

3. improve this administrative cooperation by using the possibilities afforded by the development of police and judicial cooperation in criminal matters.

initiatives, for example a work programme, in the context of the Advisory Committee on cultural goods;

INVITES THE COMMISSION TO:

1. pursue the initiatives it has already launched to contribute more effectively to the protection of the Member States' cultural heritage and to the effective functioning of the mechanisms set up by Regulation (EEC) No 3911/92 and by Directive 93/7/EEC and develop, if necessary, other

2. pay particular attention, in the framework of enlargement negotiations, to the full application of Regulation (EEC) No 3911/92 and Directive 93/7/EEC when the candidate countries accede, while ensuring the establishment of administrative structures and capacities that can provide the Union's new external borders with the highest degree of protection of the cultural heritage of the Member States.

COUNCIL RESOLUTION

of 21 January 2002

on the development of the audiovisual sector

(2002/C 32/04)

THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLING that the Community takes account of cultural aspects in its action under the provisions of the Treaty establishing the European Community, in particular in order to respect and promote the diversity of its cultures,
2. RECALLING the Protocol to the Treaty of Amsterdam, on the system of public broadcasting in the Member States and the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 25 January 1999, concerning public service broadcasting ⁽¹⁾,
3. RECALLING the conclusions of the European Audiovisual Conference organised in Birmingham from 6 to 8 April 1998 entitled 'Challenges and opportunities of the digital age', which showed the need for structural change to make the audiovisual sector competitive at international level by means of complementary European and national policies,
4. RECALLING the Council conclusions of 27 September 1999 concerning the results of the public consultation on the Convergence Green Paper, in particular the fact that a general message with regard to the role of regulation was the affirmation of the continuing need to meet a range of public interest objectives (such as the protection of minors and human dignity, cultural and linguistic diversity and pluralism) whilst recognising the need to promote investment, in particular in new audiovisual services,
5. RECALLING that the mandate given to the Commission at the Council meeting on 26 October 1999 stipulates that during the forthcoming WTO negotiations the Union will

ensure, as in the Uruguay Round, that the Community and its Member States maintain the possibility to preserve and develop their capacity to define and implement their cultural and audiovisual policies for the purpose of preserving their cultural diversity,

6. RECALLING the importance of the e-Europe initiative and the conclusions of the Special European Council meeting in Lisbon on 23 and 24 March 2000,
7. RECALLING the conclusions of the Council and the representatives of the Member States, meeting within the Council, of 26 June 2000 concerning the communication from the Commission on 'principles and guidelines for the Community's audiovisual policy in the digital age' ⁽²⁾, in particular in so far as they 'stress, once again, the key importance of European content and, as a consequence, the need to uphold and foster support measures, while bearing in mind the need to promote complementarity and synergy between national and Community measures as well as the need to safeguard cultural diversity'; and in so far as they invite the Commission 'to identify and promote measures to enhance the competitiveness of the European content industry in the digital age, while *inter alia* promoting synergy between the relevant Community instruments',
8. RECALLING the Council Resolution of 12 February 2001 on national aid to the film and audiovisual industries ⁽³⁾,
9. RECALLING the wish expressed at the meeting of experts in Mons on 5 and 6 October 2001 to see the European audiovisual sector occupy a significant place in the world audiovisual area,

⁽¹⁾ OJ C 30, 5.2.1999, p. 1.

⁽²⁾ OJ C 196, 12.7.2000, p. 1.

⁽³⁾ OJ C 73, 6.3.2001, p. 3.

HEREBY REAFFIRMS:

- (a) that the audiovisual sector essentially has a cultural dimension and constitutes not only an expression of creativity, particularly of identities, and a fundamental means of promoting democracy, but also an economic activity of growing importance; that, in the context of technological development, this sector is still destined to evolve, both quantitatively and qualitatively;
- (b) the need for the European Community and the Member States to encourage, with due regard for cultural and linguistic diversity, the creation of conditions permitting the establishment of a competitive audiovisual sector, *inter alia* by improved circulation of European works;
- (c) the need to develop, at both national and Community level, investment in the field of cinematographic and audiovisual production.

NOTES, however, that in Europe the audiovisual sector is characterised from the cultural viewpoint by diversity and from the economic viewpoint by the fragmentation of the internal market;

STRESSES, consequently, that it would be advisable for these exceptional characteristics to be taken into account when implementing Community action, giving consideration essentially to the cultural dimension, but also to competition policy and the industrial activity necessary for the development of the audiovisual sector;

STRESSES the importance of public broadcasting and encourages it to continue making its significant contribution to promoting the audiovisual sector, amongst other things by taking an active part in the development of new digital services which afford all citizens easier access to the information society;

WELCOMES:

- (a) audiovisual actions, measures and programmes developed by the European Union, in particular the Media Plus programme;
- (b) the adoption by the Commission of a communication on certain legal aspects relating to cinematographic and other audiovisual works, which sets out a series of initiatives aimed at improving both the competitiveness and the cultural diversity of the sector, and which clarify the application of competition rules to aid granted by the national, regional and local authorities for supporting audiovisual production and distribution, thus improving legal certainty for Member States and undertakings;
- (c) the Commission's timetable for action as stipulated in the communication on certain legal aspects relating to cinematographic and other audiovisual works of 26 September 2001;

- (d) the new initiatives taken by the Commission and by the European Investment Bank with a view to establishing new financial and banking instruments for the purpose of the audiovisual sector in the framework of 'Audiovisual i2i';
- (e) the Commission's intention, set out in its communication, to conduct a study on the identification and evaluation of financial flows within the European cinema industry so as to evaluate the key factors determining the economic characteristics of the audiovisual industry.

INVITES the Commission and the Member States, within their respective spheres of legal and financial competence:

- (a) to study measures, in the cinematographic and audiovisual field, to facilitate complementarity between the financial resources provided by:
 - (i) the Community and other European financial institutions;
 - (ii) the private sector;
 - (iii) Member States;
 - (iv) local and regional bodies;
- (b) to examine the potential for cooperation that would permit the exchange of knowledge and the formulation of long-term strategies for the audiovisual sector;
- (c) to encourage:
 - (i) the development of banking and financial instruments and their increased use,
 - (ii) improvement of mutual knowledge and of expertise in the audiovisual and banking sectors;
 - (iii) the audiovisual sector to continue its promotion activities in the banking and financial sectors;
 - (iv) an analysis of the impact of tax regimes on the development of the audiovisual sector;
- (d) to pursue their multilateral dialogue on relevant issues relating to State aid for cinematographic and television production.

INVITES the Commission:

- (a) to continue and to make more effective its contribution to the development of the audiovisual sector based on an approach that integrates the cultural, competitive and industrial dimensions of the sector;

- (b) to consider the importance and the role of government aid — which can contribute to the emergence of a European audiovisual market and to the development of its industrial fabric — and to take any initiative which might enable Member States to choose, provide for and implement systems of aid to the sector in accordance with the rules of the Treaty;
- (c) to promote discussions between the professionals and the authorities responsible for the protection of the audiovisual heritage and the classification of audiovisual works, whatever their medium;
- (d) to study the best ways of giving the European audiovisual sector a more important place at world level while respecting cultural diversity.
- INVITES the Member States:
- (1) to cooperate with the Commission and the professionals in order to draw up an inventory, within the Member States, of existing measures with regard to the deposit, recording and classification of audiovisual works and to develop means of cooperating and exchanging experience;
 - (2) to examine the possibility of ratifying as soon as possible the Council of Europe Convention on the protection of the audiovisual heritage;
 - (3) to pay special attention to the fact that financial incentives, specifically designed for audiovisual production and co-production, where they exist, would particularly benefit works of real interest to the European audiovisual sector.
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