

Opinion of the Committee of the Regions on the ‘Communication from the European Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on Certain legal aspects relating to cinematographic and other audiovisual works’

(2002/C 192/04)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the European Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on Certain legal aspects relating to cinematographic and other audiovisual works (COM(2001) 534 final);

having regard to the decision of the European Commission of 26 September 2001, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult the Committee on this matter;

having regard to the decision of the Bureau of the Committee of the Regions of 12 June 2001 to instruct Commission 7 — Education, Vocational Training, Culture, Youth, Sport, Citizens’ Rights — to draw up the relevant opinion;

having regard to the Draft Opinion adopted by Commission 7 on 30 November 2001 (CdR 387/2001 rev.) [rapporteur: Ann Beskow, Municipal Commissioner, Orsa Municipal Council (S/PSE)],

adopted the following opinion at its 43rd plenary session of 13 and 14 March 2002 (meeting of 13 March).

1. Committee of the Regions’ comments on the communication

1.1. The Committee of the Regions agrees with the Commission that audiovisual works play an important role in shaping European identities.

The CoR would stress the need to promote a new infrastructure for film and TV production — a sector in which regional and local audiovisual works are gaining ground. Regional and local, alongside national, film production helps to counterbalance the large-scale output of the non-European countries. Experience shows that such regionally-based works often attract a large audience, not only in the particular region concerned but also nationally and internationally.

The various European, national, regional and local support schemes should as far as possible complement each other.

It is important that new technologies can be deployed to disseminate such regional works.

1.2. In the CoR’s view, the requirements the Commission makes of state support schemes are well thought-out. Such support schemes do not distort competition and they promote European film production at various levels.

The CoR would stress that the funding earmarked in regions active in film and TV production for that purpose supplements state support. This funding can play a major role in allowing ‘difficult’ films to be made. They help ensure that regions have the capacity necessary to maintain the skills, technology and other prerequisites for professional production of audiovisual works.

The CoR would also urge that Structural Fund resources be used for film production, on a par with Media Plus appropriations.

Media Plus and Structural Fund financing is of great importance in enabling regions whose audiovisual production capacity is weak or which form a geographically or linguistically defined area to produce films.

1.3. The CoR is in favour of debate on the preservation of audiovisual works. The concept of cultural heritage has generally been understood to cover buildings, objects and documents.

With the advent of photographic images, and subsequently films, this concept had to be expanded to encompass other forms of expression. The cultural history value of film — from 1895 onwards — is on the increase and will become an increasingly important part of Europe’s cultural heritage since moving image material recreates a vanished age. The projection

of cultural history films has been shown to attract large audiences, particularly in the case of regional/local films produced by cities, municipalities, local firms and associations, etc.

Both feature films and documentary, non-fiction films need to be preserved. Far greater attention than in the past should be paid specifically to this facet of the moving image cultural heritage.

The best possible solutions must be found to such aspects as compilation, preservation, care, rating, registration, traceability, accessibility and rights. Conducting an inquiry among the Member States is a first step; in the light of these findings the necessary measures can be taken.

1.4. Like the Commission, the CoR regards e-cinema and similar forms of production and distribution as being of major importance in developing the film and media sector.

The benefits include cheaper and faster production and cheaper distribution to cinemas, for instance in sparsely populated areas.

The creation of the European Digital Cinema Forum is a significant step in this direction.

1.5. In the CoR's view, little or no VAT should be levied on audiovisual production and distribution funded by different forms of tax revenue, and hence classified as cultural asset (e.g. VAT concessions for cinema tickets so as to encourage families to go to the cinema, etc.).

1.6. The audiovisual sector is expanding all over the world and is conditioned by both public support and a thriving market. A study needs to be made of the technical and economic prerequisites for production and distribution so as to pave the way for political decisions at different levels in Europe. Attention should be paid to the regional and local level.

2. Committee of the Regions' recommendations concerning the communication

2.1. The CoR recommends that the Commission support a review of EU regional/local audiovisual production in its current form, with particular reference to the preservation of European culture and the impact on regional and economic development.

The CoR calls on the Commission to support measures to create a network for European film organisations at regional level so as to promote exchanges of best practice.

2.2. The CoR supports the Commission's proposal to conduct an inquiry among the Member States on the preservation of audiovisual works and to promote cooperation between the interested parties.

It is essential that measures to compile, care for and preserve works and make them accessible should cover the full range, from feature films to locally produced documentaries.

The CoR supports the Commission's proposal to conduct an inquiry on public registers of films and other audiovisual works. It is strongly in favour of creating a network of such national, and also regional, registers.

2.3. The CoR would point out that e-cinema and similar new technologies for distributing audiovisual works is a matter which the Commission should actively follow up; attention should be focused on distribution both to cinemas and to private consumers.

2.4. In the CoR's view, the Commission should make it possible for the Member States to levy reduced rates of VAT on cultural assets and services.

2.5. The CoR supports the proposed inquiry on the rating of audiovisual works with different methods of distribution.

2.6. The CoR backs the Commission's proposal to set up a group of experts to monitor development in the audiovisual sector. In this connection it calls for a study of regional production activities and their importance for Europe's diversity as well as their contribution in counterbalancing the dominance of non-European films.

2.7. The e-learning initiative should be harnessed to stimulate interest among children, young people and adults in films and the media.

2.8. The CoR underlines the importance of providing training opportunities in film production in particular following a life-long learning approach. Life-long learning is indispensable to the survival and development potential of every region and locality, as underlined in the CoR Opinion on the Memorandum on Lifelong learning (CdR 19/2001 fin) (rapporteur: Mrs Christina Tallberg).

2.9. The CoR welcomes the proposed inquiry to identify and assess financial movements within the European cinematographic industry; regional/locally produced films should also receive attention.

2.10. Looking ahead to the review of the directive on television without frontiers, the CoR proposes that regional/locally produced films be disseminated via regional and national TV channels so as to promote cultural diversity.

2.11. The cinema and TV industry has often been dominated by men, especially on the technical front. The CoR calls

on the Commission to encourage women to be creative so as to bring a female content and perspective to productions, e.g. by arranging special training for women in scriptwriting, recording techniques and directing.

2.12. It is suggested that action to assist persons with disabilities should concentrate in the first instance on those who are deaf or have impaired hearing (sign language interpretation; texting). Technical advances such as split TV screens should be put to good use.

Brussels, 13 March 2002.

*The President
of the Committee of the Regions*
Albert BORE

Opinion of the Committee of the Regions on the 'Proposal for a European Parliament and Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States'

(2002/C 192/05)

THE COMMITTEE OF THE REGIONS,

having regard to the Proposal for a European Parliament and Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States [COM(2001) 257 final — 2001/0111 (COD)];

having regard to the decision of the Council of 30 August 2001, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult the Committee on this matter;

having regard to the decision of the Bureau of the Committee of the Regions of 12 June 2001 to instruct Commission 7 — Education, Vocational Training, Culture, Youth, Sport and Citizens' Rights — to draw up the relevant opinion;

having regard to the Draft Opinion (CdR 287/2001 rev. 2) unanimously adopted by Commission 7 on 30 November 2001 [rapporteur: Mr Roberto Pella, Mayor of Valdengo (I-PPE)],

adopted the following opinion at its 43rd plenary session of 13 March 2002.

1. The views of the Committee of the Regions

1.1. The Committee welcomes the draft directive presented by the Commission, which aims to strengthen the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

1.2. More specifically, it believes it is necessary to establish a single legislative instrument, bringing together and supplementing the present items of Community legislation, which include two regulations and nine directives.

1.3. The most positive aspect of the proposal is that it removes the inconsistencies in the current legislation arising