



**Response to the European Commission's White Paper on a  
EBLIDA Communication Policy [[COM \(2006\)0035 final \(Brussels  
1.2.2006\)](#)]**

---

EBLIDA, the European Bureau of Library, Information and Documentation Associations, is an independent, non-profit umbrella organisation of national library, information, documentation and archive associations in Europe. Subjects on which EBLIDA concentrates are European information society issues, including copyright & licensing, culture & education and EU enlargement. We promote access to information in the digital age and the role of archives and libraries in achieving this goal. We represent the interests of our members to the European institutions, such as the European Commission, European Parliament and the Council of Europe.

EBLIDA warmly approves the definition of guiding principles in section 1 of the paper. We support the proposal for a European Charter or Code of Conduct.

We have a special comment to make regarding the first common principle, namely the right to information and freedom of expression. A key piece of legislation here is Directive 2001/29/EC of 22 May 2001 (Copyright in the Information Society). In certain important respects this Directive has had the perverse effect of limiting access to information by EU citizens. We believe that the optional exceptions offered to Member States in Article 5 of the Directive should all be adopted by all Member States. All such exceptions comply with the Berne Convention and their adoption causes no harm to right holders. If they were adopted throughout the Union two beneficial effects would be achieved: first, greater access to information would be available to EU citizens; and second, copyright law would be more truly harmonized, creating greater legal certainty. We also believe that technical devices should not be permitted to obstruct legitimate access to information (including access based on a statutory exception to copyright). The absolute immunity from interference accorded to technical devices by the Directive should be modified for this purpose.

Further, since the principles of copyright have been breached in certain Member States where contracts are permitted to override statutory exceptions to copyright, the legislators of the European Union should enact measures to ensure that the exceptions granted under the Copyright Directive shall survive all contractual agreements relating to copyright material.

All the proposals outlined above would assist your proposal for the transformation of libraries into digitally connected European libraries, working as information and learning centres. We wholeheartedly support that proposal and remain committed to assisting the Commission in every way possible to achieve that aim.

*The Hague, May 2006*