

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (86) 3

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

ON THE PROMOTION OF AUDIOVISUAL PRODUCTION IN EUROPE

*(Adopted by the Committee of Ministers on 14 February 1986
at the 393rd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is the achievement of greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage ;

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 10 thereof ;

Recalling its commitment to freedom of expression and the free circulation of information and ideas, to which it gave expression, in particular, in its Declaration of 29 April 1982 ;

Bearing in mind the European Cultural Convention ;

Bearing in mind the interest expressed in Resolution No. I of the 4th Conference of European Ministers responsible for Cultural Affairs (Berlin, May 1984) in increased co-operation between the European partners to encourage the production, co-production and use of programmes and the emergence of programme industries on a European scale ;

Taking account of the fact that, in this same resolution, the conference recommended the Committee of Ministers of the Council of Europe to call on the member states to encourage the production of programmes in European countries to supply material for the broadcasting time offered by the new networks ;

Recalling its Resolution (85) 6 of 25 April 1985 on European cultural identity ;

Conscious that the large-scale emergence in European countries of new channels for the transmission and distribution of television will lead to intensification of the demand for programmes, increased competition on the programme market and will require as a result new conditions of production ;

Anxious therefore to encourage the development in the member states of increased and more competitive audiovisual production ;

Considering that such development should both uphold the cultural identity of member states and strengthen the audiovisual industry on the European market, and thereby safeguard a European pluralistic media system ;

Desirous therefore, having regard to the importance of these aims, to define appropriate measures bearing in mind the specific situation in the member states ;

Considering that the Council of Europe is particularly suited to establish common principles designed to promote audiovisual production ;

Recalling its earlier recommendations on the media and particularly Recommendations Nos. R (84) 3 of 23 February 1984 on principles on television advertising, R (84) 22 of 7 December 1984 on the use of satellite capacity for television and sound radio and R (86) 2 of 14 February 1986 on principles relating to copyright law questions in the field of television by satellite and cable,

1. Recommends that the governments of the member states :
 - a. take concrete measures to implement the principles set out below, and
 - b. ensure, by all appropriate means, that these principles are known and respected by the persons and bodies concerned ;
2. Instructs the Secretary General of the Council of Europe to transmit this recommendation to the governments of those states party to the European Cultural Convention which are not members of the Council of Europe.

Principles

Definition and scope

The promotion of audiovisual production in Europe shall include all measures taken to encourage audiovisual creativity, the production of audiovisual works in the member states and the distribution, marketing and scheduling of such works.

For the purpose of this recommendation :

- “audiovisual production in Europe” means the creation and manufacture of audiovisual works of all kinds, the production of which is controlled by natural or legal persons of member states, and which are capable of being used in television programmes whatever the mode of transmission or distribution,
- an “audiovisual work of European origin” is the result of the activity described above.

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Nothing in this recommendation shall prejudice the respective competences of the individual governments nor the independence of the persons and bodies concerned with the production, co-production and distribution of audiovisual works.

1. Co-ordinated development of production

1.1. The member states shall encourage European co-operation for audiovisual production. In the framework of such co-operation, they shall take suitable measures to stimulate production, designed in particular :

- a. to encourage and facilitate by all available means the development on the European level of systems of co-production and distribution of audiovisual works, as well as other forms of co-operation ;
- b. to support the promotion and distribution of audiovisual works of European origin outside the member states ;
- c. to facilitate on their territory the free movement of persons working in the cultural and audiovisual fields and the establishment of audiovisual production undertakings having the nationality of the other member states ;
- d. to encourage, by all appropriate measures, the training of creative artists and the expression of their talent in the audiovisual field.

1.2. The member states shall take appropriate measures so that broadcasting organisations and cable distributors include in their programme services a reasonable proportion of audiovisual works of European origin such as to encourage national production and that of other member states. They shall endeavour to co-ordinate their policies in this respect.

2. Support of a financial and fiscal nature

2.1. The member states shall take adequate measures, of a financial and fiscal nature, to encourage audiovisual creation and the development of their programme industries.

2.2. The member states shall endeavour to establish or, as the case may be, improve national schemes for the financial support of audiovisual production. They shall ensure that the audiovisual production of other member states shall have access to their respective schemes and thereby seek to establish between themselves bilateral or multilateral aid schemes for the production, co-production and distribution of audiovisual works of European origin.

2.3. The member states shall endeavour, in co-operation, to eliminate tax obstacles to the co-production of audiovisual works of European origin.

2.4. The member states shall grant to co-productions of audiovisual works of European origin the same tax and financial advantages as national productions.

2.5. The member states shall take steps with a view to developing aids to facilitate the distribution, broadcasting and exchange of their audiovisual works between themselves, as well as the distribution of such works outside member states. In particular, they shall endeavour to institute aids for the dubbing and subtitling of audiovisual works of European origin.

3. *Copyright and neighbouring rights*

3.1. The member states shall take appropriate steps to ensure that the systems for remunerating authors and other rights holders promote audiovisual creativity. To this end, they shall encourage the pursuit of contractual solutions.

3.2. The member states shall endeavour to co-ordinate the systems for administering rights for works distributed or broadcast on their territory.