

IMPLEMENTATION OF ARTICLES 15 & 17

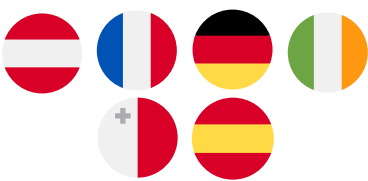
OF THE DIRECTIVE ON COPYRIGHT IN THE DIGITAL SINGLE MARKET OVERVIEW OF MAIN COMPATIBILITY ISSUES BASED ON THE REPORT OF DR CHRISTINA ANGELOPOULOS

Listed countries are not exhaustive

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ADDITIONS

Adding elements that:

- do not exist in the text of the Directive, or
- are based on Recitals, but are contradicted by the operative text of the Directive

OMISSIONS

Omitting elements that are included in the text of the Directive

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A15 & A17



INCOMPATIBLE GOLD PLATING

(EXCESSIVELY MAXIMALIST TRANSPOSITION)

Transposition exceeds the requirements of the Directive in a way that is incompatible with it

EXCESSIVELY MINIMALIST TRANSPOSITION

Transposition does not meet the minimum requirements of the Directive

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INCORRECT INTERPRETATION OF AUTONOMOUS CONCEPTS OF EU LAW

Such interpretations can:

- result from legacy law, or
- be a new construct

VARIATIONS IN TERMINOLOGY

Use of divergent terminology that can have significant effects on the meaning of the text and leads to a lack of clarity on compatibility

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'HOMING TENDENCIES'

Distortions resulting from national attempts to fit the provisions of the Directive into the logic of established national law

CONCLUSION: COMPATIBILITY ISSUES & DISHARMONISING RESULT

Even in cases of compliant implementation, the diversity of the adopted approaches often undercuts the Directive's ostensible objective of creating a Digital Single Market and the 'full harmonisation' approach it takes to this end