

Conclusion of the Marrakesh Treaty

The Marrakesh Treaty was adopted on 27 June 2013 to facilitate access to published works for people who are blind, visually impaired or otherwise print disabled. The European Parliament is due to vote on giving its consent to the Council for the conclusion of the treaty during its January plenary session.

Background

The European Blind Union estimates that there are around [30 million](#) blind and partially sighted people in Europe. However, the proportion of published books available in accessible formats for visually impaired persons ranges from 7 % to 20 % in the EU and is estimated to be as low as 1 % in developing countries.

The EU signed the [Marrakesh Treaty](#), adopted under the auspices of the World Intellectual Property Organization (WIPO), in April 2014. The treaty obliges the EU Member States to establish a set of mandatory limitations and exceptions to copyright protection for the benefit of people who are blind, visually impaired, or otherwise print disabled. It also allows for the cross-border exchange of special format copies of books, including Braille and audiobooks, among the countries that are parties to the treaty.

Implementation of the Marrakesh Treaty

In September 2017 the European Parliament and the Council [adopted Regulation 2017/1563](#) and [Directive 2017/1564](#) to implement the provisions of the Marrakesh Treaty in the EU as part of the ongoing modernisation of EU copyright law. The directive establishes a mandatory and harmonised exception to copyright protection that will enable copies of works made available in accessible formats (e.g. Braille, large print or audiobooks) in one Member State to be disseminated and accessed throughout the EU without prior permission from the rights-holders. The regulation governs the cross-border exchange of accessible format copies between the EU and third countries that are party to the Marrakesh Treaty.

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The conclusion of the Marrakesh Treaty has taken a long time because of the initial divergence of views between the Commission and the Council regarding the competence of the EU to conclude international agreements. The Commission had taken the view that the EU could conclude the Marrakesh Treaty itself (without the participation of the Member States) and adopted a proposal for a decision on the conclusion of the treaty. However, several Member States considered that their participation was necessary and challenged this decision. The Commission asked the Court of Justice of the EU to give its opinion on the matter. On 14 February 2017, the Court [confirmed](#) the exclusive competence of the EU to conclude the Marrakesh Treaty on its own, without the Member States' participation. In line with [Article 114](#) and [Article 218\(6\)](#) of the Treaty on the Functioning of the European Union, the [Council](#) must wait for the European Parliament's consent before proceeding to conclude the Treaty.

European Parliament position

On 7 December 2017, Parliament's Committee on Legal Affairs (JURI) adopted – without amendments – its recommendation that the European Parliament give its consent to the Council's decision on the conclusion of the Marrakesh Treaty. This recommendation will now be considered in plenary in January.

Consent procedure: [2014/0297\(NLE\)](#); Committee responsible: JURI; Rapporteur: Max Andersson (Greens/EFA, Sweden).

