



**2016/0278(COD)**

30.1.2017

# **AMENDMENTS**

## **5 - 81**

### **Draft opinion**

**Helga Trüpel**

(PE595.579v01-00)

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

Proposal for a directive

(COM(2016)0596 – C8-0381/2016 – 2016/0278(COD))



**Amendment 5**

**Angel Dzhambazki, Andrew Lewer, Emma McClarkin**

**Proposal for a directive**

**Citation 1 a (new)**

*Text proposed by the Commission*

*Amendment*

- *having regard to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled of 27 June 2013;*

Or. en

**Amendment 6**

**Isabella Adinolfi**

**Proposal for a directive**

**Citation 2 a (new)**

*Text proposed by the Commission*

*Amendment*

- *having regard 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 (UNCRPD);*

Or. en

**Amendment 7**

**Isabella Adinolfi**

**Proposal for a directive**

**Recital 1**

*Text proposed by the Commission*

*Amendment*

(1) Union Directives in the area of copyright and related rights provide legal certainty and a high level of protection for rightholders. *This harmonised legal*

(1) Union Directives in the area of copyright and related rights provide legal certainty and a high level of protection for rightholders. A fair balance of rights and

*framework contributes to the proper functioning of the internal market and stimulates innovation, creation, investment and the production of new content, including in the digital environment. It also aims to promote access to knowledge and culture by protecting works and other subject-matter and by permitting exceptions or limitations that are in the public interest.*

A fair balance of rights and interests between rightholders and users should be safeguarded.

interests between rightholders and users should be safeguarded.

Or. en

#### *Justification*

*The deletion proposed does not appear justified by the text and goes beyond the scope of the Directive. It does not appear to be material to its ends, and accordingly it is proposed to delete it following the principle of economy.*

### **Amendment 8**

**Angel Dzhambazki, Andrew Lewer**

#### **Proposal for a directive**

##### **Recital 1**

###### *Text proposed by the Commission*

(1) Union Directives in the area of copyright and related rights provide legal certainty and a high level of protection for rightholders. ***This harmonised*** legal framework contributes to the proper functioning of the internal market and stimulates innovation, creation, investment and the production of new content, including in the digital environment. It also aims to promote access to knowledge and culture by protecting works and other subject-matter and by permitting exceptions or limitations that are in the public interest. A fair balance of rights and interests between rightholders and users should be safeguarded.

###### *Amendment*

(1) Union Directives in the area of copyright and related rights provide legal certainty and a high level of protection for rightholders ***and harmonise essential rights of authors, performers, producers and broadcasters.*** ***This Union*** legal framework contributes to the proper functioning of the internal market and stimulates innovation, creation, investment and the production of new content, including in the digital environment. It also aims to promote access to knowledge and culture by protecting works and other subject-matter and by permitting exceptions or limitations that are in the public interest. A fair balance of rights and

interests between rightholders and users should be safeguarded.

Or. en

#### *Justification*

*The wording needs further clarification. EU copyright legislation is a set of ten directives, which harmonise essential rights of authors and of performers, producers and broadcasters. This clarification is important, as it differentiates between EU, international and national legislation.*

#### **Amendment 9**

**Dominique Bilde, Marie-Christine Boutonnet**

#### **Proposal for a directive**

##### **Recital 1**

###### *Text proposed by the Commission*

(1) Union Directives in the area of copyright and related rights provide legal certainty **and a high level of protection** for rightholders. ***This harmonised legal framework contributes to the proper functioning of the internal market and stimulates*** innovation, creation, investment and the production of new content, including in the digital environment. ***It*** also ***aims*** to promote access to knowledge and culture by protecting works and other subject-matter and by permitting exceptions or limitations that are in the public interest. A fair balance of rights and interests between rightholders and users should be safeguarded.

###### *Amendment*

(1) ***The national laws of most Member States and, secondarily, several*** Union Directives in the area of copyright and related rights provide legal certainty for rightholders. ***The protection of copyright and related rights is necessary in order to stimulate*** innovation, creation, investment and the production of new content, including in the digital environment. ***This right*** also ***makes it possible*** to promote access to knowledge and culture by protecting works and other subject-matter and by permitting exceptions or limitations that are in the public interest. A fair balance of rights and interests between rightholders and users should be safeguarded.

Or. fr

#### **Amendment 10**

**María Teresa Giménez Barbat, Yana Toom, Ilhan Kyuchyuk**

#### **Proposal for a directive**

## Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) The Charter of Fundamental Rights of the European Union enshrines the right to information (Article 12) and the right to education (Article 14); the scope of this Directive should secure to everyone to have access to information and education without discrimination and on the basis of equal opportunity, including persons with visual impairment.***

Or. en

## Amendment 11 Isabella Adinolfi

### Proposal for a directive Recital 3

*Text proposed by the Commission*

*Amendment*

(3) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers in accessing books and other print material which are protected by copyright and related rights. Measures need to be taken to increase the availability of those works in accessible formats and to improve their circulation in the internal market.

(3) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers in accessing books and other print material which are protected by copyright and related rights. ***Taking into consideration that its use by people whose vision is impaired seriously and in the long term would have a clear social interest and would be essentially conducted on a non-profit regime,*** measures need to be taken to increase the availability of those works in accessible formats and to improve their circulation in the internal market.

Or. en

## Amendment 12 Momchil Nekov, Julie Ward

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers in accessing books and other print material which are protected by copyright and related rights. Measures need to be taken to increase the availability of those works in accessible formats and to improve their circulation in the internal market.

*Amendment*

(3) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers in accessing books and other print material which are protected by copyright and related rights. Measures need to be taken to increase the availability of those works in accessible formats and to improve their circulation in the internal market ***as well as to collect data regarding such access, including the publication of information on the authorised entities established in the territory.***

Or. en

**Amendment 13**  
**Angel Dzhambazki, Andrew Lewer, Emma McClarkin**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers in accessing books and other print material which are protected by copyright and related rights. Measures need to be taken to ***increase the availability of those*** works in accessible formats and to improve their circulation in the internal market.

*Amendment*

(3) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers in accessing books and other print material which are protected by copyright and related rights. Measures need to be taken to ***improve accessibility to the*** works in accessible formats and to improve their circulation in the internal market, ***as well as to increase availability where necessary and where the conditions set forth in this Directive are met.***

Or. en

**Amendment 14**  
**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers in accessing books and other print material which are protected by copyright and related rights. Measures need to be taken to increase the availability of those works in accessible formats **and to improve their circulation in the internal market.**

*Amendment*

(3) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers in accessing books and other print material which are protected by copyright and related rights. Measures need to be taken to increase the availability of those works in accessible formats.

Or. fr

**Amendment 15**  
**Isabella Adinolfi**

**Proposal for a directive**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Persons who are blind, visually impaired or otherwise print disabled have the right of access to information and the right to participate in cultural, economic and social life on an equal basis with others.***

Or. en

*Justification*

*The addition proposed results from the UNCRPD and Art. 26 Charter of Fundamental Rights of the EU that enshrines the rights and freedoms of people with disabilities.*

**Amendment 16**  
**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (‘the Marrakesh Treaty’) was signed ***on behalf of*** the Union on 30 April 2014<sup>23</sup>. Its aim is to improve the availability of works and other protected subject-matter in accessible formats for persons who are blind, visually impaired or otherwise print disabled. The Marrakesh Treaty requires contracting parties to provide exceptions or limitations to the rights of holders of copyright and related rights for the making and dissemination of copies in accessible formats of certain works and other subject-matter, and for the cross-border exchange of those copies. The conclusion of the Marrakesh Treaty by the Union requires the adaptation of Union law by establishing a mandatory exception for uses, works and beneficiary persons covered by the Treaty. This Directive implements the obligations that the Union has to meet under the Marrakesh Treaty ***in a harmonised manner***, with a view to ensuring that those measures are applied consistently throughout the ***internal market***.

---

<sup>23</sup> Council Decision 2014/221/EU of 14 April 2014 on the signing, on behalf of the European Union, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled. (OJ L115, 17.4.2014, p. 1).

*Amendment*

(4) The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (‘the Marrakesh Treaty’) was signed ***by several Member States and also by*** the Union on 30 April 2014<sup>23</sup>. Its aim is to improve the availability of works and other protected subject-matter in accessible formats for persons who are blind, visually impaired or otherwise print disabled. The Marrakesh Treaty requires contracting parties to provide exceptions or limitations to the rights of holders of copyright and related rights for the making and dissemination of copies in accessible formats of certain works and other subject-matter, and for the cross-border exchange of those copies. The conclusion of the Marrakesh Treaty by the ***Member States and, secondarily, by the Union*** requires the adaptation ***of the national laws of the signatory States and, moreover,*** of Union law by establishing a mandatory exception for uses, works and beneficiary persons covered by the Treaty. This Directive implements the obligations that the Union has to meet under the Marrakesh Treaty, with a view to ensuring that those measures are applied consistently throughout the ***territory of Union Member States***.

---

<sup>23</sup> Council Decision 2014/221/EU of 14 April 2014 on the signing, on behalf of the European Union, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled. (OJ L115, 17.4.2014, p. 1).

Or. fr

**Amendment 17**  
**Isabella Adinolfi**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) This Directive is designed for the benefit persons who are blind, have a visual impairment which cannot be improved so as to give those persons visual function substantially equivalent to that of a person who has no such impairment, or have a perceptual or reading disability, including dyslexia, preventing them from reading printed works to substantially the same degree as persons without such disability, or are unable to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading due to a physical disability. The objective of the measures introduced by this Directive is to improve the availability of books, journals, newspapers, magazines and other writings, sheet music and other print material, including in audio form, whether digital or analogue, in formats that make those works and other subject-matter accessible to those persons to substantially the same degree as to persons without an impairment or disability. Accessible formats include Braille, large print, adapted e-books, audio books and radio broadcasts.

*Amendment*

(5) This Directive is designed for the benefit persons who are blind, have a visual impairment which cannot be improved so as to give those persons visual function substantially equivalent to that of a person who has no such impairment, or have a perceptual or reading disability, including dyslexia, preventing them from reading printed works to substantially the same degree as persons without such disability, or are unable to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading due to a physical disability. The objective of the measures introduced by this Directive is to improve the availability of books, journals, newspapers, magazines and other writings, sheet music and other print material, including in audio form, whether digital or analogue, ***whatever it is their copyright-related legal protection***, in formats that make those works and other subject-matter accessible to those persons to substantially ***and effectively*** the same degree as to persons without an impairment or disability. ***In the meaning defined by this context***, accessible formats include, ***in particular*** Braille, large print, adapted e-books, ***versions in simplified language, enhanced audiovisual formats***, audio books and radio broadcasts, ***but are not limited to them***.

Or. en

## Amendment 18

Julie Ward, Luigi Morgano, Mary Honeyball, Krystyna Łybacka, Momchil Nekov, Silvia Costa, Eider Gardiazabal Rubial

### Proposal for a directive

#### Recital 5

##### *Text proposed by the Commission*

(5) This Directive is designed for the benefit persons who are blind, have a visual impairment which cannot be improved so as to give those persons visual function substantially equivalent to that of a person who has no such impairment, or have a perceptual or reading disability, including dyslexia, preventing them from reading printed works to substantially the same degree as persons without such disability, or are unable to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading due to a physical **disability**. The objective of the measures introduced by this Directive is to improve the availability of books, journals, newspapers, magazines and other writings, sheet music and other print material, including in audio form, whether digital or analogue, in formats that make those works and other subject-matter accessible to those persons to substantially the same degree as to persons **without an impairment or disability**. Accessible formats include Braille, large print, **adapted** e-books, audio books and radio broadcasts.

##### *Amendment*

(5) This Directive is designed for the benefit **of** persons who are blind, have a visual impairment which cannot be improved so as to give those persons visual function substantially equivalent to that of a person who has no such impairment, or have a perceptual or reading disability, including dyslexia, preventing them from reading printed works to substantially the same degree as persons without such disability, or are unable to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading due to a physical **impairment**. The objective of the measures introduced by this Directive is to improve the availability of books, journals, newspapers, magazines and other writings, sheet music and other print material, including in audio form, whether digital or analogue, in formats that make those works and other subject-matter accessible to those persons to substantially the same degree as to persons **who are not blind, visually impaired or otherwise print disabled, without compromising the quality of the content**. Accessible formats include Braille, large print, e-books, audio books and radio broadcasts.

Or. en

##### *Justification*

*This recital aims to guarantee the quality of the adapted works to ensure that the cultural experience gained from accessing literary or artistic works is the same for all, and to maintain the precision of the definition for 'persons who are not blind, visually impaired or otherwise print disabled'. It also offers the distinction between 'disability' and 'impairment'; according to the Preamble (e) of the United Nations Convention of the Rights of Persons with*

*Disabilities, disability results from 'the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others'. In other words, it is these barriers that are disabling for people, not their impairments or different functional abilities. As such, 'impairment' is more appropriate here.*

**Amendment 19**  
**Isabella Adinolfi**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) This Directive should therefore provide for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC, Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC. As the scope of exceptions and limitations required by the Marrakesh Treaty also includes works in audio form, like audiobooks, it is necessary that these exceptions also apply to related rights.

*Amendment*

(6) This Directive should therefore provide for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC, Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC. As the scope of exceptions and limitations required by the Marrakesh Treaty also includes works in audio form, like audiobooks, it is necessary that these exceptions also apply to related rights. ***It should be emphasized that in order to avail from the abovementioned mandatory exception, the activities here enumerated (reproduction, communication, making available, distribution and lending) should be conducted on a non-profit regime.***

Or. en

**Amendment 20**  
**Zdzisław Krasnodębski, Jadwiga Wiśniewska**

**Proposal for a directive**

## Recital 6

*Text proposed by the Commission*

(6) This Directive should therefore provide for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC, Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC. As the scope of exceptions and limitations required by the Marrakesh Treaty also includes works in audio form, like audiobooks, it is necessary that these exceptions also apply to related rights.

*Amendment*

(6) This Directive should therefore provide for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC, Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC. As the scope of exceptions and limitations required by the Marrakesh Treaty also includes works in audio form, like audiobooks, it is necessary that these exceptions also apply to related rights. *The exercise of the exceptions provided for by this Directive is without prejudice to exceptions for persons with disabilities provided for by the Member States on the basis of point (b) of Article 5(3) of Directive 2001/29/EC*

Or. en

## Amendment 21

**Bogdan Brunon Wenta, Marc Joulaud, Tadeusz Zwiefka, Marek Plura**

### Proposal for a directive

## Recital 6

*Text proposed by the Commission*

(6) This Directive should therefore provide for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC,

*Amendment*

(6) This Directive should therefore provide for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC,

Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC. As the scope of exceptions and limitations required by the Marrakesh Treaty also includes works in audio form, like audiobooks, it is necessary that these exceptions also apply to related rights.

Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC. As the scope of exceptions and limitations required by the Marrakesh Treaty also includes works in audio form, like audiobooks, it is necessary that these exceptions also apply to related rights. ***The exercise of the exceptions provided for by this Directive is without prejudice to exceptions for persons with disabilities provided for by the Member States on the basis of point (b) of Article 5(3).***

Or. en

## Amendment 22

**Julie Ward, Luigi Morgano, Momchil Nekov, Krystyna Łybacka, Mary Honeyball, Eider Gardiazabal Rubial**

### Proposal for a directive Recital 6

#### *Text proposed by the Commission*

(6) This Directive ***should*** therefore ***provide*** for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC, Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC. As the scope of exceptions and limitations required by the Marrakesh Treaty also includes works in audio form, like audiobooks, it is necessary that these exceptions also apply to related rights.

#### *Amendment*

(6) This Directive therefore ***provides*** for mandatory exceptions to the rights that are harmonised by Union law and are relevant for the uses and works covered by the Marrakesh Treaty. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC, Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC. As the scope of exceptions and limitations required by the Marrakesh Treaty also includes works in audio form, like audiobooks, it is necessary that these exceptions also apply to related rights.

Or. en

## *Justification*

*Given the delay of the EU in ratifying the Marrakesh Treaty, it is important that the language is strengthened from 'should' to 'shall' to guarantee the effective implementation of the Treaty.*

### **Amendment 23**

**Isabella Adinolfi**

#### **Proposal for a directive**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) Uses laid down in this Directive include the making of accessible format copies by either the beneficiary persons or authorised entities serving their needs — whether public or private organisations, in particular libraries, educational establishments and other non-profit organisations that serve persons with a print disability as their main or one of their main activities or public interest missions —. Those uses should also include making accessible format copies, for the exclusive use of the beneficiary persons, by a natural person who does so on behalf of a beneficiary person or who assists the beneficiary person in doing so.

###### *Amendment*

(7) Uses laid down in this Directive include the making of accessible format copies by either the beneficiary persons or authorised entities serving their needs — whether public or private organisations, in particular libraries, educational establishments and other non-profit organisations that serve persons with a print disability as their main or one of their main activities or public interest missions —. ***Authorised organisations should not operate on an exclusive regime, since such exclusivity is considered contradictory with the social and cultural aim of the Directive.*** Those uses should also include making accessible format copies, for the exclusive use of the beneficiary persons, by a natural person who does so on behalf of a beneficiary person or who assists the beneficiary person in doing so.

Or. en

### **Amendment 24**

**Momchil Nekov, Julie Ward**

#### **Proposal for a directive**

##### **Recital 7**

###### *Text proposed by the Commission*

###### *Amendment*

(7) Uses laid down in this Directive include the making of accessible format copies by either the beneficiary persons or authorised entities serving their needs — whether public or private organisations, in particular libraries, educational establishments and other non-profit organisations that serve persons with a print disability as their main or one of their main activities or public interest missions —. Those uses should also include making accessible format copies, for the exclusive use of the beneficiary persons, by a natural person who does so on behalf of a beneficiary person or who assists the beneficiary person in doing so.

(7) Uses laid down in this Directive include the making of accessible format copies by either the beneficiary persons or authorised entities serving their needs — whether public or private organisations, in particular libraries, educational establishments and other non-profit organisations that serve persons with a print disability as their main or one of their main activities or public interest missions —. Those uses should also include making accessible format copies, for the exclusive use of the beneficiary persons, by a natural person who does so on behalf of a beneficiary person or who assists the beneficiary person in doing so ***including a carer, family member, teacher or librarian.***

Or. en

## **Amendment 25**

**Julie Ward, Luigi Morgano, Mary Honeyball, Krystyna Łybacka, Momchil Nekov, Sylvie Guillaume**

### **Proposal for a directive Recital 7**

#### *Text proposed by the Commission*

(7) Uses laid down in this Directive include the making of accessible format copies by either the beneficiary persons or authorised entities serving their needs — whether public or private organisations, in particular libraries, educational establishments and other non-profit organisations that serve persons with a print disability as their main or one of their main activities or public interest missions —. Those uses ***should also*** include making accessible format copies, for the exclusive use of the beneficiary persons, by a natural person who does so on behalf of a beneficiary person or who assists the

#### *Amendment*

(7) Uses laid down in this Directive include the making of accessible format copies by either the beneficiary persons or authorised entities serving their needs — whether public or private organisations, in particular libraries, ***schools, universities, training centres,*** educational establishments and other non-profit organisations that serve persons with a print disability as their main or one of their main activities or public interest missions —. ***It is also necessary for*** those uses ***to*** include making accessible format copies, for the exclusive use of the beneficiary persons, by a natural person

beneficiary person in doing so.

who does so on behalf of a beneficiary person or who assists the beneficiary person in doing so.

Or. en

*Justification*

*The notion of 'educational establishments' is developed to be more specific.*

**Amendment 26**

**Luigi Morgano, Julie Ward**

**Proposal for a directive**

**Recital 8**

*Text proposed by the Commission*

(8) The mandatory exception should also limit the right of reproduction so as to allow for any act that is necessary in order to make changes to or convert or adapt a work or other subject-matter in such a way as to produce an accessible format copy. This includes providing the necessary means to navigate information in an accessible format copy.

*Amendment*

(8) The mandatory exception should also limit the right of reproduction so as to allow for any act that is necessary in order to make changes to or convert or adapt a work or other subject-matter in such a way as to produce an accessible format copy. This includes providing the necessary means to navigate information in an accessible format copy, ***and also the acts that are necessary to adapt existing publications that are already accessible for certain categories of beneficiary persons to the needs of other beneficiary persons who require alternative formats to properly access the work. Lending of the work to beneficiary persons should be granted.***

Or. en

*Justification*

*This amendment aims to improve clarity on what are “necessary acts” authorised by the exception set in Art. 3. A file format may be accessible by some categories of disabled persons (e.g. visually impaired people) but not by others (e.g. dyslexics). In this case, though there is no need to transform a file for a beneficiary person who is blind or visually impaired, a transformation is needed to make the work accessible for a dyslexic. The possibility of lending should also be granted.*

## Amendment 27

Julie Ward, Luigi Morgano, Mary Honeyball, Krystyna Łybacka, Momchil Nekov, Sylvie Guillaume

### Proposal for a directive

#### Recital 8

##### *Text proposed by the Commission*

(8) The mandatory exception *should also* limit the right of reproduction so as to allow for any act that is necessary in order to make changes to or convert or adapt a work or other subject-matter in such a way as to produce an accessible format copy. This includes providing the necessary means to navigate information in an accessible format copy.

##### *Amendment*

(8) *It is also necessary for* the mandatory exception *to* limit the right of reproduction so as to allow for any act that is necessary in order to make changes to or convert or adapt a work or other subject-matter in such a way as to produce an accessible format copy. This includes providing the necessary means to navigate information in an accessible format copy.

Or. en

## Amendment 28

Julie Ward, Mary Honeyball, Krystyna Łybacka, Momchil Nekov, Sylvie Guillaume

### Proposal for a directive

#### Recital 9

##### *Text proposed by the Commission*

(9) The exception *should* allow authorised entities to make and disseminate online and offline within the Union accessible format copies of works or other subject-matter covered by this Directive.

##### *Amendment*

(9) The exception *will* allow authorised entities to make and disseminate online and offline within the Union accessible format copies of *current* works, *archived material* or other subject-matter covered by this Directive.

Or. en

##### *Justification*

*This recital outlines that archived works can also be made into accessible formats.*

## Amendment 29

**Angel Dzhambazki, Andrew Lewer, Emma McClarkin**

**Proposal for a directive**

**Recital 9**

*Text proposed by the Commission*

(9) The exception should allow authorised entities to make and disseminate online and offline within the Union accessible format copies of works or other subject-matter covered by this Directive.

*Amendment*

(9) The exception should allow authorised entities to make and disseminate online and offline within the Union accessible format copies of works or other subject-matter covered by this Directive *in line with relevant existing Union law*.

Or. en

**Amendment 30**

**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**

**Recital 9**

*Text proposed by the Commission*

(9) The exception should allow authorised entities to make and disseminate online and offline within *the Union* accessible format copies of works or other subject-matter covered by this Directive.

*Amendment*

(9) The exception should allow authorised entities to make and disseminate online and offline within *Union Member States* accessible format copies of works or other subject-matter covered by this Directive.

Or. fr

**Amendment 31**

**Luigi Morgano, Julie Ward**

**Proposal for a directive**

**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*(9a) To improve the availability of text-based works, the rightholders' role in making their works accessible to persons with visual impairments or with other*

*print disabilities is equally as important as the exceptions provided by this Directive when the market is unable to provide such access.*

Or. en

*Justification*

*The new recital refers to a recital of the Marrakech Treaty. It recalls the equal importance of both appropriate limitations and exceptions, and the rightholders' role in making works accessible to persons with visual impairments, in order to end "the book famine" of millions of blind and partially sighted persons.*

**Amendment 32**  
**Isabella Adinolfi**

**Proposal for a directive**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*(9a) Activities conducted out of the Union in the frame of Union funded projects or initiatives regarding cooperation, cultural exchange, reinforcement of communities, research and innovation, and the like, are deemed to be covered by the exception.*

Or. en

**Amendment 33**  
**Luigi Morgano, Julie Ward**

**Proposal for a directive**  
**Recital 9 b (new)**

*Text proposed by the Commission*

*Amendment*

*(9b) In order to foster cross-border exchange, a single publicly accessible online database should be established and managed [by the European Intellectual Property Office (EUIPO)] containing*

*information on authorised entities and bibliographic data about works available in accessible format copies produced and made available by authorised entities. This database should also include information about born accessible publications, i.e. publications produced by publishers in accessible format and should be interoperable with the ABC TIGAR (Trusted Intermediary Global Accessible Resources) Database, hosted by WIPO.*

Or. en

#### *Justification*

*The new recital calls on the European Commission to facilitate the exchange of information through creating a single database of the accessible format copies, including the accessible books directly produced by publishers in accessible formats. This new initiative should build on and remain interoperable with the existing worldwide database developed by the Accessible Book Consortium, hosted by WIPO.*

#### **Amendment 34**

**Angel Dzhambazki, Andrew Lewer, Emma McClarkin**

#### **Proposal for a directive**

#### **Recital 10**

##### *Text proposed by the Commission*

(10) It should be possible for accessible format copies made in one Member State to be available in all Member States, in order to ensure their greater availability across the internal market. ***This would*** reduce the demand for redundant work in producing accessible format copies of the same work or other subject matter across the Union, thus generating savings and efficiency gains. This Directive should therefore ensure that accessible format copies made in one Member State may be circulated and accessed in all Member States. An authorised entity should thus be able to disseminate those copies, offline or

##### *Amendment*

(10) It should be possible for accessible format copies made in one Member State to be available in all Member States, in order to ensure their greater availability across the internal market ***for persons with disabilities. This could*** reduce the demand for redundant work in producing accessible format copies of the same work or other subject matter across the Union, thus generating savings and efficiency gains. This Directive should therefore ensure that accessible format copies made in one Member State may be circulated and accessed in all Member States, ***if the criteria set forth in the Directive are met.***

online, to beneficiary persons and authorised entities in any Member State. Moreover, authorised entities and beneficiary persons should be allowed to obtain or have access to those copies from any authorised entity in any Member State.

An authorised entity should thus be able to disseminate those copies, offline or online, to beneficiary persons and authorised entities in any Member State. Moreover, authorised entities and beneficiary persons should be allowed to obtain or have access to those copies from any authorised entity in any Member State.

Or. en

### **Amendment 35**

**Julie Ward, Luigi Morgano, Mary Honeyball, Krystyna Łybacka, Momchil Nekov, Sylvie Guillaume**

#### **Proposal for a directive**

#### **Recital 10**

##### *Text proposed by the Commission*

(10) It *should* be possible for accessible format copies made in one Member State to be available in all Member States, in order to ensure their greater availability across the internal market. This would reduce the demand for redundant work in producing accessible format copies of the same work or other subject matter across the Union, thus generating savings and efficiency gains. This Directive *should* therefore ensure that accessible format copies made in one Member State may be circulated and accessed in all Member States. An authorised entity should thus be able to disseminate those copies, offline or online, to beneficiary persons and authorised entities in any Member State. Moreover, authorised entities and beneficiary persons should be allowed to obtain or have access to those copies from any authorised entity in any Member State.

##### *Amendment*

(10) It *will* be possible for accessible format copies made in one Member State to be available in all Member States, in order to ensure their greater availability across the internal market. This would reduce the demand for redundant work in producing accessible format copies of the same work or other subject matter across the Union, thus generating savings and efficiency gains. This Directive *will* therefore ensure that accessible format copies made in one Member State may be circulated *to* and accessed *by beneficiary persons and authorised entities* in all Member States. An authorised entity should thus be able to disseminate those copies, offline or online, to beneficiary persons and authorised entities in any Member State. Moreover, authorised entities and beneficiary persons should be allowed to obtain or have access to those copies from any authorised entity in any Member State.

Or. en

**Amendment 36**  
**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) It should be possible for accessible format copies made in one Member State to be available in all Member States, in order to ensure their greater availability ***across the internal market***. This would reduce the demand for redundant work in producing accessible format copies of the same work or other subject matter across ***the*** Union, thus generating savings and efficiency gains. This Directive should therefore ensure that accessible format copies made in one Member State may be circulated and accessed in all Member States. An authorised entity should thus be able to disseminate those copies, offline or online, to beneficiary persons and authorised entities in any Member State. Moreover, authorised entities and beneficiary persons should be allowed to obtain or have access to those copies from any authorised entity in any Member State.

*Amendment*

(10) It should be possible for accessible format copies made in one Member State to be available in all Member States, in order to ensure their greater availability. This would reduce the demand for redundant work in producing accessible format copies of the same work or other subject matter across ***all Union Member States***, thus generating savings and efficiency gains. This Directive should therefore ensure that accessible format copies made in one Member State may be circulated and accessed in all Member States. An authorised entity should thus be able to disseminate those copies, offline or online, to beneficiary persons and authorised entities in any Member State. Moreover, authorised entities and beneficiary persons should be allowed to obtain or have access to those copies from any authorised entity in any Member State.

Or. fr

**Amendment 37**  
**Marc Joulaud, Bogdan Brunon Wenta**

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

(11) ***In view of*** the specific nature of the exception, its targeted scope and the need for legal certainty for its beneficiaries, Member States should ***not*** be allowed to

*Amendment*

(11) ***Member States and those involved in the sector have already developed solutions and arrangements at national level that take into account*** the specific

impose additional requirements for the application of the exception, *such as* compensation schemes *or the prior verification of the commercial availability of accessible format copies*.

nature of the exception, its targeted scope and the need for legal certainty for its beneficiaries. Member States should *therefore continue to* be allowed to impose *reasonable and limited* additional requirements for the application of the exception, *strictly in so far as these are authorised by the Marrakesh Treaty, as is the case with* compensation schemes, *in order to be in a position to respond to possible future developments and their impact on the market*.

Or. fr

### **Amendment 38**

**Angel Dzhambazki, Andrew Lewer, Emma McClarkin**

#### **Proposal for a directive**

##### **Recital 11**

*Text proposed by the Commission*

(11) In view of the specific nature of the exception, its targeted scope and the need for legal certainty for its beneficiaries, Member States should *not* be allowed to impose additional requirements *for the application* of the *exception, such as compensation schemes or the prior verification of the commercial availability* of accessible format copies.

*Amendment*

(11) In view of the specific nature of the exception, its targeted scope and the need for legal certainty for its beneficiaries, Member States should be allowed to impose additional requirements *where these are consistent with the objectives of the Directive and justified in light of the three-step test. Otherwise, additional requirements would run the risk of going against the purpose of the exceptions provided for by this Directive, and against the purpose of facilitating the cross-border exchange* of accessible format copies *within the internal market*.

Or. en

### **Amendment 39**

**Julie Ward, Luigi Morgano, Mary Honeyball, Krystyna Lybacka, Momchil Nekov, Sylvie Guillaume**

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

(11) In view of the specific nature of the exception, its targeted scope and the need for legal certainty for its beneficiaries, Member States *should* not be *allowed* to impose additional requirements for the application of the exception, such as compensation schemes or the prior verification of the commercial availability of accessible format copies.

*Amendment*

(11) In view of the specific nature of the exception, its targeted scope and the need for legal certainty for its beneficiaries, Member States *will* not be *permitted* to impose additional requirements for the application of the exception, such as compensation schemes or the prior verification of the commercial availability of accessible format copies.

Or. en

**Amendment 40**  
**Luigi Morgano, Julie Ward, Silvia Costa**

**Proposal for a directive**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) In the procedures for accrediting the authorised entities, Member States should take into consideration the specialisation in providing non-profit, high quality and effective accessible formats of work and other subject matter, and the principles of trusted intermediary set in the "Memorandum of Understanding on access to works for dyslexic or visually impaired readers", promoted by the European Commission and signed in 2010 by the representatives of rightholders and of the persons who are print disabled.***

Or. en

*Justification*

*The proposal intends to build on the European policy of last decade, which is based on the recognition of the valuable knowledge and experience which only specialised organisations*

*...serving beneficiary persons can contribute and on the promotion of cooperation between stakeholders in the field.*

**Amendment 41**  
**Marc Joulaud**

**Proposal for a directive**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) Member States should promote dialogue between stakeholders in the sector affected by the above exception so as to encourage constructive cooperation with a view to achieving the aims of the exception and bringing about the best possible complementary relationship between solutions existing on the market, including commercial solutions, and other initiatives seeking to make works more accessible.***

Or. fr

**Amendment 42**  
**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**  
**Recital 12**

*Text proposed by the Commission*

*Amendment*

(12) Any processing of personal data under this Directive should respect fundamental rights, including the right to respect for private and family life and the right to protection of personal data ***under*** Articles 7 and 8 of the Charter of Fundamental Rights of the European Union and must be in compliance with Directive 95/46/EC of the European Parliament and ***of*** the Council, which governs the processing of personal data, as may be carried out by authorised entities within the

(12) Any processing of personal data under this Directive should respect fundamental rights, including the right to respect for private and family life and the right to protection of personal data ***as established by the UN International Covenant on Civil and Political Rights and the UN resolution of 14 December 1990 on guidelines for the regulation of computerised personal data files, and as derived from the common constitutional traditions of the Member States and,***

framework of this Directive and under the supervision of the Member States' competent authorities, in particular the public independent authorities designated by the Member States.

*secondarily, from* Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, and must be in compliance with Directive 95/46/EC of the European Parliament and the Council, which governs the processing of personal data, as may be carried out by authorised entities within the framework of this Directive and under the supervision of the Member States' competent authorities, in particular the public independent authorities designated by the Member States.

Or. fr

**Amendment 43**  
**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) The United Nations Convention on the Rights of Persons with Disabilities ('the UNCRPD'), to which the EU is a party, guarantees people with disabilities the right of access to information and the right to participate in cultural, economic and social life on an equal basis with others. The UNCRPD requires parties to the Convention to take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

*Amendment*

(13) The United Nations Convention on the Rights of Persons with Disabilities ('the UNCRPD'), *of which several Union Member States are signatories and* to which the EU is a party, guarantees people with disabilities the right of access to information and the right to participate in cultural, economic and social life on an equal basis with others. The UNCRPD requires parties to the Convention to take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

Or. fr

**Amendment 44**

**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**

**Recital 14**

*Text proposed by the Commission*

(14) Under the Charter of Fundamental Rights of the European Union, the Union recognises and respects the right of people with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

*Amendment*

(14) Under the *United Nations Convention on the Rights of Persons with Disabilities, the common constitutional traditions of the Member States, and, secondarily, the* Charter of Fundamental Rights of the European Union, the Union recognises and respects the right of people with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

Or. fr

**Amendment 45**

**Momchil Nekov, Julie Ward**

**Proposal for a directive**

**Recital 15**

*Text proposed by the Commission*

(15) With the adoption of this Directive, the Union aims to ensure that beneficiary persons have access to books and other print material in accessible formats. Accordingly, this Directive is an essential first step in improving access to works for people with disabilities.

*Amendment*

(15) With the adoption of this Directive, the Union aims to ensure that beneficiary persons have access to books and other print material in accessible formats. Accordingly, this Directive is an essential first step in improving access to works for people with *disabilities. There is a need to further assess barriers that disabled people with impairments not covered by the Marrakesh Treaty may face in having access to content and cultural materials.*

Or. en

**Amendment 46**

**Isabella Adinolfi**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) The Commission will monitor the effect of this Directive. As part of this, it will assess the situation regarding the availability in accessible formats of works and other subject-matter other than those covered by this Directive, as well as the availability of works and other subject-matter in accessible formats for persons with other disabilities. The Commission will review the situation closely. Changes to the scope of this Directive may be considered, if necessary.

*Amendment*

(16) The Commission will monitor the effect of this Directive. As part of this, it will assess the situation regarding the availability in accessible formats of works and other subject-matter other than those covered by this Directive, as well as the availability of works and other subject-matter in accessible formats for persons with other disabilities. The Commission will review the situation closely ***in order to fully guarantee the cultural and social aims of this Directive***. Changes to the scope of this Directive may be considered, if necessary.

Or. en

**Amendment 47**

**Julie Ward, Luigi Morgano, Silvia Costa, Mary Honeyball, Krystyna Łybacka, Momchil Nekov, Sylvie Guillaume, Eider Gardiazabal Rubial**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) The Commission will monitor the effect of this Directive. As part of this, it will assess the situation regarding the availability in accessible formats of works and other subject-matter other than those covered by this Directive, as well as the availability of works and other subject-matter in accessible formats for persons with other ***disabilities***. The Commission will review the situation closely. Changes to the scope of this Directive may be considered, if necessary.

*Amendment*

(16) The Commission will monitor the effect of this Directive. As part of this, it will assess the situation regarding the availability in accessible formats of works and other subject-matter other than those covered by this Directive, as well as the availability of works and other subject-matter in accessible formats for persons with other ***impairments***. The Commission will review the situation closely. Changes to the scope of this Directive may be considered, if necessary.

**Amendment 48**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska**

**Proposal for a directive**

**Recital 17**

*Text proposed by the Commission*

(17) Pursuant to Directive 2001/29/EC, Member States may continue to provide for an exception or limitation for the benefit of persons with a disability *in cases which are not covered by this* Directive.

*Amendment*

(17) Member States may continue to provide for an exception or limitation for the benefit of persons with a disability, *which already exists under national law pursuant to* Directive 2001/29/EC.

**Amendment 49**

**Isabella Adinolfi**

**Proposal for a directive**

**Recital 18**

*Text proposed by the Commission*

(18) This Directive therefore respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. This Directive should be interpreted and applied in accordance with those rights and principles.

*Amendment*

(18) This Directive therefore respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. This Directive should be interpreted and applied in accordance with those rights and principles. *This means that the copyright exceptions and limitations consist in an implicit authorisation by the rightholder for the exercise of the secondary right to non-commercial copies in accessible format, subject to the conditions established.*

**Amendment 50**

**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**

**Recital 18**

*Text proposed by the Commission*

(18) This Directive therefore respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. This Directive should be interpreted and applied in accordance with those rights and principles.

*Amendment*

(18) This Directive therefore respects the fundamental rights and observes the principles recognised in particular *in international law and, secondarily*, by the Charter of Fundamental Rights of the European Union. This Directive should be interpreted and applied in accordance with those rights and principles.

Or. fr

**Amendment 51**

**Julie Ward, Luigi Morgano, Mary Honeyball, Krystyna Lybacka, Momchil Nekov, Sylvie Guillaume, Eider Gardiazabal Rubial**

**Proposal for a directive**

**Recital 18**

*Text proposed by the Commission*

(18) This Directive therefore respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. This Directive *should be* interpreted and applied in accordance with those rights and principles.

*Amendment*

(18) This Directive therefore respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. *It is necessary that* this Directive *is* interpreted and applied in accordance with those rights and principles.

Or. en

**Amendment 52**

**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**

**Recital 19**

*Text proposed by the Commission*

(19) The Marrakesh Treaty imposes certain obligations regarding the exchange of accessible format copies between the Union and third countries that are parties to the Treaty. The measures taken by the Union to fulfil those obligations are contained in Regulation [...] which should be read in conjunction with this Directive.

*Amendment*

(19) The Marrakesh Treaty imposes certain obligations regarding the exchange of accessible format copies between **Union Member States**, the Union, and third countries that are parties to the Treaty. The measures taken by the Union to fulfil those obligations are contained in Regulation [...] which should be read in conjunction with this Directive.

Or. fr

**Amendment 53**

**Julie Ward, Luigi Morgano, Mary Honeyball, Krystyna Lybacka, Momchil Nekov, Eider Gardiazabal Rubial**

**Proposal for a directive**

**Recital 19**

*Text proposed by the Commission*

(19) The Marrakesh Treaty imposes certain obligations regarding the exchange of accessible format copies between the Union and third countries that are parties to the Treaty. The measures taken by the Union to fulfil those obligations are contained in Regulation [...] which **should be read** in conjunction with this Directive.

*Amendment*

(19) The Marrakesh Treaty imposes certain obligations regarding the exchange of accessible format copies between the Union and third countries that are parties to the Treaty. The measures taken by the Union to fulfil those obligations are contained in Regulation [...] which **needs to be consulted** in conjunction with this Directive.

Or. en

**Amendment 54**

**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**

**Recital 20**

*Text proposed by the Commission*

(20) The objective of this Directive –

*Amendment*

(20) The objective of this Directive –

implementing the Union's obligations under the Marrakesh Treaty in order to improve access to works and other subject-matter protected by copyright and related rights for persons who are blind, visually impaired or otherwise print disabled in the Union – ***cannot be achieved by the Member States acting independently, as it requires the adaptation of Union law. Furthermore, by reason of its scale and effects, the objective can only be achieved through action at Union level.*** The Union ***may therefore*** adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in the same Article, this Directive does not go beyond what is necessary in order to achieve that objective.

implementing ***Union Member State and also*** the Union's obligations under the Marrakesh Treaty in order to improve access to works and other subject-matter protected by copyright and related rights for persons who are blind, visually impaired or otherwise print disabled in the Union – requires the adaptation of Union law. The Union ***should, to that end,*** adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in the same Article, this Directive does not go beyond what is necessary in order to achieve that objective.

Or. fr

## **Amendment 55** **Isabella Adinolfi**

### **Proposal for a directive** **Recital 20**

#### *Text proposed by the Commission*

(20) The objective of this Directive – implementing the Union's obligations under the Marrakesh Treaty in order to improve access to works and other subject-matter protected by copyright and related rights for persons who are blind, visually impaired or otherwise print disabled in the Union – cannot be achieved by the Member States acting independently, as it requires the adaptation of Union law. Furthermore, by reason of its scale and effects, the objective can only be achieved through action at Union level. The Union may therefore adopt measures in accordance with the principle of

#### *Amendment*

(20) The objective of this Directive – implementing the Union's obligations under the Marrakesh Treaty in order to improve access to works and other subject-matter protected by copyright and related rights for persons who are blind, visually impaired or otherwise print disabled in the Union – cannot be ***efficiently and adequately*** achieved by the Member States acting independently, as it requires the adaptation of Union law. Furthermore, by reason of its scale and effects, the objective can only be achieved through action at Union level. The Union may therefore adopt measures in accordance with the

subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in the same Article, this Directive does not go beyond what is necessary in order to achieve that objective.

principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in the same Article, this Directive does not go beyond what is necessary in order to achieve that objective.

Or. en

*Justification*

*The amendment aims to take into account the provisions of Article 4 Par. 3 and Art. 10 of the Marrakesh Treaty on the implementation of the Treaty itself.*

**Amendment 56**  
**Isabella Adinolfi**

**Proposal for a directive**  
**Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

***(20a) Member States should transpose the Directive within 6 months, in order to swiftly implement the rights recognised by the Charter of Fundamental Rights of the European Union and the UNCRPD of persons with disabilities.***

Or. en

*Justification*

*The amendment aims to take into account the provisions of Article 4 Par. 3 and Art. 10 of the Marrakesh Treaty on the implementation of the Treaty itself.*

**Amendment 57**  
**Sabine Verheyen**

**Proposal for a directive**  
**Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

*(21a) [1] Publishers, including those of press publications, books or scientific publications, often operate on the basis of the transfer of authors' rights by means of contractual agreements or statutory provisions. In this context, publishers make an investment with a view to the exploitation of the works contained in their publications and may in some instances be deprived of revenues where such works are used under exceptions or limitations such as the ones for private copying and reprography. In a number of Member States compensation for uses under those exceptions is shared between authors and publishers. In order to take account of this situation and improve legal certainty for all concerned parties, Member States should be allowed to determine that, when an author has transferred or licensed his rights to a publisher or otherwise contributes with his works to a publication and there are systems in place to compensate for the harm caused by an exception or limitation, publishers are entitled to claim a share of such compensation, whereas the burden on the publisher to substantiate his claim should not exceed what is required under the system in place.*

*[1] The proposed recital has been copied verbatim from recital 36 of the proposed DSM Directive COM(2016) 593 final = 2016/0280 (COD). No changes have been made.*

Or. en

**Amendment 58**  
**Sabine Verheyen**

**Proposal for a directive**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

This Directive lays down rules on the use of certain works and other subject-matter without the authorisation of the rightholder, for the benefit of persons who are blind, visually impaired or otherwise print disabled.

*Amendment*

This Directive lays down rules on the use of certain works and other subject-matter without the authorisation of the rightholder, for the benefit of persons who are blind, visually impaired or otherwise print disabled.

***Furthermore, it adds a provision on certain aspects of fair compensation for uses of a work made under an exception or limitation.***

Or. en

**Amendment 59**  
**Isabella Adinolfi**

**Proposal for a directive**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

This Directive lays down rules on the use of certain works and other subject-matter without the authorisation of the rightholder, for the benefit of persons who are blind, visually impaired or otherwise print disabled.

*Amendment*

This Directive lays down rules on the use of certain works and other subject-matter without the authorisation of the rightholder, for the benefit of persons who are blind, visually impaired or otherwise print disabled. ***It aims to effectively ensure their right to participate in cultural, economic and social life on an equal basis with others.***

Or. en

**Amendment 60**  
**Julie Ward, Luigi Morgano, Mary Honeyball, Krystyna Łybacka, Momchil Nekov, Sylvie Guillaume**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1**

*Text proposed by the Commission*

*Amendment*

(1) ‘work and other subject-matter’ means a work in the form of *a book, journal, newspaper, magazine or other writing*, including sheet music, *and related illustrations, in any media, including in audio forms such as audiobooks*, which is protected by copyright or related rights and which is published or otherwise lawfully made publicly available;

(1) ‘work and other subject-matter’ means a *literary, academic or artistic* work in the form of *text, notation and/or related illustrations*, including sheet music, which is protected by copyright or related rights and which is published or otherwise lawfully made publicly available *in books, e-books, journals, newspapers, magazines or other writing, and in any media form, including in audio form, such as audiobooks and radio broadcasts*.

Or. en

*Justification*

*The definition of ‘work and other subject-matter’ is developed to be more specific and detailed.*

**Amendment 61**

**Angel Dzhambazki, Andrew Lewer, Emma McClarkin**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

(2) ‘beneficiary person’ means:

(2) ‘beneficiary person’ means, *regardless of any other disabilities, any of the following:*

Or. en

*Justification*

*This addition aligns the definition of ‘beneficiary person’ with the Marrakesh Treaty. It should refer to all parts a, b, c and d of Article 2 (2) and should therefore be inserted after (d).*

**Amendment 62**

**Julie Ward, Luigi Morgano, Silvia Costa, Mary Honeyball, Krystyna Łybacka, Momchil Nekov, Sylvie Guillaume, Eider Gardiazabal Rubial**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point d**

*Text proposed by the Commission*

(d) a person who is otherwise unable, due to a physical **disability**, to hold or manipulate a book or to focus or move their eyes to the extent that would be normally acceptable for reading.

*Amendment*

(d) a person who is otherwise unable, due to a physical **impairment**, to hold or manipulate a book or to focus or move their eyes to the extent that would be normally acceptable for reading.

Or. en

**Amendment 63**  
**Angel Dzhambazki**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘accessible format copy’ means a copy of a work or other subject-matter in an alternative manner or form that gives a beneficiary person access to the work or other subject-matter, including allowing for the person to have access as feasibly and comfortably as a person without a visual impairment or any of the disabilities referred to in paragraph 2;

*Amendment*

(3) ‘accessible format copy’ means a copy of a work or other subject-matter, **presented on a non-profit basis** in an alternative manner or form that gives a beneficiary person access to the work or other subject-matter, including allowing for the person to have access as feasibly and comfortably as a person without a visual impairment or any of the disabilities referred to in paragraph 2;

Or. en

*Justification*

*It is important to underline the non-commercial aspect of the copies, which further clarifies the definition of the authorised entities and their action on a non-profit basis.*

**Amendment 64**  
**Julie Ward, Mary Honeyball, Krystyna Lybacka, Momchil Nekov, Sylvie Guillaume**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘authorised entity’ means an

*Amendment*

(4) ‘authorised entity’ means an

organisation **providing** education, instructional training, adaptive reading **or information access to** beneficiary persons on a non-profit basis, as its main activity or as one of its main activities **or** public-interest missions.

organisation **or governmental institution certified or recognised by the Member State, and operating on a basis of trust, which provides access to** education, instructional training, adaptive reading, **information, care or services for** beneficiary persons, on a non-profit basis, as its main activity or as one of its main activities, public-interest missions **or institutional obligations**.

Or. en

## **Amendment 65** **Luigi Morgano**

### **Proposal for a directive** **Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘authorised entity’ means an **organisation providing** education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis, **as its main activity or** as one of its **main** activities or **public-interest missions**.

*Amendment*

(4) ‘authorised entity’ means an **entity that is authorised or recognised by the Member State to provide** education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. **It also includes a government institution or non-profit organization that provides the same services to beneficiary persons** as one of its **primary** activities or **institutional obligations**.

Or. en

*Justification*

*The amendment is aimed to complete the definition of "authorized entity" proposed by the Commission, taking into account the definition of the Marrakesh Treaty which specifies by whom these entities are to be legitimately authorized or recognised.*

## **Amendment 66** **Angel Dzhambazki**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘authorised entity’ means an **organisation providing** education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis, **as its main activity or** as one of its **main** activities or **public-interest missions**.

*Amendment*

(4) ‘authorised entity’ means an **entity that is authorised or recognised by the government to provide** education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. **It also includes a government institution or non-profit organization that provides the same services to beneficiary persons** as one of its **primary** activities or **institutional obligations**.

Or. en

*Justification*

*The amendment seeks to align the definition with the one in the Marrakesh Treaty.*

**Amendment 67**  
**Marc Joulaud, Bogdan Brunon Wenta**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘authorised entity’ means an organisation providing education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis, as its main activity or as one of its main activities or public-interest missions.

*Amendment*

(4) ‘authorised entity’ means an organisation **authorised or recognised by the Member State in which it is established and** providing education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis, as its main activity or as one of its main activities or public-interest missions.

Or. fr

**Amendment 68**  
**Algirdas Saudargas**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘authorised entity’ means an organisation providing education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis, as its main activity or as one of its main activities or public-interest missions.

*Amendment*

(4) ‘authorised entity’ means an organisation ***authorised or recognised by state institutions*** providing education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis, as its main activity or as one of its main activities or public-interest missions.

Or. It

**Amendment 69**

**Julie Ward, Luigi Morgano, Silvia Costa, Mary Honeyball, Krystyna Łybacka, Momchil Nekov, Sylvie Guillaume, Eider Gardiazabal Rubial**

**Proposal for a directive**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that the accessible format copy respects the integrity of the work or other subject-matter, having due consideration for the changes required to make the work accessible in the alternative format.

*Amendment*

2. Member States shall ensure that the accessible format copy respects the integrity of the work or other subject-matter, having due consideration for the changes required to make the work accessible in the alternative format ***for the different needs of beneficiary persons.***

Or. en

**Amendment 70**

**Marc Joulaud, Bogdan Brunon Wenta**

**Proposal for a directive**  
**Article 3 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Member States may establish a compensation arrangement for acts***

*authorised by paragraph 1.*

Or. fr

**Amendment 71**  
**Marc Joulaud**

**Proposal for a directive**  
**Article 3 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. Member States shall facilitate dialogue between stakeholders in the sector on ways of making best use of offerings already available on the market as a basis for producing formats accessible to beneficiary persons.***

Or. fr

**Amendment 72**  
**Zdzisław Krasnodębski, Jadwiga Wiśniewska**

**Proposal for a directive**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 3a***

***Exchange of information***

***By [date], Member States shall provide the Commission, on the basis of the information at their disposal, with a list of authorised entities established in their territories. Member States shall notify any changes to that list to the Commission without undue delay. The Commission shall publish that information and keep it up to date.***

Or. en

**Amendment 73**

**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**

**Article 4 – title**

*Text proposed by the Commission*

Accessible format copies *in the internal market*

*Amendment*

Accessible format copies *throughout the territory of Union Member States*

Or. fr

**Amendment 74**

**Bogdan Brunon Wenta, Marc Joulaud, Tadeusz Zwiefka, Marek Plura**

**Proposal for a directive**

**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*By [date], Member States shall provide the Commission, on the basis of the information at their disposal, with a list of authorised entities established in their territories. Member States shall notify any changes to that list to the Commission without undue delay. The Commission shall publish that information and keep it up to date.*

Or. en

**Amendment 75**

**Sabine Verheyen**

**Proposal for a directive**

**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Member States may provide that where an author has transferred or licensed a right*

*to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.*

Or. en

**Amendment 76**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska**

**Proposal for a directive**

**Article 6**

Directive 2001/29/EC

Article 5(3)(b)

*Text proposed by the Commission*

*Amendment*

**Article 6**

*deleted*

**Amendment to Directive 2001/29/EC**

*In Article 5(3) of Directive 2001/29/EC, point (b) is replaced by the following:*

*‘b) uses, for the benefit of people with a disability, which are directly related to the disability and are of a non-commercial nature, to the extent required by the specific disability, without prejudice to the obligations of Member States under Directive [...];’*

Or. en

**Amendment 77**

**Zdzisław Krasnodębski, Jadwiga Wiśniewska**

**Proposal for a directive**

**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 6a*

*Relation to Directive 2001/29/EC*

*This Directive is without prejudice to point (b) of Article 5(3) of Directive 2001/29/EC.*

Or. en

**Amendment 78**

**Dominique Bilde, Marie-Christine Boutonnet**

**Proposal for a directive**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

By [two years after the date of transposition], the Commission shall present a report to the European Parliament, the Council and the European Economic and Social Committee on the availability, in accessible formats, of works and other subject-matter other than those defined in Article 2(1) for beneficiary persons, and of works and other subject-matter for persons with disabilities other than those referred to in Article 2(2), *in the internal market*. The report shall contain an assessment on whether an amendment of the scope of this Directive should be considered.

*Amendment*

By [two years after the date of transposition], the Commission shall present a report to the European Parliament, the Council and the European Economic and Social Committee on the availability, in accessible formats, of works and other subject-matter other than those defined in Article 2(1) for beneficiary persons, and of works and other subject-matter for persons with disabilities other than those referred to in Article 2(2). The report shall contain an assessment on whether an amendment of the scope of this Directive should be considered.

Or. fr

**Amendment 79**

**Isabella Adinolfi**

**Proposal for a directive**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

No sooner than [five years after the date of transposition], the Commission shall carry out an evaluation of this Directive and

*Amendment*

No sooner than [five years after the date of transposition], the Commission shall carry out an evaluation of this Directive and

present the main findings to the European Parliament, the Council and the European Economic and Social Committee, accompanied, where appropriate, by proposals for the amendment of this Directive.

present the main findings to the European Parliament, the Council and the European Economic and Social Committee, accompanied, where appropriate, by proposals for the amendment of this Directive. *The detailed information collected by the Commission shall be made available to the public.*

Or. en

## **Amendment 80**

**Angel Dzhambazki, Andrew Lewer, Emma McClarkin**

### **Proposal for a directive**

#### **Article 8 – paragraph 1**

##### *Text proposed by the Commission*

*No sooner than* [five years after the date of transposition], the Commission shall carry out an evaluation of this Directive and present the main findings to the European Parliament, the Council and the European Economic and Social Committee, accompanied, where appropriate, by proposals for the amendment of this Directive.

##### *Amendment*

*Within* [five years after the date of transposition], the Commission shall carry out an evaluation of this Directive and present the main findings to the European Parliament, the Council and the European Economic and Social Committee, accompanied, where appropriate, by proposals for the amendment of this Directive.

Or. en

##### *Justification*

*Seen that there is no impact assessment done by the Commission on the social and economical impact that this regulation may lead to, the rapporteur advises that an evaluation should be done within maximum of 5 years after the regulation comes into force.*

## **Amendment 81**

**Isabella Adinolfi**

### **Proposal for a directive**

#### **Article 9 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

##### *Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**12** month after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**6** month after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

*Justification*

*The term of 6 months appears more adequate taking also into account Art. 10 of the Marrakesh Treaty*