

Council of the European Union
General Secretariat

**TEXTS CONCERNING
CULTURE
AT EUROPEAN COMMUNITY LEVEL**

First edition

“ Council of the European Union
General Secretariat
”

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INTRODUCTION

This brochure, published by the General Secretariat of the Council, is a compilation of the texts concerning culture adopted by the Council, by the Council and the Ministers for Culture meeting within the Council, and by the Ministers alone. Texts emanating from meetings of the Heads of State or of Government/European Council, including extracts from the Treaty on European Union, are set out in three annexes.

These texts have been compiled mainly for those who are involved in the preparation of texts for the relevant Ministers or in the implementation of decisions. Action taken by the Member States and the Commission in pursuance of these texts is not dealt with in this brochure: further details will be found in the Commission's publications.

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**Resolution
of the Representatives of the Governments of the Member States
of 24 July 1984
on measures to combat audio-visual pirating**

(OJ No C 204 of 03.08.1984)

RESOLUTION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES

of 24 July 1984

on measures to combat audio-visual pirating

(84/C 204/01)

THE REPRESENTATIVES OF THE GOVERNMENTS
OF THE MEMBER STATES,

Whereas the phenomenon of audio-visual pirating and of trade in illicitly reproduced works is on the increase;

Whereas this causes harm to authors and other creative artists, interpreting and performing artists, producers of sound and audio-visual works, in particular films, and radio and television organizations and, more generally, to all the theatrical and audio-visual professions as also to national treasuries;

Whereas such harm includes defrauding of their income those who have invested in the production of sound or audio-visual works, which jeopardizes the production of new works of quality, in particular works where high production costs make it necessary to reach a very large audience;

Whereas, furthermore, acts of audio-visual pirating entail for consumers the great danger of a fall in the quality of the products available to them;

Whereas the detrimental effects of such acts overstep national frontiers and whereas, therefore, the problem of pirating, has both a Community and an international dimension;

Whereas the need to find suitable solutions has been recognized repeatedly at international level, in particular by the international Copyright Committees of the Berne Convention and the Universal Convention and at the Colloquia of 25 to 27 March 1981 and 16 to 18 March 1983; whereas adoption of the Rome Convention of 26 October 1961 for the

protection of performers, producers of phonograms and broadcasting organizations, the Geneva Convention of 29 October 1971 for the protection of producers of phonograms against unauthorized duplication of their phonograms and the Brussels Convention of 21 May 1974 relating to the distribution of programme-carrying signals transmitted by satellite testifies to this same concern;

Whereas, nevertheless, the phenomenon of pirating has become more and more widespread, and this may partly be attributed to the lack of procedures and penalties which can be effectively applied to pirates and traders in copied material,

HAVE ADOPTED THIS 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 pirating;
2. will, under the international conventions to which they have acceded or will accede, strengthen where necessary their national legislation, and in particular criminal law legislation, so as to provide the competent services 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 measure the situation demands to ensure that close cooperation between them in combating audio-visual pirating is instituted and developed;
 4. will implement a systematic policy of cooperation between authorities and members of the professions concerned with a view to following developments in the phenomenon of pirating 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 pirating;
 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.
-

**Resolution
of the Representatives of the Governments of the Member States
of 24 July 1984
on the rational distribution of films
through all the audio-visual communication media**

(OJ No C 204 of 03.08.1984)

**RESOLUTION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES**

of 24 July 1984

on the rational distribution of films through all the audio-visual communication media

(54/C 204/02)

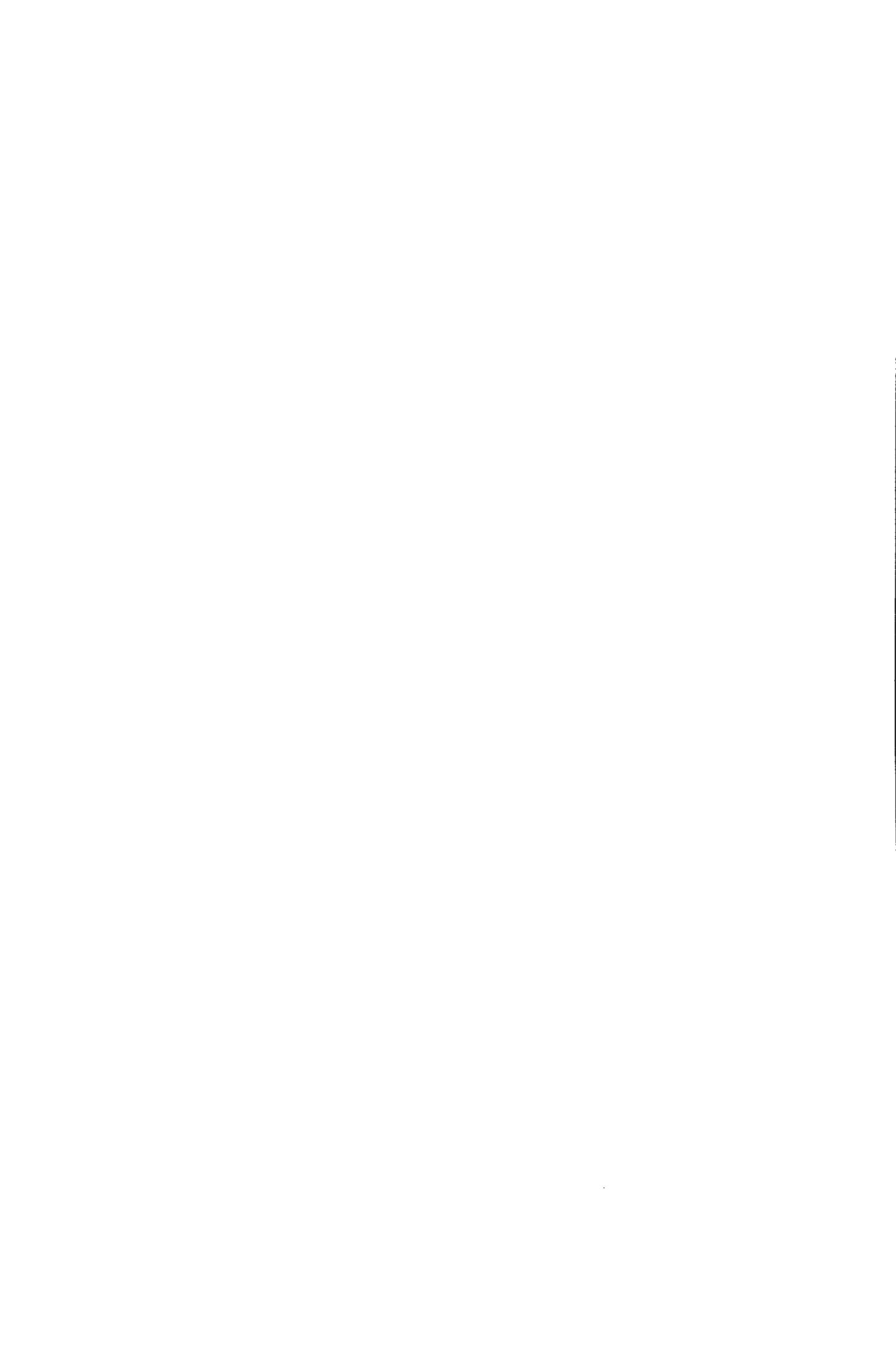
THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

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.

Resolution
of the Representatives of the Governments of the Member States
of 24 July 1984
on measures to ensure that an appropriate place
is given to audio-visual programmes of European origin

(OJ No C 204 of 03.08.1984)



**RESOLUTION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES**

of 24 July 1984

**on measures to ensure that an appropriate place is given to audio-visual programmes of
European origin**

(84/C 204/03)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

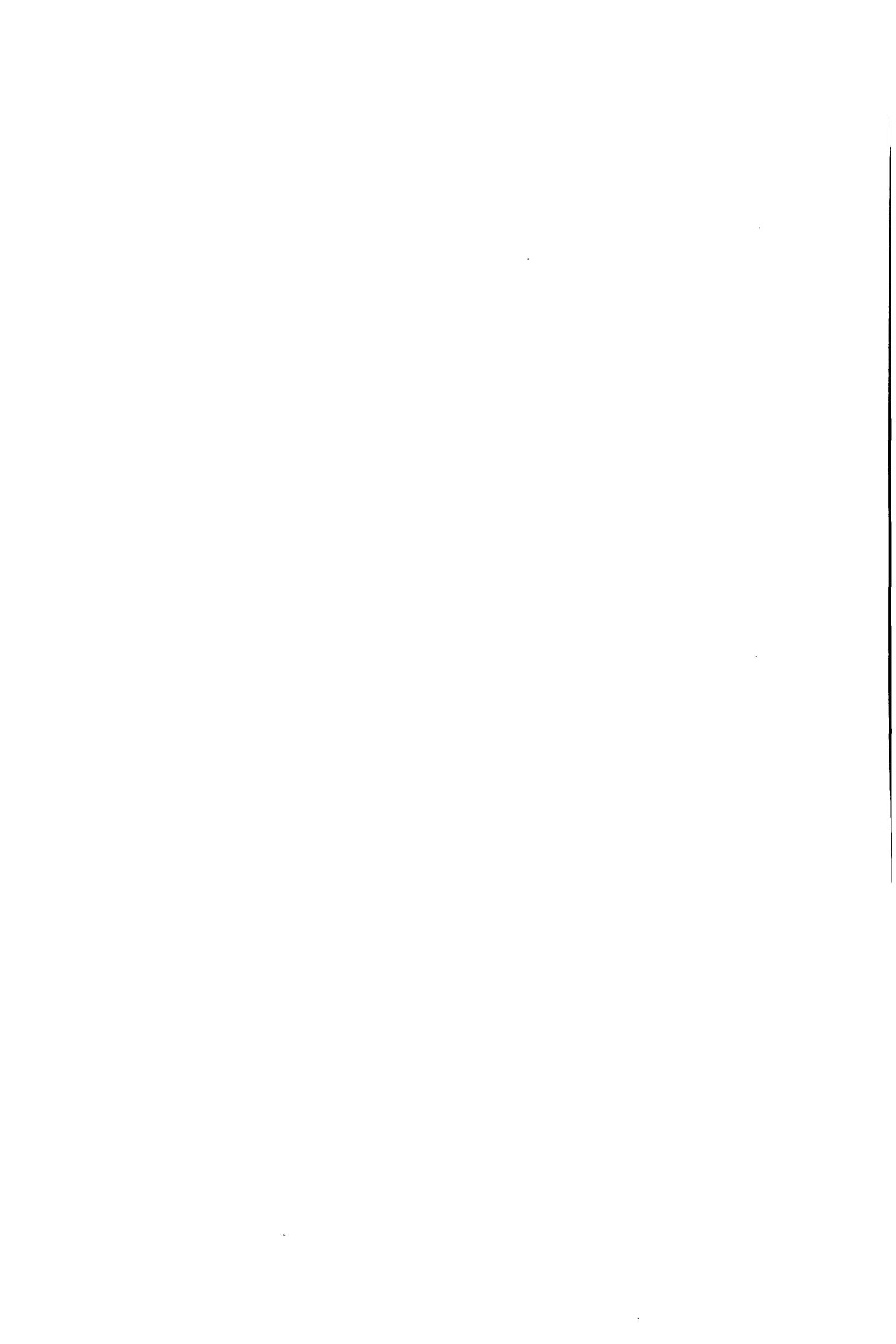
**Aware of the importance, from both the economic and employment points of view, of
developing programme industries;**

**Confirming their wish to contribute to the development of creativity and the expression
of European cultures by every audio-visual communication means,**

***Hereby agree* to encourage, within the powers at their disposal, 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 an appropriate place.**

Resolution
of the Council and of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 18 December 1984
on greater recourse to the European Social Fund
in respect of cultural workers

(OJ No C 2 of 04.01.1985)



RESOLUTION

of the Council and of the Ministers responsible for cultural affairs, meeting within the Council,

of 18 December 1984

on greater recourse to the European Social Fund in respect of cultural workers

(85/C 2/02)

THE COUNCIL AND THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS, MEETING WITHIN THE COUNCIL,

Having regard to the Treaties establishing the European Communities,

taking account of Community action in the field of training and employment policy,

referring to the Commission communication on stronger Community action in the cultural sector, forwarded to the Council on 12 October 1982, and to the European Parliament resolution of 18 November 1983,

in pursuance of the discussion at their meeting on 22 June 1984 in Luxembourg concerning the submission of projects involving cultural workers under the European Social Fund,

draw attention to the pressing need for measures to reduce unemployment and underemployment of cultural workers;

reaffirm the vital importance of vocational training and retraining opportunities as a basic element in improving employment prospects and in particular aiding the realization of human potential in the cultural sector of the economy;

note, in particular, the importance of taking measures to help young people to develop their occupational skills and also to improve their social motivation in this sector;

draw attention to the need for improved guidance and counselling regarding the whole range of career opportunities in the cultural sector, especially those careers which combine both technical and cultural skills;

in this context recognize the potential uses of new technology in the cultural sector and the need for a wider familiarity with new techniques;

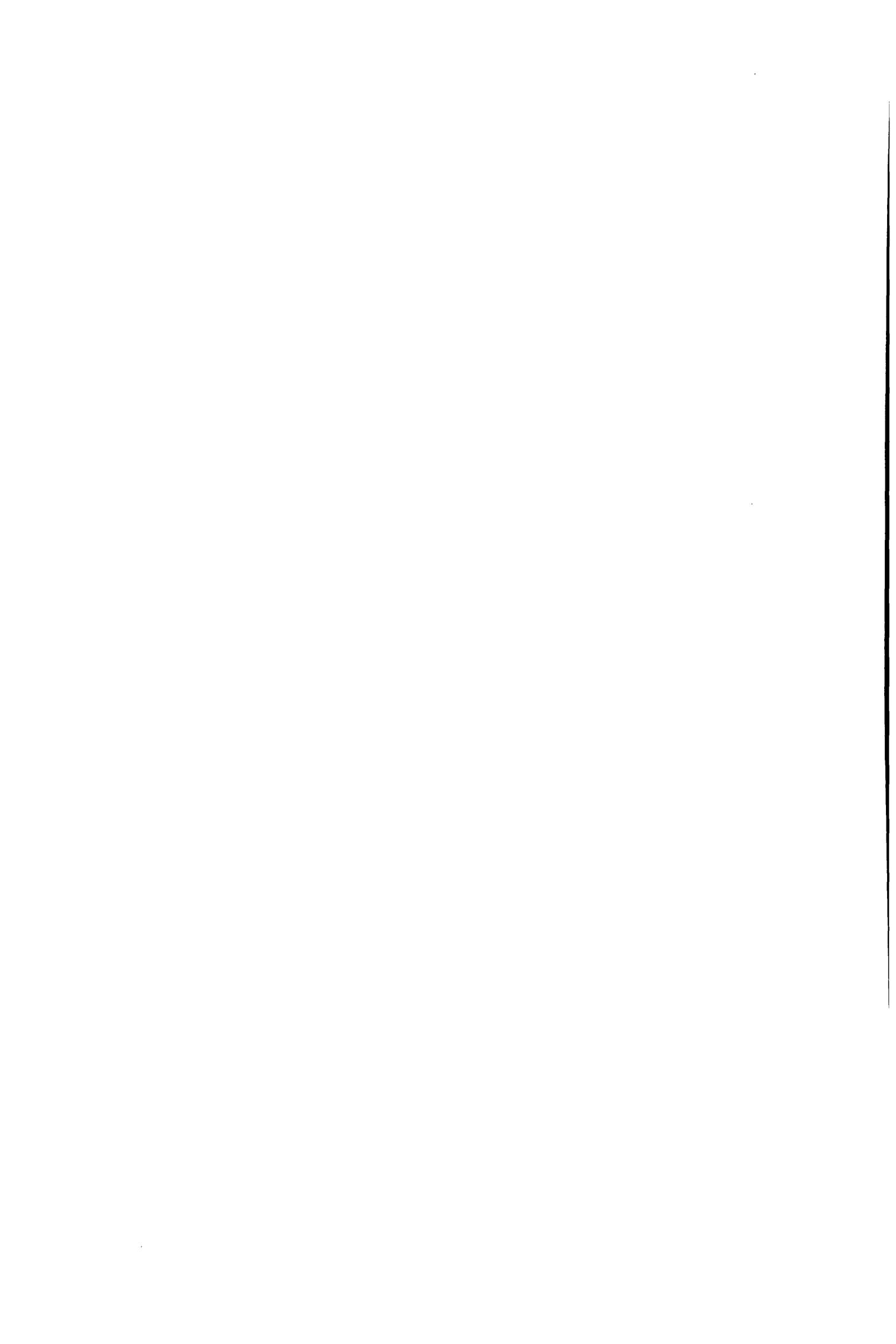
note that the cultural sector is particularly susceptible to action by individual initiative and is therefore an appropriate area for the promotion of employment opportunities for the self-employed, as well as for small enterprises and cooperatives, especially those which meet specific local or regional cultural needs;

draw attention to the need for improved training and employment opportunities for women;

welcome the strengthening of Community vocational training and employment activities, and in particular the adoption by the Council in October 1983 of new rules under the European Social Fund providing for the funding of innovatory projects linked to Community action programmes, particularly those related to the aspects mentioned above;

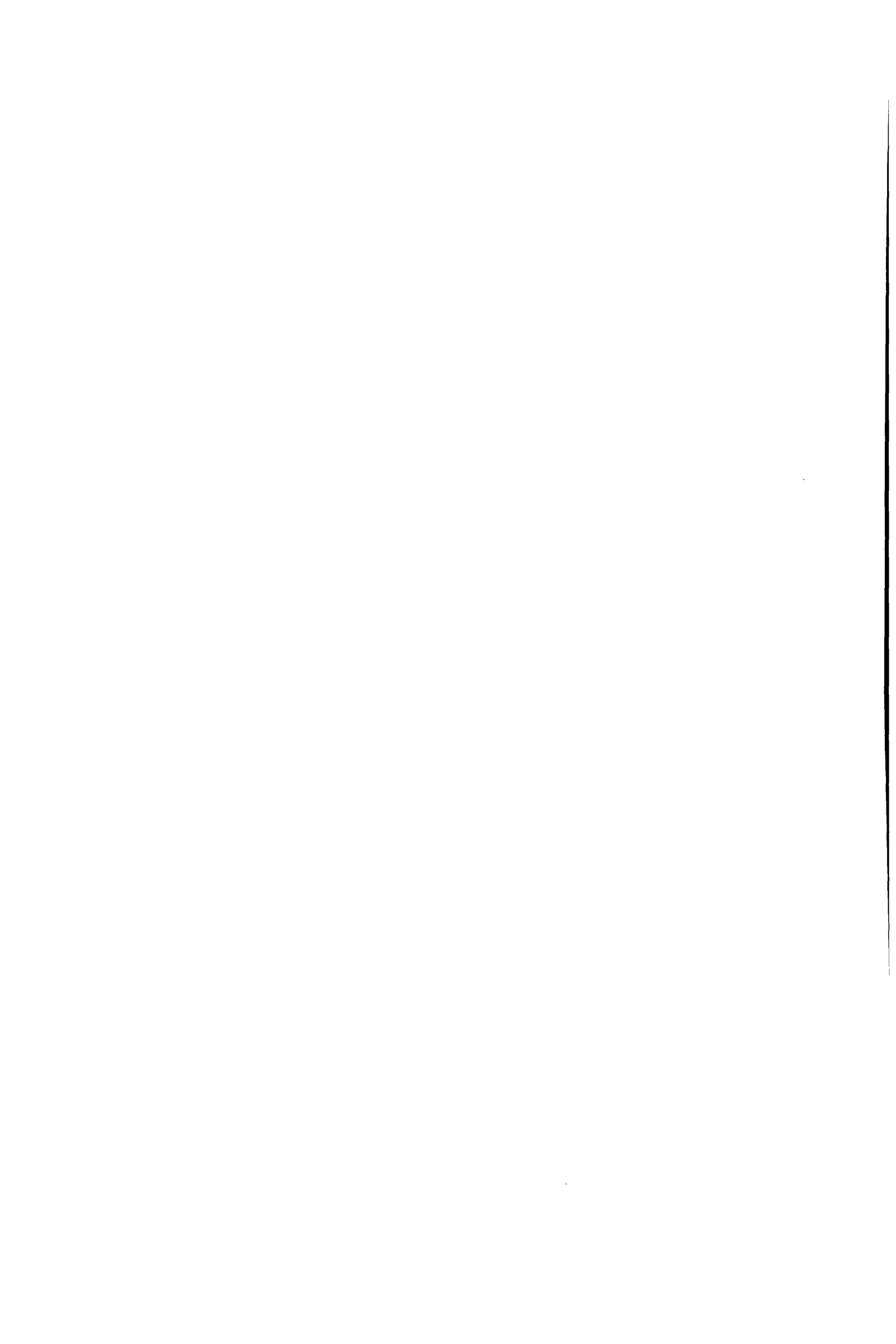
declare their willingness to play their part as fully as possible in the implementation of these action programmes in the cultural sector, in cooperation with the other authorities concerned, at regional, national and Community level:

accordingly draw Member States' attention to the possibility of preparing and submitting projects for European Social Fund aid, and invite the Commission to give careful consideration, within the framework of the existing Regulations of the Social Fund, to proposals for the vocational training and the employment of artists and cultural workers in the knowledge that art and culture constitute an important source of income and employment as well as enriching the artistic, cultural and social life of communities.



**Resolution
of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 13 June 1985
concerning the annual event
"European City of Culture"**

(OJ No C 153 of 22.06.1985)



RESOLUTION

of the Ministers responsible for Cultural Affairs, meeting within the Council,

of 13 June 1985

concerning the annual event 'European City of Culture'

(85/C 153/02)

I. Aim and content

The Ministers responsible for Cultural Affairs consider that the 'European City of Culture' event should be the expression of a culture which, in its historical emergence and contemporary development, is characterized by having both common elements and a richness born of diversity. The event has been established to help bring the peoples of the Member States closer together, but account should be taken of wider European cultural affinities.

The event should open up to the European public particular aspects of the culture of the city, region or country concerned. It may also concentrate on the city concerned a number of cultural contributions from other Member States, primarily for the benefit of the inhabitants of the particular region. Between these two poles, a wide variety of emphases can be placed and inter-related themes chosen so as to enhance the city concerned and mark the particular occasion, if any, which has provided a reason for choosing it.

II. Selection criteria

As a general rule, only one 'European City of Culture' should be chosen each calendar year.

Each year one Member State should hold the event. The decision on the choice of city must be taken at least two years in advance, so as to allow proper arrangements to be made. The Member States should in principle follow each other in alphabetical order. They may, however, alter the chronological order of events by agreement.

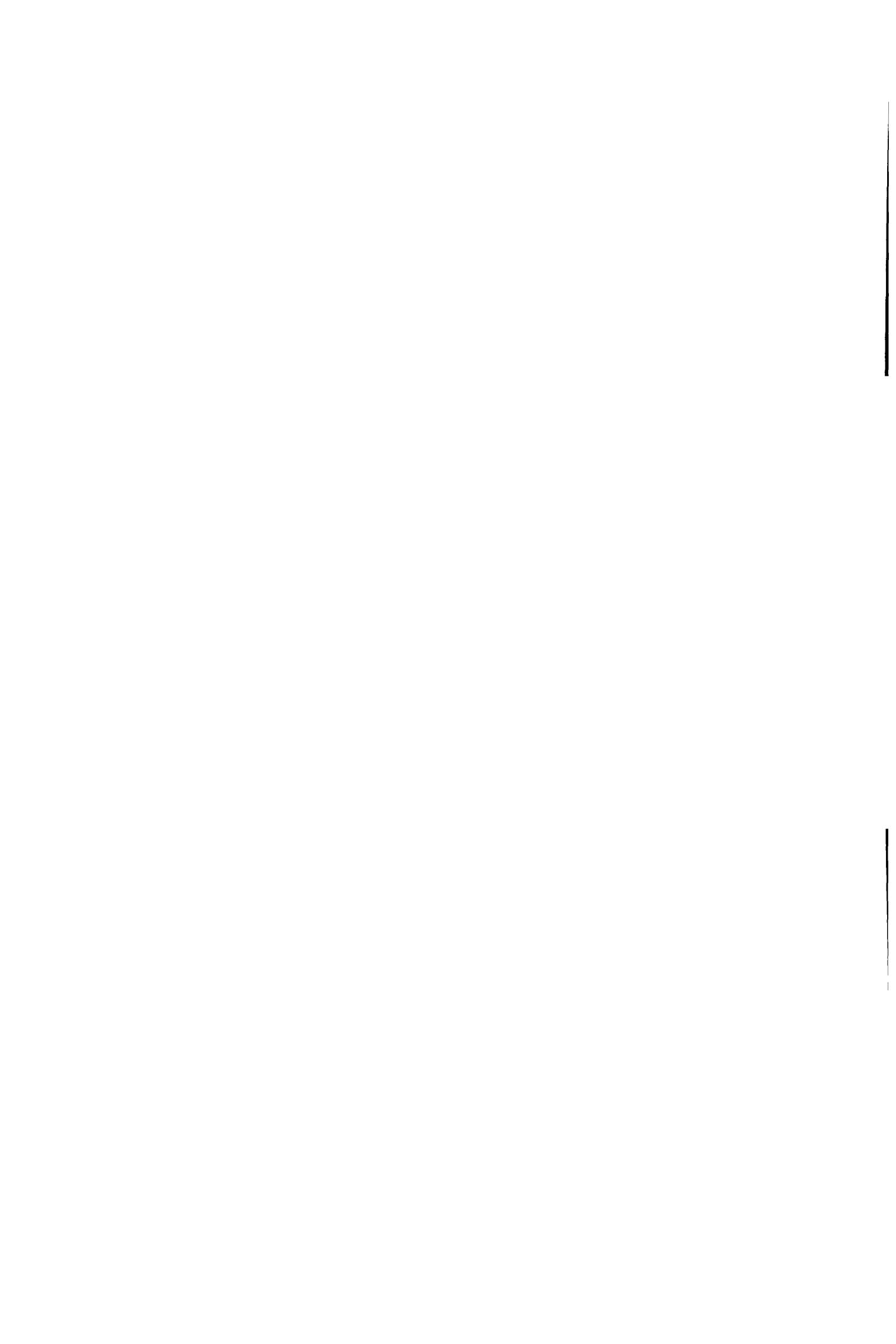
In principle, one round of the Member States should be completed before another one is begun.

III. Organization and finance

The Member States in which the designated 'European City of Culture' lies decides which authority inside the Member States will take responsibility for organizing and financing the event.

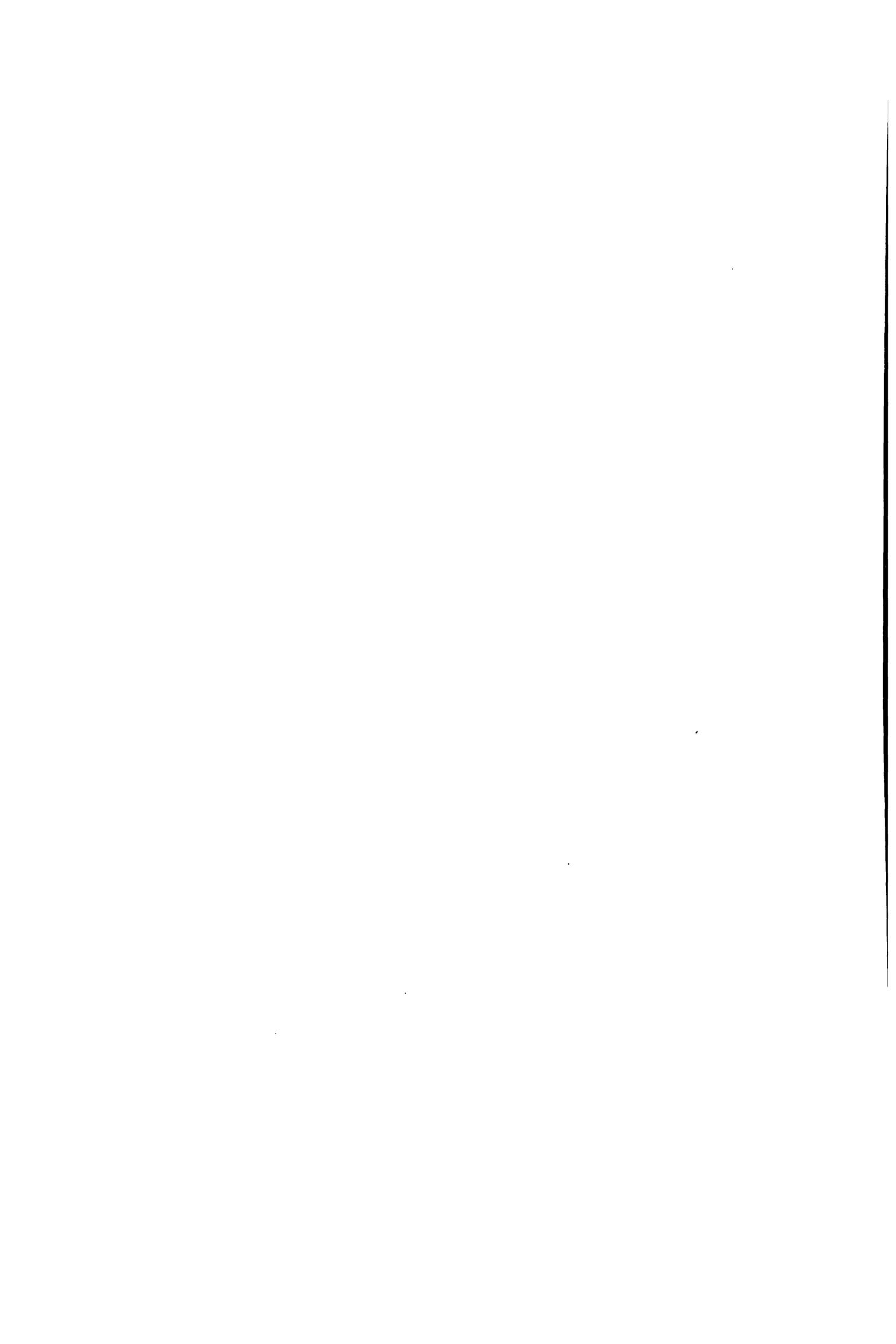
Given that the event forms part of cultural cooperation among the Member States, these should be associated with its preparation and kept regularly informed of progress. Other European and, where appropriate, non-European countries may also be associated with the preparation of the event. Ministers responsible for Cultural Affairs in the Member States should if possible attend the opening ceremony.

Member States should take all possible steps to publicize the event widely.



**Resolution
of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 13 June 1985
on events including European audio-visual
productions in third countries**

(OJ No C 153 of 22.06.1985)



RESOLUTION

of the Ministers responsible for Cultural Affairs, meeting within the Council,

of 13 June 1985

on events including European audio-visual productions in third countries

(85/C 153/03)

The Ministers responsible for Cultural Affairs consider that events including European audio-visual productions in third countries may have not only a cultural purpose but also an economic and commercial interest.

The promotion of European audio-visual productions can be effected both by organizing special festivals or

Alongside the efforts to ensure this European presence in third countries, each Member State will remain at liberty to decide whether or not to participate in particular events, and films from European countries will, of course, continue to feature at international festivals independently of any joint European participation in the same festival.

Other European countries could be invited to take part in this venture.

The Ministers agree:

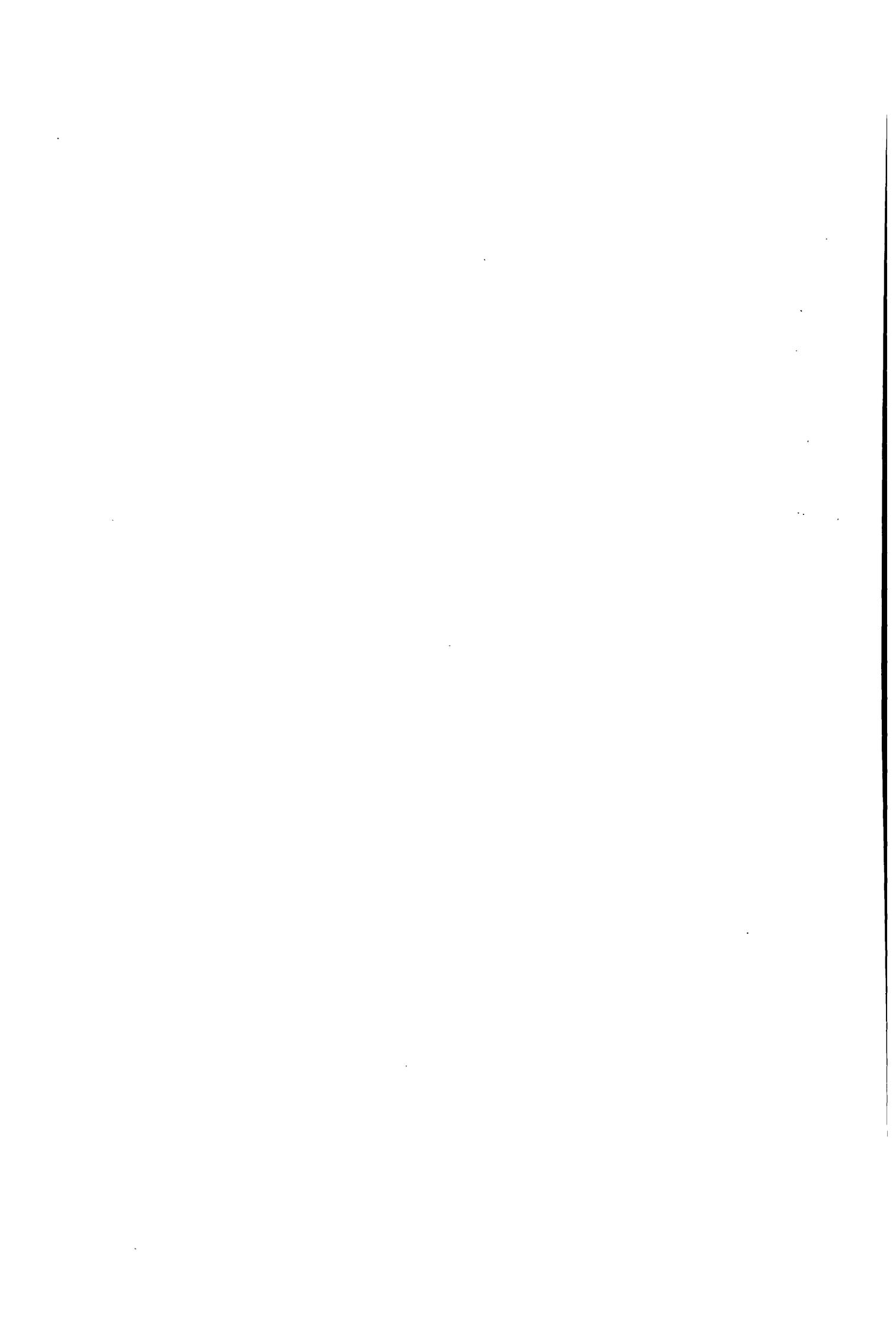
1. to encourage public and private organizations in the Member States to organize European film and television festivals of a cultural and commercial nature in third countries, to ensure that films and television programmes produced in their own countries are represented as far as possible and to facilitate the

other events and by obtaining special sections at existing international film and television festivals.

They emphasize in this connection the important part to be played at national and European level by the professional organizations.

presence of films from Member States with less developed industries;

2. to call upon national institutions with plans to promote their own national productions in third countries to allow other Member States to join in;
3. to foster the setting up of sections devoted to European films at international film festivals in third countries. The Presidency, after consultation with its partners, either directly or through its on-the-spot representation in the country concerned, would, if its partners' reaction were favourable, approach the international festival organizing committee with a view to setting up such special sections. Member States' audio-visual productions would be pre-selected on the basis of indications provided by the professional associations of their audio-visual industries.



**Resolution
of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 13 June 1985
concerning a European sculpture competition**

(OJ No C 153 of 22.06.1985)

RESOLUTION

of the Ministers responsible for Cultural Affairs, meeting within the Council,
of 13 June 1985
concerning a European sculpture competition
(85/C 153/04)

THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS, MEETING WITHIN THE COUNCIL,

In accordance with paragraph 3.3 of the Solemn Declaration on European Union signed in Stuttgart on 19 June 1983,

In the spirit of the conclusions regarding a people's Europe reached at the meeting of the European Council in Fontainebleau on 25 and 26 June 1984,

With the aim of encouraging young European sculptors and intensifying the exchange of works of sculpture throughout the European Community,

DECLARE THEMSELVES IN FAVOUR of the principle of a European sculpture competition open to young sculptors. The technical and financial arrangements for the first competition should be finalized by a Working Party of Experts as soon as possible, on the basis of the outline given in the Annex.

ANNEX

Outline prepared by the Working Party of Attachés from the Permanent Representations (Cultural Affairs)
concerning a European sculpture competition

1. The European sculpture competition open to young sculptors will take place in principle every two years. On each occasion it must first be established that there are at least seven Member States taking part in the competition. The Ministers will set the date for launching the competition and the closing date for the national stage of the competition (see paragraph 2). They will ensure that one Member State volunteers to organize the European stage of the competition which will follow the national stage.
2. During the national stage, each participating Member State will either hold a preliminary national competition to designate three works or itself commission three works without a competition. The works could be submitted in the form of prototypes, maquettes, models or photographs rather than as completed pieces. These works (in the form indicated) will be forwarded to the organizing Member State by the closing date set by the Ministers. The costs of the national stage and of forwarding the works (in the form indicated) to the organizing Member State will be borne by the Member State concerned.
3. From among the three works submitted, the organizing Member State will arrange for the selection of a winner in respect of each participating Member State. To make this selection, it will convene an international jury consisting of qualified persons.
4. Prize-winning works will be given wide publicity by the participating Member States. Member States, museums, commercial organizations or private persons may put in bids for the works.

Resolution
of the Council and the Ministers with responsibility
for Cultural Affairs meeting within the Council,
of 27 September 1985,
on collaboration between libraries in the field of data processing

(OJ No C 271 of 23.10.1985)



RESOLUTION

Council and the ministers with responsibility for cultural affairs, meeting within the Council

of 27 September 1985

on collaboration between libraries in the field of data processing

(85/C 271/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES
AND THE MINISTERS WITH RESPONSIBILITY FOR
CULTURAL AFFAIRS, MEETING WITHIN THE
COUNCIL,

1. *having noted that:*

- the collections built up by all the public and private libraries in the European Community constitute a treasure-house of material both culturally and from the viewpoint of scientific, technical and economic development;
- full use can be made of this treasure-house only if there is also proper application of the present wealth of new technologies for processing and disseminating information, which alone will provide the user with access to the whole of this heritage,

believe that the European Community should take action in this sector;

2. at Member State level, *recognize* the need for greater harmonization of the initiatives already taken in this area by a large number of libraries in the European Community and the need for others to acquire new management techniques without this undermining their budgetary possibilities for acquiring new works;

3. *at Community level:*

- request libraries, on the basis of a prior cost/benefit evaluation, to increase their cooperation at Community level and help in drawing up a common programme aimed at establishing the

most suitable procedures for promoting such cooperation;

- request the Commission to take into consideration the desirability of swift action to help libraries;
- recall that this action may be realized within the framework, and with the resources, of the Community programme for the development of the specialized information market in Europe, adopted by Decision 84/567/EEC (*) (**).

Such action should be aimed in particular at:

- (a) defining and setting up in close collaboration with the most important libraries in the European Community, a system which, based on existing systems and forms of collaboration, would enable computerized catalogues to be linked up;
- (b) preparing, in close collaboration with those responsible for libraries in the Member States, a possible work programme designed to speed up the development of library activities both at the cultural level and as a major force on the information market in terms of both innovation and innovation support;

4. *request the Commission to:*

- keep them informed of work currently in progress in areas connected with the management and use of libraries;
- submit an annual report to them on any initiatives it sets in motion on the basis of this Resolution.

(*) OJ No L 314, 4. 12. 1984, p. 19.

(**) The Commission would point out that by virtue of the said programme the necessary funds exist for an initial action in this field. If a more far-reaching programme is subsequently deemed necessary, the Commission shall submit to the Council a request, as appropriate, for appropriations.

**Resolution
of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 20 December 1985
on special conditions of admission for young people to museums and
cultural events**

(OJ No C 348 of 31.12.1985)

RESOLUTION
OF THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS, MEETING WITHIN
THE COUNCIL,
of 20 December 1985,
on special conditions of admission for young people to museums and cultural events
(83/C 348/C2)

THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS, MEETING WITHIN THE COUNCIL

Having decided, in accordance with paragraph 3.12 of the Report from the ad hoc Committee on a People's Europe, approved by the European Council at its meeting on 28 and 29 June 1985, to promote access for young people to museums and cultural events,

HEREBY AGREE

to extend, or to encourage the competent bodies to extend, to young people from all other Member States, the special conditions and reductions for admission to museums and cultural events available to their young nationals.

**Resolution
of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 17 February 1986
on the establishment of transnational cultural itineraries**

(OJ No C 44 of 26.02.1986)

**RESOLUTION
OF THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS,
MEETING WITHIN THE COUNCIL,**

of 17 February 1986

on the establishment of transnational cultural itineraries

(86/C 44/02)

**THE MINISTERS RESPONSIBLE FOR CULTURAL
AFFAIRS, MEETING WITHIN THE COUNCIL,**

Having regard to the Solemn Declaration on European Union of 19 June 1983, and in particular Section 3.3 thereof devoted to cultural cooperation,

Having regard to the final report on a People's Europe approved by the European Council at its meeting on 28 and 29 June 1985,

Whereas the establishment of transnational cultural itineraries can contribute to:

- a deepening of knowledge about Europe's history and culture, thereby promoting European awareness,
- an increase in tourism and hence a stimulus to the economic development of the regions concerned, including the creation of jobs;

Bearing in mind nevertheless the need to avoid disturbance of the cultural identity and environment of the areas concerned, as well as to avoid damage to vulnerable monuments and cultural institutions by the visits of too many tourists;

Welcoming the presentation by the Italian authorities of a system of cultural itineraries covering Community

Europe, which provides a useful reference point for further initiatives in this field;

Considering that the creation of such itineraries is being envisaged by the authorities of a number of Member States;

Considering in particular that the scheme for itineraries presented by the Luxembourg authorities for the Grand Duchy and adjacent areas provides a good example of what could be done in this field;

Taking into account the work accomplished by the Council of Europe and the potential role of the European Foundation in this field,

AGREE both to stimulate activities in the field of transnational cultural itineraries by encouraging the competent authorities of the Member States to cooperate across frontiers in the study and possible development of itineraries of European interest, and to leave such cooperation open to other European countries;

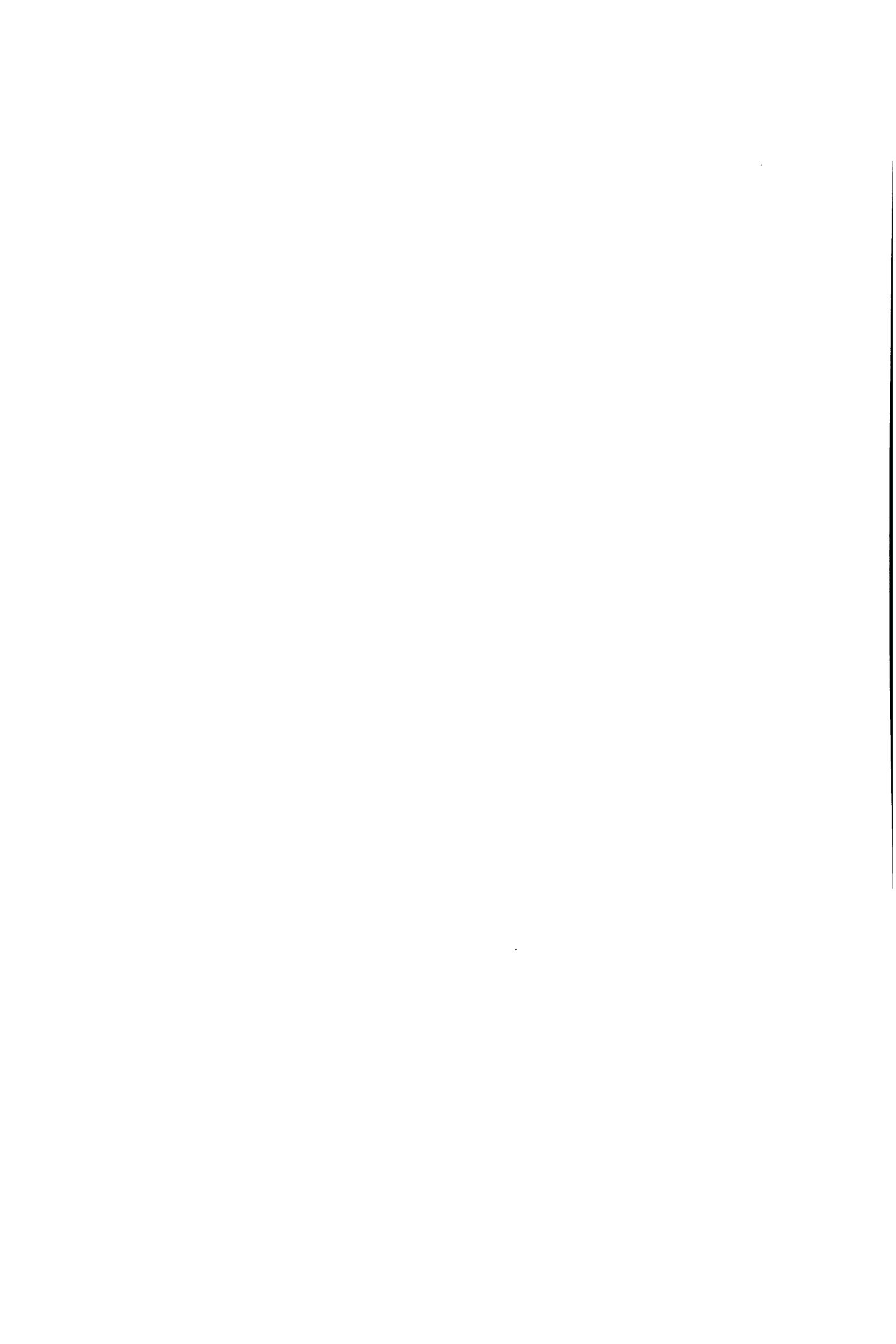
NOTE that such schemes may be eligible for support from the various existing Community instruments;

UNDERTAKE to review progress in this area within two years.



**Resolution
of the Ministers with responsibility for Cultural Affairs,
meeting within the Council,
of 13 November 1986
on the protection of Europe's architectural heritage**

(OJ No C 320 of 13.12.1986)



RESOLUTION

of the Ministers with responsibility for Cultural Affairs, meeting within the Council

of 13 November 1986

on the protection of Europe's architectural heritage

(86/C 320/01)

THE MINISTERS FOR CULTURAL AFFAIRS MEETING WITHIN THE COUNCIL,

Having regard to the Solemn Declaration on European Union of 19 June 1983 and in particular the paragraph concerning 'the advisability of undertaking joint action to protect, promote and safeguard the cultural heritage',

Having regard to the resolution of the European Parliament of 14 September 1982 on the protection of the architectural heritage,

Noting the work accomplished by the Commission of the European Communities in making grants available for restoring selected monuments in all Member States and in giving scholarships for study of conservation questions in appropriate training institutions of other Member States;

Taking into account the European Convention of the Council of Europe for the protection of the architectural heritage and the work programme of the Council of Europe in this field;

Bearing in mind the possibility that the European Foundation, once set up, may take part in these activities;

Recognizing that this resolution does not result in any modification of the powers of the Community and the

Member States regarding the protection of the architectural heritage, but considering that they should take greater advantage of each other's experience;

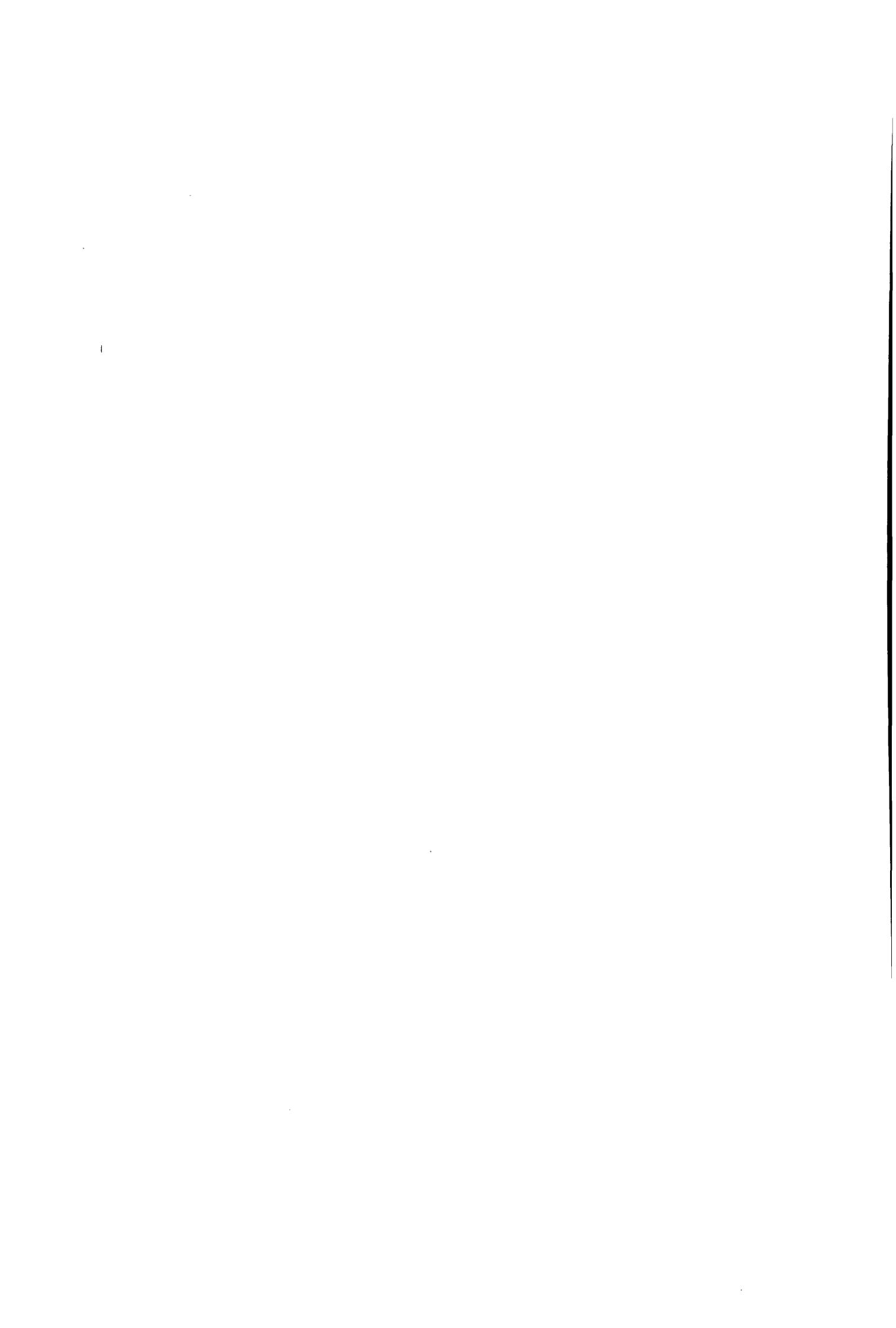
Agree to develop effective cooperation on aspects of Europe's architectural heritage, opening this to other European countries where appropriate;

Agree to encourage the exchange of experience and the transfer of information on the architectural heritage, in particular through the standardization of terminology and the establishment of a network of data bases prepared in this area in the Member States;

Agree to promote awareness among public and private institutions and the general public about the economic, social and cultural aspects of Europe's architectural heritage, in consultation with the experts of the Member States and the Council of Europe, as well as other intergovernmental organizations concerned;

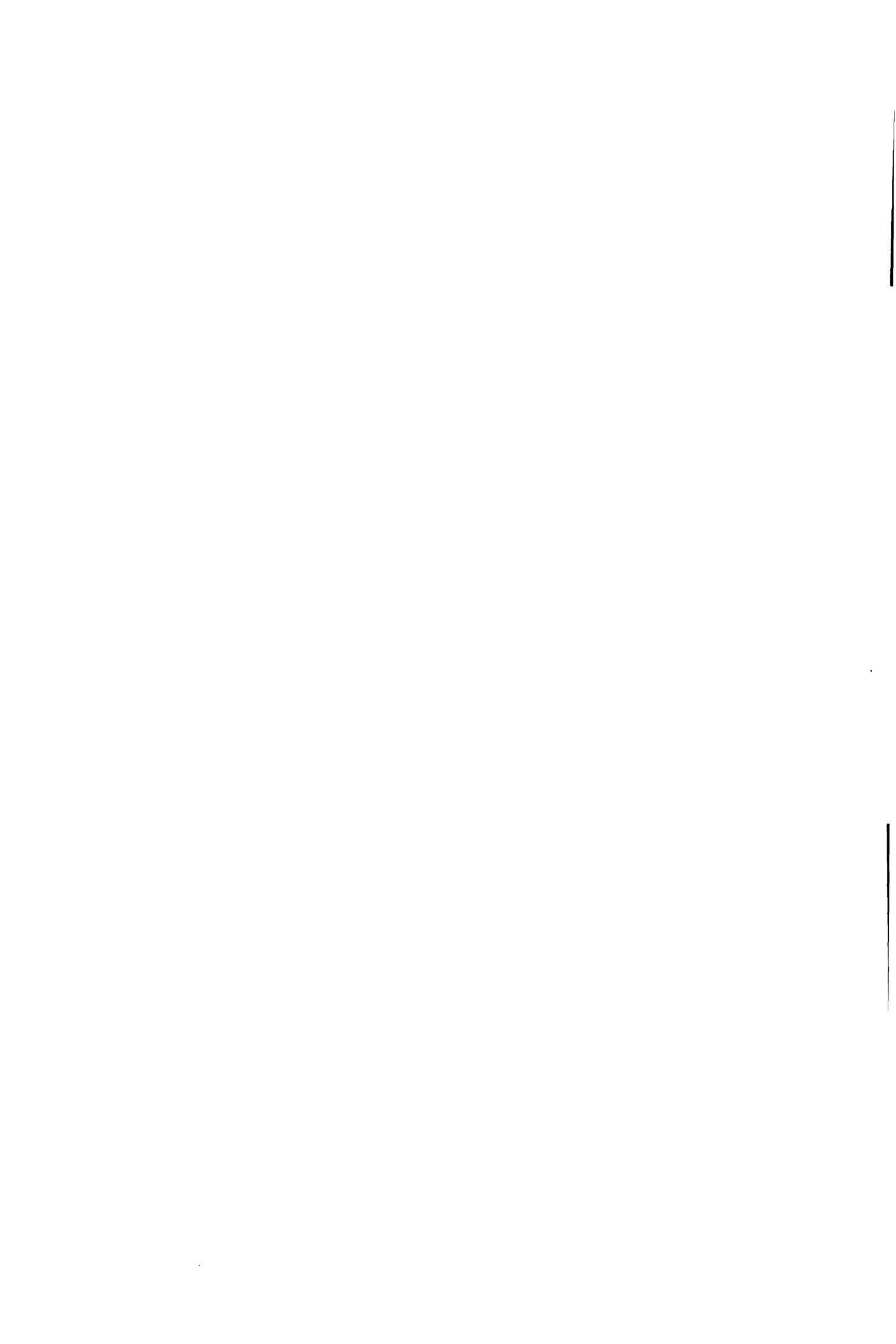
Agree to make public institutions and undertakings specializing in the conservation of buildings, aware of the possibilities of enhancing the interest of sites to the widest possible public by means of visual and other measures;

Take note of the Commission's intention to contribute further to the realization of measures in this field.



**Resolution
of the Ministers with responsibility for Cultural Affairs,
meeting within the Council,
of 13 November 1986
on business sponsorship of cultural activities**

(OJ No C 320 of 13.12.1986)



RESOLUTION

of the Ministers with responsibility for Cultural Affairs, meeting within the Council

of 13 November 1986

on business sponsorship of cultural activities

(86/C 32C/02)

1. The Ministers responsible for cultural affairs meeting within the Council recognise that the European cultural heritage and cultural activities in general benefit from a combination of public and private support. In their view these can best be maintained and developed through strengthened support from a plurality of sources, including different forms of sponsorship both private and corporate.

2. In this context business sponsorship can enhance the cultural heritage and increase the production and dissemination of artistic activity. Ministers believe that business sponsorship can be developed in ways which do not inhibit artistic freedom; and that it should provide supplementary funding for cultural activities, not a substitute for existing resources.

3. A greater degree of artistic activity enhances the cultural life and leisure activities of European citizens. It provides various benefits, including increased tourism, at local, regional and national levels, as well as to the European Community as a whole. The businesses concerned can improve their image, the environment for their work force is improved, and often through such artistic activity an extra inducement is provided to industry to locate itself or remain located in a particular area.

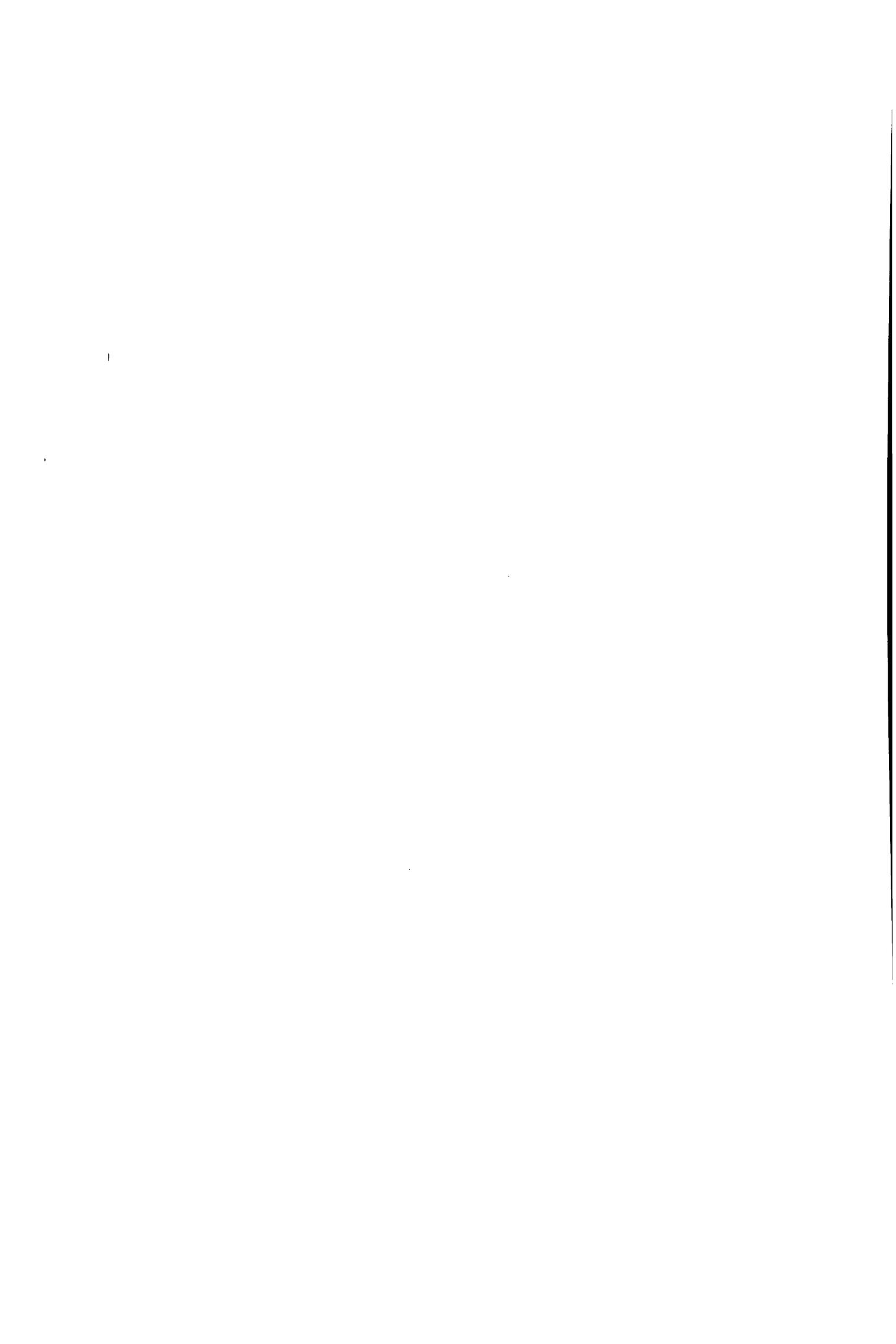
4. Sponsorship also offers possibilities for funding transnational arts activities through companies with

strong European interests, and for thus improving the opportunities for cultural exchanges within the Community.

5. With these considerations in mind, the Ministers agree to encourage:

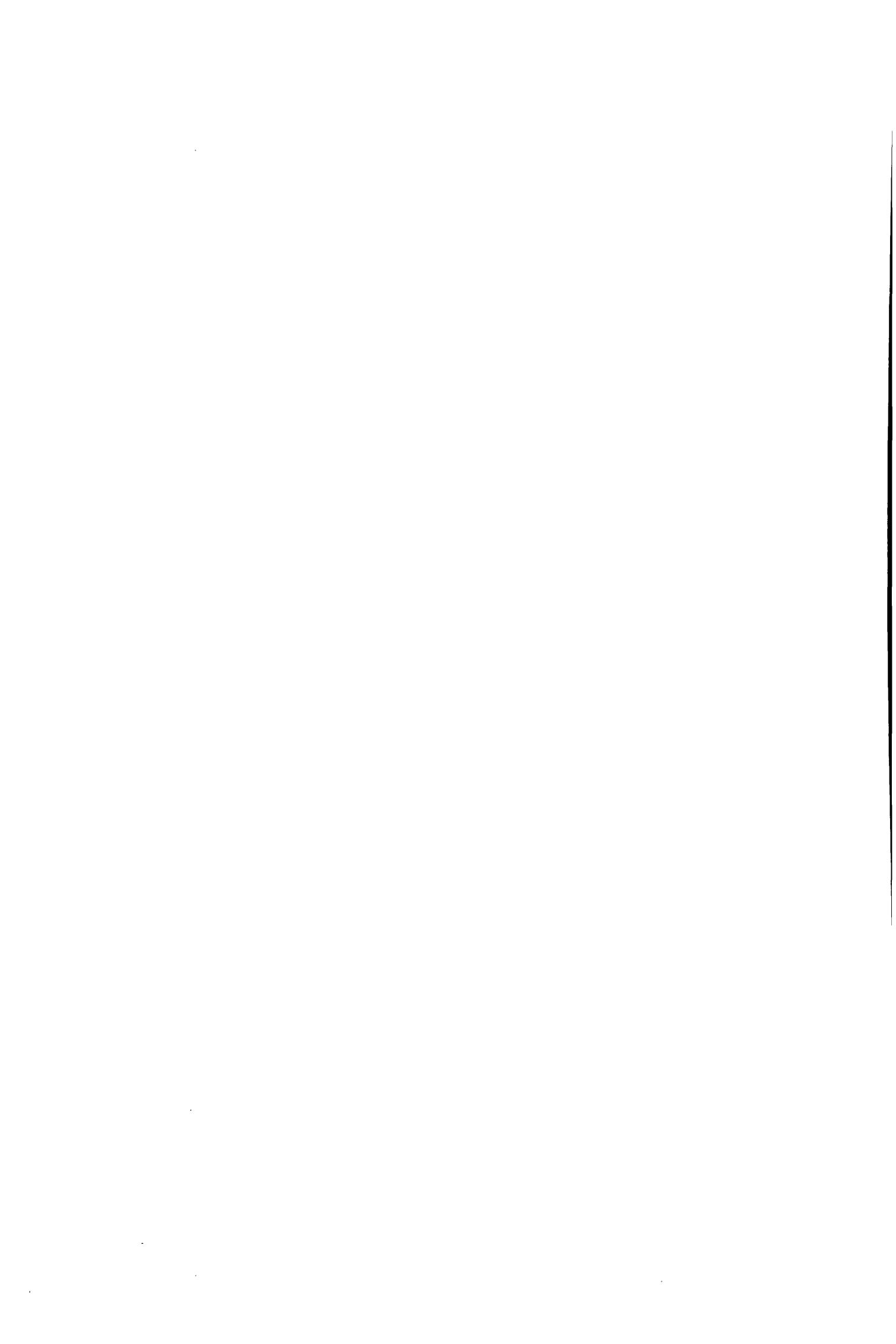
- (i) the promotion of greater business sponsorship of cultural activities within the Member States of the European Community, by calling attention to sponsorship as an activity which provides benefits to both parties, as well as helping to enhance cultural and economic activity;
- (ii) consideration of the introduction within their own countries of measures to promote suitable sponsorship schemes;
- (iii) the setting up of organizations to advise and help those businesses and arts which are interested in sponsorship;
- (iv) the development of links between the sponsorship organizations concerned;
- (v) the sharing of information on current sponsorship activities, thus permitting an assessment of the need for future initiatives.

6. They take note of the Commission's intention to contribute further to the realization of measures in this field.



**Resolution
of the Ministers with responsibility for Cultural Affairs,
meeting within the Council,
of 13 November 1986
on the conservation of works of art and artifacts**

(OJ No C 320 of 13.12.1986)



RESOLUTION

of the Ministers with responsibility for Cultural Affairs meeting within the Council

of 13 November 1986

on the conservation of works of art and artefacts

(86/C 320/03)

1. The Ministers responsible for cultural affairs recognize the importance of conservation of the European cultural heritage in respect of works of art and artefacts of cultural and historical significance, including archives and books. European countries possess a wealth of cultural material which must be preserved and safeguarded for the benefit of present and future generations. The preservation of the architectural heritage is the subject of a separate resolution. The preservation of movable works of art and artefacts involves environmental protection and the restoration and repair of the objects just as much as their physical safeguarding. It requires the cooperation of all those interested in the artistic and cultural heritage, especially the international organizations and experts active in this field. The Ministers also recognize the usefulness of accurate information on the cultural heritage in order to encourage conservation.

2. The Ministers also recognize the need for public awareness of these questions to be increased and for cooperation between the public and private sectors to be strengthened. They acknowledge the importance of improving and intensifying training, the benefits of making available information on experienced conservators and conservation courses, and the value of exchanging technical information on conservation matters.

3. With these considerations in mind, the Ministers believe that conservation is a subject deserving careful

examination within Member States and across the Community as a whole, taking account also of work being done within the Council of Europe in this field.

4. Accordingly, Ministers agree to encourage the conservation of works of art and artefacts, for example by such means as:

- examining the scope for coordination of individual conservation efforts in the public and private sectors,
- preparing documentation connected with conservation of works of art and artefacts of cultural and historical significance,
- encouraging the provision of training to meet identified needs, involving public and private resources as appropriate,
- exchanging information on conservation expertise as well as on training,
- assessing policy on conservation, especially technical guidance in specialist fields, and facilitating the dissemination of such guidance and the exchange of conservation expertise in Europe.

5. They take note of the Commission's intention to contribute further to the realization of measures in this field.

Resolution
of the Council and of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 13 November 1986
on the European cinema and television year (1988)

(OJ No C 320 of 13.12.1986)

RESOLUTION

of the Council and of the Ministers responsible for Cultural Affairs, meeting within the Council

of 13 November 1986

on the European cinema and television year (1988)

(86/C 320/04)

THE COUNCIL AND THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS, MEETING WITHIN THE COUNCIL,

Whereas the audiovisual media are among the chief means of conveying information and culture to the European citizen and contribute to the strengthening of the individual European cultures, as well as the European identity;

Whereas Europe must be strongly represented in the making and distribution of audiovisual products, thus contributing to laying the foundations of an ever closer union among the peoples of Europe;

Whereas the European Council, at its meeting held in Milan on 28 and 29 June 1985, approved the proposal contained in the report by the *ad hoc* Committee on a People's Europe (paragraph 3.7) that 1988 be declared European Cinema and Television Year;

Whereas the European Parliament has underlined the importance of European initiatives in this field, notably in its resolution of 10 October 1985;

Whereas the Commission informed the Council in its communication COM (86) 320 final of the aims to be pursued in the course of the 1988 European Cinema and Television Year;

Whereas the Commission has already proposed a set of audiovisual actions;

Whereas the Council of Europe has been actively working on audiovisual questions for many years;

Note that activities are to be carried out consistently with the constitutional arrangements in each Member State;

Welcome the agreement of the European Council that 1988 should be declared European Cinema and Television Year;

Support the objectives and guidelines of the European Cinema and Television Year as defined in the Annex;

Welcome the participation of the Council of Europe, as well as the Contracting Parties to the European Cultural Convention which are not members of the Council of Europe, in the Year and stress the importance of mutual cooperation;

Note, in regard to organization, that:

— the activities will be prepared and implemented through national agencies in each Member State and a European steering committee as defined in the Annex,

— the Commission will be responsible for action at Community level, in accordance with the Treaty, in particular to secure the free movement of persons and products related to audiovisual activities,

Note the Commission's intention to propose an appropriate credit in the 1988 preliminary draft budget;

Stress the importance of adequate financial participation by the audiovisual industry as well as contributions as appropriate from other national and international sources;

Call on the relevant authorities in the Member States to take appropriate steps to support the Cinema and Television Year;

Request the Commission to keep them regularly informed on the progress made in implementing the Year and to submit to them, and to the European Parliament, a final report on the implementation.

Guidelines on the European Cinema and Television Year

I. OBJECTIVES

The objectives of the European Cinema and Television Year are to:

- promote awareness, particularly among political circles, cinema and television professionals and opinion leaders, of the importance of a strong audiovisual industry, able to compete with the large overseas industries in this field,
- reflect the European identity in the audiovisual media and facilitate creativity, working for a better balance among the large and small cultural areas in Europe,
- promote progress within the Community in this field and the creation of conditions for the development of the European audiovisual sector, working for, *inter alia*, increased mobility of persons and goods connected with the audiovisual industry,
- obtain better cooperation within Europe on the financing, production and distribution of audiovisual programmes and a closer partnership between cinema and television.

II. ACTIVITIES TO BE UNDERTAKEN AT COMMUNITY LEVEL

The detailed action arising out of the objectives will be prepared by the European steering committee.

The projects selected by the national committees and the European steering committee should correspond mainly to the need to open up new paths, to seek original formulas at the European level, to rally forces which can ensure competitiveness at world level and to give a boost whose effects will be felt after the temporal limit of the year 1988.

These activities could concern different aspects of the audiovisual sector. The number and scope of the activities selected at European level by the management committee will be a function mainly of the financial means available.

III. ORGANIZATION

The Council of Europe, as well as the Contracting Parties to the European Cultural Convention which are not members of the Council of Europe, will participate in the Year.

The Commission will be responsible for action at Community level in accordance with the Treaty and its coordination with national activities.

The European Cinema and Television Year will be organized with the help of the following committees:

European steering committee

This committee will be chaired by an eminent public figure and will comprise the chairman of the national committees and representative public figures from the fields concerned.

The steering committee will be responsible for the general coordination of the programme and ensure coherence between all the various activities to be carried out, referred to in part II, as well as the selection of the projects to be undertaken at the European level.

The Commission will provide the secretariat for the committee.

National committees

A committee will be set up in each Member State, composed of members representing the various fields concerned. Its chief task will be to promote, support and implement national projects organized for the European Cinema and Television Year in the state concerned.

It will also be able to collect and administer private or public funds made available to it by various groups and bodies.

In particular it will be required to identify projects as mentioned in part II and to suggest any appropriate event or activity within the framework of the European Cinema and Television Year.

Resolution
of the Council and of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 9 November 1987
on the promotion of translation of important works of European culture

(OJ No C 309 of 19.11.1987)

RESOLUTION

OF THE COUNCIL AND OF THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS,
MEETING WITHIN THE COUNCIL

of 9 November 1987

on the promotion of translation of important works of European culture

(87/C 309/03)

THE COUNCIL AND THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS, MEETING
WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the paragraphs of the Solemn Declaration on European Union (Stuttgart, 19 June 1983) concerning an improvement of information on European culture and wider dissemination of the works of writers of the Member States both inside and outside the Community,

Having regard to the Resolutions of the European Parliament of 18 January 1979 and 18 November 1983 dealing with literary translation,

Taking account of the Commission communication to the Council of 27 November 1985 on the European dimension with regard to books, and noting that the Commission has set up a Consultative Committee on books,

Taking account also of the work being accomplished in this field by certain Member States as well as by Unesco and the Council of Europe,

Bearing in mind the possibility of participation in this activity by the European Foundation after establishment,

With a view to giving publishers an incentive to publish translations of European literary works and to achieving the highest possible quality of such translations,

Whereas, furthermore, the promotion of translation contributes to the removal of obstacles to the free movement of books and the improvement of conditions of employment of translators, within the terms of the treaty establishing the European Economic Community;

AGREE on the desirability of promoting the translation into other European languages of important works of European culture, including works of contemporary European literature, with priority to translations from minority European languages;

AGREE to undertake a suitable pilot scheme to provide support for translations, taking into account existing Member State action concerning translation from certain languages, and to encourage the widest possible distribution of works thus translated;

AGREE on the creation of annual prizes to encourage European translation;

AGREE to encourage the highest possible quality of translation and recognize the vital role of well-trained translators in this connection;

INVITE the Commission to consider how it will contribute to the realization of the above measures.

Resolution
of the Council and of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 27 May 1988
on the future organization of their work

(OJ No C 197 of 27.07.1988)

RESOLUTION OF THE COUNCIL AND OF THE MINISTERS RESPONSIBLE FOR
CULTURAL AFFAIRS MEETING WITHIN THE COUNCIL

of 27 May 1988

on the future organization of their work

(88/C 197/01)

THE COUNCIL AND THE MINISTERS RESPONSIBLE
FOR CULTURAL AFFAIRS MEETING WITHIN THE
COUNCIL,

resolved to intensify their work on cultural affairs and
having regard to their conclusions on future priority
actions,

HAVE AGREED THAT:

1. A Committee on cultural affairs shall be appointed
consisting of the representatives of the Member States
and of the Commission. The chairman of this
Committee shall come from the country holding the
office of President of the Council.

The Committee shall evaluate all proposals relating to
cultural cooperation and prepare the work of the
Council and/or the Ministers responsible for cultural
affairs meeting within the Council on cultural
priorities and actions involving the Community and/
or all the Member States without prejudice to the
procedure laid down in Article 4 of the Treaty estab-
lishing a Single Council and a Single Commission of
the European Communities and current practice
regarding the preparation of meetings of Ministers
meeting within the Council.

The Committee shall also have the task of monitoring
the implementation of actions decided on by the

Council and/or the Ministers meeting within the
Council and of reporting back regularly.

2. The Council and/or the Ministers meeting within the
Council may invite European countries that are not
members of the Community and organizations
concerned with European cultural cooperation,
especially the Council of Europe, to participate in
specific cultural activities of mutual interest.
3. If, in the absence of a decision or agreement on
certain actions at the level of the Council and/or the
Ministers meeting within the Council, Member States
continue their discussions on such actions, they shall
report regularly to the Committee on the progress of
their work.
4. Without prejudice to the dispositions of Article 155 of
the EEC treaty, the Commission shall implement, in
close cooperation with the Committee on cultural
affairs, actions decided on by the Council or the
Council and the Ministers meeting within the Council
that are to be implemented at Community level.
The Commission may be invited to assume a coordi-
nating function, in agreement with the Committee on
cultural affairs, in the implementation of the decisions
of the Ministers meeting within the Council. The
Commission may also be invited to ensure coordi-
nation of projects not involving all Member States of
the Community and/or projects involving European
countries which are not members of the Community.

Conclusions
of the Council and of the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 27 May 1988
concerning future priority actions in the cultural field

(OJ No C 197 of 27.07.1988)

CONCLUSIONS OF THE COUNCIL AND OF THE MINISTERS RESPONSIBLE FOR
CULTURAL AFFAIRS MEETING WITHIN THE COUNCIL

of 27 May 1988

concerning future priority actions in the cultural field

(88/C 197/02)

THE COUNCIL AND THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS MEETING WITHIN THE COUNCIL:

1. note the Commission communication on the relaunching of cultural action in the European Community and the opinions of the European Parliament and the Economic and Social Committee, as well as the French Government's *Blue Book* on Europe in Education and Culture;

2. recalling the discussion at their informal meeting on 10 and 11 December 1987 in Copenhagen, give priority to the following areas, without prejudice to actions which they consider desirable in other areas:

- promotion of the European audiovisual sector,
- book sector,
- training in the cultural sector,
- business sponsorship,

and accordingly consider that, for an initial pluriannual period, priority should be given to proposals for actions in these areas;

3. On this basis:

- with reference to promotion of the European audiovisual sector, having taken note of the Commission Media programme, they invite the Commission to report on the results of these experimental projects and to make, if appropriate, any proposals arising from the pilot projects carried out.

They also confirm their willingness to consider other actions relating to promotion of the European audiovisual sector with all the attention which the importance of this sector warrants,

- with reference to the book sector, they consider that all aspects of this sector, including national pricing systems for books, reproduction of texts, promotion and distribution, should be examined in depth, and state their readiness to study any proposal on the matter.

They confirm their desire for accelerated implementation of the resolution of 27 September 1985 on collaboration between libraries in the field of data processing and state their readiness to examine any new proposal in this connection; moreover, the question of conservation should be studied.

They also confirm their desire to see:

- rapid implementation of the resolution of 9 November 1987 on the promotion of translation of important works of European culture,

- the launching of the pilot scheme referred to in the resolution as soon as possible,

- priority given in implementing the resolution to translation from languages less widely used in Europe,

- in the context of vocational training, they stress the growing importance for the cultural sector:

- of sound and vision specialists,

- of restoration specialists for preservation of the cultural heritage,

- with reference to business sponsorship, while recalling that this sponsorship should provide complementary support to public cultural activities, they confirm the importance which they attach to the implementation of the resolution of 13 November 1986; this implementation should also draw on the texts relative to the financing of culture adopted at the Fifth Conference of the European Ministers responsible for cultural affairs (Sintra, 15 and 17 September 1987);

4. agree on the desirability of fully implementing the resolutions adopted since 1984 in the cultural sector and invite the Commission and the Committee on cultural affairs to follow up their implementation and report on it regularly; the Member States could also, at particular times to be determined, furnish infor-

mation on the implementation of these resolutions at national level;

5. agree that, in accordance with their resolution on the future organization of their work, the question of the type of actions to be envisaged in the framework of these priorities and the nature of the bodies responsible for implementing them (private bodies, Member States, Community) will be decided in each

individual case according to need and in line with the provisions of the Treaty and existing procedures.

The Committee on cultural affairs should also prepare the work of the Ministers on each proposal, including its financing, and on these two particular aspects. It should ensure that each proposal for an action contains elements allowing for evaluation in due course of the results of the action.

**Resolution
of the Council and the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 18 May 1989
concerning the promotion of books and reading**

(OJ No C 183 of 20.07.1989)

RESOLUTION

OF THE COUNCIL AND THE MINISTERS RESPONSIBLE FOR CULTURAL
AFFAIRS MEETING WITHIN THE COUNCIL,

of 18 May 1989

concerning the promotion of books and reading

(89/C 183/01)

THE COUNCIL AND THE MINISTERS RESPONSIBLE FOR CULTURAL AFFAIRS MEETING
WITHIN THE COUNCIL,

Having regard to the priority which they attached to books and reading in their conclusions of 27 May 1988 concerning future priority actions in the cultural field,

Having regard to the part concerning books of the resolution of the European Parliament of 17 February 1989 on a fresh boost for Community action in the cultural sector and the opinion of the Economic and Social Committee of 14 April 1988 on the same theme,

NOTE the general thrust of the Commission communication of 26 April 1989 on books and reading;

REAFFIRM whilst respecting their resolution of 27 May 1988 on the future organization of their work, their will to cooperate in the promotion of all the elements of the book-chain leading from the author to the reader;

DECIDE that European countries which are not members of the Community and organizations concerned with European cultural cooperation, especially the Council of Europe, can be invited to participate in certain specific actions of common interest;

APPROVE the actions set out in the Annex and instruct the Committee on Cultural Affairs to draw up and agree on the details of their implementation, including the financial aspect, as speedily as possible;

AGREE to review the progress made with respect to this resolution in two years' time on the basis of a report from the Committee on Cultural Affairs.

ANNEX

BOOKS AND READING: ACTIONS

1. Guide for authors and translators
 - this guide, to be presented by the Commission, will contain information about their legal, social and fiscal status in the different Member States of the Community.
 2. Programme (1989 to 1992) for the publication of statistics — book sector
 - this programme, put into effect progressively by the Commission, in collaboration with the Council of Europe and UNESCO, will include the publication in 1989 of a first set of European statistics relating to books.
 3. (a) European literary prize
 - (b) Prize for the best translations of literary works
 - the two prizes will be awarded each year upon the proposal of an independent jury in the framework of the European City of Culture, the details of these prizes to be fixed before the end of 1989.
 4. Pilot project for financial assistance for translations of contemporary literary works
 - this project, decided upon in its broad outlines in a resolution of the Council and the ministers responsible for cultural affairs meeting within the Council on 7 November 1987, has been launched for a five-year period beginning in 1989.
 5. Scholarships and travel awards for courses at the colleges for literary translators; network of these colleges and other measures to promote literary translation
 - an increase in the grants made by the Commission to such courses; encouragement of a network among existing colleges.
 6. Conservation of books made from acid paper and use of 'permanent paper'
 - intensified collaboration, to be organized by the Commission and the Member States, among libraries and archives and taking into account the work of specialized international organizations, in favour of conservation of books threatened by the fragility of acid paper; information campaign to be launched by the Commission and the Member States in favour of 'permanent paper'.
 7. Comparative study of export aid measures for books
 - this study, to be prepared by the Commission, will provide better knowledge of the export aid measures existing in different Member States.
 8. Campaign for raising European public awareness of books and reading
 - this campaign, which will include actions using television for raising public awareness, will be carried out in collaboration with the Council of Europe and UNESCO.
-

Conclusions
of the Council and the Ministers responsible for Cultural Affairs,
meeting within the Council,
of 18 May 1989
on books and reading with a view to the completion
of the internal market in 1992

(OJ No C 183 of 20.07.1989)

CONCLUSIONS
OF THE COUNCIL AND THE MINISTERS RESPONSIBLE FOR CULTURAL
AFFAIRS MEETING WITHIN THE COUNCIL
of 18 May 1989
on books and reading with a view to the completion of the internal market in 1992
(89/C 183/02)

The Council and the ministers responsible for cultural affairs meeting within the Council held an exchange of views on the subject of books and reading with a view to the completion of the internal market in 1992.

With regard to taxation on books, after hearing a statement from the Commission they noted that the Commission was reflecting on the possibility of revising its present proposals on indirect taxation and excise duties in a manner which would, *inter alia*, provide scope for the lowest possible rate of VAT on books.

For the same reasons, they considered the prices of books and, in the absence of an alternative system acceptable to all, decided in favour of continuing national policies intended to ensure a balance between the interests of authors, publishers, booksellers and the public, while complying with the rules of competition.

In the same context, they stressed the role of small and medium-sized publishing firms that cared about publishing quality books, in order to ensure the vitality, originality and pluralism of publishing.

As regards questions of copyright affecting authors, they noted a statement from the Commission concerning its Green Paper on copyright and its intentions in this field.

By way of encouragement to authors, the Council and the ministers responsible for cultural affairs meeting within the Council decided to create an annual literary prize to be awarded in the context of the European City of Culture.

All general action concerning books should also involve libraries; the Council and the ministers responsible for cultural affairs meeting within the Council await with interest a Commission proposal on the intensification of collaboration between libraries regarding data processing.

The Council and the ministers responsible for cultural affairs meeting within the Council also agreed on the importance of increasing public awareness of books and reading by placing particular emphasis on the use of television for that purpose.

Finally, they were aware that the existence of different language areas was an obstacle to the spread of books and culture in general in Europe, and that it was essential in order to overcome this obstacle to derive benefit from the diversity of cultures, and in particular those based on the less widely known languages in Europe. They drew attention to the practical actions agreed on 18 May in the resolution of the Council and of the ministers responsible for cultural affairs meeting within the Council concerning the promotion of books and reading. In particular, they noted the creation of an annual prize for the best translations of literary works, also to be awarded in the context of the European City of Culture.

**Council Directive
of 3 October 1989
on the co-ordination of certain provisions
laid down by law, regulation or administrative
action in Member States concerning the pursuit
of television broadcasting activities**

(OJ No L 298 of 17.10.1989)

COUNCIL DIRECTIVE

of 3 October 1989

on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

(89/552/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 57 (2) and 66 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the objectives of the Community as laid down in the Treaty include establishing an even closer union among the peoples of Europe, fostering closer relations between the States belonging to the Community, ensuring the economic and social progress of its countries by common action to eliminate the barriers which divide Europe, encouraging the constant improvement of the living conditions of its peoples as well as ensuring the preservation and strengthening of peace and liberty;

Whereas the Treaty provides for the establishment of a common market, including the abolition, as between Member States, of obstacles to freedom of movement for services and the institution of a system ensuring that competition in the common market is not distorted;

Whereas broadcasts transmitted across frontiers by means of various technologies are one of the ways of pursuing the objectives of the Community; whereas measures

should be adopted to permit and ensure the transition from national markets to a common programme production and distribution market and to establish conditions of fair competition without prejudice to the public interest role to be discharged by the television broadcasting services;

Whereas the Council of Europe has adopted the European Convention on Transfrontier Television;

Whereas the Treaty provides for the issuing of directives for the coordination of provisions to facilitate the taking up of activities as self-employed persons;

Whereas television broadcasting constitutes, in normal circumstances, a service within the meaning of the Treaty;

Whereas the Treaty provides for free movement of all services normally provided against payment, without exclusion on grounds of their cultural or other content and without restriction of nationals of Member States established in a Community country other than that of the person for whom the services are intended;

Whereas this right as applied to the broadcasting and distribution of television services is also a specific manifestation in Community law of a more general principle, namely the freedom of expression as enshrined in Article 10 (1) of the Convention for the Protection of Human Rights and Fundamental Freedoms ratified by all Member States; whereas for this reason the issuing of directives on the broadcasting and distribution of television programmes must ensure their free movement in the light of the said Article and subject only to the limits set by paragraph 2 of that Article and by Article 56 (1) of the Treaty;

⁽¹⁾ OJ No C 179, 17. 7. 1986, p. 4.

⁽²⁾ OJ No C 49, 22. 2. 1988, p. 53, and OJ No C 158, 26. 6. 1989.

⁽³⁾ OJ No C 232, 31. 8. 1987, p. 29.

Whereas the laws, regulations and administrative measures in Member States concerning the pursuit of activities as television broadcasters and cable operators contain disparities, some of which may impede the free movement of broadcasts within the Community and may distort competition within the common market;

Whereas all such restrictions on freedom to provide broadcasting services within the Community must be abolished under the Treaty;

Whereas such abolition must go hand in hand with coordination of the applicable laws; whereas this coordination must be aimed at facilitating the pursuit of the professional activities concerned and, more generally, the free movement of information and ideas within the Community;

Whereas it is consequently necessary and sufficient that all broadcasts comply with the law of Member State from which they emanate;

Whereas this Directive lays down the minimum rules needed to guarantee freedom of transmission in broadcasting; whereas, therefore, it does not affect the responsibility of the Member States and their authorities with regard to the organization — including the systems of licensing, administrative authorization or taxation — financing and the content of programmes; whereas the independence of cultural developments in the Member States and the preservation of cultural diversity in the Community therefore remain unaffected;

Whereas it is necessary, in the common market, that all broadcasts emanating from and intended for reception within the Community and in particular those intended for reception in another Member State, should respect the law of the originating Member State applicable to broadcasts intended for reception by the public in that Member State and the provisions of this Directive;

Whereas the requirement that the originating Member State should verify that broadcasts comply with national law as coordinated by this Directive is sufficient under Community law to ensure free movement of broadcasts without secondary control on the same grounds in the receiving Member States; whereas, however, the receiving Member State may, exceptionally and under specific conditions provisionally suspend the retransmission of televised broadcasts;

Whereas it is essential for the Member States to ensure the prevention of any acts which may prove detrimental to freedom of movement and trade in television programmes or which may promote the creation of

dominant positions which would lead to restrictions on pluralism and freedom of televised information and of the information sector as a whole;

Whereas this Directive, being confined specifically to television broadcasting rules, is without prejudice to existing or future Community acts of harmonization, in particular to satisfy mandatory requirements concerning the protection of consumers and the fairness of commercial transactions and competition;

Whereas co-ordination is nevertheless needed to make it easier for persons and industries producing programmes having a cultural objective to take up and pursue their activities;

Whereas minimum requirements in respect of all public or private Community television programmes for European audio-visual productions have been a means of promoting production, independent production and distribution in the abovementioned industries and are complementary to other instruments which are already or will be proposed to favour the same objective;

Whereas it is therefore necessary to promote markets of sufficient size for television productions in the Member States to recover necessary investments not only by establishing common rules opening up national markets but also by envisaging for European productions where practicable and by appropriate means a majority proportion in television programmes of all Member States; whereas, in order to allow the monitoring of the application of these rules and the pursuit of the objectives, Member States will provide the Commission with a report on the application of the proportions reserved for European works and independent productions in this Directive; whereas for the calculation of such proportions account should be taken of the specific situation of the Hellenic Republic and the Portuguese Republic; whereas the Commission must inform the other Member States of these reports accompanied, where appropriate by an opinion taking account of, in particular, progress achieved in relation to previous years, the share of first broadcasts in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audio-visual production capacity or restricted language area;

Whereas for these purposes 'European works' should be defined without prejudice to the possibility of Member States laying down a more detailed definition as regards television broadcasters under their jurisdiction in accordance with Article 3 (1) in compliance with Community law and account being taken of the objectives of this Directive;

Whereas it is important to seek appropriate instruments and procedures in accordance with Community law in order to promote the implementation of these objectives with a view to adopting suitable measures to encourage the activity and development of European audio-visual production and distribution, particularly in countries with a low production capacity or restricted language area ;

Whereas national support schemes for the development of European production may be applied in so far as they comply with Community law ;

Whereas a commitment, where practicable, to a certain proportion of broadcasts for independent productions, created by producers who are independent of broadcasters, will stimulate new sources of television production, especially the creation of small and medium-sized enterprises ; whereas it will offer new opportunities and outlets to the marketing of creative talents of employment of cultural professions and employees in the cultural field ; whereas the definition of the concept of independent producer by the Member States should take account of that objective by giving due consideration to small and medium-sized producers and making it possible to authorize financial participation by the coproduction subsidiaries of television organizations ;

Whereas measures are necessary for Member States to ensure that a certain period elapses between the first cinema showing of a work and the first television showing ;

Whereas in order to allow for an active policy in favour of a specific language, Member States remain free to lay down more detailed or stricter rules in particular on the basis of language criteria, as long as these rules are in conformity with Community law, and in particular are not applicable to the retransmission of broadcasts originating in other Member States ;

Whereas in order to ensure that the interests of consumers as television viewers are fully and properly protected, it is essential for television advertising to be subject to a certain number of minimum rules and standards and that the Member States must maintain the right to set more detailed or stricter rules and in certain circumstances to lay down different conditions for television broadcasters under their jurisdiction ;

Whereas Member States, with due regard to Community law and in relation to broadcasts intended solely for the national territory which may not be received, directly or indirectly, in one or more Member States, must be able to lay down different conditions for the insertion of advertising and different limits for the volume of advertising in order to facilitate these particular broadcasts ;

Whereas it is necessary to prohibit all television advertising promoting cigarettes and other tobacco products including indirect forms of advertising which,

whilst not directly mentioning the tobacco product, seek to circumvent the ban on advertising by using brand names, symbols or other distinctive features of tobacco products or of undertakings whose known or main activities include the production or sale of such products ;

Whereas it is equally necessary to prohibit all television advertising for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the broadcaster falls and to introduce strict criteria relating to the television advertising of alcoholic products ;

Whereas in view of the growing importance of sponsorship in the financing of programmes, appropriate rules should be laid down ;

Whereas it is, furthermore, necessary to introduce rules to protect the physical, mental and moral development of minors in programmes and in television advertising ;

Whereas although television broadcasters are normally bound to ensure that programmes present facts and events fairly, it is nevertheless important that they should be subject to specific obligations with respect to the right of reply or equivalent remedies so that any person whose legitimate interests have been damaged by an assertion made in the course of a broadcast television programme may effectively exercise such right or remedy.

HAS ADOPTED THIS DIRECTIVE :

CHAPTER I

Definitions

Article 1

For the purpose of this Directive :

- (a) 'television broadcasting' means the initial transmission by wire or over the air, including that by satellite, in unencoded or encoded form, of television programmes intended for reception by the public. It includes the communication of programmes between undertakings with a view to their being relayed to the public. It does not include communication services providing items of information or other messages on individual demand such as telecopying, electronic data banks and other similar services ;
- (b) 'television advertising' means any form of announcement broadcast in return for payment or for similar consideration by a public or private undertaking in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, or rights and obligations, in return for payment.

Except for the purposes of Article 18, this does not include direct offers to the public for the sale, purchase or rental of products or for the provision of services in return for payment;

- (c) 'surreptitious advertising' means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the broadcaster to serve advertising and might mislead the public as to its nature. Such representation is considered to be intentional in particular if it is done in return for payment or for similar consideration;
- (d) 'sponsorship' means any contribution made by a public or private undertaking not engaged in television broadcasting activities or in the production of audio-visual works, to the financing of television programmes with a view to promoting its name, its trade mark, its image, its activities or its products.

CHAPTER II

General provisions

Article 2

1. Each Member State shall ensure that all television broadcasts transmitted

- by broadcasters under its jurisdiction, or
- by broadcasters who, while not being under the jurisdiction of any Member State, make use of a frequency or a satellite capacity granted by, or a satellite up-link situated in, that Member State,

comply with the law applicable to broadcasts intended for the public in that Member State.

2. Member States shall ensure freedom of reception and shall not restrict retransmission on their territory of television broadcasts from other Member States for reasons which fall within the fields coordinated by this Directive. Member States may provisionally suspend retransmissions of television broadcasts if the following conditions are fulfilled:

- (a) a television broadcast coming from another Member State manifestly, seriously and gravely infringes Article 22;
- (b) during the previous 12 months, the broadcaster has infringed the same provision on at least two prior occasions;
- (c) the Member State concerned has notified the broadcaster and the Commission in writing of the alleged

- infringements and of its intention to restrict retransmission should any such infringement occur again;
- (d) consultations with the transmitting State and the Commission have not produced an amicable settlement within 15 days of the notification provided for in point (c), and the alleged infringement persists.

The Commission shall ensure that the suspension is compatible with Community law. It may ask the Member State concerned to put an end to a suspension which is contrary to Community law, as a matter of urgency. This provision is without prejudice to the application of any procedure, remedy or sanction to the infringements in question in the Member State which has jurisdiction over the broadcaster concerned.

3. This Directive shall not apply to broadcasts intended exclusively for reception in States other than Member States, and which are not received directly or indirectly in one or more Member States.

Article 3

1. Member States shall remain free to require television broadcasters under their jurisdiction to lay down more detailed or stricter rules in the areas covered by this Directive.

2. Member States shall, by appropriate means, ensure, within the framework of their legislation, that television broadcasters under their jurisdiction comply with the provisions of this Directive.

CHAPTER III

Promotion of distribution and production of television programmes

Article 4

1. Member States shall ensure where practicable and by appropriate means, that broadcasters reserve for European works, within the meaning of Article 6, a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising and teletext services. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.

2. Where the proportion laid down in paragraph 1 cannot be attained, it must not be lower than the average for 1988 in the Member State concerned.

However, in respect of the Hellenic Republic and the Portuguese Republic, the year 1988 shall be replaced by the year 1990.

3. From 3 October 1991, the Member States shall provide the Commission every two years with a report on the application of this Article and Article 5.

That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 5 for each of the television programmes falling within the jurisdiction of the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.

The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article and Article 5 in accordance with the provisions of the Treaty. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area.

4. The Council shall review the implementation of this Article on the basis of a report from the Commission accompanied by any proposals for revision that it may deem appropriate no later than the end of the fifth year from the adoption of the Directive.

To that end, the Commission report shall, on the basis of the information provided by Member States under paragraph 3, take account in particular of developments in the Community market and of the international context.

Article 5

Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time appointed to news, sports events, games, advertising and teletext services, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to broadcasters' informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria; it must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within five years of their production.

Article 6

1. Within the meaning of this chapter, 'European works' means the following:

(a) works originating from Member States of the Community and, as regards television broadcasters falling

within the jurisdiction of the Federal Republic of Germany, works from German territories where the Basic Law does not apply and fulfilling the conditions of paragraph 2;

(b) works originating from European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of paragraph 2;

(c) works originating from other European third countries and fulfilling the conditions of paragraph 3.

2. The works referred to in paragraph 1 (a) and (b) are works mainly made with authors and workers residing in one or more States referred to in paragraph 1 (a) and (b) provided that they comply with one of the following three conditions:

(a) they are made by one or more producers established in one or more of those States; or

(b) production of the works is supervised and actually controlled by one or more producers established in one or more of those States; or

(c) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.

3. The works referred to in paragraph 1 (c) are works made exclusively or in co-production with producers established in one or more Member State by producers established in one or more European third countries with which the Community will conclude agreements in accordance with the procedures of the Treaty, if those works are mainly made with authors and workers residing in one or more European States.

4. Works which are not European works within the meaning of paragraph 1, but made mainly with authors and workers residing in one or more Member States, shall be considered to be European works to an extent corresponding to the proportion of the contribution of Community co-producers to the total production costs.

Article 7

Member States shall ensure that the television broadcasters under their jurisdiction do not broadcast any cinematographic work, unless otherwise agreed between its rights holders and the broadcaster, until two years have elapsed since the work was first shown in cinemas in one of the Member States of the Community; in the case of cinematographic works co-produced by the broadcaster, this period shall be one year.

Article 8

Where they consider it necessary for purposes of language policy, the Member States, whilst observing Community law, may as regards some or all programmes of television broadcasters under their jurisdiction, lay down more detailed or stricter rules in particular on the basis of language criteria.

Article 9

This chapter shall not apply to local television broadcasts not forming part of a national network.

CHAPTER IV

Television advertising and sponsorship

Article 10

1. Television advertising shall be readily recognizable as such and kept quite separate from other parts of the programme service by optical and/or acoustic means.
2. Isolated advertising spots shall remain the exception.
3. Advertising shall not use subliminal techniques.
4. Surreptitious advertising shall be prohibited.

Article 11

1. Advertisements shall be inserted between programmes. Provided the conditions contained in paragraphs 2 to 5 of this Article are fulfilled, advertisements may also be inserted during programmes in such a way that the integrity and value of the programme, taking into account natural breaks in and the duration and nature of the programme, and the rights of the rights holders are not prejudiced.
2. In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or in the intervals.
3. The transmission of audiovisual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their programmed duration is more than 45 minutes, may be interrupted once for each complete period of 45 minutes. A further interruption is allowed if their programmed duration is at least 20 minutes longer than two or more complete periods of 45 minutes.
4. Where programmes, other than those covered by paragraph 2, are interrupted by advertisements, a period of at least 20 minutes should elapse between each successive advertising break within the programme.

5. Advertisements shall not be inserted in any broadcast of a religious service. News and current affairs programmes, documentaries, religious programmes, and children's programmes, when their programmed duration is less than 30 minutes shall not be interrupted by advertisements. If their programmed duration is of 30 minutes or longer, the provisions of the previous paragraphs shall apply.

Article 12

Television advertising shall not:

- (a) prejudice respect for human dignity;
- (b) include any discrimination on grounds of race, sex or nationality;
- (c) be offensive to religious or political beliefs;
- (d) encourage behaviour prejudicial to health or to safety;
- (e) encourage behaviour prejudicial to the protection of the environment.

Article 13

All forms of television advertising for cigarettes and other tobacco products shall be prohibited.

Article 14

Television advertising for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the broadcaster falls shall be prohibited.

Article 15

Television advertising for alcoholic beverages shall comply with the following criteria:

- (a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- (b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;
- (c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
- (d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- (e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- (f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

Article 16

Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

- (a) it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity ;
- (b) it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised ;
- (c) it shall not exploit the special trust minors place in parents, teachers or other persons ;
- (d) it shall not unreasonably show minors in dangerous situations.

Article 17

1. Sponsored television programmes shall meet the following requirements :

- (a) the content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes ;
- (b) they must be clearly identified as such by the name and/or logo of the sponsor at the beginning and/or the end of the programmes ;
- (c) they must not encourage the purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services.

2. Television programmes may not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of products, or the provision of services, the advertising of which is prohibited by Article 13 or 14.

3. News and current affairs programmes may not be sponsored.

Article 18

1. The amount of advertising shall not exceed 15 % of the daily transmission time. However, this percentage may be increased to 20 % to include forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services, provided the amount of spot advertising does not exceed 15 %.

2. The amount of spot advertising within a given one-hour period shall not exceed 20 %.

3. Without prejudice to the provisions of paragraph 1, forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services shall not exceed one hour per day.

Article 19

Member States may lay down stricter rules than those in Article 18 for programming time and the procedures for

television broadcasting for television broadcasters under their jurisdiction, so as to reconcile demand for televised advertising with the public interest, taking account in particular of :

- (a) the role of television in providing information, education, culture and entertainment ;
- (b) the protection of pluralism of information and of the media.

Article 20

Without prejudice to Article 3, Member States may, with due regard for Community law, lay down conditions other than those laid down in Article 11 (2) to (5) and in Article 18 in respect of broadcasts intended solely for the national territory which may not be received, directly or indirectly, in one or more other Member States.

Article 21

Member States shall, within the framework of their laws, ensure that in the case of television broadcasts that do not comply with the provisions of this chapter, appropriate measures are applied to secure compliance with these provisions.

CHAPTER V

Protection of minors

Article 22

Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include programmes which might seriously impair the physical, mental or moral development of minors, in particular those that involve pornography or gratuitous violence. This provision shall extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.

Member States shall also ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality.

CHAPTER VI

Right of reply

Article 23

1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality,

whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies.

2. A right of reply or equivalent remedies shall exist in relation to all broadcasters under the jurisdiction of a Member State.

3. Member States shall adopt the measures needed to establish the right of reply or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised appropriately by natural or legal persons resident or established in other Member States.

4. An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil law proceedings or would transgress standards of public decency.

5. Provision shall be made for procedures whereby disputes as to the exercise of the right of reply or the equivalent remedies can be subject to judicial review.

CHAPTER VII

Final provisions

Article 24

In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.

Article 25

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 3 October 1991. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the fields governed by this Directive.

Article 26

Not later than the end of the fifth year after the date of adoption of this Directive and every two years thereafter, the Commission shall submit to the European Parliament, the Council, and the Economic and Social Committee a report on the application of this Directive and, if necessary, make further proposals to adapt it to developments in the field of television broadcasting.

Article 27

This Directive is addressed to the Member States.

Done at Luxembourg, 3 October 1989.

For the Council

The President

R. DUMAS

**Conclusions
of the Ministers of Culture,
meeting within the Council,
of 18 May 1990
on future eligibility for the "European City of Culture"
and on a special European Cultural Month event**

(OJ No C 162 of 03.07.1990)

CONCLUSIONS OF THE MINISTERS OF CULTURE MEETING WITHIN THE
COUNCIL

of 18 May 1990

on future eligibility for the 'European City of Culture' and on a special European Cultural
Month event

(90/C 162/01)

In regard to the 'European City of Culture' resolution of 13 June 1985, the Ministers of Culture note that designations of cities have been made for the years up to 1996 inclusive and that by then a first cycle of European Community Member States will have been completed.

They agree that for the years after 1996 not only Member States of the Community but also other European countries basing themselves on the principles of democracy, pluralism and the rule of law should be able to nominate cities for the event. They will begin to make further designations from 1992 onwards.

They note with interest that the current European City of Culture, Glasgow, will call towards the end of the year a meeting of organizers of the different Cities of Culture, with a view to pooling experience. One conclusion which can already be drawn is that greater publicity should be given to the event in the Member States other than the one in which it is taking place.

In view of the widespread interest in holding the event of European cities both inside and outside the Community, the Ministers agree to create a further cultural event, which would be a special European Cultural Month in one city (from a European country basing itself on the principles of democracy, pluralism and the rule of law) each year, to be known as 'Europe in [name of city],

199 . . ' The Cultural Month event should be launched as quickly as possible and in the first instance for an experimental period.

The special European Cultural Month⁽¹⁾ would not affect the standing of the European City of Culture event or the support given to it and would not exclude the city concerned from a possible future designation as European City of Culture. Some linkage between the European City of Culture and the special European Cultural Month of the same year could be made. The Committee on Cultural Affairs should explore further the modalities of the special European Cultural Month, including the contribution which the Council of Europe might make to the event.

They note the willingness of the Commission to be associated with the organization of this new event.

A complementary method of bringing European cities outside the Community into a relationship with the European City of Culture event (already effected or planned in some cases) would be for a European City of Culture, on a voluntary basis, to make a special feature of such a city's culture within its own programme.

The Presidency and the Commission should jointly explore the possibilities for the first years and report to their next session on these.

⁽¹⁾ The Cultural Month could, if appropriate, last for a slightly longer period than one month.

**Conclusions
of the Council and the Ministers for Culture,
meeting within the Council,
of 19 November 1990
on vocational training in the arts field**

**DRAFT CONCLUSIONS OF
THE COUNCIL AND THE MINISTERS FOR CULTURE
MEETING WITHIN THE COUNCIL**

on vocational training in the arts field

The Council and the Ministers for Culture have noted with interest the Commission communication on vocational training in the arts field.

They consider that this communication forms part of the implementation of the conclusions of 27 May 1988 on future priority actions in the cultural field and is a follow-up to the discussion which they had on 18 May 1990, during which specific actions in this field were called for.

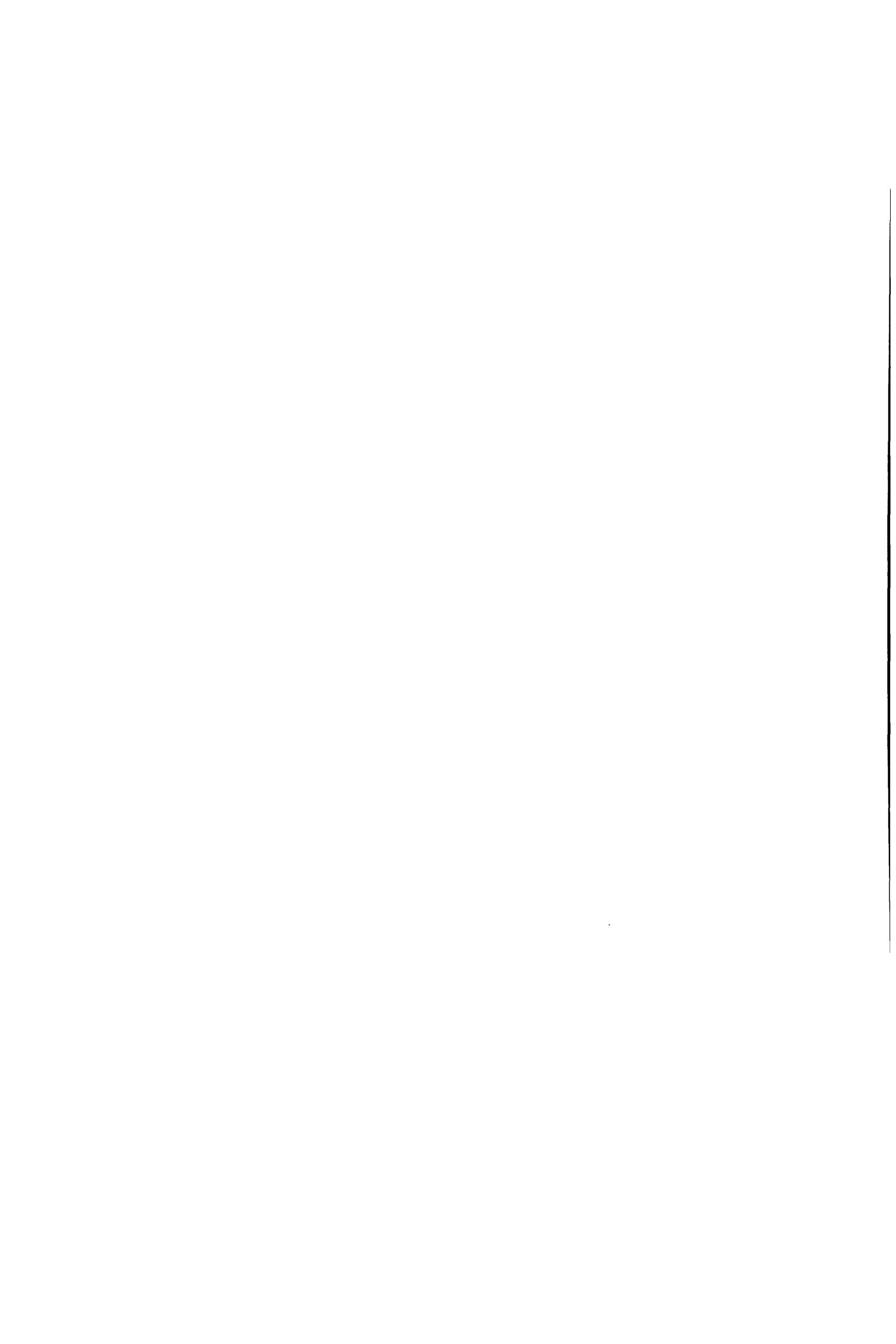
They share the approach of the Commission in its communication involving, in close collaboration with the Member States and with international organizations, particularly the Council of Europe :

- the preparation of a review of the situation and needs in the field of training for the arts, measured against the objectives of the common vocational training policy and taking into account existing Community programmes such as ERASMUS, PETRA and MEDIA ;
- the launching of immediate experimental projects, so as to reinforce efforts already undertaken in the framework of "Cultural Action" (sectors of conservation/restoration and translation), without prejudice to actions which might be desirable in other sectors later.

They invite the Commission to associate the Member States with the evaluation of these two actions and note that the Commission may propose, in a second phase, other priority actions in important sectors for European cultural life and where better use could be made of existing structures and financial resources, in conformity with the principle of subsidiarity.



**Conclusions
of the Council and the Ministers for Culture,
meeting within the Council,
of 19 November 1990
on the protection of national treasures
of artistic, historic or archaeological value after 1992**



DRAFT CONCLUSIONS

OF THE COUNCIL AND THE MINISTERS OF THE CULTURE MEETING WITHIN THE COUNCIL

ON THE PROTECTION OF NATIONAL TREASURES OF ARTISTIC, HISTORIC OR ARCHAEOLOGICAL VALUE AFTER 1992

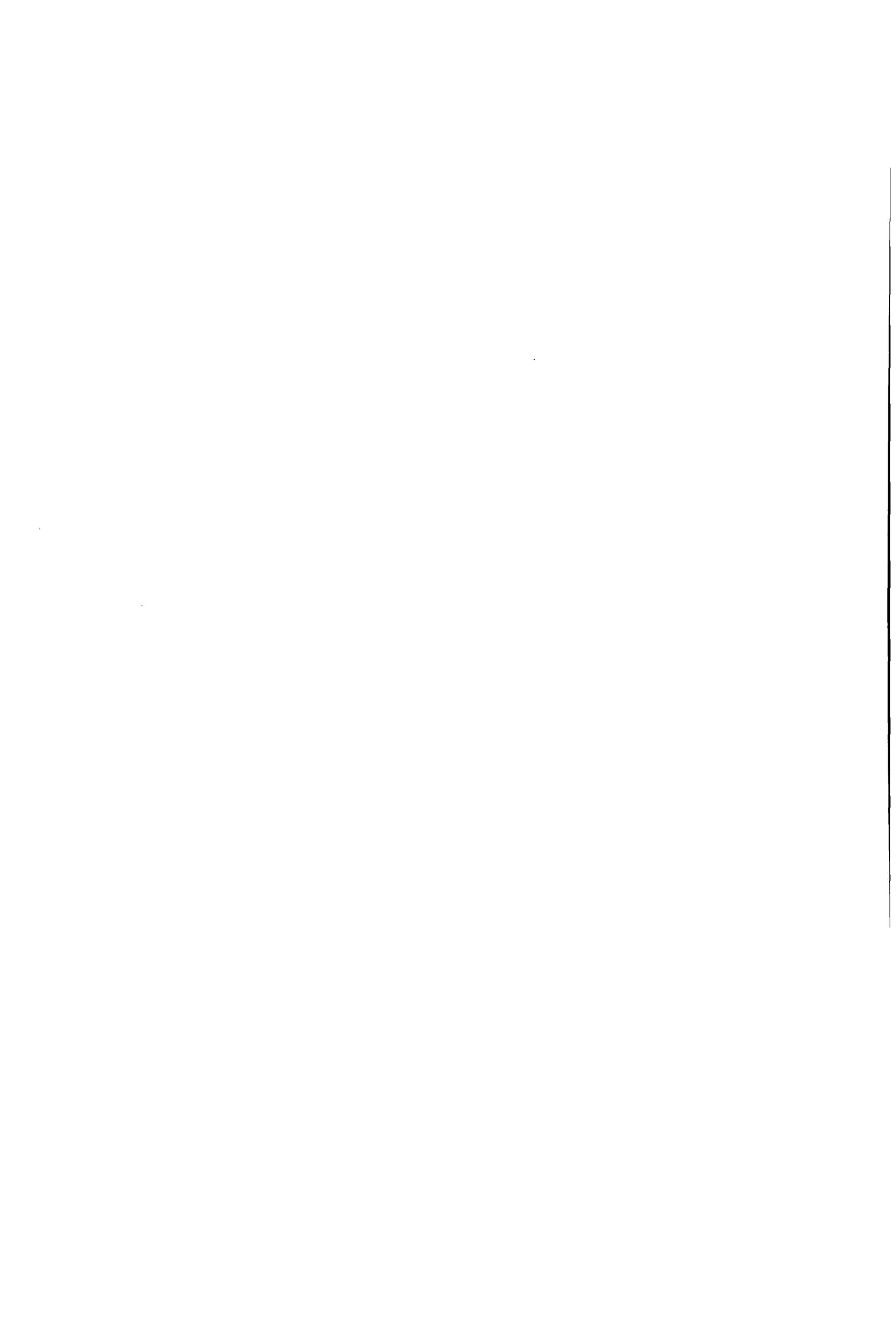
1. The Council and the Ministers of Culture have noted with interest a report of the Committee on cultural affairs and the Permanent Representatives Committee, in response to the mandate given on 18 May 1990, on problems regarding the protection of national treasures of artistic, historic or archaeological value after the abolition of controls at the internal frontiers of the Community by the end of 1992. With the abolition of these controls the circulation of cultural objects is likely to increase, but this increase should not prevent the Member States from applying Article 36 of the EEC treaty, as far as those objects which they define as national treasures are concerned, provided that the requirements resulting from this Article are fulfilled. With the abolition of the controls, however, an important means of checking that national treasures remain within the Member States concerned will be taken away.
2. The major effort to protect its national treasures has to be made, then as now, by the Member State concerned. However, in view of the interdependence of the Member States in this area after 1992, they have agreed to collaborate more intensively with each other and the Commission on the protection of national treasures, so that, without any heavy extra administrative burden, information and experience can be exchanged. The Committee on cultural affairs should prepare the modalities of this exchange process.
3. In the framework of the protection of national treasures after 1992, the idea of a system of restitution of cultural objects illicitly exported to other Member States should be further examined. The Ministers invite the Commission to study, together with experts from the Member States, the possibilities of allowing the restitution of such illicitly exported cultural objects and to make a report to the Council.

4. Further consideration should be given to measures at the external frontiers for the protection of cultural objects, through joint meetings of the Committee on cultural affairs and customs experts, as well as in dialogue with the customs mutual assistance Committee of the Commission in the framework of (EEC) Regulation 1468/81.

 5. In this connection the Ministers accepted the offer of the Spanish Government to organize a meeting of cultural and customs experts to examine a certificate system and to visit one of the Spanish customs posts specialising in the control of cultural objects. This meeting should be followed by further work in the Committee on cultural affairs with the participation of customs experts.
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**Council Decision
of 21 December 1990
concerning the implementation
of an action programme to promote the development of the
European audio-visual industry (Media) (1991 to 1995)**

(OJ No L 380 of 31.12.1990)



COUNCIL DECISION

of 21 December 1990

concerning the implementation of an action programme to promote the development of the European audiovisual industry (Media) (1991 to 1995)

(90/685/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the Heads of State and Government meeting in the European Council in Rhodes on 2 and 3 December 1988 pointed out that it is extremely important to strengthen efforts, including cooperation, to develop Europe's audiovisual capacity, whether with regard to the free movement of programmes, to the promotion of the European high-definition television system or to a policy of encouraging creativity, production and broadcasting so as to provide an opportunity of demonstrating the richness and diversity of European culture;

Whereas the Community already possesses certain instruments designed to put such a policy into practice;

Whereas, on 3 October 1989, the Council adopted Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities ⁽⁴⁾; whereas that Directive contributes to the establishment of a large audiovisual market which must benefit both the audiovisual industry and ordinary citizens and which has yet to be consolidated;

Whereas, on 27 April 1989, the Council adopted Decision 89/337/EEC on high-definition television ⁽⁵⁾;

Whereas, between 30 September and 2 October 1989, the Commission and the French Government jointly organized the European Audiovisual Conference in Paris; whereas the professionals meeting on that occasion stressed the need for stronger Community action, particularly to encourage audiovisual creative work;

Whereas the Joint Declaration of 2 October 1989 adopted by 26 European countries and the Commission established a transnational cooperation structure entitled Audiovisual Eureka;

Whereas the Heads of State or Government, meeting in the European Council in Strasbourg on 8 and 9 December 1989, hoped that a Community action programme following on from the Media (measures to encourage the development of the audiovisual industry) programme would receive the necessary financial resources and that the necessary synergy with Audiovisual Eureka would be ensured;

Whereas on 7 May 1990 the Council took note of the Commission communication on audiovisual policy which set out the priority objectives and lines of action measures of a Community policy providing an overall approach to regulatory, technological and industrial questions in the audiovisual sector and establishing an indicative timetable for the submission of the specific proposals required for its implementation;

Whereas the development of the industrial aspects of this overall policy, including those of improving the economic and commercial management abilities of professionals in the audiovisual industry, will have to be based on the experience acquired and the positive results achieved by the Commission in applying the pilot phase of the Media programme; whereas the evaluation of the phase carried out by the Commission and by a group of independent experts has demonstrated the need, if Europe's audiovisual capacity is to be expanded, for a longer-term programme;

Whereas, beyond the continuation and intensification of work on projects launched during the pilot phase, the implementation of new pilot projects may have a catalysing effect on areas of the European audiovisual market which have as yet not been adequately explored;

Whereas Community action should take account of the work to be carried out within the framework of Audiovisual Eureka;

Whereas for this purpose encouragement should be given, via the appropriate instruments and in the spirit of the Joint Declaration of 2 October 1989, to the development of complementary relationships between Community schemes and those carried out within the framework of Audiovisual Eureka;

Whereas, as stated in the Joint Declaration of 2 October 1989, Audiovisual Eureka projects are not intended to replace Community schemes, their objective being rather to extend or supplement them as appropriate;

⁽¹⁾ OJ No C 127, 23. 5. 1990, p. 5.

⁽²⁾ OJ No C 324, 24. 12. 1990.

⁽³⁾ Opinion delivered on 20 September 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 298, 17. 10. 1989, p. 23.

⁽⁵⁾ OJ No L 142, 25. 5. 1989, p. 1.

Whereas the European audiovisual industry matches supply to demand and should therefore act to overcome fragmentation of the markets and overhaul its production and distribution structures, which are too narrow and do not yield an adequate return;

Whereas, in this context, special attention needs to be given to small and medium-sized undertakings and to countries in Europe with smaller audiovisual capacity, when adapting market structures; whereas action should therefore be taken to ensure all appropriate coordination with the Community initiatives now under way in these fields;

Whereas in the development of the programme-making industry, account needs to be taken of the position of countries in Europe with smaller audiovisual production capacities and/or with a limited geographical and linguistic area;

Whereas the development of the programme-making industry calls for a mastery of new technology and should enable economies of scale to be made;

Whereas increased use of new forms of technology, particularly European forms, including high-definition television, in the areas of audiovisual programme production and distribution, may help to enhance the value of the technologies in question;

Whereas it appears necessary to supplement other Community measures to encourage the development of the European audiovisual industry by a scheme to improve the economic and commercial management abilities of professionals in the audiovisual industry;

Whereas the response to the challenges generated by evolving communications techniques and the growing requirement for audiovisual programmes is to be found first and foremost in the commitment and drive displayed by the professionals;

Whereas the media professionals and the Member States must be closely involved in developments during the main phase of the programme; whereas the exchange of information and experience and consultation between the various parties involved and the Commission are vital to the task of enhancing the effectiveness and overall cohesion of the Community's audiovisual policy;

Whereas due regard for the principle of subsidiarity entail that the purpose of the Community's measures in this area should not be to replace but to complement what is being done by the authorities in the Member States; whereas establishing machinery for liaison and cooperation is subsidiary to national efforts;

Whereas the primary aim of financial input from the Community must be to stimulate complementary financial contributions from interested parties, thereby having a multiplier effect on the development of the audiovisual industry;

Whereas measures designed to establish the internal market gradually over a period ending on 31 December 1992 need to

be adopted; whereas the internal market comprises an area with no internal frontiers in which freedom of movement for goods, persons, services and capital is guaranteed;

Whereas, to attain the objectives of the Community as set out in Article 2 of the Treaty, it appears necessary to promote the European audiovisual programme-making industry as part of the operation of the single market; whereas, since the Treaty has not provided the necessary powers, it is necessary to have recourse to Article 235;

Whereas the funds estimated as necessary for the Community's contribution to the whole of the programme amount to ECU 200 million; whereas the allocations will be determined on the basis of the financial perspectives and within the limits of the amounts available for each year's budget,

HAS DECIDED AS FOLLOWS:

Article 1

An action programme to promote the development of the European audiovisual industry (the Media programme) hereafter referred to as 'the programme', is hereby adopted for a period of five years from 1 January 1991.

The funds estimated as necessary for the Community financial participation in the programme for the years 1991 to 1992 amount to ECU 84 million.

Article 2

The aims of the programme shall be as follows:

- to help create a favourable environment within which Community undertakings will act as a driving force alongside those from other European countries,
- to stimulate and increase the competitive supply capacity of European audiovisual products, with special regard for the role and requirements of small and medium-sized undertakings, the legitimate interests of all professionals who play a part in the original creation of such products and the position of countries in Europe with smaller audiovisual production capacities and/or with a limited geographical and linguistic area,
- to step up intra-European exchanges of films and audiovisual programmes and to make maximum use of the various means of distribution which either exist or are still to be set up in Europe, with a view to securing a better return on investment, wider dissemination and greater public impact,
- to increase European production and distribution companies' share of world markets,
- to promote access to and use of the new communications technologies, particularly European ones, in the production and distribution of audiovisual material,

- to encourage an overall approach to the audiovisual industry which allows for the interdependence of its various sectors,
- to ensure that action taken at European level complements that taken at national level,
- to contribute, in particular by improving the economic and commercial management abilities of professionals in the audiovisual industry in the Community, and in conjunction with existing institutions in the Member States, to creating conditions which will enable undertakings in that sector to take full advantage of the single market dimension.

Article 3

The measures described in Annex I shall be put into effect to attain the objectives set out in Article 2. The measures shall be implemented in accordance with the procedure laid down in Article 7.

Article 4

In implementing the programme, particular attention will be given to Community participation in Audiovisual Eureka projects which complement or extend the measures referred to in Article 3 and satisfy the criteria for Community involvement set out in Annex II.

In implementing the programme, the Community may also contribute to promoting cooperation with professionals in the audiovisual industry in Central and Eastern European countries.

The Community shall also contribute to the operating costs of the Audiovisual Eureka Secretariat and to the setting-up of the European Audiovisual Observatory.

Article 5

The annual appropriations allocated to the measures provided for in the programme shall be adopted in the framework of the budgetary procedure.

Article 6

As a rule, parties to contracts with the Commission for the implementation of the measures provided for in Article 3 must provide a substantial proportion of the funding, representing at least 50 % of their total cost.

Article 7

1. The Commission shall be responsible for implementing the programme.

2. For the purpose of carrying out that task, the Commission shall be assisted by an Advisory Committee consisting of representatives appointed by each Member State and chaired by a representative of the Commission. The members of the committee may seek assistance from experts or advisers.

3. The representative of the Commission shall submit to the committee a draft of measures concerning:

- (a) the general guidelines governing the programme (prior examination of aims and priorities, of the details of Commission participation, the implementation and operation of the various measures, criteria for selecting contractors and for granting Community support;
- (b) the annual budget breakdown, within each type of measure, details of financial participation including the application of the provisions of Article 6 and the duration of each measure;
- (c) those matters relating to the general balance of the implementation of the programme (transition from the exploratory phase to the pilot phase, transition from pilot measures to their principal phase, participation in Audiovisual Eureka projects), contributions within the meaning of the second paragraph of Article 4 and agreements provided for in Annex II;
- (d) the evaluation of the programme for the purpose of presentation of the reports provided for in Article 8.

4. The committee shall deliver its opinion on the draft measures referred to in paragraph 3 within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. When a vote is taken within the committee, the votes of the representatives of the Member States shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith.

In that event, the Commission may defer implementation of the measures which it has decided by one month.

The Council, acting by a qualified majority, may take a different decision within the time limit laid down in the previous subparagraph.

5. The Commission may, in addition, consult the committee on any other matter relating to the implementation of the programme.

The committee shall deliver its opinion within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 8

After the programme has been in operation for two years, and within six months of the end of that period, the Commission, after having consulted the committee referred to in Article 7, shall present a report on the results achieved

to the European Parliament, the Council and the Economic and Social Committee, accompanied, where necessary, by appropriate proposals.

On expiry of the programme, the Commission, acting in accordance with the procedure laid down in Article 7, shall send a report on the implementation and results of the programme to the European Parliament, the Council and the Economic and Social Committee.

Done at Brussels, 21 December 1990.

For the Council
The President
A. RUBERTI

ANNEX I

MEASURES TO BE PUT INTO EFFECT AND INDICATIVE BREAKDOWN OF COSTS

	<i>(millions of ecus)</i>
1. Distribution mechanisms	85
1.1. Distribution of films in cinemas	40
— Significant development of action taken by EFDO (European Film Distribution Office) to promote the cross-frontier distribution of European films in cinemas, in particular by extending support to works produced at a cost of up to ECU 4 500 000.	x
— Measures to promote European films outside the Community (offices for the promotion of European films and television programmes, group presence at festivals and fairs).	x x x
— Study and implementation of measures to promote the film sector (cinemas).	x x x
1.2. Distribution on video cassette	10
— Prolongation of the EVE measure (European Video Area), which is a system of advances on receipts to promote the production and cross-frontier distribution of European films and programmes; extension of the system, by encouraging the creation of cross-frontier networks of publishers to promote the output of European films and programmes on video cassette.	x x
1.3. Support for multilingualism in television programmes	10
— Extension of the Babel scheme ('Broadcasting across the barriers of European language'), to promote the circulation of European products designed for television, by offering support for dubbing or subtitling and by means of research into ways of perfecting these techniques including their harmonization.	x
— Support for the development of multilingual television programmes or broadcasts.	x x x
— Undertaking, within the framework of Babel, measures for perfecting the skills of journalists and other audiovisual professionals, who work in a multilingual environment or specialize in dubbing or subtitling.	x
1.4. Development of markets and support for the dissemination of the work of independent producers	25
— Intensification of the EURO-AIM scheme, a services structure which organizes the group presence of independent producers on international markets and gives them advice; it will:	x
— ensure a more conspicuous European presence on the major markets,	
— highlight particular sectors of production (archives, documentaries, youth interests, etc.),	
— develop promotional activities on non-Community markets,	
— develop the services available to small and medium-sized producers,	
— computerize the compilation and dissemination of data on independent European production.	
— Encouragement of the broadcasting by television stations of programmes produced by independent European producers.	x x x
2. Improvement of production conditions	75
2.1. Development of preproduction	23
— Development of the European Script Fund (encouragement for the development of screenplays and preproduction) by increasing its financing capacity and providing, in addition, professional services such as:	x
— assistance in the field of script writing,	
— assistance with regard to the financing of production,	
— extension of aid for development and preproduction to companies presenting 'packages' of programmes.	

- x Measure in progress; existing management structure.
 x x Pilot measure in launch phase; existing management structure.
 x x x Project in consultation phase; management structure to be created.

— Extension of these measures by offering appropriate support for creative documentaries.	x x x	
— Development, with the support of Script, of the professional skills of European screenplay writers, in particular by organizing 'script doctoring' sessions.	x x x	
2.2. Restructuring of the animated cartoon industry		23
— Strengthen Cartoon/European Association of Animation Film by:	x	
— encouraging the formation of networks of production studios by co-financing coordination and management costs; ensure that complementary measures are taken to train the cartoonists, studio managers and graphics coordinators who will be needed to form these networks,		
— contributing to the harmonization and computerization of production modes and to the industrialization of working methods,		
— supporting the production of 'pilots' by providing seed capital in the form of advances on receipts,		
— developing an information system specific to the European animated film industry based on meetings between producers and distributors as well as the computerization of professional information.		
2.3. Use of new technologies, in particular European ones, in the production of programmes		20
— Extension of the activities of the Media investment club:	x	
— by increasing the number of its members,		
— by issuing invitations to tender so as to encourage innovative projects,		
— by providing support for measures designed to promote the production of films and programmes using the European HDTV standard (in liaison with Audiovisual Eureka and EEIG 'Vision 1250'),	x x	
— by promoting schemes for the initiation of professionals in the use, in the production of audiovisual works, of new techniques in image synthesis, digital TV, high-definition TV, interactive TV, etc.		
2.4. Contribution to the establishment of a 'second market', in particular using archive material		9
— Support for the operation and consolidation of MAP-TV (linking up of European archives services).	x	
— Turning this 'memory bank' and the European film and television heritage to advantage by conserving, restoring, re-issuing and rebroadcasting works or by using extracts for the production of new programmes.	x x	
— Research into and experimentation with solutions for the problems concerning copyright royalties, which hamper the use of archives.	x x	
— Production of catalogues to be used for the promotion of archives.	x x x	
3. Stimulation of financial investment		10
— Encouragement for the establishment and development of structures designed to mobilize and stimulate investors (Media-Venture, Euro-Media guarantee, investment pools, etc.).	x x	
4. Improving the economic and commercial management abilities of professionals		15
— Pursue and diversify the measures taken by European Audiovisual Entrepreneurs/EAVE to promote the training of young producers with a view to the large market.	x	3
— Develop, in conjunction with national institutions, other further training measures, coordinated in particular by the Media business school, in order to respond to the economic and commercial problems faced by those working in the audiovisual field at European level.	x x	12
5. Development of potential in countries with smaller audiovisual production capacities and/or with a limited geographical and linguistic area; other measures	x x x	15
6. Participation in Audiovisual Eureka projects	x	(p.m.)
A significant amount of the total appropriation allocated to each of the types of measures 1 to 5 must be devoted to such participation.		

COMMUNITY INVOLVEMENT IN AUDIOVISUAL EUREKA

Both Community-policy and Audiovisual Eureka are pursuing the same general objective, i.e. to boost Europe's audiovisual capacity in accordance with the conclusions of the Rhodes and Strasbourg European Councils. In this connection, Annex II to the Joint Declaration on Audiovisual Eureka adopted in Paris on 2 October 1989 states that the European Community will be able to participate in Audiovisual Eureka projects, in particular through its programmes, but that these projects are not designed to replace the existing cooperation frameworks, their objective being rather to extend or supplement them as appropriate. In partical terms, the Community will be involved in two ways: the opening-up of Community projects to professionals of non-member countries (on contractual terms to be defined) and Community involvement in Audiovisual Eureka projects which fit into the action measures described in Annex I.

The concept of Community 'added value' will determine Commission involvement in Audiovisual Eureka.

The positive complementarity between the Community action programme and Audiovisual Eureka is helped by the difference in their nature:

- the action programme is a coherent set of incentive measures acting upstream and downstream of production proper with an effect of scale deriving from the participation of the 12 Community countries,
- Audiovisual Eureka offers a host structure (based on the original Technological Eureka) for helping professionals to devise and execute transnational projects by the multiplication of initiatives especially in the production field, with the flexibility afforded by the involvement of private and public partners in varying proportions.

The specific characteristics of these two instruments can produce synergies of two types.

1. *The Community action programme extended to include new partners*

The Community added value will be enhanced by the effects of geographical, economic and creative enlargement.

The professionals of the countries which adopted the 'Joint Declaration' could be invited to participate in the initiatives of the action programme, in the framework of agreements within the meaning of Article 228 of the Treaty between their countries and the Community. Participation will be formalized in agreements between the new non-Community participants and those responsible for the project in question within the framework of the action programme. The new participants will make a financial contribution, proportional to their participation in the project.

The action programme has a Community character and will be implemented by the Commission assisted by the Advisory Committee provided for in Article 7. However, extending it to non-Community participants will give it much greater commercial and economic potential.

2. *The Community as a partner in Audiovisual Eureka projects*

The Community stands to gain from Eureka projects, where the broader dimension could have a positive impact on the activities of the audiovisual programmes industry in Europe.

The Community will be able to take part in Audiovisual Eureka projects via its action programme. In each case the arrangements will be specified in a specific agreement.

Participation will be designed in particular:

- to increase the coherence of the various initiatives of the action programme by means of participation in projects which build on the measures already undertaken,
- to generate synergies between projects which, when joined together, could have a propulsive effect,
- to stimulate the independent production sector,
- to help in creating a second market for the distribution of European works,
- to provide projects with the extra finance they need in order to use and derive maximum benefit from the new European technologies applied to programmes (notably HDTV),
- to ensure by means of support for a project, that the potential of countries 'with lesser audiovisual capacity' is used to best effect,
- to contribute to the success of Audiovisual Eureka in order to attain the general objective of boosting Europe's audiovisual capacity.

Projects eligible for Community support may come under any of the types of measures of the programme referred to in Article 3. Such support will be determined by reference to the specific features of each project and according to whether the audiovisual Eureka instrument is suited to the objectives aimed at. The Advisory Committee provided for in Article 7 will give its opinion on the Audiovisual Eureka projects to be supported by the Community.

3. *Other forms of participation in Audiovisual Eureka*

The Community will make a contribution — according to the percentage rate agreed within the Coordinator's Committee — to the operating costs of the Audiovisual Eureka Secretariat and to the preparatory work for the establishment, should this be so decided, of the European Audiovisual Observatory.

**Resolution
of the Council and the Ministers for Culture,
meeting within the Council,
of 7 June 1991
on the training of arts administrators**

(OJ No C 188 of 19.07.1991)

RESOLUTION OF THE COUNCIL AND THE MINISTERS FOR CULTURE MEETING
WITHIN THE COUNCIL

of 7 June 1991

on the training of arts administrators

(91/C 188/01)

THE COUNCIL AND THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL,

Having regard to their resolution of 27 May 1988 which singled out training in the arts field as one of four priority sectors,

Having regard to the plan of action proposed by the Commission in its communication on vocational training in the arts field, as well as their conclusions of 19 November 1990 on that subject,

Whereas the extension of the sphere of cultural activity, the closer relationship brought about with the economic aspects of development and the diverse levels at which it must be carried out and sustained (regional, inter-regional, transfrontier, as well as national and international), generate a need for improved training for all those involved in the promotion of the arts,

Convinced that, in addition to institutions and organizations, those involved in the promotion of the arts, especially in arts administration and management, will have an important part to play, following the impetus provided by political leaders, in European cultural cooperation in the years to come and that for this reason special attention must be paid to their training,

Recognizing the efforts already made in this area both by national authorities and international organizations such as the Council of Europe and Unesco,

Aware of the need to develop active cooperation in this area with third countries, including those of Central and Eastern Europe, as envisaged in the draft Association Agreements with those countries and in the Phare programme,

Wishing to see further development of the part already taken by the training of arts administrators in Community programmes such as Erasmus,

EMPHASIZE the importance which they attach to the training of arts, administrators,

AGREE to give active encouragement under existing programmes to initiatives in this area at European level, involving:

- the exchange and circulation of information about such training,
- the mobility of arts administrators,
- networks of training centres for arts administrators,

CALL UPON the Commission to cooperate more closely with the Council of Europe and Unesco so as to develop concrete measures to strengthen the European dimension of such training.

**Resolution
of the Ministers for Culture,
meeting within the Council,
of 7 June 1991
on the temporary access of artists
of European Community origin to the territory
of the United States of America**

(OJ No C 188 of 19.07.1991)

**RESOLUTION OF THE MINISTERS FOR CULTURE MEETING WITHIN THE
COUNCIL**

of 7 June 1991

on the temporary access of artists of European Community origin to the territory of the United States of America

(91/C 188/02)

THE MINISTERS FOR CULTURE, MEETING WITHIN THE COUNCIL,

Considering that the freedom of movement of performing artists both within and without the frontiers of the Community is an essential condition for the development of their careers,

Bearing in mind the reform of temporary immigration procedures adopted by the United States Congress on 27 October 1990 which deals in particular with the granting of entry visas to performing artists,

Concerned that in establishing measures for implementing this law, the American Administration should take account of the wish expressed by many artists, organizers of events and others in the entertainment industry for greater flexibility, simplification and speeding-up of the procedures for granting visas,

Recalling that the Member States of the Community have always accorded favourable treatment for access to their territory to nationals of the United States, and in particular to their artists,

ACKNOWLEDGE the intention of the Government of the United States to clarify and relax the conditions for granting temporary visas to performing artists,

REQUEST that from the outset of the preparatory stage for implementing the new law of 27 October 1990, the Government of the United States show due consideration for the proposals and wishes expressed by the sector concerned in the European Community,

HOPE that by this means the Government of the United States will play its role in the development of a genuine world market for the live performing arts, distinguished by the requisite spirit of reciprocity, in particular between the United States and the European Community,

INVITE the Commission to take account of this common concern and of any approaches made by Member States to the Government of the United States.

**Resolution
of the Ministers for Culture,
meeting within the Council,
of 7 June 1991
on the development of the theatre in Europe**

(OJ No C 188 of 19.07.1991)

**RESOLUTION OF THE MINISTERS FOR CULTURE MEETING WITHIN THE
COUNCIL**

of 7 June 1991

on the development of the theatre in Europe

(91/C 188/03)

THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL,

Recognizing that the performing arts, including the theatre, are one of the most important expressions of the cultural life and democratic development of our societies and illustrate the fact that culture is a permanent exchange between those who create, and therefore their works, and men and women who feel the need for cultural experience transcending the logic of daily life,

Aware that the economic base of most theatres in the European Community is precarious but that a dynamic theatrical scene, while an end in itself, is also a source of valuable material for the cinema and television,

Conscious of the fact that in the Solemn Declaration on European Union (Stuttgart, June 1983) the Heads of State or Government advocated joint activities in the dissemination of culture and more extensive contacts between writers and artists of the Member States, and wider dissemination of their works,

Aware that the theatre is closely bound up with the life of local, regional and national communities and that the European Community can take a hand only in accordance with the principle of subsidiarity and of respect for the different cultural identities,

EXPRESS THEIR DETERMINATION to encourage the theatre in Europe and to enhance its European dimension by examining jointly in the context of new priorities for action in the cultural sphere as a whole the scope for promoting actions relating to:

- (a) greater mobility for professional theatrical performers and productions;
- (b) communication and artistic development between the various European theatres and between those working in them, in the first place through intergovernmental cooperation;
- (c) translation of dramatic works, involving two types of measure to help make production more accessible: written summaries, simultaneous interpretation, sub-titling or over-titling on the one hand and the translation of quality dramatic works on the other.

The pilot project for financial aid for the translation of contemporary literary works, launched by the Commission in 1989, could cater to a greater degree for the translation of dramatic works of high quality;

- (d) training at European level, by means of exchanges, workshops, traineeships and/or other initiatives;
- (e) information and communication, which are the linchpins of the theatrical professions; a number of bodies already play a vital role in exchanges and understanding within the theatre community. Encouragement should be given to these initiatives and a study made of ways of stepping up exchanges of information, both national and Community, in the professional arts sector;
- (f) other initiatives, such as writing for and working in the theatre, experimental theatre, theatre for and by children and theatre for and by young people, video-making around theatre performances and widening of the audience,

CALL ON the Commission, taking into account other programmes established by the Community and working in cooperation with the Council of Europe and European organizations of theatre professionals, to support preparatory work in this area and, in cooperation with the Committee on Cultural Affairs, report to the Ministers on possible actions.

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

(OJ No C 188 of 19.07.1991)

**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.

**Council Decision
of 7 June 1991
adopting a specific programme of research
and technological development in the field of telematic systems
in areas of general interest
(1990 to 1994)**

(OJ No L 192 of 16.07.1991)

COUNCIL DECISION

of 7 June 1991

adopting a specific programme of research and technological development in the field of telematic systems in areas of general interest (1990 to 1994)

(91/353/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130a (2) thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, by Decision 90/221/Euratom, EEC (4), the Council adopted a third framework programme for Community activities in the field of research and technological development (1990 to 1994), specifying *inter alia* the activities to be pursued for developing the scientific knowledge and technical know-how needed by the Community, in particular to carry out its role in the field of telematic systems in areas of general interest; whereas this Decision should be taken in the light of the grounds set out in the preamble to that Decision;

Whereas Article 130k of the Treaty stipulates that the framework programme shall be implemented through specific programmes developed within each activity;

Whereas basic research must be encouraged as far as is necessary throughout the Community in each strategic sector of research in the framework programme;

Whereas in addition to the specific programme concerning human resources and mobility, it might be necessary to encourage the training of research workers in the context of this programme;

Whereas, in the context of this programme, an assessment should be made of economic and social impact as well as of any technological risks;

Whereas, pursuant to Article 4 of and Annex I to Directive 90/221/Euratom, EEC, the amount deemed necessary for the whole framework programme includes an

amount of ECU 57 million for the centralized dissemination and exploitation of results, to be divided up in proportion to the amount envisaged for each specific programme;

Whereas Decision 90/221/Euratom, EEC provides that a particular aim of Community research must be to strengthen the scientific and technological basis of European industry, particularly in strategic sectors of advanced technology, and to encourage it to become more competitive at the international level; whereas it also provides that Community action is justified where research contributes, *inter alia*, to the strengthening of the economic and social cohesion of the Community and to the promotion of its overall harmonious development, while being consistent with the pursuit of scientific and technical excellence; whereas the programme of research in the field of telematic systems should contribute to the achievement of these objectives;

Whereas small and medium-sized enterprises should be involved to the maximum extent possible in this programme; whereas account should be taken of their special requirements without prejudice to the scientific and technical quality of the programme;

Whereas research/development in the field of telematic systems in areas of general interest will contribute to the successful completion of the internal market and at the same time improve the performance of large public services facing, throughout the Community, the new technological, social and economic challenges which are implied by European integration;

Whereas it is important, when projects are selected, to ensure that data are protected and confidentiality maintained;

Whereas the Scientific and Technical Research Committee (Crest) has been consulted,

HAS ADOPTED THIS DECISION:

Article 1

A specific research and technological development programme for the European Economic Community in the field of telematic systems in areas of general interest, as defined in Annex I, is hereby adopted for a period beginning on 7 June 1991 and ending on 31 December 1994.

(1) OJ No C 174, 16. 7. 1990, p. 19.

(2) OJ No C 324, 24. 12. 1990, p. 271; and OJ No C 158, 17. 6. 1991.

(3) OJ No C 41, 18. 2. 1991, p. 6.

(4) OJ No L 117, 8. 5. 1990, p. 28.

Article 2

1. The funds estimated as necessary for the execution of the programme amount to ECU 376,2 million, including expenditure on staff and administration amounting to ECU 41 million.
2. An indicative allocation of funds is set out in Annex II.
3. Should the Council take a decision in implementation of Article 1 (4) of Decision 90/221/Euratom, EEC, this Decision shall be adapted accordingly.

Article 3

Detailed rules for the implementation of the programme and the amount of the Community's financial contribution are set out in Annex III.

Article 4

1. In the second year of implementation of the programme, the Commission shall review it and send a report on the results of its review to the European Parliament and the Council; the report shall be accompanied, where necessary, by proposals for amendment of the programme.
2. At the end of the programme, an evaluation of the results achieved shall be conducted for the Commission by a group of independent experts. This group's report, together with any comments by the Commission, shall be submitted to the European Parliament and the Council.
3. The reports referred to in paragraphs 1 and 2 shall be established having regard to the objectives set out in Annex I to this Decision and in accordance with Article 2 (4) of Decision 90/221/Euratom, EEC.

Article 5

1. The Commission shall be responsible for the implementation of the programme.
2. Contracts concluded by the Commission shall govern the rights and obligations of each party, in particular the arrangements for the dissemination, protection and exploitation of research results, in accordance with the provisions adopted pursuant to the second paragraph of Article 130k of the Treaty.
3. A work programme shall be drawn up in accordance with the aims set out in Annex I and updated where necessary. It shall set out the detailed objectives and types of projects to be undertaken, and the financial arrangements to be made for them. The Commission shall make calls for proposals for projects on the basis of the work programme.

Article 6

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority provided for in Article 148 (2) of the EEC Treaty as regards adoption of decisions which the Council is required to adopt on a proposal from the Commission. When the committee votes, the votes of the representatives of the Member States shall be weighted as laid down in the abovementioned Article. The chairman shall not vote.

3. The Commission shall adopt the proposed measures when they are in accordance with the committee's opinion.

4. When the proposed measures are not in accordance with the committee's opinion, or where no opinion is delivered, the Commission shall submit to the Council without delay a proposal concerning the measures to be taken. The Council shall act by a qualified majority.

5. If, on the expiry of a period of three months from referral of the matter to the Council, the latter has not acted, the proposed measures shall be adopted by the Commission.

Article 7

1. The procedure laid down in Article 6 shall apply to:
 - the preparation and updating of the work programme referred to in Article 5 (3),
 - the contents of the calls for proposals,
 - the assessment of the projects provided for in Annex III and the estimated amount of the Community's contribution to them where this amount exceeds 1 % of the amount deemed necessary for each field referred to in Annex II,
 - departures from the general rules set out in Annex III,
 - the participation in any project by non-Community organizations and enterprises referred to in Article 8 (1) and (2),
 - any adaptation of the indicative allocation of the amount set out in Annex II,
 - the measures to be undertaken to evaluate the programme,
 - arrangements for the dissemination, protection and exploitation of the results of research carried out under the programme.

2. Where, pursuant to the third indent of paragraph one, the amount of the Community contribution is less than or equal to 1 % of the amount deemed necessary for the projects, the Commission shall inform the committee of the projects and of the outcome of their assessment.

The Commission shall also inform the committee of the implementation of the accompanying measures and the concerted actions referred to in Annex III.

Article 8

1. The Commission is authorized to negotiate, in accordance with Article 130n of the Treaty, international agreements with third countries which are members of COST, particularly the member countries of EFTA and the countries of Central and Eastern Europe, with a view to associating them with the whole programme or a part of it.

2. Where framework agreements for scientific and technical cooperation have been concluded between the Community and European non-member States, bodies and enterprises established in those countries may, in accordance with the procedure laid down in Article 6 and on the basis of the criterion of mutual benefit, be allowed to become partners in a project undertaken within the programme.

No contracting body based outside the Community and participating as a partner in a project undertaken under the programme may benefit from Community financing for this programme. The body concerned shall contribute to the general administrative costs.

Article 9

This Decision is addressed to the Member States.

Done at Luxembourg, 7 June 1991.

For the Council
The President
R. STEICHEN

AREA 5: LIBRARIES

The objective is to facilitate user access, by optimum use and development of equipment and telematic systems, to the wealth of knowledge held in libraries while reducing the handicaps caused by the present disparate infrastructures in the Community.

To this end, the work will have to help develop modern library services all over the Community by promoting faster, but orderly and cost-effective penetration of new technologies into libraries.

Initial Community activity in this area must be selective, concentrating on urgent problems which can catalyse change in a concrete and practical way. Applied research and development will therefore be used to support the development of appropriate tools, methods and resources which will be able to stimulate modernization of the operational infrastructure and services provided, and facilitate cooperation and resource sharing at national and European levels.

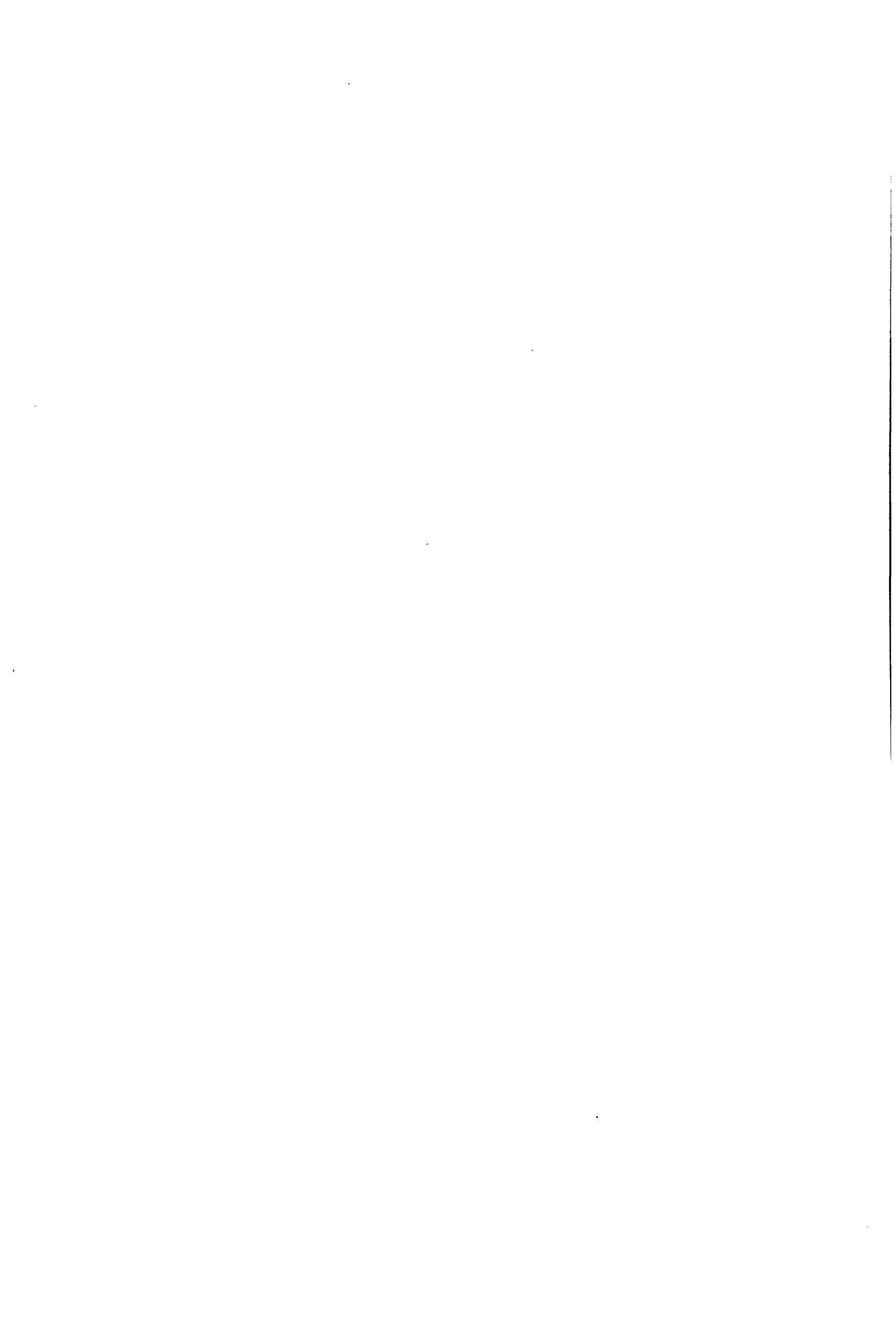
This activity will consist of setting up computerized bibliographies where these are lacking, and helping to improve computerized bibliographies or collective catalogues. Support will also be given to retrospective conversion of catalogues of important collections at international level, by developing the necessary tools and methods.

Projects will be set up to facilitate the international interconnection of the systems managing these basic data for particular functions (shared cataloguing, inter-library loans, etc.) and thus help to prepare and apply a range of international or European standards.

The provision of new library services using IT and communications in small units will be stimulated. Initial support will be given to the creation of a range of innovative experimental services for library users, taking account of the different levels of development of library services in the Member States.

Finally, projects will be set up to encourage the development of a European market in telematic products and services specific to libraries. Interaction between libraries and IT industries will be stimulated by improving the definition of libraries' needs which new IT and communications can satisfy. Limited initial support will be given to experimental demonstrations of products (such as software) and services.

**Resolution
of the Council and the Ministers for Culture,
meeting within the Council,
of 14 November 1991
on European cultural networks
(OJ No C 314 of 05.12.1991)**



**RESOLUTION OF THE COUNCIL AND THE MINISTERS OF CULTURE MEETING
WITHIN THE COUNCIL**

of 14 November 1991

on European cultural networks

(91/C 314/01)

**THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS OF CULTURE
MEETING WITHIN THE COUNCIL,**

Considering that increased awareness of the European dimension in the cultural sphere has led to the formation of a growing number of European networks linking non-governmental cultural organizations;

Welcoming this expression of the intensification of European cultural cooperation;

Emphasizing the need to link cultural action in the European Community and in Europe generally to the actual developments in the cultural sector;

Taking into account work concerning non-governmental cultural organizations already done by other organizations, particularly the Council of Europe,

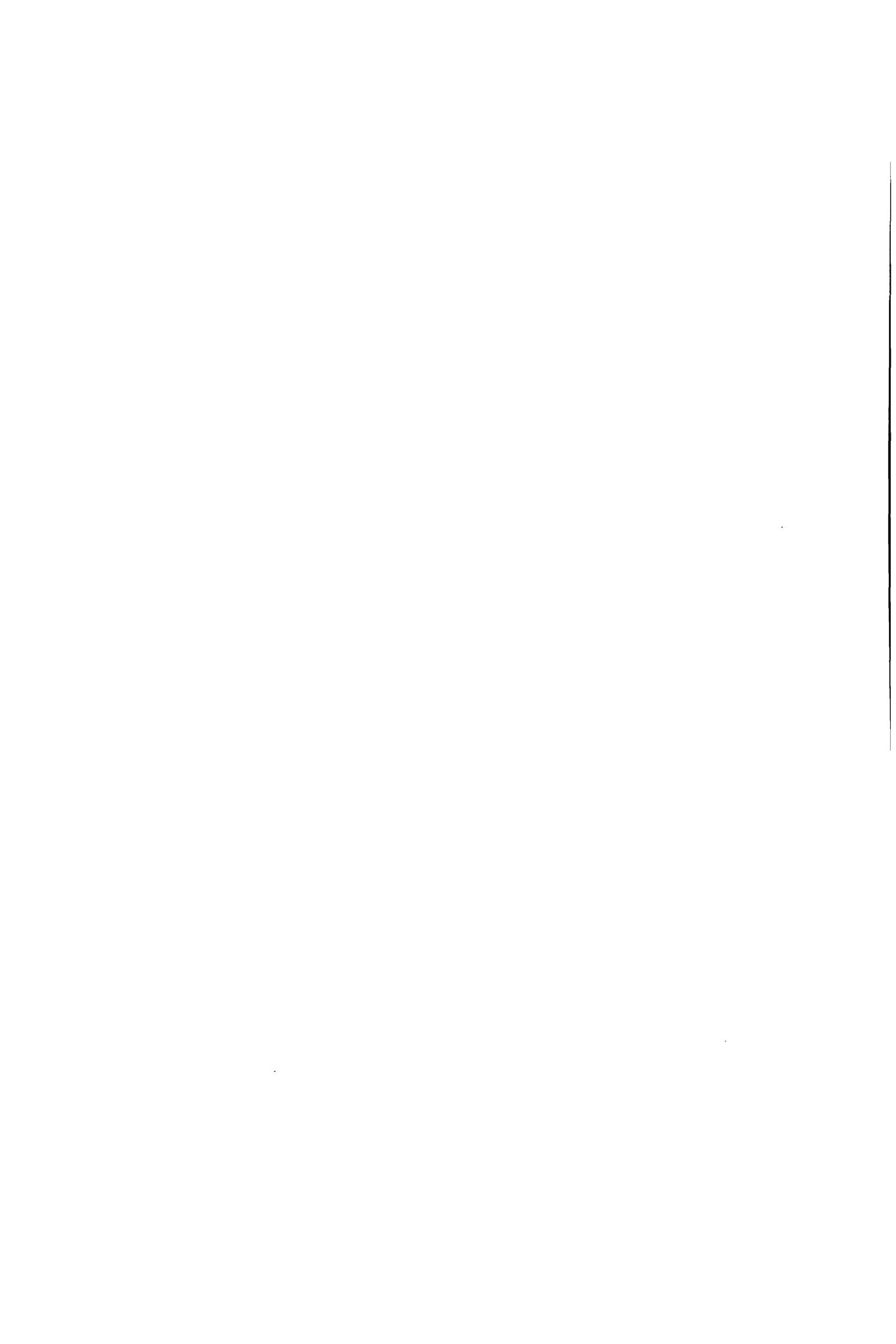
STRESS the important role of networks of cultural organizations in cultural cooperation within Europe;

AGREE to encourage active participation of cultural organizations of their countries in non-governmental cooperation on a European scale;

INVITE the Commission to present an inventory of European cultural networks and to explore, together with the Member States, the opportunities for these networks to play an enhanced role in future cultural action.

**Resolution
of the Council and the Ministers for Culture,
meeting within the Council,
of 14 November 1991
on arrangements concerning archives**

(OJ No C 314 of 05.12.1991)



**RESOLUTION OF THE COUNCIL AND THE MINISTERS OF CULTURE MEETING
WITHIN THE COUNCIL**

of 14 November 1991

on arrangements concerning archives

(91/C 314/02)

**THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE MINISTERS OF CULTURE
MEETING WITHIN THE COUNCIL,**

In view of the twofold role of archives as a basis for decision-making in the public sector on the one hand, and as a vital component of a nation's cultural heritage on the other;

In view of the increased intermingling of public records among Member States and between Member States and the Community, and bearing in mind the legislation concerning the opening to the public of the historical archives of the Community⁽¹⁾;

Bearing in mind that the European archival heritage provides an indispensable resource for writing the history of Europe or of an individual nation;

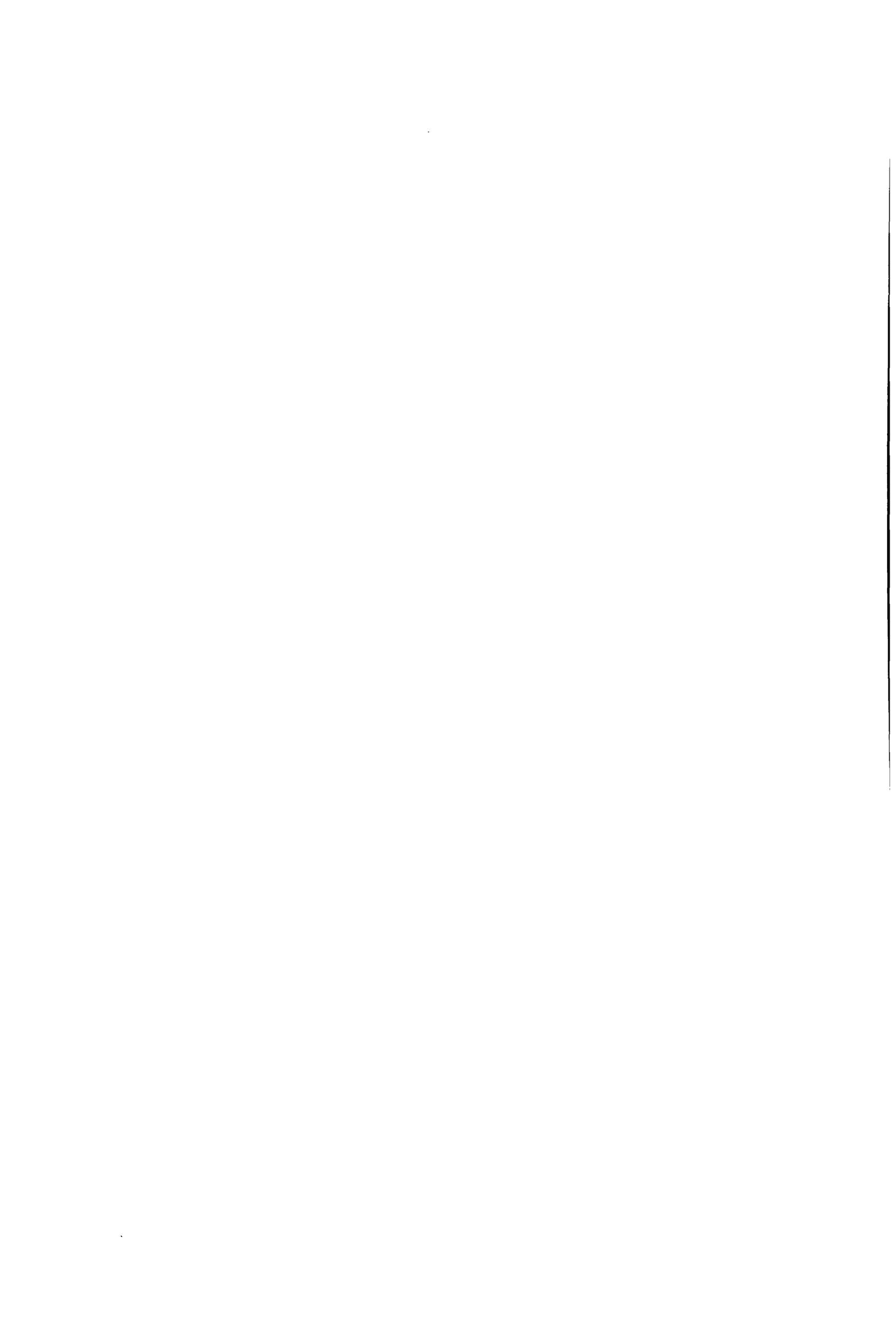
Considering that well-kept and accessible archives contribute greatly to the democratic functioning of our societies;

Considering that an adequate archives policy and efficient archives management create the conditions for the accessibility needed,

INVITE the Commission:

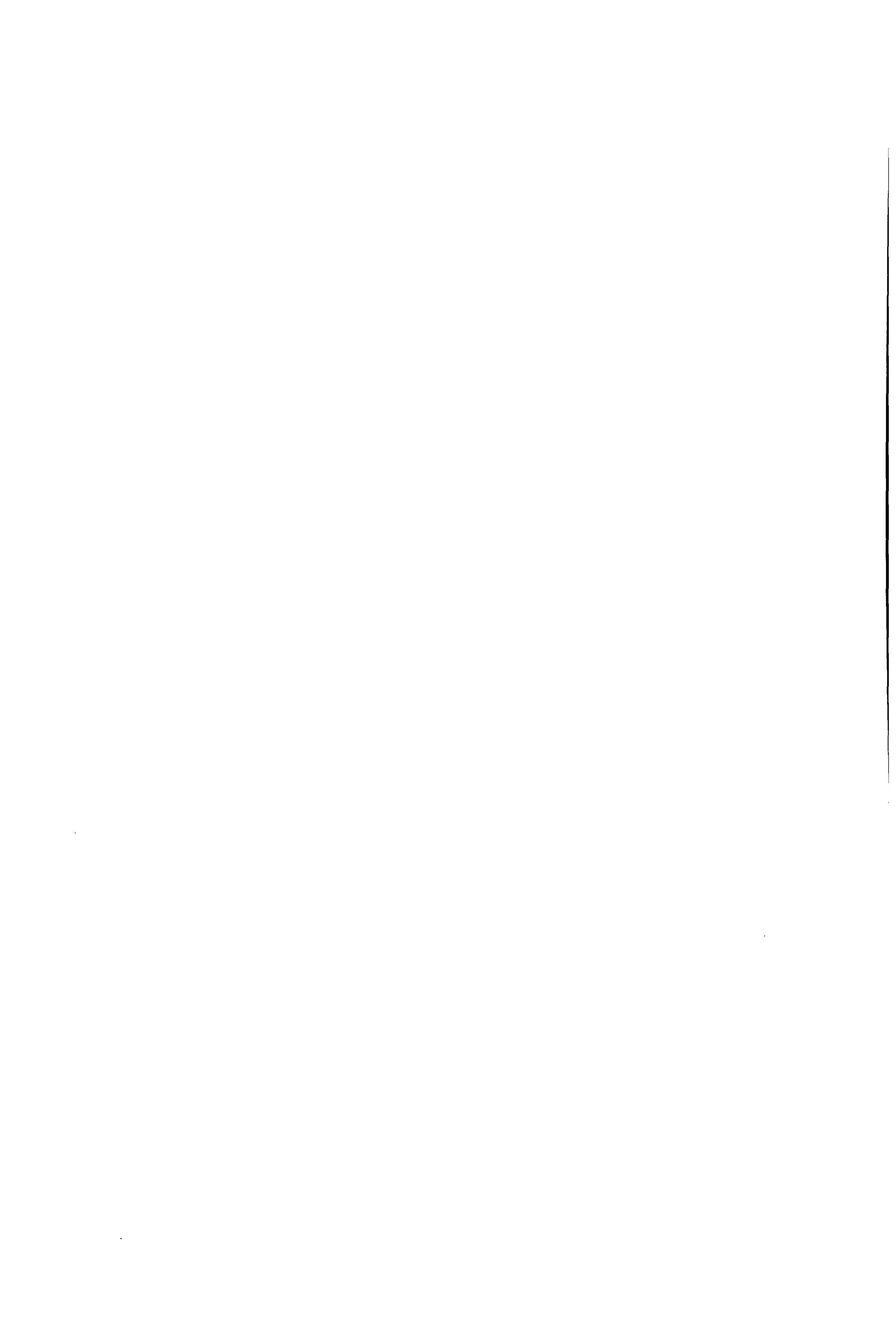
- to set up a group of experts appointed on the proposal of the Member States, for the purpose of examining to what extent greater coordination of archives policy and practice within the Community is desirable,**
- to transmit a progress report by the group to the Council before the end of 1992.**

⁽¹⁾ Council Regulation (EEC, Euratom) No 354/83 (OJ No L 43, 15. 2. 1983, p. 1); Commission Decision No 359/83/ECSC (OJ No L 43, 15. 2. 1983, p. 14).



**Conclusions
of the Ministers for Culture,
meeting within the Council,
of 14 November 1991
on the promotion of theatrical events in 1993**

(OJ No C 314 of 05.12.1991)



**CONCLUSIONS OF THE MINISTERS OF CULTURE MEETING WITHIN THE
COUNCIL**

of 14 November 1991

on the promotion of theatrical events in 1993

(91/C 314/03)

The Ministers of Culture meeting within the Council note that 1993 will mark the bicentenary of the death of Carlo Goldoni and the four hundredth anniversary of the death of Christopher Marlowe.

These anniversaries could be marked by a series of events connected with the theatre in the Member States, in the context of the follow-up to their resolution of 7 June 1991 on the development of the theatre in Europe ⁽¹⁾.

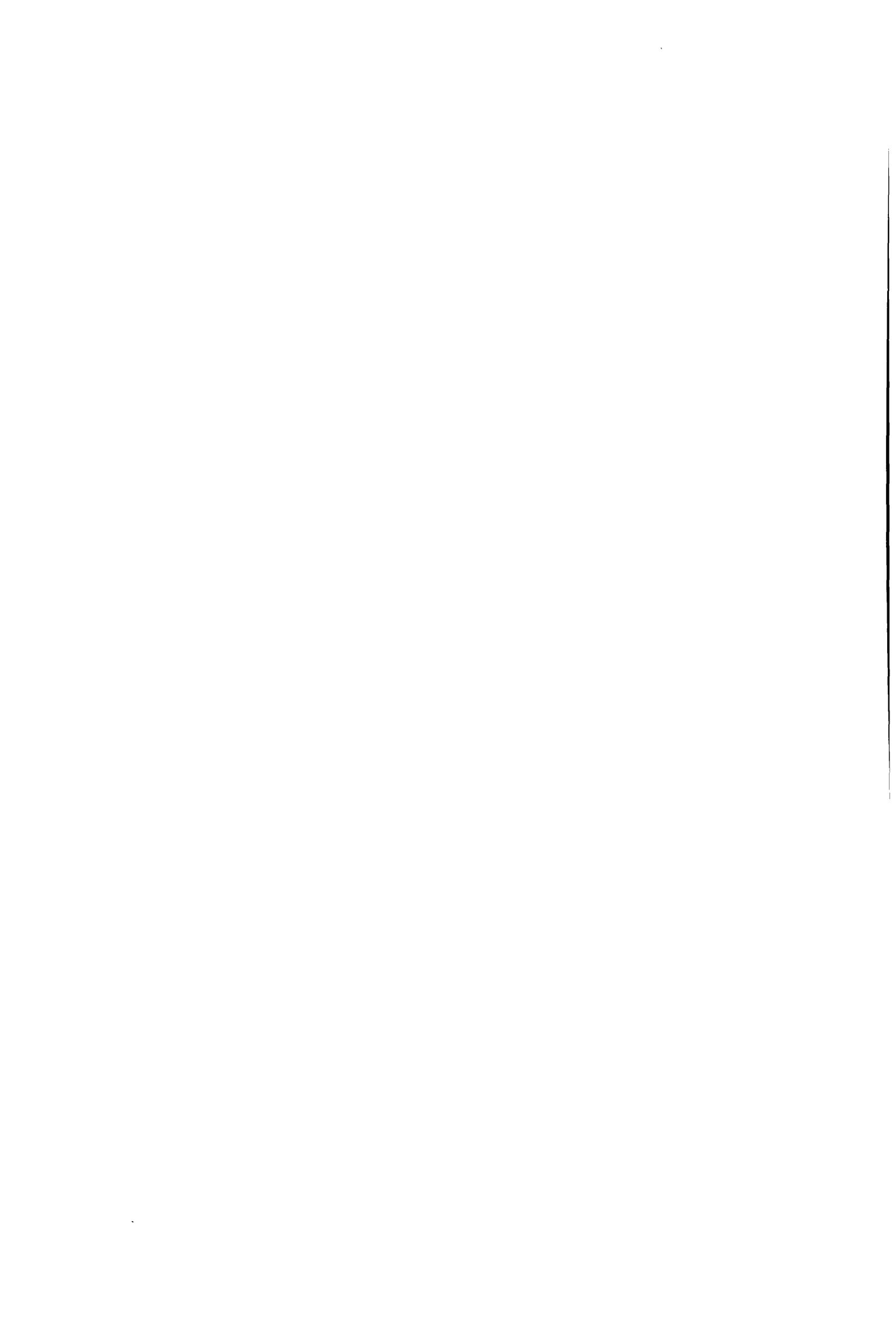
These could concern the following:

1. the calling of a European conference on the theatre in Italy in 1993, on the occasion of the bicentenary of the death of Carlo Goldoni;
2. special encouragement in 1993 of theatrical co-productions among producers of the various Member States;
3. promotion of closer contacts between theatrical schools in Europe, including the intensification of exchanges of teachers and students in 1993;
4. organization, if possible at the beginning of the 1993/94 theatrical season in each Member State, of an 'open door' evening of European theatres, so as to encourage a better understanding by the public of the world of theatre;
5. special efforts in 1993 concerning the above in relation to theatres in Central and Eastern Europe.

The actions should take place in full consultation and cooperation with international organizations, such as the Council of Europe, as well as with European and national professional bodies concerned with the theatre.

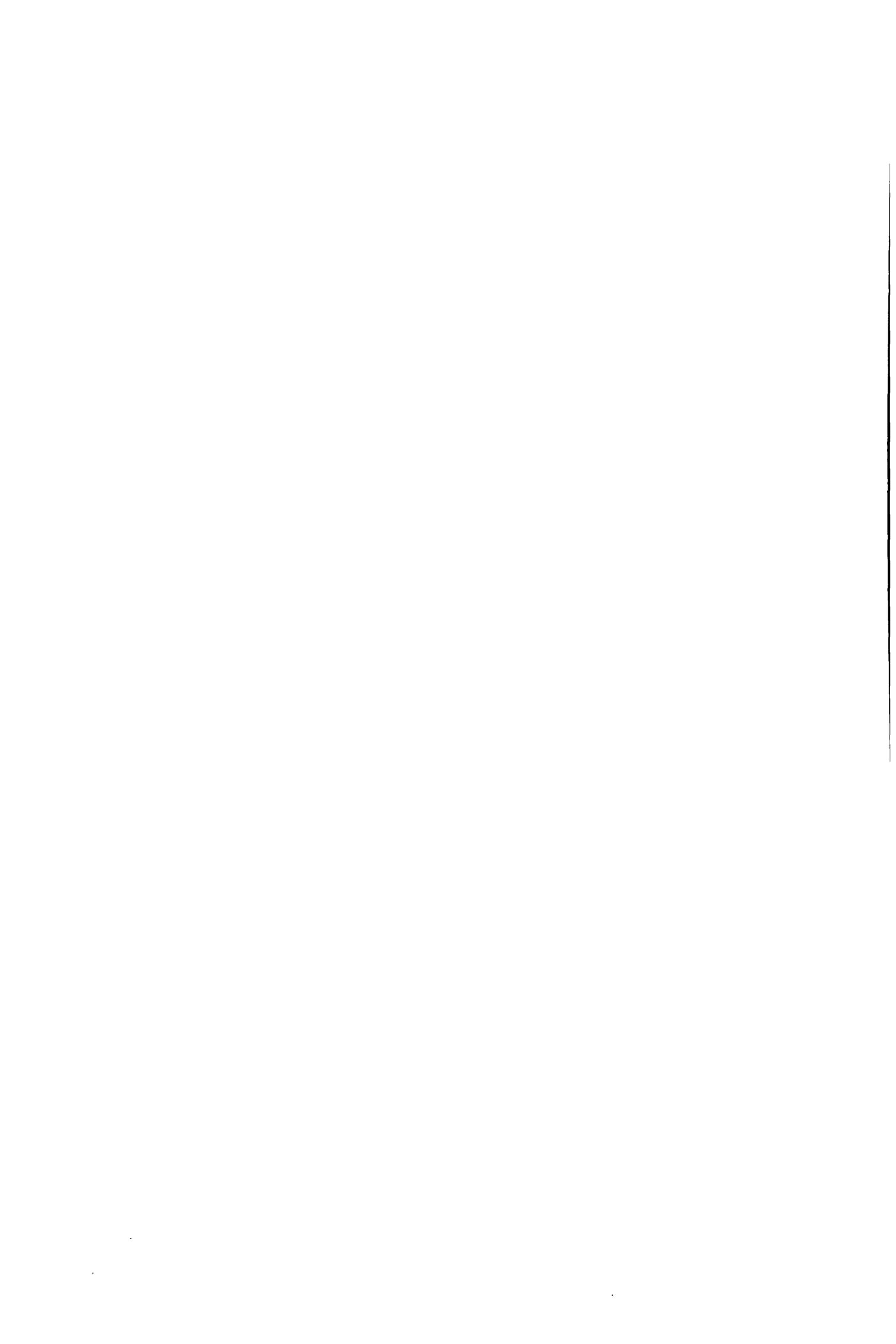
The Ministers invite the Commission to give all possible assistance in the preparation of such special theatrical events in 1993.

⁽¹⁾ OJ No C 188, 19. 7. 1991.



**Council Resolution
of 14 May 1992
on increased protection for copyright
and neighbouring rights**

(OJ No C 138 of 28.05.1992)



COUNCIL RESOLUTION

of 14 May 1992

on increased protection for copyright and neighbouring rights

(92/C 138/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas advances in technology have encouraged the exploitation of literary and artistic works throughout the world; whereas the protection of copyright and neighbouring rights should therefore be consolidated at national, Community and international level;

Whereas, because of the level of protection they guarantee for literary and artistic works, rights of performers, producers of phonograms and broadcasting organizations, the Berne Convention for the Protection of Literary and Artistic works enshrined in the Paris Act of 24 July 1971 (Paris Act of the Berne Convention), and the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) of 26 October 1961 enjoy a wide and increasing international acceptance; whereas it is necessary that all the Member States of the Community become parties to these Conventions;

Whereas, given the problem of piracy, it is in the interests of rightholders in the Community protected by these instruments that they should be ensured the minimum level of protection afforded by the latter in the maximum possible number of third countries, without prejudice to more detailed provisions in bilateral or

multilateral agreements; whereas it is desirable that third countries become parties to these instruments,

HEREBY ADOPTS THIS RESOLUTION:

1. The Council notes that the Member States of the Community, in so far as they have not already done so, undertake, subject to their constitutional provisions, to become by 1 January 1995 parties to the Paris Act of the Berne Convention and the Rome Convention, and to introduce national legislation to ensure effective compliance therewith.
2. The Council considers that it is in the interests of Community copyright-holders and holders of neighbouring rights in the Community that third countries should ratify the Paris Act of the Berne Convention and the Rome Convention or accede thereto. It accordingly invites the Commission, when negotiating agreements between the Community and third countries, to pay particular attention, within the terms of the mandates given to them for the purpose, to the ratification of these instruments by the third countries concerned, or to the accession of the latter thereto, and to the effective compliance of such countries with these instruments.



**Conclusions
of the Ministers for Culture,
meeting within the Council,
of 18 May 1992
concerning the choice of European Cities of Culture
after 1996 and the European Cultural month**

(OJ No C 151 of 16.06.1992)

**CONCLUSIONS OF THE MINISTERS OF CULTURE MEETING WITHIN THE
COUNCIL**

of 18 May 1992

**concerning the choice of European Cities of Culture after 1996 and the European Cultural
Month**

(92/C 151/01)

The European City of Culture operation is now well established. The European Cultural Month will take place for the first time this year (Europe in Cracow 1992).

The conclusions of 18 May 1990 noted that a first cycle of designations of Cities of Culture among the European Community Member States would be completed in 1996. It was decided that after 1996 not only Member States of the European Community but other democratic European States should be eligible to designate a city as European City of Culture. It was stated that the first designations for the period after 1996 could take place from 1992 onwards.

In making these first designations the Ministers considered it appropriate, given that the field of choice of European City of Culture will be much wider after 1996, to set out some criteria for their own guidance and that of interested European states.

Without making hard and fast rules, they propose to alternate between current Member States (which will have had a City already) and other European States. Flexibility could be allowed between one category and the other for States which are expected to become Community members in the short term.

It will be advisable to avoid having cities from the same geographic area two years running, and sometimes a capital city will be chosen, at other times a provincial city. Specific anniversaries might be taken into account.

There may well be several candidatures at any one time, and this could give rise to frustration if cities have been chosen for many years ahead. It is therefore of great interest to continue with the European Cultural Month. A year or two of experience will be needed before its success can be judged. It should receive full support as a major European cultural event and should be thought of in the long term as a worthwhile alternative to the European City of Culture, which could be placed just as well in a Community Member State as in a non-Community country. It would be useful to review the situation after 'Europe in Graz 1993'.

Occasionally there might be twin Cities of Culture in a particular year, when two cities having affinities might want to harmonize their activities. Similarly, two cities might exceptionally want to share a year, each taking a different time period.

Decisions taken now about European Cities of Culture after 1996 should not prejudice any decisions which might need to be taken later about a second operation in the year concerned.

**Conclusions
of the Council and the Ministers of Culture
meeting within the Council
of 12 November 1992
on guidelines for Community cultural action**

(OJ No C 336 of 19.12.1992)



CONCLUSIONS OF THE COUNCIL AND THE MINISTERS OF CULTURE MEETING
WITHIN THE COUNCIL

of 12 November 1992

on guidelines for Community cultural action

(92/C 336/01)

1. The Council and the Ministers of Culture have noted with interest the Commission communication on 'New Prospects for Community Cultural Action', which builds on solid work already accomplished in this area and respects the principles underlying articles concerned with culture in the Treaty on European Union signed at Maastricht on 7 February 1992. The communication has enhanced dialogue between the Council, the Parliament and the Commission on guidelines for Community cultural action, taking into account the continuing predominant role of the Member States in this area and the subsidiarity of Community action.

2. It is essential to establish some ground rules to provide the Commission with a clear working basis for the proposals it will develop in the perspective of the entry into force of the Treaty on European Union. These conclusions focus attention on a number of key issues and approaches to Community cultural action, without defining the precise scope of individual activities.

3. As envisaged in the Treaty on European Union, Community cultural action should respect national and regional diversity and at the same time bring the common cultural heritage to the fore. This implies a coherent approach which focuses on a Community-wide range of actions in order to promote cultural activities with a European dimension in all the Member States and encourage cooperation between them.

Scope of Community cultural action

4. In this respect the Community should develop existing activities as suggested in the Commission communication, including action in different cultural sectors: audiovisual; books and reading; cultural heritage both movable and fixed; and other forms of cultural expression. Future programmes may specifically include: encouraging the activities of European cultural

networks (*) of arts practitioners and cultural institutions such as museums, archives, libraries and monuments; encouraging business sponsorship of the arts; exchanges and training of personnel in the cultural field in support of the activities of Member States; increasing awareness of different cultures and safeguarding the Community's linguistic diversity, as well as promoting respect for shared values.

5. It is necessary to maximize the impact of cultural action at the European level within realistic future funding prospects. Community action in this as in other sectors must respect budgetary constraints, and be subject to regular and rigorous evaluation. Actions should not supplant or compete with activities organized at national or regional level, but provide added value and promote interchange between them. Importance is attached to transparency of Community programmes and their accessibility for all European citizens, particularly those who are economically or otherwise deprived, and cultural organizations.

6. Community cultural action should also be coordinated with that of other international fora. The Council and Ministers meeting within the Council have already agreed, in the Resolution of 27 May 1988 (†) on the future organization of their work, that they may invite European countries that are not members of the Community and organizations concerned with European cultural cooperation, especially the Council of Europe, to participate in specific activities of mutual interest. Consequently, the Commission is invited to report regularly on progress concerning concrete projects to the Culture Council of the Community.

(*) Resolution of 14 November 1991 (OJ No C 314, 5. 12. 1991).

(†) OJ No C 197, 27. 7. 1988.

Cultural aspects of action under different Treaty provisions

7. Greater account has been taken in recent years of the impact on cultural matters of action under provisions of the Treaty other than cultural ones. This should become a standard practice, and on a case-by-case basis, cultural aspects should be taken into account at the earliest possible stage of preparation of any new action or policy.

8. Ministers of Culture should regularly consider those issues affecting culture which are under examination in other Councils. This should improve effectiveness, coordination, transparency and access in the cultural area, and ensure that the cultural sector plays a full part in and benefits from Community actions in other fields (e.g. structural funds, research, advanced technology, education, tourism.)

Cultural cooperation with third countries

9. While the Member States maintain important bilateral and multilateral cultural programmes, there is also an interest, within the principles of the Treaty on European Union, in Community cultural action with third countries in and outside Europe. Reference is now habitually made to cultural cooperation in general agreements with these countries (including, outside Europe, the Lomé Convention and agreements with various Latin American, Mediterranean and Asian countries). Cultural cooperation with EFTA countries should develop after ratification of the European Economic Area Agreement which includes a declaration on strengthening cultural links. Special efforts should be made in regard to the countries of central and eastern Europe in this time of instability and difficult economic transition for all these countries. The City of Culture programme has a particular role to play. Such Community cultural action will intensify the need for cooperation with international fora as referred to above.

Preparing planned and structured programmes

10. In the interests of clarity and coherence, the Commission is invited to present an annual outline of its proposals for initiatives to be pursued and decisions to be taken in the coming year, for discussion by the Committee on Cultural Affairs.

11. The Council and the Ministers take note of work in progress including:

- the MEDIA programme, which is part of Community audiovisual policy,
- the European campaign for awareness on books and reading to be launched shortly and work in hand on acid paper and the use of permanent paper,
- further development of business sponsorship of the arts,
- the development of networks in the culture field,
- examination of whether greater coordination of archives policy and practice is desirable,
- the development and adaptation of Community support for translation, with priority to translations from lesser-used European languages.

12. They further look forward, amongst actions to be developed, to receiving Commission communications or discussion papers on:

- the cultural heritage (both fixed and movable),
- survey of Community policies with a cultural impact,
- cultural cooperation with third countries and international fora,
- strengthening the dialogue on cultural matters with public authorities and professional interests,
- development and exchange in the area of artistic and literary creation.

13. The Commission should make proposals for planned and structured programmes, allowing for the development of cultural action which promotes the goals of the European Community, supplements Member State action and encourages in particular greater understanding of and respect for each others' culture and values.

**Conclusions
of the Ministers of Culture
meeting within the Council
of 12 November 1992
on the procedure for designation of European cities of culture**

(OJ No C 336 of 19.12.1992)

CONCLUSIONS OF THE MINISTERS OF CULTURE MEETING WITHIN THE COUNCIL

of 12 November 1992

on the procedure for designation of European cities of culture

(92/C 336/02)

As a complement to their resolution of 13 June 1985 (*) as well as the conclusions of 18 May 1990 (**) and 18 May 1992 (**) concerning the European City of Culture, the Ministers of Culture meeting within the Council consider it advisable to have a more precise procedure for the designation of cities, bearing in mind that the event is open not only to Community cities but also to cities in other European countries basing themselves on the principles of democracy, pluralism, the rule of law and respect for human rights.

They accordingly approve the procedure for the designation of European cities of culture appearing in the Annex to this conclusion.

(*) OJ No C 153, 22. 6. 1985.

(**) OJ No C 162, 3. 7. 1990.

(**) OJ No C 151, 16. 6. 1992.

ANNEX

PROCEDURE FOR THE DESIGNATION OF EUROPEAN CITIES OF CULTURE

1. Timing of designations

The Council intends to designate cities for 1998 and 1999 in 1993. Designations for 2000 and 2001 will be made in 1995. The same procedure will apply in 1997 and thereafter, every two years.

2. Deadlines for submission

Applications by national governments on behalf of candidate cities for 1998 and/or 1999 should be made not later than 30 June 1993 to enable the designations to be made by 31 December 1993. The same procedure will apply in 1995 and thereafter.

3. Accompanying dossier

Applications should specify the preferred year(s) of designation. The Council will welcome, and take into account, dossiers submitted in support of applications, insofar as these give greater information about the state of preparedness, and plans, of the city concerned.

4. Criteria for selection

The following criteria, which are not exclusive of other considerations, have already been agreed by the Ministers:

- (a) the city should be in a European State basing itself on the principles of democracy, pluralism, the rule of law and respect for human rights;
- (b) they propose to alternate between Community cities and cities from other European countries, without this being a hard and fast rule;
- (c) the cities should not be from the same geographical zone in consecutive years;
- (d) a balance should be found between capital cities and provincial cities;
- (e) for a specific year a pair of cities may be designated jointly.

5. European Cultural Month

The designation procedure for the European Cultural Month could be examined at the time of the review of that event planned for the second half of 1993.

**Council Regulation (EEC) No. 3911/92
of 9 December 1992
on the export of cultural goods
(OJ No L 395 of 31.12.1992)**

COUNCIL REGULATION (EEC) No 3911/92

of 9 December 1992

on the export of cultural goods

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, in view of the completion of the internal market, rules on trade with third countries are needed for the protection of cultural goods;

Whereas, in the light of the conclusions of the Council meeting on 19 November 1990; it seems necessary to take measures in particular to ensure that exports of cultural goods are subject to uniform controls at the Community's external borders;

Whereas such a system should require the presentation of a licence issued by the competent Member State prior to the export of cultural goods covered by this Regulation; whereas this necessitates a clear definition of the scope of such measures and the procedures for their implementation; whereas the implementation of the system should be as simple and efficient as possible; whereas a Committee should be set up to assist the Commission in carrying out the responsibilities conferred on it by this Regulation;

Whereas, in view of the considerable experience of the Member States' authorities in the application of Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities

⁽¹⁾ OJ No C 53, 28. 2. 1992, p. 8.

⁽²⁾ OJ No C 176, 13. 7. 1992, p. 31.

⁽³⁾ OJ No C 223, 31. 8. 1992, p. 10.

of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters ⁽⁴⁾, the said Regulation should be applied to this matter;

Whereas the Annex to this Regulation is aimed at making clear the categories of cultural goods which should be given particular protection in trade with third countries, but is not intended to prejudice the definition, by Member States, of national treasures within the meaning of Article 36 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to Member States' powers under Article 36 of the Treaty, the term 'cultural goods' shall refer, for the purposes of this Regulation, to the items listed in the Annex.

TITLE 1

Export licence

Article 2

1. The export of cultural goods outside the customs territory of the Community shall be subject to the presentation of an export licence.

2. The export licence shall be issued at the request of the person concerned:

— by a competent authority of the Member State in whose territory the cultural object in question was lawfully and definitively located on 1 January 1993,

⁽⁴⁾ OJ No L 144, 2. 6. 1981, p. 1. Regulation as amended by Regulation (EEC) No 945/87 (OJ No L 90, 2. 4. 1987, p. 3).

— or, thereafter, by a competent authority of the Member State in whose territory it is located following either lawful and definitive dispatch from another Member State, or importation from a third country, or reimportation from a third country after lawful dispatch from a Member State to that country.

However, without prejudice to paragraph 4, the Member State which is competent in accordance with the two indents in the first subparagraph may not require export licences for the cultural goods specified in the first and second indents of category A1 of the Annex where they are of limited archaeological or scientific interest, and provided that they are not the direct product of excavations, finds and archaeological sites within a Member State, and that their presence on the market is lawful.

The export licence may be refused, for the purposes of this Regulation, where the cultural goods in question are covered by legislation protecting national treasures of artistic, historical or archaeological value in the Member State concerned.

Where necessary, the authority referred to in the second indent of the first subparagraph shall enter into contact with the competent authorities of the Member State from which the cultural object in question came, and in particular the competent authorities within the meaning of Council Directive 93/.../EEC of ... on the return of cultural objects unlawfully removed from the territory of a Member State ⁽¹⁾.

3. The export licence shall be valid throughout the Community.

4. Without prejudice to the provisions of this Article, direct export from the customs territory of the Community of national treasures having artistic, historic or archaeological value which are not cultural goods within the meaning of this Regulation is subject to the national law of the Member State of export.

Article 3

1. Member States shall furnish the Commission with a list of the authorities empowered to issue export licences for cultural goods.

2. The Commission shall publish a list of these authorities and any amendment to that list in the 'C' series of the *Official Journal of the European Communities*.

⁽¹⁾ Not yet adopted at the time of this publication; in accordance with Article 11 below, the present Regulation will enter into force on the third day following that of publication of the Directive in the *Official Journal of the European Communities*.

Article 4

The export licence shall be presented, in support of the export declaration, when the customs export formalities are carried out, at the customs office which is competent to accept that declaration.

Article 5

1. Member States may restrict the number of customs offices empowered to handle formalities for the export of cultural goods.

2. Member States availing themselves of the option afforded by paragraph 1 shall inform the Commission of the customs offices duly empowered.

The Commission shall publish this information in the 'C' series of the *Official Journal of the European Communities*.

TITLE 2

Administrative cooperation

Article 6

For the purposes of implementing this Regulation, the provisions of Regulation (EEC) No 1468/81, and in particular the provisions on the confidentiality of information, shall apply *mutatis mutandis*.

In addition to the cooperation provided for under the first subparagraph, Member States shall take all necessary steps to establish, in the context of their mutual relations, cooperation between the customs authorities and the competent authorities referred to in Article 4 of Directive 93/.../EEC ⁽²⁾.

TITLE 3

General and final provisions

Article 7

The provisions necessary for the implementation of this Regulation, in particular those concerning the form to be used (for example, the model and technical properties) shall be adopted in accordance with the procedure laid down in Article 8 (2).

Article 8

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

⁽²⁾ See footnote to Article 2 (2).

The committee shall examine any matter concerning the implementation of this Regulation raised by its chairman either on his own initiative or at the request of a representative of a Member State.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 9

Each Member State shall determine the penalties to be applied for infringement of the provisions of this Regulation. The penalties shall be sufficient to promote compliance with those provisions.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 December 1992.

Article 10

Each Member State shall inform the Commission of the measures taken pursuant to this Regulation.

The Commission shall pass on this information to the other Member States.

Every three years the Commission shall present a report to the European Parliament, the Council and the Economic and Social Committee on the implementation of this Regulation.

The Council shall review the effectiveness of the Regulation after a period of application of three years and, acting on a proposal from the Commission, make any necessary adaptations.

In any event, the Council, acting on a proposal from the Commission, shall examine every three years and, where appropriate, update the amounts indicated in the Annex, on the basis of economic and monetary indicators in the Community.

Article 11

This Regulation shall enter into force on the third day following that of publication in the *Official Journal of the European Communities* of Directive 93/.../EEC⁽¹⁾.

For the Council
The President
W. WALDEGRAVE

⁽¹⁾ The Directive on the return of cultural objects unlawfully removed from the territory of a Member State, already referred to in Articles 2 (2) and 6, has not yet been adopted at the time of this publication.

ANNEX

CATEGORIES OF CULTURAL OBJECTS COVERED BY ARTICLE 1

A. 1. Archaeological objects more than 100 years old which are the products of:	
— excavations and finds on land or under water	9705 00 00
— archaeological sites	9706 00 00
— archaeological collections	
2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years	9705 00 00 9706 00 00
3. Pictures and paintings executed entirely by hand, on any medium and in any material ⁽¹⁾	9701
4. Mosaics other than those in categories 1 or 2 and drawings executed entirely by hand, on any medium and in any material ⁽¹⁾	6914 9701
5. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters ⁽¹⁾	Chapter 49 9702 00 00 8442 50 99
6. Original sculptures or statuary and copies produced by the same process as the original ⁽¹⁾ , other than those in category 1	9703 00 00
7. Photographs, films and negatives thereof ⁽¹⁾	3704 3705 3706 4911 91 80
8. Incunabula and manuscripts, including maps and musical scores, singly or in collections ⁽¹⁾	9702 00 00 9706 00 00 4901 10 00 4901 99 00 4904 00 00 4905 91 00 4905 99 00 4906 00 00
9. Books more than 100 years old, singly or in collections	9705 00 00 9706 00 00
10. Printed maps more than 200 years old	9706 00 00
11. Archives, and any elements thereof, of any kind or any medium which are more than 50 years old	3704 3705 3706 4901 4906 9705 00 00 9706 00 00
12. (a) Collections ⁽²⁾ and specimens from zoological, botanical, mineralogical or anatomical collections;	9705 00 00
(b) Collections ⁽²⁾ of historical, palaeontological, ethnographic or numismatic interest	9705 00 00
13. Means of transport more than 75 years old	9705 00 00 Chapters 86—89

⁽¹⁾ Which are more than 50 years old and do not belong to their originators.

⁽²⁾ As defined by the Court of Justice in its judgment in Case 252/84, as follows: 'Collectors' pieces within the meaning of heading No 97.05 of the Common Customs Tariff are articles which possess the requisite characteristics for inclusion in a collection, that is to say, articles which are relatively rare, are not normally used for their original purpose, are the subject of special transactions outside the normal trade in similar utility articles and are of high value.'

14. Any other antique items not included in categories A.1 to A.13

(a) between 50 and 100 years old:

— toys, games	Chapter 95
— glassware	7013
— articles of goldsmiths' or silversmiths' wares	7114
— furniture	Chapter 94
— optical, photographic or cinematographic apparatus	Chapter 90
— musical instruments	Chapter 92
— clocks and watches and parts thereof	Chapter 91
— articles of wood	Chapter 44
— pottery	Chapter 69
— tapestries	5805 00 00
— carpets	Chapter 57
— wallpaper	4814
— arms	Chapter 93

(b) more than 100 years old

9706 00 00

The cultural objects in categories A.1 to A.14 are covered by this Regulation only if their value corresponds to, or exceeds, the financial thresholds under B.

B. Financial thresholds applicable to certain categories under A (in ecus)

Value: 0 (Zero)

- 1 (Archaeological objects)
- 2 (Dismembered monuments)
- 8 (Incunabula and manuscripts)
- 11 (Archives)

15 000

- 4 (Mosaics and drawings)
- 5 (Engravings)
- 7 (Photographs)
- 10 (Printed maps)

50 000

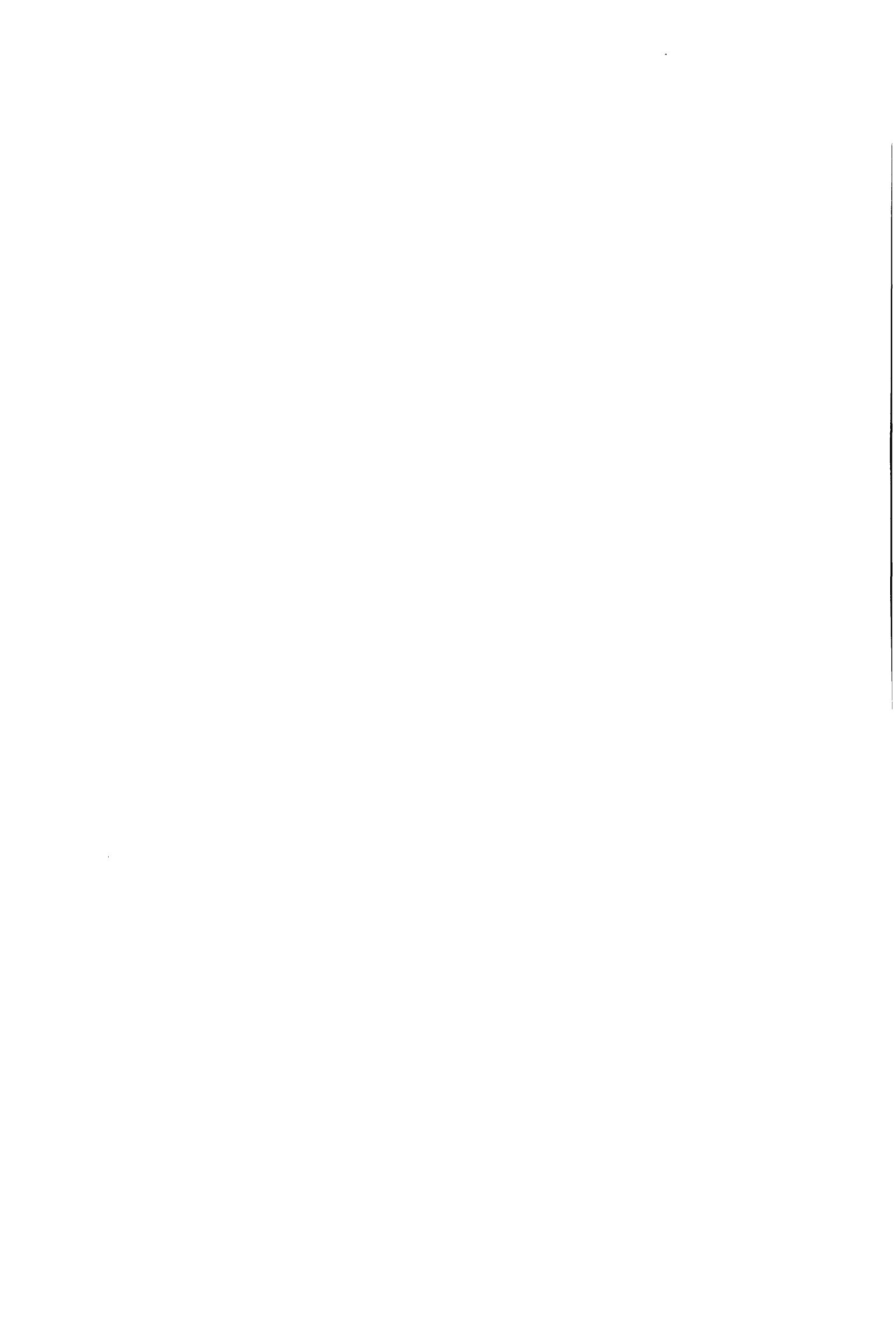
- 6 (Statuary)
- 9 (Books)
- 12 (Collections)
- 13 (Means of transport)
- 14 (Any other object)

150 000

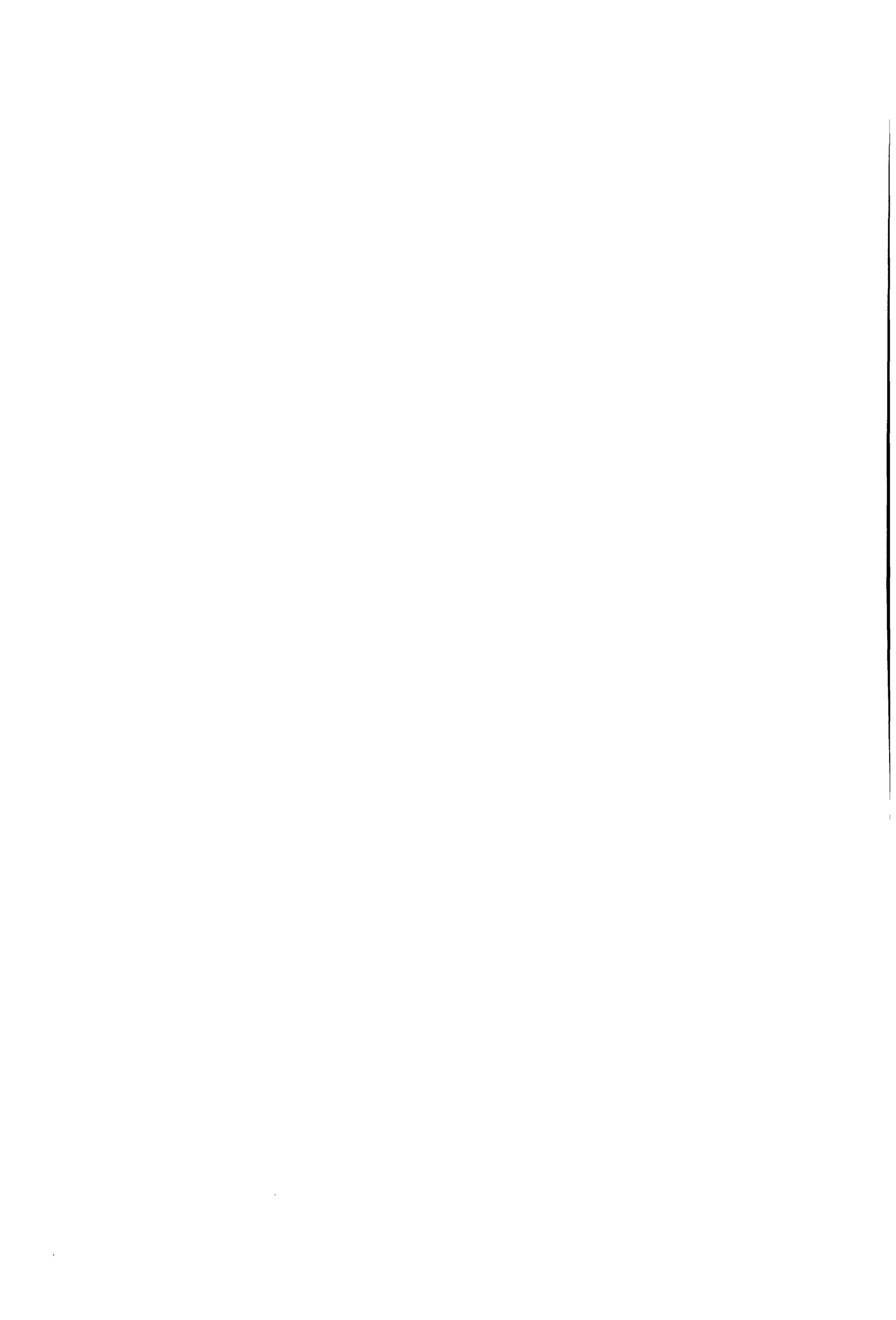
- 3 (Pictures)

The assessment of whether or not the conditions relating to financial value are fulfilled must be made when an application for an export licence is submitted. The financial value is that of the cultural object in the Member State referred to in Article 2 (2) of the Regulation.

The date for the conversion of values expressed in ecus in the Annex into national currencies shall be 1 January 1993.



**Common position
adopted by the Council
on 9 December 1992
with a view to the adoption of a Directive
on the return of cultural objects unlawfully
removed from the territory of a Member State**



COUNCIL DIRECTIVE 93/ . /EEC

of

on the return of cultural objects
unlawfully removed from the territory
of a Member State

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic
Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission, ⁽¹⁾

In co-operation with the European Parliament, ⁽²⁾

Having regard to the Opinion of the Economic and Social
Committee, ⁽³⁾

-
- (1) OJ No C 53, 28.2.1992, p. 11 and amendment transmitted on
(2) Opinion delivered on 11 June 1992 (not yet published in the
Official Journal of the European Communities) and Decision of
(not yet published in the Official Journal).
(3) OJ No C 223, 31.8.1992, p. 10.

Whereas Article 8a of the Treaty provides for the establishment, not later than 1 January 1993, of the internal market, which is to comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty;

Whereas, under the terms and within the limits of Article 36 of the Treaty, Member States will, after 1992, retain the right to define their national treasures and to take the necessary measures to protect them in this area without internal frontiers;

Whereas arrangements should therefore be introduced enabling Member States to secure the return to their territory of cultural objects which are classified as national treasures within the meaning of the said Article 36 and have been removed from their territory in breach of the abovementioned national measures or of Council Regulation (EEC) No .../92 of on the export of cultural goods ⁽¹⁾; whereas the implementation of these arrangements should be as simple and efficient as possible; whereas, to facilitate co-operation with regard to return, the scope of the arrangements should be confined to items belonging to common categories of cultural object; whereas the Annex to this Directive is consequently not intended to define objects which rank as "national treasures" within the meaning of the said Article 36, but merely categories of object which may be classified as such and may accordingly be covered by the return procedure introduced by this Directive;

(1) OJ No L

Whereas cultural objects classified as national treasures and forming an integral part of public collections or inventories of ecclesiastical institutions but which do not fall within these common categories should also be covered by this Directive;

Whereas administrative co-operation should be established between Member States as regards their national treasures, in close liaison with their co-operation in the field of stolen works of art and involving in particular the recording, with Interpol and other qualified bodies issuing similar lists, of lost, stolen or illegally removed cultural objects forming part of their national treasures and their public collections;

Whereas the procedure introduced by this Directive is a first step in establishing co-operation between Member States in this field in the context of the internal market; whereas the aim is mutual recognition of the relevant national laws; whereas provision should therefore be made, in particular, for the Commission to be assisted by an advisory committee;

Whereas Regulation (EEC) No /92 introduces, together with this Directive, a Community system to protect Member States' cultural goods; whereas the date by which Member States have to comply with this Directive has to be as close as possible to the date of entry into force of that Regulation; whereas, having regard to the nature of their legal systems and the scope of the changes to their legislation necessary to implement this Directive, some Member States will need a longer period,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive:

1) "Cultural object" shall mean an object which:

- is classified, before or after its unlawful removal from the territory of a Member State, among the "national treasures possessing artistic, historic or archaeological value" under national legislation or administrative procedures within the meaning of Article 36 of the Treaty,

and

- belongs to one of the categories listed in the Annex or does not belong to one of these categories but forms an integral part of:

= public collections listed in the inventories of museums, archives or libraries' conservation collection;

For the purposes of this Directive, "public collections" shall mean collections which are the property of a Member State, local or regional authority within a Member State or an institution situated in the territory of a Member State and defined as public in accordance with the legislation of that Member State, such institution being the property of, or significantly financed by, that Member State or a local or regional authority;

= the inventories of ecclesiastical institutions.

- 2) "Unlawfully removed from the territory of a Member State" shall mean:
- removed from the territory of a Member State in breach of its rules on the protection of national treasures or in breach of Regulation (EEC) No .../92, or
 - not returned at the end of a period of lawful temporary removal or any breach of another condition governing such temporary removal.
- 3) "Requesting Member State" shall mean the Member State from whose territory the cultural object has been unlawfully removed.
- 4) "Requested Member State" shall mean the Member State in whose territory a cultural object unlawfully removed from the territory of another Member State is located.
- 5) "Return" shall mean the physical return of the cultural object to the territory of the requesting Member State.
- 6) "Possessor" shall mean the person physically holding the cultural object on his own account.
- 7) "Holder" shall mean the person physically holding the cultural object for third parties.

Article 2

Cultural objects which have been unlawfully removed from the territory of a Member State shall be returned in accordance with the procedure and in the circumstances provided for in this Directive.

Article 3

Each Member State shall appoint one or more central authorities to carry out the tasks provided for in this Directive.

Member States shall inform the Commission of all the central authorities they appoint pursuant to this Article.

The Commission shall publish a list of these central authorities and any changes concerning them in the C series of the Official Journal of the European Communities.

Article 4

Member States' central authorities shall co-operate and promote consultation between the Member States' competent national authorities. The latter shall in particular:

- 1) upon application by the requesting Member State, seek a specified cultural object which has been unlawfully removed from its territory, identifying the possessor and/or holder. The application must include all information needed to facilitate this search, with particular reference to the actual or presumed location of the object;
- 2) notify the Member States concerned, where a cultural object is found in their own territory and there are reasonable grounds for believing that it has been unlawfully removed from the territory of another Member State;
- 3) enable the competent authorities of the requesting Member State to check that the object in question is a cultural object, provided that the check is made within 2 months of the

notification provided for in paragraph 2. If it is not made within the stipulated period, paragraphs 4 and 5 shall cease to apply;

- 4) take any necessary measures, in co-operation with the Member State concerned, for the physical preservation of the cultural object;
- 5) prevent, by the necessary interim measures, any action to evade the return procedure;
- 6) act as intermediary between the possessor and/or holder and the requesting Member State with regard to return. To this end, the competent authorities of the requested Member States may, without prejudice to Article 5, first facilitate the implementation of an arbitration procedure, in accordance with the national legislation of the requested State and provided that the requesting State and the possessor or holder give their formal approval.

Article 5

The requesting Member State may initiate, before the competent court in the requested Member State, proceedings against the possessor or, failing him, the holder, with the aim of securing the return of a cultural object which has been unlawfully removed from its territory.

Proceedings may be brought only where the document initiating them is accompanied by:

- a document describing the object covered by the request and stating that it is a cultural object;

- a declaration by the competent authorities of the requesting Member State that the cultural object has been unlawfully removed from its territory.

Article 6

The central authority of the requesting Member State shall forthwith inform the central authority of the requested Member State that proceedings have been initiated with the aim of securing the return of the object in question.

The central authority of the requested Member State shall forthwith inform the central authorities of the other Member States.

Article 7

1. Member States shall lay down in their legislation that the return proceedings provided for in this Directive may not be brought more than one year after the requesting Member State became aware of the location of the cultural object and of the identity of its possessor or holder.

Such proceedings may, at all events, not be brought more than 30 years after the object was unlawfully removed from the territory of the requesting Member State. However, in the case of objects forming part of public collections, referred to in Article 1(1), and ecclesiastical goods in the Member States where they are subject to special protection arrangements under national law, return proceedings shall be subject to a time-limit of 75 years, except in Member States where proceedings are not subject to a time-limit or in the case of bilateral agreements between Member States laying down a period exceeding 75 years.

2. Return proceedings may not be brought if removal from the national territory of the requesting Member State is no longer unlawful at the time when they are to be initiated.

Article 8

Save as otherwise provided in Articles 7 and 13, the competent court shall order the return of the cultural object in question where it is found to be a cultural object within the meaning of Article 1(1) and to have been removed unlawfully from national territory.

Article 9

Where return of the object is ordered, the competent court in the requested State shall award the possessor such compensation as it deems fair according to the circumstances of the case, provided that it is satisfied that the possessor exercised due care and attention in acquiring the object.

The burden of proof shall be governed by the legislation of the requested Member State.

In the case of a donation or succession, the possessor shall not be in a more favourable position than the person from whom he acquired the object by that means.

The requesting Member State shall pay such compensation upon return of the object.

Article 10

Expenses incurred in implementing a decision ordering the return of a cultural object shall be borne by the requesting Member State. The same applies to the costs of the measures referred to in Article 4(4).

Article 11

Payment of the fair compensation and of the expenses referred to in Articles 9 and 10 respectively shall be without prejudice to the requesting Member State's right to take action with a view to recovering those amounts from the persons responsible for the unlawful removal of the cultural object from its territory.

Article 12

Ownership of the cultural object after return shall be governed by the law of the requesting Member State.

Article 13

This Directive shall apply only to cultural objects unlawfully removed from the territory of a Member State on or after 1 January 1993.

Article 14

1. Each Member State may extend its obligation to return cultural objects to cover categories of objects other than those listed in the Annex.
2. Each Member State may apply the arrangements provided for by this Directive to requests for the return of cultural objects unlawfully removed from the territory of other Member States prior to 1 January 1993.

Article 15

This Directive shall be without prejudice to any civil or criminal proceedings that may be brought, under the national laws of the Member States, by the requesting Member State and/or the owner of a cultural object that has been stolen.

Article 16

1. Member States shall send the Commission every three years, and for the first time in February 1996, a report on the application of this Directive.

2. The Commission shall send the European Parliament, the Council and the Economic and Social Committee, every three years, a report reviewing the application of this Directive.

3. The Council shall review the effectiveness of this Directive after a period of application of three years and, acting on a proposal from the Commission, make any necessary adaptations.

4. In any event, the Council acting on a proposal from the Commission, shall examine every three years and, where appropriate, update the amounts indicated in the Annex, on the basis of economic and monetary indicators in the Community.

Article 17

The Commission shall be assisted by the Committee set up by Article 8 of Regulation (EEC) No .../92.

The Committee shall examine any question arising from the application of the Annex to this Directive which may be tabled by the Chairman either on his own initiative or at the request of the representative of a Member State.

Article 18

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within nine months of its adoption, except as far as the Kingdom of Belgium, the Federal Republic of Germany and the Kingdom of the Netherlands are concerned, which must conform to this Directive at the latest twelve months from the date of its adoption. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 19

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

Categories referred to in the second indent of Article 1(1) to which objects classified as "national treasures" within the meaning of Article 36 of the Treaty must belong in order to qualify for return under this Directive

- A.1. Archaeological objects more than 100 years old which are the products of:
- land or underwater excavations and finds;
 - archaeological sites;
 - archaeological collections.
2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, more than 100 years old.
3. Pictures and paintings executed entirely by hand, on any medium and in any material. ⁽¹⁾
4. Mosaics other than those in category 1 or category 2 and drawings executed entirely by hand, on any medium and in any material. ⁽¹⁾
5. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters ⁽¹⁾.
6. Original sculptures or statuary and copies produced by the same process as the original ⁽¹⁾ other than those in category 1.

(1) which are more than fifty years old and do not belong to their originators.

7. Photographs, films and negatives thereof. ⁽¹⁾
8. Incunabula and manuscripts, including maps and musical scores, singly or in collections. ⁽¹⁾
9. Books more than 100 years old, singly or in collections.
10. Printed maps more than 200 years old.
11. Archives and any elements thereof, of any kind, on any medium, comprising elements more than 50 years old.
12. (a) Collections ⁽²⁾ and specimens from zoological, botanical, mineralogical or anatomical collections;
(b) Collections ⁽²⁾ of historical, palaeontological, ethnographic or numismatic interest.
13. Means of transport more than 75 years old.
14. Any other antique item not included in categories A.1 to A.13, more than 50 years old.

The cultural objects in categories A1 to A14 are covered by this Directive only if their value corresponds to, or exceeds, the financial thresholds under B.

(1) which are more than fifty years old and do not belong to their originator.

(2) as defined by the Court of Justice in its judgment in Case 252/84, as follows:

"Collectors' pieces within the meaning of Heading No 99.05 of the Common Customs Tariff are articles which possess the requisite characteristics for inclusion in a collection, that is to say, articles which are relatively rare, are not normally used for their original purpose, are the subject of special transactions outside the normal trade in similar utility articles and are of high value."

B. Financial thresholds applicable to certain categories under A
(in ecus)

VALUE: 0 (Zero)

- 1 (Archaeological objects)
- 2 (Dismembered monuments)
- 8 (Incunabula and manuscripts)
- 11 (Archives)

15 000

- 4 (Mosaics and drawings)
- 5 (Engravings)
- 7 (Photographs)
- 10 (Printed maps)

50 000

- 6 (Statuary)
- 9 (Books)
- 12 (Collections)
- 13 (Means of transport)
- 14 (Any other item)

150 000

- 3 (Pictures)

The assessment of whether or not the conditions relating to financial value are fulfilled must be made when return is requested. The financial value is that of the object in the requested Member State.

The date for the conversion of the values expressed in ecus in the Annex into national currencies shall be 1 January 1993.

**Organizational rules
governing the European literary prize
and the European translation prize
(modified the 21 October 1991)**

European literary prize - Organizational rules

(modified)

Aims and conditions

1. An annual prize will be awarded to an author who has made a significant contribution to contemporary European literature. The prize will be awarded for a single work ⁽¹⁾, which may belong to any literary genre ⁽²⁾. It must have been published in the three years preceding the opening date for the submission of entries.
2. Candidates must be nationals of a Member State of the European Community. However, nationals of European countries which are not members of the Community are also eligible, in conformity with the resolution of 18 May 1989 concerning books and reading ⁽³⁾.
3. The literary work must be submitted in one of the official languages of the European Community ⁽⁴⁾.

Amount

A prize of ECU 20 000 will be awarded to the author. In accordance with copyright laws and agreements, Community aid to stimulate translation of the prize-winning work into the other official languages of the Community, up to a maximum of ECU 25 000, will be granted at the initiative of the publisher(s) holding the translation rights. Requests must be submitted no later than two years after the prize has been awarded. This Community aid constitutes a special category, with separate financial arrangements, in the framework of the pilot project for the translation of literary works, and requests should be formulated in conformity with the annex of this (reproduced here as an annex for information).

Organization

1. Each Member State may nominate up to three separate works for consideration by the European jury. It will be for each Member State to determine their selection procedure for this purpose.
2. The selected works will be made public by the Secretariat referred to in 4 below.
3. The European jury will comprise nine members, who will be chosen each year by the Commission acting on the basis of proposals from the Member States and on the advice of the Committee on Cultural Affairs. A member's term of office may be renewed no more than twice.
4. The decision of the jury is final. It will establish its own rules of procedure.
5. The administrative secretariat of the prize will be provided by the Commission. It will work in close cooperation with the authorities of the European City of Culture.
6. The Commission will submit to the Committee on Cultural Affairs the timetable for the procedures relating to the award of the prize, in particular: the opening date, the deadline for Member States' submission of the three works to the European jury, the deadline for forming the European jury and, in agreement with the authorities hosting the European City of Culture, the date of the prize-giving ceremony.
7. Before the end of 1992 the Committee on Cultural Affairs will examine, in the light of experience gained, any adjustments to these arrangements that it considers necessary.
8. The Commission will publish these arrangements for the European Literary Prize in the Official Journal of the European Communities for information.

⁽¹⁾ The work will be assessed solely on the basis of its literary quality.

⁽²⁾ E.g. novel, short story, drama, essay, poetry, etc.

⁽³⁾ Such entries should be included in the lists of works submitted by the Member States of the Community (see below 'Organization').

⁽⁴⁾ As the Treaties of the European Communities are also drawn up in Irish, literary work in this language may also be submitted.

Annex to the pilot project for the translation of literary works

(reproduced in connection with the paragraph 'Amount' of the organizational rules)

Supporting information to be provided in the submission by the publisher intending to publish a translation of a contemporary literary work

- Assessment of the anticipated market
 - Evidence that Community support will make a material difference to the translation's commercial viability
 - Agreement in principle between the rights holder(s) and the publisher of the translation
 - Projected completion and publication dates and price, as well as draft contract for the translation and assurances concerning the competence of the translator
 - Marketing plans
 - Assurances that no other public funding has been obtained by the publisher
 - Assurances that both the translator and the European Community will receive a clear acknowledgement.
-

European translation prize - Organizational rules

(modified)

Aims and conditions

1. An annual prize will be awarded to a translator for an outstanding translation of a significant work of contemporary European Literature ⁽¹⁾; the prize will be awarded for a translation published in the three years preceding the opening date for the submission of entries.
2. Candidates must be nationals of a Member State of the European Community. However, nationals of European countries which are not members of the Community are also eligible, in conformity with the resolution of 18 May 1989 concerning books and reading ⁽²⁾.
3. The translation should be submitted in one of the official languages of the European Community ⁽³⁾.

Amount

A prize of ECU 20 000 will be awarded to the translator.

Organization

1. Each Member State may select up to three translations for consideration by the European jury. It will be for each Member State to determine the selection procedure for this purpose.
2. The selected translations will be made public by the Secretariat referred to in 4 below.
3. The European jury will comprise nine members, who will be chosen each year by the Commission acting on the basis of proposals from the Member States and on the advice of the Committee on Cultural Affairs. A member's term of office may be renewed no more than twice.
4. The decision of the jury is final. It will establish its own rules of procedure.
5. The administrative secretariat provided by the Commission for the European Literary Prize will also be responsible for administering the European Translation Prize.
6. The Commission will submit to the Committee on Cultural Affairs the timetable for the procedures relating to the award of the prize, in particular: the opening date, the deadline for Member States' submission of the three translations to the European jury, the deadline for forming the European jury and, in agreement with the authorities hosting the European City of Culture, the date of the prize-giving ceremony.
7. Before the end of 1992 the Committee on Cultural Affairs will examine, in the light of experience gained, any adjustments to these arrangements that it considers necessary.
8. The Commission will publish these arrangements for the European Translation Prize in the Official Journal of the European Communities for information.

⁽¹⁾ The work will be assessed solely on the basis of its literary quality.

⁽²⁾ Such entries should be included in the lists of works submitted by the Member States of the Community (see below "Organization").

⁽³⁾ As the Treaties of the European Communities are also drawn up in Irish, literary work in this language may also be submitted.

ANNEXES

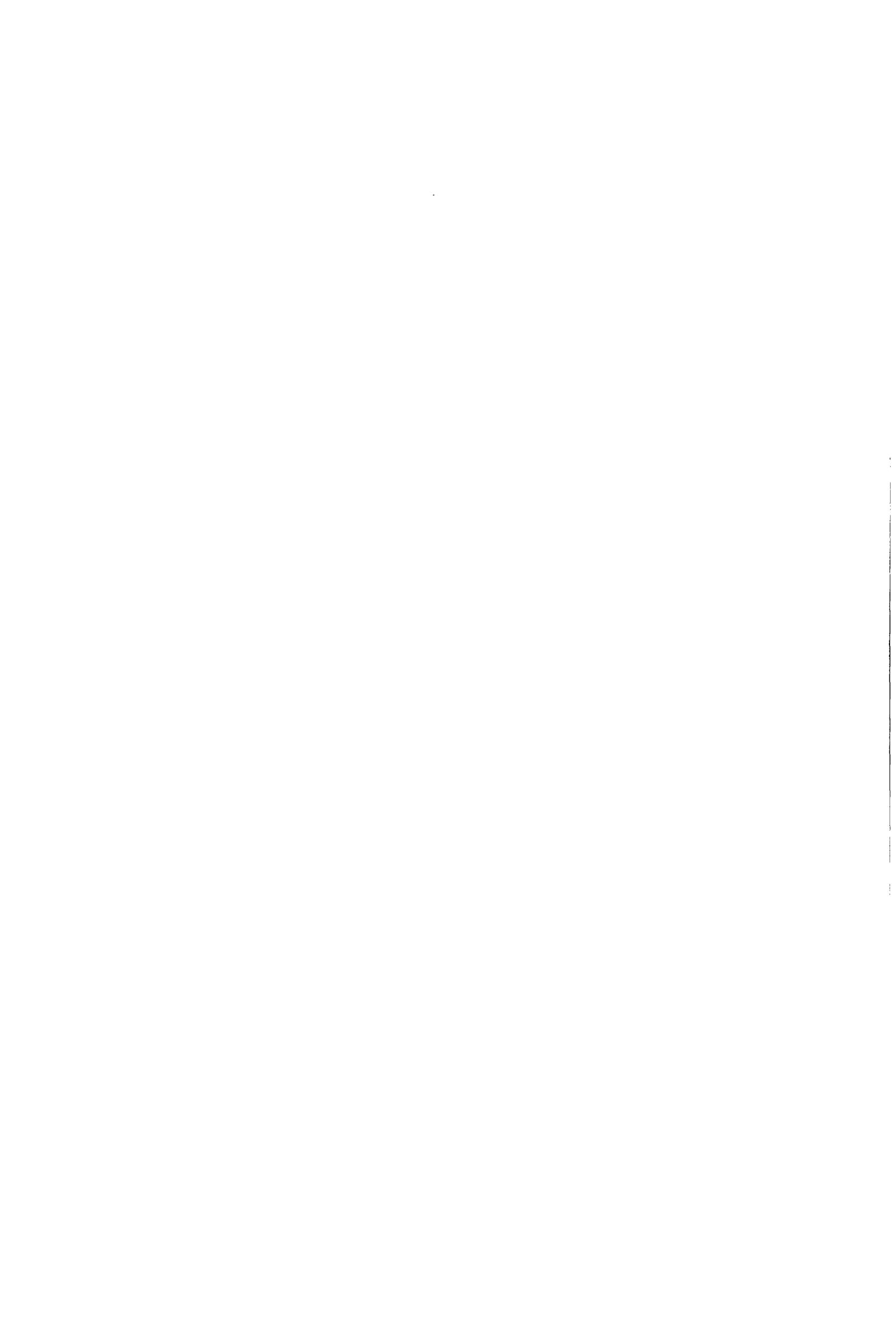
**Solemn Declaration on European Union
signed by the ten Heads of State and government in Stuttgart
on 19 June 1983
(extracts concerning education and culture)**



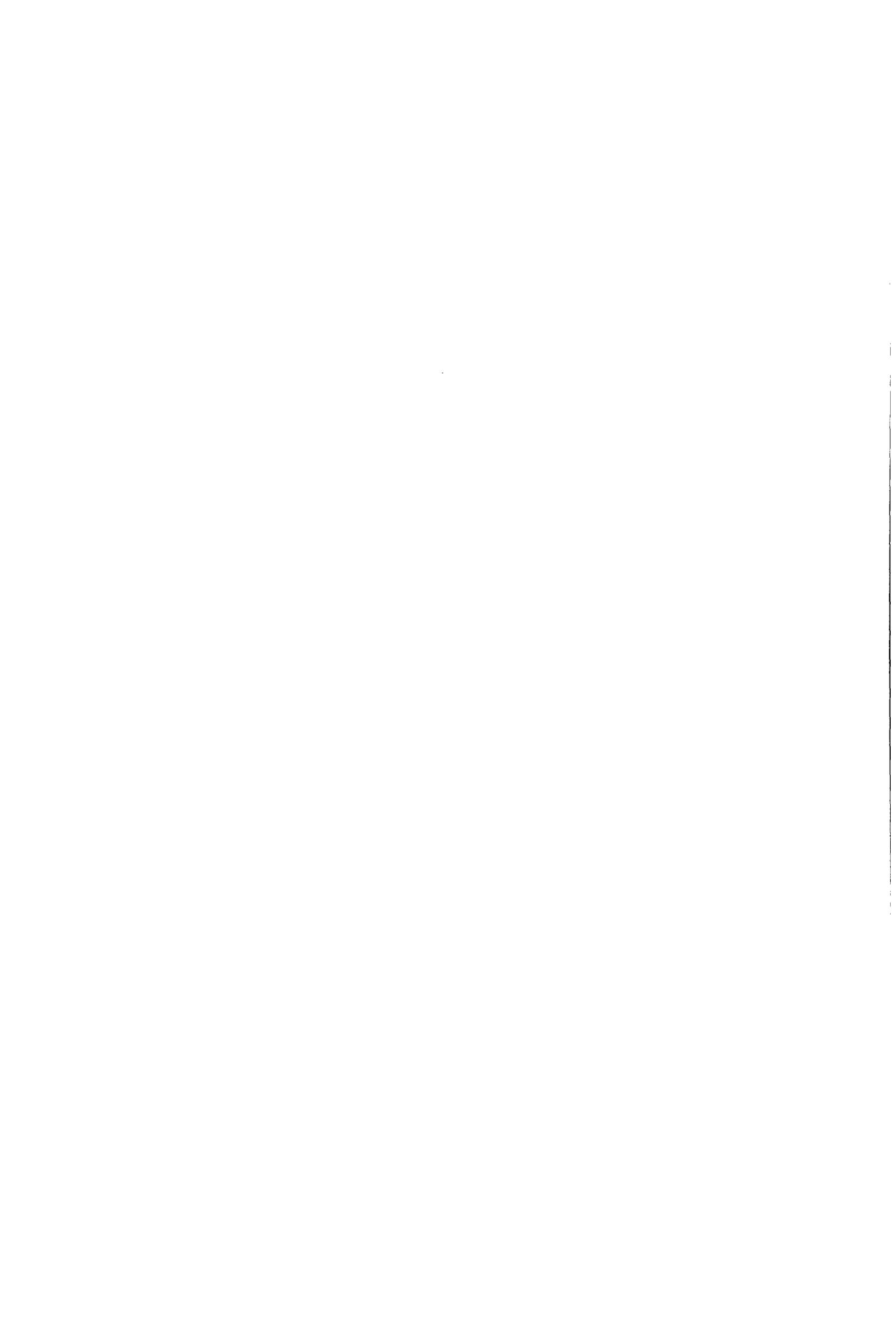
3.3 Cultural cooperation

With a view to complementing Community action and stressing that, in consideration of the membership of their States of the Council of Europe, they maintain their firm support for an involvement in its cultural activities, the Heads of State or Government agree to promote, encourage or facilitate the following, taking account of respective constitutional provisions:

- development of the activities of the European Foundation and the European University Institute in Florence;
- closer cooperation between establishments of higher education, including exchanges of teachers and students;
- intensified exchanges of experience, particularly among young people, and development of the teaching of the languages of the Member States of the Community;
- improving the level of knowledge about other Member States of the Community and of information on Europe's history and culture so as to promote a European awareness;
- examination of the advisability of undertaking joint action to protect, promote and safeguard the cultural heritage;
- examination of the possibility of promoting joint activities in the dissemination of culture, in particular as regards audio-visual methods;
- more extensive contacts between writers and artists of the Member States and wider dissemination of their works both inside and outside the Community;
- closer coordination of cultural activities in third countries, within the framework of Political Cooperation.



**Report by the Committee
on a People's Europe
approved by the European Council meeting in Milan
on 28 and 29 June 1985
(Chapter 3 - Culture and communication)**



3. Culture and communication

3.1. It is also through action in the areas of culture and communication, which are essential to European identity and the Community's image in the minds of its people, that support for the advancement of Europe can and must be sought. The European cultural heritage is not however confined to the territories of the Member States of the Community, nor, for that matter, to the frontiers of the States of the Council of Europe. We must therefore avoid any exclusivity in this area and seek cooperation with other European countries.

3.2. The Committee is pleased to note that the meetings of the Council and the Ministers for Culture of the Community are continuing on a regular basis and that progress has been made in this area, including the decision on an annual European city of culture, beginning with Athens for 1985.

3.3. The Committee has chosen from amongst the various aspects of culture, four areas of action which deserve the special attention of the European Council.

3.4. Television ('the audiovisual area')

Developments in technology will lead to an increase in the number of channels and hours of broadcasting and create a substantial additional need for audiovisual productions. This will present both a challenge — the need for increased production — and an opportunity so that the most can be made of the cultural wealth of Europe.

3.5. The Committee proposes that the European Council should invite the Council and the Ministers for Culture to bring the current discussions to a successful conclusion before the end of the year on the best means to encourage at Community level European audiovisual co-productions in order to promote a truly European and competitive industry. This concerns the financing of co-productions when made by European cinema or television producers from at least two Member States.

3.6. The introduction of a system of advances on receipts for Member States' co-productions would be one way of achieving this goal. Schemes which could be started by programming organizations in certain Member States for the allotment of a certain proportion of their general programming funds for European TV co-productions would be of significant assistance in this direction too.

3.7. In celebration of a hundred years of film-making, the Committee proposes that 1988 should be declared 'European Film and Television Year'.

3.8. In order to bring the peoples of Europe closer together, the Committee proposes that the European Council recommend to each Member State of the Community and to the Community institutions that they consider which legal and technical steps, taking into account the differing situations that exist in this field, should be taken so that every citizen may have access to the greatest number of programmes broadcast by the various channels of the Community countries, in conformity with the Treaty.

3.9. The Committee has noted with great interest the current initiatives and experiments in joint television programmes.

The Committee proposes that the European Council ask the Ministers for Culture to consider, at the Community level and together with broadcasting authorities and with the European Broadcasting Union, the possibility of building on such experiments or other initiatives, bearing in mind the potential importance for the knowledge of European cooperation and development of a truly European television channel, emphasis being laid on the need for broadcasting to be multilingual.

3.10. Academy of Science, Technology and Art

Europe needs an institution with international influence to highlight the achievements of European science and the originality of European civilization in all its wealth and diversity.

To this end, the Committee proposes to the European Council that there should be a European Academy of Science, Technology and Art, having regard to the following considerations:

(i) the Academy should be an independent body; its role should be to award prizes in the main areas of science, technology and art and to give opinions in these fields for the different Community institutions;

(ii) the Academy would be composed of personalities eminent in the various disciplines and independent from political authority. The first College would be composed of two members designated by each Head of State or Government. These members would themselves select their peers to make up the Academy which would comprise about forty members. The Member States, assisted by the Commission and in close cooperation with the group of the first members nominated by the Heads of State or Government, would draw up the framework for the organization of the Academy.

3.11. Euro-lottery¹

To make Europe come alive for the Europeans, an event with popular appeal could help promote the European idea.

The European Council could therefore request the Commission to examine whether there would, for instance, be scope for organizing a Euro-lottery and how it could be set up, taking into account the different laws and practices of the Member States. The lottery would serve to finance projects in the field of culture. The draw and the announcement of results would be public and would be televised throughout the Community. The result might be expressed eventually in ECU.

3.12. Access to museums and cultural events

In addition, the European Council should ask Member States to ensure that all special conditions and reductions for admission to museums, similar institutions and cultural events generally available to the young are extended to young people from all Member States.

¹ Mr Williamson stated that this proposal would not be in line with the United Kingdom practice of not operating State lotteries.

**Treaty on European Union
(done at Maastricht on 7 February 1992)**

Part three, Title IX "Culture"

TITLE IX

CULTURE

Article 128

1. The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

2. Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:

- improvement of the knowledge and dissemination of the culture and history of the European peoples;
- conservation and safeguarding of cultural heritage of European significance;
- non-commercial cultural exchanges;
- artistic and literary creation, including in the audiovisual sector.

3. The Community and the Member States shall foster cooperation with third countries and the competent international organizations in the sphere of culture, in particular the Council of Europe.

4. The Community shall take cultural aspects into account in its action under other provisions of this Treaty.

5. In order to contribute to the achievement of the objectives referred to in this Article, the Council:

- acting in accordance with the procedure referred to in Article 189b and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonization of the laws and regulations of the Member States. The Council shall act unanimously throughout the procedures referred to in Article 189b;
- acting unanimously on a proposal from the Commission, shall adopt recommendations.

Council of the European Union

Texts concerning culture at European Community level

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