

THE COMMITMENTS

Clause 7(a)(i)

The Parties undertake within 30 days of the date on which the Parties are notified of the European Commission's final decision under Article 9(1) of Council Regulation (EC) No 1/2003 closing the Commission's case concerning the CEA, to (a) delete Clause 7(a)(i) of the CEA and (b) not to enter into any clause with similar effect for the future and (c) send a copy of the signed document to the Commission.

Clause 9(a)

The Parties undertake, within 30 days of the date on which the Parties are notified of the European Commission's final decision under Article 9(1) of Council Regulation (EC) No 1/2003 closing the Commission's case concerning the CEA, to (i) clarify the wording of Clause 9(a) of the CEA in accordance with the text set out in Annex 1 hereto and (ii) provide the European Commission with a copy of the signed document.

ANNEX 1

9. LICENSING AGREEMENTS

(a) Part 4 of the Schedule sets out a list of all CLAs at the date hereof. A summary of all new agreements (and all amendments and/or extensions thereto) shall be notified (on a confidential basis) in writing to the Publishers by the Society or Societies entering into it so that Part 4 of the Schedule can be amended as between the parties hereto to reflect such change. A Society may grant a discount to a record company in the form of a rebate or reductions of tariff or any other form if so decided by the competent body of the Society. This includes, but is not limited to, the following situations (a) giving a discount on a tariff as regards a new form of exploitation for an introductory period or (b) applying normal arm's length commercial conditions such as an allowance for paying on time or early or for improved accounting returns or some similar provision or (c) concluding agreements with associations of users providing for a discount in return of specific services of the members of the association and/or the association facilitating the collection of the remuneration dues from the members of the association to the Society or (d) agreeing a settlement of a dispute between a Society and a record company. All discounts with the exception of the aforementioned situations (a) to (d) shall be included into the Rate (in accordance with Clause 3(a)(i)) and shall not reduce the income for the Societies' members.