

**Hearing before the European Parliament Working Group on Intellectual Property Rights and the reform of copyright, Strasbourg, 12 February 2015.**

Mr. Chair,  
Honorable Members of the European Parliament,

On behalf of European libraries and their users, I would like to thank you for giving us the word today to present the point of view of libraries, including public libraries, on issues of intellectual property and copyright in the digital environment.

My name is Frederic Blin, and I was mandated by EBLIDA, the European Bureau of Library, Information and Documentation Associations, to respond to your invitation on their behalf. EBLIDA currently has 112 members in 36 European countries, representing 70,000 libraries and nearly 400,000 library professionals.

I am also a member of the Governing Board and Treasurer of IFLA, the International Federation of Library Associations and Institutions, which, with nearly 1,500 members from 150 countries, almost half of which are European members, is the global voice of libraries.

The area your workgroup is dealing with is of fundamental importance to the future of culture, education and science, but also to European integration itself. The actors in this future are many and numerous, and each of the organisations invited today is making/bringing an essential contribution. Libraries and their professional associations in particular, have always been tied to working constructively with publishers, authors, writers and their representatives, booksellers and distributors, to facilitate access to culture for all citizens. We also share journalists' common values and practices in favor of access to information.

Thanks to the legal frameworks in place in various European countries and the directives adopted by the European Parliament in the 80's and 90's, European libraries have in recent years contributed, alongside other professionals, to the cultural, social and economic development of the people of Europe, and forged the foundation of a common European identity. With nearly 71 million visitors to public libraries in 2014 alone, there were approximately 1.4 billion books, magazines, CD or DVDs consumed, viewed, browsed by European citizens through libraries, providing them with a love of reading and ways of expanding their horizons. Libraries have thus become major players in the publishing economic market: the estimated total amount of expenditure in 2013 by libraries around the world on acquiring documentation from booksellers and publishers was € 21 billion.

Apart from this direct contribution to the economy of publishing, libraries make a much broader economic impact, as shown by an increased number of studies conducted on the subject. For each euro invested, libraries in Latvia create € 1.37 of wealth for their country. In Germany it is € 3.8, in the UK, € 4.9. These results reflect the fact that libraries act according to strong values, social inclusion, neutrality, cultural diversity, freedom of expression, literacy promotion among the populations, access to information sources and culture or the preservation of their memory, all of these being skills and frameworks necessary for personal development of individuals, and as a result of the social and economic development of society. Through their commitment, libraries actively promote and defend democratic values and mutual understanding between people, essential pillars to European construction. As highlighted in the Declaration of Lyon, launched last August and already signed by more than 500 organisations around the world, the values put into action by libraries are engines of economic and social growth of the nations.

Naturally, digitisation by bringing together men and ideas, represents a unique opportunity for all those values that are the very identity of libraries and which benefit today so many of our fellow Europeans.

Unfortunately, current legislative frameworks are an obstacle to these values in the digital world. Overwhelmed, they often prohibit digital content that is permitted in physical form. Instead of progress, library's users as citizens are now suffering from an erosion of their rights, a setback particularly damaging at a time when culture and information, and libraries themselves are the target of the worst obscurity.

Current legislative framework for published digital content restricts the right of libraries to acquire content adapted to the populations they serve. By favouring a system of licensing agreements negotiated with content providers, these frames enclose librarians in unbalanced negotiations with much wealthier and more powerful stakeholders than they are, stakeholders who often impose highly restrictive conditions (e.g. price 3 times higher than normal market price, or repurchase obligation after a set number of loans), or simply refuse to sell their publications. These sales refusals practices are inconsistent with the democratic values and missions of libraries. In addition, licenses are tools implemented by private actors, which primarily aim to defend private interests. On the contrary, laws are made to defend the general interest, particularly to regulate mass markets. Publishing in Europe has now become a mass market that must be regulated by laws: private commercial licenses cannot do this, and that is the reason why libraries require the establishment of a legal instrument balancing the interests of the various constituent parts of the European publishing market.

The current legislative frameworks restricts the right of libraries to meet the expectations of the people. If I want to read a Swedish book, I can order it through interlibrary loan and then browse through the physical volume quietly at home in front of my fireplace. If I enjoy the book, I'll probably then buy it in a bookstore. If this book exists only in digital format, I will most likely not be able to acquire it unless I move to Sweden, and I would have to stay there while I'm reading the book, because it probably won't be commercialised in France. Although Sweden is a beautiful country, this represents an erosion of my rights as a citizen, user of a public service of access to reading, that libraries offer. And how to explain to a citizen that he can borrow a paper book, but not the same book in a digital format? I quote here the reactions of the citizens of Birmingham, UK, after the announcement yesterday of budget cuts to their new public library imposed by the municipality, yet proudly inaugurated two years ago. These reactions especially summarise what citizens expect of a library today, which include access to digital information and services, access and openness to the world, and economic opportunities:

*"Large cuts in staff numbers and hours of opening will deny access to many people to opportunities to learn individually and collectively and to connect with the growing number of services available through the internet. The opening hours and the connectivity and the staff expertise are central to the modern citizen's ability to properly engage with not only their community but with the wider world. The library is an emblematic sign that Birmingham is open for business, open for ideas and most definitely open – all of the time – for the future of the residents and their families".*

The current legislative framework makes it much more difficult for libraries to preserve our heritage. The absence in some countries of a "preservation exception" or regulations on legal deposit of digital publishing content; the presence of locking devices such DRM, restrictions brought to the digitisation of physical content so-called "orphan works", are all obstacles affecting the performance of the core mission of libraries, guardians of our memories.

Finally, the current legislative framework harms the cooperation of libraries going beyond national borders. Academic libraries in the Upper Rhine region between Germany, France and Switzerland, grouped in the EUCOR university network, cannot develop true digital documentation delivery service for their thousands of students and researchers, because of the territoriality of licenses. The Danish minority living in the north of Germany can access books of the Danish Library in Flensburg, with the exception of digital documents whose licenses are limited to Denmark.

In the end, what is penalised, is the right and ability of European citizens to access and make use of the information, culture and knowledge present in Europe. And this can only have a negative impact on democratic life, cultural diversity, artistic literary or scientific creativity, on the development of a truly competitive, open and single European market, and on the process of European integration itself.

What libraries expect from the process initiated by the European Parliament and supported by the European Commission of reform of the regulatory frameworks of intellectual property and copyright in Europe, is that this reform will enable them to continue to fulfill their enduring mission of providing all EU citizens with access to the riches of human knowledge and imagination whether in the library, outside of the library or online. For this, it is necessary to reinstate a true balance between the legitimate rights of creators and owners of intellectual property rights, and the fundamental rights of European citizens. With a balanced regulatory framework adapted to the digital environment, libraries will be able to contribute to the training of current and future generations of readers, including digital readers, which will be as many customers for the European publishing market.

The key points that copyright reform in Europe should contain from the point of view of libraries are the following:

- better harmonisation of national legislation - and in particular the exceptions and limitations - to allow the emergence of a genuine European market, facilitating exchange and cross-border institutional cooperation in the interest of citizens;
- provisions making null and void any contractual commercial clause contrary to the rights, exceptions and limitations enshrined in law;
- libraries obtaining the right to acquire at normal market price any work made legally available for purchase to the public, including digital works, confirming the transfer of ownership and exhaustion induced by this purchase;
- the right of readers to access digital works via libraries, guaranteeing libraries the right to lend to their users, including through international inter-library loan, legally acquired digital works;
- the rights of authors and rights holders to intellectual property rights of a balanced and fair compensation for their activities.

EBLIDA expressed support to Ms. Reda's draft report on the implementation of Directive 2001/29 / EC, that appears to go in the direction of a desired balance. EBLIDA also supports the creation of the Council and the Commission's Open Method of Coordination group dealing with contracts and licensing issues, cross-border services, and e-lending.

I want to conclude by reiterating the important place held by libraries in the publishing market in Europe and our desire to continue our collaboration with all market players to contribute to the economic and social development of our nations, of our continent.

Thank you for your attention. I remain at your disposal to answer all your questions.

Frédéric Blin

Member of the Board of International Federation of Library Associations and Institutions (IFLA), representing the European Bureau of Library, Information and Documentation Associations (EBLIDA).