Basic information

2016/0278(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Permitted uses of 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 Amending Directive 2001/29/EC 1997/0359(COD) **Subject** 3.50.15 Intellectual property, copyright 4.10.06 People with disabilities 4.45.10 Literary and artistic property	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	ANDERSSON Max (Verts /ALE)	12/10/2016
	Shadow rapporteur ESTARÀS FERRAGUT Rosa (PPE) NEGRESCU Victor (S&D) DZHAMBAZKI Angel (ECR) CAVADA Jean-Marie (ALDE) MAŠTÁLKA Jiří (GUE/NGL) ADINOLFI Isabella (EFDD) BOUTONNET Marie-Christine (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	The committee decided not to give an opinion.	
EMPL Employment and Social Affairs	STEVENS Helga (ECR)	28/11/2016
CULT Culture and Education	TRÜPEL Helga (Verts/ALE)	06/12/2016
PETI Petitions	ESTARÀS FERRAGUT Rosa (PPE)	27/10/2016

Council of the European Union	

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	3503	2016-11-28
Agriculture and Fisheries	3556	2017-07-17

European Commission	

Commission DG	Commissioner
Communications Networks, Content and Technology	OETTINGER Günther

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
14/09/2016	Legislative proposal published	COM(2016)0596	Summary
06/10/2016	Committee referral announced in Parliament, 1st reading		
28/11/2016	Debate in Council		
23/03/2017	Vote in committee, 1st reading		
23/03/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
28/03/2017	Committee report tabled for plenary, 1st reading	A8-0097/2017	Summary
03/04/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
05/04/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
30/05/2017	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE604.883 GEDA/A/(2017)006519	
06/07/2017	Decision by Parliament, 1st reading	T8-0312/2017	Summary
06/07/2017	Results of vote in Parliament		
06/07/2017	Debate in Parliament		
17/07/2017	Act adopted by Council after Parliament's 1st reading		
13/09/2017	Final act signed		
13/09/2017	End of procedure in Parliament		
20/09/2017	Final act published in Official Journal		

Technical information

Procedure reference	2016/0278(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2001/29/EC 1997/0359(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/07941

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE594.171	23/11/2016	
Amendments tabled in committee		PE597.416	10/01/2017	
Committee opinion	PETI	PE595.393	27/01/2017	
Committee opinion	EMPL	PE595.498	09/02/2017	
Committee opinion	CULT	PE595.579	17/03/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0097/2017	28/03/2017	Summary
Text agreed during interinstitutional negotiations		PE604.883	29/05/2017	
Text adopted by Parliament, 1st reading/single reading		T8-0312/2017	06/07/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2017)006519	19/05/2017	
Draft final act	00023/2017/LEX	13/09/2017	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0596	14/09/2016	Summary
Commission response to text adopted in plenary	SP(2017)538	06/09/2017	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary

Contribution	PT_PARLIAMENT	COM(2016)0596	05/12/2016	
Contribution	RO_SENATE	COM(2016)0596	05/12/2016	
Contribution	FR_SENATE	COM(2016)0596	27/01/2017	
Contribution	CZ_SENATE	COM(2016)0596	14/03/2017	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5382/2016	25/01/2017	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2017/1564
OJ L 242 20.09.2017, p. 0006 Summary

Permitted uses of 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

2016/0278(COD) - 14/09/2016 - Legislative proposal

PURPOSE: to increase the availability of works and other protected subject-matter, e.g. books, journals, newspapers, magazines and other writings, sheet music and other print material, including in audio form, in formats that are accessible to beneficiary persons.

PROPOSED ACT: Directive 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. Accordingly, measures should be taken to increase the availability of these works in accessible formats and improve their circulation in the internal market.

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.

This Directive **implements the obligations that the Union has to meet under the Marrakesh Treaty in a harmonised manner**, with a view to ensuring that those measures are applied consistently throughout the internal market. The proposed Directive is also in line with the Union's obligations deriving from the United Nations Convention on the Rights of Persons with Disabilities (‘the UNCRPD’).

CONTENT : the main provisions in the draft directive are as follows :

Objective: the objective of the measures introduced by the directive is to **improve the availability** of books, journals, newspapers, magazines and other writings, sheet music and other print material, including in audio form, whether digital or analogue, in formats that make those works and other subject-matter accessible to those persons to substantially the same degree as to persons without an impairment or disability. Accessible formats include Braille, large print, adapted e-books, audio books and radio broadcasts.

The proposed directive **will facilitate the use of certain copyright protected content, without the authorisation of the rightholder,** for the benefit of persons who are blind, visually impaired or otherwise print disabled.

The terms 'work and other subject-matter', beneficiary person, accessible format copy and authorised entity' are defined in the draft directive.

Authorised use: the proposed directive provides for a **mandatory exception** and states the specific permitted uses by beneficiary persons and authorised entities. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society, Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC.

Circulation of accessible format copies in the internal market: the proposal aims to ensure that accessible format copies made under the mandatory exception may circulate or be accessed in any Member State.

Data protection: the proposal sets out the applicable rules for the protection of personal data. Any processing of personal data must be in compliance with Directive 95/46/EC.

Report: the Commission will present a report on the availability in the internal market of works and other subject matter in accessible formats and for persons with disabilities other than those covered by the directive. The proposal sets out the arrangements on the evaluation of the proposed directive, in accordance with better regulation rules.

Transposition: Member States should bring into force the laws, regulations and administrative provisions necessary to comply with the directive within 12 month after entry into force at the latest.

Permitted uses of 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

2016/0278(COD) - 28/03/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Max ANDERSSON (Greens/EFA, SE) on the proposal for a directive of the European Parliament and of the Council on certain permitted uses of 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 and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society.

The committee recommended that the European Parliament's position, adopted at first reading following the ordinary legislative procedure, should amend the Commission proposal as follows:

Subject matter: the proposed Directive lays down rules on the use of certain works and other subject-matter without the authorisation of the right holder, for the benefit of persons who are blind, visually impaired or otherwise print disabled.

Members stipulated that the Directive should aim to effectively ensure their right to **participate in cultural, economic and social life** on an equal basis with others.

They introduced a reference to Article 26 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities.

E-books should be included in the definition of protected works.

Definitions: Members proposed to harmonise the definition of 'beneficiary person' with the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. They also supplemented the definition of '**authorised entity**' proposed by the Commission. It shall mean an organisation authorised or recognised by the Member States in which it is established.

Complaints mechanism: an amendment called on Member States to put in place complaints or redress mechanisms in cases where beneficiaries are denied the permitted uses.

Report and assessment: the Commission shall present a report on the availability, in the internal market, in accessible formats, of works and other subject-matter other than those defined in the Directive and of works and other subject-matter for persons with disabilities not covered in the Directive.

Members suggested that this report shall contain an assessment, taking into account technological developments, on whether a **broadening of the scope of this Directive** should be considered, so that the exception and the related making of accessible format copies provided by this Directive may benefit other categories of disabilities.

The Commission's report shall take into account the viewpoints of relevant civil society actors, non-governmental organisations and social partners, including organisations of and by persons with disabilities and those representing older persons.

Exchanges of information between Member States: Members suggested that in order to foster exchange between Member States, a **single publicly accessible online database** should be established and managed by the European Intellectual Property Office (EUIPO) containing information on authorised entities and bibliographic data about works available in accessible format copies produced and made available by authorised entities.

Transposition: Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 6 months after entry into force at the latest.

Permitted uses of 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

2016/0278(COD) - 06/07/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 609 votes to 22, with 1 abstention, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on certain permitted uses of 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 and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society.

The position of the European Parliament adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Objective: the Directive would harmonise EU law applicable to copyright and related rights in the context of the internal market by laying down rules on the use of certain works **without the authorisation of the rights holder** by blind or visually impaired persons or persons with other difficulties in reading printed texts. It would implement in a uniform way the EU's obligations under **the Marrakesh Treaty** so that the corresponding measures are applied consistently throughout the internal market.

The need to take measures to increase the availability of books and other accessible printed texts is underlined by the rights recognised in the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities.

Permitted uses: according to the amended text, **one exception** would be made to ensure that no authorisation from the copyright owner is required for blind persons and "authorised entities" (public institutions or non-profit organisations) to make an accessible format copy of a book or other printed material to which the beneficiary person has lawful access.

The exception provided would be applicable only in special cases which do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rights-holder.

Obligations applicable to authorised entities: the latter should (i) take measures to prevent the reproduction, distribution or making available to the unauthorised public of copies in accessible format; (ii) exercise due diligence in processing works and maintaining records of such processing; (iii) publishing and updating, on their websites where appropriate, or through various other on-line and off-line channels, information on how they comply with the obligations set out in the Directive; and (iv) provide, upon request and in a manner that is accessible, a certain amount of information to beneficiaries and right holders.

Compensation: Member States would have the possibility of setting up **limited** compensation arrangements for publishers when their books are adapted in an accessible version.

These arrangements should not require payments from recipients. They should apply only to uses made by authorised entities established in the territory of the Member State which provides for such a system. Moreover, they should not require payments from authorised entities established in other Member States or in third countries which are parties to the Marrakesh Treaty.

Transparency and exchange of information: Member States should encourage authorised entities established in their territory to inform them, on a voluntary basis, of their names and contact details. The information received would be forwarded to the Commission, which should make it available to the public.

Permitted uses of 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

2016/0278(COD) - 13/09/2017 - Final act

PURPOSE: to improve the access to published works for persons who are blind, visually impaired and otherwise print-disabled.

LEGISLATIVE ACT: Directive (EU) 2017/1564 of the European Parliament and of the Council on certain permitted uses 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 and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society.

CONTENT: this Directive aims to **further harmonise Union law applicable to copyright** and related rights in the framework of the internal market, by establishing rules on the use of certain works and other subject matter without the authorisation of the rightholder, **for the benefit of persons who are blind, visually impaired or otherwise print-disabled**.

This Directive implements the obligations that the Union has to meet under the **Marrakesh Treaty** in a harmonised manner, with a view to ensuring that the corresponding measures are applied consistently throughout the internal market.

The Marrakech Treaty aims at facilitating the access to published works for persons who are blind, visually impaired and otherwise print-disabled. It was signed on behalf of the Union on 30 April 2014.

Permitted uses: the Directive requires Member States to provide for an **exception to ensure that no authorisation from the rightholder of any copyright is required** for blind persons and 'authorised entities' (public institutions or non-profit organisations) to make or make available, for the exclusive use of the beneficiary, books and other printed materials in an accessible format to which they have lawful access.

Member States will have the possibility of setting up **limited compensation schemes** for publishers when their books are adapted to an accessible version. Such arrangements shall not require payments from beneficiaries or from authorised entities established in other Member States or third countries which are parties to the Marrakesh Treaty.

Obligations of authorised entities: the latter will be required to:

- distribute accessible format copies only to beneficiary persons or other authorised entities;
- take appropriate steps to discourage the unauthorised reproduction, distribution, communication to the public or making available to the public of accessible format copies;
- demonstrate due care in, and maintain records of, its handling of works or other subject matter and of accessible format copies;
- publish and update, on its website if appropriate, or through other online or offline channels, information on how it complies with the obligations laid down in the Directive.

Report: by 11 October 2020, the Commission shall present a report on the **availability, in accessible formats, of works** and other subject matter other than those covered by the Directive, and of works and other subject matter for persons with disabilities.

Amendments to the scope of the Directive may be considered, where appropriate, on the basis of this report.

It should be noted that a Regulation adopted in parallel shall implement the Union's obligations under the Marrakesh Treaty as regards the exchange of accessible format copies between the Union and third countries parties to the Treaty of Marrakech.

ENTRY INTO FORCE: 10.10.2017.

TRANSPOSITION: no later than 11.11.2018.