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WORKING DOCUMENT

From: Presidency

To: Delegations

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Subject: 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

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

- General Topics to be Discussed at the Working Party on Copyright on 3rd November 2016

Delegations will find in the Annex a working document from the Presidency to be discussed at the meeting of the Working Party on Intellectual Property (Copyright) on 3 November 2016.

- Working document -

General Topics to be Discussed at the Working Party on Copyright on 3rd November 2016

(+ questions)

Proposals to the Marrakesh Treaty

1. Authorised entities

The Commission's definition of authorised entities is silent as to official authorisation or recognition of authorised entities. Some delegations pointed to a possible need to include such notion explicitly and/or to introduce transparency mechanisms to identify them.

- *Does your national legislation regulate conditions for authorized entities to exercise their activities? What is the purpose?*
- *Does the proposed legislation sufficiently facilitate the identification and supervision of authorised entities, the exchange of information among them, and overall transparency? How can otherwise those objectives be achieved?*

2. Practical effect of the proposed legislation

The Commission's proposal does not foresee the possibility for Member States to impose additional conditions for the application of the exception, such as compensation schemes or the prior verification of the commercial availability of accessible format copies ('market availability test').

- *Does your national legislation attach specific conditions to the existing exceptions or limitations to the benefit of people with disabilities (including other than compensation or a market availability test)? What is their purpose and practical implementation?*
- *Do you consider that commercial market of works can be substantially affected? If yes, how specifically?*

3. Exchange of accessible format copies

The proposal for a Regulation foresees a set of obligations for authorised entities related to their exchanges of accessible format copies with third countries. Those obligations are not applicable to authorised entities for their intra-EU exchanges.

- *Do you see any risks in not imposing additional obligations to authorised entities in their exchanges with other EU entities? If yes, what risks?*

4. Relation with existing EU legislation (notably the InfoSoc Directive)

The proposed Directive establishes that the current optional exception foreseen by Article 5 par. 3 b) of the InfoSoc Directive continues to apply "without prejudice to the obligations of Member States" under the proposed Directive.

- *What are the concerns of Member States about the relation of the proposed Directive with the InfoSoc Directive?*
