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European Union

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"I/A" ITEM NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
No. prev. doc.:	7576/1/15 REV 1 PI 20
No. Cion doc.:	14617/14 PI 117
Subject:	Proposal for a Council Decision 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 - Request to the Commission in accordance with Article 241 TFEU

1. As discussed in its 2535th meeting on 25 March and in its 2538th meeting on 22 April 2015, the Permanent Representatives Committee (Part 1) agreed to recommend to the Council to request the Commission, in accordance with Article 241 TFEU, to submit without delay a legislative proposal to amend the EU legal framework so that it complies with the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled (the 'Marrakesh Treaty'). In the meeting of 22 April 2015 proceeding with such request was conditioned upon the lack of an agreement on the compromise proposal for the Council Decision on the conclusion of the Marrakesh Treaty, as stated in document 7576/1/15.

2. Taking into consideration that a considerable number of delegations had indicated their willingness to proceed with the adoption of the Council Decision on the conclusion of the Marrakesh Treaty, at the meeting of the Permanent Representatives Committee on 22 April 2015 the Presidency had proposed a compromise proposal to as much as possible accommodate the divergent views of the delegations and the Commission in respect to the matter of competence and the legal basis for the proposed Council Decision. The term for expressing the consent by the delegations within the silence procedure was set to be 12:00 (noon) of 24 April 2015. By the end of the set term the silence procedure was broken through seven delegations forming a strong blocking minority.
3. Due to the lack of agreement by the delegations on the Council Decision on the conclusion of the Marrakesh Treaty and as stated during the meeting of the Permanent Representatives Committee of 22 April 2015 the Presidency is reverting to its initial approach to request the Commission to submit the legislative proposal on the implementation of the Marrakesh Treaty. The existence of such legislative proposal is essential for the timely conclusion of the Marrakesh Treaty and its speedy implementation and application in the EU and its Member States. Furthermore, it would provide a useful basis for concluding the on-going complex discussions on the legal basis of the proposed Council Decision on the conclusion of the Marrakesh Treaty and on the question of competence.

4. Despite the Presidency's efforts the delegations have not been able to agree on the proposed Council Decision. The adoption of the said Council Decision would depend on the delegations, forming a blocking minority, re-examining their positions or on the further examination following the Commission's submission of the legislative proposal on the implementation of the Marrakesh Treaty, whichever occurs first.
 5. The Permanent Representatives Committee is therefore invited to recommend to the Council to adopt under the "A" items of one of its future meetings the said request as contained in the Annex to this Note.
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The Council of the European Union,

UNDERLINES its full commitment to the rapid entry into force of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled (hereafter "the Marrakesh Treaty").

WELCOMES in this regard the Commission proposal for a Council Decision on the conclusion of the Marrakesh Treaty on behalf of the European Union as one of the steps leading towards such a goal.

RECALLS that the EU legal framework should be amended to comply with that Treaty.

REGRETS the fact that the Commission has not so far submitted the necessary legislative proposal which would allow a rapid amendment of the EU legal framework in that respect.

CALLS upon the Commission, in accordance with Article 241 TFEU, to submit without delay the necessary legislative proposal to that effect.
