Beautiful as Aphrodite?

7th Session: EU Copyright Reform

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Abstract

'Gods in transit'? Some policy-makers in Brussels seem to be aware of their own power, although theirs laws might not survive reality. Then shall we rather talk about *laws in transit*? The human and time factors are decisive in the law-making impetus, both in the short and long run. Didn't they also matter for the Gods themselves?

Copyright law-making has brought *Droit d'auteur* and *Urherberrecht* into the realm of the European Single Market, the latter being more and more digital. Since the 'InfoSoc' Directive of 2001, the 'information society' sounds obsolete compared to the all-digital world we now live in. Policy-makers know it. Some of them know it better than others and want the law to adapt to societal changes. Following a European Parliament report in 2015 (the 'Reda Report') and a few public consultations, the European Commission published a long-awaited directive proposal in 2016.

The European Parliament has a crucial role to play in the legislative process. While the Parliament's Committee for Legal Affairs (JURI) is currently finalising its compromise amendments, with a vote scheduled for 20 June, we now have a more precise idea of how the Parliament's position will look like. In parallel, the European Council have already agreed on a common position that will be confronted to the Parliament's final text in so-called trilogue negotiations. The process will be long and full of compromises. Will the law be *beautiful* at the end of the day? One thing is more certain: the law will (should) be made by *democratic* ways (although the trilogue process is usually done in the dark with no possibility for citizens' control).

In the process of the EU copyright reform like in other law-making areas (with perhaps a bit more human factors linked to human creativity), there are no gods but policy-makers acting in history.