

## ETIN BOARD BY-LAWS

### 1. Constitution of the ETIN Board

- 1.1. The Board will be composed by six (6) organisations representing three (3) groups of Rightholders (authors, publishers and Reproduction Rights Organisations (RROs)) as well as three (3) Trusted Intermediaries (TIs) from a different Member State each.
- 1.2. Each of these six (6) organisations, which are part of the ETIN Board, nominates their representative on the Board, for a period of two (2) years renewable.
- 1.3. At their first constituting meeting, the three (3) TI Board members are formally recognised as being ETIN Board members.
- 1.4. If, at the first constituting meeting of the Board, one (1) or more of the three (3) TI candidates, accredited/established in accordance with national rules, and representing TIs on the ETIN Board, have not yet signed a licence or an agreement referred to in clause 2.5., a provisional membership may be granted. Should the licence/agreement not be signed within two (2) years after the request was filed, the respective TI will automatically lose its provisional membership on the ETIN Board, and will need to be replaced by another TI Board member on the ETIN Board.
- 1.5. The decisions of the ETIN Board have pan-European coverage.
- 1.6. The Board is made up of organisations that are legal entities lawfully constituted according to the laws and usages of their country of origin.
- 1.7. Each Board member is free to let him/her to be replaced by another individual representing the organisation at the Board meetings. The names of the replacing representatives will be communicated to the ETIN Board at least two (2) weeks prior to each ETIN meeting.
- 1.8. The European Blind Union is invited to attend the Board meetings as an advisor with no voting rights.
- 1.9. The European Commission is invited to attend the Board meetings as observer facilitator with no voting rights.

### 2. Tasks of the ETIN Board

- 2.1. The main task of the Board is to formally recognise a Trusted Intermediary (TI) as an ETIN member and thereby allowing it to participate in the cross-border lending activities of the other ETIN members.
- 2.2. The recognition by the Board together with the signature of the licence or the agreement at a national level will enable TIs to transmit/supply accessible versions across borders.
- 2.3. Each member of the Board has one vote. Decisions cannot be taken unless all Board members are present or represented by written proxy. Voting by written proxy is allowed.

2.4. The Board recognises the TI as an ETIN member by a qualified majority of two third (2/3).

2.5. Any decision on the recognition of a TI as part of the ETIN:

2.5.1. is dependent on the granting of a licence or an agreement at national level, based on the ETIN draft model licence/agreement for the cross-border transmission of accessible copies of works (Annex 1);

2.5.2. must follow the proposition being made by rightholders representing the three categories involved (authors, publishers and RROs) at national level, which is the default level for the accreditation of candidate Trusted intermediaries;

2.5.3. must be taken in accordance with the Memorandum of Understanding (MoU) on access to works by people with print disabilities<sup>1</sup> (Annex 2); and

2.5.4. must be objectively justified, as outlined in the Memorandum of Understanding (MoU) on access to works by people with print disabilities (Annex 2).

2.6. Other tasks of the Board include acting as a contact point as well as an advisory and consultation centre for the development of cross-border transmission and supply of accessible copies of works.

### **3. Waiver of responsibility**

Board members are not liable and cannot be held responsible and/or sued in any court by members or candidate TIs for any damages resulting from civil/immaterial damages and/or from criminal proceedings, for example in the decision made to recognise a candidate.

### **4. Functioning of the ETIN Board**

4.1. The Board meets at least twice a year in a face-to-face meeting.

4.2. The Board chooses from its members two Co-Chairs, nominated for a period of two (2) years renewable. One Chair is appointed by Rightholders and one Chair is appointed Trusted Intermediaries.

4.3. The tasks of the Co-Chairs are the following:

4.3.1. prepare the agenda and the next meeting (including the time and place of the meeting);

4.3.2. take minutes at the meeting or appoint the minute taker at the meetings; and

4.3.3. convene the members of the Board to the next meeting at least one (1) month in advance for the bi-annual face-to-face meetings, and two (2) weeks in advance for the extraordinary meetings. Meetings can be convened through all possible means of communication (e-mail, letters, fax, etc.).

4.2. The Board is free to decide whether an extraordinary meeting is required, either face-to-face or through other means (telephone, teleconference, electronic mail, etc.).

4.3. Extraordinary meetings can be convened by a minimum of two members of the Board and should at least be seconded by one of the two Co-Chairs.

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<sup>1</sup> [http://ec.europa.eu/internal\\_market/copyright/docs/copyright-info/2010/20100914\\_mou\\_en.pdf](http://ec.europa.eu/internal_market/copyright/docs/copyright-info/2010/20100914_mou_en.pdf)

## **5. Resignation and vacancy**

5.1. Any organisation may resign from the Board at any time by giving written notice to the Board.

5.2. In case of an unexpected vacancy on the Board, the respective organisation involved is free to nominate another representative for the remainder of the respective term of duty. This pro-term period does not count towards the period referred to in clause 1.2.