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SECOND COUNCIL DIRECTIVE

of 13 May 1965

implementing in respect of the film industry the provisions of the General Programmes for the abolition of restrictions on freedom of establishment and freedom to provide services

(65/264/EEC)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, an in particular Articles 54 (2) and (3) and 63 (2) thereof;

Having regard to the General Programme for the abolition of restrictions on freedom of establishment,[1] and in particular Title IV A thereof;

Having regard to the General Programme for the abolition of restrictions on freedom to provide services,[2] and in particular Title V C (c) thereof;

Having regard to the first Directive[3] concerning the film industry, adopted by the Council on 15 October 1963;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[4];

Having regard to the Opinion of the Economic and Social Committee[5];

Whereas, in accordance with Title IV A of the General Programme for the abolition of restrictions on freedom of establishment, restrictions on the opening of cinemas specialising exclusively in the exhibition of foreign films in the language of their country of origin must be abolished by the end of the second year of the second stage of the transitional period;

Whereas, in accordance with Title V C (c) of the General Programme for the abolition of restrictions on freedom to provide services, the problems presented by the achievement of a common market in the film industry must be solved progressively before the end of the transitional period; whereas, with a view to the achievement of such a common market, and taking into account that part of the transitional period which has already elapsed, it is desirable that certain restrictions still remaining after adoption of the Council Directive of 15 October 1963 be abolished; whereas, of these restrictions, those relating to the importation and to the exhibition of films considerably restrict movement of films within the Community; whereas, since these restrictions are alike in their effects on such movement, they should be abolished simultaneously;

Whereas the dubbing of films can be carried out satisfactorily in the exporting country and whereas therefore the requirement that films having the nationality of a Member State must be dubbed in the country of exhibition is no longer justified;

Whereas the conditions of establishment must not be distorted by aids granted by the Member State of origin of any beneficiary under this Directive;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall abolish, in respect of the natural persons and companies or firms covered by Title I of the General Programmes for the abolition of restrictions on freedom of establishment and freedom to provide services (hereinafter called 'beneficiaries'), the restrictions referred to in Title III of those Programmes affecting the film industry and relating to:

(a) the opening of cinemas specialising exclusively in the exhibition of foreign films in the language of their country of origin, with or without subtitles;

(b) import quotas and screen quotas;

(c) the dubbing of films.

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[1] OJ No 2, 15.1.1962, p. 36/62.
[2] OJ No 2, 15.1.1962, p. 32/62.
[3] OJ No 159, 2.11.1963, p. 2661/63.
[4] OJ No 20, 6.2.1965, p. 265/65.
[5] OJ No 194, 27.11.1964, p. 3243/64.