COMMISSION IMPLEMENTING DECISION (EU) 2020/675

of 15 May 2020

on the proposed European citizens' initiative entitled 'Freedom to share'

(notified under document C(2020) 3191)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ([1]), and in particular Article 6 thereof,

Whereas:

(1) The objectives of the proposed European citizens' initiative entitled 'Freedom to share' are: 'To legalise sharing – via digital networks, for personal use and non-profit purposes – of files containing works and other material protected by copyright, related rights and sui generis database rights, with a view to striking a balance between the rights of authors and other rightholders and the universal right to science and culture.'

(2) An annex provides further details on the subject, objectives and background to the proposed citizens' initiative. In particular, it calls for the amendment of the EU rules on content-sharing digital platforms, referring specifically to Directive (EU) 2019/790 of the European Parliament and of the Council ([2]). The envisaged modifications would consist of adopting 'a legislative act providing for a waiver of copyright, related rights and sui generis database rights for natural persons sharing files via digital networks for personal use and non-profit purposes'. The goal set by the initiative is to allow citizens 'to share files directly via peer-to-peer networks in order for them to have access to science and culture without being subject to checks and profiling'.

(3) The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances further the democratic functioning of the Union by providing, inter alia, that every citizen is to have the right to participate in the democratic life of the Union by way of a European citizens' initiative.

(4) To this end, the procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible.

(5) The proposed initiative asks for the amendment of the EU rules on content-sharing digital platforms, referring specifically to Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market, which is based on Articles 53(1), 62 and 114 of the Treaty on the Functioning of the European Union (TFEU).

(6) Legal acts of the Union for the purpose of implementing the Treaties can be adopted for the coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking-up and pursuit of activities as self-employed persons, on the basis of Article 53(1). According to Article 62 TFEU, this legal basis also applies to matters regarding the freedom to provide services as set out in Articles 56–61 TFEU.

(7) Legal acts of the Union for the purpose of implementing the Treaties can be adopted for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market, on the basis of Article 114 TFEU.

(8) In view of Articles 53(1), 62 and 114 TFEU, none of the parts of the proposed initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties in accordance with Article 6(3)(c) of Regulation (EU) 2019/788.

([1]) OJ L 130, 17.5.2019, p. 55.

([2]) Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

(9) The group of organisers has been formed and the contact persons have been designated in accordance with Article 5 (1–3) of the Regulation and a legal entity has been created specifically for the purpose of managing the initiative in accordance with Article 5(7).

(10) The proposed initiative is neither manifestly abusive, frivolous or vexatious nor manifestly contrary to the values of the Union as set out in Article 2 TEU and rights enshrined in the Charter of Fundamental Rights of the European Union.

(11) The proposed initiative entitled 'Freedom to share' should therefore be registered,

HAS ADOPTED THIS DECISION:

Article 1

The proposed European citizens' initiative entitled 'Freedom to share' is hereby registered.

Article 2

This Decision is addressed to the group of organisers of the citizens' initiative entitled 'Freedom to share', represented by Mr Marco CIURCINA and Mr Roberto GALTIERI acting as contact persons.

Done at Brussels, 15 May 2020.

For the Commission
Věra JOUROVÁ
Vice-President