



Notification Number: 2010/710/F

## Draft law on the pricing of digital books

Date received : 04/11/2010  
End of Standstill : 07/02/2011 ( 07/03/2011)  
Issue of comments by : Commission  
Issue of detailed opinion by : Commission

### Message

Message 002

Communication from the Commission - SG(2010) D/52722

Directive 98/34/EC

Translation of the message 001

Notification: 2010/0710/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: 201002722.EN)

#### 1. Structured Information Line

MSG 002 IND 2010 0710 F EN 04-11-2010 F NOTIF

#### 2. Member State

F

#### 3. Department Responsible

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#### **4. Notification Number**

2010/0710/F - SERV

#### **5. Title**

Draft law on the pricing of digital books

#### **6. Products Concerned**

This law applies to digital books consisting of intellectual works created by one or more authors. They are sold in digital format and have previously been published in printed form or, because of their content and composition – to the exclusion of ancillary elements specific to the digital edition – are likely to be.

#### **7. Notification Under Another Act**

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#### **8. Main Content**

Digital books do not fall under the scope of Law No. 81-766 of 10 August 1981 on the pricing of books. They do not therefore benefit from its regulatory effects. This draft law on the pricing of digital books, as adopted by the Senate on 26 October 2010, makes it mandatory for all publishers to set a selling price for each digital book offered for sale when they publish digital books with a view to selling them to buyers on French territory. The price is to be set for all retailers, including those founded outside France.

The scope of the draft law is limited to digital books that have been digitised since they were printed or that may be printed without any substantial loss of information.

The criteria intended to define the sales discount on the retail prices that the publisher grants to retailers will be defined contractually between the organisations representing the professions involved.

The introduction of a 'meeting' clause, via a report that the Government will present to the Parliament one year after entry into force of the law, will take into account rapid market developments.

#### **9. Brief Statement of Grounds**

Consideration of a regulation on the pricing of digital books falls under the scope of the submission of two successive reports to the Ministry of Culture and Communication calling for the introduction of a normative measure enabling copyright holders to retain control of the selling price in the digital world. The aim of this measure is to protect the market from being taken over by operators outside the economy of creation and whose objective would be to sell other products or services, relegating intellectual works to the rank of loss leaders. It also aims to enable the same conditions to be applied to all stakeholders in the sector and to encourage



diversity of distribution and therefore the diversity of supply, compliant with copyright. As an ad hoc provision, it has the advantage of not calling into question the balances of the law of 10 August 1981.

#### **10. Reference Documents - Basic Texts**

Reference texts: Law No. 81-766 of 10 August 1981 on the pricing of books  
Article L. 121-35 of the French Consumer Code

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

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#### **16. TBT and SPS aspects**

TBT relevance

No - The draft is not a technical regulation or a conformity assessment.

SPS relevance

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

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