

**Question for written answer E-004653/2017
to the Commission**
Rule 130
Lola Sánchez Caldentey (GUE/NGL)

Subject: Right of visually impaired persons to have access to culture

Article 45a of the German Law on Copyright (2003) allows publishers, through an exception to the law on intellectual property, to claim compensation for licences granted free of charge to people who are visually impaired. This is in accordance with Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society (Article 5).

1. Is this right to compensation consistent with Recital 35 of the Directive, which states that compensation is not possible unless it can be demonstrated that the copyright holder has suffered more than minimum harm? In Germany's case, no significant harm to rightholders has been demonstrated. Is this practice consistent with EU legislation on copyright?
2. The compensation scheme in Germany's Law on Copyright means that visually impaired persons have to pay higher fees for books in braille than the rest of the population pay for normal books. Does this breach the UN Convention on the Rights of Persons with Disabilities, which states in point (a) of Article 21 that States Parties (such as the EU and its Member States) undertake to '[provide] information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost?
3. How will the Commission ensure that Germany complies with EU laws on copyright and with international law on persons with disabilities?