directive, to ensure that transmission and receiving equipment built by radio amateurs for their own use should not come under the directive's rules on manufacturer's self-testing and declarations of conformity.

— Barzanti report (A4-0026/99)

Ahern (V), in writing. — I wish to thank the rapporteur for his work on the EU Copyright Directive which is a complex and technical subject of importance to artists in Europe. The Greens have sought from the beginning to make the protection of the creativity of writers, composers, musicians-performers EU-wide, a priority in amending the Copyright Directive. In Ireland musicians and performing artists such as Boyzone and the Corrs have appealed for copyright protection for their work.

The rapporteur has my full support in his appeal for a strong directive, protecting the music industry from piracy on the Internet. The fact is that digital technology can 'clone' an exact reproduction of the original, leading to an increased risk of piracy on the Internet.

I will continue to support a call for a strong Copyright Directive. I am personally committed to the protection of the rights of European artists, writers and composers. Europe's cultural industries have a great deal to lose if this new directive is not absolutely protective of creative rights and intellectual property.

Andersson, Hultén, Lööw, Palm, Sandberg-Fries and Theorin (PSE), in writing. — (SV) We share the rapporteur's view that harmonisation is needed to create a fully functioning internal market for those with copyright protection.

However, we cannot agree with Amendment No 48, since it would mean that anyone wishing to set up a broadcast organisation would be required to have a licence. In Sweden, we have an effective system based on a licensing agreement. In practical terms, it consists of a collective agreement concluded by a representative licensing body.

We would also like to emphasise that, in our view, the Member States should provide for exemptions from the copyright restrictions specified in Articles 2, 3 and 4 in the case of non-commercial use for the benefit of people with disabilities. This is best expressed in Amendment No 72.

We would point out that, in our view, there should be exemption from the restrictions in Articles 2 and 3 for use where the purpose is to make official documents accessible to the public, as set out in Amendment No 69.

We support the amendments granting exemption from the restrictions in Articles 2 and 3 in respect of the setting-up of a library or archive, for example.

Blak, Iversen, Kirsten Jensen and Sindal (PSE), in writing. — (DA) At the end of 1997, the Commission put forward a controversial proposal for the harmonisation of copyright law in the Community. It did not believe that national laws were working well or had kept up with technological developments. The Commission also wished to limit the extensive pirate copying of CDs and CD-ROMs. In its original form, the proposal meant that a consumer who had bought a CD could not copy it on to tape in order to be able to listen to the music while he was out jogging. Furthermore, the Commission's original proposal for a directive ignored the fact that a number of public service stations would have problems if they wished to use CDs as background music for TV broadcasts, and that the visually impaired and people with reading difficulties would not be able to enjoy special offers from libraries. Special offers made available by public institutions to the handicapped will not be affected by the proposal. In the light of this, the Danish Social Democrats have endorsed an amendment which ensures that special national schemes will not conflict with EU law.

In this way, it has been possible to secure a well-balanced copyright law which both safeguards the rights of producers to their own output and protects the interests of TV and radio stations and consumers.

Bonde and Sandbek (I-EDN), in writing. — (DA) At the first reading of Mr Barzanti's report today, we have abstained from voting on the report as a whole. We are very concerned that the harmonisation of copyright law in the EU will obstruct free access to information for all social groups, especially people with a visual handicap, for example. The June Movement regards free access to information as the very cornerstone of democracy. Without opportunities for individual citizens to obtain knowledge and information, the democratic process would become confused.

Nonetheless, we would have liked to support the report in order to protect the interests of artists and safeguard their rights in connection with the exploitation of their work. Because most of the amendments which we had hoped would safeguard the rights of artists were not adopted, and since most of those which we had either tabled ourselves or endorsed and which would have ensured free access to information for the handicapped and others were also rejected, we chose to abstain on the report as a whole. We will take the matter up again at second reading.

Caudron (PSE), in writing. — (FR) Issues related to the information society and the Internet are of great interest to me. Apart from the aspects which imply a radical change in the way our societies are organised, there are still a number of questions about how our legislation and our legal tools are going to have to change in future in this area. I would therefore like to congratulate our President, José María Gil Robles, and Roberto Barzanti for having responded so rapidly to artists' concerns that their work is too often being used illegally on the Internet.
Caudron

While it is relatively easy to draw up a report and protecting the concept of copyright is the least we can do, it is not easy to legislate at European level to provide proper protection for the ‘victims’ of plagiarism. This is an area where we need to show imagination in establishing effective legal protection. To do this, I believe we must promote measures which are appropriate for the different forms of dissemination and piracy. Following the example of existing broadcasting legislation, should we not also introduce a user charge levied when compression tools such as MP3 or MP4 are sold?

However, we have to be realistic, since we have to find common ground with all parties concerned, and in particular with the United States and the producers of this type of software.

Therefore, while I agree on the whole with the rapporteur’s concerns, I question the distinction that is made between analogue copying and digital copying. In my opinion, digital has already won.

Eriksson, Seppänen and Svensson (GUE/NGL), Gahrton, Holm, Lindholm and Schöring (V), Lis Jensen (I-EDN), in writing. — (DA) The Barzanti report stems from an important debate concerning the harmonisation of certain aspects of copyright and related rights in the information society. We believe that the report creates a good basis for further discussion of the protection and exercise of the privileges of rightholders. If we cannot endorse the report, it is not because we wish to remove the advantages enjoyed by rightholders with regard to the exploitation of their work, but because the proposal adopts an unnecessarily restrictive approach to the definition of rights, which in the worst case would deny artists the right to negotiate for themselves both the scale of payment and what rights they transfer to a producer.

The Scandinavian countries have a long tradition and great experience of solving difficult copyright issues with the help of licensing agreements. We think that this traditional Scandinavian model involving collective agreements ought to be retained. At the same time, we take the view that publicly funded institutions which are open to the public, such as museums, libraries, archives and so on, should have the opportunity to participate fully in the development of the information society. Taken to the extreme, the contents of the report would mean that copyright legislation would prevent them from fulfilling their non-commercial, educational function.

If the report is adopted in its current form, without taking into account a number of proposed amendments, it will for example no longer be possible to record radio and TV broadcasts for short-term use for the inmates of care homes, hospitals, prisons and so on. We believe that a move in this direction, which does not sufficiently take account of the general public’s need for and right to free and equal access to information, would be disastrous in terms of social development and democracy.

Martinez (NL), in writing. — (FR) Technological changes are currently weakening certain legal categories. This is true of the field of taxation, where the Internet is changing basic concepts such as the tax frontier, tax territory and the tax base.

It is also true of the field of artistic and literary property. Two principles are in conflict here: the right of the author to protect his work and his right to a fair income from his work versus the freedom of the Internet.

In this respect, the European Union is all the more contradictory as one of its fundamental principles is precisely that of free movement. However, where there is freedom of movement, there cannot be protection, and vice versa.

In literary and artistic works, the Europe of Brussels is finally discovering what it has spent 40 years refusing to see with coal, steel, textiles, cars and agricultural products, namely that freedom of movement prevents real protection.

We want to give the field of culture what we have denied our farmers by reducing customs duties and the common agricultural levy, and we wish to do so by means of an exception. This is good, but it must be applied across the board.

In itself, the draft directive that we have been looking at includes entirely acceptable elements which are designed to protect authors’ ethical and financial rights. If we take music, for example, there is no doubt that digital compression technologies, such as MP3 or the new VQF standard that has appeared recently, represent a potential danger to the record industry, even if no scientific study has as yet been undertaken to confirm this. In France, we have seen only a slight drop in the sale of singles but this may be a mere coincidence.

Another danger that is equally real lies in the solutions that might be introduced. It would be tempting to place the information society under supervision, then we could control everything. The European Union makes no secret of its ambitions for the Internet: to transform this information area, this tool of cultural and personal development, into a mere shopping arcade.

In France we have seen the success of Canal+, where a broadcasting monopoly was effectively created. But nobody pointed out that Canal+ developed without any competition. In France the state has a monopoly on broadcasting. By penalising the pirating of Canal+ decoders, we effectively created a monopoly on reception. And some people would like to do the same with the Internet... the best of all possible worlds!

The solution is not only to be found in a directive inevitably restricted to the European Union. Taking into account the level of market penetration, it is above all American authors who are protected. European authors, on the other hand, do not have the same sort of guarantee as in the United States, for example. The concept of copyright is much more restrictive there than in France, for example. In order to effectively protect copyright and related rights, a better solution would be an international conference on the subject, where sovereign states could defend their own industries and agree to protect other countries’ in accordance with the principle of reciprocity.
Martinez

A balance must be struck between freedom and ownership. For the first time in history, freedom is being played against art.

This is a novelty for the artists. They had been taught by the Left to be defenders of freedom. Today they are pleading against it for the sake of their right to ownership. The Internet really is changing everything, even the most firmly entrenched roles.

Musumeci (NI), in writing. — (IT) The Community has certainly taken its time in getting round to harmonising the legal framework for copyright.

In the last few years we have seen open and flexible legislation designed for an increasingly developed world of technology and computers on the one hand, and on the other, old and outdated rules, as in Italy, where the matter is governed by a law going back 60 years.

While there is absolutely no question of challenging the sacrosanct right of authors and editors to have their work protected, we think it is crucial, in regulating individual Member States’ exceptions to the right of reproduction, not to dance to the tune of large record multinationals, for example, to the detriment of small and medium-sized European recording companies. Article 5 needs rewording to avoid de facto restriction of access to the network for independent operators.

There still needs to be a right of reproduction for scientific and cultural works which are educational rather than commercial, together with a flat rate payment if more than 20% of the book is reproduced.

This would also make things easier for small craft companies involved in reproduction, and indeed for their clients, almost always university students forced to buy very expensive textbooks even when they only need one chapter, thus feeding an often unregulated lobbyist market obviously speculating on comparative prices.

Until standard criteria which meet the needs of the market are finally established at Community level there is a risk that Member States may embark on different and even divergent paths, seriously prejudicing the much-trumpeted achievement of the single market.

Ripa di Meana (GUE/NGL), in writing. — (IT) I was sorry to have to abstain from the final vote on the Barzanti report. Adopting the text for Article 5(1) as proposed by the rapporteur and approved by the Committee on Legal Affairs means that quite unjustified authorisations will be required for making technical copies from the Internet, which will simply have the effect of extending the supremacy in distribution of the great American recording multinationals into the digital world. This is an extremely restrictive measure for European operators, in clear and paradoxical contradiction to the Digital Millennium Copyright Act just promulgated in the United States.

In other words, two different legal frameworks are being constructed as regards Internet accessibility. In the United States operators' freedom of access is recognised, while in the European Union, under pressure from the large multinationals and with the pretext of combatting piracy, the scope which authors and independent groups have to express themselves is being reduced. As the procedure provides for a second reading, considerable efforts are needed to promote an approach that gives greater weight to the legitimate principles of expression and right of access for European operators, who are excluded today.

Rovsing (PPE), in writing. — (DA) At a time when incredibly rapid development is taking place in the area of digital technology, we have found that earlier legislation in the field of copyright does not cover this area adequately.

In dealing with this directive, the Conservative Members of Parliament are working to create a balance between protecting the rights of copyright holders who are threatened by digital developments and safeguarding access to information for individual consumers, especially in connection with television and radio. For me it is crucial that this balance is secured in the best way possible, so that in future, copyright holders will be assured of payment for the use of their work, without severely limiting the range of information available to ordinary citizens.

Theonas (GUE/NGL), in writing. — (EL) The creators of intellectual works, and all those who have contributed to their creation, are now virtually defenceless against the use, distribution and reproduction of their work by means of new reproduction and communication technologies.

National laws to protect intellectual property and associated rights together with the corresponding Community legislation, which was inadequate even before globalisation and the implementation of digital technologies, need reforming and supplementing immediately on the basis of the new technological facts.

It is also crucial that measures be taken at national, community and international level to protect authors and composers from piracy and from the theft, use and reproduction of their work. We believe that there has already been a considerable delay in implementing such measures.

Notwithstanding certain objections and reservations we may have, the report of the Committee on Legal Affairs and Citizens' Rights is a positive attempt to tackle this problem. It also calls for already existing Community legislation to be brought up to date, by providing legal protection in areas such as reproduction rights, public broadcasting rights and distribution rights, and by providing legal protection against piracy.

Extending such protection to cover not only authors, composers and performers but also producers of CDs and CD-ROMs and radio stations, while positive and logical in principle, must be examined to determine whether all these rights can be regarded as the same. Perhaps it would be better to examine such protection separately to avoid the danger of misinterpreting the term 'intellectual creation' and the definition of composers and performers.
Theonas

Finally, the most important, and perhaps the most intractable problem is that of the distribution of artistic works and, more generally, intellectual property via the Internet, and the possibility of reproducing such works using digital technology. Although the report attempts to tackle this problem, we feel that it can only be solved if we address the more general issue of electronic copying, especially at an international level, and if we combat the new forms of piracy and forgery which are springing up and going unpunished.

Ullmann (V), in writing. — (DE) The Green Group in the European Parliament welcomes the draft directive aimed at revising the protection of copyright and related rights by harmonising it on a Union-wide basis so that it can meet the requirements of digital electronic communication. It takes account both of the user's need for access and of the market conditions for the media suppliers and for the producers of the required technologies.

We endorse the rapporteur's endeavour to define the directive more precisely by giving precedence to copyright as the main concept. That decision was justified not only by the subject matter of the directive. Authors' rights are the weakest in terms of the requirement of market and industrial freedom and therefore most in need of protection, given that they relate to works that can only be treated as products to a limited extent.

Consumer and producer protection have their place within this primary aim in that the consumer receives free access to the desired transmission of a work while at the same time the rightholder obtains fair compensation, and the producer receives full protection against piracy.

We welcome the fact that the Commission has largely incorporated Parliament's position and therefore very much regret that it has rejected Amendment No 25, in the form of a new recital, which deals with the treatment of cultural works not protected by copyright, as not relevant to the subject of the directive.

— Pérez Royo report (A4-0040/99)

Andersson, Lööw, Palm, Sandberg-Fries and Theorin (PSE), in writing. — (SV) The Swedish Social Democrats are delighted that steps are being taken to put an end to unfair tax competition between countries both outside and inside the European Union. However, we are not sure that the Commission, in its proposal, is going the right way about it. In our view, the fairest way would be for citizens to pay tax where they reside. Accordingly, we wholeheartedly support the idea of an exchange of information between states, rather than a model based on a minimum rate of taxation. Prior to the present proposal, we would have preferred to be able to adopt a position on an exchange of information, as opposed to a minimum tax rate. Now that this is not possible, we have decided to support the amendment that advocates the highest minimum rate of tax.

Blak, Iversen, Kirsten Jensen and Sindal (PSE), in writing. — (DA) The Danish Social Democrats in the European Parliament are voting in favour of the EU setting rules on the minimum taxation of interest income from savings. Until now, people have been able to avoid paying tax on savings deposited in other countries. This has led to unreasonable incomes and distortions in the market, and has favoured banks in Luxembourg, for example.

The European Parliament has just approved a twin-track approach which means that a minimum percentage of interest income will either be withheld in the individual Member State or that banks and authorities will exchange information across borders so that tax can be collected. Banking secrecy could therefore be maintained if the first option is used. The Danish Social Democrats do not see the proposal in any way as a move towards tax harmonisation, but as convincing evidence that the EU can put a stop to the extensive tax speculation in Europe.

Degrez (PPE), in writing. — (FR) The proposal for a Council directive that we are examining today is one of the most important on which we have had to give our opinion in recent years.

We all acknowledge that a guaranteed minimum effective taxation of savings income in the form of interest payments in EU Member States other than the investor's country of residence is an ideal way to prevent harmful tax competition between the Member States.

Apart from helping to reduce the distortions that are still widespread in the internal market, this widening of the tax base will allow Member States, if they so wish, to reduce the excessive costs that burden labour income and sometimes seriously handicap our businesses, subject as they are to international competition in an increasingly global economy.

The proposal for a directive that we are discussing today is certainly not the last word in capital taxation regimes. On this point I agree entirely with the rapporteur that a great deal remains to be done in order to achieve an ideal capital taxation system and, in particular, that we need the broadest possible discussions on the issue with the EU's major partners in the capital markets: the US, Japan and Switzerland.

While we are working on such an agreement, I, like many others, believe that this proposal for a directive is certainly an important step in the right direction. I would even say that it is the progress we have been waiting for for a number of years. The Commission has certainly done some excellent work here.

I will therefore be supporting, without any reservation whatsoever, the proposal for a directive as amended by Parliament.

Fourçans (PPE), in writing. — (FR) I am delighted with the amendments introduced by the Committee on Economic and Monetary Affairs and Industrial Policy to the proposal for a directive on taxation of savings, which