Price system for books

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Adopting an own-initiative report by Mr Willi Rothley (PSE, D) on the fixing of book prices, the European Parliament requests the Commission to submit to it by the end of 2002 a proposal for a directive, under the codecision procedure, on the fixing of book prices. The report also contains detailed recommendations on the main points that should be included in the directive. The problem arose following a complaint made by an Austrian company. In the spring of the year 2000, the Commission decided that the cross-border fixing of book prices was incompatible with EU competition law. However, there is no objection under competition law to a national system on a statutory basis, given the competence of Member States for cultural policy. Nevertheless, Parliament fears that even such national systems may be at risk in so far as they can be undermined by imports, by exported and reimported books and by Internet sales. For this reason, it is necessary to establish Community legislation, in the form of a directive, to guarantee an economically and legally stable framework for present and future national price-fixing systems while refraining from imposing any additional obligations on the Member States that do not possess such systems. According to the recommendations contained in the report, the directive should enable every Member State to introduce or maintain price-fixing systems for books within its own territory. Such systems must either allow publishers to set the retail price for each book and make it incumbent on the final vendor, by virtue of a contractual agreement, to maintain the retail price or require publishers to determine a retail price for books and require the final vendor to maintain the retail price determined by the publisher. The choice of system would be at the discretion of the Member State. In addition, Parliament believes that fixed-price systems should provide for discounts for certain user groups, such as libraries, bookshops, educational establishments, students or subscribers. Member States may determine the user groups entitled to a discount and the level of permissible discount on the retail price, as well as providing for other discounts. Lastly, Parliament believes that cross-border sales of books to final purchasers or booksellers may be subject to fixed-price agreements if it can be demonstrated that they are intended to circumvent, or result in the circumvention of, domestic price fixing, for example if the nature of the actual final purchaser is such that no real cross-border supply actually occurs or if books are imported into one Member State and then exported out of that Member State by the same person to another Member State with fixed prices by means of sale to booksellers or final purchasers.