

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**DIPLOMATIC CONFERENCE
ON
CERTAIN COPYRIGHT AND NEIGHBORING RIGHTS QUESTIONS**

Geneva, December 2 to 20, 1996

AMENDMENTS TO ARTICLES 98 AND 100
AND PROPOSED NEW ARTICLES 100BIS AND 100TER

proposed by the European Community and its Member States

*(Basic proposal for the Administrative and Final Clauses
of the Treaty to be considered by the Diplomatic Conference
(document CRNR/DC/3))*

Proposed new Article 98(3)(b) (to specify the essential nature of the right of any intergovernmental organisation only to exercise any voting rights for all of its Member States Contracting Parties to the Treaty and in place of its Member States Contracting Parties and vice versa)

“Any intergovernmental organisation Contracting Party may participate in the vote, in place of its Member States, with a number of votes equal to the number of Member States which are party to this Treaty. No intergovernmental organisation Contracting Party shall participate in the vote if its Member States exercise their rights to vote and vice versa. The rights to vote, as exercised between an intergovernmental organisation and its Member States Contracting Parties to this Treaty, shall not, in any one vote, be

exercised in any combination of votes exercised by the Member States and votes exercised by the organisation.”

Proposed new Article 98(3)(c) (to state clearly that any intergovernmental organisation Contracting Party to the Treaty can never exercise more votes than the number of Member States of that organisation that are Contracting Parties to the Treaty)

“The number of votes exercised by any intergovernmental organisation and its Member States Contracting Parties to this Treaty shall in no case exceed the number of Member States of that organisation which are Contracting Parties to this Treaty.”

Proposed new Article 98(5) (to avoid the need to deal in the treaty provisions with the requirement for the presence of the Member States of the intergovernmental organisation when the organisation exercises their votes)

“The Assembly shall establish its own rules of procedure, including the convocation of extraordinary sessions, the requirements of a quorum and, subject to the provisions of this Treaty, the required majority for various kinds of decisions, except that consensus shall be required for the adoption and amendment of rules governing the exercise of voting rights in the Assembly.”

Proposed new Article 100(2) (to recognize the basis on which the European Community has authority to become a party to the Treaty)

“The European Community, being competent in respect of, and having its own legislation binding of all its Member States on matters covered by this Treaty and having the authority to enter into international relations with respect to such matters, may become a party to this Treaty.”

Proposed new Article 100bis (to substitute for any declaration of competence)

“Subject to any specific provisions to the contrary in this Treaty, each Contracting Party shall enjoy all of the rights and bear all of the responsibilities under this treaty.”

Proposed new Article 100ter (to substitute for a declaration of competence)

“Any Contracting Party may request any other Contracting Party to provide information concerning its implementation of any provision of this Treaty. The Contracting Party receiving such a request shall provide this information within a reasonable time.”

Proposed text of a statement to be made on behalf of the European Community and its Member States and recorded in the minutes of the Conference:

“The European Community and its Member States hereby indicate that their common practice is to deposit their instruments of ratification or accession simultaneously.”

[End of document]