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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

on the Review of the Marrakesh Directive 2017/1564 and Marrakesh Regulation 2017/1563

{SWD(2025) 406 final}

I. INTRODUCTION

Recognising the significant negative impact of the limited access to written material in accessible form, or 'book famine', on the participation in society of people with disabilities and their access to education, in 2013, the Member States of the World Intellectual Property Organisation adopted the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled ('Marrakesh Treaty') ([1]).

The Treaty introduced mandatory limitations and exceptions to copyright for the benefit of the blind, visually impaired and otherwise print-disabled people in order to allow the reproduction, distribution and making available of works (such as text, notation and related illustration, in any media, including audiobooks) in accessible format copies. The Treaty also permits the exchange of these copies across borders ([2]).

The European Union signed the Marrakesh Treaty in 2014 ([3]) and concluded it in February 2018 ([4]). The Directive (EU) 2017/1564 on certain permitted uses of certain 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 ([5]) (hereafter the Marrakesh Directive) and the Regulation (EU) 2017/1563 on the cross-border exchange between the Union and third countries of accessible format copies of certain 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 ([6]) (hereafter the Marrakesh Regulation) brought the necessary adaptations to EU law following the accession of the European Union to the WIPO Marrakesh Treaty. The Marrakesh Directive and Regulation aim to increase the availability of copies of books and other printed material in accessible formats for the benefit of persons with print-related disabilities, as well as to improve the circulation of such accessible format copies across borders. The Marrakesh Directive had to be transposed by 11 October 2018. The Marrakesh Regulation is applicable since 12 October 2018.

([1]) The 'Marrakesh' Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, entered into force in September 2016.

([2]) https://www.wipo.int/treaties/en/ip/marrakesh/summary_marrakesh.html .

([3]) Council Decision of 14 April 2014 on the signing, on behalf of the European Union, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled).

([4]) Council Decision (EU) 2018/254 of 15 February 2018 on the conclusion on behalf of the European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled). The ratification took place in October 2018.

([5]) Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain 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 – https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017L1564.

([6]) Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017 on the cross-border exchange between the Union and third countries of accessible format copies of certain 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 – https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R1563.

Article 10(1) of the Marrakesh Directive and Article 7 of the Marrakesh Regulation require the Commission to carry out an evaluation of these instruments by 11 October 2023 ([7])and to propose amendments where appropriate. The aim of this evaluation is to assess the extent to which the Marrakesh Directive and the Marrakesh Regulation have been effective in meeting their objectives, efficient, relevant to the needs of the beneficiaries, coherent with European Union (EU) policy and international commitments and have demonstrated EU added value. In particular, this evaluation assesses how these two legal instruments have impacted the availability of accessible format copies of works within its scope and have helped to facilitate the cross-border exchange of such copies.

As required by Article 10(1) of the Marrakesh Directive, the evaluation specifically includes an assessment of the impact of the compensation schemes existing in certain Member States for the availability of accessible format copies and their cross-border exchanges. Furthermore, the evaluation considers the possible impact of the rules provided for in the Marrakesh Directive and the Marrakesh Regulation on the commercial availability of certain works or other subject matter in accessible formats for beneficiary persons, as well as their relevance in the context of other policy areas related to the accessibility of published works, in particular the European Accessibility Act ('EAA') ([8]).

Prior to the adoption of the Marrakesh Treaty, Directive 2001/29 on the harmonisation of certain aspects of copyright and related rights in the information society ([9]) granted Member States the option to provide in their national laws an exception or limitation from copyright and related rights for the benefits of people with disabilities, for uses of a non-commercial nature which are directly related to the disability, to the extent required by the specific disability. All Member States made use of this possibility to some extent ([10]). However, as Directive 2001/29 sets out only minimum requirements, leaving it to the Member States to define the detailed conditions for the application of the exception ([11]), there were divergences

([7]) Delays in the publication of this report have been encountered due to the time needed for the drafting of the evaluation report and staff working document in parallel with other activities in the area of copyright.

([8]) Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services – https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882; the EAA, among others aims to harmonise accessibility requirements for e-books placed on the EU market after28 June 2025.

([9]) Article 5(3)b of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society OJ L 167, 22.6.2001, pp. 10-19.

([10]) Proposal for a 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, 2016/0278 (COD); COM(2016) 596 final, 14.9.2016, p. 6.

([11]) Explanatory Memorandum - Proposal for a EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE on the harmonisation of certain aspects of copyright and related rights in the Information Society Brussels,, 97/0359 (COD), COM(97) 628 final, 10.12.1997, p.32.

in the scope of application of the exception ([12]), which in turn affected the cross-border exchange of accessible format copies ([13]).

The implementation of the Marrakesh Treaty into EU law led to the establishment of EU wide harmonised rules allowing people who are blind, or have a visual impairment which cannot be improved so as to give them visual function substantially equivalent to that of a person who has no such impairment, or have a reading or perceptual disability, or are otherwise print-disabled, to make copies of certain works and other subject matter without the authorisation of the rightholder, for the benefit persons with print-related disabilities. Works in the form of books, newspapers, magazines or other kinds of writing, notation, including sheet music, and related illustrations, in any media, can therefore be made into accessible format copies, such as braille, audio or large format, by beneficiaries and persons acting on their behalf. Furthermore, the Marrakesh Directive provides that certain bodies can carry out acts on behalf of beneficiaries. These bodies are authorised entities, which are public or private organisations, in particular libraries, educational establishments and other non-profit organisations that serve people with a print disability as one of their primary activities, institutional obligations or as part of their public interest missions. Authorised entities can make an accessible format copy of a work or other subject matter to which they have lawful access, and communicate, make available, distribute or lend an accessible format copy to a beneficiary or to another authorised entity on a non-profit basis, for the purpose of exclusive use by a beneficiary. The authorised entities have the obligation to establish practices to prevent the unauthorised dissemination of works. The Marrakesh Directive includes a provision allowing the cross-border exchange of accessible format copies in the internal market. This is complemented by the Marrakesh Regulation, which enables cross-border exchanges with third countries which are party to the Marrakesh Treaty.

The Marrakesh Directive allows Member States to maintain or introduce compensation schemes for uses permitted under the Directive and which are undertaken by authorised entities established in their territory. To date, compensation schemes are in place in six Member States ([14]). Two more Member States introduced the possibility to have a compensation scheme if there is a prejudice to the interests of rightholders but have not made use of this option so far ([15]).

The EU legislator decided not to implement the option set out in the Marrakesh Treaty to confine the limitation or exception to works which, in the particular accessible format, cannot be obtained commercially under reasonable terms for beneficiary persons in that market. It was considered that imposing such an obligation on authorised entities would be detrimental to legal certainty and thus ultimately affect the availability of works for beneficiaries ([16]). The

([12]) Study on the application of Directive 2001/29/EC on copyright and related rights in the information society (the 'InfoSoc Directive'), 2013, p. 428, available at https://op.europa.eu/en/publication-detail/-/publication/9ebb5084-ea89-4b3e-bda2-33816f11425b.
([13]) Idem, p. 437.
([14]) Overview on the Member States that have compensation schemes is available in the Staff working document and the study, p. 43.
([15]) The study, p. 43.
([16]) See recital 14, first sentence.

Member States are not allowed to introduce additional requirements on authorised entities such as the prior verification of the commercial availability of works in accessible formats. Two Member States seem to have provisions in place which could lead to authorised entities checking the commercial availability or could create a lack of clarity in this regard ([17]). The Commission will be analysing these matters further.

The authorised entities are not subject to an **authorisation** procedure for the uses covered by the framework. However, as mentioned above, they are confined to specific categories, enumerated in Article 2(4). The Marrakesh Directive clarifies that authorisation and recognition requirements which Member States may apply to authorised entities, such as those relating to the provision of services of a general nature to beneficiary persons, should not have the effect of preventing them from undertaking activities permitted by the Directive. The implementation of the Directive led in one Member State ([18]) to removing the obligation of authorised entities to register with the national authorities, while in some Member States ([19]) the authorised entities have to notify to the national authorities of their status as an authorised entity and their contact details ([20]).

In addition, the authorised entities are encouraged to voluntarily transmit their contact details to their Member States of establishment if they engage in exchanges in the internal market or if they import or export accessible format copies under the Marrakesh Regulation. Member States transmit this information to the Commission, which makes it publicly available ([21])

The Directive does not include any specific **monitoring** requirements. Consultation of Member States does not provide a comprehensive picture but revealed that in some Member States authorised entities transmit periodical reporting to the relevant authority or are subject to ad hoc controls. At the same time, in one Member State no information was available on the implementation of the Marrakesh rules due to a lack of information on which were the authorised entities functioning in that country ([22]).

II. METHODOLOGY

The evaluation draws on a supporting study, which was launched in April 2023 and was completed in spring 2024. The data was gathered through desk research, consultation activities with Member States (which are required to provide information in line with Article 10(2) of the Marrakesh Directive) and stakeholders, through a targeted consultation

([17]) Staff Working Document p. 14.
([18]) Staff Working Document, p. 15.
([19]) Staff Working Document, p. 15.
([20]) Information on this aspect from the consultation activities was not available for all Member States.
([21]) The list is available at https://digital-strategy.ec.europa.eu/en/news/authorised-entities-context-directive-eu-20171564.
([22]) Staff Wording Document, p.16.

and in-depth interviews conducted in the framework of the supporting study ([23]). The views of the public were also received via a call for evidence ([24]).

As required by the Marrakesh Directive and Regulation, the views of relevant civil society actors and of non-governmental organisations, including organisations representing people with disabilities and those representing older people have been taken into account in the process of the evaluation. In particular, the consultation activities (targeted consultation, in depths interviews) covered, in addition to authorised entities, several organisations representing persons with disabilities. The invitation to participate in the targeted consultation was also disseminated to organisations representing older people, but only one such organisation responded. Furthermore, several organisations representing people with disabilities transmitted their views in the context of the call for evidence ([25]). The targeted consultation and the call for evidence have been made accessible to people with disabilities.

III. EFFECTIVENESS

To assess if the intervention was effective, the evaluation considered whether the Marrakesh Directive and Regulation improved the availability of accessible format copies within the EU and their cross-border exchanges within the EU and with third countries which are parties to the Marrakesh Treaty. It also analysed whether there are factors which affected progress towards the objectives and if there were any unexpected and unintended consequences. Finally, it assessed the impact of compensation schemes on the availability of accessible format copies and their cross-border exchange.

Quantitative data sourced for the evaluation from a sample of authorised entities showed that the number of titles in accessible format copies available in the collections of these institutions increased by more than 50% since 2018. The data is not sufficient to determine in quantitative terms the extent to which the rules harmonised by the Marrakesh Directive improved the production of accessible format copies by authorised entities, compared to what would have been possible under the national laws adopted on the basis of the 2001/29 Info Soc Directive. It needs also to be considered that, regardless of the copyright framework, budgetary constraints and technological capabilities are more likely to drive the production capacities of authorised entities. However, qualitative data gathered through the targeted consultation shows that, in the opinion of stakeholders, the Marrakesh framework has had a positive impact on the availability of accessible formats. Academic research conducted in 2022 also highlighted a perceived increase of the availability of accessible works. It

([23]) The targeted consultation took place between 22 June and 11 August 2023 https://digital-strategy.ec.europa.eu/en/consultations/targeted-stakeholder-consultation-application-marrakesh-directive-and-regulation.

([24]) https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13615-EU-copyright-law-for-blind-and-visually-impaired-people-evaluation-of-the-Marrakesh-Directive-and-Regulation_en

([25]) https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13615-EU-copyright-law-for-blind-and-visually-impaired-people-evaluation-of-the-Marrakesh-Directive-and-Regulation_en.

suggested that the Marrakesh framework facilitated in particular the conversion of printed material into braille format, but had little impact on access to digital books ([26]).

Furthermore, certain quantitative impacts can be discerned as an effect of the harmonisation of the exception in the Marrakesh Directive. In the reference period there has been an increase of approximately 39% in the number of users (beneficiaries) registered with the authorised entities which provided data. This can be linked to the harmonisation under the Marrakesh Directive of the categories of beneficiaries, leading in some Member States to widening the scope of the beneficiaries compared to what was previously in place at national level. As shown for instance by the responses to the 2014 EU public consultation ([27]), not all exceptions existing at national level prior to the adoption of the Marrakesh Directive and Regulation covered reading disabilities, whereas now they are within the scope.

As concerns cross-border exchanges, the ratification by the EU of the Marrakesh Treaty has made possible the cooperation with authorised entities in all Member States and contracting parties in third countries, including by facilitating the access to the ABC Global Book Service, which supports the implementation of the Marrakesh Treaty ([28]).

The cross-border exchange within the EU and with third countries party to the Marrakesh Treaty amounted on average to 16.3% of overall titles held in 2023 by the authorised entities that provided data, up from 12.7% of titles sourced from EU and third countries in 2018. Countries that share a common language tend to have a higher rate of imported titles, as users usually prefer works in their own language. Foreign language books, while making up a smaller part of the collection of authorised entities, are in the vast majority of cases sourced through cross-border exchanges. The imported titles are mostly sourced from other Member States, but authorised entities also import titles from third countries party to the Marrakesh Treaty. Such imports reached a share of 2.7% of the catalogue in 2023 (up from 2% in 2018). Authorised entities interviewed in the context of the study indicate that they usually import works from the United States of America, the United Kingdom and Canada ([29]). The exchanges can be quite significant in the case of specific authorised entities: for example, the catalogue of a French authorised entity contains 15% of titles imported from Switzerland and Canada ([30]); the same authorised entity reported that it also exported to third countries, in

([26]) Ferri, D. The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled in the European Union: Reflecting on Its Implementation and Gauging Its Impact from a Disability Perspective, *IIC* 55, 89-109 (2024), available at https://doi.org/10.1007/s40319-023-01410-y

([27]) Report on the responses to the Public Consultation on the Review of the EU Copyright Rules, available at https://digital-strategy.ec.europa.eu/en/library/modernisation-eu-copyright-rules-useful-documents.

([28]) Online catalogue allowing authorised entities from ratifying states to exchange books in accessible formats without seeking the authorisation of rightholders; see https://www.accessiblebooksconsortium.org/.

([29]) The study, p. 76.

([30]) The study, p. 208.

particular Canada ([31]). Interviews with authorised entities indicate furthermore that exchanges with countries from Latin America and Africa largely consist of exports from the EU ([32]).

Qualitative data gathered by the study team through the targeted consultation supports the view that the EU harmonised rules are impactful on cross-border exchanges, with authorised entities and national authorities considering that the impact on the EU and international cross-border exchanges of the rules was more important than on production. This can be linked to the reporting from authorised entities that, while certain Member States had cooperation agreements in place before the adoption of the Marrakesh Directive and Regulation to exchange across borders accessible format copies (especially in the same language areas), the implementation of the Marrakesh Directive and Regulation allowed some of them for the first time to make such exchanges, or permitted them to expand the exchanges to a wider number of countries ([33]).

Factors affecting the production and exchange of accessible format copies

Based on the responses to the targeted consultation by authorised entities, the main factors limiting the production of accessible format copies are linked to insufficient funding for the institutions producing the formats, or insufficient other resources (human resources, know how, technology). For funding sources, the authorised entities rely mostly on public funding or a combination of public funding and donations. In one Member State, the authorised entity is funded mainly through the gross income obtained from the marketing of lotteries.

Authorised entities in smaller markets are also confronted with constraints due to limited capacity of production, though it can be noted that in these Member States, the richness of the catalogues of authorised entities varies significantly, with authorised entities in Finland and Denmark possessing many more titles than authorised entities in Croatia or Lithuania.

The awareness of beneficiaries (people with disabilities) as to where and how to find accessible format copies was also identified as a challenge, both during the targeted consultation and the call for evidence. Research published in 2023 also found that beneficiaries and representatives of organisations of people with disabilities were not always aware of how the Marrakesh framework can benefit them ([34]). The article suggests that people who are blind might have a better awareness of the Marrakesh Treaty than people with a visual impairment, which could be linked to the different methods employed to access

([31]) The authorised entity exported through the ABC platform 13 981 titles since 2014, with 63% of them going to third countries (predominantly Canada).

([32]) ONCE in Spain exported 421 copies to Argentina and Peru in 2023, and 568 copies to Guatemala, Mexico and Argentine (the study, p. 212). A French authorised entity mentioned that they exported copies to African countries directly to beneficiaries in African countries, due to a lack of digital and physical infrastructure of the authorised entities in importing countries – see the study p. 67.

([33]) The study, p. 31.

([34]) Ferri, Delia and Rossello, Giulia (2023) The Role of the Marrakesh Treaty in Supporting Access to Printed Material for People Who Are Blind or Visually Impaired: A Critical Discussion of the Results of an Empirical study Conducted in Six European Countries, *Disabilities*, 3 (2), p. 162.

works (e.g. using copyright exceptions to produce braille copies for people who are blind versus using visual magnifiers for people with visual impairments) ([35])

Certain authorised entities also flagged the importance for beneficiaries to have access to technology allowing them to use digital accessible formats, which is still lagging. Authorised entities also highlighted the importance of catering for various needs of beneficiaries, for instance by collaborating with library networks to provide physical copies to beneficiaries via the local library.

Therefore, while in the reference period, the number of beneficiaries and of works in accessible format copies have increased, certain factors not directly linked to the Marrakesh rules – in particular the availability of resources of the authorised entities – are perceived by these institutions as being an obstacle to providing more accessible copies.

Impact of compensation schemes

The compensation schemes differ among the six Member States that have introduced them: in four Member States the compensation schemes are limited either to certain sectors (education), to certain formats (e.g. audiobooks) or to certain delivery modes (e.g. download), while in two Member States the compensation scheme does not contain such differentiations, and therefore applies to the uses by authorised entities covered by the Marrakesh Directive.

The study compared the increase in the volume of catalogues, in the reference period, of 5 authorised entities present in 4 Member States with compensation schemes, and 19 authorised entities in 12 Member States without compensation schemes. While the data shows that the overall volume of titles in the 19 authorised entities increased to a greater extent than in the 5 authorised entities from the Member States with compensation schemes, the data has to be treated with caution. As the study itself explains, the data is very limited and might not be representative, and does not allow for a correlation between the lack of compensation schemes and the increased volume of copies in accessible formats. This is because other factors may account for the difference in the rate of increase of catalogues of copies in accessible format, such as the fact that authorised entities in Member States that have introduced compensation schemes might have had already an extensive collection of titles, while other authorised entities might have started to build up their collection in the reference period. For instance, as mentioned before, Finland and Denmark (where a compensation scheme is in place) possess significantly more titles than authorised entities in Croatia or Lithuania, where no compensation scheme applies ([36]).Overall, the lack of contextual data does not allow a conclusion to be drawn about the impact of this comparison.

([35]) Ferri, Delia and Rossello, Giulia (2023) The Role of the Marrakesh Treaty in Supporting Access to Printed Material for People Who Are Blind or Visually Impaired: A Critical Discussion of the Results of an Empirical study Conducted in Six European Countries, *Disabilities*, 3 (2), p.. 162.

([36]) 69 021 titles in Finland and 84 000 in Denmark; 7 727 in Croatia and 15 433 in Lithuania (see the study, p. 215).

In their responses to the call for evidence, opinions of stakeholders differ among the consulted groups. Rightholders emphasise that compensation schemes are needed to safeguard rightholders' interests and should accurately reflect the extent and manner of use of the accessible format ([37]), while representatives of beneficiaries argue that the compensation schemes should be eliminated ([38]), in particular mentioning that compensation schemes create barriers and that authorised entities, working on a non-profit basis, should not be paying for work that publishers should do themselves. Two respondents representing beneficiaries consider that compensation schemes are against the spirit of the Marrakesh Treaty, despite the fact that these schemes are expressly allowed by the Treaty. While the Marrakesh Treaty permits contracting parties to decide whether to provide remuneration to rightholders for uses under the copyright exception introduced by the Marrakesh Treaty, EU law provides that the possibility for its Member States to provide for such compensation schemes is limited.

In particular, the schemes can only apply to authorised entities and they should not require payments by beneficiary persons (see recital 14). As such, the option in Article 3(6) of the Marrakesh Directive given by the EU legislator to Member States is consistent with the Treaty.

Furthermore, the perception of the impact of compensation schemes also appears to vary depending on the design and financing of the scheme in the specific Member State. Authorised entities from Member States where the level of funding from the state also covers the compensation due, and where the compensation scheme is limited to certain types of uses or works, seem more likely to consider that the compensation scheme is not affecting, or affecting to a more limited extent, the production of accessible format copies. In other Member States with compensation schemes, even if the overall compensation paid annually is low, the impact may be perceived as important by stakeholders if the budget is not considered sufficiently high (especially if authorised entities rely on donations for their funding).

The correlation between compensation schemes and cross-border exchange is also difficult to quantify or establish, especially since exchanges between Member States and with third countries are affected by various factors, linked in particular to sharing a common language, as well as to the use of technology in certain cases (interoperability of formats and metadata) ([39]). While quantitative data is not available to determine possible effects, certain stakeholders argue that authorised entities engage less in cross-border exchanges, in particular due to uncertainties regarding the application to cross-border dissemination and the difficulty of calculating compensation for exports, which could dissuade them to engage in

([37]) See responses to the call for evidence from e.g. European Writers Council, FEP, ALIS, available at https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13615-EU-copyright-law-for-blind-and-visually-impaired-people-evaluation-of-the-Marrakesh-Directive-and-Regulation_en.

([38]) See responses to the call for evidence, available at https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13615-EU-copyright-law-for-blind-and-visually-impaired-people-evaluation-of-the-Marrakesh-Directive-and-Regulation_en.

([39]) The study, p. 76.

such exchanges. However, such concerns about the impact of compensation schemes on cross-border exchange between Member States seem to be focused on particular countries, and might be caused by the design and practical application of compensation schemes and the possible uncertainty this might cause. In this context, it is important to bear in mind that compensation schemes should only apply to uses by authorised entities established in the territory of the Member State providing for such a scheme, and they should not require payments by authorised entities established in other Member States or third countries that are parties to the Marrakesh Treaty.

Possible unintended consequences- potential impact on the commercial market

The question as to whether the Marrakesh framework can have consequences on the commercial market has led to the specific provision in Article 10(3) of the Marrakesh Directive. According to this provision, a Member State may alert the Commission if they have valid reasons to consider that the implementation of the Directive has had a significant negative impact on the commercial availability of works or other subject matter in accessible formats for beneficiary people, providing all relevant evidence. The Commission is required to take such evidence into account when drawing up the evaluation report.

At the time of drafting this report, no Member State has submitted evidence to the Commission in accordance with Article 10(3) of the Marrakesh Directive.

The data collected in the process of preparing this evaluation did not provide such evidence either. The study noted that there is a lack of comprehensive data on the accessible publishing market ([40]).

During the targeted consultation, most stakeholders consulted did not identify a negative impact of the Marrakesh rules on the incentives for commercial production. One stakeholder flagged a positive indirect impact of the Marrakesh framework on the publishing market, as they consider that it has led to increased coordination and exchange between publishers and authorised entities ([41]).

Based on the available information, it cannot be concluded that the Marrakesh framework has a significant negative impact on the commercial availability of works in accessible format, Therefore, the current data does not warrant a revision of the current approach concerning the check of the commercial availability of works in accessible format.

Potential impact on broader social goals

([40]) The study, p. 67.
([41]) Response to the Call for Evidence from the European Writers' Council available at EU copyright law for blind and visually impaired people – evaluation of the Marrakesh Directive and Regulation (europa.eu).

Several stakeholders indicated positive impacts of the Marrakesh framework on areas such as social inclusion and equality in general ([42]), developing opportunities to learn for children and adults ([43]), and work, culture and community participation ([44]).However, it is difficult to determine on the basis of the data available for this evaluation the extent to which the Marrakesh framework might have impacted these broader social goals. Stakeholders also mentioned persisting difficulties, going beyond the Marrakesh framework, that might affect these goals, such as the insufficient availability of textbooks in accessible formats, insufficient accessibility of digital learning platforms, the need of adequate training of the teachers and librarians ([45]).

The cross-border exchange facilitated by the Marrakesh framework makes it possible to send works in accessible formats to emigrants in other Member States or to serve the needs of minority populations or refugees by importing works from countries that share the language of these categories. The framework could be seen also as having contributed to awareness, in particular among publishers, of the challenges faced by people with disabilities ([46]).

IV. EFFICIENCY

The analysis of the efficiency in the context of this evaluation presented important limitations, as there was insufficient available data to quantify the impact from the application of the Marrakesh rules. Much of the quantitative data collected contained limited details on the authorised entities' budget and their allocations or pertained only to a specific authorised entity. The assessment therefore mostly relies on consideration of qualitative data.

Even before the adoption of the Marrakesh Directive and Regulation, EU law, in particular Article 5(3)(b) of the Info Soc Directive, provided Member States with the option to introduce an exception or limitation from copyright to benefit people with disabilities. Member States have used this option to implement the exception or limitation in their national legislation, however the variations in terms of the scope of application at national level created burdens for the cross-border exchange of accessible format copies ([47]). The Marrakesh framework alleviated these differences and increased legal certainty by clarifying the scope of beneficiaries covered, as well as the scope of copyright relevant acts which could

([42]) Responses to the Call for Evidence from an EU citizen and Nota, 2023, available at EU copyright law for blind and visually impaired people – evaluation of the Marrakesh Directive and Regulation (europa.eu).

([43]) Response to the Call for Evidence from Nota, 2023; available at EU copyright law for blind and visually impaired people – evaluation of the Marrakesh Directive and Regulation (europa.eu); interviews by the study team with the European Blind Union and Eureka Leuven, 2023.

([44]) Response to the Call for Evidence from Nota, 2023, available at EU copyright law for blind and visually impaired people – evaluation of the Marrakesh Directive and Regulation (europa.eu).

([45]) Interview by the study team with the European Disability Forum, European Writers' Council, German Federation of the Blind and Partially Sighted, Accessibility Library Celia and Eureka Leuven

([46]) Interviews conducted by the study team with the German Centre for Accessible Reading, the European Blind Union, the European Writers' Council, and Luisterpuntbibliotheek, 2023.

([47]) European Commission, Directorate-General for the Internal Market and Services, Francquen, A., Dusollier, S., Triaille, J. et al., study on the application of Directive 2001/29/EC on copyright and related rights in the information society (the 'Infosoc Directive'), European Commission, 2013, https://data.europa.eu/doi/10.2780/90141, pp. 420-437.

be carried out. As explained in the section above, this led to an increase in the number of beneficiaries covered and facilitated cross-border exchanges. People with disabilities benefit therefore from improved access to accessible format copies, and authorised entities are likely to provide services to a larger user base and to participate in more cross-border exchanges.

While authorised entities deploy resources to produce accessible format copies, these costs are not imposed on them by the Marrakesh framework, which aims to facilitate their activity of producing and exchanging accessible format copies through increased legal certainty. Most authorised entities interviewed by the study reported that there have not been major changes to production costs following the implementation of the Marrakesh framework.

At the same time, the harmonisation introduced by the Marrakesh framework created savings for authorised entities, as accessible format copies could be sourced more easily through cross-border exchange, helping to prevent duplication of activity. One authorised entity indicated for instance that the cross-border exchanges, within and outside the EU, led to savings of approximately EUR 133 000 over a span of three and a half years. The harmonisation of EU rules also reduced the need to check the national copyright rules that apply in the countries of destination.

Authorised entities which distribute, communicate to the public or make available to the public accessible format copies are subject to certain rules under the framework. These are limited to preventing the unauthorised distribution of accessible format copies, and to allowing beneficiaries, rightsholders and other authorised entities to receive relevant information. The practices of authorised entities in this respect are varied ([48]), however there is no precise data to quantify the resources used to this end. At the same time, the framework does not impose obligations on the authorised entities that could inhibit the production of accessible format copies and which could be perceived as a burden. For instance, the framework prevents obliging authorised entities to ensure prior verification of the commercial availability of works in accessible formats. In addition, the framework does not provide a specific authorisation procedure, clarifying in this regard that authorisation or recognition requirements for instance relating to the provision of services of a general nature to beneficiaries should not prevent authorised entities from undertaking the activities allowed under the Marrakesh instruments.

The framework does not engage with issues concerning the financing of authorised entities. To varying extents, the budgets of authorised entities in most Member States are financed from public funds. In certain cases, beneficiaries might also contribute to the funds of authorised entities through donations. National authorities bear the costs linked generally to the enforcement of the rules, though no specific monitoring obligations are set out in the framework.

While the available information does not allow firm conclusions grounded in quantitative data to be drawn, the evaluation did not uncover unnecessary burdens introduced by the

([48]) Annex IV of the study.

framework and there does not seem to be a need for simplification and streamlining. The Marrakesh Directive and Regulation do not impose a specific authorisation procedure on authorised entities, prevent prior checks of commercial availability, and do not include mandatory reporting obligations for authorised entities to national authorities. Member States only need to report to the Commission information transmitted voluntarily to them on contact details of authorised entities engaged in cross-border exchange. The administrative requirements are limited to what is necessary to ensure the availability of accessible format copies, prevent unauthorised uses and facilitate transparency. The intervention, which improves the availability of accessible format copies for beneficiaries while creating savings through increased legal certainty, achieves its goals in an efficient manner.

Impact on efficiency of compensation schemes

As concerns rightholders, the rules were expected to have a limited impact on their copyright as property right (recognised by Article 17 of the Charter), since the Marrakesh Directive is limited to fully harmonising the divergent copyright exceptions or limitations already existing at national level prior to the adoption of the Marrakesh Directive, and to facilitating the cross-border exchange of accessible formats ([49]). Some variations in impacts compared to the pre-Marrakesh period might have resulted from the improvement of availability of accessible format copies, including the increase in the number of beneficiaries (as detailed in the section on effectiveness). The Marrakesh Directive recognises the possibility of maintaining or introducing compensation schemes while also clarifying that when determining the level of compensation, due account should be taken of the non-profit nature of the activities of authorised entities, of the public interest objectives pursued by this Directive, of the interests of beneficiaries of the exception, of the possible harm to rightholders and of the need to ensure cross-border dissemination of accessible format copies. The particular circumstances of each case resulting from the making of a particular accessible format copy must also be considered. Where the harm to a rightholder is minimal, no obligation for payment of compensation should arise. In the Member States that have in place compensation schemes, costs are incurred by authorised entities linked to the payment of the compensation, including the calculation and distribution of the fees by the authorised entities. Since some of the national compensation schemes were also in place before adoption of the Marrakesh framework, or replaced other obligations, the related costs are generally not new.

According to the information collected by the study, the overall compensation paid may differ significantly among Member States, the cost ranging from EUR 27 000 in Germany, EUR

([49]) Proposal for a 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, COM(2016) 596 final, 2016/0278 (COD), p. 6;
Proposal for a Regulation of the European Parliament and of the Council on the cross-border exchange between the Union and third countries of accessible format copies of certain 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, COM(2016) 595 final, 2016/0279 (COD), p. 5.

159 000 in Finland, EUR 1 million in Sweden to EUR 1.7 million in Denmark. The impact associated by stakeholders with compensation schemes seems to vary depending on the design and financing model of national compensation schemes. As explained in the section on effectiveness, even if the overall compensation paid annually could be low, the impact may be perceived as important by stakeholders if the budget of authorised entities is not considered sufficiently high (especially if authorised entities rely on donations for their funding).

In addition to the funding available for the authorised entities, the administrative costs linked for example to the calculation and payment of compensation schemes seem to vary depending on the digitisation and automation of data processing, but no precise data is available to determine such costs.

Factors contributing to the efficient implementation of the Marrakesh Directive

Depending on the particular institutional and market context in the Member States, certain factors can contribute to the efficient implementation of the Marrakesh Directive.

In particular, centralisation or increased cooperation between authorised entities can facilitate economies of scale as well as facilitate access for beneficiaries. In addition to the ABC WIPO initiative, further cooperation initiatives have been developed at national level connecting the authorised entities functioning in that territory, or authorised entities present in the same language area (e.g between authorised entities in Austria, Germany and Switzerland) or connecting authorised entities for specific projects (e.g cooperation between authorised entities in Nordic countries to coordinate production and share costs to provide copies in the language of an ethnic minority).

Furthermore, forms of cooperation between authorised entities and publishers such as in the production of accessible format copies or the sharing of information and titles can be cost-efficient and prevent duplication.

The access of beneficiaries to available titles is being facilitated by certain authorised entities through online catalogues. At the same time, not all beneficiaries have the know how or the access to the technology to allow them access via an online catalogue. Various practices to cater for the diverse needs of beneficiaries and offer them necessary support (e.g. collaboration with libraries networks, providing alternative means of contact, training) also seem relevant to improving access.

The level of digitalisation of authorised entities and the interoperability of formats they use can help minimise administrative and operational costs and further facilitate cross-border exchanges and minimise administrative burdens linked to conversion work (especially in exchange with third countries).

The obligation imposed on authorised entities in Article 5(1)(b) of the Directive to take appropriate steps to discourage the unauthorised reproduction, distribution, communication to

the public or making available to the public of accessible format copies should be fully respected, while ensuring it does not create barriers to access for beneficiaries. While no precise information is available to assess the impact of the methods used by authorised entities to prevent unauthorised dissemination of accessible format copies, interviews with stakeholders suggest that password protection and two factor authentication reduce accessibility for beneficiaries and are avoided by authorised entities. On the other hand, watermarking appears to provide a good cost-benefit ratio in preventing the unauthorised dissemination of downloadable copies in non-specialised formats. More generally, the measures put in place to prevent unauthorised uses carry even more weight where the copies provided by the authorised entities are of high quality and in formats (e-books, audiobooks) which can in theory be enjoyed by the wider public.

V. COHERENCE

The Marrakesh Directive and Regulation contribute to improving access to cultural works, educational material and information for people with disabilities, in line with the objective of Article 30 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) The implementation of the Marrakesh Treaty into EU law was recommended in the observations of the United Nations Committee on the Rights of Persons with Disabilities observations on the initial report of the European Union, in relation to Article 30 of the Convention ([50]).

The Marrakesh Directive and Regulation are also coherent with the objectives and the personal and material scope of the Marrakesh Treaty.

At EU level, the Marrakesh Directive and Regulation are coherent with the other instruments of EU copyright legislation, in particular with Directive 2001/29 permitting Member States to have exceptions in their national legislation for other disabilities or types of works than those within the scope of the Marrakesh Directive ([51]).

The Marrakesh instruments are also coherent with the EU Charter of Fundamental Rights, which prohibits all forms of discrimination, including on grounds of disability, and provides that the right of people with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community is recognised and respected by the EU.

The Marrakesh instruments are coherent with other EU legislation addressing disability in the digital environment, such as the Web Accessibility Directive ([52]), the Audiovisual Media

([50]) https://digitallibrary.un.org/record/812354?ln=en&v=pdf.

([51]) Article 8 of the Marrakesh Directive amends Article 5(3)(b) of the InfoSoc Directive to provide that the latter is 'without prejudice to the obligations of Member States under Directive (EU) 2017/1564 of the European Parliament and of the Council'.

([52]) Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies OJ L 327, 2.12.2016, p. 1.

Services Directive ([53]) and the European Accessibility Act ([54]) (EAA), The first two concern different sectors than the written works covered by the Marrakesh framework (namely public sector websites and audiovisual media services respectively) and address the accessibility of these services with other legal tools than copyright legislation.

The EAA aims to improve the functioning of the internal market for accessible products and services, by introducing common rules on accessibility and thus removing barriers created by divergent rules in Member States. Member States need to ensure that economic operators only place on the market products and only provide services that comply with the accessibility requirements set out by this act. This covers, among others, e-books and dedicated software as well as e-readers. The measures, which apply from 28 June 2025, do not change the copyright rules of the Marrakesh Directive and Regulation. Both measures apply in parallel, with the EAA ensuring the increased availability of accessible e-books, while the Marrakesh instruments would continue to allow beneficiaries and authorised entities to adapt published written works into accessible formats copies for people with visual and reading impairments or print-related disabilities. Both rightholders' representatives and authorised entities have stressed the importance of synergies and cooperation in the smooth implementation of the EAA and in ensuring the complementarity between these pieces of legislation.

According to rightholders' representatives, the implementation of the EAA would make more relevant the need to ensure that the Marrakesh rules do not interfere with the normal exploitation of the work.

However, as explained in recital 14, an explicit obligation to verify commercial availability could impact legal certainty for authorised entities. Furthermore, accessible e-books produced by the market under the EAA are not necessarily responding to various specific needs of beneficiaries covered by the Marrakesh Directive. It is likely ([55]) that the authorised entities will adapt to the practicalities of the new context and steer their resources to cater to needs unmet by the market ([56]).

The Marrakesh instruments seem also coherent internally, with provisions aligned with its key goal of increasing availability of works in accessible formats copies, while also safeguarding the balance of rights and interests between rightholders and users.

In order to protect the interests of rightholders, as discussed also in the previous sections, certain obligations are put in place on the authorised entities to prevent unauthorised use. Rightsholders would favour closer scrutiny by national authorities on how the obligations are

([53]) Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) OJ L 95, 15.4.2010, p. 1.

([54]) Directive (EU) 2019/882 on the accessibility requirements for products and services OJ L 151, 7.6.2019, p. 70.

([55]) For example, one AE reported that their focus will probably shift to people with print disabilities who have cognitive issues (see the study, p. 96).

([56]) For further discussion of the EAA impact, see also Section VII (relevance).

discharged by authorised entities, in particular to prevent unauthorised dissemination. Certain rightholders argue also that comprehensive information regarding the authorised entities functioning in a Member State could further facilitate cooperation (for instance the sharing of files by rightholders). At the same time, beneficiaries warned that requirements in certain Member States for authorised entities to be included on an approved list are contrary to the Marrakesh Treaty ([57]).

As detailed in the introductory section, the Directive prevents the introduction of conditions for taking up activities under the framework, while providing nevertheless that such activities may be undertaken not only by beneficiaries, but also by authorised entities which are confined to specific categories (as defined in Article 2(4)). The Directive clarifies that national authorisation or recognition procedures applicable for instance to the provision of services of a general nature to beneficiary persons should not prevent the authorised entities from undertaking activities under the framework. The evaluation found that the systems in place at national level vary, with certain Member States requiring some form of notification, usually notifying the competent authority of the name, legal status, contact details, and information of the relevant activities of the authorised entity. However, data was not available for all Member States. Furthermore, the framework encourages the voluntary notification to national authorities of contact details of authorised entities engaged in cross-border exchange, which can help improve transparency.

Overall, the Marrakesh instruments give effect to the EU's international obligations under the Marrakesh Treaty and are coherent with the EU *acquis* (in particular with the EU copyright framework and EU disability policies) – and internally, in terms of its key goals and provisions. In the context of the EU legislation detailed above, the Marrakesh instruments constitute one of the tools to enhance accessibility of printed material. Ultimately, access to information, education and culture for people with disabilities are influenced by the combined effect of all EU legislative instruments on accessibility.

VI. EU ADDED VALUE

The CJEU concluded that the EU had exclusive competence to conclude the Marrakesh Treaty, therefore the introduction of rules at EU level was needed to fulfil the EU's international obligations stemming from the adoption of the Treaty.

Before the conclusion of the Marrakesh Treaty, while all Member States had implemented copyright exceptions or limitations for the benefit of visually impaired people, there were divergences in the scope of application of the exception ([58]), which in turn affected the cross-

([57]) See input to the call for evidence from EDF and EBU, available at https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13615-EU-copyright-law-for-blind-and-visually-impaired-people-evaluation-of-the-Marrakesh-Directive-and-Regulation/F3414879_en.

([58]) Study on the application of Directive 2001/29/EC on copyright and related rights in the information society (the 'InfoSoc Directive'), 2013, p 428, available at https://op.europa.eu/en/publication-detail/-/publication/9ebb5084-ea89-4b3e-bda2-33816f11425b.

border exchange of accessible format copies ([59]). The lack of EU intervention to adopt the Marrakesh Directive and Regulation would have meant maintaining that status quo.

The adoption of the Marrakesh Directive and Regulation, in addition to being needed to fulfil the EU's international obligations, harmonised the scope of the copyright exception and facilitated cross-border exchanges both within the EU and with third countries party to the Marrakesh Treaty. In turn, the facilitation of cross-border exchange led to economies of scale ([60]).

The cross-border effect could not have been achieved as efficiently through measures at national level. The EU intervention especially aided the beneficiaries and authorised entities by ensuring increased legal certainty, which led to limiting duplication of efforts, increased overall efficiency and improved the availability of copies in accessible formats.

VII. RELEVANCE

The relevance of the Marrakesh instruments has been assessed by taking account of market, policy and technology developments.

In the reference period, the commercial offer of born accessible works remained underdeveloped. At the same time, there was an increase in digital formats such as e-books and audiobooks addressed to the general public, which indirectly can also serve certain needs of beneficiaries. However, beneficiaries indicate that such formats are not always sufficiently accessible, for instance because of a lack of accessible navigation through their content, or a lack of accessibility by commercial platforms to the work itself, or they are more likely to be accessible for some categories of beneficiaries (e.g. partially sighted people) rather than others (e.g blind users).

The EAA is expected to have an important impact in making e-books in accessible format available. E-books provided on the market from June 2025 will be accessible in accordance with the accessibility requirements of the EAA to facilitate access for people with disabilities. It is important to note that microenterprises providing services are exempted from complying with the accessibility requirements of the Directive. Nevertheless, Member States are required to provide guidelines and tools to microenterprises to facilitate the application of the national measures transposing the EAA. In addition, the EAA contains some safeguards, which allow economic operators to apply the accessibility requirements to the extent that they do not impose a disproportionate burden or require a significant change in a product or service that results in the fundamental alteration of its basic nature.

As indicated also in the study ([61]), the EAA does not put into question the relevance of the copyright exception provided in the Marrakesh Directive. Formats other than e-books – which are covered by the EAA - might be better suited for different disabilities (for instance,

([59]) Idem, p. 437.
([60]) See analysis in Section IV on Efficiency.
([61]) The study, p. 56.

certain people might not have the skills or hardware to use e-books and they may be more comfortable using braille or large print formats). Even for people using e-books, the particular format of accessible e-books available on the market might not be appropriate for all print-related disabilities. Furthermore, the obligations in the EAA may not lead to full availability of all titles in born accessible format, and in particular when publishers qualify as micro enterprises, making the offer of born accessible books not fully comprehensive. Rightholders interviewed for the study argued that comic books might require fundamental alteration to be accessible. More generally, they argued that high costs for making a work accessible (if it contains a large number of graphics or charts for instance), combined with low expected sales, could be a justification for claiming that it leads to disproportionate burdens ([62]).

The fact that more accessible e-books will be provided directly by the market as a result of the EAA is a very positive development. However, it will not exhaust the needs of people with disabilities for works covered by the Marrakesh instruments in accessible formats. On the other hand, it might help free up resources for authorised entities to focus on more specialised production of accessible format copies ([63]).

Finally, following the adoption of the Marrakesh instruments, technologies and software have become more widely available to facilitate accessibility of printed works and a wider availability of accessible formats, marking a shift from analogue to digital formats and from physical distribution to online access ([64]). Technology can facilitate and make more efficient the production of born accessible works, including e-books and accessible format copies and provide better tools for beneficiaries to access print-related works.

Some challenges persist regarding the use of these technologies, from barriers concerning the access to the technology (e.g cost, interoperability, know how) to limits of the technology itself (complexity of adapting works containing images or mathematical formulas or graphics, insufficient quality of text to speech adaptation) ([65]).

Overall, despite limitations, technological development facilitates and makes more efficient the production of accessible works by publishers and authorised entities. It also provides additional tools to beneficiaries to access printed works. However, the new technologies do not make the Marrakesh instruments redundant: as indicated by the study, these remain a prerequisite for taking advantage of the technological development ([66]).

([62]) Should that be the case, they would need to apply the accessibility requirements to the extent that they do not provide a disproportionate burden or a fundamental alteration.
([63]) See response to the call for evidence by Daisy Consortium available at https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13615-EU-copyright-law-for-blind-and-visually-impaired-people-evaluation-of-the-Marrakesh-Directive-and-Regulation/feedback_en?p_id=31995115.
([64]) The study, pp. 57 and 59.
([65]) The study, p. 59.
([66]) The study, p. 60.

VIII. CONCLUSIONS AND LESSONS LEARNED

The evaluation found that the Marrakesh Directive and Regulation have **EU added value**. Their adoption was essential to meet the EU's international obligations as signatory of the Marrakesh Treaty and to harmonise the copyright exception for persons with print-related disabilities in order to address the existing divergences in the scope of the national exceptions and limitations and to facilitate the cross-border exchange of accessible format copies. The same effect could not have been achieved by Member States in the absence of EU intervention. The framework added value especially for the beneficiaries and authorised entities, by ensuring increased legal certainty, in particular for cross-border exchange of accessible format copies.

The Marrakesh Directive and Regulation have overall been **effective** in improving the availability of accessible format copies, as indicated by the qualitative data gathered for the evaluation, as well as by the sample data showing that the number of such copies increased and that more beneficiaries had become users of the services of authorised entities in the reference period. The introduction of the Marrakesh rules had a positive role in opening up the possibility of exchange within the EU and with third countries that are parties to the Marrakesh Treaty.

Due to the limitations in data, it was not possible to draw conclusions on possible quantitative impacts of the compensation schemes allowed under the Directive and put in place in certain Member States on the production or exchange of accessible format copies. Based on qualitative data, it appears that the perceived impact of compensation schemes on the availability of accessible format copies differs among the Member States where such schemes are in place, depending on the scope of the scheme and financing sources (e.g. to what extent donations contribute to the budget of the authorised entity).

The evaluation did not uncover possible unintended effects of the implementation of the Marrakesh instruments, in particular as concerns the impact on the commercial availability of works in accessible format.

While the available information does not allow firm conclusions grounded in quantitative data to be drawn, the evaluation did not uncover unnecessary burdens introduced by the framework and there does not seem to be a need for simplification and streamlining. Against the background of existing copyright exceptions, the increased legal certainty achieved through the EU harmonisation facilitated cross-border exchange, and helped prevent duplication of activity in the production of accessible format copies, leading to savings for authorised entities. The framework does not impose obligations on the authorised entities that could inhibit the production of accessible format copies and which could be perceived as a burden. Overall, the rules appear to have improved the access of beneficiaries to accessible format copies in an efficient manner.

In Member States where compensation schemes are in place, their impact on efficiency appears to depend on the funding available to the authorised entities (and in particular if

beneficiaries contribute through donations to the overall funds of authorised entities), as well as on the level of digitalisation of the authorised entities.

Certain factors going beyond the Marrakesh framework may contribute to its efficiency. These can include different initiatives allowing exchange of information and cooperation among authorised entities, as well as between authorised entities and publishers, the level of digitalisation among authorised entities, and providing tailored support to beneficiaries regarding access to information on the available works.

The evaluation found that the Marrakesh provisions are coherent internally, being suited to address the key goal of increasing availability of works in accessible formats copies while also safeguarding a fair balance between the rights and interests of rightholders and users. The Marrakesh instruments are also **coherent** with international and EU *acquis*. In particular, they are complementary to the European Accessibility Act, which requires a wide range of everyday products and services, including e-books, to be accessible for people with disabilities.

The approach taken by the Marrakesh rules to avoid excessive obligations on the authorised entities (such as to check commercial availability of accessible formats of works they intend to adapt) remains a valid objective also in the context of the implementation of the EAA, in order to prevent a negative impact on the availability of accessible format copies for beneficiaries. At the same time, increased voluntary cooperation between rightholders and authorised entities should facilitate the interplay with EAA, to ensure that authorised entities will steer their resources to catering better the unmet needs.

The evaluation found that the Marrakesh instruments remain **relevant** in light of the policy, market and technological developments. In particular, the EAA 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.

In view of the evaluation results, no amendments are considered warranted at this stage.

Lessons learned

Overall, the performance of the Marrakesh Directive and Regulation matched the expectations: against a background of existing but varied national copyright exceptions for the benefit of people with disabilities, the EU instruments improved legal certainty by clarifying the uses and beneficiaries covered by the EU copyright rules. This helped improve access to accessible format copies, while safeguarding the balance of rights and interests. At the same time, the impact of the measures implemented in Member States may vary due to different factors, in particular funding or resources, as well as access to technology, awareness, and levels of cooperation. While no comprehensive data are available to assess the

impact of these factors, the main lessons learned arising from the evaluation are the following:

- The insufficient funding or other insufficient resources (human resources, know how, technology) for the authorised entities are perceived as main obstacles to providing more 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.
- The level of digitalisation and technological readiness among authorised entities can make creating, exchanging, and accessing accessible format copies more efficient.
- Practices to ensure increased awareness of the services offered by the authorised entities and tailored support for beneficiaries to locate and access the titles offered are likely to further benefit the effectiveness of the framework.
- The measures put in place by authorised entities to prevent unauthorised use are important to prevent harm to rightholders, even more so when the copies provided by the authorised entities are in formats (e-books, audiobooks) which can be enjoyed by the wider public. Various methods can be applied to prevent unauthorised use, among them watermarking.
- Monitoring systems vary among Member States, however not all national authorities seem to have such systems in place or (in one case) are aware of the authorised entities in that country. Authorised entities under the Directive are confined to specific categories mentioned in Article 2(4). Furthermore, the voluntary notification by authorised entities to their national authorities, encouraged by the Directive for those entities that engage in cross-border exchanges, can contribute to increased transparency for all relevant parties and should be more widely applied.
- Initiatives to support cooperation between authorised entities appear important to mitigate the duplication of efforts between organisations and to improve transparency as well as access for beneficiaries.
- Finally, cooperation between authorised entities and publishers could be useful to increase synergies. Such forms of cooperation already in place (e.g availability of platforms or incentives for publishers to provide authorised entities a copy in a digital format, so as to minimise the risk of duplication of work, sharing costs of production of certain formats to improve efficiency and to provide access through various channels) are likely to become even more relevant in the context of the application of the EAA and should be further encouraged.