



## Blind people's access to books

The Internet has opened up new possibilities, at technical (hardware/software) and economic level, for blind or sight-impaired people to gain easier access to printed information. However the vast majority of books are never converted, mainly because of copyright law, into a format which makes them accessible to blind people (such as audio, larger print or Braille). Both the United Nations and European Union have taken initiatives to overcome this discrimination.

### The UN legal context

Intellectual property rights (IPR) are currently covered by several World Intellectual Property Organisation (WIPO) Treaties to which the EU is a contracting party (for example, the [WIPO Copyright Treaty](#) and the [WIPO Performance and Phonograms Treaty](#)). An international agreement on IPR exceptions giving access to books and other printed products for blind and print-disabled people is [currently under discussion](#) in the WIPO [Standing Committee on Copyright and Related Rights](#) (SCCR).

Both the World Blind Union and the European Blind Union support a binding international treaty covering these exceptions. Despite [academic criticism](#), several members of the SCCR only support the option of a non-binding text. Some members want a treaty covering a [broader range of exceptions](#) than simply reading disabilities. EU representatives have not yet taken a formal stand, and the issue is not addressed in the recent [Council declarations](#) to the WIPO body (21 November 2011).

### The EU framework

According to the Charter of Fundamental Rights (Article 21) and the Treaties (Articles 10 and 19 TFEU), the European Union should take action to prevent discrimination, notably arising from disabilities. In 2000, the first directives in this domain were adopted, focused on the workplace. Since 2008, the Council has been debating a new general [anti-discrimination directive](#) covering disabilities, and implementing the [UN General Convention against disabilities](#), which was ratified in 2011 by the EU.

On the specific issue of access by blind people to books, an exception to copyright law is already foreseen by Article 5(3)(b) of [Directive 2001/29](#) on copyright and related rights in the information society, but only as an option for Member States. The latter may provide for exceptions or limitations to copyright for the benefit of people with a disability, as far as such an exception is directly related to the disability and is for non-commercial use. A revision of the Directive is currently planned by the Commission for spring 2012.

However, according to the [EP Policy Department](#), the implementation of this provision varies between Member States. For instance, in some countries the exception has been transposed literally from Directive 2001/29 (Belgium, Cyprus, Czech Republic, Denmark, Hungary, Luxembourg, Poland, Slovakia and Spain), while in others changes have been introduced.

### Open issues within EU institutions

The EU institutions have not settled on a strategy to make such an exception binding at international and/or European level. Although the European Union has, after the entry in force of the Lisbon Treaty, a stronger legal basis to act, it seems that the Commission and the Council prefer voluntary stakeholder agreements in the EU and a voluntary recommendation at the level of WIPO.

In an [EP Resolution of 12 May 2011](#) (par. 69-70) on unlocking the potential of cultural and creative industries, the European Parliament stated its preference for a more legally binding solution.

In concrete terms, this would lead:

- at international level, to the adoption of the draft Treaty (amended so that the EU would be a contracting party), and
- at EU level, to the revision of Directive 2001/29 to make binding the exception foreseen by Art. 5(3)(b).

In both cases a formal Commission initiative is required, under Article 218(3) TFEU (for the international treaty) and Article 118 TEU (for the revision of the Directive) respectively.