

**Question for written answer E-000406/2024
to the Commission**

Rule 138

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Subject: Compatibility of Ministerial Decree No 161/23 with Directive (EU) 2019/790 and Directive (EU) 2019/1024

By means of Ministerial Decree No 161 of 11 April 2023¹, the Italian Ministry of Culture adopted guidelines for determining the minimum fees for licences for the use of goods delivered to state cultural institutions and places, introducing a tariff for the reproduction of photographs (paper and digital, including partial photographs) of state cultural goods for editorial use or merchandising. The decree went further than the guidelines developed in 2022 by the Central Institute for the Digitalisation of Cultural Heritage, which had made free of charge the publication in any editorial publication of images of state cultural goods².

In view of the above:

1. Does the Commission consider that decree compatible with Article 6 of Directive (EU) 2019/1024 on the re-use of public sector information, which provides that 'the re-use of documents shall be free of charge', except for the recovery of 'marginal costs incurred' (paragraph 1) at most, for cultural goods, 'with a reasonable return' to recover investments made?
2. What is more, does it take the view that the mechanisms provided for in the decree, in particular, proportionality between the tariff and print run and thus expected sales, are compatible with Article 14 of Directive (EU) 2019/790, which provides that reproduction of a work in the public domain 'is not subject to copyright or related rights'?

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¹ <https://www.beniculturali.it/comunicato/dm-161-11042023>

² <https://docs.italia.it/italia/icdp/icdp-pnd-circolazione-riuso-docs/it/consultazione/index.html>