

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

Luxembourg, 22 June 1984

8004/84 (Presse 112)

939th meeting of the Council
and the Ministers for Culture meeting
within the Council

Luxembourg, 22 June 1984

President: Mr Jack LANG
Minister for Culture
of the French Republic

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Paul DE KEERSMAEKER
State Secretary for
European Affairs

Denmark:

Mrs Mimi Stilling JAKOBSEN
Minister for Cultural Affairs

Germany:

Mr Alois MERTES
Minister of State, Foreign
Affairs

Greece:

Mrs Melina MERKOURI
Minister for Culture and Science

France:

Mr Jack LANG
Minister for Culture

Ireland:

Mr Edward NEALON
Secretary of State,
Department of the Prime Minister

Mr Georges FILLIOUD
State Secretary responsible
for Communications Technology

Italy:

Mr Giuseppe GALASSO
State Secretary, Ministry
for Cultural Assets

Luxembourg:

Mr Pierre WERNER
President of the Government,
Minister for Culture

Netherlands:

Mr Ch. R. van BEUGE
Deputy Permanent Representative,
Minister Plenipotentiary

United Kingdom:

The Earl of GOWRIE
Minister for the Arts

Commission:

Mr Gaston THORN
President

SOCIAL ASPECTS OF COMMUNITY CULTURAL MEASURES

The Council heard a statement by the Commission representative on procedures for giving aid from the European Social Fund to cultural workers. It noted that at the next Ministerial meeting the Commission would submit a draft Resolution on training and employment for cultural workers.

The Council also took note of a Commission working paper on social security provisions for cultural workers.

COPYRIGHT AND SIMILAR RIGHTS

Measures to combat audio-visual piracy

In view of the increase in audio-visual piracy and trade in illicitly reproduced works, the Ministers (subject to a reservation on the part of the Netherlands delegation) agreed on the following Resolution:

The Member States

1. will endeavour to ratify quickly, if they have not yet done so, those international Conventions which they consider likely, by the reciprocal provisions which they contain, to facilitate the initiation of procedures against acts of audio-visual piracy;

2. will, under the international Conventions to which they have acceded or will accede, where necessary strengthen their national legislation, and in particular criminal law legislation, in order to provide the competent authorities with all the means necessary to seek out and prove acts of counterfeit and provide the judicial authorities with the legal weapons that are essential for the dissuasive and effective repression of such acts;
3. will consider at the level of the authorities concerned any measures the situation demands to ensure that close co-operation is instituted and developed between them in combatting audio-visual piracy;
4. will implement a systematic policy of co-operation between authorities and members of the professions concerned with a view to following developments in the phenomenon of piracy and constantly adapting to that development the techniques of prevention, detection and repression of acts of fraud;
5. will, in collaboration with the international intellectual property organizations, pursue a policy of making available to States and copyright holders any information on laws and case law concerning audio-visual piracy;
6. agree to the examination, in the context of current discussions on copyright and in the appropriate framework, of any proposal of a contractual legislative or other nature which could help to provide an adequate solution to the problems, and in particular any possibility of improving the effectiveness of the procedures and penalties applicable to pirates and traders in copied material.

Private copying

On the basis of a note from the Presidency, a discussion was held on the problem of the reproduction of works by private individuals by means of sound and picture recording and reproducing equipment.

At the end of the discussion, the Ministers agreed to ask the Permanent Representatives Committee to examine this subject further in the light of the comments that had been made, including a note from the German delegation containing certain suggestions, and on the basis of the "green paper" that the Commission intended to submit in the near future. They agreed to return to the subject at the next meeting.

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Finally, the Ministers took note of a Commission working paper containing a report on Community progress on copyright and similar rights.

PROMOTION AND DEVELOPMENT OF A EUROPEAN PROGRAMME INDUSTRY

The Ministers took note of a Commission working paper on the cultural, economic and social consequences of the expansion of the audio-visual media.

On the basis of notes from the Presidency and the Italian delegation, the representatives of the Member States decided to convene a Working Party of Experts whose task would be to study, together with the Commission, a possible multilateral system of support for the programme industry and to put forward suitable suggestions.

Following this, they agreed on the following Resolution:

"The Member States of the European Economic Community, conscious of the importance from both the economic and the employment points of view of developing programme industries, and stressing their wish to contribute to the development of creativity and the expression of European cultures by every audio-visual communication means, agree, within the powers at their disposal, to encourage the implementation in appropriate forms of measures which will ensure that in all audio-visual communication media, work and programmes of European origin are given in appropriate place."

ELABORATION OF RULES ON THE SEQUENCE OF DISTRIBUTION THROUGH THE
VARIOUS MEDIA

On the basis of a note from the Presidency, the Ministers discussed the question of harmonizing the rules on film distribution.

They adopted the following Resolution:

"The Member States of the European Economic Community, aware of the threat posed by the absence of agreements on the sequence of film distribution through the various media, will endeavour - within the powers at their disposal - to implement measures to ensure the rational distribution of films through all the audio-visual communication media."

The Commission representative stated that the market could not only be a national one, and so measures were necessary and their harmonization was desirable. The Commission intended to take such initiatives as it considered appropriate in this field.

IMPLEMENTATION OF THE SOLEMN DECLARATION ON EUROPEAN UNION -
CULTURAL CO-OPERATION

On the basis of a memorandum from the German delegation, a discussion was held on the implementation of cultural co-operation in the context of the Solemn Declaration on European Union. Broad agreement was reached on the specific points in that memorandum that might serve as a basis for closer cultural co-operation, i.e.:

- meetings and exchanges between individuals;
- fostering the teaching of languages in the Community;
- improved reciprocal knowledge of the other Member States, their inhabitants, their culture and their history;
- maintaining and preserving the cultural heritage;
- cultural co-operation in third countries.

The importance was stressed of ensuring close co-ordination of the development of all fields of European cultural co-operation, and of involving existing and future institutional structures such as the European University Institute and the European Foundation.

OTHER DECISION

Decision in the social field

Following its discussions at the 935th meeting - Labour and Social Affairs - on 7 June 1984, the Council adopted the conclusions concerning a Community medium-term social action programme:

"The Community will not be able to strengthen its economic cohesion in the face of international competition if it does not strengthen its social cohesion at the same time. Social policy must therefore be developed at Community level on the same basis as economic, monetary and industrial policy.

The institutional differences which result from the traditions peculiar to each country and to which the latter are attached are often referred to. These differences are major, but social institutions and the relationships woven between the social partners over recent decades also reveal many similarities. In all countries they have been an important factor in economic growth, raising the standard of living and achieving full employment.

These differences between the institutions and social policies do not preclude the implementation of joint measures aimed at gradually promoting a European social area.

On the social front the Community must pursue the objectives it set itself at the outset: to seek full employment and better employment and to improve living and working conditions and to realize to the full the free circulation of workers. That means strengthening social solidarity and achieving a consensus between the social partners.

These objectives are inseparable from the search for stronger economic growth based on more competitive undertakings and development of the internal market and an economic policy aimed at maintaining as low a rate of inflation as possible.

The Community must help to strengthen the links between economic and social policies so as to boost its competitiveness and its solidarity vis-à-vis the outside world. The success of a proper economic policy is an essential requirement for the implementation of an adequate social policy. An effective social policy is a necessary support for economic policy. The changes necessitated by technological change should be backed up by a policy of education and vocational training, a labour-market policy and a social policy, with a view to allowing and encouraging rapid and successful adjustment.

In adapting measures to present circumstances, it is therefore necessary to continue and strengthen those already introduced, particularly in the fields of free movement of workers, employment, new technologies, guidance and vocational training, education, equal treatment of men and women, action to help less-favoured groups, health and safety at the place of work, but also to explore the possibilities of new initiatives in the areas of social protection, demographic change and family policy. Finally, the European social dialogue must be strengthened and its procedures adapted in order to involve the social partners more effectively in the economic and social decisions of the Community.

Within the framework of its powers and having regard to the limited financial means, the Community, without wishing to take the place of action by the Member States and both sides of industry, wishes to assert its political determination to make progress in the construction of a European social area. In this context, it is necessary to give a boost to certain initiatives necessary in order to give a new dynamism, continue along the road towards growth and social progress and consolidate democracy in Europe.

With this in mind, the Council takes the view that, apart from continuing and stepping up the measures introduced over the last few years and which have been the subject of Council Resolutions, a series of measures and initiatives could be considered in future years in the following areas:

1. Employment, the social aspects of new technologies and training

Unemployment has proved to be the most intractable economic and social problem in the Community. Priority will be given in future years to the strengthening of measures to resolve the problem. These measures will have to be implemented in the constant knowledge that production machinery will have to be adapted to technological development in order to foster a high level of competitiveness in the face of international competition.

- 1.1. Young people of both sexes are experiencing in the Community a very considerably higher rate of unemployment than other age categories. This situation is very worrying for their social and professional future and the social balance of the Community countries. The situation, which reflects the insufficiency of offers of employment, is often associated with a low level of training or unsuitability of the qualifications obtained. Improved employment possibilities for young people and first and foremost for young unemployed people are a priority objective. The measures taken by the Community will have to be strengthened for this purpose, in particular as regards training and reconversion to new technologies and the social integration, in particular, of young people and women. The Commission has been requested to draw up a regular report on the means used and the results obtained in the different Community countries.

- 1.2. The Commission is requested, in accordance with the Council's conclusions on technological developments and social change to promote initiatives likely to favour development of forward-looking labour market management, initial and on-going training and the retraining of people whose jobs are affected by the new developments as well as information, consultation and negotiation at the appropriate level.

- 1.3. As technological change has consequences for employment, work organization and production, the economic aspects connected with the raising of competitiveness should not be examined in isolation from the social aspects concerning the conditions of use of the labour force. Both sides of industry should be encouraged to enter into a dialogue on the conditions of use of equipment, adjustment of the organization of work and working hours, employment problems and the length of working time.
- 1.4. Special attention must be given to working conditions and particularly to aspects concerning the health and safety of workers, the more so since important factors in labour productivity are involved here. Priority should go to intensification of the Community measures initiated in this area. Arrangements should, in particular, be sought for taking systematic account of the ergonomic implications of technological innovations as from the stage of the study and design of the equipment. The Commission is requested to submit proposals to the Council, in particular as part of the second action programme of the European Communities on health and safety at the place of work.

2. Social protection and population trends

Social-protection systems are an important feature of the social cohesion of the Community countries. Furthermore, the security thus obtained is the counterpart of the necessary mobility of jobs in the face of technological change and competition.

Without this implying any harmonization objective, adjustments should, however, be envisaged in order to consolidate achievements and increase the efficiency of national systems. They would also contribute to strengthening the competitiveness of European economies in the face of international competition. The Commission will have to continue to ensure that these adjustments do not become a stake in the competition between European economies.

2.1. While taking institutional differences into account, the Commission is requested to endeavour to identify better the impact of social security payments on the competitiveness of undertakings, employment and the standard of living of households in the economic context as a whole. At the end of this task, it will report back to the Council.

2.2. The ministers responsible are invited to examine the means employed to control trends in health expenditure on the basis of a periodical report from the Commission. The latter will examine with the Member States the possibilities for co-operation in the field of health.

2.3. The Council will hold a regular exchange of information on the development of family policy and the effects of population trends as well as the consequences of ageing. The Commission is requested to conduct studies to this end.

2.4. In the present social and economic context, the importance of migration problems cannot be overlooked.

The Council takes note that the Commission will be submitting proposals to the Council for:

- intensifying Community policies encouraging the cultural and social integration of migrant workers,

- developing co-operation between Member States on the control of migratory flows from third countries,
- comparing retraining policies for migrant workers volunteering to return to their third countries of origin and examining the links between these policies and the Community policy on co-operation with those countries.

3. The European social dialogue

The Council considers, finally, that carrying out a Community social policy and Community industrial strategies implies the continuation and development of the dialogue between the two sides of industry at Community level.

The Commission is requested, firstly, to examine the conditions which would conduce within the framework of existing mechanisms to improving the dialogue with the two sides of industry in order to associate them better with the Community's economic and social decisions.

Secondly, it is requested to work out appropriate methods for encouraging, while scrupulously respecting the autonomy of, and responsibilities peculiar to, the two sides of industry, the development of relations of parity at Community level."

Bruxelles, le 20 juin 1984
Note BIO(84)232 aux Bureaux Nationaux
c.c. aux membres du groupe du Porte-Parole

PREPARATION CONSEIL CULTURE DU 22.6.84 A LUXEMBOURG(C.BOON)

Les ministres de la culture de la Communauté se réunissent vendredi à Luxembourg à 10h30. La session se tiendra - et pour la première fois - sous un "chapeau" mixte, c'est-à-dire pour partie de façon formelle (session du Conseil) et pour partie de façon informelle (ministres réunis au sein du Conseil). En effet, une rencontre avait eu lieu à Naples en 1982, mais avec la participation de l'Espagne, du Portugal, du Conseil de l'Europe et de l'Unesco; la session de novembre 1983 à Athènes ne réunissait que les ministres de la Communauté, mais dans un cadre qui ne fut qu'informel.

Le Président Thorn participera lui-même à la réunion. Il a voulu pendant ces quatre années amener la Communauté à approuver certaines orientations en vue de renforcer son action dans le secteur culturel. Tel a été le cas.

(N. B. voir la communication de la Commission concernant le renforcement de l'action communautaire dans le secteur culturel Com(82)590).

Cinq têtes de chapitres se trouvent à l'ordre du jour :

1. Aspects sociaux de l'action communautaire dans le secteur culturel

Pas de débat prévu sous ce point. Le Conseil prendra acte de deux documents de travail de la Commission concernant :
- l'aide à la formation professionnelle dans le cadre du fonds social,
- la sécurité sociale des travailleurs culturels.

2. Droits d'auteur et droits voisins :

3 sous-points seront discutés ici :

- lutte contre la piraterie audiovisuelle :
la piraterie audiovisuelle consiste dans la copie non autorisée, à des fins commerciales, d'enregistrements de tous genres. Au début des années 80, les recettes de la piraterie des phonogrammes ont été évaluées à 15 % du chiffre d'affaires mondial du commerce légitime. Le Conseil discutera de l'adoption de 2 différentes formules de textes proposées par la présidence et la Commission en vue d'inviter les États membres à prendre des mesures notamment pénales contre la piraterie.
(N.B. voir recommandation de la Commission COM84 (290) et P - 45).

- la copie privée :
la copie privée consiste dans la reproduction d'oeuvres par les particuliers grâce aux appareils d'enregistrement et de reproduction du son et de l'image. Le développement de ce mode d'exploitation aboutit à réduire de façon considérable l'industrie du disque notamment.
La présidence a établi un projet de résolution invitant les Etats membres à prendre des mesures nationales harmonisées relatives à la copie privée. La Commission souhaiterait soumettre des propositions au Conseil après discussion de "son livre vert" sur les droits d'auteur et les droits voisins (cf. ci-dessous).

- Etat des travaux communautaires sur le droit d'auteur en général :
La Commission remet au Conseil un document de travail de ses services. Elle indique qu'elle se propose de publier un "livre vert" faisant à la fois le point de la situation en ce qui concerne les problèmes posés par le droit d'auteur dans la Communauté, ouvrant un débat général et mettant en discussion les solutions envisageables pour ce qui est du fond et de la procédure.

3. Promotion et développement d'une industrie européenne des programmes.

Figurent ici 3 sous-points :

- conséquences culturelles économiques et sociales de de l'essor des médias audiovisuels :

La Commission remet au Conseil un document de travail de ses services qui pourrait servir de base à de futures initiatives concernant :
 - . le problème de l'alimentation des médias en programmes,
 - . le soutien des branches fondamentales de la culture,
 - . la refonte du droit d'auteur,
 - . la présence des réalisations européennes au niveau de leur production et de leur diffusion en Europe.

- Fonds européen d'aides aux productions cinématographiques et télévisuelles :
La présidence proposera l'adoption d'une résolution des Etats membres à ce sujet. Dans la même perspective la Commission estime que ce projet, qui a déjà été proposé sous une forme différente par le P.E., devrait faire l'objet d'une étude préalable d'opportunité économique sans préjuger de son financement possible.

- Programmes des organismes européens de télévision et de cablo-distribution :

la présidence proposera l'adoption d'une résolution à ce sujet. Est concernée la place des œuvres et réalisations européennes sur les canaux européens.

4. Elaboration de regles concernant la chronologie des medias

La presidence propose egalement ici a l'adoption des ministres une resolution qui tendrait a assurer que les salles de cinema europeennes conservent toutes leurs chances d'amortissement des oeuvres, avant leur passage a d'autres moyens de diffusion.

5. Mise en oeuvre de la declaration solennelle sur l'union europeenne (cooperation culturelle)

Après discussion sur base d'un aide memoire depose par la delegation allemande, lequel developpe le volet cooperation culturelle de la declaration de Stuttgart et precise ce que peuvent etre les objectifs d'une politique europeenne de la culture, plusieurs delegations soulevaient des questions relatives a la mise en oeuvre de ce volet dont le role de la fondation europeenne.

Amities

M. SANTARELLI

13h.55 COMEUR////



Bruxelles, le 25 juin 1984

NOTE BIO(84)23² (suite 1) AUX BUREAUX NATIONAUX
C.C. AUX MEMBRES DU GROUPE DU PORTE-PAROLE

CONSEIL CULTURE (C. BOON)

Monsieur JACK LANG au nom de la Presidence francaise a ouvert la session du Conseil en remerciant ces collegues de leur presence a Luxembourg. Il a tenu a rendre hommage a Mme. MERCOURI qui a inaugure a Athenes en novembre dernier les reunions des Ministres de la Culture. Il a enfin remercie le President THORN et les fonctionnaires de la Commission pour le travail qu'ils ont accompli.

"Si l'Europe etait a refaire, il faudrait peut-etre commencer par la culture", a dit Mr Lang en citant Jean Monnet pour exprimer le fait que les Ministres devaient faire preuve de resolution mais aussi de pragmatisme pour construire "l'espace culturel europeen".

1. Aspects sociaux de l'action communautaire dans le secteur culturel

Le Conseil a pris acte des documents de travail de la Commission sur l'aide a la formation professionnelle dans le cadre du Fonds social et la securite sociale des travailleurs culturels. La Commission va poursuivre ses travaux de reflexion et notamment aider les ministres concernes dans leurs travaux personnels.

2. Droits d'auteur et droits d'auteur

- LUTTE CONTRE LA PIRATERIE AUDIOVISUELLE

Les delegations ont toutes denonce l'ampleur et la gravite de ce phenomene qui prive les industries du secteur de ressources (5 milliards de FF par an actuellement) et vole les artistes, les producteurs et les createurs. La delegation allemande a meme parle de "criminalite economique".

Deux Etats membres ont une legislation severe a cet egard (Royaume-Uni notamment) ou sont en train de la rendre telle. Les Ministres ont approuve une resolution en fin de session, la delegation neerlandaise gardant toutefois une reserve sur le dernier projet de texte (dont le projet vous sera envoye par courrier separe).

- COPIE PRIVEE

La Republique federale d'Allemagne possede une legislation a cet egard depuis 1965 sur le modele de laquelle le Ministre LANG vient de déposer un projet de loi au Parlement francais.

Dans tous les Etats membres, on est conscient du fait que la copie privee a pris une place considerable qui ne va que croitre. La discussion a porte principalement sur la possibilite d'une taxe sur les appareils ou(et) les supports de son et d'image. La conclusion a ete presentee: l'on etait d'accord sur le principe d'une contre-partie a la copie privee au benefice des auteurs et producteurs, la question etait, pour l'instant, a approfondir. Ce sera notamment l'objet du "livre vert" de la Commission attendu pour la fin de l'annee.

3. Promotion et developpement d'une industrie europeenne des programmes.

La discussion a porte sur :

- la proposition de la presidence appuyee par la delegation italienne sur la creation D'UN FONDS EUROPEEN D'AIDES AUX CO-PRODUCTIION CINEMATOGRAPHIQUES. Le President THORN a appele les Ministres a de plus amples reflexions a ce sujet. Un systeme de soutien multilateral aux producteurs cinematographiques ne resolvera pas tous les problemes, a-t-il dit, et a ce stade, il faut creuser le dossier sous l'angle de ses justifications economiques, culturelles et sociales et voir qu'elles sont ses possibilites dans un cadre communautaire.

La presidence a conclu les debats des Ministres en donnant un mandat d'etude a un groupe d'experts etroitement associe a la Commission. Le President THORN a precise que s'agissant ici d'aides a l'industrie, cela relevait des Traités et que la Commission devait donc mener personnellement les travaux sans prejuge bien sur des suites qui leur seraient donnees.

- PROGRAMME DES ORGANISMES EUROPEENS DE TV ET DE CABLO-DISTRIBUTION. Voici le texte adopte par les Ministres: "Les Etats membres de la Communaute economique europeenne, conscients de l'importance, tant au plan economique qu'a celui de l'emploi, du developpement des industries de programmes et affirmant leur volonte de contribuer au developpement des facultes de creation et de l'expression des cultures europeennes par tous les moyens de la communication audio-visuelle, conviennent d'encourager, DANS LE CADRE DE LEUR COMPETENCE, la mise en oeuvre, dans les formes appropriees des mesures propres a assurer sur l'ensemble des medias de la communication audio-visuelle une place ADEQUATE aux oeuvres et aux programmes d'origine europeenne."

Le President THORN a regrette que le texte soit si peu explicite quant au droit de preference communautaire qui est inscrit dans les Traités.

4. Elaboration des regles concernant la chronologie des medias

Voici le texte adopte par les Ministres:

"Les Etats membres de la Communauté économique européenne conscients des dangers que présente l'absence d'accords sur la chronologie des medias dans la diffusion des oeuvres cinematographiques, s'efforceront - dans le cadre de leurs competences - de mettre en oeuvre les mesures propres a assurer une diffusion rationnelle des oeuvres sur l'ensemble des medias de communication audio-visuelle".

Sans prejurer l'arret de la Cour de Justice sur la compatibilite des differentes mesures nationales dans ce domaine avec les dispositions des Traites, la Commission s'est reservee de faire des propositions egalement dans ce domaine.

5. Mise en oeuvre de la declaration solennelle sur l'Union europeenne (cooperation culturelle)

La delegation allemande a presente son aide-memoire aux ministres lesquels ont ensuite fait le point de l'etat d'avancement de la declaration de Stuttgart dont le developpement d'un certain nombre d'operations, a savoir:

- rencontres des jeunes compagnies theatrales et du jeune public
- annee europeenne de la musique
- festival du film europeen
- exposition itinerante de peinture contemporaine
- elargissement du public de la poesie
- aide a la traduction litteraire
- nomination d'une ville de la Communauté "ville europeenne" pour quelques mois (Athenes en 1984, Rome en 1985, Amsterdam en 1986).

Amitiés,
Klaus VAN DER PAS COMEUR

