1. Introduction

Under cover of a letter dated 13 December 1990, the Commission submitted to the Council a proposal for a Council Directive on rental right, lending right, and on certain rights related to copyright (1). The proposal is based on Article 57(2) and Articles 66 and 100a of the Treaty establishing the European Economic Community.


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(2) Published in Official Journal No C 269, 14.10.1991, p. 54.
(3) Published in Official Journal No C 67, 16.3.1992, p. 92.
At its meeting on 14 May 1992, the Council (Internal Market) made an initial examination of the main questions outstanding and instructed the Permanent Representatives Committee to look in more detail at the few matters still to be resolved with a view to a common position being adopted at its meeting on 18 and 19 June 1992.

The Presidency submits to the Permanent Representatives Committee its compromise proposal for the Directive as a whole (6796/92 PT 60 CULTURE 59), updated following the Council meeting and after examination by the Counsellors responsible.

2. The person who shall be considered to be the author of a film — Article 2(2)

This is the most important question still to be resolved.

The European Parliament proposed adding a provision to the effect that, within the meaning of the Directive, the principal director of a film (as defined in the fourth indent of Article 2(1) should be considered to be its author (Amendment No 25).

Several delegations and the Commission were in favour of this addition.

However, the United Kingdom and Irish delegations had reservations and the Luxembourg delegation a provisional reservation about the desirability of this paragraph. They questioned the need for or desirability of Community harmonization in this respect, particularly in the limited framework of this Directive.

The United Kingdom delegation's reservation on Article 11(4) is linked to this question.
The Presidency proposed a compromise solution involving inclusion of this addition with the clarification that the principal director shall be considered to be the author or one of the authors, and the further point that Member States may provide for others to be considered to be the co-authors (Article 2(2) in 6796/92).

The United Kingdom and Ireland delegations maintain their reservations and the Luxembourg delegation its provisional reservation on this compromise solution, which could be accepted by the other delegations.

The Permanent Representatives Committee is asked to approve this compromise solution.

3. Other questions

The following reservations still remain:

- a provisional reservation by the Netherlands delegation on part of one recital;

- a reservation by the Netherlands delegation and a scrutiny reservation by the German delegation on an exclusive rental and lending right (Article 1(1));

- a scrutiny reservation by the Spanish delegation and a provisional reservation by the Commission on Article 3(4a);

- a reservation by the United Kingdom delegation on the inclusion of public libraries in the first Commission statement re Article 4.
The delegations concerned stated that these reservations might be withdrawn either at Permanent Representative Committee level or at Council level.

The Permanent Representatives Committee is requested to call upon the delegations concerned to withdraw these reservations.

Conclusions

Frequent efforts have been made by the Presidency, the Commission and the delegations to achieve a sensible and balanced result, and the Presidency feels that the overall compromise proposed in 6795/92 PI 60 CULTURE 89 constitutes such a result.

Consequently, the Presidency requests the Permanent Representatives Committee to join it in calling upon those delegations which still have reservations to make a final effort to enable a common position to be adopted on the basis of the overall compromise given in 6795/92 PI 60 CULTURE 89.