B. having regard to the continuing civil war in Sudan and the sufferings of the civilian population,

C. having regard to human rights violations by the Islamic fundamentalist junta, whose victims are mainly Christians and inhabitants of the southern part of the country,

D. whereas the refusal of the Sudanese leadership to countenance freedom of opinion and belief has resulted in Christian missionaries and bishops being placed under house arrest or expelled from the country,

E. outraged at reports by persons who have been expelled from the country that the junta is engaged in ethnic cleansing in the southern part of the country, that dissidents are being eliminated and that the number of civilians killed in Juba alone, in the south of the country, has reached 300 over the last few months,

1. Calls on the ACP-EEC Joint Assembly to examine the human rights situation in Sudan on the agenda of its next meeting;

2. Calls on the Sudanese government to put an end to the persecution and repression of non-Muslims, notably Christians and animists, and to put a halt to pressure on citizens to convert to Islam;

3. Expresses its support for all those striving to bring about the peaceful co-existence of different religions and to ease the plight of the civilian population;

4. Considers that international and local NGOs have an indispensable role to play in this situation and urges them to be allowed to operate without hindrance;

5. Calls for a delegation consisting of members of its Subcommittee on Human Rights to be sent to monitor current human rights violations in the country;

6. Calls for human rights violations by the Sudanese authorities to be investigated by the UN;

7. Instructs its President to forward this resolution to the Commission, the Council, the ACP-EEC Joint Assembly, the United Nations and the Sudanese Government.

6. Copyright and related rights **I

PROPOSAL FOR A DIRECTIVE COM(92)0033 — C3-0189/92 — SYN 395

Proposal for a Council Directive harmonizing the term of protection of copyright and certain related rights

The proposal was approved with the following amendments:

<table>
<thead>
<tr>
<th>TEXT PROPOSED BY THE COMMISSION OF THE EUROPEAN COMMUNITIES (*)</th>
<th>TEXT AMENDED BY THE EUROPEAN PARLIAMENT</th>
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<tbody>
<tr>
<td>(Amendment No 1)</td>
<td>Recital 2a (new)</td>
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Whereas harmonization must cover not only the terms of protection as such, but also certain implementing arrangements such as the date from which the term of

TEXT PROPOSED BY THE COMMISSION OF THE EUROPEAN COMMUNITIES

TEXT AMENDED BY THE EUROPEAN PARLIAMENT

protection is calculated; whereas therefore it is necessary to harmonize the definition of authorship of a cinematographic or televisual work;

(Amendment No 2)

20th recital

Whereas rightholders should be able to enjoy the longer terms of protection introduced by this Directive equally throughout the Community provided their rights have not yet expired on 31 December 1994,

Whereas, for the Single Market to work properly, the provisions of this Directive must be applied immediately it enters into force, while ensuring that rights legitimately acquired by third parties are respected,

(Amendment No 3)

Article 1(2a) (new)

2a. The author(s) of an audiovisual work shall be the natural person(s) responsible for the creation of the work. In the absence of evidence to the contrary, the following shall be presumed to be the authors: the director, script-writer, dialogue-writer, adaptor and the composer of music with or without words which has been specially written for that work.

(Amendment No 4)

Article 1(4)

4. Anonymous or pseudonymous works shall not be protected if it is reasonable to presume that their author has been dead for 70 years.

4. Anonymous or pseudonymous works shall not be protected if it is reasonable to presume that their author has been dead for 70 years. Member States may lay down that a judicial ruling that a person is declared missing, the validity of which has not expired by the end of a period established under their own legislation, shall constitute a presumption of death for the purposes of this provision.

(Amendment No 5)

Article 1(5)

5. Where a work is published in volumes, parts, instalments, issues or episodes and the term of protection runs from the time when the work was lawfully made available to the public, the term of protection shall run for each such item separately.

5. Where a work is published in volumes, parts, instalments, issues or episodes which are not independent and the term of protection runs from the time when the work was lawfully made available to the public, the term of protection of the work shall be calculated from the publication of the last volume, part, instalment, issue or episode. Appendices, year books and other supplements to a work shall be considered to be independent of the latter.
(Amendment No 6)

Article 1(6)

6. *In the case of collective works or works created by a legal person, if publication as referred to in paragraph 3 has not taken place, the work shall be protected for 70 years from its creation.*

6. *Where collective works or works created by a legal person have not been lawfully made available to the public pursuant to paragraph 3, they shall be protected for 70 years from their creation.*

(Amendment No 7)

Article 1(6a) (new)

6a. *In the case of posthumous works, and by way of exception to the first paragraph of this Article, the term of protection shall be 70 years from the date on which the work was lawfully made available to the public, provided this occurs within 70 years after the death of the author.*

(Amendment No 8)

Article 2(1)

1. The rights of performers shall run for 50 years from the first publication of the fixation of the performance or if there has been no publication of the fixation, from the first dissemination of the performance. However, they shall expire 50 years after the performance if there has been no publication or dissemination during that time.

1. The rights of performers shall run for 50 years from the point at which the fixation of a performance is lawfully made available to the public for the first time or, if this has not occurred, from the first dissemination of the performance. However, these rights shall expire 50 years after the performance if neither of the above has taken place during that time.

(Amendment No 9)

Article 2(4a) (new)

4a. *Any person who lawfully makes available to the public a work which is in the public domain, or causes it to be made available, shall have the same rights of exploitation relating thereto as would have fallen to the author. The term of protection of such rights shall be 25 years from the time when the work was first made available to the public.*

(Amendment No 10)

Article 4(3)

3. The terms of protection laid down in Article 2 shall also apply in the case of rightholders who are not Community nationals, provided Member States grant them protection. However, the term of protection granted by Member States shall expire no later than the date of expiry of the protection granted in the country of which the right-holder is a national.

3. The terms of protection laid down in Article 2 shall also apply in the case of rightholders who are not Community nationals, provided Member States grant them protection. However, the term of protection granted by Member States shall expire no later than the date of expiry of the protection granted in the country of which the right-holder is a national and may not exceed the term laid down in Article 2.
Article 5

The terms laid down in this Directive shall run from the first day of January of the year following the event which gives rise to them.

(Text AMENDED by the European Parliament)

The terms of protection laid down in this Directive shall run from the event which gives rise to them, as specified for each case referred to in Articles 1 and 2. However, the length of these terms shall be calculated only from the first day of January of the year following the event which gives rise to them.

(Amendment No 12)

Article 6(1)

1. This Directive shall apply to rights which have not expired on or before 31 December 1994. However, this Directive shall not have the effect of shortening terms of protection which under the laws of Member States are already running.

(Text AMENDED by the European Parliament)

1. This Directive shall apply to all works and objects which are protected in at least one Member State on 1 July 1994 as a result of the application of national provisions on copyright and related rights. However, this Directive shall not have the effect of shortening terms of protection which under the laws of Member States are already running.

1a. The provisions of the preceding paragraph shall apply without prejudice to acts of exploitation lawfully carried out before 1 July 1994.

1b. Holders of copyright or related rights shall not be entitled to oppose the continuance of such acts of exploitation as a direct consequence of investment made in good faith before the provisions of this Directive had taken effect. Continuance of the act of exploitation shall include neither the assignment of rights nor other acts of exploitation distinct from the initial act.

1c. The Member States shall provide for the payment to rightholders of adequate remuneration for the acts of exploitation referred to in paragraph 1b, with effect from the date on which the provisions of this Directive enter into force. The Member States shall ensure that such remuneration is settled where the parties do not reach agreement.

(Amendment No 13)

Article 8(2)

2. Member States shall defer adoption of the plans referred to in paragraph 1 for three months from the date of notification to the Commission. This period shall be extended to 12 months if, within three months of notification, the Commission informs the Member State that it intends to propose a Directive on the subject.

Deleted
TEXT PROPOSED BY THE COMMISSION OF THE EUROPEAN COMMUNITIES

(Amendment No 14)

Article 10(1), first subparagraph

1. Member States shall bring into force the laws, Regulations and administrative provisions necessary to comply with Articles 1 to 7 of this Directive by 31 December 1992.

TEXT AMENDED BY THE EUROPEAN PARLIAMENT

1. Member States shall bring into force the laws, Regulations and administrative provisions necessary to comply with Articles 1 to 7 of this Directive by 1 July 1994.

LEGISLATIVE RESOLUTION A3-0348/92
(Cooperation procedure: first reading)

Legislative resolution embodying the opinion of the European Parliament on the Commission proposal for a Council Directive harmonizing the term of protection of copyright and certain related rights

The European Parliament,

— having regard to the Commission proposal to the Council (COM(92)0033 — SYN 395) (1),
— having been consulted by the Council pursuant to Articles 57(2), 66, 100a and 113 of the EEC Treaty (C3-0189/92),
— having regard to the report of the Committee on Legal Affairs and Citizens’ Rights and the opinions of the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Culture, Youth, Education and the Media (A3-0348/92),

1. Approves the Commission proposal subject to Parliament’s amendments and in accordance with the vote thereon;
2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 149(3) of the EEC Treaty;
3. Reserves the right to open the conciliation should the Council intend to depart from the text approved by Parliament;
4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
5. Calls on the Council to incorporate Parliament’s amendments in the common position that it adopts in accordance with Article 149(2)(a) of the EEC Treaty;
6. Instructs its President to forward this opinion to the Council and Commission.