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### **PARTIAL DECLASSIFICATION**

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of document:	14961/12
dated:	19 October 2012
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Subject:	Recommendation for a Council Decision authorising the Commission to negotiate an international agreement within the World Intellectual Property Organization on improved access to books for print impaired persons - Presidency compromise proposal

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Delegations will find attached the partially declassified version of the above-mentioned document.



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 October 2012**

**14961/12  
EXT 1 (10.09.2015)**

**PI 122**

**WORKING DOCUMENT**

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from : General Secretariat  
to : Working Party on Intellectual Property (Copyright)

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No. Cion prop. : 13930/12 PI 108 EU RESTRICTED

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Subject : Recommendation for a Council Decision authorising the Commission to negotiate an international agreement within the World Intellectual Property Organization on improved access to books for print impaired persons  
- Presidency compromise proposal

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Delegations will find in the Annex a Presidency compromise proposal related to the above mentioned Commission Recommendation, to be discussed at the meeting of the Working Party on Intellectual Property (Copyright) on 24/25 October 2012.

Changes in relation to the text contained in the Commission Recommendation (11180/12 PI 73 EU RESTRICTED) are marked.

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Presidency compromise text

**- DRAFT -  
DECISION  
OF THE COUNCIL  
AND OF  
THE REPRESENTATIVES OF GOVERNMENTS OF THE MEMBER STATES OF THE  
EUROPEAN UNION  
MEETING WITHIN THE COUNCIL**

**on the participation of the European Union and its Member States in negotiations for an international agreement within the World Intellectual Property Organisation on improved access to books for print impaired persons**

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION MEETING WITHIN THE COUNCIL,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114(1), in conjunction with Article 218 [...] (3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas,

- (1) At present only a limited number of published books are available in accessible formats for visually impaired and print-disabled persons throughout the world.
- (2) There is therefore a need to ensure improved access to books for persons with print disabilities at an international level in order to allow for their full and equal participation in

society.

- (3) It is equally important to keep a high level of copyright protection to maintain and foster substantial investment in creativity and innovation as well as literary and artistic creation.
- (4) The UN Convention on the Rights of Persons with Disabilities has entered into force for the EU on 22 January 2011 and it contains clear obligations related to the right of persons with disabilities to access information (Article 21 and 30).
- (5) Discussions on an international instrument ensuring improved access to books for visually impaired persons have been on-going in the World Intellectual Property Organisation (WIPO) for several years.
- (6) The twenty-third session of the WIPO Standing Committee on Copyright and Related Rights held on 21 November to 2 December 2011 decided that a "*working document on an international instrument on limitations and exceptions [to copyright] for visually impaired persons/persons with print disabilities*" would constitute the basis for the future text-based work on the matter to be undertaken by the Committee in its 24th session (16 to 25 July 2012), with an "aim to agree and finalise a proposal on an international instrument on limitations and exceptions for visually impaired persons/persons with print disabilities".
- (7) The Commission should be authorised to participate, on behalf of the Union, in the negotiations for an international agreement within the World Intellectual Property Organisation on improved access to books for print impaired persons as regards matters falling within the Union's competence and in respect of which the Union has adopted rules.
- (8) The Member States should participate on their own behalf in those negotiations only in so far as matters that arise in the course of the negotiations fall within their competence. With a view to ensuring the unity of the external representation of the Union, the Member States and the Commission should cooperate closely during the negotiation process.

HAVE ADOPTED THIS DECISION :

## *Article 1*

1. The Commission is hereby authorised to participate in the negotiations for an international agreement in the context of the World Intellectual Property Organisation on improved access to books for print impaired persons and to conduct these negotiations on behalf of the Union as regards matters falling within the Union's competence and in respect of which the Union has adopted rules, in consultation with the Intellectual Property Working Party (Copyright) (the "special committee").
2. The Commission shall conduct the negotiations in question in accordance with the negotiating directives set out in the Annex to this Decision and/or agreed positions of the Union established specifically for the purposes of these negotiations within the special committee.
3. Where the subject matter of the negotiations falls within Member States' competence, the Presidency shall fully participate in the negotiations and shall conduct them on behalf of the Member States on the basis of a prior agreed common position. Where an agreed common position cannot be reached, the Member States shall be entitled to speak and vote on the matter in question independently, without prejudice to paragraph 4.
4. The Commission and the Member States shall cooperate closely during the negotiating process, with a view to aiming for unity in the international representation of the Union and its Member States.
5. The Commission and/or the Presidency shall make sure that documents relating to the negotiations are circulated to the Member States in due time. They shall report to the Council and/or to the special committee in an open and transparent way on the outcome of the negotiations before and after each negotiating session and, where appropriate, on any problems that may arise during the negotiations.

*Article 2*

1.

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

*The President*

NEGOTIATING DIRECTIVES

**NOT DECLASSIFIED**

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