EUROPEAN COMMUNITIES
THE COUNCIL

Brussels, 6 November 1990 (15.11)
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EXTRACT
from the
DRAFT
SUMMARY RECORD
of the 1450th meeting
of the Permanent Representatives Committee
(Part 1)
held in Brussels on Wednesday 31 October 1990

Item 10. Preparation for the Council meeting (Internal Market) on 8 November 1990


- Policy debate

9397/90 P1 62
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1. The Committee took note of the amended Commission proposal (9397/90 PI 62) and the Presidency's report (9398/90 PI 63), as well as of the consolidated text annexed to the latter, noting a scrutiny reservation by the Spanish delegation on the Presidency's report and scrutiny reservations by all the delegations with regard to the consolidated text.

2. As regards the questions raised in Part II of the Presidency's Report, the Committee:

- noted that the German and Netherlands delegations upheld their reservations regarding the question of the rental right, but examined in a positive spirit the compromise solution proposed;

- noted that, as regards the question of decompilation:

  = there was a strong tendency in favour of the principles contained in the new Article 5a;

  = the positions outlined in the Presidency's report on the subject of maintenance of a computer program remained unchanged;

  = the United Kingdom delegation considered that it was necessary to re-examine the term, "published" appearing in paragraph 1(b) of Article 5a;

  = the United Kingdom delegation considered that paragraph 2 of Article 5a was redundant in the light of the content of paragraph 1 of that Article:
- noted that the German delegation, while upholding its reservation regarding Article 7, was examining in a positive manner the compromise solutions put forward as well as the possibility of combining them;

- decided to submit these questions to the Council (Internal Market) for a policy debate.

3. Concerning the other aspects of the proposal for a Directive, the Committee:

- noted a question from the Belgian delegation as to whether paragraph 4 of Article 2 needed to be included in the Directive;

- took note of a reservation by the Netherlands delegation on the phrase "in the absence of specific contractual provisions" in Article 5(1);

- noted with satisfaction that the German, Greek and Netherlands delegations were withdrawing their scrutiny reservations on Article 6;

- noted the German delegation's request that the Commission should indicate in an appropriate manner its intention to take action on the European Parliament's request that the Commission submit a report every two years on the state of implementation of the Directive;

- agreed to instruct the Working Party to continue examination of these points as well as of any other questions outstanding, with a view to the adoption of a common position by the Council at its meeting on 13 December 1990.