hemicycle. It was like an opium den! There are no facilities for non-smokers and I would ask that non-smoking facilities be made available in all the eating establishments in this building.

**PRESIDENT.** — I will bring that to the attention of the Quaestors and ask them to comply with French law.

(The sitting was suspended at 5.55 p.m. and resumed at 6 p.m.)

**IN THE CHAIR:** MRS PERY  
Vice-President (*)

**7. Votes**

Report (Doc. A3-0348/92) by Mr Bru Purón, on behalf of the Committee on Legal Affairs and Citizens’ Rights, on the proposal from the Commission to the Council (COM(92)0633/92 — C3-0189/92 — SYN 395) for a directive harmonizing return of protection of copyright and certain related human rights.

**Concerning Amendment No 15**

**BRU PURÓN (S), rapporteur.** — (ES) I would simply like to point out, Madam President, that there is an error in the order of vote, namely that Amendment No 15 appears before Amendment No 3. We have to abide by the Rules of Procedure, and Rule 92(2) states that, if two mutually exclusive amendments are tabled — and that is the case at present — the amendment which departs furthest from the original text shall be put to the vote first; given that Amendment No 3 by the Committee on Legal Affairs departs further from the original text than Amendment No 15 by Mrs Oddy and others, I would request that Amendment No 3 should be put to the vote first.

**PATTERSON (PPE).** — Madam President, I think you will find in fact that there has been no mistake at all. Rule 92(1) says: “Amendments shall have priority over the text to which they relate and shall be put to the vote before that text”. If you look at the report itself, you will see that the text to which it relates is a new paragraph which has been inserted by Mr Bru Puron in committee which takes the form of Amendment No 3. This, therefore, is the basic text and the amendment must have priority over it, so I would submit that the original ruling is correct.

**FONTAINE (PPE).** — (FR) I simply wished to say that I quite agree with the views expressed by our rapporteur, Mr Bru Purón. I have looked closely at this question because I knew that it would arise, and it seems clear to me that Amendment No 3 must be taken before Amendment No 15.

**ODDY (S).** — Madam President, I think that the House will find that it is Mr Patterson who is correct and that no error has been made by the Parliamentary services. I do not think we should blame them.

**PRESIDENT.** — The Presidency must be scrupulously objective about this matter. I would simply note that Mrs Fontaine supports Mr Bru Puron and that Ms Oddy supports Mr Patterson. Over and above the technical difficulty, I suspect that there are much more sensitive issues. Rule 92 is certainly clear. The amendment furthest away must be put to the vote. I have the two amendments in front of me. Speaking for myself, I would suggest you follow the rapporteur’s opinion, but this is a matter you must each decide for yourself. For my own part I find it very difficult, on a strictly legal basis, to judge which is further away. In any event, it is you who will choose the amendment you wish to vote. I would, however, like to know your opinion on this change of order. In line with the rapporteur’s view, I propose that we reverse the order of vote.

(Parliament agreed to the request)

**Explanations of vote**

**SCHWARTZENBERG (S).** — (FR) I should just like to say thank you to the European Parliament, Madam President, on behalf of all European film-makers and directors and, in particular, on behalf of all the film-makers in Britain.

**ODDY (S).** — Madam President, I am ashamed of this House. There has been nothing but deception on this report since the beginning. We were told that we had to have urgency on this because of the British presidency. We were told that the British presidency was in favour of Mr Schwartzenberg’s amendment. I have checked with Her Majesty’s Government and this is simply a lie.

I am also ashamed because Parliament is inconsistent. When will it grow up? We voted my text last month. The Commission accepted it. And now, like silly children, we are changing our minds and voting against.

Not only that, we are breaking Community law. Under Verli and Wallace it was said that rights cannot be taken away from individuals without compensation. It is illegal. That is precisely what we are proposing to do. Not only that, we are acting against international law. This is against the Berne Convention. Do we deserve the title of “Parliament” or are we just the puppets of the Commission who have set up Mr Schwartzenberg to do this? There has been nothing but lies and deception. I think Parliament should be ashamed of itself!

(Mixed reactions)

**INGLEWOOD, The Lord (PPE).** — Mr President, last month the Commission accepted in this House a definition of authorship which was consistent with the Berne Convention, which accommodated both the Anglo-Saxon and the continental French traditions of film-making and which it had previously accepted on a number of occasions on the floor of this House. Suddenly this month it accepts a contradictory definition in this House, without even being prepared to give an explanation of its reasons when specifically asked to do so by me. This definition excludes the Anglo-Saxon tradition, is incompatible with the Berne Convention, is illegal under European law and is inconsistent with its previous statements. Such inconstancy is shameful, such partiality unworthy and such lack of candour unforgivable. Now that the Commission has developed the habit of saying
INGLEWOOD, The Lord

something one month and something quite different the next, its integrity as guardian of the Treaty has gone. In the circumstances I am quite sure I speak for all in this House when I say that it would help us in the future when the Commission gives us its position if it would say whether or not a particular statement is to be reversed the following month so that Members know what they can rely on and what is valueless.

(Mixed reactions)

PISONI F. (PPE). — (IT) Madam President, I would point out to the Commission that the introduction of Amendments Nos 7 and 12 extends copyright protection not just for 70 years but for a much longer period and, furthermore, brings in a whole series of derogations. This is detrimental to the exploitation and dissemination of scientific knowledge and also to consumers, because in practice the effect will be to prevent the publication of cheap editions.

I would therefore suggest that the content of these amendments should be reviewed and some minor adjustments considered, so as to avoid effects such as the one I have just mentioned, which are not the intention of the House.

BRU PURÓN (S), rapporteur. — (ES) Madam President, the greatest European expert on copyright — who is German, and therefore not as suspect as a Frenchman or a Spaniard — said in 1980 that the multiplicity of duration of copyright protection in Europe made a free market in written, cinematographic and audiovisual works impossible. And he later regretted the fact that the 1985 green paper did not broach the subject of harmonization. Happily, the Commission has finally realized the need for harmonization, and it has provided for the minimum amount that is needed to create a free market — a free market which, in the long run, will further the cultural wealth of this continent. And I believe that, in this post-industrial era, culture is the greatest thing that Europe has to offer to the rest of the world.

And if we are seeking harmonization, a certain amount of harmony is necessary in this House: the harmony of conduct, for example, that is disrupted when a Member who is in a minority refuses to accept what has been adopted by the majority. That is a strange way for a British Member to look at democracy.

(Applause)

I also believe that it is prejudicial to harmony to accuse Members of being puppets of the Commission or silly children when, in attempting to achieve harmonization, we are not seeking to give precedence to one right over another, but simply trying to establish a level playing field, so that creative works — and the creative works of the British as well as the Greeks, the Spanish and the Danes — are able to reach every corner of the Community and, tomorrow, the globe.

(Applause)

Madam President, it is incredible that worthy and respectable legal traditions such as the common law, which goes back to the thirteenth century and the Magna Carta, should be used to defend the tradition of copyright protection for cinematographic works, which is only 50 years old. We want this copyright directive to be adopted, despite the difficulties that it raises for a few British companies who, in any case, will appreciate that it is essential for the harmonization of legislation which, in turn, will lead to greater cultural wealth.

SALEMA (LDR), in writing. — (PT) I am in favour of harmonizing the protection of copyright and certain neighbouring rights within the Community.

I agree that such harmonization should begin with the establishment of the term of protection at Community level. The Commission is proposing a term of 70 years, starting on the date of the death of the author.

Only one Member State is in favour of this proposal, whereas the majority are proposing a term of 50 years.

Many arguments could be put forward in favour of the longer period and, in the extreme, it could even be suggested that a right of this nature should be perpetual.

I believe that reasoned and objective criteria should be established before the term of protection is fixed at Community level.

In the Committee on Legal Affairs, I put forward proposals to the effect that the term should be fixed at 60 years. All my proposals were rejected. No representative of a parliamentary group or committee has given their opinion on this suggestion in plenary. Since my position appears to be isolated in the House, I shall abstain on this report, thereby maintaining consistency with the positions I have adopted in the past.

I note, however, that the opinion of the Economic and Social Committee also suggests fixing the term at 50 years.

(Parliament adopted the legislative resolution)

PATTERSON (PPE). — Madam President, I naturally accept your ruling, which was to put to the House the point as to whether Amendment No 3 or Amendment No 15 was further away, and the House decided. But you did not rule on my point about Rule 92(1), concerning was the basic text. I would ask, for the sake of clarification, that the Rules Committee be asked to look into this matter, because it is a separate point from which amendment is furthest away, it is a fundamental matter as to what is considered to be the basic text.

FORD (S). — Madam President, I will be brief. I am unhappy with the product, but I do accept that the process was entirely fair.

Report (Doc. A3-335/92) by Mr Donnelly, on behalf of the Committee on Economic and Monetary Affairs and Industrial Policy, on the proposal from the Commission (COM(92) 97 — C3-209/92 — SYN 407) for a regulation on transit statistics and storage statistics relating to the trading of goods between Member States

(Parliament adopted the legislative resolution)