

Marrakesh Treaty Questionnaire – Croatia

1. Please indicate the relevant provisions in your national legislation providing for or regulating the limitations and exceptions to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled.

The relevant provisions are in Articles 86, 86.a and 86.b of the Croatian Copyright and Related Rights Act (OG No. 167/03, 79/07, 80/11, 141/13, 127/14, 62/17 and 96/18; hereinafter: CRRA).

Article 86 of the CRRA is applicable to all disabilities and all types of accessible formats under the conditions of the limitation.

The provisions implementing the (EU) Directive 2017/1564¹ are contained in Articles 86.a and 86.b of the CRRA.

The full text of the CRRA is available at: [link to the pdf](#).

Unofficial consolidated text in English is available via the following [link](#).

We would like to emphasize that on October 1, 2021 the Croatian new Copyright and Related Rights Act was adopted and it will enter into force eight days after its publication in the Official Gazette. However, there are no substantial changes in provisions regulating the limitation to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled.

2. Does your national legislation permit the cross-border exchange (i.e. exportation) of “accessible format copies”, as defined in Article 2 b) MVT? If yes, under which conditions?

Yes, Croatian legislation permits cross-border exchange of accessible format copies.

The Republic of Croatia as an EU member state has to follow the rules prescribed in Regulation (EU) 2017/1563² and in Directive (EU) 2017/1564, since these two EU documents aim to implement the obligations established by the Marrakesh Treaty³.

Cross-border exchange of accessible format copies within the EU market are prescribed in the Directive (EU) 2017/1564, which the Republic of Croatia transposed in Article 86.b of the CRRA.

¹ Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

² Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017 on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled

³ Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled

Article 86.b paragraph 1 – 5 of the CRRA:

- 1) An authorised entity as referred to in Article 86a paragraph 1 point d) of this Act established in the Republic of Croatia may carry out the acts referred to in paragraph 2 of Article 86a of this Act for a beneficiary person or another authorised entity established in any Member State.
- 2) A beneficiary person who is a citizen of or temporarily or permanently residing in the Republic of Croatia, or an authorised entity established in the Republic of Croatia, may obtain or may have access to an accessible format copy from an authorised entity established in any Member State.
- 3) An authorised entity established in the Republic of Croatia carrying out the acts referred to in paragraph 1 of this Article shall establish and follow its own practices to ensure that it:
 - distributes, communicates and makes available accessible format copies only to beneficiary persons or other authorised entities,
 - takes appropriate steps to discourage the unauthorised reproduction, distribution, communication to the public or making available to the public of accessible format copies,
 - demonstrates due care in, and maintains records of, its handling of works or other subject matter and of accessible format copies thereof; and
 - publishes and updates, on its website if appropriate, or through other online or offline channels, information on how it complies with the obligations laid down in subparagraph 1 to 3 of this paragraph.
- 4) The practices referred to in paragraph 3 of this Article shall be established and followed by an authorised entity in full respect of the rules applicable to the processing of personal data of beneficiary persons.
- 5) An authorised entity established in the Republic of Croatia carrying out the acts referred to in Article 86a paragraph 2 of this Act shall provide the following information in an accessible way, on request, to beneficiary persons, other authorised entities or right holders:
 - the list of works or other subject matter for which it has accessible format copies and the available formats; and
 - the name and contact details of the authorised entities with which it has engaged in the exchange of accessible format copies, pursuant to paragraph 1 of this Article.

Conditions for cross-border exchange of accessible format copies between the European Union member states and third countries (non-EU countries) that are party to the Marrakesh Treaty are prescribed in the Regulation (EU) 2017/1563, which is directly applicable in the Republic of Croatia.

According to the Article 3 of the Regulation (EU) 2017/1563 (titled Export of accessible format copies to third countries), an authorised entity established in a Member State may distribute, communicate or make available to beneficiary persons or to an authorised entity

established in a third country that is a party to the Marrakesh Treaty an accessible format copy of a work or other subject matter made in accordance with the national legislation adopted pursuant to Directive (EU) 2017/1564.

3. Does your national legislation allow the importation of “accessible format copies”, as defined in Article 2 b) MVT? If yes, under which conditions?

Yes, Croatian legislation allows the importation of accessible format copies.

Cross-border exchange of accessible format copies on the EU market is prescribed in Article 86.b of the CRRA.

Conditions for cross-border exchange of accessible format copies between the European Union and third countries (non-EU countries) that are party to the Marrakesh Treaty are prescribed in the Regulation (EU) 2017/1563.

Article 4 of the Regulation (EU) 2017/1563 (titled *Import of accessible format copies from third countries*) prescribes that *a beneficiary person or an authorised entity established in a Member State may import or otherwise obtain or access and thereafter use, in accordance with the national legislation adopted pursuant to Directive (EU) 2017/1564, an accessible format copy of a work or other subject matter that has been distributed, communicated or made available to beneficiary persons or to authorised entities, by an authorised entity in a third country that is a party to the Marrakesh Treaty.*

4. Does your national legislation provide a definition of “authorized entity”, as defined in Article 2 c)⁴ MVT? If yes, please provide the reference.

“Authorized entity” is prescribed in Article 86.a, paragraph (1) d) of the CRRA and it states as follows: *“authorized entity” means an entity that provides education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. It also includes a public institution or non-profit organisation that provides the same services to beneficiary persons as one of its primary activities, institutional obligations or as part of its public-interest missions, in compliance with special provisions.*

5. Please provide a list with contact details of entities that can operate as authorized entities in your territory, and any further information that you can provide, such as number of accessible titles in the catalogue of the authorized entity and the languages covered.

There is no closed list published of all authorized entities, especially libraries, educational institutions and other non-profit organizations.

⁴ Article 2 c) “authorized entity” means an entity that is authorized or recognized by the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. It also includes a government institution or non-profit organization that provides the same services to beneficiary persons as one of its primary activities or institutional obligations.

Authorized entities notified in accordance with Article 6 paragraph 2 of the Directive (EU) 2017/1564 are:

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