



# Landmark ruling by the European Court of Justice says lending books includes lending e-books

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Last week's judgement of the Court of Justice of the European Union (CJEU) in *VOB v Stichting Leenrecht* (C-174/15) was an important step towards improving the lives of over 100 million library users across Europe.<sup>1</sup>

Ruling that **library lending of electronic books (e-books) may, under certain conditions, be treated in the same way as library lending of paper books**, the CJEU has taken a sensible approach to reading in the digital age. In so doing, it has helped to secure the continuation of Europe's strong reading culture through libraries, which is vital to expanding people's imagination, cognitive powers and knowledge. To fulfil their mission of promoting culture, reading and research that maintains Europe's premier position as a generator of ideas and discovery, **European libraries spend on average €4.8 billion<sup>2</sup> a year purchasing reading materials from publishers.**

There is no firm evidence that library e-lending adversely impacts the sales market for-books in any format. **Recent Dutch data<sup>3</sup> indicates that e-lending may be giving bestsellers a new life and even help sustain the market.** Yet publishers so far have dragged their feet about making e-books available to libraries, in particular limiting the titles available to libraries to a fraction of those available for sale<sup>4</sup>, imposing restrictive conditions on loans to users and sometimes charging unrealistically high prices. This has hurt both readers and libraries' public interest missions and worked against libraries' important role in developing new audiences for authors. In 21<sup>st</sup> century Europe, where almost everyone has a smartphone or tablet to hand, such a situation is incomprehensible to library users.

The Court has now applied to library e-lending the argument made by authors, booksellers and publishers that **"a book is a book regardless of its format"**<sup>5</sup>. To comply with the Court's ruling, **the legal framework for library lending in Europe needs amendment** to ensure that library users' right to read includes the 'right to e-read', so that they can borrow books from libraries in any format, including remotely.

**EBLIDA calls upon the European Parliament and the European Commission to act swiftly to holistically address the issue of e-lending at EU level and for Member States to apply the Court ruling to their legislation without delay.**

## About EBLIDA

The European Bureau of Library, Information and Documentation Associations (EBLIDA) is an independent umbrella association of more than 100 library, information, documentation and archive associations and institutions in Europe, representing some 70,000 European libraries.

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<sup>1</sup> <http://curia.europa.eu/juris/documents.jsf?num=C-174/15>

<sup>2</sup> \$5.5billion, from 2014 Outsell report, Library Market Size, Share, Performance and Trends

<sup>3</sup> <http://www.cb.nl/wp-content/uploads/2016/10/E-bookbarometer-Q3-2016-NL.pdf>

<sup>4</sup> In the UK, the most developed e-book market in Europe, 45 out of the 50 most borrowed book titles in libraries exist as e-book titles in commerce. Out of these 45 e-book titles, only 3 are available for purchase by public libraries. See The Society of Chief Librarians and The Publishers Association (June 2015), Report on the Remote Ebook Lending Pilots

<http://www.publishers.org.uk/policy-and-news/news-releases/2015/pilot-study-on-remote-e-lending/>

See also <http://www.theguardian.com/books/2015/jul/06/ebook-lending-wont-put-big-dent-book-sales> and

<http://blogs.overdrive.com/reports/2012/11/15/survey-says-library-borrowers-also-buyers/>

<sup>5</sup> [https://www.alcs.co.uk/Documents/EWC\\_FEP\\_EBF\\_MANIFESTO\\_2014\\_FINAL.aspx](https://www.alcs.co.uk/Documents/EWC_FEP_EBF_MANIFESTO_2014_FINAL.aspx).