



The voice of blind and partially sighted people in Europe

## European Blind Union

### Press release

Paris, 11/05/2017

### **The European Blind Union celebrates agreement on Marrakesh Treaty legislation, regrets optional “tax on accessible books”**

**The European Blind Union would like to express its satisfaction with the agreement reached last night between the European Parliament, the European Commission and the Council of Ministers on the text of the Directive and Regulation for the implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.**

The Directive and Regulation agreed upon yesterday evening permits the cross-border exchange of books and other written material in accessible formats for blind and other visually-impaired persons both inside and outside the European Union. These new norms also establish a new obligatory exception to copyright for the production of works in accessible formats. This is great news for millions of people with a visual disability around the world and their representatives who have been calling for the end of the “book famine” that has restricted access to less than 5% of published works. We also celebrate that the agreement has excluded the possibility of “commercial availability” requirements. We trust that this institutional agreement will pave the way for swift ratification and implementation of the Marrakesh Treaty which entered into force internationally in September of 2016 and has already been ratified by almost 30 countries.

At the same time we must express our profound disappointment with a key aspect of the agreed legislation that is unfair and discriminatory against visually-impaired people. We deeply regret that the final agreement, contrary to the position of the European Parliament and the European Commission but promoted by the publishers lobby through the German and other governments, allows EU member states to impose

upon blind persons organizations and libraries the payment of economic compensation for the distribution of accessible formatted copies of copyrighted works despite the fact that this distribution causes no proven harm to rights holders. These remuneration/compensation schemes, which are optional for EU member states, could undoubtedly have a very negative impact on the cross-sharing of accessible books due to adding to the already high costs of producing these specially formatted works by visually-impaired people's organizations and libraries. If these additional payments or “tax on accessible books for the blind” are applied widely by EU member states, the positive impact of access to culture and education of millions of blind people could be seriously obstructed. Therefore, the European Blind Union issues a call to EU Governments not to apply compensation schemes in the transposition of this legislation and the application of the Marrakesh Treaty.

Fortunately, the approved text contains a number of suggested safeguards and caveats in the application of these remuneration schemes by EU member states. Thus, we shall remain vigilant and we shall not accept any economic compensation schemes by EU member states without the presentation of proof of substantial harm to rights-holders (as specified in the Directive). If that happens we shall take legal action against member states for violation of this Directive and the UN Convention on the Rights of Persons with Disabilities. We shall work for an effective and swift implementation of the Treaty.

The adoption of the Directive and the Regulation by the EU for the implementation of the Marrakesh Treaty is an important step forward in extending the fundamental rights of persons with a visual disability. We would like to thank the tens of thousands of people who have been fighting for the end of the “book famine” for many years. In the EU context we would like to express our special thanks to the Petitions Committee of the European Parliament that has played a crucial role over the past 7 years, the rapporteur Max Andersson and his staff, and the copyright unit of the European Commission, among many others.

Thank you all for this important step forward!

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### **About EBU**

EBU is a non-governmental, non-profit making European organisation founded in 1984. It is one of the six regional bodies of the World Blind Union. It protects and promotes the interests of blind and partially sighted

people in Europe. It currently operates within a network of national organisations of the visually impaired in 42 European countries.

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