

COUNCIL RESOLUTION

of 8 February 1999

on fixed book prices in homogeneous cross-border linguistic areas

(1999/C 42/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

RECOGNISING the dual character of books as the bearers of cultural values and as merchandise; strongly emphasising the importance of a balanced assessment of the cultural and economic aspects of books;

CONSIDERING the great importance placed by certain Member States on existing fixed book pricing systems, namely in homogeneous cross-border linguistic areas;

CONSIDERING the Commission statement that in the context of competition rules it wants to scrutinise only agreements between economic operators which could hamper trade within the Community;

CONSIDERING that the Commission indicated at the Council meeting on 17 November 1998 that it will consider sympathetically whether contractual arrangements in homogeneous linguistic areas serve cultural ends and contain provisions of a cultural nature such as might justify restrictions on competition;

CONSIDERING that the Commission is currently examining whether cross-border agreements comprising fixed book prices are compatible with the rules of Community law and can be exempted under Article 85(3) of the Treaty;

RECALLING the European Parliament's latest Resolution of 20 November 1998 in which it calls on the Commission to adapt its Community policy on international book price-fixing to cultural requirements and

to make it possible for current book price-fixing systems to continue to exist;

CONSIDERING that all Member States wish to promote a wide range of publications, particularly literary and scientific works, as well as works with a limited and specific readership, and also wish to promote cultural development and diversity in Europe, as well as provide cultural benefits to the consumer;

RECOGNISING that in the view of certain Member States, cross-border book-pricing systems in shared linguistic areas, whether on a legal or contractual basis, provide an effective means of achieving these objectives;

RECOGNISING that fixed book price systems must comply fully with Community law and having regard to the Council Decision of 22 September 1997 on cross-border fixed prices in European linguistic areas⁽¹⁾ and to the Commission's prerogatives,

CALLS ON THE COMMISSION:

- whilst applying European competition rules to agreements in cross-border linguistic areas, to take account of the provisions and implications of Article 128(4) of the Treaty, of the special cultural role of the book market and of the specific value of the book as a cultural object, as well as of relevant national cultural policies;
- accordingly to seek the solutions best suited to achieving these aims now and in the future.

⁽¹⁾ OJ C 305, 7.10.1997, p. 2.