



Council of the
European Union

Brussels, 18 May 2022
(OR. en)

8991/22

PI 50

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	7510/1/22
Subject:	42nd session of the WIPO Standing Committee on Copyright and Related Rights (SCCR), (9-13 May 2022) - Final EU/Member States statements

Delegations will find at annex, for information, the EU/Member States statements as delivered at the above-mentioned WIPO meeting.

42nd Session of the WIPO Standing Committee on Copyright and Related Rights (SCCR)

(9-13 May 2022)

Ukraine

Thank you.

1. This statement is made by France, in its capacity as Presidency of the Council of the European Union, on behalf of the European Union and its 27 Member States. Recalling the UN General Assembly's resolutions of 2 March and 24 March 2022, the EU and its Member States support the statements delivered by Ukraine and Group B.
2. The EU condemns, in the strongest possible terms, the Russian Federation's unprovoked and unjustified war of aggression against Ukraine, and demands that Russia immediately ceases its military actions, unconditionally withdraws all forces and military equipment from the entire territory of Ukraine, and fully respects Ukraine's territorial integrity, sovereignty and independence with its internationally recognised borders. The EU also condemns the involvement of Belarus in this aggression against Ukraine.
3. Lastly, the European Union expresses its solidarity with Ukrainian authors, creators and other rights holders who are hindered or prevented, from creating and exercising their rights as a result of Russia's invasion.

Thank you very much.

Protection of broadcasting organisations

Agenda Item 6

Chair,

1. The Treaty on the Protection of Broadcasting Organisations remains a high priority for the European Union and its Member States. In this respect, we would like to recall that the 2019 WIPO General Assembly mandated the SCCR to continue its work towards convening a diplomatic conference, subject to certain conditions. We are strongly committed to advancing work on this important agenda item.
2. The newly proposed draft Treaty is an important step forward. We are thankful for the great work done by the SCCR Acting Chair, the SCCR Vice-Chair and the facilitators. The revised draft text, which simplifies and streamlines the previous proposal, ensures a good basis for the upcoming discussions.
3. We reiterate our continuous commitment to progressing towards the conclusion of a worthwhile treaty, which takes into account and responds to the technological realities of the 21st century. In particular, we believe that the programme-carrying signals used for the transmissions of traditional broadcasting organisations over computer networks, such as simultaneous transmissions or catch-up transmissions, should be granted international protection against acts of piracy.
4. Nonetheless, before moving forward, more work is needed, in our view, to clarify the proposal, in order to ensure that the Treaty will provide a meaningful, appropriate protection to the broadcasting organisations, both for their simultaneous and deferred transmissions.

5. We attach great importance to adequate rights to be granted, which would allow the necessary protection for broadcasting organisations against acts of piracy, whether they occur simultaneously with the protected transmissions or after these transmissions have taken place. In the context of the flexibility allowed by the draft Treaty, which takes account of the systems of protection that may exist in contracting parties that do not grant exclusive rights, a particular attention should be given to ensuring that the broadcasters will enjoy effective legal means to prevent the unauthorised and illegal uses of their signals. We believe that further work on the draft text is needed to make sure this is the case and we stand ready to engage constructively in the discussions.
6. We hope that we can have useful discussions at this session and in the near future, in order to have a successful outcome in ensuring a meaningful, adequate protection for the broadcasting organisations.

Thank you.

Limitations and exceptions for libraries and archives (Agenda Item 7) and

Limitations and exceptions for educational and research institutions and for persons with other disabilities (Agenda Item 8)

Chair,

1. The European Union and its Member States remain committed to a constructive discussion on Limitations and Exceptions. We strongly believe that libraries, archives and museums play a crucial role in the dissemination of knowledge, information and culture, along with the preservation of our history. We also attach importance to the support of educational and research institutions and for people with disabilities, both in the analogue and digital worlds, within the existing international copyright framework.
2. The latest work on these agenda items were structured by document SCCR 36/7 ‘Action Plans on Limitations and Exceptions through SCCR 39’, and completed by the organisation of three regional seminars and the International Conference on Copyright, Limitations and Exceptions for Libraries, Archives, Museums and Educational and research Institutions. The report of these events prepared by the Secretariat, contained in document SCCR 40/2, conclude with ‘Take Away Considerations’, which are helpful to frame future discussions.
3. As indicated in the past, we support an approach that focuses on the way in which limitations and exceptions can function efficiently within the framework of existing international treaties, while being mindful of the important role that licensing plays in many WIPO Member States. Full consideration should be given to the solutions already available to WIPO Member States under the current international framework. We agree with the Secretariat’s report on the importance of focussing further work on capacity building and improving legislation of WIPO members at the national and regional level, combined with guidance and support from WIPO.
4. We take note of the Proposal by the African Group for a Draft Work Program on Exceptions and Limitations. We are ready to discuss this proposal – together with the Secretariat’s Report in relation to our future work on these agenda items.

5. In this context, as consistently expressed in the past, we would like to remind however, that the EU and its Member States cannot support work towards legally binding instruments at the international level or any preparations in this regard. However we stand ready to continue to engage constructively under this agenda item to reflect further on how WIPO can best help to provide guidance and assistance to WIPO Members States to address the problems faced by cultural heritage, education and research institutions and people with disabilities, including through the introduction of meaningful exceptions and limitations in the respective national laws.

Thank you.

Other matters:

Proposal for Analysis of Copyright Related to the Digital Environment

Agenda Item 9 (first indent)

Chair,

As expressed on previous occasions, the European Union and its Member States believe that the issue of copyright in the digital environment merits attention and discussion, in order to ensure that copyright can be more efficiently protected and able to play its role in the digital era. We are looking forward to continue the discussion; we thank GRULAC for their proposal, and we would welcome an information session on the music streaming market.

Thank you.
