



Notification Number: 2014/33/F

Draft law intended to lay down conditions for the distance selling of books and to enable the government to modify by ordinance the provisions of the Intellectual Property Code relating to publishing contracts (Article 1)

Date received : 17/01/2014
End of Standstill : 22/04/2014 (19/05/2014)
Issue of detailed opinion by : Austria, Commission

Message

Message 002

Communication from the Commission - TRIS/(2014) 00144
Directive 98/34/EC
Translation of the message 001
Notification: 2014/0033/F

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201400144.EN)

1. Structured Information Line

MSG 002 IND 2014 0033 F EN 17-01-2014 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

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4. Notification Number

2014/0033/F - X00M

5. Title

Draft law intended to lay down conditions for the distance selling of books and to enable the government to modify by ordinance the provisions of the Intellectual Property Code relating to publishing contracts (Article 1)

6. Products Concerned

Distance selling of printed books

7. Notification Under Another Act

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8. Main Content

The draft technical rule to which this notification relates is Article 1 of the proposed law referred to in point 5.

Its aim is to establish a distinction in the marketing of printed books as to whether these are dispatched to the buyer or received by the retailer. Where they are dispatched to the buyer, the retailer may no longer apply the 5 % discount on the book price set by the publisher or importer but may instead apply a reduction of 5 % of this price to delivery tariffs without being able to offer the delivery service free of charge.

9. Brief Statement of Grounds

The draft rule intends to preserve cultural diversity, as does the law of 1981.

By restricting incentivised sales to publishers and importers and requiring all bookshops to stick to the book price set by the editor or importer, this law effectively banned competition between retailers other than in terms of the quality of the service offered to the buyer.

The practice of free home delivery by certain operators, combined with the systematic application of the 5 % discount authorised by law, is today undermining this balance. It effectively amounts to an additional service provision which not all retailers can afford to offer their readers free of charge. Consumers thus perceive operators offering this service for free as more economically attractive, giving rise to confusion in their interpretation of the law of 1981.

This draft law is an attempt to return to the original philosophy of the law of 10 August 1981 on the terms of competition between retailers, rendering it much clearer to consumers by imposing a strict requirement on retailers (or importers in case of delivery to the client) to follow the book price set by the publisher, while allowing them to apply a reduction of 5 % of the publisher's price to the delivery price itself.



10. Reference Documents - Basic Texts

References to basic texts: Law No. 81-766 of 10 August 1981 on book prices

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect

No - the draft is not a technical provision or a conformity assessment procedure.

SPS aspect

No - the draft is not a sanitary or phytosanitary measure.

European Commission

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