



The voice of blind and partially sighted people in Europe

## Mixed feelings regarding the outcome of the evaluation of the Marrakesh instruments

EBU Statement | January 2026

On 11 December, 2025, the European Commission [published](#) its Report on the Review of the Marrakesh Directive 2017/1564 and Marrakesh Regulation 2017/1563 and the attached evaluation of these legal instruments. These are the acts through which the European Union implements the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

“We are disappointed that the Commission’s report reached the conclusion that, in view of the evaluation results, no amendments are considered at this stage, namely to cancel the possibility in Article 3(6) of the Directive for EU Member States to provide in their legislation for ‘compensation’ for rights-holders when authorised entities exercise Marrakesh Treaty rights”, said the European Blind Union President Tytti Matsinen. “We are however satisfied with some important learnings of the evaluation”, she added.

Concluded under the auspices of the World Intellectual Property Organisation, the Marrakesh Treaty is the first intellectual property treaty that benefits a public interest rather than the interests of rights holders. It brings an exemption to the protection for author rights when authorised entities produce and exchange across borders books and other printed works in an accessible format for the print-disabled. In doing so, it contributes to implementing the UN Convention on the Rights of Persons with Disabilities, specifically its Article 30.3: “States Parties shall 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.”

Throughout the extensive consultation of stakeholders for this review, EBU argued that the possibility of ‘compensation rights’ under EU law should be dropped, because authorised entities incur additional costs and use considerable resources to create accessible copies for the print-disabled, and because they do so on a non-profit basis, without causing a loss of potential business profit for rights-holders; also because they come into play to remedy the failure of publishers to meet the demand for accessible-format works in the first place.

The Commission rightly notes that the Marrakesh Treaty permits contracting parties to decide whether to provide remuneration to right holders for uses under the copyright exception it introduced.

Nevertheless, we regret that the Commission, while recognising that “Certain uncertainties about the application of the scheme in a few Member States might create difficulties for cross-border exchange” – thus preventing one of the objectives of the Treaty – considers that the evaluation did not produce sufficient evidence of an impact of the schemes allowed by the Marrakesh Directive on the availability and cross-border exchange of accessible format copies.

“We regret that Commission did not take the opportunity of this evaluation to follow the recommendation by the UN CRPD Committee to delete Article 3(6) after the recent review of the EU performance”, Tytti Matsinen said.

The findings of the Commission’s evaluation nevertheless include the following important learnings:

- “The evaluation did not uncover possible unintended effects of the implementation of the Marrakesh instruments, in particular concerning the impact on the commercial availability of works in accessible format.”
- “The Marrakesh instruments remain relevant in light of the policy, market and technological developments. In particular, the EAA [European Accessibility Act] is expected to increase the commercial market for accessible e-books, however it does not exhaust the needs of people with disabilities covered by the Marrakesh Directive for accessible print books and material. The

EAA could hopefully lead to freeing up resources of authorised entities for the more specialised production of accessible format copies.”

- “Ensuring a stable and sufficient level of funding for the authorised entities at national level seems relevant for the effectiveness and efficiency of the measures, including in cases where compensation schemes are in place.”

September 2026 will mark the 10th anniversary of the entry into force of the Marrakesh Treaty. The number of countries that are joining the Treaty is constantly growing, attesting to its importance for millions of blind and partially sighted people throughout the world. The European Union as such ratified the Treaty on 1<sup>st</sup> October, 2018.

Ends

**The European Blind Union (EBU)** – Interest Representative Register number 42378755934-87 – 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, and it promotes the interests of blind and partially sighted people in Europe. It currently operates within a network of 40 national members including organisations from 26 European Union member states, candidate countries and other countries in geographical Europe.

#### **European Blind Union**

6 rue Gager Gabillot - 75015 Paris  
+33 1 88 61 06 60 | [ebu@euroblind.org](mailto:ebu@euroblind.org) | [www.euroblind.org](http://www.euroblind.org)

**Contact:** Antoine Fobe, Head of Advocacy and Campaigning  
[ebucampaigning@euroblind.org](mailto:ebucampaigning@euroblind.org) | +33 1 88 61 06 64  
[Facebook](#) - [LinkedIn](#) - [X](#)