big players.

*18:45 Heidi Hautala, Group of the Greens/European Free Alliance*

The economy behind copyright is very broad, and there are all sorts of different interests. Everyone who participates in this proposal must strike a balance between these interests, and we must take into account those with the least ability to negotiate. The legislation cannot strengthen this position. In article 12 we've managed to find a decent solution to precisely this. In article 13 the relation of power between copyright holders and platforms needs to be addressed. Basic rights cannot be infringed, but article 13 must take into account other aspects. I think the best solution are those proposed by the IMCO committee.

*18:47 Pavel Svoboda, Group of the European People's Party (Christian Democrats)*

A functioning copyright system is a guarantee for good functioning of European creative artists worldwide, and for the promotion of European culture and individual character. But we want this to represent a public interest that will be well-defined, and not reduced to one single group of users. The public interest has to be an outcome of having carried out a good analysis of all those touched

by copyright, and all those with legitimate expectations related to copyright, both users and creative artists. What really matters is that the final text represents public interest and would not be an easy target for those that want to protect intellectual property and find a lack of connectivity with this. Also - I do not like the term censorship. This term should not be used when we talk about protecting authors and their work. We who lived for decades in a regime where certain content was removed for what it said, and not for technical reasons. We cannot stomach that.

*18:49 Dietmar Köster, Group of the Progressive Alliance of Socialists and Democrats*

For the reform of our copyright legislation, what we need is a fair balance of different interests. As far as I'm concerned, we are talking about artists and users (who are particularly important). I don't think we should be instrumentalist or manipulated in a conflict between the old and new industries. Articles 11 and 13 are the most moot, and neither contribute anything to improve living conditions of artists. What I do see are real risks in terms of freedom of opinion and information. Article 11 basically just sets up a means to generate more profit for these industries. This is surely not our role as parliamentarians. In regards to article 13, upload filters mean private actors determine what kind of content should be uploaded before it has even started. This is disproportionate, and a big risk with algorithms.

*18:50 Pascal Durand, Group of the Greens/European Free Alliance*

Let's not debate the different sides. We've heard about defending Small and Medium Enterprises. But at the end of the day, we are being told: do we want to defend big business, or small creators that are being exploited? But it's actually about big platforms versus big publishing houses. Lets keep a sense of perspective. We should understand this text to be about the freedom of the internet,

which is being undermined. Therefore - no automatic filters, or letting AI take over, or the big players that will develop these. Let's not let them censor the internet. The internet is a legislation free zone. If we want the "real" creators or journalists to be fairly remunerated by Google or Amazon, then we should do this by means of tax.

*18:51 Silvia Costa, Group of the Progressive Alliance of Socialists and Democrats*

We received a letter today signed by 116 reporters from Baghdad, and other places, from journalists who are in war zones on the front lines. They are asking us to guarantee the rights of the free press, which is freely available and can be about whatever we see fit to be published. Therefore, the copyright legislation which was devised a number of years ago, before the modern internet era, is not relevant any longer for the economic model we have. We're not seeking to introduce censorship or to limit citizens' access to culture. We are seeking to regulate platforms which classify, organise, and process content, and deprive authors and creators of just revenue.

It is important that producers, authors, and creators are recognised and protected. We want to see a proper ecosystem in the cultural sector which is sustainable and recognises the respective responsibilities of all. We want to tackle fake news and oligopolies, and the dominant American platforms. This is not "freedom of the internet". Spotify has 150,000 users and billions in royalties, and YouTube has been paying only 450 thousand in tax. This is a situation which is untenable. We need a proper legal structure governing online activities, not least to protect the users. Since July we have appreciated the extra time to find a compromise of the Voss report, I think the vast majority of S&D will vote for them.

*18:54 Nicola Danti, Group of the Progressive Alliance of Socialists and Democrats*

Leaving aside fake news, copyright reform is not going to constrain freedom of internet users any more than it will control what citizens can look at and do. But if we are looking at copyright legislation, we have to keep in mind our cultural model that underpins our society. Do we want it to be determined by global networks, or our creativity, ingenuity, and imagination which is what characterises our thinking and creativity? We need to decide if we want to introduce rules for the digital world, or to let it further degenerate into a worse wild west, where few big platforms dominate private opinion and call all the shots in a privatised market. This is the future of democracy and popular sovereignty that's at stake, no less.

*18:55 Virginie Rozière, Group of the Progressive Alliance of Socialists and Democrats*

We've heard a lot of things, and erroneous things about the text we're debating today. Platforms can't have no rules and remunerate no one. Consider YouTube today - 94% of music consumption is online, but only contributes 3% to revenue of sector. Therefore, I ask my colleagues to vote against the IMCO amendment which will only serve to keep the status quo, which is unacceptable. We should not yield to propaganda from the United States, which has been coming for weeks now. Listen instead to European voices; according to recent polls, 87% of Europeans would like to see artists fairly remunerated. Let's not disappoint them.

*18:56 Tiemo Wölken, Group of the Progressive Alliance of Socialists and Democrats*

The rapporteur's proposals in their current form would unfortunately mean that there would be an obligation to impose filters, which is intolerable. Today it could be about so-called illegal content, but later about music, or opinions you don't agree with - we have to stop that. We need a proper balance between the interests of creative people and users and we must strive for this. I want active platforms to pay for creators, but I don't want algorithms to determine what you can or cannot see

online. I myself have made proposals about this, and Mr Voss - they are proposals you need to bring together to achieve a compromise everyone can get behind. There is an opportunity tomorrow to get a majority in favour behind this very important piece of legislation.

*18:58 Evelyn Regner, Co-Ordinator in the Legal Committee of the European Parliament, Group of the Progressive Alliance of Socialists and Democrats*

It's high time that copyright law arrived in the 21st century. Online platforms need to pay artists and creators if their work is used. We need to protect them. Uploads onto the internet make their work available very widely, and therefore there needs to be opportunities for fair participation of authors, artists and creators in the whole system. But there are also rights for users. We, as Social Democrats, have managed to feed in a number of ideas into the discussion, including fair remuneration for artists and creators, and mandatory information to be provided from the platform to creators on the use of their work. Fair remuneration and open internet are absolutely essential. Without that, we can't be making users liable for uploads.

*18:59 [Commission response] Andrus Ansip, Vice-President of the European Commission*

I would like to thank the members of the European Parliament for this interesting debate. It's very evident that there is a clear consensus about the need to modernise the EU copyright framework. Reform of copyright is extremely difficult to do, we all know this. There are so many interests to reconcile and the rules have direct impacts on the everyday lives of our citizens.

I think it's good to remind ourselves that this Directive is important for the many reasons mentioned before. The European citizens care about this Directive in a very direct way. We saw this when the Commission worked on its proposal, and we have seen it leading up to this debate.

Clearly, we need to give Europeans the right kinds of copyright laws for the digital age. They deserve nothing less. And it is achievable. This is very clear to us after this debate. As mentioned before none of the proposals now on the table will destroy the internet nor freedom of speech. None of the proposals will restrain our citizens from expressing themselves or sharing their ideas with others. More specifically rest assured that article 11 will not limit access to information. On the contrary, it will ensure the survival of quality press in the digital age. And as for article 13, I think we only need targeted and balanced intervention to ensure the European creative industry can get a fair share of the value generated by its content which is nowadays mainly used online.

After today's debate I am encouraged that all EU institutions share the common objective of ensuring a fair and thriving copyright environment in Europe. This Directive is a one of a kind opportunity to adopt copyright rules to the digital age. If we fail to start triilogue negotiations, the Directive may be pushed back several years. In this case, in the short term, there will be only one winner. Large platforms. No one else. Not creators or artists. Not the citizens. Not the researchers. Not the teachers. Not even start-ups or smaller platforms will win. And in the end, not even platforms win from fragmentation. This will be a real lose lose situation. We are committed to assist the co-legislators in the triilogue negotiations to ensure that a balanced proposal is adopted.

*19:03 [Rapporteur response] Axel Voss, Rapporteur, European People's Party (Christian Democrats)*

Why not the IMCO text? I'd like to explain that very briefly, because we have a legal base for dealing with passive platforms, and this needs to be extended to active platforms. This interpretation is much greater than that, there is a user-generated content exception which would undermine all of these provisions. In the current legal situation, we have moved a step beyond that. Why not the ALDE proposal? They have set in stone that [checking] would be done with the first upload, and

this is difficult to achieve without filters. These two options aren't really worthy of discussion because we don't want to have a proposal which is lagging behind the current situation.

That is why I made the proposal that I did. That's why there isn't filters any more, and instead a process whereby all stakeholders can sit together and discuss how solutions can be achieved without violations of copyright. This makes it possible to move forward and come up with feasible solutions. For this reason I think the best thing is to get everyone round the table to talk about how to develop things. We have strong rights for individuals, we look at liability, and we also have article 11 which deals with journalists. So, I think that everyone can agree to this Voss proposal and so I invite you to do that and go this way with me.

[Written Submissions]

*Ian Hudghton, Group of the Greens/European Free Alliance*

MEPs have received thousands of emails expressing concern about the Digital Copyright Directive. Discussions over this file have been both complex and controversial, while seeking a workable compromise between the most contentious elements of the Directive, in particular Articles 11 and 13, and the right of copyright holders to receive fair remuneration for their work when published online. That is why, in July, we voted to allow for this full Plenary debate and amendment process. Throughout the negotiation process, the Greens/EFA group has fought to get the right legislative balance for creators to get their fair share of remuneration, and for public digital users. However, the current text of the Directive includes some provisions that have far-reaching consequences for digital users, for example due to the potential imposition of content filters. There is an undeniable right for creators to be properly compensated for their work. SNP MEPs have always supported that right. On the other hand, we must also seek to protect the public who have the right to freedom of

expression. To date, we do not have the necessary legal framework that balances these two principles. I think that the IMCO position is reasonable and will vote accordingly tomorrow.

*Marijana Petir, Group of the European People's Party (Christian Democrats)*

Internet and digital technologies change the world, so we have the responsibility towards our citizens in creating better law regulations. It is important to protect creative work, artists, performers, professional and quality journalism and provide authors with a fee for their work. It is also important for citizens to provide free access to online content and give them the ability to share these content through social media. The cultural and creative industries in Europe employ more than 12 million people, representing 7.5% of the EU's workforce and creating about 509 billion euros in value added for GDP, and copyright protection is the foundation of their revenue. Use of a copyrighted work without the payment of compensation cannot be the basis of any business model. It is unacceptable that online giants publish their work and gain huge profits without paying compensation to authors. Hence, quality legal solutions can contribute to equity in today's digital age and ensure the well-being of our citizens.

*Romana Tomc, Group of the European People's Party (Christian Democrats)*

Legislation in the field of copyright law must also be updated digitally, since it must follow the time and space. It is true that the start of the procedure was not transparent and that the report contained quite a few critical points. The changes we now have on the table are good and ready to coordinate with the Council. The report now regulates this area so that user rights and rights of creators and publishers are proportionately protected. All creators deserve a fair pay for their work and protection from large platforms that use their work for their own profit. As a member of the Committee on Employment and Social Affairs, I simply cannot overlook it. The European Parliament is working

hard to provide the fullest possible competition in the digital single market and to provide an environment in which the authors will have the opportunity to exercise all the rights to which they belong, of course, in proportion to the impact that this Directive will bring on businesses. Micro, small and medium-sized enterprises are excluded from the Directive, and the disputed filters are no longer obligatory. Therefore, I support the renewed text. Thank you for your hard work and persevering work!

*Henna Virkkunen, Group of the European People's Party (Christian Democrats)*

The EU Parliament is now voting on its position on the long-awaited Copyright Directive. The goal is to ensure that authors get fair compensation for their work even in the digital age. Around the directive, there has been a huge international online campaign and an acrimony for months. MEPs have received mass mailings of tens of thousands of emails where the directive has been suspected of leading to censorship, restrictions on freedom of speech and Internet destruction. This, of course, does not come as a result of this directive. Promoting myself to digitalization has always been one of the most important themes. Our EPP group has put forward compromise on the directive in the plenary vote, and now the directive is clearly limited to those large commercial internet platforms whose main purpose is to substantially divide copyrighted material into profit. A license or a license is required for its distribution. Small businesses and non-commercial operators are not covered by this Directive. Although the directive is by no means perfect, that is the sum of several compromises and votes, I think it should not go now to fall. Otherwise, the necessary reforms could be delayed again in the years. When Parliament has decided on its position, the copyright directive will be further negotiated, triologue with the Commission and the Member States. The aim is to have the Directive finally adopted during the spring.