



2016/0279(COD)

23.11.2016

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled
(COM(2016)0595 – C8-0380/2016 – 2016/0279(COD))

Committee on Legal Affairs

Rapporteur: Max Andersson

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled

(COM(2016)0595 – C8-0380/2016 – 2016/0279(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0595),
 - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0380/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Employment and Social Affairs, the Committee on Culture and Education and the Committee on Petitions (A8-0000/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) Government guidelines or best practices with regard to the provision of accessible format copies to beneficiary persons under the terms of the Marrakesh treaty should be developed in consultation with representative groups of authorised

entities, such as library associations and library consortia, together with other authorised entity producers of accessible format copies, as well as with users and right-holders.

Or. en

Amendment 2

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. An authorised entity established in a Member State carrying out the acts referred to in Articles 3 and 4 shall ensure that:

Amendment

1. An authorised entity established in a Member State carrying out the acts referred to in Articles 3 and 4 shall ***establish and follow its own practices to*** ensure that:

Or. en

Justification

This wording comes from the Marrakesh Treaty, Article 2(c).

Amendment 3

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2 (new)

Text proposed by the Commission

Amendment

Member States shall assist their authorised entities to make information available regarding their practices under Articles 3 and 4, both by the sharing of information among authorised entities, and by making available information on their policies and practices, including those related to the cross-border exchange of accessible format copies, to interested parties and members of the public, as appropriate.

Justification

This wording comes from the Marrakesh Treaty, Article 9.2.

Amendment 4**Proposal for a regulation
Article 6 – paragraph 1***Text proposed by the Commission*

The processing of personal data carried out within the framework of this Regulation shall be carried out in compliance with **Directive 95/46/EC**.

Amendment

The processing of personal data carried out within the framework of this Regulation shall be carried out in compliance with **Directive 95/46/EC, Directive 2002/58/EC of the European Parliament and of the Council^{1a}, and with Regulation (EU) 2016/679 of the European Parliament and of the Council^{1b}**.

^{1a} **Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p.37).**

^{1b} **Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).**