



[NEW] Article 5ter – Making Digital Copies Available on the Premises

Existing EU rules give Member States the option to allow libraries to make their digital collections available to the public on their premises for the purpose of research or private study. However, for now this access is limited to ‘dedicated terminals’ – specific computers. This provision may have made sense in 2001 however, progress since then has meant that such a restriction is no longer necessary in order to ensure that works are not copied illegitimately. In addition, it prevents libraries being able to respond to a very basic demand of their users, who expect and have been using their own devices in libraries for over 10 years now.

Our Ask:

- Introduce a new provision that stresses only that access to library digital collections should be on the premises, without specifying that this should be through dedicated terminals.
- Ensure that this cannot be overridden by contract terms or technological protection measures.

What does the Commission’s Proposal Say? the Commission does not address this problem.

What’s Missing? a provision underlining that access to library digital collections (both of digital works and non-digital works that have been digitised) can take place on the premises, without limiting how (i.e. on dedicated terminals or users’ own devices). This will make an overdue correction to copyright law, reflecting the expectations and needs of library users today. With tools such as secure Wi-Fi and other technological protection measures, allowing users to read materials through their own devices should be no less secure than using dedicated terminals.

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