Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled

2014/0297(NLE) - 15/02/2018 - Final act

PURPOSE: to conclude, on behalf of the European Union, the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled.

NON-LEGISLATIVE ACT: Council Decision (EU) 2018/254 on the conclusion on behalf of the European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled.

CONTENT: the Council decided to **approve, on behalf of the Union, the Marrakesh Treaty** to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled.

The Marrakesh Treaty, adopted on 27 June 2013, is part of a collection of international copyright treaties under the World Intellectual Property Organisation (WIPO). It entered into force on 30 September 2016.

The Marrakesh Treaty establishes a set of international rules which ensure that there are limitations or exceptions to copyright at national level for the benefit of people who are blind, visually impaired or otherwise print-disabled.

In particular, the Treaty:

- defines a **beneficiary person** as a person who is blind, who has a visual impairment, a perception disability or reading difficulties, or who are unable, due to a physical disability, to hold or manipulate a book or to focus or to move the eyes to the extent that would be normally acceptable for reading;
- obliges each contracting party to provide other **limitations or exceptions in its national copyright law** and to confine limitations or exceptions to works which, in the particular accessible format, cannot be obtained commercially under reasonable terms for beneficiary persons in that market;
- provides that accessible format copies made under a copyright limitation or exception may be **exported by 'authorised entities'**, defined as public institutions or other non-profit organisations, services in education, instructional training, adaptive reading or access to information for the blind, visually impaired or otherwise print disable. These entities shall ensure that the distribution of copies in an accessible format beneficiaries is limited, discourages the reproduction, distribution and availability of unauthorised copies, as well as exercising due diligence in handling copies of works and to keep a record of this management;
- clarifies that to the extent that a contracting party authorises a beneficiary or an authorised entity to make an accessible format copy of work, it shall also authorise the **import** of such copies;
- also requires contracting parties to **protect the privacy** of beneficiary persons and to cooperate to facilitate the cross-border exchange of accessible format copies.

Regulation (EU) 2017/1563 of the European Parliament and of the Council and Directive (EU) 2017/1564 of the European Parliament and of the Council implement the Union's obligations under the Marrakesh Treaty.

The effective date of becoming a party to the Marrakesh Treaty is three months from the date on which the deposit of the instrument of ratification or accession with the Director-General of WIPO has taken place. The deposit of the ratification instrument should take place as from three months before the date by which Member States are to transpose Directive (EU) 2017/1564 and Regulation (EU) 2017/1563 becomes applicable.

The deposit of the instrument of ratification shall take place on 12 July 2018.

ENTRY INTO FORCE: 15.2.2018.