

COUNCIL DECISION

of 22 September 1997

on cross-border fixed book prices in European linguistic areas

(97/C 305/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 thereof,

RECOGNIZING the dual character of books as the bearers of cultural values and as merchandise; strongly emphasizing the importance of a balanced assessment of the cultural and economic aspects of books,

ACKNOWLEDGING the importance attached by a number of Member States to fixed book prices as a means of maintaining and promoting the diversity and broad accessibility of books, in the consumer's cultural interest, and that the national authorities of those Member States have accepted the restriction of competition entailed by fixed book prices on the grounds of general cultural importance,

POINTING OUT that in some Member States national price fixing systems are being applied,

CONSIDERING that some Member States intend to authorize or draw up complementary cross-border fixed book-price regulations together with another Member State within a homogeneous linguistic area, being of the opinion that such regulations should be possible provided that the fixed price is limited to that linguistic area and to editions published in the language concerned,

NOTING that the Commission of the European Communities has to date felt obliged to consider some of

the cross-border fixed price systems submitted to it as being incompatible with Article 85 (1) or Article 30 of the Treaty and has declared that in those cases the evidence produced in support of exemption within the meaning of 85 (3) was not sufficient,

CONSIDERING that the inclusion in the Treaty of Article 128 (4) has created a new situation, the consequences of which must be clarified with respect to the application of Community competition rules to cross-border fixed book prices,

ASKS the Commission:

— to study the significance of Article 128 (4) for the implementation of those Articles of the Treaty that may concern cross-border fixed book prices, and to indicate, if appropriate, the ways to enable fixed book-price regulations/agreements within homogeneous linguistic areas to be applied,

— to submit the conclusions of the study to the Council.

Done at Brussels, 22 September 1997.

For the Council

The President

F. BODEN