



Notification Number: 2010/616/F

## Draft law on the pricing of digital books

Date received : 13/09/2010  
End of Standstill : 14/12/2010 ( **14/01/2011**)  
Issue of comments by : Commission  
Issue of detailed opinion by : Commission

### Message

Message 002

Communication from the Commission - SG(2010) D/52274

Directive 98/34/EC

Translation of the message 001

Notification: 2010/0616/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: 201002274.EN)

#### 1. Structured Information Line

MSG 002 IND 2010 0616 F EN 13-09-2010 F NOTIF

#### 2. Member State

F

#### 3. Department Responsible

Délégué interministériel aux normes – SQUALPI – Bâtiment Le Bervil - 12, rue Villiot –  
75572 PARIS Cedex 12  
d9834.france@finances.gouv.fr  
tél : 01 53 44 98 24 – fax : 01 53 44 98 88

#### 3. Originating Department

Frédéric Bokobza  
Sous-directeur du développement de l'économie culturelle



Direction générale des médias et des industries culturelles  
Ministère de la culture et de la communication  
182 rue Saint Honoré  
75001 PARIS  
Tél. : +33 1 40 15 33 95  
Fax : +33 1 40 15 33 97  
Mèl : frederic.bokobza@culture.gouv.fr

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

2010/0616/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, sold in digital format and that 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**

-

#### **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 a single price for digital books, inspired by the law of 10 August 1981, obliges any publisher based in France to set a selling price for every commercial offer relating to a digital book. This selling price applies to retailers based in 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 finally 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**

-

#### **13. Confidentiality**

No

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

No

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

-

#### **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.

Catherine Day  
Secrétaire général  
Commission européenne

Point de contact Directive 98/34  
Fax: (32-2) 296 76 60  
email: [dir83-189-central@ec.europa.eu](mailto:dir83-189-central@ec.europa.eu)

-----  
sent to :



Työ- ja elinkeinoministeriö  
Ms. Leila Vilhunen

Malta standards Authority  
Sarah Jane Meli

Ministry of Economy and Commerce Division for Internal Market  
Catalina Groza

CU N Lovseth Hanne Leen  
.

European Free Trade Association  
Mr. Robert Murphy

AGENCIA ESPAÑOLA DE SEGURIDAD ALIMENTARI Comisión Interministerial para la Ordena  
M<sup>a</sup> Luisa Aguilar Zambalamberri

NSAI  
Mr Tony Losty

Undersecretariat of Foreign Trade General Directorate of Standardisation  
Mr Mehmet COMERT

EFTA Surveillance Authority  
Mr. Gunnar Thor PETURSSON

Représentation Permanente du Royaume-Uni  
.

Department for Business, Innov. & Skills  
Mr Philip Plumb

State Agency for Metrological and Technical Surveillance  
Violetta Veleva

SL  
.

Hungarian Notification Centre Ministry of National Development and Eco  
Mr Zsolt Fazekas

Représentation Permanente de l'Irlande  
Denis Colfer