



Brussels, 12 July 2017
(OR. en)

Interinstitutional File:
2016/0279 (COD)

10943/1/17
REV 1 ADD 1

CODEC 1202
PI 92

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Regulation of the European Parliament and 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 (**first reading**)

- Adoption of the legislative act

= Statement

Statement by Latvia

The Republic of Latvia draws attention that the legal term 'veic uzņēmējdarbību' used in the Latvian language version of the Regulation and the Directive describing the place of establishment of entities that are authorised or recognised by the Member States to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis, refers to entity, which 'carries out entrepreneurship/business activity'.

Consequently, such a translation of the term is substantially different from the legal meaning of the term 'to be established' used in the English and other language versions of the Regulation and the Directive, and it is contrary to the non-profit nature of the entities to whom these legislative acts are addressed.

The Republic of Latvia notes that inconsistent or incorrect usage of the legal term of such substantive importance leads to legal ambiguity and therefore creates the risk of disrupting legal parallelism amongst the language versions of the Regulation and the Directive. The term ‘to be established’ in analogous context appears in Article 49 of the Treaty on the Functioning of the European Union, where it is being translated into Latvian as ‘izveidot’. The respective term ‘izveidot’ or its closest synonym ‘dibināt’, which was used in the initial Latvian language version of the European Commission’s proposal for the Directive and the Regulation published on 14 September 2016, appropriately describes the act of being established covered by the Regulation and the Directive, and it does not conflict with the non-profit nature of the entities regulated by these legal acts.

The Republic of Latvia intends to initiate the corrigendum procedure regarding the Regulation and the Directive in order to ensure consistent and correct use of terminology.
