



[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.

Relevant Amendments

In order to help achieve this objective, you can support the following amendments:

In **JURI**: Amendment 670

In **IMCO**: Amendments 12, 46 (Stihler), 152 (Reda, Andersson, Benifei) and 386 (Reda)

In **CULT**: We are partially supportive of the amendments proposed by the rapporteur, but the best solution comes from amendments 187 and 425 (Stihler, Toom, Charanzova)

Alternative Fact-Check

Access to books on dedicated terminals will mean that libraries buy fewer books

Why this isn’t true: It is important to underline that we are talking about books accessed only on the premises of libraries, rather than being taken home. Given that it is already possible to access works on dedicated terminals, there is no reason why simply updating the provision to allow people to use their own devices will make a difference to sales.

Access to books on users’ devices will increase the risk of piracy

Why this isn’t true: A variety of Digital Rights Management tools and Technological Protection Measures are available to prevent or dissuade people from carrying out a variety of infringing acts. There is no reason why this should not be the same here.

Use in WiFi networks could already be allowed under the dedicated terminals exception

Why this isn’t true: This is an interesting argument, but for the time being remains a matter of legal speculation. Maybe a library might be ready to go to Court to test this, but a law would be a simpler and helpful solution for publicly funded organisations like libraries.