

JURI/7/06115

VOTING LIST

on the draft report

on the proposal for a directive of the European Parliament and of the Council on certain permitted uses of orphan works

(COM(2011)0289 – C7-0138/2011 – 2011/0136(COD))

Rapporteur: Lidia Joanna Geringer de Oedenberg

PE 472.338v01-00 (ams 1-48) + PE 475.839v01-00 (49-170) + AD IMCO PE 473.720v02-00+ AD CULT PE 472.125v02-00 + AMCs 1-21 + horizontal compromise (see Annex to this voting list)

Part of the text being considered	Subject of the vote	Comments	Rapporteur's opinion	Voting Result
Article -1 (new)	CULT AM 22		-	
Article 1 – paragraph 1	AMC 7	if adopted go to AMC 8 covers AMs 17, 85 and 86	+	
	AM 17 Rapporteur	falls if AMC 7 adopted	(+)	
	AM 85 Niebler/ Wieland	falls if AMC 7 or AM 17 adopted	-	
	AM 86 Berlinguer	falls if AMC 7, AM 17 or AM 85 adopted	-	
	CULT AM 23	falls if AMC 7, AM 17, 85 or 86 adopted	-	
Article 1 – paragraph 2 – introductory part	AMC 8	if adopted go to AMC 9 covers AMs 18, 89, 88, 87, 91, IMCO AM 16 and CULT AM 24	+	

	AM 18 Rapporteur	falls if AMC 8 adopted	(+)	
	AM 89 Cavada	falls if AMC 8 or AM 18 adopted	–	
	AM 88 Engström/ Lichtenberger	falls if AMC 8, AM 18 or 89 adopted	–	
	AM 87 Niebler/ Wieland	falls if AMC 8, AM 18, 89 or 88 adopted	–	
	AM 91 Manders	falls if AMC 8, AM 18, 89, 88 or 87 adopted	–	
	IMCO AM 16	falls if AMC 8, AM 18, 89, 88, 87 or 91 adopted	–	
	CULT AM 24	falls if AMC 8, AM 18, 89, 88, 87, 91, or IMCO AM 16 adopted	–	
	AM 90 Karim	falls if AMC 8, AM 18, 89, 88, 87, 91, IMCO AM 16 or CULT AM 24 adopted	–	
Article 1 – paragraph 2 – point 1	AMC 9	if adopted go to AMC 10 covers AMs 19 and 92	+	
	AM 19 Rapporteur	falls if AMC 9 adopted	(+)	
	AM 92 Engström/ Lichtenberger	falls if AMC 9 or AM 19 adopted	–	
	CULT AM 25	falls if AMC 9, AMs 19 or 92 adopted	–	
	AM 93 Terho/Essayah/Repo/Tak kula	falls if AMC 9, AMs 19, 92 or CULT AM 25 adopted	–	
Article 1 – paragraph 2 – point 2	AMC 10	if adopted go to IMCO AM 17 covers AMs 20, 94, 96, 95, 98, IMCO AM 18	+	
	AM 20 Rapporteur	falls if AMC 10 adopted	(+)	

	AM 94 Engström/ Lichtenberger	falls if AMC 10 or AM 20 adopted	–	
Article 1 – paragraph 2 – point 3	AM 96 Engström/ Lichtenberger	covered by AMCs 10 and 11 deletion falls if AMC 10 adopted	–	
	AM 95 Niebler/ Wieland	covered by AMC 10 falls if AMC 10 or AM 96 adopted	–	
	AM 98 Berlinguer			
	IMCO AM 18			
	AM 97 Cavada	falls if AMC 10, AMs 96 or 95 adopted	–	
	CULT AM 26	falls if AMC 10, AMs 96, 95 or 97 adopted	–	
Article 1 – paragraph 2 – point 2 a (new)	IMCO AM 17		–	
Article 1 - paragraph 2 - point 3	AMC 11	if adopted go to AMC 12 follows from AMC 9 and 10 deletion	+	
Article 1 – paragraph 3 a (new)	AMC 12	if adopted go to CULT AM 27 covers AMs 21, 97, 99	+	
	AM 21 Rapporteur	falls if AMC 12 adopted	(+)	
Article 1 – paragraph 2 – point 3 a (new)	AM 99 Engström/ Lichtenberger	falls if AMC 12 or AM 21 adopted compatible with AM 21	–	
	CULT AM 27		–	
Article 2 – paragraph 1	AMC 13	if adopted go to AMC 14 covers AMs 22 and 100, CULT AM	+	

		28		
	AM 22 Rapporteur	falls if AMC 13 adopted	(+)	
	AM 100 Engström/ Lichtenberger	falls if AMC 13 or AM 22 adopted	–	
	CULT AM 28	falls if AMC 13, AM 22 or 100 adopted	–	
	AM 101 Terho/Essayah/Repo/Tak kula	falls if AMC 13, AMs 22, 100 or CULT AM 28 adopted	–	
	AM 102 Manders	fall if AMC 13, AMs 22, 100, CULT AM 28 or AM 101 adopted	–	
	IMCO AM 19	identical		
Article 2 – paragraph 2	AMC 14	if adopted go AMC 15 covers AMs 23, 24, 103, 104, 128 (second part), CULT AM 29	+	
	AM 23 Rapporteur	falls if AMC 14 adopted	(+)	
	AM 103 Niebler/ Wieland	falls if AMC 14 or AM 23 adopted	+	
	AM 104 Engström/ Lichtenberger	falls if AMC 14, AM 23 or 103 adopted	–	
	CULT AM 29	falls if AMC 14, AMs 23, 103 or 104 adopted	–	
	AM 105 Terho/Essayah/Repo/Tak kula	falls if AMC 14, AMs 23, 103, 104 or CULT AM 29 adopted	–	
Article 2 – paragraph 3 a (new)	AM 24 Rapporteur	covered by AMC 14	(+)	
Article 3 – paragraph 1	AMC 15	if adopted go to AM 111 covers AMs 25, 106, 107, 109, 110	+	

	AM 25 Rapporteur	falls if AMC 15 adopted	+	
	AM 106 Gallo/Borys	falls if AMC 15 or AM 25 adopted	-	
	AM 107 Engström/ Lichtenberger	falls if AMC 15, AMs 25 or 106 adopted	+	
	AM 109 Berlinguer	falls if AMC 15, AMs 25, 106 or 107 adopted	+	
	AM 110 Thein	falls if AMC 15, AMs 25, 106, 107 or 109 adopted	-	
	AM 108 Terho/Essayah/Repo/Tak kula	falls if AMC 15, AMs 25, 106, 107, 109 or 110 adopted	-	
Article 3 – paragraph 1 a (new)	AM 111 Thein		-	
Article 3 – paragraph 2	AM 26 Rapporteur	if adopted go to AM 116	+	
	AM 112 Gallo/Borys	falls if AM 26 adopted	-	
	CULT AM 30	falls if AMs 26 or 112 adopted	-	
	AM 113 Engström/ Lichtenberger	falls if AMs 26, 112 or CULT AM 30 adopted	-	
	AM 115 Berlinguer	falls if AMs 26, 112, CULT AM 30 or AM 113 adopted	-	
	AM 114 Terho/Essayah/Repo/Tak kula	falls if AMs 26, 112, CULT AM 30, AMs 113 or 114 adopted	-	
Article 3 – paragraph 2 – subparagraph 1 a (new)	AM 116 Thein		-	
Article 3 - paragraph 2 a (new)	IMCO AM 20		-	
Article 3 – paragraph 3	AMC 16	if adopted go to AM 122 covers AMs 27, 117 (first part), 118, 119, IMCO AM 21, CULT AM 31,	+	

		AMs 120, 121 and IMCO AM 22		
	AM 27 Rapporteur	falls if AMC 16 adopted	(+)	
	AM 119 Cavada	falls if AMC 16 or AMs 25 and 27 adopted compatible with AMs 25 and 27	-	
	AM 118 Engström/ Lichtenberger	falls if AMC 16, AMs 27 or 119 adopted	-	
	AM 117 Niebler/ Wieland	falls if AMC 16, AMs 27, 119 or 118 adopted	-	
	IMCO AM 21	falls if AMC 16, AMs 27, 119, 118 or 117 adopted	-	
	CULT AM 31	falls if AMC 16, AMs 27, 119, 118, 117 or IMCO AM 21 adopted	-	
Article 3 – paragraph 3 – subparagraph 1a (new)	AM 120 Gallo/Borys	falls if AMC 16 adopted	-	
Article 3 – paragraph 3 a (new)	AM 121 Karim	falls if AMC 16 adopted	-	
	IMCO AM 22	falls if AMC 16 or AM 121 adopted	+	
Article 3 - paragraph 3 b (new)	IMCO AM 23	covered by AM 111 - do not put to vote	N/V	N/V
Article 3 – paragraph 4	AM 122 Gallo/Borys	if adopted go to AM 123	+	
	IMCO AM 24	falls if AM 122 adopted	-	
Article 3 – paragraph 4 a (new)	AM 123 Thein	if adopted go to CULT AM 33	-	
	AM 124 de Grandes Pascual	covered by AM 111 - do not put to vote	N/V	N/V
	CULT AM 32			
Article 3 – paragraph 4 b (new)	CULT AM 33		-	

Article 4	AM 28 Rapporteur	if adopted go to AMC 17	+	
	AM 125 Terho/Essayah/Repo/Tak kula	falls if AM 28 adopted	-	
Article 4 – paragraph 1 a (new)	<i>AM 29</i> <i>Rapporteur</i>	<i>covered by AMC 21 - to be voted together with amendments to Article 7a(new)</i>	N/V	N/V
	<i>AM 126</i> <i>Cavada</i>			
	<i>AM 127</i> <i>Karim</i>			
	CULT AM 34		-	
Article 5	AMC 17	if adopted go to AM 133	+	
		covers AMs 128 (first part), 129, CULT AM 35, AMs 131, 132, IMCO AM 25, AMs 30 and 31		
	AM 128 Niebler/ Wieland	covered by AMC 17 falls if AMC 17 adopted	(+)	
		compatible with AMs 30 and 31 and AMs 129 + CULT AM 35		
	AM 129 Engström/ Lichtenberger	covered by AMC 17 falls if AMC 17 or 128 adopted	-	
	compatible with AMs 30 and 31 and AMs 128 + CULT AM 35			
	CULT AM 35	covered by AMC 17 falls if AMC 17, AMs 128 or 129 adopted	+	
		compatible with AMs 30 and 31 and AMs 128, 129		
	AM 131 Thein	covered by AMC 17 falls if AMC 17, AMs 128, 129 or CULT AM 35 adopted	-	

	AM 132 Manders	covered by AMC 17 falls if AMC 17, AMs 128, 129, CULT AM 35 or AM 131 adopted	–	
	IMCO AM 25	covered by AMC 17 falls if AMC 17, AMs 128, 129, CULT AM 35, AMs 131 or 132 adopted compatible with AM 132	–	
	AM 130 Terho/Essayah/Repo/Tak kula	falls if AMC 17, AMs 128, 129, CULT AM 35, AM 131 or IMCO AM 25 adopted	–	
Article 5 – paragraph 1 a (new)	AM 30 Rapporteur	covered by AMC 17 falls if AMC 17 adopted	(+)	
	AM 133 Engström/ Lichtenberger	if adopted go to AM 134	–	
Article 5 – paragraph 1 b (new)	AM 31 Rapporteur	covered by AMC 17 falls if AMC 17 adopted	(+)	
<i>Article 5 a (new)</i>	<i>CULT AM 36</i>	<i>to be voted together with amendments to Article 6</i>	N/V	N/V
Article 6 – paragraph 1 – introductory part	AM 134 Terho/Essayah/Repo/T akkula	if adopted go to AM 135	–	
	CULT AM 37	falls if AM 134 adopted	–	
Article 6 – paragraph 1 – point a	AM 135 Terho/Essayah/Repo/T akkula	if adopted go to AM 32	–	
	AM 136 Cavada	if adopted AM 137 falls	–	
	CULT AM 38	falls if AM 135 or 136 adopted	–	
Article 6 – paragraph 1 – point b	AM 32 Rapporteur	if adopted go to AM 137	+	
	IMCO AM 26	falls if AM 32 adopted	–	
Article 6 – paragraph 1 – point b a (new)	AM 137 Engström/ Lichtenberger	<i>falls if AM 136 adopted</i>	–	

Article 6 – paragraph 2	AM 138 Gallo/Borys	if adopted go to AM 141	–	
	AM 140 de Grandes Pascual	falls if AM 138 adopted compatible with AM 138	–	
	CULT AM 39	falls if AM 138 or 140 adopted	+	
	AM 139 Terho/Essayah/Repo/Tak kula	falls if AMs 138, 140 or CULT AM 39 adopted	–	
	IMCO AM 27	falls if AMs 138, 140, CULT AM 39 or AM 139 adopted	–	
Article 6 – paragraph 2 a (new)	AM 141 Niebler/Wieland	if adopted go to AM 33	–	
	<i>CULT AM 40</i>	<i>covered by AMC 21 - to be voted together with amendments to Article 7a(new)</i>	N/V	N/V
Article 6 – paragraph 3	AM 33 Rapporteur		+	
Article 5 a (new)	<i>CULT AM 36</i>	<i>covered by AMC 19 - to be voted together with amendments to Article 6 paragraph 4 a (new)</i>	N/V	
Article 6 – paragraph 3 a (new)	<i>AM 142 Gallo/Borys</i>	<i>covered by AMC 19 - to be voted together with amendments to Article 6 paragraph 4 a (new)</i>	N/V	
Article 6 – paragraph 4	AMC 18	if adopted go to AMC 19 covers AMs 34, 145 (first part), IMCO AM 28, AMs 35 and 147	+	
	AM 34 Rapporteur	covered by AMC 18 falls if AMC 18 adopted <i>deletion</i>	+	
	AM 145 Thein	covered by AMC 18 falls if AMC 18 or AM 34 adopted	+	

	AM 143 Gallo/Borys	falls if AMC 18, AMs 34 or 145 adopted	–	
	IMCO AM 28	covered by AMC 18 falls if AMC 18, AMs 34, 145 or 143 adopted	–	
	AM 144 Terho/Essayah/Repo/Tak kula	falls if AMC 18, AMs 34, 145, 143 or IMCO AM 28 adopted	–	
Article 6 – paragraph 4 a (new)	AM 35 Rapporteur	covered by AMC 18 falls if AMC 18 adopted	+	
	AM 147 Gallo/Borys	covered by AMC 18 falls if AMC 18 or AM 35 adopted	–	
	AMC 19	if adopted go to CULT AM 41 covers CULT AM 36, AMs 142, 145 (second part) and AM 146	+	
	AM 146 Cavada	falls if AMC 19 adopted	–	
	CULT AM 36	falls if AMC 19 or AM 146 adopted	–	
	AM 142 Gallo/Borys	falls if AMC 19, AM 146 or CULT AM 36 adopted	–	
	CULT AM 41		–	
	IMCO AM 29		–	
	Article 6 - paragraph 4 b (new)	IMCO AM 30		–
Article 6 - paragraph 4 c (new)	IMCO AM 31		+	
Article 7	AMC 20	if adopted go to <u>CULT AM 49</u> covers CULT AM 42, AMs 148, 149, CULT AM 43, AMs 36, 150, 37, CULT AM 44, AM 38, CULT AM 45, AMs 151, 39, CULT AM 46, AMs	+	

		152, 153, CULT AM 47, AMs 154, 40, 155, 156, CULT AM 48, IMCO AMs 32, 157, 41, 158, 159, IMCO AM 33		
Article 7 - title	CULT AM 42	<i>deletion</i> vote together with AMs 148 and 149	N/V	N/V
Article 7	AM 148 Gallo/Borys	if adopted go to <u>CULT AM 50</u>	–	
	AM 149 de Grandes Pascual	<i>deletion</i> covers CULT AMs 42, 43, 47, 48 and 49, AM 154, IMCO AM 32, AM 157		
Article 7 – paragraph 1 – introductory part	CULT AM 43	<i>deletion</i> covered by AMs 148 and 149 - do not put to vote	N/V	N/V
	AM 36 Rapporteur	if adopted go to AM 37	+	
	AM 150 Terho/Essayah/Repo/Tak kula	falls if AM 36 adopted	–	
Article 7 – paragraph 1 – point 1	AM 37 Rapporteur	<i>deletion</i>	+	
	CULT AM 44			
Article 7 – paragraph 1 – point 2	AM 38 Rapporteur	<i>deletion</i>	+	
	CULT AM 45			
	AM 151 Terho/Essayah/Repo/Tak kula	falls if AM 38 adopted	–	
Article 7 – paragraph 1 – point 3	AM 39 Rapporteur	<i>deletion</i>	+	
	CULT AM 46			
	AM 152 Terho/Essayah/Repo/Tak kula	falls if AM 39 adopted	–	
Article 7 – paragraph 1 – point 3 a (new)	AM 153 Manders		–	

Article 7 – paragraph 1 – point 4	CULT AM 47	<i>deletion</i>	N/V	N/V
	AM 154 Manders	covered by AMs 148 and 149 - do not put to vote		
	AM 40 Rapporteur		+	
	AM 155 Engström/ Lichtenberger	falls if AM 40 adopted	-	
	AM 156 Terho/Essayah/Repo/Tak kula	falls if AMs 40 or 155 adopted	-	
Article 7 – paragraph 1 – point 5	CULT AM 48	<i>deletion</i>	N/V	N/V
	IMCO AM 32	covered by AMs 148 and 149 - do not put to vote		
	AM 157 Manders			
	AM 41 Rapporteur		+	
	AM 158 Engström/ Lichtenberger	falls if AM 41 adopted	-	
	AM 159 Jean-Marie Cavada	falls if AMs 41 or 158 adopted	-	
Article 7 - paragraph 1 - point 5 a (new)	IMCO AM 33		+	
Article 7 – paragraph 2	CULT AM 49	<i>deletion</i>	-	
	AM 160 Cavada	falls if CULT AM 49 adopted	-	
Article 7 - paragraph 2 a (new)	IMCO AM 34		-	
Article 7 a (new)	CULT AM 50		-	
	AMC 21	if adopted go to IMCO AM 36	+	

		covers AMs 29, 126, 127, CULT AM 40, IMCO AM 35, AMs 163 and 164		
	IMCO AM 35	covered by AMC 21 falls if AMC 21 adopted	–	
<i>Article 4 paragraph 1a(new)</i>	AM 29 Rapporteur	covered by AMC 21 falls if AMC 21 or IMCO AM 35 adopted	+	
	AM 126 Cavada	covered by AMC 21 falls if AMC 21, IMCO AM 35 or AM 29 adopted	–	
	AM 127 Karim	covered by AMC 21 falls if AMC 21, IMCO AM 35, AMs 29 or 126 adopted	–	
<i>Article 6 paragraph 2a(new)</i>	CULT AM 40	covered by AMC 21 falls if AMC 21, IMCO AM 35, AMs 29, 126 or 127 adopted	–	
Article 7 b (new)	IMCO AM 36		–	
Article 8	IMCO AM 37	linguistic - do not put to vote	N/V	N/V
Article 8 – title	AM 161 Gallo/Borys		–	
Article 8 – paragraph 1 a (new)	AM 162 Gallo/Borys		+	
	AM 163 Engström/ Lichtenberger	covered by AMC 21 falls if AMC 21, IMCO AM 35, AMs 29, 126, 127 or CULT AM 40 adopted	+	
Article 8 a (new)	AM 164 Gallo/Borys	covered by AMC 21 falls if AMC 21, IMCO AM 35, AMs 29, 126, 127, CULT AM 40 or AM 164 adopted	–	
	CULT AM 51		–	

Article 9	CULT AM 52	if adopted go to AM 43 <i>deletion</i>	-	
Article 9 – paragraph 1	AM 42 Rapporteur	falls if CULT AM 52 adopted	+	
	AM 165 Terho/Essayah/Repo/Tak kula	falls if CULT AM 52 or AM 42 adopted	-	
Article 10 – paragraph 1 – subparagraph 1	AM 43 Rapporteur		+	
Article 11 – paragraph 1	AM 166 Engström/ Lichtenberger	if adopted go to AM 167	+	
	IMCO AM 38	falls if AM 166 adopted		
	AM 44 Rapporteur	falls if AM 166 or IMCO AM 38 adopted	+	
Article 11 – paragraph 1 a (new)	AM 167 Paksas		-	
	IMCO AM 39			
Article 11 - paragraph 1 b (new)	IMCO AM 40	identical with AM 167	N/V	N/V
Recital -1 (new)	CULT AM 1		-	
Recital -1 (new)	CULT AM 2		-	
Recital 1	AM 1 Rapporteur		+	
	CULT AM 3	falls if AM 1 adopted	-	
Recital 3	AMC 1	if adopted go to AM 51 covers AMs 2, 49, 50, CULT AM 4 and IMCO AM 4	+	
	AM 2 Rapporteur	falls if AMC 1 adopted	(+)	

	AM 49 Gallo/Borys IMCO AM 1	falls if AMC 1 or AM 2 adopted identical	–	
	AM 50 Engström/ Lichtenberger	falls if AMC 1, AMs 2 or 49 adopted	–	
	CULT AM 4	falls if AMC 1, AMs 2, 49 or 50 adopted	–	
Recital 4	AM 51 Gallo/Borys		+	
	AM 52 Engström/ Lichtenberger	identical		
	AM 3 Rapporteur	falls if AM 51 adopted	+	
	AM 53 Cavada	falls if AMs 51 or 3 adopted	–	
	AM 54 Berlinguer	falls if AMs 51, 3 or 53 adopted	+	
	CULT AM 5	falls if AMs 51, 3, 53 or 54 adopted	–	
Recital 4 a (new)	AM 55 de Grandes Pascual		–	
	IMCO AM 2	if adopted go to CULT AM 6	–	
	AM 56 Manders	falls if IMCO AM 2 adopted		
Recital 5	CULT AM 6		–	
Recital 6	CULT AM 7		–	
Recital 7	AM 4 Rapporteur	if adopted go to AM 5	+	
	CULT AM 8	falls if AM 4 adopted	–	
Recital 8	AM 5 Rapporteur	<i>deletion</i>	+	
	CULT AM 9			
Recital 8 a (new)	CULT AM 10		+	

Recital 9	AMC 2	if adopted go to AM 59 covers AMs 6, 58, 57, CULT AM 11	+	
	AM 6 Rapporteur	falls if AMC 2 adopted	(+)	
	AM 58 Cavada	falls if AMC 2 or AM 6 adopted	-	
	AM 57 Engström/ Lichtenberger	falls if AMC 2, AMs 6 or 58 adopted	-	
	CULT AM 11	falls if AMC 2, AMs 6, 58 or 57 adopted	-	
	IMCO AM 3	<i>linguistic - do not put to vote</i>	N/V	N/V
Recital 10	AM 59 Tremosa i Balcells		-	
Recital 11	CULT AM 12	if adopted go to AM 8 <i>deletion</i>	-	
	AM 7 Rapporteur	falls if CULT AM 12 adopted	+	
	AM 60 Engström/ Lichtenberger	falls if CULT AM 12 or AM 7 adopted	-	
	AM 61 Karim	falls if CULT AM 12, AMs 7 or 60 adopted	-	
	IMCO AM 4	falls if CULT AM 12, AMs 7, 60 or 61 adopted	-	
Recital 12	AM 8 Rapporteur		+	
	AM 62 Gallo/Borys	falls if AM 8 adopted	-	
	CULT AM 13	falls if AMs 8 or 62 adopted	-	
	IMCO AM 5	falls if AMs 8, 62 or CULT AM 13 adopted	-	
Recital 13	AM 63 Thein		+	
	IMCO AM 6	falls if AM 63 adopted	-	
	CULT AM 14	falls if AM 63 or IMCO AM 14	-	

		adopted		
Recital 13 a (new)	IMCO AM 7		-	
	AM 64 Manders	falls if IMCO AM 7 adopted	+	
Recital 13 b (new)	IMCO AM 8		-	
Recital 14	AM 9 Rapporteur	identical	+	
	AM 65 Gallo/Borys			
	CULT AM 15			
Recital 15	AM 66 Thein	if adopted go to CULT AM 16	-	
	IMCO AM 9	deletion		
	AM 67 Gallo/Borys	falls if AM 66 adopted	-	
	AM 68 Karim	falls if AMs 66 or 67 adopted	-	
	AM 10 Rapporteur	falls if AMs 66, 67 or 68 adopted	+	
Recital 16	CULT AM 16	if adopted go to AM 71 deletion	-	
	AMC 3	if adopted go to AM 71 falls if CULT AM 16 adopted covers AMs 11, 69, 70	+	
	AM 11 Rapporteur	falls if CULT AM 16 or AMC 3 adopted	+	
	AM 70 Engström/ Lichtenberger	falls if CULT AM 16, AMC 3 or AM 11 adopted	-	
	AM 69 Gallo/Borys	falls if CULT AM 16, AMC 3, AMs 11 or 70 adopted	-	

Recital 16 a (new)	AM 71 Gallo/Borys		-	
Recital 17	AMC 4	if adopted go to AMC 5 covers AMs 12, 72, 73 and CULT AM 17	+	
	AM 12 Rapporteur	falls if AMC 4 adopted	+	
	AM 72 Gallo/Borys	falls if AMC 4 or AM 12 adopted	-	
	AM 73 Engström/ Lichtenberger	falls if AMC 4, AMs 12 or 72 adopted	-	
	CULT AM 17	falls if AMC 4, AMs 12, 72, 73 or CULT AM 17 adopted	-	
	IMCO AM 10	<i>linguistic - do not put to vote</i>	N/V	N/V
Recital 18	AMC 5	if adopted go to AM 14 covers AMs 13 and 74	+	
	AM 13 Rapporteur	falls if AMC 5 adopted	+	
	AM 74 Berlinguer	falls if AMC 5 or AM 13 adopted	-	
	CULT AM 18	falls if AMC 5, AMs 13 or 74 adopted	-	
	IMCO AM 11	falls if AMC 5, AMs 13, 74 or CULT AM 18 adopted	-	
Recital 19	AM 14 Rapporteur		+	
	CULT AM 19	falls if AM 14 adopted	-	
Recital 19 a (new)	IMCO AM 12		-	
Recital 20	AMC 6	if adopted go to AM 81 covers AMs 15, 75, 76, 77, 79, 80, CULT AM 20, IMCO AM 13 and AM 78	+	
	AM 15 Rapporteur	falls if AMC 6 adopted	-	

	AM 75 Niebler	falls if AMC 6 or AM 15 adopted	–	
	AM 76 Gallo/Borys	falls if AMC 6, AMs 15 or 75 adopted	–	
	AM 77 Engström/ Lichtenberger	falls if AMC 6, AMs 15, 75 or 76 adopted	–	
	AM 79 Karim	falls if AMC 6, AMs 15, 75, 76 or 77 adopted	–	
	AM 80 Manders	falls if AMC 6, AMs 15, 75, 76, 77 or 79 adopted	–	
	CULT AM 20	falls if AMC 6, AMs 15, 75, 76, 77, 79 or 80 adopted	–	
	IMCO AM 13	falls if AMC 6, AMs 15, 75, 76, 77, 79, 80 or CULT AM 20 adopted	–	
	AM 78 Berlinguer	falls if AMC 6, AMs 15, 75, 76, 77, 79, 80, CULT AM 20 or IMCO AM 13 adopted	–	
Recital 21	AM 81 Gallo/Borys	if adopted go to AM 83 <i>deletion</i>	–	
	AM 82 Manders	falls if AM 81 adopted	–	
	IMCO AM 14	identical		
Recital 22	AM 83 Gallo/Borys	if adopted go to AM 45 <i>deletion</i>	–	
	AM 16 Rapporteur	falls if AM 83 adopted	+	
	AM 84 Engström/ Lichtenberger	falls if AM 83 or AM 16 adopted	–	
	CULT AM 21	falls if AMs 83, 16 or 84 adopted	–	
	IMCO AM 15	falls if AMs 83, 16, 84 or CULT AM 21 adopted	–	

Annex – introductory part	AM 45 Rapporteur	identical	+	
	IMCO AM 41			
Annex – point 1 – subpoint a)	AM 46 Rapporteur		+	
Annex – point 3 – point a	AM 168 Karim	identical	+	
	CULT AM 53			
Annex – point 3 – subpoint b)	AM 47 Rapporteur		+	
Annex - point 3 - point c a (new)	CULT AM 54		+	
Annex - point 5 - introductory wording	CULT AM 55		-	
Annex – point 5 – subpoint a)	AM 48 Rapporteur		+	
Annex – point 5 – point d a (new)	AM 169 Gallo/Borys		+	
Annex – point 5 – point d b (new)	AM 170 Gallo/Borys		+	
PROPOSAL OF THE COMMISSION AS AMENDED			+	
DRAFT LEGISLATIVE RESOLUTION			+	

ANNEX 1

COMPROMISE AMENDMENTS

AMC 1

Recital 3

covers AMs 2, 49, CULT AM 1, AM 50 and CULT AM 4

<i>Commission proposal</i>	<i>Compromise amendments</i>
(3) Creating a legal framework to facilitate the digitisation and dissemination of works for which no author is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.	(3) Creating a legal framework to facilitate the digitisation and dissemination of works subject to copyright or related rights for which no rightholder is identified or, even if identified, is not located, so called orphan works, is a key action of the Digital Agenda for Europe, as set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – A Digital Agenda for Europe.

AMC 2

Recital 9

covers AMs 6, 58, 57, CULT AM 11

<i>Commission proposal</i>	<i>Compromise amendments</i>
(9) For the purposes of this Directive, cinematographic, audio and audiovisual works in the archives of public service broadcasting organisations should be understood as including works commissioned by such organisations for their exclusive exploitation.	(9) For the purposes of this Directive, phonograms , cinematographic and audiovisual works in the archives of public service broadcasting organisations should be understood as including works, which were commissioned by such organisations for their exclusive exploitation.

AMC 3

Recital 16

covers AMs 11, 69, 70

<i>Commission proposal</i>	<i>Compromise amendments</i>
(16) It is appropriate to provide that authors	(16) Where rightholders come forward to

<i>are</i> entitled to put an end to the orphan status <i>in case they come forward to claim their</i> works.	<i>claim their works, they should be</i> entitled to put an end to the orphan status <i>of those</i> works <i>in respect of themselves. Member States should ensure that such rightholders receive appropriate and fair remuneration for the past use of their works.</i>
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AMC 4
Recital 17

covers AMs 12, 72, 73 and CULT AM 17

<i>Commission proposal</i>	<i>Compromise amendments</i>
(17) In order to promote learning and culture, Member States should permit libraries, educational establishments and museums which are publicly accessible, as well as archives, film heritage institutions and public service broadcasting organisations, to make available <i>and reproduce</i> orphan works, provided such use fulfils their public interest missions, <i>notably preservation, restoration and the provision of</i> cultural and educational access <i>to works contained in their collections.</i> Film heritage institutions should, for the purposes of this Directive, cover organisations designated by Member States to collect, catalogue, preserve and restore films forming part of their cultural heritage.	(17) In order to promote learning and culture, Member States should permit libraries, educational establishments and museums which are publicly accessible, as well as archives, film <i>and audio</i> heritage institutions and public service broadcasting organisations, to <i>reproduce and</i> to make available, <i>within the meaning of Directive 2001/29/EC,</i> orphan works, provided <i>that</i> such use fulfils their public interest missions <i>and guarantees</i> cultural and educational access to <i>them.</i> Film <i>and audio</i> heritage institutions should, for the purposes of this Directive, cover organisations designated by Member States to collect, catalogue, preserve and restore films <i>and phonograms</i> forming part of their cultural heritage.

AMC 5
Recital 18

covers AMs 13 and 74

<i>Commission proposal</i>	<i>Compromise amendments</i>
(18) Contractual arrangements may play a role in fostering the digitisation of European cultural heritage, it being understood that libraries, educational establishments, museums or archives and film heritage institutions may, with a view to undertake the uses permitted under this Directive, conclude agreements with	(18) Contractual arrangements may play a role in fostering the digitisation of European cultural heritage, it being understood that libraries, educational establishments, museums or archives and film <i>and audio</i> heritage institutions <i>and public service broadcasting organisations</i> may, with a view to undertake

commercial partners for the digitisation and making available of orphan works. These agreements may include financial contributions by such partners.	the uses permitted under this Directive, conclude agreements with commercial partners for the digitisation and making available of orphan works. These agreements may include financial contributions by such partners.
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AMC 6
Recital 20

covers AMs 15, 75, 76, 77, 79, 80, CULT AM 20, IMCO AM 13 and AM 78

<i>Commission proposal</i>	<i>Compromise amendments</i>
(20) This Directive should be without prejudice to existing arrangements in the Member States concerning the management of rights such as extended collective licences.	20) This Directive should be without prejudice to arrangements in the Member States concerning any form of rights' management systems , such as extended collective licences.

AMC 7
Article 1 - paragraph 1

covers AMs 17, 85 and 86

<i>Commission proposal</i>	<i>Compromise amendments</i>
1. This Directive concerns certain uses of orphan works undertaken by publicly accessible libraries, educational establishments or museums as well as by archives, film heritage institutions and public service broadcasting organizations.	1. This Directive concerns certain uses of orphan works undertaken by publicly accessible libraries, educational establishments or museums as well as by archives, film and audio heritage institutions, publishers and public service broadcasting organisations established in the Member States .

AMC 8
Article 1 - paragraph 2 - introductory wording

covers AMs 18, 89, 88, 87, 91, IMCO AM 16 and CULT AM 24

<i>Commission proposal</i>	<i>Compromise amendments</i>
2. This Directive applies to works first published or broadcast in a Member State and which are:	2. This Directive applies to works subject to copyright or related rights, which were first published or broadcast in the territory of a

	Member State, <i>and which are contained in the own collections and archives of the organisations referred to in paragraph 1</i> , and which are:
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AMC 9

Article 1 - paragraph 2 - point 1

covers AMs 19 and 92

<i>Commission proposal</i>	<i>Compromise amendments</i>
(1) Works published in the form of books, journals, newspapers, magazines or other writings, <i>and which are contained in the collections of publicly accessible libraries, educational establishments, museums or archives, or</i>	(1) Works in the form of books, journals, newspapers, magazines or other writings and printed materials , or

AMC 10

Article 1 - paragraph 2 - point 2

covers AMs 20, 94, 96, 95, 98, IMCO AM 18

<i>Commission proposal</i>	<i>Compromise amendments</i>
(2) Cinematographic or audiovisual works contained in the collections of film heritage institutions , or	(2) Phonograms , cinematographic or audiovisual works.

AMC 11

Article 1 - paragraph 2 - point 3

follows from AMC 9 and 10

<i>Commission proposal</i>	<i>Compromise amendments</i>
(3) Cinematographic, audio or audiovisual works produced by public service broadcasting organisations before the 31 December 2002 and contained in their	<i>deleted</i>

<i>archives.</i>	
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AMC 12
Article 1 - paragraph 2a (new)

covers AMs 21, 97, 99

<i>Commission proposal</i>	<i>Compromise amendments</i>
	2a. This Directive shall also apply to works that constitute an integral or embedded part of works referred to in paragraph 2, including fine art, photographs, illustrations, designs, architecture, sketches of these works and other works.

AMC 13
Article 2 - paragraph 1

covers AMs 22 and 100, CULT AM 28

<i>Commission proposal</i>	<i>Compromise amendments</i>
1. A work shall be considered an orphan work if the rightholder in the work is not identified or, even if identified, is not located after a diligent search for the rightholder has been carried out and recorded in accordance with Article 3.	1. A work subject to copyright and related rights shall be considered an orphan work if the rightholder in the work is not identified or, even if identified, cannot be located despite a diligent search having been carried out and recorded in accordance with Article 3.

AMC 14
Article 2 - paragraphs 2 and 2a(new)

covers AMs 23, 24, 103, 104, 128 (second part), CULT AM 29

<i>Commission proposal</i>	<i>Compromise amendments</i>
2. Where a work has more than one rightholder, and one of the rightholders has been identified and located, that work shall not be considered an orphan work.	2. Where a work has more than one rightholder, and at least one of the rightholders has not been identified, or even if identified, has not been located after a diligent search has been carried out and recorded in accordance with Article 3 , that work shall be

	<p>considered an orphan work <i>insofar as the rights of the non-identified or non-located rightholders are concerned.</i></p> <p><i>2a. Paragraph 2 shall be without prejudice to the rights in the work of a rightholder who has been identified and located.</i></p>
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AMC 15

Article 3 - paragraph 1

covers AMs 25, 106, 107, 109, 110

<i>Commission proposal</i>	<i>Compromise amendments</i>
<p>1. For the purposes of establishing whether a work is an orphan work, the organisations referred to in Article 1(1) shall ensure that a diligent search is carried out <i>for each work</i>, by consulting the appropriate sources for the category of works in question.</p>	<p>1. For the purposes of establishing whether a work is an orphan work, the organisations referred to in Article 1(1) shall ensure that a diligent search is carried out <i>in good faith</i>, by consulting the appropriate sources for the category of works in question.</p>

AMC 16

Article 3 - paragraphs 3 and 3a(new)

covers AMs 27, 117 (first part), 118, 119, IMCO AM 21, CULT AM 31, AMs 120, 121 and IMCO AM 22

<i>Commission proposal</i>	<i>Compromise amendments</i>
<p>3. A diligent search <i>is required to</i> be carried out only <i>in</i> the Member State of first publication or broadcast.</p>	<p>3. A diligent search <i>shall</i> be carried out only <i>on the territory of</i> the Member State of first publication or broadcast. <i>It shall be carried out in good faith prior to the use of the work.</i></p> <p><i>3a. If there is evidence to suggest that rightholders from the territory of other Member States were involved in the creation of the work, the diligent search shall be deemed to have been concluded only if it also encompassed the territories of those Member States.</i></p>

AMC 17**Article 5 - paragraphs 1 and 1a(new)**

covers AMs 128 (first part), 129, CULT AM 35, AMs 131, 132, IMCO AM 25, AMs 30 and 31

<i>Commission proposal</i>	<i>Compromise amendments</i>
Member States shall ensure that a rightholder in a work considered to be orphan has , at any time, the possibility of putting an end to the orphan status.	<p>1. Member States shall ensure that each rightholder in a work considered to be orphan is, at any time, entitled to put an end to the orphan status in respect of the rights to which such rightholder is entitled.</p> <p>1a. A work shall cease to be an orphan work only if all the rightholders to that work are identified and located.</p>

AMC 18**Article 6 - paragraphs 4a(new)**

covers AMs 34, 145 (first part), IMCO AM 28, AMs 35 and 147

<i>Commission proposal</i>	<i>Compromise amendments</i>
	<p>4a. Member States shall ensure that the organisations referred to in Article 1(1) using an orphan work in accordance with Article 6(1):</p> <p>1) maintain records of their diligent searches; 2) maintain publicly accessible records of their use of orphan works; 3) indicate, in any use of an orphan work where one or more rightholder has been identified but not located, the name of such rightholder;</p>

AMC 19**Article 6 - paragraph 4a(new) - point 3a(new)**

covers CULT AM 36, AMs 142, 145 (second part) and AM 146

<i>Commission proposal</i>	<i>Compromise amendments</i>
	<p>(3a) Member States shall ensure that a rightholder who put an end to the orphan status of the work in respect of the rights to which he is entitled, as referred to in Article 5 paragraph 1, receives an appropriate and fair</p>

	<i>remuneration for the use of the work.</i>
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AMC 20
Article 7

covers CULT AM 42, AMs 148, 149, CULT AM 43, AMs 36, 150, 37, CULT AM 44, AM 38, CULT AM 45, AMs 151, 39, CULT AM 46, AMs 152, 153, CULT AM 47, AMs 154, 40, 155, 156, CULT AM 48, IMCO AMs 32, 157, 41, 158, 159, IMCO AM 33

<i>Commission proposal</i>	<i>Compromise amendments</i>
<p>1. Member States may authorise the organisations referred to in Article 1(1) to use an orphan work for purposes other than those referred to in Article 6(2), provided that:</p> <p><i>1) the organisations referred to in Article 1(1) maintain records of their diligent search;</i></p> <p><i>2) the organisations maintain publicly accessible records of their use of orphan works;</i></p> <p><i>3) in the case of an orphan work where a rightholder has been identified but not located, the name of the rightholder is indicated in any use of the work;</i></p> <p><i>4) rightholders which put an end to the orphan status of the work, within the meaning of Article 5, are remunerated for the use that has been made of the work by the organisations referred to in Article 1(1);</i></p> <p><i>5) rightholders may claim their remuneration under point (4) within a period fixed by Member States and which shall not be less than five years from the date of the act giving rise to the claim.</i></p>	<p>1. Member States may authorise the public organisations referred to in Article 1(1) to use an orphan work for purposes other than those referred to in Article 6(2), provided that those uses are solely limited to the pursuit of their public interest mission, that they meet the requirements set out in Article 6(4a) and that:</p> <p><i>1) rightholders which put an end to the orphan status of the work, within the meaning of Article 5, for the use that has been made of the work by the organisations referred to in Article 1(1) receive fair remuneration;</i></p> <p><i>2) rightholders retain their right to fair remuneration under point (1) within a period fixed by Member States and which shall not be less than five years from the date of the act giving rise to the claim.</i></p>

AMC 21
Article 7a(new)

covers AMs 29, 126, 127, CULT AM 40, IMCO AM 35, AMs 163 and 164

<i>Commission proposal</i>	<i>Compromise amendments</i>
	<p>Article 7a Arrangements concerning rights' management systems</p> <p><i>This Directive shall be without prejudice to arrangements in the Member States concerning any form of rights' management systems, such as extended collective licences.</i></p>

HORIZONTAL COMPROMISE:

If AMCs 2, 4, 5 and 7 are adopted, the rapporteurs amendments to its AMs 1, 14 and 16 should be read as amended orally to include "public service broadcasting organisations" as in the original Commission proposal; AM 4 is in such case withdrawn.