Cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled

2016/0279(COD) - 14/09/2016 - Legislative proposal

PURPOSE: to implement the Union's obligations under the Marrakesh Treaty in respect of the exchange of accessible format copies between the Union and third countries that are parties to the Marrakesh Treaty, for the benefit of persons who are blind, visually impaired or otherwise print disabled.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with Council.

BACKGROUND: persons who are blind, visually impaired, or otherwise print disabled face many barriers to accessing books and other print material protected by copyright and related rights. **The availability of books in formats that are accessible to print-disabled persons is estimated to be between 7 % and 20%** despite the fact that digital technology greatly facilitates accessible publishing. Accessible formats include e.g. Braille, large print, e-books and audiobooks with special navigation, audio description and radio broadcasts.

The need to increase the number of works and other protected subject-matter in accessible formats available to those persons and improve their circulation and dissemination has been recognised at an international level.

The Marrakesh Treaty was adopted in 2013 at the World Intellectual Property Organisation (WIPO) with the aim of facilitating the availability and cross-border exchange of books and other print material in accessible formats around the world. It was signed by the Union in April 2014.

The Treaty requires the parties to **provide exceptions or limitations to copyright and related rights** and allows for the cross-border exchange of special format copies of books, including audio books, and other print material between countries that are parties to the Treaty.

In order to implement the Marrakesh Treaty within the Union, a parallel proposal requires Member States to introduce a mandatory exception to certain rights of right holders harmonised by Union law for the benefit of beneficiary persons and to ensure cross-border access to special format copies within the internal market.

Together with the draft directive mentioned above, the proposed regulation will allow the Union to **fulfil an international obligation under the Marrakesh Treaty** to facilitate access to published works for Persons who are blind, visually impaired, or otherwise print disabled.

CONTENT: the proposed regulation aims to **implement the obligations in the Marrakesh Treaty with respect to the export and import of accessible format copies** for the benefit of beneficiary persons between the Union and third countries that are parties to the Marrakesh Treaty, and to lay down the conditions for such export and import.

The proposed regulation:

- contains provisions on the export of accessible format copies from the Union to third countries;

- contains provisions on the import of accessible format copies from third countries to the Union;
- serves to specify the obligations that authorised entities are required to fulfil when exchanging accessible format copies with third countries;
- sets out the applicable rules for the protection of personal data;
- sets out the arrangements on the evaluation of the regulation, in accordance with better regulation rules.

The proposed regulation supports the right of **persons with disabilities** to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community, as enshrined in Article 26 of the Charter of Fundamental Rights of the European Union. It also reflects the Union's commitments under the United Nations Convention on the Rights of Persons with Disabilities.