

From: Berfin Eken
Sent: Fri, 4 Feb 2022 09:46:48 +0100
To: I Registrator
Subject: VB: DSA - TOMORROW - COUNCIL WORKING PARTY [IFPI-ACTIVE.FID6851]
Attachments: DSA - IFPI priorities 3.02.2022.docx
Categories: LWi

Från: Ludvig Werner <ludvig.werner@ifpi.se>

Skickat: den 3 februari 2022 16:43

Till: Berfin Eken <berfin.eken@regeringskansliet.se>; Patrik Sundberg <patrik.sundberg@regeringskansliet.se>

Ämne: VB: DSA - TOMORROW - COUNCIL WORKING PARTY [IFPI-ACTIVE.FID6851]

Hej Berfin & Patrik!

Inför arbetsmötet om DSA imorgon vill jag lyfta två frågor vi tycker är mycket viktiga. Hoppas ni har möjlighet att lyfta dessa under morgondagens diskussioner.

Tack!

Hälsningar
/Ludvig



Ludvig Werner
VD

IFPI SVERIGE

Mobile: +46 70 766 50 93, Tel: +46 8-735 97 50 (57)

Adress: Tegnérgatan 34, Box 1429. 111 84 Stockholm [https://ddei5-0-](https://ddei5-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.ifpi.se&umid=FFA01130-D71E-FC05-9436-C42E73361D25&auth=b32f7072cb1370b7b119b85843019516260d8fac-f68bdb18e9205bb17bbb6d00c045dad871be7c61)

[ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.ifpi.se&umid=FFA01130-D71E-FC05-9436-](https://ddei5-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.ifpi.se&umid=FFA01130-D71E-FC05-9436-C42E73361D25&auth=b32f7072cb1370b7b119b85843019516260d8fac-f68bdb18e9205bb17bbb6d00c045dad871be7c61)

[C42E73361D25&auth=b32f7072cb1370b7b119b85843019516260d8fac-f68bdb18e9205bb17bbb6d00c045dad871be7c61](https://ddei5-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.ifpi.se&umid=FFA01130-D71E-FC05-9436-C42E73361D25&auth=b32f7072cb1370b7b119b85843019516260d8fac-f68bdb18e9205bb17bbb6d00c045dad871be7c61)

Ämne: DSA - - COUNCIL WORKING PARTY

1. **No “safe harbours” for search engines** : The Council’s proposal on Article 4 categorizes search engines as ‘caching’ services. This goes against the objective of the DSA to make online platforms more accountable.
We should **oppose such Article 4** and support a case by case assessment on whether search engine actually engages in activities covered by any of the existing safe harbour provisions, as per in the Commission and Parliament text.

We would suggest stressing to your respective governments that **it is important to make sure that search engines are not made less accountable than they are now under EU case law (and under the US DMCA) , which would be the case if they were aligned to caching services.**

2. **Notice and action:** the DSA should not lower the current standards for copyright. **Article 14.2 (and Recital 40)** of the Commission proposal introduces **URL (and exact location)** as a mandatory requirement for notices. We fear that this would be a **significant step backwards** compared to the existing EU acquis and would constitute an obstacle to positive national and EU case law on “stay down”. Despite some small positive amendments, the Council’s General Approach confirmed overall the line taken by the European Commission. On the contrary, the Parliament text clarifies that URL and the indication of an exact location can be imposed only “where relevant”, which is a significant step forward compared to the original proposal. As preferred option we would **keep the Council text with the clarification that URL should be required only “where relevant”,** as specified in the Parliament text.
