***I

REPORT


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 directive of the European Parliament and of the Council on certain 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

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

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2016)0596),
– having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0381/2016),
– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
– having regard to the opinion of the European Economic and Social Committee of 25 January 2017¹,
– 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 (A8-0097/2017),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive
Citation 1 a (new)

¹ Not yet published in the Official Journal.
Text proposed by the Commission

Amendment

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

Amendment 2
Proposal for a directive
Citation 1 b (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);

Amendment 3
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 11) and the right to education (Article 14).

Amendment 4
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.

(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.

Taking into consideration the social interests of granting such persons the right of access to information and the right to participate in cultural, economic and social life on an equal basis with others, measures need to be taken to increase the availability of those works in accessible formats and to improve their circulation in the internal market, within the conditions set forth in this Directive, in order to ensure access to knowledge and information.

Amendment 5
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. 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

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 on behalf of the Union on 30 April 2014, having already been adopted in 2013 by the World Intellectual Property Organization. Its aim is to improve the availability and cross-border exchange 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 and harmonised 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,
internal market.

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Amendment 6  

Proposal for a directive  
Recital 5

Text proposed by the Commission

(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 disability. The objective of the measures introduced by this Directive is therefore 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, online or offline, 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 also 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, or any other learning disability, 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 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 therefore to improve the availability of books, including e-books, journals, newspapers, magazines and other writings, sheet music and other print material, including in audio form, whether digital or analogue, online or offline, 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 also include Braille, large print, adapted e-books, audio books and radio broadcasts.
books and radio broadcasts.

Amendment 7
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 should be without prejudice to other exceptions for persons with disabilities provided for by the Member States.

Amendment 8
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

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,
accessible format copy. and includes 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 permitted.

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 9

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 laws. The Directive does not establish any obligation on authorised entities to make and disseminate copies.

Amendment 10

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

(9a) When the market is unable to provide access, the rightholders’ role in making their works accessible to persons with visual impairments or with other print disabilities is just as important as the
exceptions provided for by this Directive when it comes to improving the availability of text-based works.

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 11

Proposal for a directive
Recital 9 b (new)

Text proposed by the Commission

(9b) In order to foster exchange between Member States, 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 in accessible format copies that are 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 the WIPO.

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 12
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. Such 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 special format copies within the internal market.

Amendment

Amendment 13
Proposal for a directive
Recital 12

Text proposed by the Commission

(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 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.

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 Directives 95/46/EC and 2002/58/EC of the European Parliament and of the Council, which govern 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.

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Amendment 14
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

Amendment

(13) The United Nations Convention on the Rights of Persons with Disabilities (‘the UNCRPD’), to which the Union is a party and which is binding for Member States of the Union, 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
property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials. 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 15

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) 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.

Amendment 16

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 across the internal market. Accordingly, this Directive is an essential first step in improving access to works for people with disabilities.

Amendment 17

Proposal for a directive
Recital 16

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) 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.
(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.

(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, in accordance with the report presented by the Commission under Article 7 of this Directive, preceded by a feasibility study on the introduction of other similar exceptions for persons with other types of disabilities.

Amendment 18

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 and the United Nations Convention on the Rights of Persons with Disabilities. This Directive should be interpreted and applied in accordance with those rights and principles.

Amendment 19

Proposal for a directive
Recital 20 a (new)

*Text proposed by the Commission*

(20a) Member States should transpose this Directive within six months of entry into force, in order to swiftly implement
the rights recognised by the Charter of Fundamental Rights of the EU and the UNCRPD of persons with disabilities.

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 20

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.

Amendment 21

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

Text proposed by the Commission

(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;

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 and in digital formats, such as e-books, which is protected by copyright or related rights and which is published or otherwise lawfully made publicly available;

Amendment 22
Proposal for a directive
Article 2 – paragraph 1 – point 2 – introductory part

Text proposed by the Commission

Amendment

(2) ‘beneficiary person’ means:

Amendment

Proposal for a directive
Article 2 – point 2 – point c

Text proposed by the Commission

Amendment

(c) a person who has a perceptual or reading disability, including dyslexia, and is, as a result, unable to read printed works to substantially the same degree as a person without an impairment or disability; or

Amendment

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

Text proposed by the Commission

Amendment

(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

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

Text proposed by the Commission

Amendment

(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 any of the impairments or disabilities referred to in paragraph 2;
(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.

(4) ‘authorised entity’ means an organisation authorised or recognised by the Member States in which it is established to provide 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 26

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) a beneficiary person, or a person acting on their behalf, to make an accessible format copy of a work or other subject-matter for the exclusive use of the beneficiary person; and

Amendment

(a) a beneficiary person, or a person lawfully acting on their behalf, to make an accessible format copy of a work or other subject-matter for the exclusive use of the beneficiary person; and

Amendment 27

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Article 5(5) and the first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exception provided for in paragraph 1 of this Article.

Amendment

3. Article 5(5) of Directive 2001/29/EC shall apply to the exception provided for in paragraph 1 of this Article.

Amendment 28

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

Text proposed by the Commission

3a. Member States shall ensure that the exceptions provided for in paragraph 1 cannot be overridden by contract.
Regarding the relationship between the exception provided for in paragraph 1 of this Article and technical protection measures, the first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply. Member States shall ensure that complaints and redress mechanisms are put in place in case of disputes concerning the application of the measures referred to in this Article.

Justification

The proposed Directive does not mention any complaints or redress mechanisms that should be put in place by Member States in cases where beneficiaries are denied the permitted uses. Such mechanisms are provided under Art. 13(2) of the Proposal for a Directive of the European Parliament and of the Council on copyright in the Digital Single Market (COM(2016)593).

Amendment 29

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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


\textsuperscript{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).

Amendment 30

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), in the internal market. The report shall contain an assessment taking into account technological developments and particularly the technologies available to help people with disabilities, and the accessibility of those technologies - on whether a broadening of the scope of this Directive should be considered, so that the exception and the related making of accessible format copies provided by this Directive may benefit other categories of disabilities.

Amendment 31

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
By [five years after the date of transposition], the Commission shall carry out an evaluation of this Directive that
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 Commission’s report shall take into account the viewpoints of relevant civil society actors, non-governmental organisations and social partners, including organisations of and by persons with disabilities and those representing older persons.

Amendment 32

Proposal for a directive
Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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.

Justification

The term of 6 months appears more adequate taking also into account Art. 10 of the Marrakesh Treaty.
OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Legal Affairs


Rapporteur: Helga Stevens

SHORT JUSTIFICATION

The negotiation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who Are Blind, Visually Impaired, or Otherwise Print Disabled (‘the Marrakesh Treaty’) was conducted on the basis of the Marrakesh Treaty being a mixed agreement - some of the matter covered were considered to fall within the competence of the EU, and others to fall within the competence of the Member States. Fifteen Member States have already signed the Marrakesh Treaty.

This is considered to be a historic treaty as it is the first treaty on copyright exceptions, and it also has a human rights element. The Draftsperson has been committed to improving access to copyright works for visually impaired people. Visually impaired people around the world will have greater access to books with many organisations being able to send copies of works to other countries.

The Draftsperson further consulted with disability organisations and stakeholders and understands that the Commission proposal is seen favourable. Changes to the text have been limited to the competences of the Committee on Employment and Social Affairs and to ensure wording complies with the UN Convention on the Rights of Persons with Disabilities, as well as the Marrakesh Treaty.

AMENDMENTS
The Committee on Employment and Social Affairs calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 19 and 114 thereof,

Amendment 2

Proposal for a directive
Citation 1 a (new)

Text proposed by the Commission

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

Amendment

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

Amendment 3

Proposal for a directive
Citation 1 b (new)

Text proposed by the Commission

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

Amendment

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

Amendment 4

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Union Directives in the area of

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 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 5
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.

(3) Persons who are blind, visually impaired or otherwise print disabled, including those with physical disabilities unable to hold or manipulate a book, 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 6
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

(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 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 7
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.

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 should be without prejudice to other more favourable exceptions for persons with disabilities provided for by the Member States, such as those relating to private use.

Amendment 8

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 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. Such additional requirements would run the risk of going against the purpose of facilitating the cross-border exchange of accessible format copies within the internal market.

Amendment 9

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

Amendment

(13) The United Nations Convention on the Rights of Persons with Disabilities (‘the UNCRPD’), to which the Union is a party as of 21 January 2011, guarantees people with disabilities the right of access to information and to communication and the right to participate in cultural,
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 10
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 Charter of Fundamental Rights of the European Union, the Union prohibits discrimination on the basis of disability and 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 11
Proposal for a directive
Article 2 – point 1

Text proposed by the Commission

(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;

Amendment

(1) ‘work and other subject-matter’ means a work in the form of a book, e-book, journal, newspaper, magazine or other writing, including sheet music, and related illustrations, in any media, online or offline, 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;

Amendment 12
Proposal for a directive
Article 2 – point 2 – point c

_text proposed by the Commission_
(c) a person who has a perceptual or reading disability, including dyslexia, and is, as a result, unable to read printed works to substantially the same degree as a person without an impairment or disability; or

Amendment
(c) a person who has a perceptual or reading disability, including dyslexia, or any other learning disability, and is, as a result, unable to read printed works to substantially the same degree as a person without an impairment or disability; or

Amendment 13
Proposal for a directive
Article 3 – paragraph 1 a (new)

_text proposed by the Commission_

1a. Member States shall ensure that the exceptions to copyright and to related rights provided for in paragraph 1 cannot be superseded by technological measures or by contract.

Amendment

Amendment 14
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

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), in the internal market. The report shall contain an assessment on whether an amendment of the scope of this Directive should be considered.

Amendment 15

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

By [five years after the date of transposition], the Commission – taking also into account technological developments in the context of accessibility – 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. The Commission’s report shall take into account the viewpoints of relevant civil society actors, non-governmental organisations and social partners, including organisations of and by persons with disabilities and those representing older persons.
ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR FOR THE OPINION HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur for the opinion. The rapporteur has received input from the following entities or persons in the preparation of the draft opinion:

<table>
<thead>
<tr>
<th>Entity and/or person</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Blind Union (EBU)</td>
</tr>
<tr>
<td>European Disability Forum (EDF)</td>
</tr>
</tbody>
</table>
PROCEDURE – COMMITTEE ASKED FOR OPINION

| Title | 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 |
| References | COM(2016)0596 – C8-0381/2016 – 2016/0278(COD) |
| Committee responsible | JURI |
| Date announced in plenary | 6.10.2016 |
| Opinion by | EMPL |
| Date announced in plenary | 24.11.2016 |
| Rapporteur | Helga Stevens |
| Date appointed | 28.11.2016 |
| Date adopted | 25.1.2017 |
| Result of final vote | +: 49 |
| |--: | 0 |
| 0: | 2 |
| Substitutes under Rule 200(2) present for the final vote | Marco Valli |
## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>49</td>
<td>Enrique Calvet Chambon, Martina Dlabajová, Marian Harkin, Robert Rochefort, Yana Toom, Renate Weber</td>
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<td></td>
<td>Arne Gericke, Czeslaw Hoc, Helga Stevens, Ulrike Trebesius, Jana Žitňanská</td>
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<tr>
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<td>Laura Agea, Marco Valli</td>
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<td></td>
<td>Lynn Boylan, Rina Ronja Kari, Patrick Le Hyaric, Paloma López Bermejo, João Pimenta Lopes</td>
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<td>Lampros Fountoulis</td>
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<td>2</td>
<td>Georges Bach, Heinz K. Becker, Dieter-Lebrecht Koch, Agnieszka Kozlowska-Rajewicz, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Thomas Mann, Elisabeth Morin-Chartier, Sofia Ribeiro, Claude Rolin, Anne Sander, Sven Schulze, Csaba Sógor, Romana Tome</td>
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<tr>
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<td>Brando Benifei, Vilija Blinkevičiūtė, Ole Christensen, Agnes Jongerius, Jan Keller, Javi López, Edouard Martin, Georgi Pirinski, Evelyn Regner, Siôn Simon, Jutta Steinruck, Marita Ulvskog, Flavio Zanonato</td>
</tr>
<tr>
<td></td>
<td>Jean Lambert, Terry Reintke</td>
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</tbody>
</table>

### Key to symbols:
- + : in favour
- - : against
- 0 : abstention
17.3.2017

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Legal Affairs


Rapporteur: Helga Trüpel

SHORT JUSTIFICATION

The Marrakesh Treaty obliges the parties to establish a set of mandatory limitations and exceptions to copyright and related rights for the benefit of the blind, visually impaired, and otherwise print disabled persons and allows for the cross-border exchange of special format copies of books, including audio books, and other print material among the countries that are parties to the Treaty.

The rapporteur of the Committee on Culture and education (CULT) welcomes the proposed Directive because it means the end of “the book famine” for blind and visually-impaired people in the EU and around the world. Only five percent of the published books are available for visually impaired people at the moment demonstrating that no real market for those works is existing. The Marrakesh treaty is an important step forward for gaining access to cultural and educational information just like any other citizen.

The provided exceptions or limitations to copyright and related rights only apply for a strong limited group of users and only for non-commercial purposes.

Additionally it should be noted that the books shared by blind and visually impaired persons are in special formats, such as, Braille or Daisy and rarely compete with works for sighted persons. In the rapporteur’s opinion there is no evidence that “authorised entities” which produce the accessible formats would hurt the rights-holders nor the publishers through piracy.

The treaty will not undermine mainstream publishing and it will not prevent rights holders from increasing the number of mainstream accessible titles they offer. It does not foster
commercial competition with the publishing industry. It should also be remembered that the Treaty exists because this market had failed blind and partially sighted people.

Therefore, all necessary measures need to be taken so as to ensure the rapid and appropriate implementation of the Treaty and the rapporteur calls for a swift ratification of the Marrakesh treaty by the European Union.

**AMENDMENTS**

The Committee on Culture and Education calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

**Amendment 1**

Proposal for a directive
Recital 2 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(2a) The Charter of Fundamental Rights of the European Union enshrines the right to information (Article 11) and the right to education (Article 14).</td>
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</table>

**Amendment 2**

Proposal for a directive
Recital 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>(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.</td>
<td></td>
</tr>
<tr>
<td>(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 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</td>
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</table>
the conditions set forth in this Directive are met and to collect data regarding such access, including the publication of information on the authorised entities established in the territory.

Amendment 3

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

(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.

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 4

Proposal for a directive
Recital 5

Text proposed by the Commission

(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
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.

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, but are not limited to them.

**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 5**

**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

*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.

Amendment 6
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, 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.

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 7
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.

Justification

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

Amendment 8

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

(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 just as important as the exceptions provided for by this Directive when the market is unable to provide such access.

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 just as important as the exceptions provided for by this Directive when the market is unable to provide such access.

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 9

Proposal for a directive
Recital 9 b (new)

Text proposed by the Commission

(9b) In order to foster exchange between Member States, 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.

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 10

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.

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
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. 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 11**

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.

**Amendment 12**

Proposal for a directive
Recital 11 a (new)

*Text proposed by the Commission*

(11a) In identifying authorised entities, Member States should take into consideration the expertise of such entities in providing non-profit, high quality and effective accessible formats of work and other subject matter, and the principles of trusted intermediary laid down 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 persons who are print disabled.
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 13

Proposal for a directive
Recital 14

Text proposed by the Commission

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

In Article 26 of 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

Proposal for a directive
Recital 16

Text proposed by the Commission

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

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 15

Proposal for a directive
Recital 18

Text proposed by the Commission

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 be interpreted and applied in accordance with those rights and principles.

Amendment 16

Proposal for a directive

Recital 19

Text proposed by the Commission

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.

Amendment 17

Proposal for a directive

Recital 20 a (new)

Text proposed by the Commission

Member States should transpose this Directive within six months, in order to swiftly implement the rights of persons with disabilities, recognised by the Charter of Fundamental Rights of the European Union and the UNCRPD

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 18
Proposal for a directive
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(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;

Amendment

(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.

Justification

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

Amendment 19
Proposal for a directive
Article 2 – paragraph 1 – point 2 – introductory part

Text proposed by the Commission

(2) ‘beneficiary person’ means:

Amendment

(2) 'beneficiary person' means, regardless of any other disabilities, any of the following:

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 20
Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point c
Text proposed by the Commission

(c) a person who has a perceptual or reading disability, including dyslexia, and is, as a result, unable to read printed works to substantially the same degree as a person without an impairment or disability; or

(c) a person who has a perceptual or reading impairment, including dyslexia, and is, as a result, unable to read printed works to substantially the same degree as a person who is not blind, visually impaired or otherwise print disabled; or

Amendment

Justification

This recital offers the distinction between 'disability' and 'impairment'. According to the UN 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', Preamble (e). 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.

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

(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.

(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.

Amendment

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

(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;

(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;
referred to in paragraph 2;

**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 23**

**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 in which it is established 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 organisation that provides the same services to beneficiary persons* as one of its *primary* activities or *institutional obligations*.

**Justification**

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

**Amendment 24**

**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*.
Amendment 25

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.

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.
**PROCEDURE – COMMITTEE ASKED FOR OPINION**

| Title | 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 |
| References | COM(2016)0596 – C8-0381/2016 – 2016/0278(COD) |
| **Committee responsible** | **Date announced in plenary** |
| | JURI |
| | 6.10.2016 |
| **Opinion by** | **Date announced in plenary** |
| | CULT |
| | 6.10.2016 |
| **Rapporteur** | **Date appointed** |
| | Helga Trüpel |
| **Date adopted** | 28.2.2017 |
| **Result of final vote** | +: 28 |
| | --: 0 |
| | 0: 1 |
| **Members present for the final vote** | Isabella Adinolfi, Dominique Bilde, Andrea Bocskor, Nikolaos Chountis, Silvia Costa, Mircea Diaconu, Jill Evans, María Teresa Giménez Barbat, Giorgos Grammatikakis, Petra Kammerervert, Andrew Lewer, Svetoslav Hristov Malinov, Curzio Maltese, Stefano Mauullu, Luigi Morgano, Momchil Nekov, John Procter, Michaela Šojdrová, Helga Trüpel, Sabine Verheyen, Bogdan Bruno Wenta, Bogdan Andrzej Zdrojewski, Milan Zver, Krystyna Lybacka |
| **Substitutes present for the final vote** | Morten Løkkegaard, Emma McClarkin, Algirdas Saudargas, Remo Sernagiotto |
| **Substitutes under Rule 200(2) present for the final vote** | Clare Moody |
## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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**Key to symbols:**
- + : in favour
- - : against
- 0 : abstention
27.1.2017

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Legal Affairs


Rapporteur: Rosa Estaràs Ferragut

SHORT JUSTIFICATION

The Marrakesh Treaty requires the parties to provide exceptions or limitations to copyright and related rights for the benefit of blind, visually impaired and otherwise print disabled persons and allows for the cross-border exchange of special format copies of books, including audio books, and other print material among the countries that are parties to the Treaty.

The Committee on Petitions (PETI) warmly welcomes the proposed Directive. PETI has actively worked on dossiers related to access by blind and visually impaired persons to published works since 2011, when two petitions\(^1\) calling for a binding treaty were received. PETI has witnessed with satisfaction the adoption of the Marrakesh Treaty in 2013 and its entry into force in September 2016. Nevertheless, further steps need to be taken so as to ensure that the European Union fulfils its international obligations under the Marrakesh Treaty and the United Nations Convention on the Rights of Persons with Disabilities (‘the UNCRPD’).

As stated in the study\(^2\) commissioned by Policy Department C for the Committee on Petitions with regards to the Marrakesh Treaty and presented during the 9 November 2016 PETI Workshop on Disabilities, the Marrakesh Treaty is a triumph for the social model of disability and represents a suitable international solution to the global book famine. Therefore, all necessary measures need to be taken so as to ensure the rapid and appropriate implementation

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\(^1\) Petition 0924/2011 by Dan Pescod (British), on behalf of European Blind Union (EBU)/Royal National Institute of Blind People (RNIB), on access by blind people to books and other printed products and Petition 964/2011 by Michael Kalmar (Austrian), on behalf of European Dyslexia Association, on access to books for blind persons, those with dyslexia or other disabilities.

\(^2\) PE 571.387.
of the Treaty. Additionally, PETI has called\(^1\) for a swift ratification of the Marrakesh Treaty by the European Union, without making ratification conditional upon revision of the EU legal framework.

The draft opinion seeks to harmonize the terminology used in the Directive so as to fully reflect the Marrakesh Treaty and the UNCRPD. It leaves open the option of expanding the list of beneficiaries and updates the proposed Directive along the lines of the comprehensive data protection legal framework at the EU level. Most importantly, the draft opinion proposes that a complaints or redress mechanism should be put in place by Member States in cases where beneficiaries are prevented from using the permitted exceptions.

**AMENDMENTS**

The Committee on Petitions calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

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**Amendment  1**

*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 *forthwith* to *considerably* increase the availability of those works in accessible formats and to *significantly* improve their circulation in the internal market.

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**Amendment  2**

*Proposal for a directive*

*Recital 4*

Text proposed by the Commission

Amendment

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\(^1\) European Parliament resolution of 3 February 2016 on the ratification of the Marrakesh Treaty, based on petitions received, notably Petition 924/2011 (2016/2542(RSP)).
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. 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.


Amendment 3
Proposal for a directive
Recital 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 4

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

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 by the present Directive is without prejudice to other exceptions for persons with disabilities provided by the Member States, such as private use.

Amendment 5

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 also 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 6

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

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 also includes providing the necessary
means to navigate information in an accessible format copy.

Amendment 7

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 also 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 8

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 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. Such additional requirements would bear the risk of going against the purpose of the exceptions provided by the present Directive, and against the purpose of facilitating the cross-border exchange of special format copies within the single market.

Amendment 9

Proposal for a directive
Recital 12
(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 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.

(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.

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 11

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) **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.

Amendment 12

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 will, in any case, have to make arrangements for exceptions and limitations** for the benefit of persons with a disability, **including** in cases which are not covered by this Directive.
(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

Proposal for a directive
Article 2 – paragraph 1 – point 2 – point d a (new)

Text proposed by the Commission

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 and the United Nations Convention on the Rights of Persons with Disabilities. This Directive should be interpreted and applied in accordance with those rights and principles.

Amendment 14

Proposal for a directive

Article 2 – paragraph 1 – point 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) regardless of any other disabilities.

Justification

The Marrakesh Treaty leaves open the option of including other types of disabilities. The proposed Directive mentions in Recital 16 and Article 7 the possibility of including other types of disabilities at a later stage.

Amendment 15

Proposal for a directive

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(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 16
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 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, regardless of whether it is supervised by a government.

Amendment 17

Proposal for a directive
Article 3 – paragraph 1 a (new)

**Text proposed by the Commission**

1 a. Member States shall ensure that these exceptions to copyright and to related rights cannot be overridden by technological measures or by contract.

**Amendment**

3 a. Member States shall ensure that complaints and redress mechanisms are put in place and are available to users in case of disputes over the application of the measures referred to in this Article.

Justification

The proposed Directive does not mention any complaints or redress mechanisms that should be put in place by Member States in cases where beneficiaries are denied the permitted uses. Such mechanisms are provided under Art. 13(2) of the Proposal for a Directive of the European Parliament and of the Council on copyright in the Digital Single Market (COM(2016)593).
Amendment 19

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission
The processing of personal data carried out within the framework of this Directive shall be carried out in compliance with Directive 95/46/EC.

Amendment
The processing of personal data carried out within the framework of this Directive 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\textsuperscript{1a}


Amendment 20

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

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), in the internal market. The report shall contain an assessment on whether a broadening of the scope of this Directive should be
considered. considered, so that the exception and the related making of accessible format copies provided by this Directive may benefit other categories of disabilities.

Amendment 21

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

No later 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.
**PROCEDURE – COMMITTEE ASKED FOR OPINION**

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<td><strong>Substitutes present for the final vote</strong></td>
<td>Kostadinka Kuneva, Ángela Vallina, Rainer Wieland</td>
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<td><strong>Substitutes under Rule 200(2) present for the final vote</strong></td>
<td>Edouard Martin</td>
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<td><strong>PROCEDURE – COMMITTEE RESPONSIBLE</strong></td>
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<td>Isabella Adinolfi, Daniel Buda, Angelika Niebler, Virginie Rozière, Rainer Wieland</td>
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<tr>
<th></th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

**Key to symbols:**
+ : in favour
- : against
0 : abstention