

P5_TA(2003)0221

Performance of audio-visual performers

European Parliament resolution on the protection of audio-visual performers

The European Parliament,

- having regard to Article 151 of the EC Treaty,
 - having regard to the Recommendation concerning the status of the artist adopted on 27 October 1989 by UNESCO General Conference,
 - having regard to the resolutions and recommendations of the Council of Europe on the situation of artists,
 - having regard to the Performances and Phonograms Treaty (WPPT) concluded in December 1996 under the mandate of the World Intellectual Property Organisation (WIPO),
 - having regard to its resolution of 9 March 1999 on the situation and role of artists in the European Union¹,
 - having regard to its resolution of 22 October 2002 on the importance and dynamics of the theatre and the performing arts in an enlarged Europe²,
- A. whereas audio-visual performers (actors, dancers and other performers) have been waiting for many years to be granted protection of their intellectual property rights at international level,
- B. whereas authors, enjoy the protection granted to them by the Bern Convention and the WIPO Copyright Treaties,
- C. whereas the Rome Convention and the WPPT provide protection for music producers and musical performers,
- D. whereas broadcasters, who are users and not creators, have been granted many rights by the Rome Convention, which are to be updated by the forthcoming WIPO Treaty on broadcasting organisations' rights,
- E. whereas audio-visual performers are excluded from the WPPT and hence denied international protection available to all other creators,

¹ OJ C 175, 21.6.1999, p. 42.

² P5_TA(2002)0496.

- F. whereas the lack of international harmonisation of rights means performances are not protected when exploited outside the European Union, thus impeding the free circulation of artists,
 - G. whereas many performers around the world still have no rights at all, and at the very best receive a single payment for their work,
 - H. whereas the WIPO Diplomatic Conference of December 2000 ended without a final agreement among WIPO Member States on the protection of audio-visual performers,
 - I. whereas in a world where new technologies have eliminated boundaries and barriers it is essential to protect the work of artists internationally,
 - J. whereas the European Union has always acknowledged that artistic works act as important economic drivers for all countries, and that the creative work of today is the cultural heritage of tomorrow,
 - K. whereas WIPO is organising an informal meeting in June 2003 to finally reach an agreement on the inclusion of audio-visual artists in its Treaty; whereas the Commission will represent EU Member States in these negotiations,
1. Calls on the Commission to inform it on the current state of the WIPO negotiations on audio-visual performances;
 2. Calls on the Commission to take action to reach the adoption of an effective WIPO-Treaty in favour of audio-visual performers' rights;
 3. Insists that there should be strong support for the protection of performers' rights, particularly in the audio-visual field where the lack of protection in many countries has a highly detrimental effect on the dissemination of European works at international level;
 4. Calls on the Commission to inform it on the evolution of the protection of audio-visual performers since the WIPO Diplomatic Conference in December 2000;
 5. Instructs its President to forward this resolution to the Council, the Commission, the Economic and Social Committee, the Council of Europe and the governments and parliaments of the Member States and the candidate countries.