Basic information

1996/2168(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Legal protection for encrypted services, consultation on theneed for Community action. Green Paper **Subject** 3.30.05 Electronic and mobile communications, personal communications	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs, Citizens' Rights	ANASTASSOPOULOS Georgios (PPE)	04/06/1996

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	HAUTALA Heidi (V)	10/06/1996
ENVI Environment, Public Health and Consumer Protection		

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	1929	1996-05-28

Key events

Date	Event	Reference	Summary
06/03/1996	Non-legislative basic document published	COM(1996)0076	Summary
18/04/1996	Committee referral announced in Parliament		
28/05/1996	Debate in Council		Summary
25/02/1997	Vote in committee		Summary
25/02/1997	Committee report tabled for plenary	A4-0119/1997	
12/05/1997	Debate in Parliament		
13/05/1997	End of procedure in Parliament		
02/06/1997	Final act published in Official Journal		

Technical information	
Procedure reference	1996/2168(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	JURI/3/04739

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0119/1997 OJ C 150 19.05.1997, p. 0002	25/02/1997	
Text adopted by Parliament, single reading		T4-0223/1997 OJ C 167 02.06.1997, p. 0015-0031	13/05/1997	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1996)0076	06/03/1996	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1070/1996 OJ C 030 30.01.1997, p. 0010	25/09/1996	Summary

Legal protection for encrypted services, consultation on theneed for Community action. Green Paper

1996/2168(COS) - 28/05/1996

The Council took note of the information supplied by Mr MONTI on the new Commission initiatives in this domain, including the two Green Papers on legal protection for encrypted services in the internal market and commercial communications in the internal market.

Legal protection for encrypted services, consultation on theneed for Community action. Green Paper

1996/2168(COS) - 13/05/1997 - Text adopted by Parliament, single reading

In adopting the report by Mr Giorgios ANASTASSOPOULOS (PPE, GR), Parliament expressed its approval of the Commission Green Paper. It took the view that the protection of copyright and related rights would not be feasible unless measures were also taken to protect the means and systems of broadcasting. It considered that the system of 'dual protection' (of copyright and broadcasting rights) was jeopardized by the piracy practised by a parallel industry involved in the production of decoding equipment. National laws in the area are inadequate as regards piracy and only harmonized protection at the highest level will remedy the problem. Parliament therefore calls for a directive (rather than a regulation) to be adopted in order to protect coded transmission systems and the copyright and related rights associated with these services.

Legal protection for encrypted services, consultation on theneed for Community action. Green Paper

1996/2168(COS) - 25/09/1996 - Economic and Social Committee: opinion, report

The ESC takes the view that the current legislative diversity may result in obstacles to the free movement of goods and services and distort competition in the internal market. EU rules are therefore necessary. These rules should provide civil remedies and criminal sanctions for the illicit reception and the further distribution of encrypted services, and for various activities which facilitate signal piracy, such as the manufacture, sale, possession and use of unauthorized decoding devices or systems. The ESC feels that the Commission should propose a Council regulation, which would secure more effective harmonization than would a directive. Finally, the ESC takes the view that a future regulation should cover not only broadcasting services but all encrypted services which can be assessed through payment of a subscription.

Legal protection for encrypted services, consultation on theneed for Community action. Green Paper

1996/2168(COS) - 06/03/1996 - Non-legislative basic document

OBJECTIVE: the Commission Green Paper examines the problems created by the lack of specific legislation on the legal protection of encrypted services in certain Member States and by the disparities between existing rules in the other Member States. SUBSTANCE: in its Green Paper the Commission makes the point that encrypted services (pay-TV, videos and games on demand, tele-shopping, etc.) constitute a rapidly growing market, particularly as a result of the advent of digital technology. It takes the view that, because of the specialist nature of these services, they will have to have a trans-national dimension but that the development thereof is under threat because of piracy. For this reason it is important to ensure that encrypted services are legally protected against illegal reception. It emerges from a comparative study of the laws adopted in the various Member States that there are significant variations between the solutions devised to remedy the problem of the illegal reception of encrypted services. Whereas certain Member States have adopted specific rules, a number of others (A, P, E, GR, DK, D, LUX) still lack such legislation. In addition there are major differences between the Member States which do have specific rules, as regards the scope of the prohibited activities and the level of penalties. The Green Paper comes to the conclusion that the lack of an equivalent level of legal protection in all the Member States hinders the free circulation of encrypted services and decoders and also distorts competition between operators. In view of this situation the Commission is intending to hold consultations which should enable it to make a final decision regarding the need and the nature of possible Community intervention to harmonize national laws. Such an initiative could lead to minimum harmonization which would leave the Member States free to establish stricter principles. The initiative could thus: - ban the manufacture, sale for commercial and private purposes, installation and marketing of decoding devices intended to permit access to encrypted services without the authorization of the encryptor; - require the Member States to adopt effective, proportionate and deterrent penalties for breach of the above provisions and enable any interested party to bring a claim for damages and interest. As regards provisions on protection against the release into circulation of goods from third countries, the proposed measure should prohibit the importation of decoding devices intended to permit access to encrypted services without the authorization of the encryptor.