

WRITTEN QUESTION E-5808/08
by Bert Doorn (PPE-DE)
to the Commission

Subject: Conduct of the impact assessment in connection with proposal (COM(2008)464 amending Directive 2006/116/EC (on the term of protection of copyright and related rights))

The Commission has committed itself to the Impact Assessment Guidelines.

In the run-up to the proposal amending Directive 2006/117/EC (COM(2008)0464 on the term of protection of copyright and related rights), the Commission commissioned an external expert opinion¹ on, inter alia, the plan to extend the term of protection for artists' rights concerning phonograms. The legislative proposal and impact assessment ultimately contain no substantive analysis of the results of the study. However, the guidelines stipulate that the impact assessment must indicate whether use of external expertise has been used, and, if so, how, that the results of any external study must be given in the impact assessment and that it must also be indicated how that input has been taken into account in the assessment².

In the light of these facts, can the Commission answer the following questions?

- Does the Commission acknowledge that the impact assessment carried out in connection with the proposal referred to did not comply with the guidelines because, as regards content, the external expertise opinion was ignored?
- Does the Commission share the view that impact assessment quality monitoring was unsatisfactory because, in this instance, there was no regard for the guidelines and that this was evidently not rectified by the Impact Assessment Board? Do these developments not bear out the European Parliament's view that independent monitoring of impact assessment quality is vital?

¹ 'The Recasting of Copyright & Related Rights for the Knowledge Economy', Institute for Information Law, November 2006.

² Impact Assessment Guidelines, SEC(2005) 791, Annexes, point 16, section 1.