

Thursday 25 September 2008

47. Calls on Member States to implement Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements ⁽¹⁾;

48. Calls on the Commission and Member States to fund research into the links between obesity and chronic diseases such as cancer and diabetes as epidemiological research needs to identify the factors which are most associated with the increase in obesity prevalence, such as identification and evaluation of multi-variate biomarkers in subgroups of subjects, to elucidate the biological mechanism leading to obesity; also calls for studies comparing and evaluating the effectiveness of different interventions, including psychological research; calls on Member States to set up a system to ensure access to and quality delivery of services for the prevention, screening and managing of overweight, obesity and associated chronic diseases;

49. Welcomes the inclusion of 'diabetes and obesity' as a priority in the context of the theme within the Seventh Framework Programme for Research and Technological Development (FP7) dedicated to health;

50. Encourages further scientific research into and monitoring of abdominal obesity in the context of FP7;

51. Calls on the Commission to promote Europe-wide information campaigns aimed at the general public and, in particular, at the medical profession, to raise awareness of the risks of abdominal obesity;

52. Calls for serious account to be taken of nutrition in all European policies and options;

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53. Instructs its President to forward this resolution to the Council and Commission and to the governments and parliaments of the Member States and candidate countries and to the World Health Organisation.

⁽¹⁾ OJ L 183, 12.7.2002, p. 51.

Cross-border collective copyright management

P6_TA(2008)0462

European Parliament resolution of 25 September 2008 on collective cross-border management of copyright and related rights for legitimate online music services

(2010/C 8 E/19)

The European Parliament,

— having regard to Commission Recommendation 2005/737/EC of 18 October 2005 on collective cross-border management of copyright and related rights for legitimate online music services ⁽¹⁾ (hereinafter 'the 2005 Recommendation'),

— having regard to the Treaty establishing the European Community, in particular Articles 95 and 151 thereof,

— having regard to Articles II-77 and II-82 of the Charter of Fundamental Rights of the European Union,

— having regard to Article 97a of the Lisbon Treaty,

⁽¹⁾ OJ L 276, 21.10.2005, p. 54.

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- having regard to the international agreements in force which apply to music rights, namely the Rome Convention of 26 October 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, the Berne Convention for the Protection of Literary and Artistic Works, the WIPO Copyright Treaty of 20 December 1996, the WIPO Performances and Phonograms Treaty of 20 December 1996 and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of 15 April 1994,
- having regard to the body of EC law ('acquis communautaire') in the area of copyright and related rights which applies to music rights, namely Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and certain rights related to copyright in the field of intellectual property ⁽¹⁾, Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission ⁽²⁾, Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights ⁽³⁾ and Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society ⁽⁴⁾,
- having regard to the Commission's Green Paper of 19 July 1995 on copyright and related rights in the Information Society (COM(1995)0382),
- having regard to its resolution of 15 May 2003 on the protection of audio-visual performers ⁽⁵⁾,
- having regard to its resolution of 15 January 2004 on a Community framework for collective management societies in the field of copyright and neighbouring rights ⁽⁶⁾,
- having regard to the Commission's Communication of 16 April 2004 on the Management of Copyright and Related Rights in the Internal Market (COM(2004)0261),
- having regard to its resolution of 5 July 2006 on implementing the Community Lisbon Programme: more research and innovation — investing for growth and employment: A common approach ⁽⁷⁾,
- having regard to the Commission's Communication of 3 January 2008 on Creative Content Online in the Single Market (COM(2007)0836),
- having regard to its resolution of 6 July 2006 on freedom of expression on the Internet ⁽⁸⁾,
- having regard to its resolution of 13 March 2007 on the Commission Recommendation of 18 October 2005 on collective cross-border management of copyright and related rights for legitimate online music services (2005/737/EC) ⁽⁹⁾,
- having regard to its resolution of 4 September 2007 on institutional and legal implications of the use of 'soft law' instruments ⁽¹⁰⁾,
- having regard to the summary report presenting the results of the monitoring of the 2005 Recommendation ⁽¹¹⁾,
- having regard to Rule 108(5) of its Rules of Procedure,

⁽¹⁾ OJ L 376, 27.12.2006, p. 28.

⁽²⁾ OJ L 248, 6.10.1993, p. 15.

⁽³⁾ OJ L 372, 27.12.2006, p. 12.

⁽⁴⁾ OJ L 167, 22.6.2001, p. 10.

⁽⁵⁾ OJ C 67 E, 17.3.2004, p. 293.

⁽⁶⁾ OJ C 92 E, 16.4.2004, p. 425.

⁽⁷⁾ OJ C 303 E, 13.12.2006, p. 640.

⁽⁸⁾ OJ C 303 E, 13.12.2006, p. 879.

⁽⁹⁾ OJ C 301 E, 13.12.2007, p. 64.

⁽¹⁰⁾ OJ C 187 E, 24.7.2008, p. 75.

⁽¹¹⁾ http://ec.europa.eu/internal_market/copyright/docs/management/monitoring-report_en.pdf.

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- A. whereas in its resolution of 13 March 2007 Parliament invited the Commission to make it clear that the 2005 Recommendation applied exclusively to online sales of music recordings, and to present as soon as possible — after consulting widely with interested parties — a proposal for a flexible directive to be adopted by Parliament and the Council in codecision with a view to regulating the collective management of copyright and related rights as regards cross-border online music services, while taking account of the specificity of the digital era and safeguarding European cultural diversity, small stakeholders and local repertoires, on the basis of the principle of equal treatment,
- B. whereas in its resolution of 13 March 2007 Parliament considered that the interests of authors and therefore of cultural diversity in Europe would be best served by the introduction of a fair and transparent system of competition that avoids downward pressure on authors' revenues,
1. Recalls that in the light of the territorial nature of copyright and despite the existence of Directive 2001/29/EC, the situation in the field of collective management of copyright and related rights for online services is genuinely complex, owing mainly to the lack of European licenses;
 2. Considers that, owing to the refusal to legislate — despite various European Parliament resolutions — and the decision to try to regulate the sector through a recommendation, a climate of legal uncertainty has been created for right-holders and for users, especially broadcasters;
 3. Emphasises that, on the other hand, following a complaint from users, the Commission's Directorate-General for Competition intervened by instituting a procedure against CISAC (International Confederation of Societies of Authors and Composers), which includes 24 European collecting societies amongst its members; points out that the effect of the decision taken in this regard will be to preclude all attempts by the parties concerned to act together in order to find appropriate solutions — such as, for instance, a system for the clearing of rights at the European level — and to leave the way open to an oligopoly of a number of large collecting societies linked by exclusive agreements to publishers belonging to the worldwide repertoire; believes that the result will be a restriction of choice and the extinction of small collecting societies to the detriment of minority cultures;
 4. Considers that the report presenting the results of the monitoring of the 2005 Recommendation does not reflect accurately the existing situation and does not take account of the opinion given by Parliament in its resolution of 13 March 2007;
 5. Considers that this situation reflects the fact that the Commission has chosen to ignore the warnings given by Parliament, in particular in its resolution of 13 March 2007, which includes concrete proposals for controlled competition, as well as protection and incentives for minority cultures within the European Union;
 6. Calls on the Commission to ensure that Parliament is involved effectively, as co-legislator, in the initiative on creative content online;
 7. Instructs its President to forward this resolution to the Commission.
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