2.11.63 OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 2661/63

COUNCIL DIRECTIVE

of 15 October 1963

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

(63/607/EEC)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 63 (2) thereof;

Having regard to the General Programme for the abolition of restrictions on freedom to provide services,[1] and in particular Title V C (c) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[2];

Having regard to the Opinion of the Economic and Social Committee[3];

Whereas the movement of films among Member States comes, as regards distribution and commercial exploitation, within the provisions of the General Programme for the abolition of restrictions on freedom to provide services;

Whereas the achievement of a common market in the film industry presents a number of problems which must be solved progressively during the transitional period; whereas the abolition of restrictions on the importation of films represents only one aspect of the overall problem posed by the film industry;

Whereas the second subparagraph of Title V C (c) of the General Programme provides, in respect of the film industry, that bilateral quotas existing between Member States at the time of the entry into force of the Treaty shall be increased by one-third in those States where the importation of exposed and developed films for distribution and commercial exploitation is restricted;

Whereas, in order to ensure that this Directive is correctly applied, it is necessary to define the term 'film' and to lay down common criteria for recognition of the nationality of films of Member States;

Whereas it is necessary to consolidate such liberalisation as has already been achieved with regard to distribution, commercial exploitation and trade in respect of films other than those subject to bilateral quotas;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Persons entitled to the benefit of the measures adopted in pursuance of this Directive shall be those covered by Title I of the General Programme for the abolition of restrictions on freedom to provide services.

This Directive shall apply to films which satisfy the provisions of Article 2 and which, under Articles 3 and 4, are to be regarded as having the nationality of a Member State.

Article 2

For the purposes of this Directive, 'film' means any copy which conforms to the master copy of a completed cinematographic work intended for public or for private exhibition and in which subsist all rights of commercial exploitation arising under international conventions or under other international arrangements.

Films shall be classified as follows:

(a) full-length films: 35-mm films equal to or exceeding 1600 m in length;

[1] OJ No 2, 15.1.1962, p. 32/62.
[2] OJ No 33, 4.3.1963, p. 476/63.
[3] OJ No 159, 2.11.1963, p. 2667/63.