
Asking for a better copyright for education

Dear MEP,

In early July the European Parliament rejected the mandate of the JURI committee to start negotiations on the Draft Directive on Copyright in the Digital Single Market. We would like to thank you for giving this directive the careful consideration it deserves, and we would like to take the opportunity to highlight some improvements for the directive, specifically on the topic of the proposed mandatory exception for education in article 4.

As we argued for before, educators, teachers, support personnel, students, vocational trainers, researchers, scientists, librarians, archivists and museum professionals provide education on a daily basis. They teach, learn, create and exchange information for the benefit of European society. Copyright needs to be reshaped in order to facilitate modern quality education and research which spans the lives of learners, and takes place in a variety of formal and informal settings, online as well as offline.

We strongly support the European Commission's decision to update the framework of educational exceptions and introduce a new, mandatory exception. Unfortunately, the current DSM proposal does not meet the needs of educators and educational institutions. The JURI report, while having some improvements

over the Commission's proposal, also did not provide the necessary clarity and opportunities for education. We do very much support the inclusion of 4(a) in the JURI report, as it clarified that contractual overrides are unenforceable. We also look favourable upon the ability to grant royalty-free licenses, and the inclusion of the heritage sector in the exception.

However, the JURI report did not go far enough to support education. Instead of supporting a broad lifelong-learning sector that includes in particular adult education and workforce training, the reform will apply only a narrow range of formal establishments. Instead of supporting innovative use of digital communication to extend the mission of educational institutions, it will serve as a barrier to the use of digital tools and works for teaching and learning. And instead of facilitating use of a broad range of resources available to educators and learners today, it will support an outdated model that limits education to one-size-fits-all, mass-produced textbooks.

Therefore we urge you to support amendments to article 4 in the plenary that remedy the biggest issues with the Commission proposal:

○ **SUPPORT A BROAD DEFINITION OF EDUCATIONAL ESTABLISHMENTS**

Unfortunately, the European Commission's proposal does not include all organisations where educational activities take place as only formal educational establishments are covered by the exception. We note that the European lifelong-learning model underlines the value of informal and non-formal education including continuous professional development conducted in the workplace, which also take place in collaboration with cultural heritage institutions and NGO's. All these are excluded from the education exception. **We therefore ask you to support amendments that clarify that all organisations where educational activities, both formal and non-formal, take place are covered by the education exception.**

○ SUPPORT A FLEXIBLE DEFINITION OF THE LOCATION OF USE

In today's Europe, educational activities are legitimately provided in many locations and through various means of communication. The consequence of the European Commission's proposal to limit digital uses to secure institutional networks and to the premises of an educational establishment is that educators will not develop and conduct educational activities in other facilities such as libraries and museums, and they will not be able to use modern means of communication, such as emails and the cloud. **We therefore ask you to support amendments that clarify that the exception applies wherever education is provided under the care of an educational establishment, and furthermore clarify that the definition of electronic environments is broad enough to include email, the cloud and school websites.**

○ SUPPORT THE EXCEPTION OVER A LICENSE PRIORITY

Educators should not need to be lawyers to understand what they can and cannot do. We believe in transparency. Unfortunately, the European Commission's proposal will maintain the fragmented legal copyright framework when it comes to education as long as licenses can overrule the exception. We do not support such a mechanism and advocate for a strong education exception that cannot be replaced by licenses. **However, to accommodate the models already in place in the Nordic countries, we ask you to support amendments that clarify that the license priority can only apply to the extent that equivalent collective licensing agreements authorising the acts described in the exception are included, and the licenses are tailored to the needs and specificities of educational establishments are mutually agreed by the licensor and the licensee.**

It is essential that social partners in education, education trade unions and employers in education, are consulted on these issues. Yet, we would also emphasise that this is not just a concern to educational stakeholders, but to all

citizens and society at large. Access to quality education is a prerequisite for the development of prosperous societies, and part of European culture.

We would be happy to discuss these issues further in person, through email or over the phone. Please do not hesitate to get in contact with us.

Yours sincerely,

COMMUNIA Association for the Public Domain (COMMUNIA)

European Trade Union Committee for Education (ETUCE)

Education International (EI)



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