



# **Report of activities**

May 2009 - April 2010



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# FOREWORD FROM FEP PRESIDENT, FEDERICO MOTTA



Dear Madam, dear Sir,  
Dear colleagues,  
Dear friends,

With the European parliamentary elections and the renewal of the European Commission, this report of activities covers a period slightly complicated for trade associations. In the run-up to the elections and the nomination of the new Commission, either the initiatives are sped up or they are slowed down.

For the many files FEP is monitoring on behalf of publishers, it is crucial that the messages are passed quickly to the new decision-makers and that the position of publishers is well known before they review all the possible legislations and other initiatives they might support.

And of course, until the votes are counted or the names of the Commissioners known, everything is but speculation and yet, we need to make sure that everyone is properly informed and hopefully shares our objectives.

So the few last months of 2009 were very busy in our Brussels office, not that they are usually quiet but this transition period managed to increase the workload as if need be.

Now, we have an elected Parliament and a new Commission. FEP is doing its utmost to meet as many Members of the Parliament, renewing contacts or making new ones. Same thing for the Commission, we organise meetings with the Commissioners and their Cabinets to make them aware of the specificities of the book sector, first cultural industry in Europe, important contributor to cultural diversity and yet, very differently managed from other creative sectors.

As always, copyright remains the 'numero uno' subject in Brussels, with some aficionados and others who are much less supportive and who would want to see a brand new system put in place. We have to explain why the publishing sector remains so committed to the copyright system. Publishing works on the long term investment as publishers take sometime years to properly establishing authors and creating brands. Publishers don't want to rely on subsidies; they cherish too much their freedom to publish. Hence, we plead that the current system, if properly enforced, is satisfactory and provides for a balanced scheme for all stakeholders.

There is always some room for improvement but this can only take place carefully within extensive stakeholder consultation and appropriate impact assessment, including thorough analysis of the market. For example, we have been working very closely with all stakeholders involved with regards to the issue of orphan works and how to provide a simple although efficient system to determine the status of a book. Together with librarians and collective rights management organisations, we have been building ARROW which will soon provide an excellent network of information sources for those who want to digitise and make available online published books. Within the framework of a due diligent search, FEP is confident that the EU institutions will put forward a balanced solution. We wish to commend them for having associated all parties to this exercise.



If in Brussels, copyright is on top of most agendas, the publishers are more directly concerned by the impact of the new electronic reading devices on their businesses. And although this is clearly very trade oriented, this has also a political impact as currently electronic books have to be sold with the standard VAT rates while printed ones in 25 of the 27 EU Member States (and audiobooks in France, The Netherlands, Spain and Sweden) enjoy a reduced rates of VAT (even zero in Ireland, Poland and the United Kingdom). An average of 15 % difference between the rates together with the expectation from the customer that the price for an intangible object -probably held somewhere in the cloud- is lower than the price of a printed or an audio book.

A book is a book, the format is irrelevant, it is the content which counts and that content deserves the same taxation. FEP will make it a priority in the years to come to convince the policy makers that reading should be taxed as little as possible.

These are only two issues in the list of the numerous files we have been dealing with. More can be found within this report of activities. The work of the Federation of European Publishers is so diverse and its influence on our daily publishing life is so essential that it has been a privilege to be the President for two years. Our Brussels team is an extremely efficient one and I have very much enjoyed working with them.

Now that my term comes to an end and that I will soon cross the torch to my good friend Fergal Tobin, I wish all colleagues in Brussels and in the member Associations, all the best. Thanks to FEP, the Europe of publishing is regularly gathering and the sheer exchange of our experiences, our challenges and our successes has provided us with a great forum which I will greatly miss.

Yours with my kindest regards



Federico Motta



## FEP MEETINGS from May 2009 till April 2010



FEP meets four times per year, twice as General Assembly where FEP members are represented by the Chief Executives of their respective associations and a publisher's delegate and twice as Executive Committee composed of the Chief Executives. FEP also organises an annual event in Frankfurt on the Thursday of the book fair: the FEP Rendez-Vous.

### **AGM Sofia 21-22 May 2009**

At the kind invitation of the Bulgarian Publishers Association, FEP General Assembly gathered in the city of Sofia. We had as keynote speaker, Meglena Kuneva, Commissioner for Consumer Protection, who spoke about her proposal for a Directive on consumer rights and online shopping. FEP members had a good exchange on views with Mrs Kuneva about copyright, VAT and digitisation. FEP members discussed also the American Association of Publishers (AAP) – Authors Guild – Google settlement.

### **Executive Committee Brussels 29 September 2009**

Exceptionally, it was a one day meeting as the day before, FEP dedicated its time and efforts to organise the EUPL awards ceremony, which was very successful.

FEP wishes to thank in particular the Swedish PA for having helped with the Patron of the Prize, Henning Mankell.

### **Frankfurt 14-17 October 2009**

In what has become one of the Frankfurt traditions, FEP held its annual Rendez-Vous in Frankfurt and was honoured by the participation of Vladimir Sucha, Director for Culture, DG for Education and Culture, European Commission; Pedro Velasco Martins, Policy Officer, DG Trade, European Commission and Pierre Yves Andrau, Policy Officer, Unit Audiovisual and Media policies, DG Information Society, European Commission. FEP organised a series of meetings for the EC's civil servants with publishers to brief them on the latest developments in the field of digital publishing and ebooks. FEP wishes to thank all publishers who accepted to meet them and to brief them on the latest developments in our industry. These meetings are crucial to improve the understanding EU officials have of European publishing and to, in turn, design policies better adapted to sustain a healthy publishing industry.

### **AGM Gent 19-20 November 2009**

At the kind invitation of the Belgian Publishers Association (VUV) and RUIT (collecting society of the Flemish Publishers), FEP General Assembly gathered in the city of Gent. At this General Assembly, FEP welcomed our new colleague, Vesselin Todorov, the new chairman of the Bulgarian PA. FEP invited Javier Hernandez-Ros, the head of unit in charge of digital libraries and public sector information within DG Information Society. He presented the issues at stake regarding Europeana, in particular the latest developments in terms of funding, governance and access to content and the recent stakeholders consultation launched by the Commission. FEP members adopted unanimously a Statement on the Google Amended Settlement Agreement (ASA). FEP also unanimously adopted the resolution on reduced VAT rates for books for the Icelandic Publishers Association.

### **Executive Committee Barcelona 11-12 March 2010**

At the invitation of the Federacion de Gremios de Editores de Espana and of the Gremi d'Editors de Catalunya, FEP met in the city of Barcelona. FEP had organised a meeting with representatives of Google who presented Google Editions to FEP members.

And on 10 and 11 June 2010, we will have our General Assembly in Rome at the kind invitation of the Italian Publishers association. We are very much looking forward to these meetings.



# FEP IN BRUSSELS AND IN EUROPE



With its office situated at the heart of the European borough, FEP has a strategic position to represent the interests of publishers towards the different European institutions.

## **With the European Commission**

FEP has regular contacts and meetings with officials from the following Directorates General: Consumers, Culture, Enterprise, Information Society, Internal Market, Justice and Home Affairs, Office of Official Publications, Multilingualism, Research, Taxation, Trade. The objective is to provide the officials with the relevant information regarding our industry. This is crucial especially when they are working to prepare economic impact assessments in view of elaborating some policies. Therefore, we have two axes to our work: support our arguments with legal and technical justification and orient officials to the most appropriate figures and trends so they can make informed decisions.

The new European Commission took office on 10 February 2010, following the positive vote in the European Parliament on 9 February. Since April, FEP has met with some of the new Commissioners and has requested meetings with all relevant Commissioners.

## **With the European Parliament**

FEP is regularly in the Parliament in Brussels and in Strasbourg, visiting MEPs, meeting their Assistants and the officials of the Secretariats of the Committees and of the Political Groups. As we do with the Commission, we have as goal to provide reliable information about our sector to sustain our representation. We work with an array of committees dealing with issues of particular concerns for publishers such as taxation, intellectual property, promotion of cultural industries, etc.

The elections of the European Parliament were held in the 27 EU Member States at the beginning of June 2009. A total of 736 Members of the European Parliament (MEPs) were elected to represent some 500 million Europeans. Since then, FEP has met with a large number of MEPs to present our industry and the challenges publishers are facing with.

## **With the Council of Ministers**

FEP acts here more as a conveyor of information to our members so they can intervene in the national debate. When possible, FEP meets with the Culture Minister of the EU Presidency and so in April 2010 FEP President met with Mrs Ángeles González-Sinde, Spanish Culture Minister to introduce the challenges and opportunities faced by the first European cultural industry. FEP also attended a number of conferences organised by the respective presidencies of the EU Council: in Sweden and in Spain. Moreover, FEP has regular contacts with the Permanent representations to the European Union.

## **With the other EU institutions**

FEP has contacts with EUROSTAT, the European Statistical Office, with the European Economic and Social Committee and the European Committee of Regions.

## **When do we need publishers – FEP advocacy campaign**

FEP has launched several activities to promote the role of the publishers. We organise lunches with publishers and potential readers (thus native or excellent speakers of the language published by the said publisher) within the European institutions. The Members of Parliament (MEPs), the officials of the Commission and other permanent representatives we invite have indicated how appreciative they have been of this initiative. So far, we have had eleven speakers. The latest were Richard Charkin, Executive Director of Bloomsbury Publishing (October 2009); Vincent Montagne, CEO of Média-Participations Group and Claude de Saint Vincent, General Director of Média-Participations Group (November 2009); Jesús Badenes, Executive Director of Planeta and Antonio María De Ávila Álvarez, Director of the Spanish PA (February 2010).

The better the European institutions will understand why publishers are as necessary, if not more, in the digital world than in the analogue environment, the better they can make informed decision when preparing and adopting legislation.

We invited also civil servants and MEPs to attend the opening ceremony of the Brussels Book Fair, in



cooperation with Lagardère (Hachette Livres) in March 2010 as we did the previous years. FEP continues to widely distribute the FEP brochure kindly drafted by Fergal Tobin and the FEP advocacy report, which suggests 20 key measures which could be adopted to support European books.

## WHEN FEP NETWORKS

### **With writers and booksellers' organisations**

FEP has excellent contacts with the European Writers Council (EWC) and with the European Booksellers Federation (EBF). We meet regularly and see how we can best coordinate our actions to increase the visibility of the book sector as well as to promote fair and balanced legislations for the book trade. FEP worked very well with EBF and EWC to organise the European Union Prize for Literature in 2009 and we will go on doing so for the second edition in 2010.

FEP jointly with EWC and EBF provided the new Members of Parliament with information material on the three Federations in July 2009.

### **With other publishers' associations based in Brussels**

We have regular contacts and meetings with the newspapers (ENPA), magazines (FAEP), directories (EADP) and corporate publishers (EPC) either with the DG Information Society Taskforce 'on the coordination of Media affairs' or among ourselves. On a number of policy files, we prepare joint position papers and we unite forces to present our position to the various EU institutions.

### **With STM**

FEP coordinates with the International Association of Scientific, Technical and Medical Publishers (STM) so that the views of our respective industries are well represented in Brussels. STM has hired a Director for public affairs, Barbara Kalumenos, who is sharing the office with FEP since September 2008.

### **With IFRRO**

The International Federation of Reproduction Rights Organisation is based in Brussels. FEP is an associate member of IFRRO and participates actively in its activities. FEP liaises with IFRRO to ensure that our views are coordinated.

### **With other cultural industries in the CMBA**

FEP and the leading creative and media industries in Europe have gathered in the Creative and Media Business Alliance to exchange views on matters of mutual concerns and work together when appropriate.

### **With other creative and cultural sectors**

FEP works actively with colleagues from other organisations such as GESAC (European music collective societies), AEPO-ARTIS (Association of European Performers' Organisations) IMPALA (Independent music companies association), EMO (European Music Office) FERA (European Film Directors), within the European culture platform on the potential of creative and cultural industries to ensure that the recommendations made are appropriate.

### **With the European Internet Foundation**

FEP is an associate member of the European Internet Foundation which gathers Members of the European Parliament and industries represented in Brussels through companies and trade organisations. EIF organises monthly dinners and breakfasts and FEP has been attending many of them and supporting the organisation of some of them. FEP Director is a member of the Board of the EIF.

### **With the European Policy Centre**

EPC is an independent think tank of which FEP is a member which provides with rapid, high-quality information and analyse on the EU and global policy agenda.

### **With the Print Media Group**

FEP has regular meetings with these this group, which gathers the paper, printing and publishing industries to make sure that our views on environmental issues are properly represented.

To conclude, FEP cannot do it alone and therefore, has created a vast network of contacts both within the European institutions and the trade organisations represented in Brussels.



# FEP STATISTICS



## BACKGROUND

FEP has gathered the best available information to produce a series of tables on the core data about book publishing for the period 2004-2008. Through the two processes of correction and integration, FEP statistics, though some difficulties remain, are now more complete, clearer, more respondent to our needs and more correct than before.

There is agreement on the need to improve the collection of statistics on the book industry in order to support publishers' lobbying activities in Brussels. Such need is based on the importance of providing FEP's counterparts in the European institutions with a reliable picture of the value of the book publishing industry (in terms of income generation, of employment, of contribution to cultural diversity and so on); and also of being able to build time series of fairly consistent data that allow to assess, at least broadly, the impact of different variables (policy, economic conditions, etc.).

According to the latest information collected, in 2008 European publishers (EU Member States plus Norway and Iceland) generated a turnover of some 23.75 billion € (down from 24.5 in 2007, mostly due to exchange rate differences), published some 510,000 new titles (up from 490,000) and employed around 135,000 people full time (down from 140,000). More than 6 million titles were commercially available.

- FEP regularised its collection of data on the book sector in Europe, through a reviewed and improved version of its questionnaire.
- FEP continued its effort of revision, integration and harmonisation of statistics on the book sector.
- FEP produced a new yearly set of figures on book publishing.
- FEP prepared regular reports on the results of its surveys in the field of statistics.



# DG CULTURE AND EDUCATION



The mission of the Education and Culture Directorate-General's (DG EAC) is to reinforce and promote lifelong learning, linguistic and cultural diversity, mobility and the engagement of European citizens, in particular the young. It has three main aspects: building a Europe of knowledge, developing the European cultural area and involving citizens in European integration. The Commission's Agenda for Culture is founded on three common sets of objectives: cultural diversity and intercultural dialogue; culture as a catalyst for creativity; and culture as a key component in international relations.

The cultural and creative industries play an essential role in Europe's competitiveness, as shown by the EC commissioned study on the economy of the culture.

Even if culture is a subsidiary competence of the European Union, its regulatory environment is set in Brussels in relation to copyright, competition, single market or VAT.

The Commissioner responsible is Androulla Vassiliou.

The Director General is Jan Truszczyński.

## MULTILINGUALISM

### BACKGROUND

Languages are one of the key features of cultural identity. The European Union's motto «Unity in diversity» is a reflection of the multilingualism which lies at the heart of the EU. The European Union has always considered its many languages as an asset, rather than as a burden.

While committed to political and economic integration among its Member States, the EU actively promotes the freedom of its citizens to speak and write their own language. The three strands of the EU's multilingualism policy are: encouraging language learning and promoting linguistic diversity in society; promoting a healthy multilingual economy; promoting social integration through improved knowledge and acceptance of languages.

The Commission has launched a platform on multilingualism in order to create a forum for exchange of best practices for civil society stakeholders and to make recommendations on multilingualism.

The Commission published a study in July 2009 on the contribution of multilingualism to creativity.

- FEP recalled books are obviously the fundamental vehicle of European culture, knowledge and languages.
- FEP highlighted in several occasions (public hearings, EC meetings) the importance of translations and of the diffusion of books at intra-community and international levels, of the promotion of books abroad and of the linguistic training for book professionals.
- FEP participated in the constitutive meeting of the platform on multilingualism organised by DG EAC in October 2009. It became part of the working group on 'translations' with representatives of writers and translators.
- FEP attended the first meeting of the working group on translations of the multilingualism platform in January 2010.
- FEP was involved in the discussions about the possible creation of a Translation Prize by the European Commission and its potential interactions with the European Union Prize for Literature.



## EUROPEAN CULTURAL PLATFORMS

### BACKGROUND

In order to implement its three strategic objectives (promotion of cultural diversity and intercultural dialogue, promotion of culture as catalyst for creativity in the framework of the Lisbon strategy and promotion of culture as a vital element in EU external relations), the European Agenda for culture introduces new cooperation methods with various stakeholders. The Commission proposed that civil society should concentrate its work within two platforms on two topics of the European Agenda for culture: access to culture and cultural and creative industries.

The platforms have produced a set of policy recommendations, presented and discussed in a broad Cultural Forum. The Commission has issued a Green Paper on cultural and creative industries and a consultation on the review of the Culture programme. In parallel to the platforms, Member States were also involved in the discussion through the open method of coordination, which consists in agreeing on common objectives, regularly following up progress towards them and exchanging best practice and relevant data in order to foster mutual learning.

- FEP took part in the two cultural platforms and actively contributed to the working group on creativity within the platform access to culture and to the working groups on legal environment, mobility and interface artist-industry within the cultural and creative industries platform.
- Within the working group on legal environment, FEP expressed its concerns on the importance to encourage the creation of innovative content and to respect intellectual property rights and pleaded for the platform to adequately voice the concerns of the cultural industries both concerning regulatory measures taken at European and national levels and to develop structural policies to support cultural industries.
- Within the working group on circulation of works and artists, FEP raised the issue of translation as a fundamental way for the circulation of European works, in particular those from small linguistic areas. The question of the diffusion of books and the training of professionals were also discussed.
- For the second working group on the interface between creators and industry, FEP worked together with other associations representing societies of authors, composers, performers, independent music producers and magazine publishers to propose some general recommendations on the importance of respecting intellectual property and on the need to adapt the rules of competition recognising the specific characteristics of culture.
- On 21 April 2009, FEP attended a meeting with the Cabinet of French Minister of Culture to have an exchange of views with the participants of the cultural platforms on the work done at national level through the Open method of coordination.
- FEP participated in a plenary meeting of the platforms with the European Commission on 9 and 10 June 2009, where the final recommendations of the two platforms were presented and discussed.
- The policy recommendations produced by the platforms were discussed with the broader culture sector during a large-scale Cultural Forum on 28-30 September 2009.
- The recommendations should actively contribute to the implementation and further development of the European Agenda for culture and will help to draft the Green Paper on cultural and creative industries.
- FEP participated in the European Forum on Cultural Industries organised by the Spanish Presidency on 29-30 March 2010; FEP President spoke in the panel on 'Sectoral look at the transverse challenge'. A preliminary version of the Green Paper was presented.



- On 27 April 2010, the European Commission has adopted a Green Paper on «Unlocking the potential of cultural and creative industries». FEP attended the cocktail offered by Commissioner Vassiliou in charge of Culture and Education on the occasion of the adoption of the Green Paper. This initiative has launched a consultation to better understand how the EU can help create a better business environment which meets the specific needs of creative entrepreneurship. FEP will prepare a draft answer to the Green Paper to be discussed during the AGM in Rome.
- FEP met with the future Director-General of DG EAC, Jan Trzuszczynski, upon notice of its upcoming appointment.

## EUROPEAN UNION PRIZE FOR LITERATURE

### BACKGROUND

The aim is to put the spotlight on the creative and diverse wealth of Europe's contemporary literature, promote more circulation of literature within Europe and greater interest in non-national literary works. The first edition of the Prize was awarded on 28 September 2009; the second edition of the ceremony will take place on 18 November 2010. [www.euprizeliterature.eu](http://www.euprizeliterature.eu)

- In November 2009, the Commission confirmed the consortium responsible for the first edition, the European Booksellers Federation (EBF), the European Writers' Council (EWC) and the Federation of European Publishers (FEP), to coordinate the initiative in 2010. The three associations are jointly responsible for the setting up of the national juries and the practical organisation of the award ceremony. FEP is project leader.
- The selected countries for 2009 were Austria, Croatia, France, Hungary, Ireland, Italy, Lithuania, Norway, Poland, Portugal, Slovakia and Sweden. In the course three years (2009-2011), the juries of eleven or twelve of the 35 countries participating in the EU Culture Programme, will select one emerging fiction writer from their own country.
- During a high-profile ceremony on 28 September 2009, at the presence of public figures from the field of culture, literature and politics as well as a broad European audience, President Barroso, Commissioner Figel' in charge of Culture and well known writer Henning Mankell handed out an award to each of the 12 emerging talents.
- The selected countries for 2010 are Belgium, Cyprus, Denmark, Estonia, Germany, Finland, Luxembourg, The Former Yugoslav Republic of Macedonia, Romania, Slovenia and Spain.
- The prizes for the 11 authors selected for 2010 will be awarded in a new high-profile ceremony on 18 November 2010.





## DG ENTERPRISE



The Directorate-General ensures that EU policies in general contribute to improving the competitiveness of businesses in the EU. It promotes entrepreneurship and innovation and supports the European growth and jobs strategy, focusing especially on the needs of small and medium-sized enterprises. Its aims include reducing administrative burden, stimulating innovation, encouraging sustainable production, ensuring the smooth functioning of the European Union's internal market for goods.

It also makes sure the single market for goods benefits the EU industry and citizens.

The Commissioner is Antonio Tajani.  
The Director General is Heinz Zourek.

## TOY SAFETY

### BACKGROUND

When implementing the Directive 88/378/EEC on the safety of toys, some Member States have considered children's books as toys. This has led in several cases to considerable difficulties for the European children's book publishing industry, especially in complying with the extra requirements which have been applied to paper and cardboard books.

In January 2008, the European Commission proposed a new Directive of the European Parliament and of the Council on the safety of toys, repealing the existing one. The revised Directive, adopted on 11 May entered into force in July 2009, aims to improve the quality of toy safety regulations and simplify legislation. The technical product specifications are left to the European standardisation bodies CEN and CENELEC to regulate. Among the main objectives of the updating process is the clarification of the scope and definitions of the Directive; neither the old nor the new Directive explicitly mention children's books.

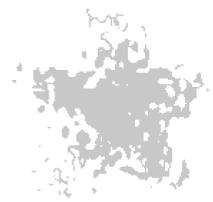
Upon adoption of the Directive, Commission officially charged CEN with the task of revising the standards on toy safety; the mandate contained a specific reference to books, in particular those made of paper and cardboard, which prompted CEN to create a Task Group on toy books within its Technical Committee on Toy Safety.

Independently from the process of revision of the Directive, the Commission has issued interpretative guidelines on the issue of the toy safety regulation and books, found unsatisfactory by publishers.

- FEP continued collecting all the available information on the European legislation and standards, from the institutions and directly from the standard setting bodies.
- FEP maintained contacts and attended meetings at CEN with the people responsible for the management of the Technical Committee in charge of the toy safety standards, in order to obtain information, present the publishers' case and create a liaison with the standardisation body with a view to an involvement in the process of revising standards.
- FEP asked to obtain a liaison status with the CEN Technical Committee 52, in charge of toy safety issues, to be able to attend the discussions of the committee. FEP was granted the liaison status with CEN in June 2009.
- FEP met with the Commission on several occasions, accompanied by publishers and their national representatives, to explain that guidelines on the classification of books as toys were not the proper way forward and publishers should have been consulted in this process. As a consequence of such efforts, the Commission included a specific reference to books in its mandate to CEN to revise the standards related to toy safety, officially issued in July 2009.



- CEN Technical Committee 52 had a meeting in which experts requested that a Task Group 4 “Toy books” be established within Working Group 3 (physical and mechanical properties) in response to the forthcoming mandate from the Commission and requested CEN/TC 52 to register a preliminary work item for “Toy books”.
- In July 2009, CEN issued a call for experts for the TG 4; FEP’s liaison status allowed it to nominate an expert for the TG 4.
- In October 2009, CEN formally announced the creation of a Task Group on “Toy Books” and the registration of a Preliminary Work Item on children’s books.
- On 11 March 2010, the first meeting of the CEN/TC 52/WG 3/TG 4 “Toy Books” took place; publishers were represented by FEP’s delegate and by a number of other people from the publishing sector from France, Italy, Germany and the UK. The discussions included ways to tackle the issue of testing on books made only of paper or cardboard.





## DG ENVIRONMENT



Its main role is to initiate and define new environmental legislation and to ensure that measures, which have been agreed, are actually put into practice in the Member States.

The Commissioner responsible is Janez Potočnik.  
The Director General is Karl Falkenberg.

## ECO-LABEL

### BACKGROUND

The aim is to award a community eco-label to products and services with reduced environmental impacts. The scheme is voluntary. Criteria are established for individual product groups, such as paper products, shoes, textiles, detergents, paints and appliances such as refrigerators or dishwashers. The European eco-label is part of a broader strategy aimed at promoting sustainable consumption and production. Following the current discussion in the European Commission, the eco-label can also be adopted by books publishers. The European Eco-label is part of a broader strategy aimed at promoting sustainable consumption and production.

In July 2008, the European Commission published a proposal for a regulation revising the EU Eco-label scheme. The revised scheme will reduce the administrative process for developing criteria, allowing the number of product groups covered by the label to grow considerably, and will speed up the procedure for applicants to begin using the label. This legislative act provides the framework for the European Eco-label system, so there is no direct impact on the publishing sector.

- Since 2003, FEP has been following the debate on the eco-label for printed paper products, proposed by the European Commission.
- FEP is part of the Print Media Group (PMG), which gathers the paper, printing and publishing industries to make sure that our views on environmental issues are properly represented. Among others, the PMG organises meetings on 'Carbon footprint for the paper-value-chain'.
- At the European Parliament level, the report of Mr Tatarella (UEN, Italy) on the proposal for a regulation of the European Parliament and of the Council on a Community Eco-label scheme, was adopted in April 2009.
- In April 2009, FEP participated in the workshop on the follow-up of the European study of the competitiveness of the European graphic industry. An action plan was developed to restore the value chain of products of European graphic industry. On the agenda, environmental issues including illegal logging and eco-label, social issues dealing with new skills in the printing and publishing industry, and the developments of the new technologies.
- On 29 September 2009, the PMG organised an event in the European Parliament in Brussels to present to the new MEPs the industry initiatives that aim to achieve responsible sourcing, sustainable production, effective recycling and waste management. In this occasion the European Paper recycling award, which recognises efforts in innovative projects that enhance paper recycling in Europe, was announced.
- The final decision to include or not printed paper products in the scope of the Eco-label scheme is still pending.



## OBLIGATIONS ON OPERATORS THAT PLACE TIMBER AND TIMBER PRODUCTS ON THE MARKET

### BACKGROUND

In October 2008 the Commission proposed a regulation laying down the obligations of operators who place timber (wood) and timber products on the market with the aim to complement and underpin the EU's current policy framework and support the international fight against illegal logging and its related trade. The objective of this regulation is to minimise the risk of illegal timber being sold on the EU market. It would contribute to stop deforestation and forest degradation as well as halting biodiversity loss while promoting sustainable development. As a major consumer of timber and timber products, the EU has an obligation to take effective action against deforestation and illegal logging.

The regulation requests to operators who place timber and timber products on the market for the first time to exercise a full due diligence (to provide information - principles of the chain of custody - to comply with risk assessment procedures and to participate in risk migration procedures) and to operators who make timber and timber products available on the market to exercise a due care system (basic information).

The European Parliament adopted a diverging position from the Commission and the Council, calling for a prohibition on trading illegally harvested timber and timber products and for an extension of the scope to chapter 49 which covers books, newspapers, magazines and other printed products. If chapter 49 is finally included, this regulation would basically require publishers to actively demonstrate due diligence in the sourcing of paper products for books, including products printed outside of the EU.

European publishers have for many years been paying close attention to issues of sustainability and environmental responsibility, notably regarding the choice of paper that is used for the printing of their various publications. However, publishers should not be held responsible for due diligence along the supply chain, as they are not directly involved in the sourcing process and therefore don't have direct access to the necessary information.

- In April 2009, the European Parliament in plenary session adopted at first reading the report by MEP Caroline Lucas (Greens/EFA, UK) on obligations of operators who place timber and timber products on the market (including chapter 49).
- In January 2010, the Council reached a common position contrary to the Parliament's amendments regarding the prohibition on trading illegally harvested timber and the extension of the obligations set for by the regulation; the Commission broadly backed the Council's position.
- In March 2010, the EP rapporteur presented its recommendations for the Parliament's 2nd reading, mainly reintroducing all of the elements (including the chapter 49) rejected by the Council.
- FEP joined forces with the newspaper and magazine industry representatives to advocate for the exclusion of publishing sector from the scope of the regulation.
- FEP met with Commission officials and with MEPs to obtain information about the issue and to present the publisher sector's point of view, also embodied in a joint position paper.



# DG HEALTH AND CONSUMERS



Consumer policy is central to the EU objective of continuously improving the quality of life of all EU citizens. The aim of promoting the interests, health and safety of consumers in the EU is enshrined in articles 153 and 95 of the Treaty establishing the European Community. The Directorate-General monitors the application of EU laws on the safety of food and other products, on consumers' rights and on the protection of people's health.

The Commissioner responsible is John Dalli.  
The Director General is Paola Testori Coggi.

## REVIEW OF THE CONSUMER ACQUIS

### BACKGROUND

In early 2007 the Commission published a Green Paper on the review of the consumer Community acquis, proposing to review eight Directives on consumer protection. The paper looked mainly at the legal principles from a horizontal perspective. FEP prepared an answer to the Green Paper. The Health and Consumer Protection Directorate-General issued a staff working document summarising the outcome of the consultation.

On 8 October 2008, the European Commission adopted a proposal for a Directive on Consumer Rights aimed at strengthening consumer protection and establishing the real retail internal market, making it easier and less costly for traders to sell cross border and providing consumers with a larger choice and competitive prices. The Consumer Rights Directive merges 4 existing EU consumer Directives (Directive 85/577/EEC on contracts negotiated away from business premises, Directive 93/13/EEC on unfair terms in consumer contracts, Directive 97/7/EC on distance contracts and Directive 1999/44/EC on consumer sales and guarantees) into one set of rules and adopts a full harmonisation approach (i.e. Member States cannot maintain or adopt provisions diverging from those laid down in the Directive). It should update and modernise existing consumer rights, bringing them in line with technological change and strengthening provisions in the key areas where consumers have experienced problems in recent years – particularly in sales negotiated away from business premises (e.g. door to door selling).

Provisions on the right of withdrawal are likely to affect publishers who carry out distance sales of physical books (internet, telephone or mail order). In particular, according to the proposal, the consumer shall have a period of 14 days to withdraw from a distance contract, without giving any reason, beginning from the day on which the consumer acquires the material possession of each of the goods ordered. Other provisions mitigate the risk of abuse of this clause, in particular those dealing with the use consumers can make of a product before exercising the right of withdrawal and the recognition that such right is inappropriate for some categories of goods. Books are not mentioned explicitly with regard to any of the provisions of the Directive.

The European Parliament started a procedure in November 2008; the committee responsible was the Internal Market and Consumer Protection Committee, and the rapporteur was MEP Arlene McCarthy (PES, UK). With the new legislature taking over in July 2009, the report was passed on to MEP Andreas Schwab (EPP, DE). The EP has not given its opinion in 1st reading yet, which is one of the proofs of the difficulties the report is having, as several Member States and MEPs worry that the full harmonisation approach might actually lower consumer protection in some countries.

- FEP attended several Parliament debates and public hearings regarding the proposed Directive on Consumer rights.
- FEP kept monitoring the status of the proposal made by the Commission and informed its members of its possible consequences for publishers.



- Former Commissioner for Consumer Affairs Meglena Kuneva was guest speaker at FEP General Assembly in May 2009.
- In December 2009, the Swedish Presidency proposed a new text, not changing the provisions relevant to publishers.
- In March and April 2010, the Commission stated in different occasions that it was willing to drop the full harmonisation approach.





# DG INFORMATION SOCIETY AND MEDIA (DIGITAL AGENDA)



The Information Society and Media Directorate-General supports the development and use of Information and Communication Technologies (ICTs) for the benefit of all citizens. This includes fostering the growth of content industries drawing on Europe's cultural diversity.

The Commissioner responsible is Neelie Kroes (Commissioner for the Digital Agenda).  
The Director General is Robert Madelin.

## TASK FORCE FOR THE COORDINATION OF THE MEDIA

### BACKGROUND

Responsibility for the publishing industries has been allocated to DG Information Society and Media; here, the Media Task Force monitors all the Commission's policies that affect the media sector. Publishing sub-sectors are as follows: newspapers, periodicals, books, directories and databases. The publishing sector is of major importance to the European Union and its citizens. It has a key economic role to play and is vital to the development and preservation of culture, information, education and democracy at large.

- FEP, together with the other European trade organisations representing publishers, has had regular meetings with the Task Force with two main objectives: to fully brief the Task Force on the main developments in the publishing field so that they can fully appreciate the impact of future EU legislation or other initiatives, and to organise on an annual basis a meeting between the publishing communities and the Commissioner and her services.
- FEP reviewed the inventory of EU relevant policies, so the Task Force can better identify areas which would need to be addressed.
- The Media Task Force conducted a survey through a questionnaire destined to small and medium enterprises (SMEs) active in the publishing sector in the EU and we are expecting a follow-up report.

### BACKGROUND - SMEs QUESTIONNAIRE

The aim of the questionnaire was to collect information from SMEs in the publishing sector in order to explore obstacles encountered by SMEs in a series of fields, especially innovation, technology, copyright, access to finance and regulatory frameworks; identify best practices that could be shared in this area; incorporate the initiative in the wider framework of the Commission's actions in favour of SMEs.

The initiative's results will feed a report, which will in turn provide information to the Commission in order to identify the main difficulties that SMEs have to face and to envisage solutions. Though it will not directly prompt changes in legislation or policies, it is a positive and forward-looking initiative aimed at the publishing industry, and a valuable chance for publishers to express their concerns on a range of issues.

- FEP contributed to the revision of the questionnaire before its publication.
- FEP publicised the initiative among its members; the highest rate of replies to the questionnaire came from the book publishing sector.

- Pierre-Yves Andrau, Project Officer in the Media Task Force, attended FEP's annual rendez-vous at the Frankfurt Book Fair in October 2009 to present the Commission's initiatives on publishing SMEs.
- Following the results of the consultation, the Task Force has been preparing a staff working paper on SMEs in book publishing. FEP has provided further data and advice for the document.

## EUROPEAN DIGITAL LIBRARY - EUROPEANA

### BACKGROUND

The EU's digital libraries initiative sets out to make all Europe's cultural resources and scientific records – books, journals, films, maps, photographs, music, etc. – accessible to all, and preserve it for future generations. The initiative focuses on two areas: cultural heritage – creating electronic versions of the materials in Europe's libraries, archives and museums, making them available online, for work, study or leisure, and preserving them for future generations; and scientific information – making research findings more widely available online and keeping them available over time.

The Europeana prototype is the result of a 2-year project that began in July 2007. Europeana.eu went live on 20 November 2008, launched by Viviane Reding, then European Commissioner for Information Society and Media. The website was re-launched in January 2009 after its servers crashed due to an excessive number of visits in the very first hours of its existence.

In parallel with the development of Europeana, the Commission involved stakeholders in a High Level Expert Group on Digital libraries, which adopted a Final Report on Digital Preservation, Orphan Works and Out-of-Print Works and a Final Report on Public Private Partnerships insisting that partnerships should be established within the framework of applicable copyright law. This led to signing a Memorandum of Understanding on due diligence guidelines on orphan works recognising the importance of conducting a due diligence search before digitising and making available copyright protected content.

In August 2009, the Commission issued a Communication and a consultation regarding the future of Europeana; the European Parliament subsequently started an own initiative report on the subject, by MEP Helga Trüpel (Greens/EFA, DE) which was adopted by the European Parliament on 5 May 2010.

In April 2010, the Commission set up a Reflection Group on digitisation to come up with recommendations on how best to speed up the digitisation, online accessibility and preservation of cultural works across Europe, so to ultimately enhance Europeana.

- On 28 August 2009, the Commission launched a Communication on 'Europeana - next steps' and a related public consultation. FEP sent an answer to the consultation insisting on the need to foster cooperation between all stakeholders and to rationalise the digitisation of works in order to avoid duplication, encouraging its members to also reply.
- FEP invited Javier Hernandez Ros, Head of Unit for Access to Information of DG Information Society, to present the state of play of Europeana and have thorough discussions with FEP members on occasion of the Gent AGM in November 2009.
- FEP wrote to the Culture Ministers ahead of their 27 November 2009 discussion, at the Culture Council chaired by the Swedish Presidency, on the digitisation of cultural goods.
- On 30 November 2009, MEP Trüpel presented her report on Europeana in the Culture Committee of the EP. FEP worked together with the Rapporteur providing her with information about digitisation in Europe. In doing so, FEP analysed the report, which basically called for enhancing Europeana through content and funding while respecting intellectual property rights. FEP expressed support for the report and made



some comments: rejecting the idea of a “knowledge gap” between Europe and the US due to the Google Book Settlement; clarifying that the offer of in-copyright works on Europeana should be based on the full respect of copyright and mentioning successful models; recalling that orphan and out of print works are in copyright (especially underlining the need for due diligent search); calling for rationalisation of the digitisation initiatives by libraries and recommending to give priority to public domain works and then to presumed orphan works.

- In January 2010, the Legal Affairs Committee of the EP adopted an opinion on the Europeana report (MEP Marielle Gallo, EPP, France), and in February the Industry, Research and Energy Committee did the same (MEP Ioan Enciu, S&D, Romania). FEP met with the rapporteurs of the main report and of the two opinions to present the views of the publishing sector. FEP also asked some MEPs to table amendments to the opinions and the main report, mainly to strengthen the notion that copyright must be respected and improve the handling of the orphan works issue, a number of which were adopted.
- On 22 February 2010, the Culture Committee of the EP adopted the report on Europeana. Ahead of the vote, FEP analysed the amendments and opinions and identified the most relevant ones. A position paper with suggestions for the vote was sent to all of the members and substitutes of the Culture Committee, as well as to the political advisors for the Committee in the main political groups.
- On 23 March 2010, FEP participated in an EP hearing organised by the Legal Affairs Committee and the Culture Committee on “digitisation of books and copyright: does one trump the other?”
- On 5 May 2010, the European Parliament adopted the report on «Europeana - the next steps» with a large majority. The only new provisions added to the report adopted in Committee beforehand is a provision calling for Europeana to monetise downloads and printouts. Previously to the vote FEP sent a letter to MEPs supporting the EP report and stressing, however, that the vocation of Europeana is not to be a bookseller.
- The Council of the European Union adopted on 10 May 2010 Conclusions on Europeana welcoming the Commission’s Communication on “Europeana - next steps” and acknowledging the newly created European reflection group (“comité des sages”). The Council underlined that digitisation and online accessibility of the European cultural heritage should be carried out in full respect of IP rights. FEP had had regular contacts with Permanent Representations to highlight the views of publishers.
- FEP was invited to join the Europeana Foundation.
- FEP was invited to join the Europeana v1.0 project as expert.





## ARROW

### BACKGROUND

Together with the emergence of digital libraries, the need to provide pragmatic solutions to the challenges of orphan works, out of print books and clearance of protected material has arisen. Under the leadership of the Italian Publishers Association AIE, FEP has undertaken a project under the EC programme eContent+, the name of the project is ARROW: Accessible Registries of Rights Information and Orphan Works towards Europeana.

The project aims at creating an interoperable search infrastructure, a distributed network of national databases containing information about the rights status of works and a set of tools for both public and private organisations who wish to contact active rightholders to seek copyright clearance for the reuse of content; it also collects information on current and emerging business models and explore possible systems facilitating co-existence and interoperability between public institutions and commercial publishing initiatives, drawing from the emerging European solutions driven by the private sector.

This infrastructure will include, but not be limited to, the creation of a European distributed registry of orphan works and access to a network of existing clearance centres for out of print works, in line with the recommendation of the High Level Expert Group on Digital libraries. The system will also provide the infrastructure for the management of any type of rights information, so facilitating the actual implementation of innovative business models for both digital libraries and private e-content providers.

The rights information infrastructure will facilitate the search for rightholders and the identification of public domain works, orphan works, out of print works and other copyrighted works, which could be released for inclusion and access if only the rights information infrastructure existed. The broad involvement of rightholders, collective management organisations and libraries provides critical mass to approach the problem at pan-European level.

In the organisation of the project, FEP is the leader of Work Package 3: legal framework and business models. Its tasks are to prepare a report describing the legal framework in the field of orphan works and out of print based on the work of the sub-group of the High Level European Group (HLEG); a set of guidelines for the definition of orphan works and for clearance mechanisms for out of print works; and a report on business models describing the state of the art and some planned initiatives in the field of electronic books, digitisation activities, digital libraries and in general initiatives dealing with making books available in electronic format. After one and a half years running, the project is about to release test versions of its planned system in a number of countries; several reports have been prepared as background material. The project partners are working on the enhancement and extension of the project: the ARROW+ initiative aims at sustaining the current developments and integrating a wider range of countries.

- FEP actively participated in Management Board meetings of the project all along the period concerned.
- FEP prepared the reports within its competence and the other deliverables, and coordinated the involvement of project partners and FEP members in the collection of information for the project.
- FEP contributed to the dissemination activities of the project through a number of meeting with Commission officials, Members of the European Parliament and other stakeholders.
- FEP reported regularly to its member associations on the goals and status of the project.
- FEP was actively involved in the preparatory work for ARROW+, the plan to enhance the results of the first phase of the project and to extend its scope to a wider range of countries.



## REVISION OF THE DIRECTIVE 2003/98/EC ON THE RE-USE OF PUBLIC SECTOR INFORMATION

### BACKGROUND

Public bodies produce, collect and share vast amounts of information. Most of this public sector information (PSI) has commercial potential for re-use as the basis for new added value products and services. According to a survey made in 2006, the overall market size for public sector information in the EU is estimated at € 27 billion. Despite its economic value, much of Europe's PSI is not fully re-used. The EU adopted the PSI Directive in 2003 to overcome barriers that limit the re-use of PSI. The Directive regulates how public sector bodies should make their information available for re-use and deals with key issues like transparency of what is available and under which conditions, fair competition and non-discrimination between all potential re-users. For publishers it is, inter alia, essential that the Directive recognise that IP rights from thirds parties are not affected by it and ensure that the public sector will not compete unfairly with private offers. The Commission concluded a review of the Directive in 2009, assessing its impact and application; a further review is due in 2012.

- The Commission concluded its review of the Public Sector Information Directive in May 2009; it published a Communication on Re-use of Public Sector Information - Review of Directive 2003/98/EC, accompanied by a Staff working document. The Commission's review confirmed the positive impact of the PSI Directive in different sectors across the EU but warned that, to realise the full potential of public sector information for the EU economy, Member States must remove remaining barriers to re-use: discrimination between potential users, high charges for public sector information and complex licensing policies.
- In June 2009, the Commission stepped up legal action against Poland for incorrect transposition of EU public sector information rules.
- In December 2009, the Swedish authorities sent to the Commission the official report with the proposed Swedish legislation transposing Directive 2003/98/EC on the re-use of Public Sector Information; they expect the new legislation to enter into force on 1 July 2010.
- On 10 December 2009, The Commission finalised its tendering procedure and awarded the contracts for the study to assess the existence of exclusive agreements concluded by public sector bodies within certain EU Member States in the context of the PSI Directive.
- In January 2010, following a letter of formal notice sent by the Commission to Italy in March 2009 for incorrect transposition of the PSI Directive, the Italian authorities accepted to change their legislation transposing the Directive and proposed new PSI legislation, which is now pending before the Parliament.
- FEP has been monitoring the developments on this file and has reiterated to the various parties involved the need to improve the access for private companies such as publishers to public sector information at equitable costs, including public domain works contained in cultural institutions.



## TELECOM PACKAGE

### BACKGROUND

The EU regulatory framework for communications was created in the 1990s to open up markets and culminated in 1998 with the liberalisation of national markets. The current sets of rules were adopted in 2002 and the European Commission launched a reviewing process in 2006 to modernise these rules, with the adoption of the final text in 2009.

The Telecom Package was an opportunity to improve the cooperation framework with Internet Service Providers and telecommunication companies in the fight against piracy. This proved one of the most controversial issues in the negotiations between the European Parliament, where many MEPs opposed any restrictions to users' access to the internet, and the Council.

The final text, adopted in November 2009, while more favourable to the fight against piracy than the previous version, seems open to interpretation and potentially to clashes between the Commission and Member States. The strongest defenders of internet "freedom" have expressed dissatisfaction with the legislation, which is seen as permitting national three-strike provisions; still, others quote the Package as exactly prohibiting such an approach. The two Directives and the Regulation that constituted the reform package entered into force in December 2009 and January 2010, respectively.

- FEP, together with other content industry right holders, has been reminding the European Institutions of the importance of addressing in this text the issue of cooperation of Internet Service Providers and telecom operators in the fight against piracy.
- Following a Conciliation procedure and an agreement on a common text between the EP and the Council, the two Directives of the Telecom Package entered into force on 19 December 2009 (deadline for transposition is June 2011), the Regulation establishing the new European Telecoms Authority entered into force in January 2010.





## CONTENT ONLINE (RENAMED DIGITAL STRATEGY)

### BACKGROUND

The European Commission intends to encourage the development of innovative business models and to promote the cross-border delivery of diverse online content services. It is also keen to ascertain how European technologies and devices can be successful in the creative online content markets.

To this end, after a first consultation launched in 2006, in January 2008 the Commission adopted a Communication on Creative Content focused on availability of creative content, multi-territory licensing for creative content, interoperability and transparency of Digital Rights Management systems (DRMs) and finally, legal offers and piracy.

The Communication in turn gave way to another focused public consultation in preparation for the adoption of a Recommendation on Creative Content Online by the Council and the European Parliament. Furthermore, the European Commission created a stakeholders' discussion and cooperation platform, the so-called «Content Online Platforms», to initiate the work on forthcoming challenges. Finally, instead of a Recommendation the Commission published in 2009 a reflection document on "Creative Content in a European Digital Single Market: Challenges for the Future", and opened a public consultation which ended at the beginning of 2010.

FEP overall message is that at a time when book publishers are increasingly adopting e-publishing strategies and when technology companies are developing devices which could allow reading comfortably from a screen, publishers are at the forefront of the information society and need to find suitable business models to develop their activities. They would also need a positive fiscal environment as well as collaboration from internet service providers to fight piracy.

- In May 2009 the Commission published a final report on the Content Online Platforms summarising the discussions that had taken place in the meetings of the platforms, to which publishers (such as Ian Hudson, Deputy CEO of Random House UK) participated on behalf of FEP.
- On 22 October 2009, the Commission published a reflection document on "Creative Content in a European Digital Single Market: Challenges for the Future" and launched a public consultation. FEP replied to the reflection document.
- FEP has continued to meet relevant people from the European institutions as well as to monitor any developments. When the new Commission was appointed the decision was made to rename the content online exercise into the digital strategy to make it more inclusive. The Commission has released on 19 May its Communication on the Digital Strategy which addresses the conditions to create an online single market. FEP has been lobbying the EC (and the Parliament through the report of MEP Del Castillo - EPP, Spain) to recognise the specificities of the book sector.





## DIGITAL AGENDA

### BACKGROUND

In August 2009 the European Commission issued a Communication on “Europe’s Digital Competitiveness Report - Main achievements of the i2010 strategy 2005-2009”, assessing the results of the i2010 strategy, the EU ICT policy promoting the latest communication technologies, new networks and services and creative media content. In warning about the risk for Europe of losing its competitive edge, the document called for a new digital agenda to meet the emerging challenges, to create a world beating infrastructure and unlock the potential of the internet as a driver of growth and the basis for open innovation, creativity and participation.

The Commission subsequently launched a public consultation on the post-i2010 priorities; key areas for Europe’s future ICT and media policies included consolidating the online single market (also for digital content) and promoting users’ creativity. On 24 November 2009, President Barroso launched another consultation on the future «EU2020 strategy», in which the Digital Agenda was announced as one of the key initiatives to deliver on the EU’s future strategic objectives.

In December 2009, the Telecommunications Council adopted conclusions on the post-i2010 strategy, inviting the Commission to develop a new “Digital Agenda for Europe”. On 3 March 2010, the Commission issued a new Communication, «Europe 2020: a strategy for smart, sustainable and inclusive growth»; one of the flagship initiatives envisaged is “A Digital Agenda for Europe”, which aims, inter alia, to create a true single market for online content and services. Later that month the Council reached an agreement on the new strategy, which should be adopted in June 2010.

The European Parliament, prompted by the Commission’s first communication, also issued an own initiative report on defining a new Digital Agenda for Europe, by MEP Pilar Del Castillo Vera (EPP, Spain). The report will be taken into account by the Commission in its upcoming Communication on the Digital Agenda, which shall set the guidelines for this initiative.

- FEP has upheld the message that in developing a Digital Agenda for Europe the content aspect is to be taken into due consideration, and has proposed measures to enhance the development of content online in full respect of intellectual property rights.
- FEP replied to the relevant questions of the Commission’s public consultation on the post-i2010 priorities, addressing issues such as online piracy, VAT on electronic publications, interoperability and appropriate ways of favouring the digitisation of books.
- FEP replied to the EU2020 consultation, illustrating the importance of sustaining education and research budgets, the value of copyright in enhancing creativity and the role of publishers in the digital era.
- In January 2010, MEP Del Castillo presented her draft report on the Digital Agenda in the Industry, Research and Energy Committee of the EP. In March, the Internal Market and the Culture Committees adopted opinions on the report and the EP Plenary adopted the main report on 5 May 2010. FEP analysed the texts and contacted the relevant MEPs to convey its message.
- FEP prepared a position paper within a wider coalition of content industries to present their views on the priorities for a European Digital Agenda and forwarded it to the relevant officials in the European Institutions, in particular to explain the importance of content as a driver for the digital economy.



## INTERNET USER'S GUIDE

### BACKGROUND

Following the adoption in June 2007 of the report in the European Parliament on "Consumer Confidence in the Digital Environment", the European Commission was requested to work on a "Guide on Consumer Rights in the Digital Environment", or "Internet user's guide".

The guide aims at clarifying the existing rules at the EU level applicable to the online environment. It has the form of a dynamic website through which users find questions and answers regarding their rights and obligations relating to the information society services. It was put online as eYouGuide at the beginning of May 2009.

The initiative is led by DG Information Society, in collaboration with other DGs such as Internal Market and especially Consumer Affairs.

- FEP has been monitoring the developments of the initiative and the adequateness of the information provided on the website of the eYouGuide.





# DG INTERNAL MARKET AND SERVICES



The Internal Market and Services Directorate General (DG MARKT) coordinates the European Commission's policy on the European Single Market, which aims to ensure the free movement of people, goods, services and capital within the Union.

In this context, DG MARKT is directly responsible for proposing and controlling the implementation of a European legal framework in the following specific areas: regulated professions, services, company law and corporate governance, public procurement, intellectual and industrial property and postal services.

The Commissioner responsible is Michel Barnier.  
The Director General is Jörgen Holmquist.

Within the DG MARKT, the Copyright and Knowledge-based Economy Unit deals with the important task to enforce the «acquis» on copyright and related rights, to advance it further and to modernise and adapt it to new developments in technology or the markets concerned, as this is an evolving scenario. FEP has regular meetings and contacts with the Unit and has met with the Director General.

## IMPLEMENTATION OF THE ENFORCEMENT DIRECTIVE (DIRECTIVE 2004/48/EC)

### BACKGROUND

The Directive on the enforcement of intellectual property rights requires all Member States to apply effective, dissuasive and proportionate remedies and penalties against those engaged in counterfeiting and piracy and so create a level playing field for rightholders in the EU. Implementation was due in all Member States by 29 April 2006 and even though the Directive did not entail important changes in national legislation the implementation process took a long time.

However, after Portugal adopted legislation implementing the Directive in April 2008, Germany in July 2008, Sweden in April 2009 and Luxembourg in May 2009 (after the Commission sent a letter of formal notice to Luxembourg requesting full information on its compliance with the judgment of the Court on implementation of the Directive in March 2009), the implementation process was formally complete.

Still, some difficulties in the implementation remain in some Member States, in particular as some provisions are seen as conflicting with data protection law. For this reason, the Commission in April 2010 announced it would issue an implementation report on the Enforcement Directive, to assess its transposition in Member States and analyse potential problems. Following the report in October 2010, the review will set out possible legislative amendments to the Enforcement Directive.

The European Commission created a new specific unit, Unit D3 - Enforcement of Industrial and Intellectual Property Rights, within Directorate D: Knowledge-based economy, in charge of looking at the correct implementation of the Enforcement Directive as well as other broader aspects concerning the fight against counterfeiting and piracy. The focus of this unit is on non-legislative measures covering both industrial and intellectual property.

FEP is part of an Antipiracy Coalition together with other media associations where we discuss and follow up the implementation of the Directive and possible joint lobby actions.

- FEP continued to monitor the correct implementation in all EU countries in order to provide publishers with the necessary instruments to enforce their legitimate rights.



## EFFECTIVE ENFORCEMENT OF COPYRIGHT

### BACKGROUND

In July 2008, the Commission adopted a Communication on a new industrial property rights strategy for Europe. The Communication outlines a number of actions to maintain a high quality industrial property rights system for the EU in the 21st century. It calls for robust enforcement against counterfeiting and piracy and aims to ensure that industrial property rights in Europe are of high quality and that they are accessible to all innovators, particularly small- and medium-sized enterprises. The Communication includes copyright in order to present a coherent picture on the fight against piracy.

In September 2008, the Competitiveness Council adopted a Resolution on a comprehensive EU anti-counterfeiting and anti-piracy plan. This Resolution endorsed the need to step up the fight against counterfeiting and piracy and called for the creation of a European Counterfeiting and Piracy Observatory. The Observatory, whose overall goal is to produce continuous, objective assessments and up-to-date research that lead to exchange of best practice and knowledge gathering among policymakers, industry experts and enforcement bodies, was launched in April 2009; it is managed by the Enforcement Unit of DG MARKT.

In parallel, the Enforcement Unit also launched a Stakeholders' Dialogue on illegal up- and downloading, to explore ways of collaboration between right holders and internet service providers to tackle the issue of online piracy.

The Commission also issued a Communication on enhancing the enforcement of intellectual property rights in the internal market, putting forward practical, non-legislative measures to combat counterfeiting and piracy. This led the European Parliament to start an own initiative report on "Enforcement of IPR in the internal market" (rapporteur Marielle Gallo - EPP, France). The Parliament also established a Forum on Combating Counterfeit, Contraband and Organised Crime.

In March 2010, the Competitiveness Council adopted another Resolution on the enforcement of IPR, stressing the need to protect intellectual property online.

- After a decision made at FEP AGM of May 2009, FEP launched a section of its website dedicated to collecting and sharing information on anti-piracy activities and developments.
- On 14 September 2009, the Commission issued a Communication on with practical, non-legislative measures to combat counterfeiting and piracy, which included mention of the European Observatory on Counterfeiting and Piracy.
- FEP participated in all the stakeholder meetings of the European Observatory on Counterfeiting and Piracy. FEP entered the Observatory's Subgroup on statistics, tasked with providing input for the call for tender that will assign a contractor the task to assess available data on counterfeiting and piracy and devise a methodology to collect comprehensive, comparable new data.
- FEP participated in the six meetings of the Stakeholders' Dialogue on illegal up- and downloading and invited publishers to give presentations in some of the events. At the initial meeting, FEP stressed that books are increasingly affected by online piracy and that solutions to facilitate the fight against piracy were also demanded by the book sector.
- In January 2010, MEP Gallo issued her draft report on enforcement of IPR for the Legal Affairs Committee. FEP analysed the document and met with the rapporteur and relevant MEPs.
- On 22 February 2010, FEP attended a conference by the EP Forum on Combating Counterfeit, Contraband and Organised Crime.
- On 23 February 2010, FEP attended a forum in the EP on "Piracy and file sharing: challenges and perspectives for the Digital Renaissance", organised by the European Federation of composers, authors, producers, performers and interpreters (C.A.P.I.).

- In March 2010, the EP Committees on Internal Market and Consumer Protection and on Industry, Energy and Research adopted opinions on the report on IPR enforcement. FEP contacted the rapporteurs and other MEPs to make comments and suggestions.
- FEP has joined forces with other right holders' organisations to support the EP report on enforcement and present suggestions, in view of its forthcoming adoption in the Legal Affairs Committee.

## COMMUNICATION ON COPYRIGHT IN THE KNOWLEDGE ECONOMY

### BACKGROUND

A Communication summarising the responses to the Green Paper was issued in October 2009; it also suggested a series of preparatory actions that aimed to be the basis for concrete follow-up initiatives for the next Commission's strategy on IP. Indeed in July 2008, the European Commission had published a Green Paper dealing with copyright in the Knowledge Economy. The aim of the Green Paper in general was to launch a debate on the future of Copyright. However the focus is on certain exceptions in the 2001/29 Directive: exceptions for libraries and archives, dissemination for teaching and research and exceptions for the disabled.

The main initiatives stemming from the Communication in 2010 concern orphan works - the Commission plans to have a legislative initiative on the issue in order to facilitate digitisation programmes - and access to works for visually impaired persons.

The European Parliament had included its opinion on these issues in its report on the application of the Copyright Directive, which was only voted in Committee in 2009.

- FEP monitored closely all developments concerning this initiative and provided the necessary information and data to allow the European Commission to make informed decisions.
- FEP answered the public consultation insisting on the importance to examine the particularities of the publishing sector especially with regards to the shift to e-publishing. Some of the key messages in FEPs response were that a high level of protection for intellectual protections is an essential pre-requisite for high quality content to keep on being produced. Furthermore, current copyright law in Europe is an enabler for the development of new business models while guaranteeing the right balance amongst rightholders and user. The way forward to face the challenges posed by the digital environment is to promote trust and collaboration between parties and not by unnecessarily re-opening legislation that will require long implementation procedures in an enlarged Europe before any visible results.
- On 26 October 2009, FEP participated in a hearing on orphan works organised by the European Commission. FEP has been meeting the EC to provide the views of the publishers on this important forthcoming initiative. FEP stresses that to be able to determine the status of a work, it is essential that a due diligent search is conducted prior to the making available on the internet. This is why FEP has been associated to the ARROW project, which will facilitate the due diligent search for libraries.
- On 10 November 2009, FEP participated in a European Parliament workshop on orphan works and visually impaired people. FEP recalled the commitment of publishers to enhance access to books for visually impaired persons through appropriate technologies.
- FEP joined the stakeholders' forum on visually impaired persons set up by the European Commission and is actively participating in its meetings. FEP is working with other stakeholders in the drafting of a Memorandum of Understanding to facilitate access to works for reading impaired persons.



## COLLECTIVE MANAGEMENT

### BACKGROUND

The European Commission plans to propose a Directive on collective rights management establishing general rules for the operation of collecting societies. It is an initiative underpinning the European Digital Agenda.

- On 23 April 2010, FEP participated in a public hearing on the governance of collecting societies organised by the European Commission. FEP explained the role of collective management in the book field including the fact that book publishers can grant world wide licenses as these are generally given on a language basis.





## LEVIES

### BACKGROUND

In April 2008, the European Commission finalised a new consultation aimed at deepening the understanding of the functioning of private copying levy schemes set up at national level.

FEP replied stating that individual management, whenever possible, is the preferred option for publishers. However, it is not always possible to manage rights individually (e.g. reprography) and in those countries where levies are in place, publishers are satisfied with the system in place. As to the further developments of DRM (Digital Rights Management) and the evolution of levies, it will have to be assessed on a case by case basis. Finally, the peculiarities of the publishing sector (Reproduction Rights Organisations mainly manage secondary rights) must be taken into account before any conclusions are drawn.

Subsequently, in May 2008, the Commission organised a public hearing on Private Copying Levies, in order to try and develop a common approach amongst all stakeholders. At the forum, which focused on levies in the digital environment, Member States' experiences and the future of policies, Commissioner McCreevy called for the creation of a dialogue of stakeholders. The dialogue started a series of meetings in September 2008 and continued throughout 2009, but no agreement was reached.

- FEP joined the IFRRO delegation in some of the working groups of the Copyright Levy Forum.
- Reproduction machine manufacturers' industry representatives Digital Europe abandoned the stakeholders' platform in early 2010.





# DG JUSTICE, FUNDAMENTAL RIGHTS AND CITIZENSHIP AND DG HOME AFFAIRS



The objective of those DGs is to strengthen the European Union as an area of freedom, security and justice.

Since 10 February 2010 the Justice and Home Affairs portfolio is divided between two Commissioners: Viviane Reding for Justice, Fundamental Rights and Citizenship and Cecilia Malmström for Home Affairs.

The Director General is Jonathan Faull.

## PROPOSAL FOR A DIRECTIVE TO STRENGTHEN THE FIGHT AGAINST COUNTERFEITING AND PIRACY, CRIMINAL MEASURES AIMED AT ENSURING THE ENFORCEMENT OF RIGHTS (DIRECTIVE 2004/48/EC)

### BACKGROUND

Following a Judgement from the European Court of Justice (ECJ) from 2005 clarifying the role of the European Commission in the enactment of criminal law provisions, in April 2006 a new draft Directive aimed at ensuring the enforcement of IP rights was published.

The European Parliament voted on the proposal in plenary in April 2008, unfortunately limiting the scope to those infringements committed on a commercial scale. Counterfeiting and piracy, and infringements of intellectual property in general, have increased significantly in recent years and seriously undermine several sectors of the European economy, among which is publishing. Even if the introduction of a narrow definition of commercial scale by the European Parliament is not welcome, it should be kept in mind that the proposal sets a “minimum” and not a “maximum” threshold.

The proposal is currently still pending in the Council of Ministers. The Council delayed the discussion waiting for the ECJ to rule for the second time on the competence European Commission in the field of criminal matters. The ECJ gave its judgment in October 2007, deciding that the EU has the competence to propose criminal sanctions to comply with EU legislation but that it cannot determine the type and level of criminal penalties to be imposed by Member States on infringers. Currently, the Council has not scheduled the discussion on the proposal.

Under consideration by the Commission is also a legislative proposal on criminal measures aimed at ensuring the enforcement of intellectual property rights, to replace its own 2006 proposal; it should introduce comprehensive criminal sanctions (common definition, level and types of penalties) in Member States and define infringements of an intellectual property right as a criminal offence.

- FEP has been monitoring any developments in this field while stressing to the European Institutions the importance of facilitating mechanisms to fight piracy.



# DG RESEARCH



The Directorate General's mission is evolving as work on the European Research Area (ERA) continues. Among others, it aims at promoting a better understanding of the role of science in modern societies and to stimulate a public debate about research-related issues at European level.

The Commissioner responsible is Máire Geoghegan-Quinn.  
The Director General is José Manuel Silva Rodríguez.

FEP coordinates with the International Association of Scientific, Technical and Medical Publishers (STM) so that the views of our respective industries are well represented in Brussels.

It is essential to distinguish between the principles of intellectual property and the access policies to scientific information published in STM journals.

FEP supports STM in informing EU officials of the various business models in the field of scientific publishing and how any decision might endanger the whole of scientific information system.

FEP recalled in its answer to the Green Paper on Copyright in the Knowledge Economy that in the case of scholarly journal publishing, publishers are offering 90% of their products in digital form having successfully covered the objective of providing access to the content. Higher education establishments can make use of the licenses offered to provide those services for distance learning purposes. In this case, there is no need for the exception to be extended because the market has successfully provided the desired result of facilitating access to knowledge.

Furthermore, publishers have developed services like CrossRef that operates a cross-publisher citation linking system that allows researchers to click on a reference citation on one publisher's platform, underpinned by a common system of identifiers - DOIs - developed by publishers and librarians working in partnership.

FEP regularly attends meetings and conferences organised by DG Research, the European Parliament and other institutions and stakeholders on the issue of access to scientific publications and information.





## DG TAXATION



The Directorate General's mission is to develop and propose EU policies in the field of tax as well as to ensure the proper implementation of tax measures that the Council and the Parliament have adopted. Among these, it aims at developing a coherent, modern and simple Value Added Tax system.

The Commissioner responsible is Algirdas Šemeta.  
The Director General is Walter Deffaa.

In 25 of the 27 Member States of the European Union, books benefit from reduced rates of VAT; three countries even provide for a zero VAT rate for books: Ireland, Poland and the United Kingdom. Three more countries have extended reduced rates to books on all physical supports: France, Spain and the Netherlands, while Sweden, Norway and Iceland allow reduced VAT for audio books.

FEP has always been pleading for books to be taxed at the lowest rate for the intrinsic educational, cultural and social values they carry, and is now committed to advocating for equal fiscal treatment for all kinds of books, regardless of their format.

## REDUCED RATES OF VAT

### BACKGROUND

In July 2008, the Commission adopted a proposal for a Council Directive amending Directive 2006/112/EC as regards reduced rates of VAT. The proposal included a series of technical adaptations to the list of products and services for which reduced rates are allowed; one of these would extend the possible application to "audio books, CD, CD-ROMs or any similar physical support that predominantly reproduce the same information content as printed books".

The proposal was welcomed favourably by the European Parliament, which on taxation matters only has a consultative role. The reception of the proposal in the Council was much more controversial, as unanimity was needed to reach an agreement and several Member States were opposed in principle to the use of reduced rates of VAT. The economic crisis also influenced the debates on the issue.

Finally, after a political agreement reached by the Council in March 2009, on 5 May 2009 Council Directive 2009/47/EC amending Directive 2006/112/EC as regards reduced rates of value added tax was adopted; it allows, among others, the application of reduced rates to books on all physical means of support. The Directive entered into force on 1 June 2009. France, Spain and the Netherlands have taken advantage of the new provisions to extend the reduced rates to books on all physical supports, while Sweden allows reduced VAT on audio books.

However, differences remain in the fiscal treatment of books with regard to their format (printed or electronic) and means of delivery (online or offline).

- FEP campaigned intensively, in close coordination with the European Blind Union, all along the political process that led to the adoption of Council Directive 2009/47/EC amending Directive 2006/112/EC as regards reduced rates of value added tax, which occurred on 5 May 2009.
- FEP has subsequently been preparing the ground to start campaigning for the extension of reduced rates to all kinds of books, regardless of their format or the way they are delivered. FEP has gathered information to support its arguments and also intelligence on the position of the European Institutions on the subject.
- FEP collects information about the implementation of the new VAT Directive in the EU Member States.



- FEP presented the issue of VAT on electronic publications to European Commission officials, MEPs and Permanent Representations in Brussels.
- In September 2009, FEP issued a joint declaration with STM on VAT on electronic publications and presented it at a conference on tax and education organised by the European Commission.
- FEP publicised and supported a petition on VAT on electronic books launched by French publisher Antoine Gallimard.
- FEP created a Working Group on VAT within its members to coordinate the lobbying strategy with regard to the issue of reduced rates.

## VAT ON BOOKS IN THE BALTIC COUNTRIES

### BACKGROUND

Since the beginning of 2009, mainly due to budget concerns prompted by the economic and financial crisis, the governments of Estonia, Lithuania and Latvia had been taking similar provisions: an increase or the elimination of reduced rates of VAT on many or all the products and services which previously enjoyed a preferential treatment, including books.

VAT on books was raised from 5% to 9% (still a reduced rate) in Estonia and Lithuania, and to 21% (standard rate) in Latvia; the Lithuanian government planned a further increase to 19%, the standard rate, in July 2009. Such increase was finally scrapped until at least the end of 2010, and in August the Latvian government decided to reintroduce a reduced rate of VAT of 10% on books.

- FEP offered its support to the publishers associations in the three Member States.
- FEP addressed the authorities of Lithuania and Latvia through a series of resolutions, statements and letters to Ministers all highlighting the importance of a thriving book market and publishing industry in cultural, social, economic and political terms and exposing the risks of disrupting the sector with this kind of policies. Reduced rates were finally maintained in Lithuania and reintroduced in Latvia.





## DG TRADE



The Directorate General for Trade is in charge of implementing the common trade policy of the European Union. Among others, it works for more effective intellectual property rights worldwide.

The Commissioner responsible is Karel De Gucht.  
The Director General is David O'Sullivan.

## ANTI-COUNTERFEITING TRADE AGREEMENT (ACTA)

### BACKGROUND

In 2007, the EU and a number of other WTO members began work on a new international agreement – the Anti-Counterfeiting Trade Agreement (ACTA). This initiative is related both to the Lisbon Agenda (under which the Commission identified intellectual property as one of EU's key competitive assets) and to the Global Europe strategy (of which better enforcement of intellectual property rights is one of the key objectives).

The EU's objective with ACTA partners is to have a new plurilateral treaty improving global standards for the enforcement of IPR, to more effectively combat trade in counterfeit and pirated goods and help in the fight to protect consumers from the health and safety risks associated with many counterfeit products. This goal is pursued through three primary components of ACTA: (i) international cooperation; (ii) enforcement practices; and (iii) legal framework.

The discussions about the agreement started in 2007. Formal negotiations were launched in June 2008 and are still ongoing. There is, at this stage, no agreed text. So far, eight rounds of negotiations have taken place, between June 2008 and April 2010.

The current negotiating parties of ACTA are a mix of developed and emerging economies: Australia, Canada, the European Union, Japan, Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland and the United States. It is hoped that major countries facing the same counterfeiting and piracy problems will eventually join.

The Commission organised a number of stakeholders' meeting since June 2008.

This initiative is a positive sign for any copyright based industries. In particular, in view of the increase of all kinds of piracy and especially internet piracy, the will of developing countries to negotiate a Treaty to set high enforcement standards should set an example for countries that want to strengthen IP protection.

In December 2008, The European Parliament adopted by its own initiative a non-legislative resolution on "The impact of counterfeiting on international trade", drafted by MEP Gianluca Susta (ALDE, IT) on behalf of the Committee on International Trade.

ACTA has sparked a strong opposition on behalf of activists on the front of the freedom of the internet and by a number of MEPs, concerned by the alleged secrecy of the negotiations and by the effects that certain provisions of the treaty could have on fundamental rights and freedoms, according to some analysts. The Commission has always denied such accusations, confirming that ACTA will not affect the *acquis*. In March 2010, the European Parliament adopted a critical resolution on the transparency and state of play of ACTA. A draft text was made available on 21 April 2010.

- FEP has been reminding the European Commission in different forums that having legislation in force is just as important as following up on enforcement issues and this issue is especially relevant when it comes to external trade.
- FEP alerted its member associations of the importance to contact its national Governments to stress the importance of such an agreement at international level which would allow a high level of enforcement in and outside of the EU.
- FEP has met with relevant officials and keeps monitoring any developments in this field.

- FEP has attended the stakeholders' meetings on ACTA organised by the European Commission and has followed the debates in the European Parliament.
- FEP contributed to a joint letter with a group of content industry representatives.

## EXTERNAL EU ACTIONS AGAINST PIRACY AND COUNTERFEITING

### BACKGROUND

China has taken major steps in putting in place a sound IP system since 1980 and, in particular, towards implementing the minimum standards of IPR protection provided for in the Agreement on Trade Related aspects of Intellectual Property Rights (TRIPs), in view of its accession to the World Trade Organisation (WTO). Still a number of EU companies, especially UK publishing companies, suffer from a vast counterfeiting and piracy activity in China that affects their markets on a large scale.

In order to improve the IP protection in China, the Commission has been active on a number of fronts: First of all, in 2007 the EU joined a WTO compliant filed by the US against China for IP infringement. The WTO has recently formally ruled in favor of the US. Another, still pending case, deals with market access. Secondly, the Commission has facilitated the setting up of a structured EU-China Dialogue focused on IP was decided in October 2003. To complement this Dialogue and allow the participation of the industry and other right holders in the IP discussions between the EU and China, an EU-China IP Working Group was created in July 2004 and approved at the occasion of the 2005 Summit.

Also since its launch in November 2007, the EU China Project on the Protection of Intellectual Property Rights (IPR2) has taken charge of the EU's IPR related technical assistance activities. The objective of this programme is to improve the effectiveness of IPR protection and enforcement in China through the provision of technical assistance to Chinese legislative, judicial, administrative and enforcement agencies and institutions. The UK PA and the AAP have submitted proposals for the IPR2 which are specific to help the publishing industry active in China. In March 2009, high-level officials from China and the EU met in Brussels to update stakeholders in Europe on EU-China co-operation towards strengthening intellectual property rights (IPR) protection and enforcement.

- FEP has been following up developments and providing the Commission with information at the occasion of several stakeholder meetings.
- FEP has been working with the UK Publishers Association and the American Association of Publishers to inform EU officials of the importance of this matter and assess how to improve the activities of European publisher in China.
- FEP invited Pedro Martins Velasco, Policy Officer of the Public procurement and intellectual property Unit of DG Trade, to its annual rendez-vous at the Frankfurt Book Fair in October 2009.





# THE OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES (OPOCE)



The Office for Official Publications of the European Communities (Publications Office) is the publishing house of the institutions and other bodies of the European Union. It is responsible for producing and distributing EU publications on all media and by all means.

The Commissioner responsible is Viviane Reding.  
The Director General is Martine Reicherts.

## THE EUROPEAN UNION PUBLISHERS' FORUM

### BACKGROUND

The Publications Office works with partner publishers and international organisations to promote the dissemination of Community documents on specific markets as well as translations other than those published by the European Union.

The key purpose of the European Union Publishers' Forum is to stimulate a dynamic partnership between the European institutions and publishers. This alliance aims to fulfil our main objective of bringing Europe closer to its citizens by improving access to EU-related information. The EU Publishers' Forum is co-presided by the President of FEP and the Director-General of OPOCE.

The Publications Office welcomes requests for licensing, co-publishing agreements and translations related to our range of EU publications.

- Since 1995, FEP has launched the European Union Publishers' Forum with the OPOCE.
- Jean Vandeveld, a former FEP Treasurer, is President of the Forum on behalf of FEP.
- FEP encourages this partnership initiative between public and private publishers.
- FEP wrote to Vice-President Reding to stress the importance of the Forum.

