NOTE

from: Council Secretariat

to: Permanent Representatives Committee (Part 1)

Subject: Proposal for a Council Directive on rental right and lending right and on certain rights related to copyright in the field of intellectual property - Final adoption


2. On 28 October 1992 the European Parliament approved the common position, proposing a single amendment to it.\(^2\) This amendment concerns the addition of a recital on relations with third countries, which was proposed by the European Parliament at first reading but rejected by the Council in its common position.

3. The Commission has informed the Council that it does not accept the amendment proposed by the European Parliament, and will therefore not submit a reexamined proposal.

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\(^1\) 6968/1/92 REV 1 PI 65 CULTURE 63 PRO-COOP 40.

\(^2\) The amendment proposed is reproduced in the Annex.
4. Since Article 149(2)(d) second paragraph of the EEC Treaty requires unanimity for the Council to adopt an amendment that has not been accepted by the Commission, and since the Council has already rejected the same amendment at an earlier stage, it is suggested that the Permanent Representatives Committee suggest that the Council, in accordance with Article 149(2)(d) of the EEC Treaty, adopt finally the above Directive at one of its forthcoming sessions as an "A" item, in the text contained in 6968/1/92 REV 1 PI 65 CULTURE 63 PRO-COOP 40 and decide to publish the Directive in the Official Journal of the European Communities.
Additional recital proposed by the European Parliament

"Whereas the harmonized legal protection resulting from the implementation of the provisions of this Directive may create a new situation in regard to Member States' relations with certain third countries; whereas therefore it will be necessary to step up negotiations and consultations with such third countries, in particular within the relevant international organizations, with a view to securing at least reciprocal legal protection,."