



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 April 2013

8923/13

**Interinstitutional File:
2013/0065 (NLE)**

**PI 60
AUDIO 41
CULT 39**

WORKING DOCUMENT

from: General Secretariat
dated: Working Party on Intellectual Property (Copyright)
No Cion doc.: 7489/13 PI 40 AUDIO 16 CULT 23 + ADD 1
Subject: Proposal for a Council Decision on the signing, on behalf of the European Union, of the WIPO Treaty on Audiovisual Performances
- Presidency compromise proposal

Delegations will find attached a Presidency compromise proposal on the above mentioned subject for discussion at the meeting of the Working Party on Intellectual Property (Copyright) on 29 April 2013.

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Draft

Proposal for a

COUNCIL DECISION

**on the signing, on behalf of the European Union, of the Beijing Treaty
on Audiovisual Performances**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 in conjunction with 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 7 November 2000 the Council authorised the Commission to negotiate in the context of the World Intellectual Property Organisation to ensure participation of the European Community in the Diplomatic Conference held in Geneva from 7 to 20 December 2000 with the aim to draw up an instrument to protect performers' rights in their audiovisual performances.
- (2) The negotiations were successfully concluded at a reconvened Diplomatic Conference held in Beijing from 20 to 26 June 2012 and the WIPO Beijing Treaty on Audiovisual Performances (hereafter referred to as “the Treaty”) was adopted on 24 June 2012.
- (3) The Treaty establishes a set of new international rules in the area of neighbouring rights which aim at ensuring the adequate protection and remuneration of audiovisual performers.
- (4) The Treaty shall be open for signature by any eligible party for one year after its adoption.

- (5) The Union has exclusive competence for a number of provisions of the Treaty where corresponding Union legislation has been adopted. Therefore, the Treaty should be signed on behalf of the European Union, subject to its conclusion at a later date.
- (6) By signing the Treaty the Union will not be exercising shared competence, hence Member States retain their competence in the areas covered by the Treaty which do not affect common rules or alter the scope of such rules.

HAS ADOPTED THIS DECISION:

Article 1

The signing of the WIPO Beijing Treaty on Audiovisual Performances on behalf of the Union is hereby approved, subject to the conclusion of the said Treaty at a later date.¹ *

[...]

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*

¹ The text of the Agreement will be published together with the decision on its conclusion.
* Delegations: See document 7489/13 ADD 1.

**Draft Statement by the Council and the Commission
to be entered in the Minutes of the Council**

Before concluding the WIPO Beijing Treaty on Audiovisual Performances, the EU and the Member States will examine together to which extent it is necessary to make a reservation as provided for in Article 11(3) and to deposit a notification as provided for in Article 11(2) and Article 19(2) of that Treaty, taking into consideration the financial consequences for European performers and users.

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