



# TOWARDS RATIFICATION OF THE MARRAKESH TREATY IN THE EUROPEAN UNION

## **Update on the current status of transposition of the Marrakesh Directive in Europe on the occasion of the Convention on the Rights of Persons with Disabilities on 12-14 June**

Following the adoption of the Marrakesh Treaty by WIPO in 2013, the European Union legislated for the ratification of the treaty in its Member States. A Directive (2017/1564) setting out the rules for Member States, and a Regulation (2017/1563), extending their application to exchanges of accessible format works with countries outside of the Union, were published in the Official Journal on 12 October 2017.

Member States have until 11 October 2018 to complete transposition. Some have already taken action to move in this direction and have even adopted the changes (such as Spain), and in many other discussions are still underway.

In turning these provisions into national law, member states have a limited amount of flexibility. IFLA and EBLIDA published a [guide](#) for implementation of this European legislation into national law. This highlights our preferred means of transposing the law, notably as concerns supplementary remuneration, record keeping and registration requirements, as well as application to people with other disabilities.

Ratification in Europe will not only mean 28 more countries covered by the Marrakesh Treaty, bringing with them important collections in major world languages. This will benefit people around the world.

This document offers an update of where things stand in several European member states on the 14 June 2018, four months before the legislation enters into force. For each of the countries for which we have information, the table highlights the degree to which Member States are making the right choices in their implementation.

As the table shows, it seems that the majority of the countries will have no remuneration schemes in place, and that people with dyslexia will be able to benefit from the system. Having remuneration schemes in place is likely to raise issues when using works across-borders. There are two countries where authorised entities need to be on a special register, something which goes against the provisions of the treaty (Agreed Statement to Article 9 of the Treaty). Also, regrettably, most countries do not seem to extend the system beyond Marrakesh to make it applicable to people with disabilities other than print.






### *\*Methodology:*

*The information gathered has been obtained from experts on the field from each of the countries who have been closely following the discussions. Where transposition has not taken place, the information is based on the current text of the draft law/bill, or on assumptions from discussions currently taking place.*

*We currently have no information from Bulgaria, Cyprus, Denmark, Estonia, Greece, Hungary, Iceland, Italy, Lithuania, Luxembourg, Malta, Portugal, Romania, Slovakia and Slovenia.*

*We will keep this file updated and will welcome any further details or corrections. You can get in touch with [ariadna.matas@ifla.org](mailto:ariadna.matas@ifla.org) or [Stephen.wyber@ifla.org](mailto:Stephen.wyber@ifla.org).*

## OVERVIEW OF THE PROVISIONS

COUNTRY	STATUS	 <i>Remuneration for books by authorised entities (AEs) when making and/or sharing accessible format copies</i>	 <i>Remuneration for audio-books by authorised entities (AEs) need to pay for making and/or sharing accessible format copies</i>	 <i>Obligation to be on an approved list to make use of Treaty provisions</i>	 <i>Requirements going beyond publishing information about policies and responding to requests (e.g. record-keeping)</i>	<b>DYSLEXIA</b> <i>Inclusion of people with dyslexia</i>	 <i>People with disabilities other than print disabilities as beneficiaries (going beyond Marrakesh)</i>
<b>Austria</b>	Under discussion	Bad	Bad	Good	Good	No information	Relatively good
<b>Belgium</b>	Under discussion	Good	Good	no information	no information	no information	no information
<b>Croatia</b>	Under discussion	Good	Good	Good	Good	Good	Bad
<b>Czech Republic</b>	Under discussion	Good	Good	Good	Relatively good	Good	Good
<b>Finland</b>	Under discussion	Good	Bad	no information	no information	Good	no information
<b>France</b>	Under discussion	Good	Good	Bad	Bad	Good	Bad
<b>Germany</b>	Under discussion	Bad	Bad	Bad	Bad	Good	Bad
<b>Ireland</b>	Under discussion	Good	Good	no information	Good	Good	Good
<b>Latvia</b>	Under discussion	Good	Good	no information	no information	Good	no information
<b>Netherlands</b>	Under discussion	Good	Good	Good	Good	Good	Bad
<b>Norway</b>	Under discussion	Good	Good	no information	no information	no information	no information
<b>Poland</b>	Under discussion	Good	Good	no information	no information	no information	no information
<b>Spain</b>	<b>Transposed</b>	Good	Good	Good	Bad	Good	Bad
<b>Sweden</b>	<b>Transposed</b>	Good	Good	Good	Good	Good	no information
<b>United Kingdom</b>	Under discussion	Good	Good	Good	Good	Good	Good

## SPECIFIC INFORMATION PER COUNTRY



### AUSTRIA

The draft law for implementation is currently under discussion at the Austrian Parliament. It was submitted on the 12 June 2018 (text available [here](#)). Transposition is planned in Austria, but no Bill has been made available.

					
Remuneration for books	Remuneration for audio-books	There is no register obligation	No additional record-keeping requirements		Probably applicable to people with other disabilities <sup>1</sup>






### BELGIUM

The process of transposition is almost complete

					
No remuneration for books	No remuneration for audio-books				

### CROATIA

Legislative discussions are ongoing in Croatia for transposition of the Directive. The current exception to copyright for people with other disabilities will remain in the law as it is, and the transposition of the Marrakesh Directive will be adopted as a separate provision.

				<b>DYSLEXIA</b>	
No remuneration for books	No remuneration for audio-books	Registration of authorized subjects is voluntary, and a minimum data is required	No additional record-keeping requirements	Dyslexia is not mentioned as such, but it is expected to be included in "other print disabled"	Not applicable to people with other disabilities

### CZECH REPUBLIC



The Government Bill was submitted to the Deputy House of the Parliament on 15 May 2018. The adoption procedure is likely to take several months.

<sup>1</sup> The concept of beneficiaries is quite wide but there is unclarity on how to interpret it.

				<b>DYSLEXIA</b>	
No remuneration for books	No remuneration for audio-books	There is no register obligation <sup>2</sup>	Additional record-keeping requirements, only for document supply	Applicable to people with dyslexia	Applicable to people with other disabilities






### FINLAND

The government has introduced a draft proposal for implementation.

				<b>DYSLEXIA</b>	
No remuneration for books	Remuneration for audio-books <sup>3</sup>			Applicable to people with dyslexia	






### FRANCE

The Marrakesh implementation Bill has been submitted to the State Council. If everything goes as expected, it should be adopted in July.

				<b>DYSLEXIA</b>	
No remuneration for books	No remuneration for audio-books	Register of authorised entities <sup>4</sup>	Additional record-keeping requirements	Applicable to people with dyslexia	Not applicable to people with other disabilities

### GERMANY

The [implementation bill](#) has been tabled by the government.

				<b>DYSLEXIA</b>	
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<sup>2</sup> However, the (central) library for the blind shall post (based on the governing body mandate) on the Internet a list of the establishments which are engaged in these activities (co-operating establishment have been posted on its web-site for a long time)

<sup>3</sup> It might not be applicable in certain specific cases (for example if an academic library makes an accessible audio book for a university student with print disability).

<sup>4</sup> It will be necessary under the same conditions as currently established in the *Code de la Propriété Intellectuelle* (art. 122-5.2.a).

Remuneration for books	Remuneration for audio-books	Register of authorised entities <sup>5</sup>	Additional record-keeping requirements	Applicable to people with dyslexia	Not applicable to people with other disabilities
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## IRELAND

After a consultation, the [Bill](#) was published.

				<b>DYSLEXIA</b>	
No remuneration for books	No remuneration for audio-books		No additional record-keeping requirements	Applicable to people with dyslexia	Applicable to people with other disabilities

## LATVIA

The draft of amendments to copyright law is being prepared and informal discussions are ongoing. It is likely that dyslexia will be within the scope of regulation.

				<b>DYSLEXIA</b>	
No remuneration for books	No remuneration for audio-books			Applicable to people with dyslexia	

## NETHERLANDS

The Bill for implementation of the EU Directive and EU Regulation was presented to the [Parliament](#) in March 2018 and is now being discussed. The bill is expected to come into force in October 2018. [The bill](#) introduces the new articles 15j to 15m to the Copyright Act especially for persons with a reading handicap (as a separate provision to the general Article 15i that concerns *all* disabled). The bill closely follows the text in the Directive and Regulation, even though the term 'reading *handicapped*' is used instead of the more desirable term 'reading *disabled*'.

				<b>DYSLEXIA</b>	
No remuneration for books <sup>6</sup>	No remuneration for audio-books	No register of authorised entities	Additional record-keeping requirements	Applicable to people with dyslexia <sup>7</sup>	Not applicable to people with other disabilities <sup>8</sup>

<sup>5</sup> Registration to take place at the German Patent and Trademark Office.



<sup>6</sup> Still, the bill contains a fall-back possibility to re-introduce the remuneration obligation after experience has been gained with the newly extended exception.

<sup>7</sup> The bill does not exclude dyslexia as a reading handicap.

<sup>8</sup> The Bill does not extend the cross-border effect of the Marrakesh provision to the current exception for persons with disabilities.



## NORWAY

Transposition of the Directive is planned in Norway.

					
No remuneration for books	No remuneration for audio-books				






## POLAND

The implementation process is officially open (see the [information](#) published recently on list of legislative and program works of the Council of Ministers). The Bill is not yet available, but according to the note linked above, the Council should approve it in the second quarter of 2018 (and it would then to Parliament).

					
No remuneration for books	No remuneration for audio-books				





## SPAIN

The Royal Decree that transposes the Marrakesh Directive was adopted and published in the official journal on 14 April 2018.

				<b>DYSLEXIA</b>	
No remuneration for books	No remuneration for audio-books	No register of authorised entities	Additional record-keeping requirements	Application to people with dyslexia	Not applicable to people with other disabilities

## SWEDEN

The law that transposes Marrakesh has been adopted in Sweden. The bill passed on the 7 June (see [final text](#), in Swedish), and follows the directive very closely. There had been a public consultation period on proposed Swedish legislation, and the government presented the [Bill](#) of transposition on April 24. The government has chosen to add an exception to the current law and leave the existing one for people with disabilities as it is.






				<b>DYSLEXIA</b>	
Remuneration for books under	Remuneration for audio-books	No register of authorised entities	No additional record-keeping requirements	Applicable to people with dyslexia	



some circumstances	under some circumstances					
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## UNITED KINGDOM

The government is now consulting relevant stakeholders.

				<b>DYSLEXIA</b>	
No remuneration for books	No remuneration for audio-books	No register of authorised entities	No additional record-keeping requirements	Application to people with dyslexia	Application to people with other disabilities