



Notification Number: 2011/384/F

## Decree introduced pursuant to Articles 1 and 2 of Law No. 2011-590 of 26 May 2011 on the pricing of digital books.

Date received : 25/07/2011

End of Standstill : 26/10/2011

### Message

Message 002

Communication from the Commission - SG(2011) D/51767

Directive 98/34/EC

Translation of the message 001

Notification: 2011/0384/F

No abre el plazo - Nezahajuje 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: 201101767.EN)

#### 1. Structured Information Line

MSG 002 IND 2011 0384 F EN 25-07-2011 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

#### 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. : 00 33 1 40 15 33 95

Mail. : frederic.bokobza@culture.gouv.fr

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

2011/0384/F - SERV

#### **5. Title**

Decree introduced pursuant to Articles 1 and 2 of Law No. 2011-590 of 26 May 2011 on the pricing of digital books.

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

The purpose of this Decree is to specify the scope and conditions for application of the Law of 26 May 2011 on the pricing of digital books.

It applies to digital books that are intellectual works created by one or more authors, sold in digital format and published in printed form at the same time or, because of their content and composition, are likely to be printed, with the exception of ancillary elements specific to the digital edition.

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

-

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

This Decree, introduced pursuant to Law No. 2011-590 of 26 May 2011 on the pricing of digital books, clarifies the conditions under which stakeholders fulfil their legal obligations:

- it specifies the characteristics of the books that fall within the scope of the Law by clarifying the concept of ancillary elements contained in Article 1 of the Law;
- it stipulates the three elements on the basis of which Article 2 of the Law allows prices to differ: the content of the offering, the terms and conditions of access and the terms and conditions of use;
- it specifies the price advertising mechanism, with regard to both consumers and the people who offer the commercial offerings.

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

Implementation 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.

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

Reference texts: Law No. 2011-590 of 26 May 2011 on the pricing of digital books.

The reference texts must be sent as part of the previous notification: 2010/616/F: 2010/710/F



**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 neither a technical regulation nor a conformity assessment

SPS aspect

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)