Basic information

2016/0279(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
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 **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	DZHAMBAZKI Angel (ECR)	14/11/2016
PETI Petitions	AUKEN Margrete (Verts /ALE)	18/11/2016

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	GUTELAND Jytte (S&D)	11/05/2017

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

Key events

Date	Event	Reference	Summary
14/09/2016	Legislative proposal published	COM(2016)0595	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		
29/03/2017	Committee report tabled for plenary, 1st reading	A8-0102/2017	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	PE604.882 GEDA/A/(2017)006533	
06/07/2017	Decision by Parliament, 1st reading	T8-0313/2017	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	2016/0279(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/07957

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE594.172	23/11/2016	
Amendments tabled in committee		PE597.415	10/01/2017	
Committee opinion	PETI	PE595.392	27/01/2017	
Committee opinion	EMPL	PE595.501	08/02/2017	
Committee opinion	CULT	PE595.580	03/03/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0102/2017	29/03/2017	Summary
Text agreed during interinstitutional negotiations		PE604.882	29/05/2017	
Specific opinion	JURI	PE606.047	14/06/2017	
Text adopted by Parliament, 1st reading/single reading		T8-0313/2017	06/07/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2017)006533	19/05/2017	
Draft final act	00024/2017/LEX	13/09/2017	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0595	14/09/2016	Summary
Commission response to text adopted in plenary	SP(2017)538	06/09/2017	

National parliaments

	Parliament			

Document type	/Chamber	Reference	Date	Summary
Contribution	FR_SENATE	COM(2016)0595	27/01/2017	
Contribution	CZ_SENATE	COM(2016)0595	14/03/2017	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2670/2017	05/07/2017	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2017/1563 OJ L 242 20.09.2017, p. 0001	Summary

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.

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) - 13/09/2017 - Final act

PURPOSE: to improve the access of blind and visually impaired persons to published works.

LEGISLATIVE ACT: Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017 on the 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.

CONTENT: the Regulation lays down uniform rules on the cross-border exchange of **accessible format copies** of certain works and other subject matter between the Union and third countries that are parties to the Marrakesh Treaty without the authorisation of the rightholder, for the benefit of persons who are blind, visually impaired or otherwise print-disabled, within the field harmonised by Directives 2001/29/EC and (EU) 2017/1564.

The **Marrakesh Treaty**, signed on behalf of the Union on 30 April 2014, It requires contracting parties to provide for exceptions or limitations to copyright and related rights for the making and dissemination of copies, in accessible formats, of certain works and other protected subject matter, and for the cross-border exchange of those copies.

Exchange of copies in accessible formats between the Union and third countries parties to the Marrakesh Treaty shall concern **books** (including e-books, journals, newspapers, magazines and other kinds of writing), notation (including **sheet music**), and **other printed texts** (including in an audio form, whether the format is digital or analogue).

Accessible formats include, for example, Braille, large print, adapted e-books, audio books and radio broadcasts.

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

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

The Regulation respects fundamental rights and observes the principles recognised in particular by the Charter and the United Nations Convention on the Rights of Persons with Disabilities.

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) - 29/03/2017 - 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 regulation of the European Parliament and of the Council on the 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.

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: Members stipulated that the Regulation should aim to effectively ensure the right of persons who are blind, visually impaired or otherwise print disabled 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.

Obligations of authorised entities: they shall: (i) **respect the privacy** of beneficiary persons; (ii) publish and update, on its website if appropriate, or through other **online or offline channels**, information on the manner in which it complies with the obligations laid down in this Regulation; (iii) provide information in an accessible way, on request, to any beneficiary person or right holder.

Exchanges of information: Member States shall foster the exchange of information and best practices amongst authorised entities so as to effectively promote access to adapted works or subject-matter.

They shall facilitate the agreement of **best practice guidelines** between representative groups of authorised entities that engage in the production, distribution or making available of accessible format copies, and users and right holders.

Members suggested the creation of a **single online database** in the Union in order to foster the export of accessible format copies and born accessible publications.

Strategic plan: lastly, the European Commission shall present, within one year, a strategic action plan to promote the objectives of the Marrakesh Treaty with special emphasis on ensuring widespread cross-border exchange with third countries, providing educational and cultural works for visually impaired persons.

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) - 06/07/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 610 votes to 21, with 1 abstention, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the 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.

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

Objectives: the Regulation would establish uniform rules on the **cross-border exchange of accessible copies of certain works** between the Union and third countries which are parties to the Marrakesh Treaty **without the consent of the rights holders being obtained** to the benefit of the blind, the visually impaired and those with other difficulties reading printed texts.

The **Marrakesh Treaty** to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled was signed on behalf of the Union on 30 April 2014. This Treaty requires the Contracting Parties to provide for exceptions or limitations to copyright and neighbouring rights for the production and distribution of accessible copies of certain works and other protected subject-matter and for the cross-border exchange of such copies.

More specifically, the regulation should ensure that accessible copies of books, **including e-books**, magazines, newspapers, magazines and other writings, notations, including sheet music, and related illustrations, in any media, including in audio for such as audiobooks and in digital format, which have been made in any Member State can be **distributed, communicated or made available** to a blind person or an 'authorised entity' (e.g. a public institution or a non-profit organisation) in third countries which are parties to the Marrakesh Treaty.

Accessible formats would include, for example, Braille, large print, e-books, adapted e-books, audiobooks and radio broadcasts.

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) publish and update, on their websites where appropriate, or through various other online or offline channels, information on how they comply with the obligations set out in the Regulation.

The amended text stresses that, under the **EU Charter of Fundamental Rights**, all forms of discrimination, including those based on disability, are prohibited and the Union recognizes and respects the right of persons with disabilities to Measures to ensure their autonomy, social and occupational integration and participation in the life of the community.