

Conclusions of the Ministers for Culture meeting within the Council of 7 June 1991 on copyright and neighbouring rights

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CONCLUSIONS OF THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL of 7 June 1991 on copyright and neighbouring rights (91/C 188/04)

THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL,

Referring to the 'Green Paper on copyright and the technological challenge' published by the Commission in 1988 for discussion by the Member States and the professional circles concerned,

Bearing in mind their wish expressed both at the informal meeting of Culture Ministers on 2 November 1989 at Blois and in the Council on 19 November 1990, that the Commission should propose a comprehensive discussion of questions concerning the rights of authors, artists and producers in the Community, taking into account the completion of the single market on 1 January 1993,

Recalling their opinion that the matter of cultural goods and services cannot be addressed in the Community without taking into account their specific nature,

Consequently voicing their concern that the completion of the single market should not constitute a threat to cultural identities and to the rich diversity of Europe and that, taking into account the cultural dimension of copyright, internal harmonization at Community level in this area should be implemented only in areas affecting the establishment or functioning of the common market,

Considering that the Commission, when approving on 5 December 1990 its work programme in the matter of copyright and neighbouring rights in the form of a communication entitled 'Follow-up to the Green Paper', opens up real opportunities in this field for the completion of the single market,

Having taken note of the first three documents put forward by the Commission:

- the proposal for a Council Decision concerning the accession of the Member States to the Berne Convention (Paris Act of 24 July 1971) and the Rome International Convention of 26 October 1961,
- the proposal for a Directive on rental right, lending right and on certain related rights,
- the consultative document entitled 'Broadcasting and copyright in the internal market', on cable and satellite broadcasting,

WELCOME the overall approach to the harmonization of copyright and neighbouring rights adopted by the Commission in its work programme,

EXPRESS their satisfaction that the Commission has clearly demonstrated its will to seek, with a view to the single market, a high level of protection for authors, artists and producers in the whole Community,

POINT OUT that concern with the cultural industries should not cause to be relegated to a secondary level the giving of priority attention to the specific problems encountered by the professionals,

POINT OUT further that the free movement of goods should at no time detract from moral rights and rights to beneficial economic use associated with the different forms of presentation of works to the public,

REQUEST that in connection with the harmonization of copyright and neighbouring rights and while respecting the provisions of the Treaty of Rome, the capacity of Member States to preserve the

balance of creative and artistic activity, particularly in limited geographical or linguistic distribution areas, should not be jeopardized,

REQUEST that allowance should be made for the consequences which the adoption of normative measures would have on the conditions of the exercise of the rights granted for the holders of these rights,

INVITE the Commission to make as quickly as possible a study of the conditions of the administration of these rights,

REQUEST that in negotiations with third parties (in particular the European economic area and countries of Central and Eastern Europe, without neglecting the other regions of the world), the cultural content of copyright and neighbouring rights should be taken into account,

INVITE the Commission to seek reinforced cooperation with the Council of Europe in this field.