

Breve fra European Blind Union og World Blind Union vedr. forslag til DIREKTIV om ophavsret og beslægtede rettigheder til gavn for blinde og svagsynede

Dear Representatives responsible for social protection and disability issues:

On behalf of the European Blind Union and the World Blind Union we are writing you to ask for your positive support on EU legislation for millions citizens blind and partially sighted persons in the EU and around the world. Next Wednesday the 22nd of March the COREPER will consider an issue that is of great importance to insure wide access to culture and education as well as helping social integration of persons with visual disabilities in Europe: **the Directive and Regulation for the implementation of the Marrakesh Treaty**. Unfortunately, **the latest draft proposal of the Council proposes important changes in the European Commission proposal (primarily weaken and change recital 11) that could have a devastating impact on the access objectives of the Treaty which aims at ending the “book famine”** that deprives blind and partially sighted persons of the vast majority of published works. The European Parliament has generally supported the European Commission proposal that aims at an effective and harmonized implementation of the Marrakesh Treaty.

We have attached the letter we have sent to all EU member state permanent representations. We hope you can take measures to assure your country expresses a positive position on this issue at next Wednesday's meeting.

Thank you very much,

Barbara Martín, European Blind Union

David Hammerstein, World Blind Union

Dear Ambassador before the European Union:

We are writing to express our great concern and dismay over the Presidency compromise proposals to Com(2016) 596¹ that will be considered next week in the COREPER. If these proposals prospered, especially with regards to the proposed changes to “Recital 11” of the Directive as tabled by the European Commission, the human rights objectives of the Marrakesh Treaty would be severely jeopardized. Representatives of millions of visually-impaired persons in Europe and around the world are requesting that you withdraw these proposals that could have fatal consequences on ending the “book famine” and the cross-border sharing of texts in accessible formats which are the motivations behind the Marrakesh Treaty and the UN Convention on the Rights of Persons with Disabilities (Article 21).

The introduction by EU Member States of rightsholders compensation laws and/or commercial availability as proposed by the abovementioned Council compromise proposals would create legal uncertainty for cross-border exchange, greater administrative burdens, greater costs and a chaotic regulatory situation between EU country legislations concerning the access to culture and education by blind and other print-disabled persons. On the contrary, successful implementation of the Marrakesh Treaty needs simple and user-friendly EU harmonization of the application of this exception to copyright.

In contrast, we would like to express our total support for the proposal of the European Commission (Recital 11) that is also supported by the majority of the European Parliament **“that Member States should not be allowed to impose additional requirements for the application of the exception such as compensation schemes or the prior verification of commercial availability of accessible format copies.”**

We consider this a “make or break” issue to achieve positive EU legislation for visually-impaired persons.

The Marrakesh Treaty will only be successful in ending the “book famine” of the visually impaired persons if it is implemented in the EU without additional barriers or burdens. We are confident that you understand the objectives of the Treaty and will act accordingly to make this EU legislation simple, efficient and fair.

We are at your disposal to meet in Brussels or in national capitals to discuss these issues at the earliest possible date.

Thank you very much,

1. “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.”