Item 28: Preparation of the Council meeting (Internal Market) to be held on 20 June 1990

   (docs. 6970/90 PI 31 and 7010/90 PI 32)
The Committee took note of the report from the Presidency in document 6970/90 PI 31 and the consolidated text of the proposal for a Directive in document 7010/90 PI 32.

With regard to the Presidency's compromise proposal on protection of interfaces and reverse engineering, annexed to document 6970/90 PI 31, which incorporates elements of "fair use" into an exemption from copyright which would specifically allow reverse engineering of computer programs for defined purposes under defined circumstances, the Committee:

- gave its preliminary approval to the general approach adopted by the proposal as a package on the related questions of protection of interfaces and reverse engineering;

- noted, however, that the preliminary approval of the Spanish delegation was limited to the reverse engineering aspects of the proposal;

- emphasized that its preliminary approval was subject to further consideration in the light of the European Parliament's opinion when received;

- instructed the Working Party on "Intellectual Property" to clarify certain concepts used in the proposal, and in particular to elaborate a more detailed definition of interoperability;
agreed, in the absence of the European Parliament's opinion and bearing in mind that this subject was discussed by the Internal Market Council on 14 May 1990, that it was not necessary to proceed to discussion of this proposal at the Internal Market Council meeting of 20 June 1990.

The Committee noted with approval the progress made on the proposal for a Directive and agreed to consider at one of its subsequent meetings the points of disagreement set out under points 7, 8 and 9 of the report in document 6970/90 PI 31.