

Procedure file

Basic information		
CNS - Consultation procedure Decision	1995/0100(CNS)	Procedure lapsed or withdrawn
European convention on copyright law and neighbouring rights: transfrontier broadcasting by satellite		
Subject 3.30.04 Radiocommunications, broadcasting 3.50.15 Intellectual property, copyright		

Key players	
European Parliament	
Council of the European Union	

Key events			
02/05/1995	Legislative proposal published	COM(1995)0154	Summary
01/02/1996	End of procedure in Parliament		
01/02/1996	End of procedure in Parliament		
15/04/1996	Committee referral announced in Parliament		
25/06/1996	Vote in committee		

Technical information	
Procedure reference	1995/0100(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC before Amsterdam E 066; EC before Amsterdam E 057-p2; EC before Amsterdam E 228-p2/3-a1
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/4/07742

Documentation gateway					
Legislative proposal		COM(1995)0154	03/05/1995	EC	Summary

Additional information	

European convention on copyright law and neighbouring rights: transfrontier broadcasting by satellite

On the basis of Articles 57(2), 66 and 228(2) and (3) of the Treaty and taking into account the "AETR" case law of the Court of Justice, it was proposed that the Council should adopt a decision approving the Council of Europe's European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite, in respect of those fields falling within the scope of Community law. Signature of the Convention, which was adopted on 16 February 1994, was open to the member countries of the Council of Europe and other parties to the European Cultural Convention as well as to the European Community. The subject matter of the Convention fell largely within the scope of Directive 93/83/EEC on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission. The powers to conclude the Convention belonged jointly to the EC and its Member States. With regard to copyright and neighbouring rights, the Convention: - included fixed service satellites along with direct broadcasting satellites among the conditions enabling direct access for the general public; - defined the act of broadcasting and determined the law applicable to transmissions of works or other contributions covered by the Convention on the basis of the territory in which the transmission originated, defined in its text; - gave consideration to transmissions originating in a state that was not party to the Convention; - ensured that authors had the exclusive right to authorise the broadcasting of their protected works, in accordance with the provisions of the Bern Convention for the Protection of Literary and Artistic Works (1971); - provided for minimum protection for those holding neighbouring rights in accordance with the provisions of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (1961); - stipulated that, in their mutual relations, parties which were members of the European Community should apply Community rules and should not therefore apply the rules arising from this Convention, except in cases where there was no Community rule governing the particular subject concerned. ?