



PRIX UNIQUE DU LIVRE

Extrait de la Déclaration de principe de la Fédération des éditeurs européens :

- La liberté de publier serait limitée dans les faits si les livres n'étaient diffusés dans les meilleures conditions, auprès du plus large public possible et par tous les canaux de diffusion disponibles. La FEE a pu constater que certains Etats membres considèrent que, pour atteindre ces objectifs, il est préférable que les législations nationales accordent un statut fiscal privilégié au livre et aux textes publiés, imprimés ou diffusés sous forme numérique, qu'elles exemptent les éditeurs et les libraires de certaines contraintes commerciales et qu'elles autorisent les éditeurs à fixer eux-mêmes le prix du livre.

EUROPEAN COUNTRIES WITH FIXED BOOK PRICE SCHEMES  
August 2008

COUNTRY	YEAR	COMMENTS
<b>Germany</b>	2002	<p>A fixed book-price system has been in existence since 1888 (sectorial agreement). In the European Commission's opinion, the cross-border agreement with Austria was a violation of European competition law. Accordingly, there has only been a national system since 1 July 2000 and then a law.</p> <p>Maximum discount: only the fixed price is allowed. Booksellers must not vary the price at all.</p> <p>Duration: 18 months after publication (it remains the decision of the publisher who may choose to keep the book at fixed price).</p> <p>Schoolbooks: the law applies to school books. In order to protect the price when the books are sold via public procurement, the following amendment was added to the 2004/18/EC Directive on public procurement: 'In the case of public service contracts, the award criteria must not affect the application of national provisions on the remuneration of certain services, such as, for example, the services performed by architects, engineers or lawyers and, where public supply contracts are concerned, the application of national provisions setting out fixed prices for school books'.</p> <p>Art. 7 stipulates two cases where the retailer is either obliged to grant discounts on sold books for</p>



		<p>certain user groups or is allowed to do. The first case is <b>school books</b> if the school books are <b>paid by public authorities</b>. This discount is a special kind of bulk discount and it is applicable if communities provide schools with school books to be given for free to students. The amount of such discount depends on how many books are ordered by the communities (or the value of the order, respectively) and usually ranges between 8 and 15%.</p> <p>The second case is the sale of books to <b>academic and public libraries</b>. Retailers are allowed to give discounts up to <b>5% to academic libraries and up to 10% to public libraries</b>. In opposition to the discounts for school books the discounts for academic and public libraries are not mandatory and lie in the discretion of the vendor. But in practice, retailers usually grant the discounts as they would otherwise lose their customer.</p> <p>Finally retailers are free to determine retail prices for <b>damaged books</b>.</p> <p>Art. 7 mentions some exceptions from the general rule that the retailer must not deviate from the fixed prices. For instance, retailers may deviate if the book is <b>sold to a publisher, to another retailer or to one of their employees</b>, provided that this book is not for further sale.</p>
<p><b>Austria</b></p>	<p>2000</p>	<p>According to the European Commission, the cross-border price fixing agreement with Germany contravened European competition law. Accordingly, there has been a national law since 1 July 2000.</p> <p>Maximum discount: Book dealers may concede discounts of no more than 5% of the minimum price; public, scientific and school libraries may be conceded a 10% discount.</p> <p>Duration: 2 years after publication</p> <p>Schoolbooks: their pricing is explicitly exempted from the law on fixed prices for books; the distribution of school books is determined by a law called "Familienlastenausgleichsgesetz": the State and the school book publishers fix the prices of the school books on a contractual basis.</p> <p>Latest developments: During 2006, the Austrian publishing sector has had growing competition discussions on how the Austrian law on fixed book price could be interpreted more flexibly. On the one hand the wish of the big retailers to advertise with the possible discount of 5% is becoming more pressing. On the other hand the market is confronted with increasing amounts of new titles being sold under the prices fixed by the publisher under the pretext of "faulty copies". A small chain</p>



		<p>concentrating on those “faulty copies” is expanding quickly and the big chains are also keen of offering those books. As this trend undermines the market for books at fixed prices, the Austrian Publishers Association supports legal proceedings against the above mentioned chain</p>
Denmark	2003	<p>A fixed book-price system has been in existence since 1830 (sectorial agreement). The future of the system is under discussion. Since January 2001, fixed book price is no longer an obligation but a possibility (publishers can either publish at fixed or free price).</p> <p>It is not a law but an agreement between publishers and booksellers which has been accepted by the Competition Authorities as an exemption to the Danish Competition Act."</p> <p>Maximum discounts: unlimited discounts on sales to libraries, schools and educational institution. Limited discounts on sales of large quantities (max. 10 % discount) and learning books to students (max. 10% discount).</p> <p>Duration: The year of publication + the following year.</p> <p>Schoolbooks: Unlimited discounts on sales to schools.</p> <p>In June 2005 the Booksellers Organisation surprisingly had announced support to a fully liberalised market. Probably due to the agreement that the PA concluded with the Competition Authorities in the beginning of November 2005 the market has not been fully liberalized, in spite of the fact that after receiving the recommendations from the Committee under the Cultural Ministry about the future of the fixed book price system in Denmark there was a lot of political activity clearly indicating that the majority of the political parties supported a fully liberalized book-market.</p> <p>In accordance with the agreement only 10 % of a publisher’s new publications can be sold with a fixed book price. The fixed book price can only be used on the first edition of the book. The duration of the period of the fixed book price is reduced from the year of publication and the following year to the year of publication plus five months. Fixed book prices must not be used on school and text books. Due to political pressure, it was furthermore decided that the moment a book is published in a book club the fixed price ceases to exist for that book. The agreement will take effect from July 1st 2006.</p> <p>Latest developments: From July 1<sup>st</sup> 2006 only 10% of a publisher’s new publications can be sold with</p>



		<p>a fixed book price. The fixed book price can only be used on the first edition of the book. The duration of the period of the fixed book price is reduced from the year of publication and the following year of the year of publication plus five months. Fixed book prices must not be used on school and text books. The moment a book is published in a book club the fixed price ceases to exist for other editions of the same book.</p>
<p><b>Spain (updated August 2008)</b></p>	<p>1975</p>	<p>Fixed prices were introduced by law in 1975 and extended by royal decree of 30 March 1990.</p> <p>Maximum discount: 5 %; for World Book Day and book fairs, possibility to agree to 10 % discount; when the final user is a library, an archive, a museum or a research center then the maximum discount is 15 %.</p> <p>Duration: two years, as long as the books have been offered by the bookseller at least for a period of six months.</p> <p>Schoolbooks: The Royal Law-Decree from 24 July 2004 allows retailers to sell books at whatever discounts they wish. It is only applied to textbooks for primary and secondary education (no reference to university). It does not include dictionaries, atlas, and reference books.</p> <p>Latest developments: A new law, entered into force in June 2007 confirming the existing fixed book price system in Spain and establishing that fixed book price apply to all books. Concerning schoolbooks, textbooks for primary and secondary education is not subject to fixed book price. While beforehand discounts on textbooks were liberalised, with this new law textbooks are simply exempted from the fixed book price system. Law available in Spanish at request.</p>
<p><b>Greece</b></p>	<p>1997</p>	<p>Fixed book prices have been the law since 1997.</p> <p>Maximum discount: 10 %. Unlimited discounts for the sale of books to the State or to non-for-profit organizations PROVIDED that said parties do not purchase for resale.</p> <p>Duration: 2 years after publication</p> <p>Schoolbooks: are included in the scope but actually schoolbooks are published by the State in</p>



		Greece not by private publishers.
<b>Italy</b>	2001-2004	<p>The system of fixed prices for books, introduced in Italy by article 11 of the Law No. 62, 7 March 2001, which came into effect for an initial experimental period of one year (1st September 2001 – 31 August 2002) – successively extended with several decrees until 31<sup>st</sup> December 2004 - became permanent on 1<sup>st</sup> January 2005. In a certain way it can be described as a “flexible” system, due to the numerous exceptions it allows.</p> <p>Maximum discount: 15%. But there are exceptions:</p> <ul style="list-style-type: none"><li>• discount up to 20% is possible on books sold during book fairs, on books sold by mail orders and on books sold to charities, schools of any grade, universities, research departments;</li><li>• unlimited discount: on books out of print; books sold via Internet; books sold to libraries, archives and museums; books published by at least 20 months and for which booksellers did not place orders for at least 6 months.</li></ul> <p>Duration: permanent</p> <p>Schoolbooks and pocket books: the law applies to schoolbooks and pocket books too</p> <p>Notes on further exceptions:</p> <ul style="list-style-type: none"><li>• a publisher can modify at any time, both increasing or decreasing it, the price of its entire catalogue, or even of some series only in its catalogue, even for a limited period of time</li><li>• a bookseller or retailer is allowed to apply an unlimited discount during promotional sales, in compliance with rules set forth by each Region for retailers of all categories.</li></ul>
<b>The Netherlands (updated August 2008)</b>	2005	<p>Fixed book prices since 1903 with a sectorial agreement since 1923.</p> <p>A law was entered into force on 1st January 2005</p> <p>By the Agreement Decision and Explanation_(art. 14): The Book club price cannot be less than 80 % of the fixed price. With an exception for books which the bookclub has earmarked as compulsory for members, for premium books in case of special member loyalty and for extra purchases beside the</p>



		<p>compulsory titles. For these categories a price no lower than 60% of the fixed price is permitted.</p> <p><u>Individual</u> discount is allowed to students (5%) and in case of promotional action or combination prizes (only allowed once every year; no maximized amount or %) and in case of purchase of 10 copies at the same time 5%; 30 copies 10%; 100 copies not maximized; in case of purchase at the same time of 2 copies of a title: 5% if the buyer buys at least for €17.500,- per calendar year. Discounts cannot be combined.</p> <p>Duration: the publisher may raise or reduce the price once every half year in case the market changes due to inflation. After one year the fixed price may be annulled.</p> <p>Schoolbooks: In the bill schoolbooks are exempted from the fixed price system. This means that booksellers of schoolbooks may use the price as a means of competition. The definition of a schoolbook is stated in the bill. Moreover, the bill provides for a separate regulation for the trade of students' books (university and higher vocational education). The bookseller may grant these buyers a so-called school discount. Universities and higher professional training and education are covered by the fixed price. Only schoolbooks for primary, secondary and lower professional training are left tot the market.</p> <p>You will find full text and explanation of the Bill Fixed Book Price in The Netherlands at <a href="http://www.cvdm.nl">www.cvdm.nl</a>.</p>
<b>Portugal</b>	1996	<p>Statutory fixed prices by law inspired by loi Lang</p> <p>Maximum discount: 10 %. In certain specific cases, discount can reach 20 % when the books are acquired by public libraries, school libraries, promotion of reading organizations, bookfairs.</p> <p>Duration: 18 months</p> <p>Schoolbooks: textbooks and exercise books (1<sup>st</sup> and 2<sup>nd</sup> degrees) are exempted from the application of fixed book price. (more or less till the pupils are 18 years old).</p>
<b>France (updated August 2008)</b>	1982	<p>Fixed book prices have been in force since 1 January 1982 pursuant to the law of 10 August 1981 (Loi Lang).</p>



		<p>Maximum discount: 5 %</p> <p>Duration: 2 years after the publication</p> <p>Schoolbooks: Before 18 June 2003 (new French law on public lending right), the limited discount provided by the Law did not apply to associations buying books for their members, the State, local Governments, educational establishments, vocational training or research, trade unions, public libraries and comités d'entreprises (intra-companies committees). Since the adoption of the public lending rights law (<u>la loi sur le droit de prêt</u>), discounts to these entities are limited to 9 % (12 % the first year of application of the law) for books in general but remain unlimited for schoolbooks which need to respond to specific criteria.</p>
<b>Hungary</b>	1992	<p>The Rules of Competition of the Hungarian Publishers' and Booksellers' Association have a chapter containing an agreement on the fixed book price system since 1992, i.e. in Hungary the system is based on the agreement of publishers and booksellers who are members of the Hungarian Publishers' and Booksellers' Association and thus does not cover the entire Hungarian book market. Rules of Competition are available in English on our website at <a href="http://www.mkke.hu">www.mkke.hu</a>.</p> <p>Duration: 6 months</p> <p>Latest developments: The Office of Economic Competition launched an attack against the Hungarian system –referring on European practice- in 2004. Since then the Hungarian Publishers' and Booksellers' Association has managed to defend the agreement but unfortunately the issue has been reopened in 2006. The Hungarian Publishers' and Booksellers' Association is currently trying to guide the system of fixed book prices onto a legislative route.</p>
<b>Slovenia</b>	Not yet a law accepted by the Parliament, the system is still a sectorial agreement	<p>Maximum discount: no more than 5%, the discount can be given by the publisher or the bookseller</p> <p>Duration: 12 months after publication, exemption – if the inflation rate exceeds 5% from the date of issue</p> <p>Schoolbooks: law applies to all books</p> <p>Latest developments: The competition law authorities decided at the beginning of 2006 against the</p>



		<p>fixed book price and ordered the association to announce to publishers the nullity of the most important articles. The invalidated articles are:</p> <ul style="list-style-type: none"><li>• The prices of all titles are fixed by the publisher.</li><li>• The publisher is free to form or to fix the price of his books or printed material any time and in any type of edition.</li><li>• Fixed book price is valid 12 months from the date of fixing or issuing.</li><li>• The publisher is allowed to fix discounts to the fixed book price; discounts must be valued on the whole territory of Slovenia at the same time.</li><li>• Publishers and booksellers are allowed to give discount on their account.</li></ul> <p>The Association of Slovenian Publishers decided to denounce the situation in Court and currently there is an ongoing procedure.</p>
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