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on unlocking the potential of cultural and creative industries
(2010/2156(INI))

Committee on Culture and Education

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on unlocking the potential of cultural and creative industries (2010/2156(INI))

The European Parliament,

- having regard to Article 167 of the Treaty on the Functioning of the European Union,
- having regard to the United Nations Educational, Scientific and Cultural Organisation (Unesco) Convention of 20 October 2005 on the Protection and Promotion of the Diversity of Cultural Expressions¹,
- having regard to the Council Decision No 2006/515/EC of 18 May 2006 on the conclusion of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions²,
- having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)³,
- having regard to Decision No 1855/2006/EC of the European Parliament and of the Council of 12 December 2006 establishing the Culture Programme (2007 to 2013)⁴,
- having regard to Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007)⁵,
- having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 3 January 2008 on Creative Content Online in the Single Market (COM(2007)0836),
- having regard to its resolution of 5 May 2010 on ‘Europeana - the next steps’⁶,
- having regard to its resolution of 19 February 2009 on Social Economy⁷,
- having regard to its resolution of 10 April 2008 on a European agenda for culture in a globalising world⁸,

¹ <http://unesdoc.unesco.org/images/0014/001429/142919e.pdf>

² OJ L 201, 25.7.2006, p. 15.

³ OJ L 95, 15.4.2010, p. 1.

⁴ OJ L 372, 27.12.2006, p. 1.

⁵ OJ L 327, 24.11.2006, p. 12.

⁶ OJ C 81 E, 15.3.2011, p. 16.

⁷ OJ C 76 E, 25.3.2010, p. 16.

⁸ OJ C 247 E, 15.10.2009, p. 32.

- having regard to its resolution of 10 April 2008 on cultural industries in Europe¹,
 - having regard to its resolution of 7 June 2007 on the social status of artists²,
 - having regard to the Council Conclusions of 12 May 2009 on Culture as a Catalyst for Creativity and Innovation³,
 - having regard to the Commission communication of 3 March 2010 entitled ‘Europe 2020: A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
 - having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 30 June 2010 entitled ‘Europe, the world's No 1 tourist destination – a new political framework for tourism in Europe’ (COM(2010)0352),
 - having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 26 August 2010 entitled ‘A digital agenda for Europe’ (COM(2010)0245/2),
 - having regard to the Commission communication of 19 October 2009 entitled ‘Copyright in the Knowledge Economy’ (COM(2009)0532),
 - having regard to the Commission Green Paper of 27 April 2010 entitled ‘Unlocking the potential of cultural and creative industries’ (COM(2010)0183),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education and the opinions of the Committee on International Trade, the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, the Committee on Regional Development and the Committee on Legal Affairs (A7-0143/2011),
- A. whereas cultural and creative industries (CCI) are characterised by a dual nature, being economic in that they contribute to economic development through employment, economic growth and wealth creation, but also cultural, thanks to activities integrating individuals socially and culturally into society as well as by being involved in promoting values and cultural identities and developing a European cultural heritage,
- B. whereas as this dual nature differentiates them from other industries, implementation of policies and specific measures must be taken into account,
- C. whereas this specific nature is recognised and promoted by the EU on the international stage, the EU having adopted a policy of maintenance of its cultural cooperation in the WTO and ratified the Unesco Convention,
- D. whereas the General Agreement on Trade in Services (GATS) provides for the right to

¹ OJ C 247 E, 15.10.2009, p. 25.

² OJ C 125 E, 22.5.2008, p. 223.

³ http://ec.europa.eu/culture/our-policy-development/doc/CONS_NATIVE_CS_2009_08749_1_EN.pdf

implement policies to protect cultural diversity, which is systematically applied by the EU and its Member States,

- E. whereas, in accordance with Article 167(4) TFEU, it is necessary to integrate culture into the other European policies, both internal and external, and in this regard to be particularly attentive, in the context of the current globalisation, to the protection and promotion of the diversity of cultural expressions,
- F. whereas the Unesco Convention recognises the major role of CCI in producing, distributing and providing access to the wide range of cultural goods and services and encourages international cooperation,
- G. whereas Member States should be willing to support culture and creativity as fundamental factors in the preservation and enhancement of cultural and landscape heritage, to be protected and conserved in order to assist in the creation of a sense of identity and heighten the public's cultural awareness,
- H. whereas, in the EU, CCI play a major role in promoting cultural and linguistic diversity, pluralism and social and territorial cohesion, but also in democratising access to culture and promoting intercultural dialogue throughout the EU,
- I. whereas Europe's cultural diversity, and particularly its rich heritage of regional languages and cultures, constitutes an irreplaceable raw material for the CCI,
- J. whereas particular attention must be paid to cultural and language specificities in the debate on the establishment of a single market in the creative content sector,
- K. whereas CCI are laboratories for artistic, technical and management innovation and whereas they make possible a broader dissemination of works and artists at European and international level,
- L. whereas the CCI sector is enhanced and its visibility ensured through various initiatives by the European Parliament and the Council of Europe, such as the Europe Prize, the LUX Prize, and the Cultural Routes,
- M. whereas the CCI have a role to play in preserving distinctive, invaluable and unique skills and abilities through the fusion of contemporary creativity and long-standing experience; whereas, especially in certain sectors such as, for example, fashion, watchmaking and jewellery, the reputation and worldwide success of European industries in the sector are founded upon the manual skills and expertise of artisans and creators,
- N. whereas artists do not have at present a legal status at EU level that takes into account the specific nature of their work and their career, in regard to mobility, working conditions and social protection in particular,
- O. whereas the CCI, which account for 5 million jobs and 2.6% of EU GDP, are one of the main drivers for growth in the EU, creating new jobs, playing key roles in global value chains, spurring innovation, providing added value as a factor for social cohesion and

serving as an efficient tool in the fight against the current recession,

- P. whereas the CCI have an influence on almost every other economic sector, furnishing them with innovations that are decisive for competitiveness, especially where information and communication technologies (ICT) are concerned,
- Q. whereas these industries are a driving force for economies in the digital age, making a significant contribution to innovation and the development of new ICT, and whereas they contribute to attaining the Europe 2020 objectives,
- R. whereas CCI can create wealth and jobs if they are given the means to be competitive with the CCI in countries outside the EU in the context of a European international competition strategy,
- S. whereas some people involved in the creative and cultural industries are self-employed,
- T. whereas the CCI are a growth market in the EU and an area where it has the potential to become a global market leader,
- U. whereas the development of trade in cultural and creative goods and services constitutes an important pillar for culture, development and democracy,
- V. whereas creativity depends on access to existing knowledge, works and creative content,
- W. whereas the role of cultural content in the digital economy is crucial; whereas Europe's digital growth will depend in future on having a varied supply of high-quality cultural content,
- X. whereas the digital age opens new possibilities for these industries by introducing new economic models enabling consumers to have access to a range of high-quality products,
- Y. whereas the content industry is making a considerable effort to develop legal offers on cultural online content and all stakeholders should join forces in raising awareness about the existing legal offers of online content,
- Z. whereas newspapers and magazines are components of cultural industries as well as a pluralistic and diverse European media landscape,
- AA. whereas the digital age also poses challenges to the sustainability of traditional sectors of these industries, including book publishing, bookselling and the print media,
- AB. whereas, in order to flourish, Europe's CCI require a modern, accessible and legally certain system for the protection of intellectual property rights (IPR),
- AC. whereas it is essential to ensure the artistic and cultural education of citizens and to appreciate the creative process in order to develop creativity and knowledge of the arts, culture, cultural heritage and the cultural diversity of the EU, education should extend to learning about not only digital rights but also obligations, to foster better understanding and respect of works protected by IPR,

- AD. whereas the technological advances in ICT in no way alter the fundamental need to protect IPR,
- AE. whereas better compliance with the existing legal framework protecting these rights, as well as reforms regarding, *inter alia*, simplification of licensing procedures in the cultural industries, are required in order to take full advantage of the new possibilities offered, whilst guaranteeing a well-balanced system of rights protection which takes account of the interests of both creators and consumers,
- AF. whereas a modern Union trademark system is essential in order to protect the value represented by investments made by European companies in design, creation and innovation,
- AG. whereas there must be a guarantee of strategic investments in CCI, for example through access to funding which is adapted to their specific characteristics and needs, in order to enable them to play a full part in boosting the European economy,
- AH. whereas CCI play a major role in developing centres of creativity at local and regional level which make regions more attractive and allow businesses and jobs anchored in the local and regional economic fabric to be created and developed, make the regions more attractive to tourists, promote the setting up of new businesses and enhance the profile of these regions, and promote the cultural and artistic sector and the preservation, promotion and enhancement of the European cultural heritage thanks to numerous agencies such as local and regional authorities,
- AI. whereas the European Neighbourhood and Partnership Instrument (ENPI) and its regional action plan (RIP) have been approved and funded for 2011-2013,
- AJ. whereas the role of the European Creative Industries Alliance (ECIA) should be enhanced,

Cultural and creative industries as a driving force in the European Union

1. Stresses the need to analyse CCI and the impact of their activities on the European economy, identifying, defining and describing them each in turn, in order to highlight their characteristics, better understand their goals and problems and implement more effective measures;
2. Calls on the Commission to pursue its efforts to produce a better definition of CCI with a view to analysing in depth their impact on long-term growth and international competitiveness and to foster greater recognition of the specific features of the sector;
3. Calls on the Member States to be strongly committed to protecting and supporting their own cultural heritage, recognising that for CCI to develop requires a dual economy where public and private investment coexist;
4. Considers that CCI should be at the centre of a new European policy agenda in line with the economic needs of the sector and in the context of digitalisation, and that the future Culture Programme should reflect the needs of the cultural and creative sector in the

digital age through a more pragmatic, more comprehensive approach;

5. Recognises that, as sources of economic and social innovation in many other sectors of the economy, CCI have great synergising power;
6. Calls on the Commission to continue its efforts to support, promote and facilitate the development of the culture and creativity framework by fostering a more elaborate system of cooperation among Member States and EU institutions, based on sharing experience of good practice; recommends that the Commission include local and regional authorities in the follow-up process to the Green Paper, in accordance with the principle of subsidiarity;
7. Calls on the Commission to draw up a White Paper, in view of the ever increasing importance of CCI as well as the objective of strengthening this sector, which is of strategic importance for the achievement of the Europe 2020 goals;

Education, training and awareness-raising

8. Encourages the Member States and the Commission both to promote artistic and cultural education (with particular emphasis on creativity) among all age groups, from primary to higher and/or vocational education, and to develop creators' entrepreneurial skills, including in the context of lifelong learning, particularly on account of its role in raising awareness of creativity and teaching good use of ITC and respect for intellectual property;
9. Points out the advantages of an education which combines a theoretical knowledge of cultural and art history with practical artistic creation and the management of cultural assets in undertakings, studios etc, with the aim of enhancing both theoretical and practical skills;
10. Highlights the importance of educational programmes which focus on vocational training, the development of ideas and storytelling, e-skills, technical, entrepreneurial and marketing skills, including the use of social networks, and workers' skills;
11. Highlights the potential of close cooperation and dialogue between CCI, universities, research centres, art schools and art establishments to provide joint training programmes and lifelong learning opportunities;
12. Reminds the Commission and the Member States of the urgent need to recognise vocational qualifications in the CCI, to promote student and lecturer mobility and further develop training-work experience internships for artists and creators;
13. Requests that the Commission call on Member States to expand the framework for recognition of professional qualifications and training courses, not least with a view to including the new skills required in the CCI sector;
14. Calls on the Commission to promote joint research and partnership programmes between the CCI and the education and training sector (including in-service training), thus providing citizens with creative and intercultural skills, to facilitate the use of new

techniques and new creative tools in the education sector, to step up lifelong education and training – specifically through use of the European Social Fund – in view of the pace of technological change in this field, and conversely, by means of research and education, to renew the CCI;

15. Calls on the Member States to promote the availability of managerial, business and entrepreneurial training specifically tailored for professionals in the CCI, thus equipping them with the communication and entrepreneurial skills required in an ever evolving socio-economic environment; notes the positive training and management experience developed in the audiovisual field by the MEDIA programme and hopes to see the Culture programme equipped with similar instruments;
16. Proposes the creation of new pilot projects under the Erasmus and Erasmus for Young Entrepreneurs programmes to allow for greater collaboration between universities and enterprises in the cultural and creative sector;
17. Underlines the need to pass on techniques and know-how and the value of reinforcing learning and setting up professional training programmes focused on the cultural and creative sector, better harnessing the use of existing programmes and curricula, providing multidisciplinary education and promoting cooperation and partnerships between educational institutions, students, professionals from the cultural and creative sector, enterprises of all sizes, including the private and public sectors, craftspeople and financial institutions;
18. Recognises the importance of CCI in fostering the development of European content, thereby contributing to the cultural convergence of the Member States and a closer relationship between their people;
19. Stresses that intercultural learning and skills help people understand other cultures, thereby contributing to social inclusion;

Working conditions and entrepreneurship

20. Acknowledges the impact, competitiveness and future potential of CCI as an important engine for sustainable growth in Europe that can play a decisive role in the EU's economic recovery;
21. Calls on the Commission to recognise the CCI as a productive part of the European economy, notably in terms of their capacity to help make other sectors of the economy more competitive;
22. Underlines the need to consider working conditions and the economic, social, legal and taxation aspects of these sectors, with particular reference to the entrepreneurial dimension of the CCI and to working conditions;
23. Stresses, in this respect, the need to fight against pay discrimination and to improve the degree to which jobs match the level of qualifications;
24. Invites the Commission, therefore, to analyse the impact the CCI have on the EU

economy, and to publish a performance evaluation guide on employment and business wealth creation in each of the sector's branches;

25. Stresses the need to develop a strong sense of cultural and creative entrepreneurship at local, regional, national and European level;
26. Stresses the need to create optimum conditions for employing university-educated and professional young people from this sector and to foster opportunities for them to become entrepreneurs, as well as to train them in the specific economic, taxation, financial and technological aspects of the cultural and creative world and in communication and marketing, IPR and intergenerational knowledge transfer;
27. Calls on the Commission to set up a multilingual platform so that people working in the cultural and creative sector can join a European-level network where they can exchange experience, best practices and expertise and cooperate on joint projects or pilot projects with a transnational and cross-border dimension and find complete information on the legislation in force (such as copyright issues, social rights) and on funding possibilities;
28. Calls on the Commission and the Member States to once again include under the heading of CCI non-profit organisations and social economy operators - as defined in Parliament's resolution of 19 February 2009 on Social Economy - as they are active in sectors relevant to the CCI, thereby permitting the adoption of tax benefits, easy access to loans and employment protection;
29. Calls on the Commission to respect and acknowledge actions taken by cultural services, not-for-profit organisations and private initiatives involved in the development of a creative inclusive economy; calls on the Commission and the Member States to encourage and embed good practices designed to facilitate access for both young people (irrespective of their status as students, apprentices, trainees or job-seekers, etc.) and particularly vulnerable people to culture and creative content – for example, reduced prices, culture vouchers and free cultural activities;

Status of artists

30. Reaffirms that the status of European artist must be created so that artists are able to enjoy satisfactory working conditions and appropriate measures in regard to tax systems, their right to work, social security rights and copyright in order to improve mobility across the EU;
31. Invites those Member States that have not yet done so to act on the UNESCO Recommendation concerning the Status of the Artist¹;

Artistic trades

32. Points out that artistic trades constitute one of the pillars on which our cultural heritage and our economy rest, and that their continuity must therefore be safeguarded by means of appropriate mechanisms for passing on knowledge and skills, as emphasised in

¹ <http://unesdoc.unesco.org/images/0011/001114/111428mo.pdf>

Parliament's resolution of 10 April 2008 on cultural industries in Europe;

33. Reaffirms the aim of preserving the specific nature of some trades and the transfer of know-how, especially in the cultural, creative and crafts sector, and of guaranteeing mechanisms for knowledge transfer; proposes encouraging the establishment at local, regional and territorial level of knowledge transfer workshops, particularly for the traditional creative sector;
34. Points out that the economic model for CCI, including in the luxury sector which is representative of it, is based on innovation, constant creativity, consumer confidence and investment in jobs that are often highly skilled and involve unique know-how; calls on the Commission to promote the sustainability of this economic model in its proposals affecting CCI by developing a regulatory framework adapted to their specific characteristics, particularly as regards respect for IPR;
35. Emphasises the danger of a shortage of manpower in some highly skilled or very specific trades which contribute to the existence of CCI in the EU and asks the Commission and the Member States to take necessary measures, in conjunction with the enterprises, to ensure these unique skills are preserved and to facilitate the training of a new generation of artisans and workers specialising in these trades;

Improving the distribution of works in the digital age

36. Encourages the Member States to promote the distribution and circulation of works across the EU;
37. Recognises that it is not just innovation in technological production that must be promoted but also innovation in management processes, in developing the projects themselves and in their distribution and marketing;
38. Asks the Commission to consider the possibility of establishing specific actions and suitable tools to support and develop European CCI, in particular SMEs, with the aim of improving the creation, production, promotion and distribution of cultural goods and services;
39. Stresses that online use can represent a real opportunity for better diffusion and distribution of European works, particularly audiovisual works, in conditions where legal supply can develop in an environment of healthy competition which effectively tackles the illegal supply of protected works and new ways of remunerating creators can develop which involve them financially in the success of their works;
40. Calls on the Commission to ensure the strict implementation of Article 13 of the Audiovisual Media Services Directive¹, which provides for the Member States to ensure that on-demand audiovisual media services promote the production of and access to European works and to report to it on the implementation of this provision no later than 2012;

¹ OJ L 95, 15.4.2010, p. 1.

41. Underlines that, in order to guarantee better distribution of European works and repertoires, initiatives must be introduced aimed at improving and promoting translation, dubbing, subtitling, surtitling and digitisation of European cultural works and at drawing up specific measures in these areas as part of the new generation of MEDIA and Culture programmes for the period 2014-2020;
42. Calls on the Commission to encourage the growth of the CCI, especially online, by taking relevant steps to ensure that all stakeholders share the responsibility for equally protecting products and services in the digital environment in order to build greater consumer trust online;
43. Calls on the Commission to establish a legal framework to ensure a high level of confidence in the digital space – commercial and non-commercial – so that CCI on the one hand and consumers on the other can make full use of digital distribution channels without fear of being deterred by misleading or abusive practices;
44. Calls on the Commission and the Member States to give particular consideration to the role of libraries as institutions for the dissemination of culture and as forums for dialogue; considers that libraries, together with the educational and cultural sector, should be given responsibility and resources for the digital switchover; recalls that this process is a matter of urgency, since European libraries even now have only limited means to convert satisfactorily to digital media;
45. Stresses in particular the importance of expanding the European digital library and developing it as a focal point for projecting Europe's cultural heritage, collective memory and creativity and as a starting point for educational, cultural, innovative and entrepreneurial activities; points out that artistic exchanges constitute one of the pillars on which our cultural heritage and our economy rest, and that their continuity must therefore be safeguarded by means of appropriate mechanisms for passing on knowledge and skills;
46. Underlines the need to give due regard to the challenges facing traditional sectors of the CCI, such as book publishing, bookselling and the print media;
47. Calls on the Commission to take initiatives to promote and increase digital literacy, given the increasing shift towards digital content production and distribution by the publishing industry; stresses that publishers should be closely involved in initiatives on digital media literacy;

Towards an internal market for cultural and creative content

48. Urges the Member States and the Commission to establish a European digital single market and technical and financial support mechanisms in CCI with the aim of digitising cultural heritage, and to introduce common European standards;
49. Emphasises the importance of the swift implementation and success of the Digital Agenda initiative in order to enable CCI to benefit fully from and to adapt successfully to all the opportunities created by far-reaching, high-speed broadband and by new wireless technologies;

50. Calls on the Member States and the Commission to take the necessary steps to establish a European internal market for on-line cultural and creative content and guarantee access to this content to European citizens whilst ensuring that those entitled are protected and properly compensated and that all funding channels for the creative sector are consolidated;
51. Calls on the Commission to support new and innovative economic models in the creative and cultural sector which are adapted to the impact of globalisation and the challenges of the digital age, particularly with regard to content industries;
52. Emphasises the importance, for the creation of conditions of equal access to new platforms and equipment, of interoperability and standards; calls on the Commission to promote interoperability between platforms, to develop standards which help create a marketplace conducive to innovation, and to avoid using systems that might limit access to diversified content;
53. Calls on the Commission to promote the use, dissemination and development of open source software and open standards, which represent potential for innovation, creativity, knowledge dissemination and job creation;
54. Notes that market fragmentation in the cultural and creative sectors is in part due to the cultural diversity and language preferences of consumers;
55. Stresses the importance of considering the best way to adapt the regulatory framework – and in particular the rules on competition policy – to the specific situation of the cultural sector in order to ensure cultural diversity and consumer access to a range of high-quality cultural content and services;
56. Notes that e-commerce and the Internet are developing at such a pace, with ‘generations’ of technology growing shorter geometrically; believes therefore that attempts should be made to bring the EU’s regulatory response into line with current social and commercial requirements so that it does not become pointless through lagging behind and obstruct the full unlocking of the potential of the EU Member States’ CCI;
57. Emphasises the need to give thought to the optimum conditions for the development of this single market, with particular regard to taxation, for example, concerning deductions at source applicable to copyright income, by allowing the introduction of a reduced rate of VAT for on- or off-line cultural goods and services in order to promote their development;
58. Stresses that VAT rules and the lack of accessible payment methods for online sales also constitute an obstacle to the proper functioning of the internal market and need to be urgently addressed;
59. Calls on the Commission, therefore, to present, as soon as possible, concrete legislative proposals on how to tackle these issues in order to dismantle existing obstacles to the development of the internal market, in particular in the online environment, while respecting consumer demand and cultural diversity;

60. Calls on the Commission to consider, with reference to the ‘Digital Agenda’ flagship initiative, the need to support the adjustment of European electronic publishing to the challenges posed by competition, by creating conditions favouring the interoperability of systems, transferability from one device to another and fair competition;

Intellectual property rights

61. Emphasises that IPR are a fundamental asset for creative companies and an incentive for individual creativity and investment in creation; calls, therefore, for schemes to help CCI adapt to the digital shift via new online services based on new forms of rights management promoting authors’ rights; calls, further, for a balanced regulatory framework governing the protection and enforcement of IPR;
62. Emphasises the need for effective enforcement of IPR in both the offline and online environments, and stresses in that connection that all measures should be carefully evaluated in order to guarantee their efficiency, proportionality and compatibility with the Charter of Fundamental Rights of the European Union;
63. Calls on the Commission to adapt copyright to the digital era allowing CCI to reap the benefits created by digital technology and media convergence and to consider specific ways of facilitating the use of creative content and archived material, putting in place extended collective licensing systems and easy, one-stop-shop systems for the clearance of rights;
64. Stresses, in this context, the essential role of collecting societies for the development of European creativity and the digital economy; calls on the Commission, in the context of the ongoing drafting of a proposal for a directive on collective rights management, to establish an appropriate legal framework for collecting societies and the reaggregation of copyright repertoire;
65. Calls on the Commission to enable the viability of a pan-European licensing system that builds on the existing multi-territory individual and collective rights licensing models and facilitates the launch of services with a wide choice of content, hereby increasing legal access to online cultural content;
66. Calls on the Commission and Member States to promote the exchange of best practices on effective methods to raise public awareness regarding the impact of infringements of IPR;
67. Urges the Commission and Member States in association with stakeholders to organise a campaign to raise awareness at European, national and local level, especially among young European consumers, of the need to respect IPR;
68. Calls on the Commission and the Member States to tackle abusive commercial practices and violations of IPR, of which CCI can be victims in both the real and digital economy;
69. Stresses the need finally to address the ‘book famine’ experienced by visually impaired and print-disabled people; reminds the Commission and Member States of their obligations under the UN Convention on the Rights of Persons with Disabilities to take

all appropriate measures to ensure that people with disabilities enjoy access to cultural materials in accessible formats, and to ensure that laws protecting IPR do not constitute an unreasonable or discriminatory barrier to access by people with disabilities to cultural materials;

70. Calls on the Commission to work actively and positively within the World Intellectual Property Organisation (WIPO) to agree on a binding legal norm based on the treaty proposal drafted by the World Blind Union and tabled at WIPO in 2009;
71. Stresses the need to solve the issue of orphan works; welcomes the Commission's stated intention to present proposals in this area; notes that the problem of orphan works and the 'black hole of the 20th century' is not limited to printed works such as books and magazines, but extends to all kinds of works, including photographs, music and audiovisual works;
72. Calls on the Commission to encourage financial support for private-sector initiatives to create widely accessible rights and repertoire databases on musical, audiovisual and other repertoire; such databases would increase transparency and streamline procedures for rights clearance;
73. Calls on the Commission to encourage the setting up of equitable, impartial and effective alternative dispute resolution for all stakeholders;
74. Takes the view that the Commission should take into account the specific problems encountered by SMEs when it comes to asserting their IPR in accordance with the principle of 'Think Small First' established by the Small Business Act for Europe, *inter alia* by applying the principle of non-discrimination for SMEs;
75. Welcomes the Commission's revision of the EU trademark system and encourages the Commission to see to it that the relevant steps are taken to ensure that trademarks can benefit from the same level of protection in both the online and offline environments;

Funding cultural and creative industries

76. Recalls that all policies and measures to support and fund CCI must take into account the characteristics of each branch of the sector;
77. Calls on the Commission to grant the CCI SME status in their own right in regard to all arrangements for access to credit, start-up support and employment protection, which should be suitably adapted to the specificities of the sector, with particular reference to low capitalisation, the brand as an asset, the high risk in the early stage, strong IT impact, irregular employment, and the need for centralised services;
78. Calls on all the actors concerned to consider introducing new, innovative financial instruments, both at a European level and at national level, such as bank guarantee measures, repayable advances, risk-capital funds and incentives for the establishment of local partnerships, which take account of the needs of these industries and especially of the fact that creators' only form of capital is, in many cases, non-material;

79. Advocates the mobilisation of, and simplified application for, existing EU funds and programmes (such as the Microfinance Facility) for the development of small and micro-enterprises in the cultural and creative sector, with a view to optimising support for enterprises by facilitating access to information on funding options;
80. Proposes the introduction of short-term microfinancing to encourage experimentation and the development of innovative cultural and creative projects;
81. Recommends that the Commission assess the relevance of the structural funds, as well as current and future programmes in the fields of culture, audiovisual media, youth provision and education, in terms of their potential to further the creative sector, and that it formulate conclusions and act on them with a view to an improved support policy;
82. Recognises, further, the effectiveness of EU programmes such as the Programme for Innovation and Competitiveness in enabling SMEs to access financing, and suggests that the Commission should assess the possibility of devising similar specific programmes for CCI;
83. Calls on the Commission to consider establishing a specific budget line under the 'Digital Agenda' flagship initiative to support the changeover to digital in European cinemas, in order to ensure that all EU citizens have access to content reflecting Europe's different identities and make the whole of the European film sector more competitive;
84. Underlines the importance of patronage and public-private partnerships in the financing and support of cultural and creative activities and calls for better access to credit for these sectors and for alternative formulas such as tax relief or tax incentives to be examined in order to encourage patronage by enterprises;
85. Stresses the importance of professionals in the banking sector being trained to advise on financing cultural and creative projects so that there is better access to credit from financial institutions;
86. Stresses the importance of developing finance and business management consultation and advisory services to allow people working in the cultural and creative sector, and particularly SMEs and very small businesses, to understand the tools required for good business management in order to improve the creation, production, promotion and distribution of cultural goods and services;
87. Stresses the need to train professionals capable of ensuring the economic and financial viability of cultural and creative projects in order to improve access to credit when faced with financial and banking institutions that are generally unfamiliar with the specific characteristics of this sector;
88. Calls on the Commission, in the context of the Digital Agenda, to assist SMEs active in CCI in their search for competitive and consumer-friendly innovative online business models based on co-financing and risk-sharing between CCI and intermediaries;
89. Calls, therefore, on the Commission and the Member States to ensure that public

procurement procedures do not entail unnecessary costs and red tape for SMEs;

90. Calls on the Commission, in light of the launch in December 2011 of the eighth Research Framework Programme, to provide for funding to implement entrepreneurial projects and start-ups proposed by young people under the age of 35 in the CCI sector;
91. Requests that priority funding be granted under the ENPI RIP 2011-2013 programme to CCI, with particular reference to the audiovisual sector and the production and distribution of audiovisual works in the Euro-Mediterranean region;
92. Suggests using the framework of the ECIA to provide a platform for access to information and advice on investment readiness and long-term business strategies, access to loans, guarantee funds and cross-border private investment, and calls for the possibility of establishing a Creative Industries Bank to be explored;
93. Encourages the Member States and local and regional authorities to create favourable conditions for CCI to establish contact with the organisations likely to provide them with funding, and calls on those authorities to raise awareness among financial organisations of the specific situation of CCI in order to persuade them to invest in these industries, and more particularly in SMEs and very small businesses, on the basis of cultural projects with a strong economic potential;
94. Encourages local, territorial and regional bodies to make the financial institutions more aware of the special features of CCI so they are motivated to invest in these industries and in particular the SMEs;

Local and regional cooperation

95. Emphasises that the CCI contribute, in many cases, to the transformation of declining local economies by encouraging the emergence of new types of economic activity, creating new and sustainable jobs and making European regions and cities more attractive, thus serving the interests of social and territorial cohesion;
96. Underlines that culture has an important role to play in terms of the sustainable development of cross-border territories and is aware that CCI infrastructures and facilities can contribute to the achievement of territorial cohesion; believes that stimulating culture and creativity is an integral part of territorial cooperation that should be reinforced;
97. Calls on all the bodies involved at local level to use the territorial cooperation programmes in order to use and transfer best practices for the development of the CCI sector;
98. Recommends, on the one hand, that more intensive research be conducted into the interdependence of cultural provision and the location of cultural and creative businesses, as well as the EU-wide significance of culture as a factor in companies' location decisions; and, on the other, that support be given to academic research into the impact which cultural and creative businesses have on the places where they locate;

99. Calls on the Commission and Member States to map available knowledge of the practices, needs and good experiences of cross-border and territorial cultural and creative cooperation, to acquire specific expertise on culture, creativity and cross-border territories (particularly in little-explored areas such as the link between culture, creativity and economy) and to elaborate cross-border strategies for the management of cultural heritage and resources;
100. Calls on local and regional authorities to establish meeting places and set the basis for the creation of local networks in order to raise awareness in CCI among people working in the sector, through the sharing of expertise, experimentation, improving skills and training in new technologies, such as digital technologies, and among the general public through training, debates and other artistic and cultural events, and to develop creativity centres and incubators to allow creative young professionals and businesses to work in a network, promote innovation and enhance the visibility of the sector;
101. Calls on local and regional authorities to join together in networks with a view to exchanging good practice and setting up cross-border and transnational pilot projects;
102. Emphasises that local and regional authorities can contribute significantly to better dissemination and circulation of cultural goods by organising, supporting and promoting cultural events;
103. Points out that cultural and creative infrastructures and facilities play an important role in the development of the physical environment of towns and cities, in creating an attractive environment for investment, and, in particular, the rehabilitation and revitalisation of old industrial districts, and that cultural heritage confers value added and adds individuality in the development and renewal of rural areas, especially through its contribution to rural tourism and to preventing the depopulation of these areas;
104. Considers it also to be a highly significant factor in the context of strategies for the rehabilitation of old industrial districts, as well as in policies to define the new sectoral spheres of tourism which are appearing and in the redefinition of traditional tourism;
105. Believes therefore that the establishment of CCI and the development of those which already exist must be supported by means of national, regional and local development strategies, in a partnership between public authorities representing different policy areas, SMEs and relevant civil society representatives;
106. Encourages therefore the Member States and regions to create opportunities for such cooperation, to devise policies that combine infrastructure investment with investment in human capital, and to explore innovation voucher schemes to help cultural and creative SMEs and individuals acquire professional skills;
107. Believes that the Commission could pay more attention to twinning arrangements between towns, municipalities and regions, which have for many years provided an excellent forum for cultural and creative cooperation and information exchange; calls on the Commission in cooperation with European associations of local and regional authorities to promote modern, high-quality twinning initiatives and exchanges that involve all parts of society;

108. Suggests that an action programme devoted to cross-border cultural promotion and cooperation be established as part of the European Year of Volunteering;

European Capital of Culture

109. Emphasises the widespread recognition of the European Capital of Culture initiative as a 'laboratory' for urban development through culture; invites the Commission to promote this initiative and ensure the right conditions for the transfer of best practices, cultural cooperation and setting up networks for sharing experience on the opportunities of CCI in order to make use of the full potential of these sectors;
110. Calls for the inclusion of a debate on the potential of CCI in the programme of events celebrating the European Capitals of Culture;

Fashion and tourism

111. Considers that fashion and cultural and sustainable tourism should be added to the sectors identified in the Green Paper as forming part of the CCI; points out that the two sectors are characterised by a high degree of creativity and an entrepreneurial spirit which has a significant impact on the economy and international competitiveness of the EU;
112. Highlights the considerable importance of tourism to the CCI and recommends that the Commission encourage cities and regions to make greater use of culture as a unique asset, to cooperate more closely with one another in the realm of cultural tourism, to develop forms of cooperation between the cultural sector and the tourism sector and to support both sectors in joint marketing efforts;

International relations and trade

113. Highlights the importance of the above-mentioned Unesco Convention as an essential instrument to guarantee that the 'cultural exception' in international trade in goods and services of a cultural and creative nature is maintained within the international framework of the WTO;
114. Notes, as regards promotion of cultural exchange and diversity, that access to third-country markets is subject to many tariff and non-tariff barriers which, together with the insecurity of the distribution and exploitation networks, makes it difficult for European culture to have a genuine presence;
115. Stresses the great potential of CCI in international trade and assumes that its significance is being underestimated owing to the difficulty of gathering data;
116. Calls on the Commission, in view of the proliferation of bilateral trade agreements, to submit to Parliament a clear, overall strategy on the cultural cooperation protocols (CCP) annexed to those agreements, with a view to adapting the offer of European cooperation to the needs and specific characteristics of CCI in the partner countries, in accordance with the commitments undertaken in the WTO and the spirit and letter of the Unesco Convention;

117. Calls on the Member States and the Commission to boost the export of cultural and creative products and services and strive to raise the profile of Europe's CCI outside the EU;

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118. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

This is a good time for the European Commission's Green Paper, officially endorsing the economic and social importance of the sector, to prompt discussion on 'unlocking the potential of the cultural and creative industries'. The growth of cultural and creative industries (CCI) in the European Union since the 1990s has been exponential in terms of job creation and their contribution to GDP.

The challenge of globalisation and the arrival of the digital age are providing these industries with major new opportunities to develop and can improve their hitherto largely untapped potential to create growth and jobs. There is a need for strategic investment to enable cultural and creative industries to invigorate cultural diversity, social and territorial cohesion, growth and employment. To this end there must be adequate funding, support for CCI to develop in their local and regional environments and a move towards a creative economy by catalysing their spill-over effects on a wide range of economic and social contexts. The greater the availability of European audiovisual content, the more will content which is characteristically European be able to influence cultural diversity. In addition, the creative sector makes a significant contribution to the development of information and communication technologies and plays a major role at local, regional and national levels.

In this context there is a need for Community-wide momentum to encourage cultural and creative industries, which is why they must adopt innovative economic models and have access to new, legal on-line service provision. It is therefore necessary to create a genuine single market for on-line content and services, take specific measures aimed at increasing the role of cultural and creative industries as catalysers for innovation and structural change, bring together actors at regional, national and European level and create new products and services to generate growth and jobs.

In Europe, the cultural sector plays a key role and attracts citizens, enterprises and investment, thereby highlighting Europe as a dynamic, stimulating place to live and work. An energetic, growing cultural sector is clearly necessary for Europe's success as a creative, knowledge-based economy. The cultural sector also attracts well-qualified, creative people. CCI are currently also important drivers of economic and social innovation in many other sectors.

At a time when some of our international partners are already tapping into the multifaceted resources of CCI to a broad extent, the EU is yet to develop a strategic approach to make its strong and attractive cultural assets the basis of a powerful creative economy and a cohesive society.

In this respect the Green Paper must do more. In order to be able fully to unlock their dual cultural and economic potential, CCI need to increase their capacity for experimenting and innovating and take advantage of the right mix of skills and access to funding. The creative economy means that those working in the cultural sector are the drivers of the knowledge-based society and are becoming a source of economic development and social harmony. With our economies increasingly based on intangible services, cultural and creative industries provide creative added value with a broader dimension. The driver of sustainable growth is based in particular on long-term investment in Europe's creative potential.

The creation of a genuine internal market is a priority if we are to boost employment and social cohesion and achieve sustainable economic growth aimed at making the European Union the economy which is founded on the most competitive and most dynamic knowledge-base in the world alongside a quantitative, qualitative improvement in employment. We must therefore acknowledge the specific characteristics of the cultural sector as a whole and take them into consideration when formulating European rules on international trade, the internal market, competition and taxation.

Cultural and creative industries are characterised by a dual nature (which makes them different from any other industry): in an economic sense, in terms of their contribution to employment, growth and wealth creation, and – primarily – in a cultural sense, in terms of their activities, which contribute to development and citizens' social and cultural integration. By encouraging creativity and by improving the distribution and production procedure through innovation, these industries play a major role in the European Union in promoting cultural and linguistic diversity, pluralism, social and territorial cohesion and the democratisation of access to culture and the promotion of intercultural dialogue. In this regard, proper remuneration for the creative industry through intellectual property rights is a vital precondition for the preservation of European cultural diversity.

There must also be a focus on mobility and attractiveness. Promoting the mobility of artists, cultural practitioners and works is a way of helping European cultural and creative industries make, in particular, the leap from local to national level. If this is to happen, there is a need to set up balanced partnerships with European professionals based on regular consultation mechanisms in order to keep pace with a rapidly developing sector, remove obstacles to mobility and ensure monitoring of the tools developed at all levels.

The European Union must introduce measures to support the creative sector. We would like to see this Green Paper have a short and long-term impact through specific developments at European level in such areas as taxation adapted to on-line cultural goods and services and the possibility of exploiting the financing facilities available through the EIB and the EIF. If cultural and creative industries are to maximise their energising role, financing facilities backed up by solid expertise in the characteristics of cultural industries and an adapted taxation system must be introduced.

To sum up, unlocking the potential of cultural and creative industries necessitates the development, inter alia, of high-quality artistic and cultural education, territorialisation, local partnerships, creation and creativity, the sharing of expertise, financing, public-private partnerships and the exchange of good practices. We must create competitiveness between CCI whilst bearing in mind the characteristics of each branch and the fact that they require different forms of support.

26.1.2011

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on Culture and Education

on unlocking the potential of cultural and creative industries
(2010/2156(INI))

Rapporteur: William (The Earl of) Dartmouth

SUGGESTIONS

The Committee on International Trade calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Underlines that the development of trade in cultural and creative-industry (CCI) goods and services constitutes an important pillar for culture, development and democracy, and, at the same time, a driver of economic growth and job creation in Europe and the world; observes that, according to estimates, world trade in CCI goods and services has nearly doubled in the past ten years;
2. Stresses that, in the spirit of the EU 2020 Strategy, the regulatory framework should be used to promote not only creativity, innovation and sustainable jobs in the CCI sector but also cooperation between EU Member States and industries in the CCI field;
3. Stresses the great potential of the CCI in international trade and assumes that its significance is being underestimated owing to the difficulty of gathering data;
4. Strongly believes that greater trade openness in the CCI sector is not a panacea and that trade rules in this sector must be different to those used for common goods; notes that world trade in CCI goods and services remains dominated by developed countries, and considers that the Commission should take new initiatives to contribute to tackling this problem; considers that the CCI has the potential to contribute to the economic revitalisation of European regions and towns whose markets, based on producing and trading in traditional local craft products, have declined economically as a result of unfair competition from products from dynamically developing economies;

5. Recalls that effective protection of intellectual property rights (IPRs) in international trade agreements requires a careful balancing of the interests of right holders and of society at large to ensure the EU's leading role in the knowledge economy and that protection should be applied differently concerning least developed countries (LDCs) and developing countries or competitors of industrialised countries; believes that a satisfactory performance of the European CCIs is dependent on finding such a balance to maintain incentives for companies, artists and creators to innovate; for this reason, the EU must rise to the challenge of establishing a copyright legislation for the new technology age which is compatible with the requirements of individual liberties; maintains that international cooperation is the only way to combat piracy, counterfeiting and the violation of IPRs;
6. Notes that the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) should be extended to cover other areas of the CCI sector;
7. Points out that copyright is intended principally to protect actual authors and originators, and that the protection of copyright should not undermine fundamental rights;
8. Fully supports the development of more ambitious EU policies as well as mutually beneficial and voluntary cooperation between EU Member States in the field of the CCI sector in the perspective of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
9. Notes that e-commerce and the Internet are developing at such a pace, with 'generations' of technology growing shorter geometrically, and therefore believes that attempts should be made to bring the Union's regulatory response into line with current social and commercial requirements so that it does not become pointless through lagging behind and obstruct the full unlocking of the potential of the CCIs of the EU Member States;
10. Notes that the Internet is developing organically, with ever decreasing technology life-cycles, and therefore believes that any initiative aimed at controlling infrastructure development without producing alternative business models will always be at least a generation behind and is likely to inhibit growth among the CCIs of the EU Member States;
11. Highlights the importance of the above-2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions as an essential instrument to guarantee that the 'cultural exception' in international trade in goods and services of a cultural and creative nature is maintained within the international framework of the WTO.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	26.1.2011
Result of final vote	+: 7 -: 1 0: 19
Members present for the final vote	William (The Earl of) Dartmouth, Kader Arif, Daniel Caspary, Christofer Fjellner, Yannick Jadot, Metin Kazak, Bernd Lange, David Martin, Emilio Menéndez del Valle, Vital Moreira, Cristiana Muscardini, Godelieve Quisthoudt-Rowohl, Niccolò Rinaldi, Tokia Saïfi, Helmut Scholz, Peter Šťastný, Robert Sturdy, Gianluca Susta, Keith Taylor, Iuliu Winkler, Jan Zahradil, Pablo Zalba Bidegain, Paweł Zalewski
Substitute(s) present for the final vote	George Sabin Cutaş, Mário David, Jörg Leichtfried, Miloslav Ransdorf, Michael Theurer
Substitute(s) under Rule 187(2) present for the final vote	Patrice Tirolien

8.12.2010

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Culture and Education

on unlocking the potential of cultural and creative industries
(2010/2156(INI))

Rapporteur: Karima Delli

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas the cultural and creative industries represent an important part of the European economy, already employ some five million people and – thanks to the knock-on effect of innovation in this area – constitute a sector with powerful potential for creating decent, high-quality jobs not vulnerable to relocation; whereas the cultural and creative industries will be of prime importance in achieving the Union's targets under the Europe 2020 strategy in terms of employment and the development of a society based on knowledge and innovation, especially through the initiatives for new jobs and the 'industrial policy for the globalisation era'; whereas, to that end, it is important to establish an environment conducive to the development of these industries, which help to foster cultural identity and diversity at local and regional level, to create jobs, to develop advanced skills, to enhance competitiveness, to promote regions and geographical and cultural resources and to encourage technological innovation,
- B. whereas access to knowledge and creative content is a key aspect of fundamental rights, as is respect for cultural diversity, especially that of particularly vulnerable people,
- C. whereas creativity depends on access to existing knowledge, works and creative content,
- D. whereas the lack of harmonisation with regard to copyright exemptions acts as a brake on the Europe-wide circulation of knowledge-based products and services and on job creation in innovative sectors where the technological environment is constantly

evolving,

- E. whereas the wide diversity in the status of cultural and creative sector practitioners – amateurs, volunteers, employees, entertainment-industry contract workers and individual entrepreneurs, etc. – and in their working methods is a reflection of rich variety in Europe that must be preserved, while at the same time preventing discrimination among practitioners and affording them access to labour and social rights, so as to ensure fair and regular remuneration, thereby reducing financial insecurity,
1. Emphasises the need to reduce the inequalities faced by practitioners in the cultural and creative sector, to fight the proliferation of casual contracts and discrimination in this sector, especially as regards pay, access to the labour market, social security and unemployment and maternity benefits, and to ensure that jobs match the level of qualifications; calls on the Commission and the Member States to look at what changes may be necessary to their social security systems to address the specific needs of practitioners in the cultural and creative sector, while laying down criteria which meet territorial mobility requirements and take due account of the frequent breaks in employment specific to this sector; calls on the Commission and the Member States to intensify cooperation between practitioners in the culture, education and business sectors in order to facilitate the integration of young people – including those at a disadvantage – into the labour market;
 2. Considers it essential to focus attention on the special employment status of workers in the knowledge, creative and cultural sectors, whose importance to innovation in the EU economy has been emphasised as it should, but without sufficient account being taken of specific features and circumstances stemming from the mobility and discontinuity of employment in such occupations; calls on the Commission, therefore, to give further consideration to such aspects and put forward relevant proposals;
 3. Stresses that culture is a fundamental public good which is essential to the development of all facets of Europe and to overcoming nationalism and barriers of all kinds; considers that the EU should support the cultural and creative industries with specific programmes and guarantee funds;
 4. Points out that CCIs operate within a rapidly changing environment characterised by swift development and deployment of digital ICTs on a global scale;
 5. Calls on the Commission and the Member States to provide appropriate support for small, medium-sized and micro-enterprises working in the cultural and creative sector in Europe; stresses the importance of implementing job-preservation and job-creation policies in such enterprises, since most enterprises in the cultural and creative industries are of this type, and of easing their access to finance, including microcredits;
 6. Points out that CCIs often help to revitalise local economies in difficulty, contributing to the emergence of new economic activities and creating new jobs that help develop entire European regions;
 7. Calls on the Commission to respect and acknowledge actions taken by cultural services,

not-for-profit organisations and private initiatives involved in the development of a creative inclusive economy; calls on the Commission and the Member States to encourage and embed good practices designed to facilitate access for both young people (irrespective of their status as students, apprentices, trainees or job-seekers, etc.) and particularly vulnerable people to culture and creative content – for example, reduced prices, culture vouchers and free cultural activities;

8. Considers that fashion and cultural and sustainable tourism should be added to the sectors identified in the Green Paper as forming part of the CCIs; points out that the two sectors are characterised by a high degree of creativity and an entrepreneurial spirit which has a significant impact on the economy and international competitiveness of the EU;
9. Considers it essential to improve the knowledge, capabilities and professional prospects of those employed in the cultural and creative sector and encourages Member States to promote lifelong learning programmes for this purpose;
10. Stresses that the creative sector boosts employment in the European Union and that the employment relationships of workers in the sector are atypical compared with those of wage earners;
11. Calls for account to be taken of the fact that a significant proportion of the work in the creative sector is performed without any employment relationship, either by self-employed workers or by small businessmen and women, which has a considerable influence on the job security and social security of workers in the sector;
12. Calls on the Commission to support the learning mobility of professionals in the cultural and creative industries, including young entrepreneurs; favours EU and Member State initiatives on mobility, particularly for students, apprentices, trainees and young creators, whether qualified or in training, for the purpose of exchanging ideas and best practices and improving their language skills, as well as the development of residencies and workshops for artists, and calls on the Union and the Member States to remove barriers to free movement of persons and the issue of visas, particularly with reference to exchanges between EU artists, and also to look at the feasibility of exchange programmes for people in this sector between EU and non-EU countries, while ensuring compliance with laws on entry and with regulations to combat trafficking in human beings; calls on the Commission to do more to combat impediments to free movement within the Union;
13. Calls on the Commission and the Member States to grant artists, authors and creative workers a special employment status and to lay down relevant criteria in appropriate legislative instruments relating to social protection, employment support and access to formal and informal training courses; points out that artists, authors and creative workers are fundamental to CCIs and should be given assistance in fully realising their potential;
14. Calls for appropriate measures to be taken to close the substantial negative gap which characterises women's work and pay in the CCIs;

15. Points out the advantages of an education which combines a theoretical knowledge of cultural and art history with practical artistic creation and the management of cultural assets in undertakings, studios etc, with the aim of enhancing both theoretical and practical skills;
16. Calls on the Commission to promote joint research and partnership programmes between the cultural and creative industries and the education and training sector (including in-service training), thus providing citizens with creative and intercultural skills, to facilitate the use of new techniques and new creative tools in the education sector, to step up lifelong education and training – specifically through use of the European Social Fund – in view of the pace of technological change in this field, and conversely, by means of research and education, to renew the cultural and creative industries; stresses that intercultural learning and skills help people understand other cultures, thereby contributing to social inclusion;
17. Stresses the need to exchange information and good practice, to step up education and training provision, especially in the fields of computer studies and business management, to foster new skills and to promote lifelong learning, for example by facilitating access to the existing European programmes and funds, thereby making decent jobs more accessible and enhancing and acknowledging the skills of creators and workers in the cultural and creative sector, who feel the impact of economic and technological change particularly strongly;
18. Points out that artistic trades constitute one of the pillars on which our cultural heritage and our economy rest, and that their continuity must therefore be safeguarded by means of appropriate mechanisms for passing on knowledge and skills, as emphasised in Parliament's resolution of 10 April 2008 on cultural industries in Europe;
19. Calls on the Commission to promote the use, dissemination and development of open source software and open standards, which represent potential for innovation, creativity, knowledge dissemination and job creation;
20. Stresses the vital nature of specific training policies for CCIs, and considers that such policies should take account of both formal and informal types of training, and involve ongoing, lifelong training programmes and support for training establishments in the sector;
21. Requests that the Commission call on Member States to expand the framework for recognition of professional qualifications and training courses, not least with a view to including the new skills required in the CCI sector;
22. Calls for greater mobility support to be provided for artists and cultural workers, as this can help to offer new occupational outlets and opportunities;
23. Advocates the mobilisation of, and simplified application for, existing EU funds and programmes (such as the Microfinance Facility) for the development of small and micro-enterprises in the cultural and creative sector, with a view to optimising support for enterprises by facilitating access to information on funding options;

24. Requests that the Commission call on the Member States to support art education and creativity; calls on the Commission, in particular, to include in existing programmes – especially Erasmus, Comenius and MEDIA – specific measures for artists, art school students and teachers and young creative workers, providing for various forms of exchanges, tutoring, mobility and residencies;
25. Calls on the Commission to support investment in EU programmes for CCIs, including non-profit organisations, by providing budgetary resources and establishing specific programmes, along similar lines to the MEDIA programme; calls on the Commission also to give consideration to specific procedures for access to existing resources, in particular the European Social Fund;
26. Calls on the Member States to promote the availability of managerial, business and entrepreneurial trainings specifically tailored for professionals in the cultural and creative industries, thus equipping them with communication and entrepreneurial skills required in an ever evolving socio-economic environment;
27. Encourages the Member States to provide an appropriate level of social protection and a sufficient minimum level of subsistence (in particular in terms of unemployment insurance, health insurance and maternity benefits), equivalent to those enjoyed by all other workers, and to explore specific pro-active and active employment policy measures, which must provide a guaranteed and decent level of income for those periods without employment natural to the cultural and creative sector, and enable personal and collective emancipation; considers also that a minimum income can be an appropriate means of guaranteeing such a level of social protection and that this can also be usefully combined with training courses;
28. Calls on the Commission to promote the ILO's Decent Work Agenda and to ensure decent working conditions, with a view to reducing social inequalities, combating discrimination and improving health and safety at work in the cultural and creative industries;
29. Emphasises that the cultural and creative industries contribute, in many cases, to the transformation of declining local economies by encouraging the emergence of new types of economic activity, creating new and sustainable jobs and making European regions and cities more attractive, thus serving the interests of social and territorial cohesion;
30. Calls on the Commission, in order to preserve jobs in the creative sector, to ensure that works are adequately protected against piracy; in view of the jobs already lost in the sector and the threats for the future, considers that adequate protection of non-material rights should be provided for workers, to preserve jobs in the sector in Europe;
31. Recognises the importance of protecting intellectual property rights and an efficient approach to tackling infringements of them; considers that these infringements are a threat to the viability of the sector, although intellectual property rights are precisely a guarantee of income and employment in the creative and cultural sector;
32. Recognises the importance of education for the purpose of learning entrepreneurial

skills for this sector.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	2.12.2010
Result of final vote	+: 38 -: 5 0: 0
Members present for the final vote	Regina Bastos, Jean-Luc Bennahmias, Mara Bizzotto, Milan Cabrnach, David Casa, Derek Roland Clark, Sergio Gaetano Cofferati, Marije Cornelissen, Frédéric Daerden, Karima Delli, Sari Essayah, Richard Falbr, Ilda Figueiredo, Pascale Gruny, Thomas Händel, Marian Harkin, Roger Helmer, Nadja Hirsch, Vincenzo Iovine, Liisa Jaakonsaari, Danuta Jazłowiecka, Ádám Kósa, Jean Lambert, Veronica Lope Fontagné, Olle Ludvigsson, Elizabeth Lynne, Thomas Mann, Elisabeth Morin-Chartier, Csaba Őry, Elisabeth Schroedter, Joanna Katarzyna Skrzydlewska, Jutta Steinruck, Traian Ungureanu
Substitute(s) present for the final vote	Raffaele Baldassarre, Vilija Blinkevičiūtė, Edite Estrela, Julie Girling, Sergio Gutiérrez Prieto, Filiz Hakaeva Hyusmenova, Antigoni Papadopoulou, Evelyn Regner, Birgit Sippel, Csaba Sógor

10.2.2011

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on Culture and Education

on unlocking the potential of cultural and creative industries
(2010/2156(INI))

Rapporteur: Ivo Belet

SUGGESTIONS

The Committee on Industry, Research and Energy calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Recognises the creative and cultural industries (CCIs), which account for 5 million jobs and 2.6% of EU GDP, as one of the main drivers for growth in the EU, creating new jobs, playing key roles in global value chains, spurring innovation, providing added value as a factor for social cohesion and serving as an efficient tool in the fight against the current recession;
2. Calls on the Commission to pursue its efforts to produce a better definition of CCIs with a view to analysing in depth their impact on long-term growth and international competitiveness and to foster greater recognition of the specific features of the sector;
3. Emphasises the importance of the swift implementation and success of the Digital Agenda initiative in order to enable CCIs to benefit fully from and to adapt successfully to all the opportunities created by far-reaching, high-speed broadband and by new wireless technologies;
4. Calls on the Commission and the Member States to provide greater opportunities for CCIs to exploit online markets and to enable artists to take advantage of the digital environment;
5. Emphasises the importance, for the creation of conditions of equal access to new platforms and equipment, of interoperability and standards, and calls on the Commission to promote interoperability between platforms, to develop standards which help create a

marketplace conducive to innovation, and to avoid using systems that might limit access to diversified content;

6. Calls on the Commission, in the context of the Digital Agenda, to assist SMEs active in CCIs in their search for competitive and consumer-friendly innovative online business models based on co-financing and risk-sharing between CCIs and intermediaries;
7. Calls on the Commission and the Member States to provide incentives for public and private CCI investments geared to designing and developing easily replicable technologies to improve energy saving and efficiency;
8. Calls for the creation of a true European Creative Single Market which enables CCIs to expand and reach out to a larger potential customer base, helps them to develop new long-term strategies for creation, distribution and exploitation, and fosters mobility, exchanges and cooperation between persons active in the cultural and creative industries, particularly through the creation of CCI platforms;
9. Stresses that EU innovation policy has a role to play in embracing the technical, economic, social and environmental innovation potential of creative SMEs and needs to take into account the important role of creative industries in realising a creative and innovation-friendly society; calls, therefore, on the Commission and the Member States to ensure that public procurement procedures do not entail unnecessary costs and red tape for SMEs;
10. Emphasises that intellectual property rights are a fundamental asset for creative companies and an incentive for individual creativity and investment in creation; calls, therefore, for schemes to help CCIs adapt to the digital shift via new online services based on new forms of rights management promoting authors' rights, such as extended collective licensing systems and easy, one-stop-shop systems for the clearance of rights; calls, further, for a balanced regulatory framework governing the protection and enforcement of intellectual property rights;
11. Recognises that a lack of access to finance is a core barrier to growth for many businesses in creative industries; stresses the urgent need for funding initiatives for creative businesses to strengthen such industries; points out that, given the nature of CCIs, venture capital/private equity/business angel/mezzanine-type investments are the most relevant forms of financing; in that connection, also emphasises the potential of the EIB (European Investment Bank) and the EIF (European Investment Fund) to support the creative sector, mainly through SME support;
12. Suggests using the framework of the ECIA (European Creative Industries Alliance) to provide a platform for access to information and advice on investment readiness and long-term business strategies, access to loans, guarantee funds and cross-border private investment, and calls for the possibility of establishing a Creative Industries Bank to be explored; recognises, further, the effectiveness of EU programmes such as the Programme for Innovation and Competitiveness in enabling SMEs to access financing, and suggests that the Commission should assess the possibility of devising similar specific programmes for CCIs;

13. Welcomes the fact that, in the EU 2020 flagship initiative Innovation Union, the Commission has committed itself to setting up a European Design Leadership Board which will be invited to make proposals within a year to enhance the role of design in innovation policy;
14. Points out that the Cohesion Fund and the Structural Funds offer major financing opportunities for culture, creativity and innovation across the EU; deplores the fact, however, that cultural and creative businesses only seem to have benefited from those funds to a limited extent so far; calls, therefore, on the Member States and the Commission to facilitate access to financing via those instruments and to raise awareness of and provide better information about what is available;
15. Stresses the need for a more advantageous fiscal and investment climate, which would involve reconsidering current VAT rules (including the huge divergence between online and offline rates) and a widening of the scope of current tax shelter schemes;
16. Suggests that an action programme devoted to cross-border cultural promotion and cooperation be established as part of the European Year of Volunteering;
17. Calls on the Member States and the Commission to take steps to raise investor awareness of the economic value and the high potential of creative industries to improve the competitiveness of the European economy, for example, by drawing up Europe-wide business plan guidelines for creative and cultural projects/services/works, as well as specific performance indicators that can facilitate the technical and economic assessment of investment in the sector, avoiding unnecessary costs and red tape for SMEs;
18. Stresses the importance of culture and cultural creativity for society and our common European identity, fostering values which form part of our collective memory and heritage;
19. Stresses the importance of expanding the European digital library and developing it as a focal point for projecting Europe's cultural heritage, collective memory and creativity and as a starting point for educational, cultural, innovative and entrepreneurial activities; points out that artistic exchanges constitute one of the pillars on which our cultural heritage and our economy rest, and that their continuity must therefore be safeguarded by means of appropriate mechanisms for passing on knowledge and skills;
20. Highlights the importance of educational programmes which focus on vocational training, the development of ideas and storytelling, e-skills, technical, entrepreneurial and marketing skills, including the use of social networks, and workers' skills; highlights the potential of close cooperation and dialogue between CCIs, universities, research centres, art schools and art establishments to provide joint training programmes and lifelong learning opportunities; therefore, encourages the Member States and regions to create opportunities for such cooperation, to devise policies that combine infrastructure investment with investment in human capital, and to explore innovation voucher schemes to help cultural and creative SMEs and individuals acquire professional skills.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	10.2.2011
Result of final vote	+: 45 -: 4 0: 0
Members present for the final vote	Jean-Pierre Audy, Zigmantas Balčytis, Ivo Belet, Bendt Bendtsen, Reinhard Bütikofer, Maria Da Graça Carvalho, Jorgo Chatzimarkakis, Giles Chichester, Pilar del Castillo Vera, Christian Ehler, Lena Ek, Ioan Enciu, Gaston Franco, Adam Gierek, Norbert Glante, Fiona Hall, Romana Jordan Cizelj, Arturs Krišjānis Kariņš, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Marisa Matias, Jaroslav Paška, Anni Podimata, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Michèle Rivasi, Jens Rohde, Paul Rübig, Amalia Sartori, Konrad Szymański, Britta Thomsen, Evžen Tošenovský, Ioannis A. Tsoukalas, Claude Turmes, Vladimir Urutchev, Adina-Ioana Vălean, Kathleen Van Brempt, Alejo Vidal-Quadras
Substitute(s) present for the final vote	Maria Badia i Cutchet, Antonio Cancian, Françoise Grossetête, Cristina Gutiérrez-Cortines, Yannick Jadot, Ivailo Kalfin, Bernd Lange, Mario Pirillo, Vladimír Remek, Silvia-Adriana Țicău

3.3.2011

OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT

for the Committee on Culture and Education

on unlocking the potential of cultural and creative industries
(2010/2156(INI))

Rapporteur: Oldřich Vlasák

SUGGESTIONS

The Committee on Regional Development calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the fact that culture and creative industries (CCIs), which constitute a major part of local and regional attractiveness and a vision of their economic, social and territorial development, are recognised throughout the Green Paper as a tool for local and regional development, and points out that local and regional authorities in most Member States are responsible for sectors mentioned in the context of CCIs, especially culture, research, education, tourism and employment, so that the important role they play in this sector should be highlighted;
2. Points out that cultural and creative infrastructures and facilities play an important role in the development of the physical environment of towns and cities, in creating an attractive environment for investment, and, in particular, the rehabilitation and revitalisation of old industrial districts, and that cultural heritage confers value added and adds individuality in the development and renewal of rural areas, especially through its contribution to rural tourism and to preventing the depopulation of these areas; also considers it to be a highly significant factor in the context of strategies for the rehabilitation of old industrial districts, as well as in policies to define the new sectoral spheres of tourism which are appearing and in the redefinition of traditional tourism; believes therefore that the establishment of cultural and creative industries and the development of those which already exist must be supported by means of national, regional and local development strategies, in a partnership between public authorities representing different policy areas, SMEs and relevant civil society representatives;

3. Considers culture- and creativity-based projects capable not only of improving the structural conditions of less developed regions, thus contributing to territorial cohesion in the EU and the structural conditions of lagging regions, but also of directly sustaining competitiveness and employment creation in all regions by offering a huge potential for new growth and jobs through innovation, especially for SMEs; hence calls on the Commission, Member States, regions and local authorities to use, and make the most of, existing EU support programmes such as the Cohesion and Structural Policy, rural development within the Common Agricultural Policy, the Research Framework Programme, CIP, etc, as well as establishing new projects fostering cultural diversity and creativity (including those involving regional languages and cultures), competitiveness and innovation; invites the Commission and Member States to use existing technical assistance mechanisms to promote knowledge at regional and local level on implementation-related problems;
4. Underlines that culture has an important role to play in terms of the sustainable development of cross-border territories and is aware that CCI infrastructures and facilities can contribute to the achievement of territorial cohesion; believes that stimulating culture and creativity is an integral part of territorial cooperation that should be reinforced; calls on all the bodies involved at local level to use the territorial cooperation programmes in order to use and transfer best practices for the development of the CCI sector; calls on the Commission and Member States to map available knowledge of the practices, needs and good experiences of cross-border and territorial cultural and creative cooperation, to acquire specific expertise on culture, creativity and cross-border territories (particularly in little-explored areas such as the link between culture, creativity and economy) and to elaborate cross-border strategies for the management of cultural heritage and resources;
5. Notes that network infrastructure such as fast broadband and internet connections are of particular importance and are preconditions for the development of CCIs in that they diminish location handicaps, and that technology is a vital driving force behind these industries; welcomes the actions envisaged to strengthen the role of CCIs as a catalyst for innovation and structural change under the 'Innovation Union' and 'Digital Agenda for Europe' flagship initiatives; emphasises the role of ICTs in CCIs and the 'creative nexus' between investment, technology, innovation, entrepreneurship and trade, and invites the Commission and the Member States to promote access to, and encourage the use of, new ICT technologies in the cultural and creative sector, to support broadband infrastructure and, once comprehensive basic broadband coverage has been attained in Europe, to provide rural areas too with adequate fast and ultra-fast networks and other forms of cost-effective internet connections, with a view to ensuring their balanced development in the long term;
6. Points out that mobility is a key factor in developing CCIs, allowing them as it does to expand beyond their local and regional settings and to access the broader EU and global marketplace; notes the importance, therefore, of EU initiatives such as the Town Twinning Programme and the Leonardo da Vinci Programme in facilitating such mobility; believes that the Commission could pay more attention to twinning arrangements between towns, municipalities and regions, which have for many years provided an excellent forum for cultural and creative cooperation and information exchange; calls on the Commission in cooperation with European associations of local and regional authorities to

promote modern, high-quality twinning initiatives and exchanges that involve all parts of society, to work on removing legal and administrative barriers and supporting initiatives in order to encourage and improve the mobility of artists, works, and cultural practitioners;

7. Emphasises the widespread recognition of the European Capital of Culture initiative as a ‘laboratory’ for urban development through culture, and invites the Commission to promote this initiative and ensure the right conditions for the transfer of best practices, cultural cooperation and setting up networks for sharing experience on the opportunities of CCIs in order to make use of the full potential of these sectors;
8. Recommends that the Commission evaluate the impact of Structural Funds and existing and future programmes in the field of culture, research, tourism, audiovisual media, youth, education, training, and of those factors which impede or restrict the take-up of the available appropriations, thus drawing lessons from political experience and from existing projects and studies in order to design post-2013 cohesion policy that would help exploit the full potential of the cultural sphere, and particularly that of the creative industries, also recognising the benefits of a vibrant CCI sector for increasing EU competitiveness on a global scale, by creating an environment where creativity, innovation and enterprise are fostered and valued; urges the Member States to involve regional and local authorities from the very early stages of negotiations on legislation and on programmes benefiting from the Structural Funds so as to allow a timely dialogue between the different layers of government; underlines the need for a simpler architecture for the Funds, with harmonised rules, as a general principle of the future cohesion policy, in order to increase the administrative capacity of the relevant bodies and to avoid discouraging potential partners from taking part in projects;
9. Recalls the cultural diversity of Europe, and particularly its rich heritage of regional languages and cultures, notes that CCIs are central to the smart-growth pillar of the Europe 2020 Strategy and, within this context, emphasises the importance of ‘smart specialisation’ of municipalities and regions; in order to exploit fully Europe’s creative potential and to boost competitiveness, creative companies should create internationally competitive clusters in order to have better options in bringing ideas to the market and transforming them into user-friendly and appealing products in order to achieve global comparative advantage in this sector towards 2020 and beyond; encourages the Commission and the Member States to support cultural and creative initiatives and productions, as a means of job creation and economic development, in a coordinated way based on local and regional needs, resources and strengths, in order to achieve greater efficiency;
10. Recalls that the existence of a fabric of dynamic SMEs is the basis for a diversified and high-quality cultural and recreational industry; calls for a more important future role for SMEs and private capital in the implementation of projects and measures in the cultural and creative sector, particularly through PPPs and through maximisation of the use of EIB and EIF financial instruments, loan guarantees and the promotion of participation of venture capital in innovative CCI start-ups; calls on the Commission to simplify the functioning rules of these instruments, whose current complexity limits their use; invites Member States to further exploit them as a means to increase the quality of the projects

and the participation of private actors, especially SMEs, in European projects;

11. Recognising the exceptional cross-sectoral nature of CCIs, calls on the Commission, in coordination with Eurostat, to pursue its efforts towards a better definition of the sector and for the latter to be more accurately reflected in statistics (development of new models and methodology for gathering qualitative and quantitative data, improving their comparability and the quality of collection processes);
12. Calls on the Commission to continue its efforts to support, promote and facilitate the development of the culture and creativity framework by fostering a more elaborate system of cooperation among Member States and EU institutions, based on sharing experience of good practice, and recommends that the Commission include local and regional authorities in the follow-up process to the Green Paper, in accordance with the principle of subsidiarity.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	28.2.2011
Result of final vote	<div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;"> + : - : 0 : </div> <div style="text-align: right;"> 33 1 0 </div> </div>
Members present for the final vote	François Alfonsi, Luís Paulo Alves, Charalampos Angourakis, Jean-Paul Basset, Alain Cadec, Salvatore Caronna, Rosa Estaràs Ferragut, Danuta Maria Hübner, Seán Kelly, Evgeni Kirilov, Constanze Angela Krehl, Ramona Nicole Mănescu, Riikka Manner, Iosif Matula, Erminia Mazzoni, Lambert van Nistelrooij, Jan Olbrycht, Wojciech Michał Olejniczak, Markus Pieper, Tomasz Piotr Poręba, Monika Smolková, Georgios Stavrakakis, Nuno Teixeira, Michail Tremopoulos, Oldřich Vlasák, Kerstin Westphal, Hermann Winkler
Substitute(s) present for the final vote	Karima Delli, Karin Kadenbach, Andrey Kovatchev, Marie-Thérèse Sanchez-Schmid, Patrice Tirolien, Derek Vaughan
Substitute(s) under Rule 187(2) present for the final vote	Stanimir Ilchev

1.3.2011

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Culture and Education

on unlocking the potential of cultural and creative industries
(2010/2156(INI))

Rapporteur: Cecilia Wikström

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas the cultural and creative industries in Europe play an essential role in promoting cultural diversity and pluralism, but also significantly contribute to economic recovery, the creation of new jobs and sustainable development, as well as to the competitiveness of the European economy; whereas small and medium-sized companies are key players in the sectors,
- B. whereas, in order to flourish, Europe's cultural and creative industries require a modern, accessible and legally certain system for the protection of intellectual property rights,
- C. whereas the technological advances in information and communication technology in no way alter the fundamental need to protect intellectual property rights,
- D. whereas better compliance with the existing legal framework protecting these rights, as well as reforms regarding, inter alia, simplification of licensing procedures in the cultural industries, are required in order to take full advantage of the new possibilities offered, whilst guaranteeing a well-balanced system of rights protection which takes account of the interests of both creators and consumers,
- E. whereas market fragmentation poses more and more impediments to the development of online services as content providers aim to offer creative works to the entire EU market,
- F. whereas this fragmentation means that consumers interested in cross-border access to creative content either face considerable obstacles or look for alternative, albeit not always

legitimate, ways of access, which is detrimental to the exploitation of creative works and prevents the true development of an internal digital market,

- G. whereas a modern Union trademark system is essential in order to protect the value represented by investments made by European companies in design, creation and innovation,
1. Emphasises the need for effective enforcement of intellectual property rights in both the offline and online environments, and stresses in that connection that all measures should be carefully evaluated in order to guarantee their efficiency, proportionality and compatibility with the Charter of Fundamental Rights of the European Union;
 2. Emphasises that efforts to tackle infringement of copyright must enjoy public backing and be better understood by consumers in order not to risk eroding public support for intellectual property rights;
 3. Calls on the Commission and Member States to promote the exchange of best practices on effective methods to raise public awareness regarding the impact of infringements of intellectual property rights;
 4. Notes that market fragmentation in the cultural and creative sectors is in part due to the cultural diversity and language preferences for consumers;
 5. Emphasises that current licensing practices contribute to the fragmentation of the EU internal market; notes that although progress has been made, consumers' demand for multi-territory and multi-repertoire licenses for cross-border and online uses has not been addressed;
 6. Emphasises that more efficient and less costly licensing process through interoperable technological platforms will ensure a wider dissemination of cultural and creative content and provide higher royalties to creators while, at the same time, being beneficial to intermediaries and service providers;
 7. Recalls that the objective of the EU is to promote the cultural and creative industries both online and offline; the widespread use of pan-European licences in accordance with market and consumers' demands should be the goal; if this cannot be achieved within a short time frame, a comprehensive assessment of necessary legislation to deal with all potential obstacles to the creation of an effective EU internal market, including the principle of territoriality, should be undertaken;
 8. Stresses that VAT rules and the lack of accessible payment methods for online sales also constitute an obstacle to the proper functioning of the internal market and need to be urgently addressed;
 9. Calls on the Commission, therefore, to present, as soon as possible, concrete legislative proposals on how to tackle these issues in order to dismantle existing obstacles to the development of the internal market, in particular in the online environment, while respecting consumer demand and cultural diversity;

10. Stresses the need finally to address the ‘book famine’ experienced by visually impaired and print-disabled people; reminds the Commission and Member States of their obligations under the UN Convention on the Rights of Persons with Disabilities to take all appropriate measures to ensure that people with disabilities enjoy access to cultural materials in accessible formats, and to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by people with disabilities to cultural materials; calls on the Commission to work actively and positively within the World Intellectual Property Organisation (WIPO) to agree on a binding legal norm based on the treaty proposal drafted by the World Blind Union and tabled at WIPO in 2009;
11. Stresses the need to solve the issue of orphan works; welcomes the Commission’s stated intention to present proposals in this area; notes that the problem of orphan works and the ‘black hole of the 20th century’ is not limited to printed works such as books and magazines, but extends to all kinds of works, including photographs, music and audiovisual works;
12. Calls on the Commission to encourage financial support for private-sector initiatives to create widely accessible rights and repertoire databases on musical, audiovisual and other repertoire; such databases would increase transparency and streamline procedures for rights clearance;
13. Calls on the Commission to encourage the setting up of equitable, impartial and effective alternative dispute resolution for all stakeholders;
14. Welcomes the Commission’s revision of the Union trademark system and encourages the Commission to see to it that the relevant steps are taken to ensure that trademarks can benefit from the same level of protection in both the online and offline environments;
15. Takes the view that the Commission should take into account the specific problems encountered by SMEs when it comes to asserting their intellectual property rights in accordance with the principle of ‘Think Small First’ established by the Small Business Act for Europe, inter alia by applying the principle of non-discrimination for SMEs.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	28.2.2011
Result of final vote	+ : 18 - : 0 0 : 0
Members present for the final vote	Raffaele Baldassarre, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Klaus-Heiner Lehne, Antonio Masip Hidalgo, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Alexandra Thein, Cecilia Wikström, Tadeusz Zwiefka
Substitute(s) present for the final vote	Piotr Borys, Sergio Gaetano Cofferati, Sajjad Karim, Eva Lichtenberger, Toine Manders

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	17.3.2011
Result of final vote	+: 26 -: 0 0: 2
Members present for the final vote	Maria Badia i Cutchet, Zoltán Bagó, Malika Benarab-Attou, Lothar Bisky, Piotr Borys, Jean-Marie Cavada, Silvia Costa, Santiago Fisas Aixela, Mary Honeyball, Cătălin Sorin Ivan, Morten Løkkegaard, Emma McClarkin, Marek Henryk Migalski, Doris Pack, Marie-Thérèse Sanchez-Schmid, Marietje Schaake, Timo Soini, Emil Stoyanov, Hannu Takkula, Marie-Christine Vergiat, Sabine Verheyen, Milan Zver
Substitute(s) present for the final vote	Nessa Childers, Oriol Junqueras Vies, Ramona Nicole Mănescu, Hans-Peter Martin, Iosif Matula, Francisco José Millán Mon, Monika Smolková
Substitute(s) under Rule 187(2) present for the final vote	Christian Engström, Miguel Angel Martínez Martínez