



2016/0279(COD)

14.12.2016

AMENDMENTS

11 - 23

Draft opinion

Margrete Auken

(PE595.392v01-00)

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

Proposal for a regulation

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

Amendment 11
Notis Marias

Proposal for a regulation
Citation 1 a (new)

Text proposed by the Commission

Amendment

having regard to the Protocol (No 1) of the Treaty on the Functioning of the European Union on the role of national Parliaments in the European Union,

Or. el

Amendment 12
Notis Marias

Proposal for a regulation
Citation 1 b (new)

Text proposed by the Commission

Amendment

having regard to Protocol (No 2) of the Treaty on the Functioning of the European Union (TFEU) on the application of the principles of subsidiarity and proportionality,

Or. el

Amendment 13
Notis Marias

Proposal for a regulation
Recital 1

Text proposed by the Commission

Amendment

(1) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers to accessing books and other print material. The need to increase the number of works and other

(1) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers to accessing books and other print material. The need to increase the number of works and other

protected subject-matter in accessible formats available to those persons and improve their circulation and dissemination has been recognised at an international level. 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 2014¹². It requires contracting parties to provide exceptions or limitations to the exclusive 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 accessible format copies. The beneficiaries of the Marrakesh Treaty are persons who are blind, visually impaired or have a perceptual or reading disability, including dyslexia, preventing them from reading printed works to the same degree as persons without such disability, or are unable to hold or manipulate a book or to focus and move the eyes to the extent that would be normally acceptable for reading due to a physical disability.

¹² 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.).

protected subject-matter in accessible formats available to those persons and improve their circulation and dissemination has been recognised at an international level. 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 2014¹², ***having already been adopted by the World Intellectual Property Organization in 2013***. It requires contracting parties to provide exceptions or limitations to the exclusive 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 accessible format copies. The beneficiaries of the Marrakesh Treaty are persons who are blind, visually impaired or have a perceptual or reading disability, including dyslexia, preventing them from reading printed works to the same degree as persons without such disability, or are unable to hold or manipulate a book or to focus and move the eyes to the extent that would be normally acceptable for reading due to a physical disability.

¹² 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. el

Amendment 14 **Eleonora Evi**

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers to accessing books and other print material. The need to **increase the** number of works and other protected subject-matter in accessible formats available to those persons and improve their circulation and dissemination has been recognised at an international level. 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 2014¹². It requires contracting parties to provide exceptions or limitations to the exclusive 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 accessible format copies. The beneficiaries of the Marrakesh Treaty are persons who are blind, visually impaired or have a perceptual or reading disability, including dyslexia, preventing them from reading printed works to the same degree as persons without such disability, or are unable to hold or manipulate a book or to focus and move the eyes to the extent that would be normally acceptable for reading due to a physical disability.

¹² 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

(1) Persons who are blind, visually impaired or otherwise print disabled continue to face many barriers to accessing books and other print material. The need to **make a much larger** number of works and other protected subject-matter in accessible formats **fully** available to those persons and **significantly** improve their circulation and dissemination has been recognised at an international level. 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 2014¹². It requires contracting parties to provide exceptions or limitations to the exclusive 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 accessible format copies. The beneficiaries of the Marrakesh Treaty are persons who are blind, visually impaired or have a perceptual or reading disability, including dyslexia, preventing them from reading printed works to the same degree as persons without such disability, or are unable to hold or manipulate a book or to focus and move the eyes to the extent that would be normally acceptable for reading due to a physical disability.

¹² 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. it

Amendment 15
Notis Marias

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Directive [...] endeavours to implement the Union's obligations under the Marrakesh Treaty in a harmonised manner in order to improve the availability of accessible format copies for beneficiary persons and their circulation within the internal market. The Directive requires Member States to introduce a mandatory exception to certain rights of right holders that are harmonised by Union law. The objectives of this Regulation are to implement the obligations in the Marrakesh Treaty with respect to the export and import of accessible format copies for the benefit of beneficiary persons between the Union and third countries that are parties to the Marrakesh Treaty, and to lay down the conditions for such export and import. Such measures may only be taken at Union level as the exchange of accessible format copies of works and other subject-matter concerns the commercial aspects of intellectual property. A Regulation is the only appropriate instrument.

Amendment

(2) Directive [...] endeavours to implement the Union's obligations under the Marrakesh Treaty in a harmonised manner in order to improve the availability of accessible format copies for beneficiary persons *in all EU Member States* and their circulation within the internal market. The Directive requires Member States to introduce a mandatory exception to certain rights of right holders that are harmonised by Union law. The objectives of this Regulation are to implement the obligations in the Marrakesh Treaty with respect to the export and import of accessible format copies for the benefit of beneficiary persons between the Union and third countries that are parties to the Marrakesh Treaty, and to lay down the conditions for such export and import. Such measures may only be taken at Union level as the exchange of accessible format copies of works and other subject-matter concerns the commercial aspects of intellectual property. A Regulation is the only appropriate instrument.

Or. el

Amendment 16
Notis Marias

Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

(5) In order to improve the availability of accessible format copies and to prevent the illegal dissemination of works and other subject-matter, authorised entities which engage in the distribution or making available of accessible format copies should comply with certain obligations.

(5) In order to improve the availability of accessible format copies and to prevent the illegal dissemination of works and other subject-matter, authorised entities which engage in the distribution or making available of accessible format copies should comply with certain obligations ***and meet certain operational requirements.***

Or. el

Amendment 17
Julia Reda, Margrete Auken

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Government guidelines or best practices with regard to the provision of accessible formats to beneficiary persons under the terms of the treaty should be elaborated in consultation with representative groups of authorised entities, such as library associations and library consortia, together with other authorised entity producers of accessible formats, as well as users and rights-holders.

Or. en

Amendment 18
Eleonora Evi

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The Charter of Fundamental Rights of the European Union prohibits all forms of discrimination, including on

grounds of disability, and states that 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. it

Amendment 19
Notis Marias

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) 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

(7) The United Nations Convention on the Rights of Persons with Disabilities ('the UNCRPD'), to which the EU is a party **and which is binding for the EU Member States**, 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. el

Amendment 20
Julia Reda, Margrete Auken

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

Amendment

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

that:

establish and follow its own practices to ensure that:

Or. en

Amendment 21

Julia Reda, Margrete Auken

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 22

Julia Reda, Margrete Auken

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

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.

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

^{1a} 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).

Or. en

Amendment 23
Julia Reda, Margrete Auken

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

No *sooner* than [*five* years after the date of application], the Commission shall carry out an evaluation of this Regulation 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 Regulation.

Amendment

No *later* than [*three* years after the date of application], the Commission shall carry out an evaluation of this Regulation 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 Regulation.

Or. en