



EUROPEAN COMMISSION

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C(2017) 1427 final

Mr Călin POPESCU-TĂRICEANU
President of the Senat
Calea 13 Septembrie nr. 1-3, sector 5
RO – 050711 BUCHAREST

Dear President,

The Commission would like to thank the Senat for its Opinion 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) 596 final}.

The European Union made an important international commitment on 30 April 2014 when it signed the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or otherwise Print Disabled. The proposed Directive, together with the proposed Regulation of the European Parliament and of the Council on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled¹, would serve to implement the Marrakesh Treaty in the Union's legal framework. The Commission views this proposal as an important step forward in its effort to promote the inclusion and full participation in society of persons with disabilities, and to 'build on the strength of our single market and to fully exploit its potential in all its dimensions', as emphasised in President Juncker's Political Guidelines². The Commission has also tabled a proposal for a Decision of the Council to ratify the Marrakesh Treaty³, which the Commission hopes will be adopted very soon.

The proposal would have a real impact on the lives of people who are blind, have visual impairments or other print disabilities, by increasing the number of works protected by copyright that these people can access. It would do so by establishing a mandatory exception to copyright and allowing for the exchange of copies in formats that are accessible to those persons across borders, avoiding duplication and waste of resources.

¹ COM(2016) 595 final.

² https://ec.europa.eu/priorities/sites/beta-political/files/juncker-political-guidelines-speech_en_0.pdf

³ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014PC0638&from=EN>

The Commission welcomes the broad support to the proposal and its objectives that the Senat has expressed in its Opinion, and shares its view that both the needs of the persons who will benefit from the proposal and the rights of right holders must be taken into account.

The proposal presented by the Commission is currently in the legislative process involving both the European Parliament and the Council.

In response to the more technical points in the Opinion, the Commission would like to refer to the attached Annex.

The Commission looks forward to continuing the political dialogue with the Senat in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Andrus Ansip
Vice-President*

ANNEX

The Commission has carefully considered each of the recommendations made by the Senat in its Opinion and is pleased to offer the following observations.

Regarding references to specific articles of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the Commission has emphasised in the Explanatory Memoranda and in recital 13 of the proposal the right of persons with disabilities to access information and to participate in the cultural, economic and social life on an equal basis with others, as they are enshrined in the UNCRPD, because it considered these rights as the most directly relevant for this specific proposal. This should not be interpreted as meaning that the Commission does not recognise the importance of the proposals for persons with print disabilities in terms of accessibility and education, and of the broader area of freedom of expression and opinion.

Concerning the phrase "alternative manner or form" used in Article 2(3) of the proposal, the Commission would like to draw the attention of the Senat to recital 5, where it is stated that accessible formats include Braille, large print, adapted e-books, audio books and radio broadcasts.

Finally, as regards the term "copy" as used in article 3 of the proposed Directive, it should be noted that the article does not refer to a specific format the copy should take, and that the term can indeed refer to copies in different formats which may be made under the exception that the proposal introduces. These formats will depend on the type of disability or impairment concerned, among those covered by the Marrakesh Treaty and by the proposal.