

Dear MEP Irena Joveva and Milan Zver,

*I hope this message finds you well. I am writing to you on behalf of **Chamber of Commerce and Industry of Slovenia Chamber of Publishing and Bookselling** to ask for your support with regard to the draft opinion on the implementation of the 2018 geo-blocking Regulation to be voted on 18 July in the CULT committee. The draft opinion does a very good job in acknowledging the special situation of the cultural and creative industries with respect to the subject of geo-blocking. As the initial review by the European Commission showed, the exclusion of digital content from the scope responds to precise reasons and extending the Regulation's scope to this content would have negative consequences for the creative industries in terms of the cost and pluralism of the offer, without particularly benefitting consumers.*

Evidence shows indeed that there is not a real problem of accessibility of ebooks across borders, not least, because demand is driven mainly by language considerations, so that cross-border demand for ebooks is very limited (often insignificant) outside of homogeneous linguistic areas. On the other hand, the location of a customer matters to a vendor, and it does in a way that is completely independent from whether a sale is active or passive. It matters for technical reasons, for economic reasons, for legal reasons, all of which mean that it is not cost-neutral to sell into more territories, and in some cases it is even not advisable from a legal point of view.

It therefore stands to reason that publishers and booksellers would prefer, in many cases, to limit sales to the territories where it makes sense, legally and economically. A blanket obligation to avoid restrictions at this stage would be very likely to achieve the opposite of the desired effect, forcing a large number of smaller operators to withdraw from online sales altogether, and reinforcing the already dominant position of a few large players. In the current situation, simply put, an indiscriminate ban on geo-blocking in the ebook sector would generate costs largely higher than the benefits, and would not stand a proportionality test. For more details, please see the FEP position paper here enclosed.

We would therefore be very grateful if you could support the amendments that uphold the abovementioned principles, and in particular amendments 2, 6, 13, 22, 38 and 39. At the same time, we kindly and warmly invite you to reject amendments 31, 48 and 51, which go directly against these principles by trying to steer the text in a direction that would be detrimental to the cultural and creative sectors, including the book sector.

We hope we can count on your support to European publishers and European culture.

I remain at your disposal should you need any additional information.

Thanking you in advance,

Sincerely,

**Chamber of Commerce and Industry of Slovenia
Chamber of Publishing and Bookselling**

In behalf of all members

Vladimir Kukavica , l.r.
Director



Spoštovana evropska poslanka Irena Joveva in evropski poslanec Milan Zver,

pišem vam v imenu **Gospodarske zbornice Slovenija Zbornica knjižnih založnikov in knjigotržcev** in vas prosim za podporo v zvezi z osnutkom mnenja o izvajanju Uredbe o geografskem blokiranju iz leta 2018, o katerem bo 18. julija glasoval odbor CULT. Osnutek mnenja zelo dobro priznava poseben položaj kulturnih in ustvarjalnih industrij v zvezi z geografskim blokiranjem. Kot je pokazal začetni pregled, ki ga je opravila Evropska komisija, je izključitev digitalnih vsebin iz področja uporabe posledica natančnih razlogov, razširitev področja uporabe uredbe na te vsebine pa bi imela negativne posledice za ustvarjalni sektor v smislu stroškov in pluralnosti ponudbe, ne da bi to posebej koristilo potrošnikom.

Dokazi dejansko kažejo, da ni resničnega problema čezmejne dostopnosti e-knjig, nenazadnje tudi zato, ker povpraševanje temelji predvsem na jezikovnih vidikih, tako da je čezmejno povpraševanje po e-knjigah zelo omejeno (pogosto nepomembno) zunaj homogenih jezikovnih področij. Po drugi strani pa je lokacija kupca pomembna za prodajalca in deluje na način, ki je popolnoma neodvisen od tega, ali je prodaja aktivna ali pasivna. To je pomembno iz tehničnih, gospodarskih in pravnih razlogov, kar vse pomeni, da prodaja na več ozemljih ni stroškovno nevtralna, v nekaterih primerih pa s pravnega vidika sploh ni priporočljiva.

Zato je razumljivo, da bi založniki in knjigotržci v številnih primerih raje pravno in gospodarsko omejili prodajo na ozemlja, kjer je to smiselno. Splošna obveznost, da se na tej stopnji izognemo omejitvam, bi zelo verjetno dosegla nasproten učinek od želenega, saj bi veliko število manjših deležnikov prisilila, da se v celoti umaknejo iz spletne prodaje, in okrepila že tako prevladujoč položaj nekaj velikih akterjev. Preprosto povedano, v sedanjih razmerah bi neselektivna prepoved geografskega blokiranja v sektorju e-knjig ustvarila stroške, ki bi bili v veliki meri višji od koristi, in ne bi prestala preskusa sorazmernosti. Za več podrobnosti prilagamo dokument o stališču FEP Združenja evropskih založnikov, katere član je tudi naša zbornica.

Zato bi bili zelo hvaležni, če bi lahko podprli spremembe, ki podpirajo zgoraj navedena načela, zlasti spremembe 2, 6, 13, 22, 38 in 39. Hkrati vas vljudno in toplo vabimo, da zavrnete predloge sprememb 31, 48 in 51, ki so v neposrednem nasprotju s temi načeli, ker poskušajo besedilo usmeriti v smer, ki bi škodila kulturnemu in ustvarjalnemu sektorju, vključno s knjižnim sektorjem.

Upamo, da bomo lahko računali na vašo podporo evropskim založnikom in evropski kulturi, v kateri tudi Slovenija igra veliko vlogo.

Za dodatne informacije smo vam na voljo.

Že vnaprej se zahvaljujemo.

Gospodarska zbornica Slovenije
Zbornica knjižnih založnikov in knjigotržcev

Vladimir Kukavica, l.r.
Direktor