



EBLIDA

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EU copyright directive: current status

After being adopted by the European Parliament in Strasbourg on 14 February, the EU copyright directive is currently under discussion by COREPER, the Committee of Permanent Representatives, comprised of diplomatic representatives of EU member states. Issues under discussion are the amendments introduced by the Parliament, including the reduction of the implementation time from 24 to 18 months, and differences in the translation of the text into the national languages. The legal linguists are therefore working on polishing the final text. This is expected to be adopted by COREPER within the next few weeks. It will then be ratified by the EU Council of Ministers before being published in the Official Journal, when it will officially become law. Should this be in May 2001, member states will have until November 2002 to implement the copyright directive into their national legislation.

EBLIDA will be monitoring the implementation and the EBLIDA copyright expert group will be ensuring that their member states fully implement all the options.

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Access to documents: state of progress on dialogue between Parliament and Council

On 19 March, the General Affairs Council adopted a Decision, to take effect on 1 May 2001, aimed at making certain categories of its documents available to the public via its website. In addition, and provided that the documents are not covered by the exceptions laid down in Article 4 (Council Decision 93/731/EC), the General Secretariat of the Council may also make the documents available to the public, as soon as they have been circulated.

With regard to **legislative documents**, the public should have access to:

- cover notes and copies of letters concerning legislative acts addressed to the Council by other institutions/EU bodies or by a member state;
- notes submitted to Coreper and/or to the Council for approval as well as the draft legislative acts to which they refer;
- decisions adopted by the Council during the codecision procedure and joint texts approved by the Conciliation Committee.

This decision should in no way prejudice the framework regulation that is to be adopted. Each member state has the right to call on the Council General Secretariat not to make a document available if it comes from a member state.

Moreover, the General Secretariat will make **available to the public** any legislative documents drawn up before this decision and which are not covered by any of the exceptions laid down in Article 4, e.g. information notes, reports, progress reports and reports on the state of discussions in the Council or in one of its preparatory bodies e.g. proceedings, excluding legal service opinions and contributions.

As regards **national legislation and European regulation**, the majority of member states and the Council legal service feel that those requests put forward at national level should be passed on to the European institution. Parliament however, feels that member states should be trusted and that it is for Community institutions to challenge national legislation, if it appears to be incompatible with Community rules.

The vote on the European regulation is scheduled for 4 April, in plenary. Further information on access to documents can be found at: www.euopen.com or www.statewatch.org

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Civil and commercial matters: German initiative on judicial co-operation adopted

On 14 March, Parliament approved, by 475 to 13 with 20 abstentions, the Marinho report concerning a German initiative for the adoption of a Council regulation on co-operation between the courts of member states in the taking of evidence in civil and commercial cases. The abolition of internal borders and the introduction of free movement of persons, goods and

services has led to a high increase in the number of cross-border court cases. However, courts can only act within national frontiers, which decreases the effectiveness of their action.

The German initiative seeks to lay down uniform rules on how the courts should proceed in cases where a court of a member state requests the competent court of another member state to obtain evidence or perform judicial acts. The proposal represents a significant advance over the 1970 Hague Convention. The proposed system for the transmission of judicial documents between courts in the requesting and the requested member states should make it possible to speed up the procedure for the execution of requests from courts in other member states (thanks to the obligation to acknowledge receipt of the request within seven days or the requirement to execute it within two months).

Parliament however, calls for more clarification of the procedures on the use of national languages, the reimbursement of costs between the different courts and a greater use of new technologies.

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Telecommunications: three proposals adopted by Parliament

On 1 March, Parliament completed first reading of three directive proposals, part of the Commission's telecoms package, in order to adapt it to the needs of the information society and the digital revolution (*see Hot News February 2001, p.2-3*).

By adopting the Niebler report on authorisation, Parliament agreed with the basic line of the Commission proposal but amended it with a few clarifications. Parliament also adopted the Brunetta report, which seeks to harmonise the way in which member states regulate access to, and interconnection of electronic communications networks and associated facilities.

Furthermore, Parliament adopted the Paasilinna report, with numerous amendments to the Commission's proposal for a common regulatory framework for telecommunications networks. The new legal framework will cover all satellite-based and terrestrial communications networks, e.g. both the public telephone network and networks using the Internet and protocol, as well as cable television, mobile and terrestrial broadcasting networks.

The three proposals are awaiting Council common position, expected on 5 April.

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Culture 2000: Commission proposals to candidate countries adopted

On 9 March, the European Commission presented a series of proposals concerning the Community position within the Association Councils on the participation of CEECs in the Culture 2000 programme. These countries are Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovak Republic and Slovenia.

As regards the ten candidate countries of Central and Eastern Europe, participation in Community programmes is provided for in their respective Europe Agreements. Pursuant to these agreements, the conditions and modalities of these countries' participation are defined by

the respective Association Councils. All the CEECs have confirmed their willingness to participate in the new programme as from 2001, and to pay their financial contribution partly from their national budget, and partly from their annual Phare allocation.

The Commission hopes for their rapid adoption by the Association Councils so that candidate countries may take part this year in projects backed by the Community culture programme.

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Education: EUROPASS training to promote European mobility

The EUROPASS Training initiative (Council Decision of 21 December 1998) was created in order to promote European pathways for training and to provide transparency and visibility for training periods abroad. European pathways for training refer to any period of vocational training completed by a person undergoing work-linked training in another member state, complying with a number of quality criteria. European training periods recorded by the EUROPASS Training can take place in the framework of any programme/initiative in the field of education or training, as well as outside any community or national programme.

Established by the body responsible for organising the training, this document provides the personal details of the trainee, information on the concerned training initiative and details of training periods abroad (host partner, mentor, etc). Because of the huge differences in national training systems, this measure is largely decentralised. Thus, all actors interested in this initiative should contact the relevant National Contact Points (NCPs), which are the only institutions entitled to distribute the EUROPASS Training. For further information on this initiative visit: http://europa.eu.int/comm/education/europass/index_en.html

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eEurope: Stockholm Council conclusions on the action plan

On 13 March, the Commission adopted a communication in the run-up to the Stockholm Summit, which assesses the impact and sets out future priorities for the [eEurope 2002 initiative](#). On 23 and 24 March, at the European Council in Stockholm, the Council reached, with regard to the eEurope action plan, the following conclusions:

- the telecoms package should be adopted this year;
- work on a policy framework for third-generation mobile communications within the Union, including agreement on a regulatory framework for radio spectrum policy as well as broadband networks. The Commission is also invited to examine the advancement of the ICT field;
- a contribution to a wireless Europe environment, e.g. the next generation Internet (IPv6), the creation of European multilingual content for wireless services;
- legislation on the distance marketing of financial services, the application of VAT to eCommerce and the use of electronic invoicing for VAT purposes to be adopted before the end of 2001;
- measures to ensure that the .eu top-level domain is soon available to users;
- a strategy on security of electronic networks including practical implementing action. This should be presented in time for the Göteborg European Council.

Furthermore, the Commission intends to propose additional targets for connecting schools to the Internet. It will also present a communication promoting online dispute resolution systems as well as supporting eSchola, a Europe-wide action to promote the use of new technologies and develop online school twinning (eSchola will be run from 5 to 11 May). Candidate countries have shown interest in the eEurope 2002 initiative and will present an action plan at the Göteborg European Council in June, setting out how they will embrace these objectives. Conclusions of the European Council meeting can be found at: http://europa.eu.int/comm/stockholm_council/

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eLearning: Commission action plan adopted

The Commission adopted on 28 March, the [eLearning Action Plan](#) in order to give new communication technologies a greater role in education. The action plan aims at promoting co-operation between the EU, its member states and education, training and industry to combine lifelong education, European education and training systems and the use of new ICTs to maximum benefit.

The Commission aims at achieving the following objectives:

- creation of a decision-making tool containing qualitative and quantitative indicators on the use of ICT for teaching purposes;
- creation of a European exchange and research platform in order to exploit the potential of innovative new technology applications for education and training;
- encouragement of infrastructure development in less-favoured regions via the ERDF and the European Investment Bank (EIB);
- inclusion of "digital literacy" in the new basic skills;
- support for the development of quality educational content
- encouragement of new educational and training services in three areas: language learning; the arts, culture and citizenship; science, technology and society.

In order to achieve these objectives, the Commission will use the Socrates, Leonardo and Youth programmes; the IST programme and socio-economic research; Ten Telecom, eContent, Go Digital programmes; and the structural funds, which are already investing in equipment and training in the new technologies.

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IST programme: brief update from Commission Open House event

On 12 and 13 March, the European Commission held an Open House event in Luxembourg. The full set of presentations is available at <http://www.cordis.lu/ist/ka3/events.htm>.

The current (sixth) call under the IST programme was published on 27 January, with a closing date of 25 April, for fixed deadline proposals. This could be the last call of substantial interest to the cultural heritage sector, although there may still be opportunities under the remaining calls. Successful projects under this call could be signed in January 2002.

The next call under the Fifth Framework programme (FP5) may be published in June 2001 and then, probably in January 2002. After this, the Sixth Framework programme (FP6) should start, which includes seven key themes including IST, where cultural heritage is included. This framework programme will mainly support large-scale projects, however support for networks of excellence will be provided, which have the power to issue small-scale call for proposals themselves.

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Socrates programme: report on trends in higher education published

The report *'Trends in Learning Structures in Higher Education (II)'* is the result of a lead project undertaken by the Finnish National Board of Education and of two complementary projects undertaken by the Association of European Universities (CRE). It is a follow-up to the Bologna Declaration on the creation of a European space for higher education (June 1999).

The report has been prepared as an input to the [Salamanca Convention](#) of European higher education institutions, on 29 and 30 March 2001.

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Civil and commercial matters: Parliament adopted report on European network

On 20 March, the Citizens Parliamentary committee adopted the Kessler report on a European network in civil and commercial matters.

By Article 2 of the Treaty on European Union, the Union set itself an objective of maintaining and developing the Union as an area of freedom, security and justice. Article 61(c) of the Treaty establishing the European Community provides that the Council shall adopt measures in the field of judicial co-operation in civil matters in order to establish progressively that area.

In order to ensure that the activities of the Network benefited the general public, the committee specified that the information sheets to be drawn up should provide practical information for citizens in easily understandable language. In addition, the committee pointed out that candidate countries should be allowed to take part in the meetings of the Network. Lastly, the committee wanted the Commission to report on the application of the decision at three-yearly intervals, instead of every five years.

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Community Patent: Council failed to agree on draft regulation

The Internal market Council discussed on 12 March, the text of the draft regulation on the Community patents. The Council pointed out that a revision of the European Patent Convention

(EPC), concluded in 1973, would be necessary so as to include amendments necessary for the introduction of the Community patent. Under the terms of the draft regulation, the Community patent would be issued by the European Patent Office in Munich.

However, after discussion and several revisions of the text by the Swedish Presidency, the Council failed to agree the text because two member states continued to raise objections on issues such as language regime, role of national patent offices, creation of a Community court to deal with disputes and relationships between the European Community and the European Patent Office.

Community patents would exist alongside national and European patents so that inventors could choose the type of patent protection best suited to their needs. The Community patent, due to be agreed by the end of 2001, is scheduled for vote at Parliament plenary in September (consultation procedure).

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Cybercrime: Commission hearing in Brussels

On 7 March, the Commission held a public hearing aimed at issuing comments on the development of the European Union policy in cybersecurity and cybercrime. There is scope for action both in terms of preventing criminal activity and, in case prevention fails, ensuring that law enforcement authorities can act accordingly, while respecting the fundamental right to privacy and legitimate business interests.

As a basis for discussion, the Commission issued in January a communication on "Creating a safer information society by improving the security of information infrastructures and combating computer-related crime". The communication discusses various aspects of improving network security and fighting cybercrime. Moreover, it outlines possible future legislative and non-legislative actions designed to combat cybercrime. Information on the hearing and copies of the communication, in all official languages, can be found at:

<http://europa.eu.int/ISPO/eif/InternetPoliciesSite/Crime/crime1.html>

Furthermore, the Commission Data Protection Working Party adopted on 22 March an [opinion](#) on the Council of Europe's Draft Convention on Cybercrime.

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Data protection: Commission draft decision on contractual clauses on the web

The Republican majority in the American Congress has recently reiterated its hostility towards the 1998 directive on data protection. The 'safe harbor' agreement, concluded between Europe and USA in March 2000, allows US firms to show that they meet EU data privacy rules by signing up to measures known as 'safe harbor'. However, only around 30 companies are members of this agreement, prompting fears that the scheme is not working. This divergence between the USA and Europe has its roots in the different legal approaches, e.g. for data protection on the Internet, Europeans prefer to act through the legislative path, while Americans prefer self-regulation.

In addition, the European Commission published on 27 March, a [draft decision](#) on standard

contractual clauses for the transfer of personal data to third countries. These clauses, in the meantime, would allow US based companies not signed up to the Safe Harbor agreement to use the relevant Safe Harbor principles as substantive data protection rules.

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Education: Stockholm summit gives priority to education, training and skills

On 23 and 24 March, the European Council met in Stockholm for its first Annual Spring meeting on economic and social questions. With regard to education and training, it was concluded that *'improving IT and digital skills is a top priority to make the Union the most competitive and dynamic knowledge-based economy in the world'*. This will include education policies and lifelong learning.

The Council and the Commission will present a report to the Spring European Council in 2002 containing a detailed work programme on the follow-up of the objectives of education and training systems. Special attention must be given to ways and means of encouraging young people, especially women, in scientific and technical studies as well as ensuring the long-term recruitment of qualified teachers in these fields. Conclusions of the European Council meeting can be found at: http://europa.eu.int/comm/stockholm_council/.

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Education: OECD gives high priority to lifelong learning

The Organisation for Economic Cooperation and Development (OECD) has asserted in its annual report that lifelong learning must be given priority by member states over the next few years. The *'Education Policy Analysis 2001'* report will serve as a basis for discussions at the next meeting of OECD Education ministers, to take place in Paris on 2-4 April.

The theme for their meeting will be *"Investing in competencies for all"*. OECD expects to work during 2002-2006, amongst other things, on competencies required for effective participation in a knowledge society; new indicators of competencies and of lifelong learning; research and innovation related to the knowledge society. Further information can be found at: <http://www.oecd.org/els/ministerial/>

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eEurope: Commission communication on digital SMEs published

On 13 March, the European Commission adopted, in the framework of the eEurope action plan, a communication to help small and medium-sized enterprises (SMEs) to 'go digital'. The Commission encourages SMEs to share their experiences in eCommerce, with the support of reference centres and information/advice networks established in Europe. A series of potential barriers are identified, e.g. instability of certain .com companies, under-harmonised regulation,

lack of qualified staff, complexity of technological standards and eCommerce costs.

Three priority lines of action are proposed: the creation of a friendly environment for eCommerce; the encouragement of eCommerce by disseminating results into RTD and the contribution to the development of knowledge linked to ICTs. The communication plus further information on the initiative is available at: <http://europa.eu.int/ISPO/ecommerce/godigital/>.

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EU/Latin America: Commission stops funding for the IRELA Institute

The Commission has decided to cease funding the Institute for Euro-Latin America Relations (IRELA), founded in 1983 with Community funding, which aims at addressing university networks to undertake studies into EU/Latin America relations. In 1997, audits had demonstrated a poor financial management by the Institute, located in Madrid and henceforth, the Commission had decided to suspend funding. However, pressed by the Council, the Commission had set up a working party to find some alternatives.

The current situation of the Institute has worsened and therefore, the Commission has asked for the recovery of its funds and for the Spanish courts to act in consequence.

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EU/Mexico: entry into force of services and intellectual property

EU member states and Mexico have confirmed their commitments to several international conventions, e.g. the WTO TRIPS Agreement, the Paris Convention on the protection of industrial property, the Berne Convention on the protection of literary and artistic works, the Treaty on co-operation over patents.

Moreover, the parties have agreed to accede to the Nice Agreement on the classification of goods and services for the registration of brands, as soon as the bilateral agreement comes into force.

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EU/Turkey: pre-accession strategy adopted

The European Union formally adopted on 8 March, the accession partnership with Turkey, which is a further step in the implementation of its pre-accession strategy. The accession partnership aims at setting out, in a single framework, the priority areas to be addressed by Turkey on her way towards membership in the EU. The document indicates the initiatives to be taken in order to adopt and implement EU standards and legislation. It also contains priorities in the political and economic fields as well as for the harmonisation of legislation.

In the political field, the document outlines a number of fundamental reforms needed to satisfy the Copenhagen political criteria, including constitutional guarantees for e.g. freedom of opinion and for the cultural rights of all citizens irrespective of their origin.

The next step is the adoption by Turkey of the so-called National Programme for the Adoption of the Acquis (NPAA), where different priorities are to be elaborated by Turkey in more detail, containing, for instance, timetables for the adoption of legislation and investment needed.

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Information policy: Parliament resolution adopted

On 14 March, Parliament adopted a resolution on the Commission information and communication strategy. Parliament asks the Commission to adopt the communication, announced in April 2000 relating to information strategy as soon as possible (it should be presented early this summer). It also calls on all the EU institutions to coordinate their information and communication activities. Moreover, it invites member states to improve information and communication on European issues and to strengthen synergy with the EU institutions as well as for the organisation of information campaigns on enlargement.

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Information Society: European debate at the Futurum website

European leaders launched the "*Debate on the future of the European Union*" initiative at the Nice Intergovernmental Conference in December 2000. This debate will be part of a discussion/consultation process, in order to contribute to the preparation of a further intergovernmental conference, planned for 2004.

During 2001, the Swedish and Belgian Presidencies, in co-operation with the Commission and the Parliament, will encourage a wide debate amongst all the interested parties, e.g. representatives of national parliaments and of public opinion as a whole (politicians, business actors, academics, civil society, etc). Applicant countries will be involved in this process in accordance with arrangements which are still to be defined.

The Commission is supporting all these initiatives by providing the [Futurum website](#), in several languages, which aims at acting as a permanent gateway for information on the progress of the debate. In addition, the Commission will gather and publish contributions to the discussion from everyone involved.

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Information society: Parliament adopted resolution on Internet management

On 15 March, Parliament adopted, by 422 to 1 with 12 abstentions, a resolution by MEP Carraro

on the Commission communication regarding the organisation and management of Internet. The report focuses mainly on issues relating to the Internet Corporation for Assigned Names and Numbers (ICANN).

It suggests instructing a body or an EU representative to negotiate with international organisations responsible for the development of Internet, notably ICANN. Parliament places emphasis on the fact that no government should interfere with the management of the Internet. It welcomes the Commission initiative to create a '. eu' Internet domain for the EU and urges the Commission to collaborate with ICANN in drawing up effective codes of conduct regarding e.g. the assignation of names and the fight against fraud and cyber squatting in the field of data protection.

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Information society: Eurostat published statistics on the knowledge-based economy

On 21 March, Eurostat, the Statistical Office of the European Communities, published '*Statistics on Science and Technology in Europe*', which gives an overview of research and development in the EU. This edition includes data on innovation, employment in high technology sectors as well as human resources in science and technology.

Focused on the EU member states, Iceland and Norway, this publication also provides comparisons with Japan and the USA. Some indicators are presented at the European regional level. Full statistics can be downloaded from: <http://europa.eu.int/comm/eurostat/>.

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Research: Council conclusions at Stockholm

At the Stockholm European Council, ministers and Heads of State and Governments concluded that the Sixth Research Framework Programme (FP6) should make full use of the new instruments in order to promote a network of excellence, integrated projects and the joint implementation of national programmes. Regarding to research and innovation, the Council is invited to:

- adopt in codecision with Parliament the FP6 by June 2002;
- examine a strategy for mobility within the European Research Area on the basis of the Commission proposal;
- to consider member states' ideas for, and experience of, boosting research and development through economic incentives;

Furthermore, the Commission should present, by June 2001, the first European Innovation Scoreboard. It will also present proposals to promote a more interactive dialogue with the public on science and technology issues, the first results of benchmarking of research in the EU and a map of research excellence, as well as renewing the framework for state aid for research.

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Transparency: public access to environmental information

On 14 March, Parliament adopted the Korhola report, which aims at adapting existing legislation to reflect developments in information technologies, such as the Internet and to pave the way towards ratification of the UN/ECE Convention on *"Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters"*.

With regard to the dissemination of information, Parliament wants the Internet to be explicitly mentioned. Moreover, Parliament wants information and communication technologies, not mentioned by the Commission, to be taken into account. It also wants member states to create databases, accessible to the public, where environmental documents would be held. Search aids should be provided to make it easier to locate information. In addition, quality criteria are laid down regarding the information to be provided, which must be 'updated, comprehensible and scientifically sound'.

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Telecommunications: Commission communication on future wireless services

On 20 March, the European Commission adopted a [communication](#) in which it establishes an inventory of the situation of third generation mobile telephony (3G/UMTS) in the European Union. The Commission believes that this technology can contribute in a significant manner to the development of the information society in Europe.

The Commission calls for all concerned actors to work together to tackle outstanding issues and concerns raised by the introduction of wireless data services in the EU. Four aspects are developed as conditions for the success of the new generation: regulatory framework, financial context, the need to acquire experience in this market and the pending technical issues.

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WIPO: essay competition launched

The World Intellectual Property Organisation (WIPO) has launched an international essay competition as part of a series of events to mark the first ever World Intellectual Property Day on 26 April, date on which the Convention establishing WIPO entered into force, in 1970.

The competition is open to university students and must address the question "What does intellectual property mean to you in your daily life". The 2000-word essay can be submitted in Arabic, Chinese, English, French, Russian or Spanish. A prize of 1,000 Swiss Francs will be awarded for the best essay in each language.

Entries must be sent to the WIPO's Worldwide Academy (WWA) by **1 December 2001**. The winners will be announced on 26 April 2002. For further information consult <http://www.wipo.int> or send an email to: competition@wipo.int

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WTO: Parliament recommendations on the WTO built-in Agenda

On 13 March, Parliament adopted the own-initiative report by MEP Schwaiger (A5-0076/2001) containing its recommendations to the Commission on trade questions relating to agriculture, services, protection of intellectual property and institutional aspects. Parliament insisted for the Commission to favour liberalisation of services without preventing the EU from respecting certain rules concerning e.g. education, culture and health. The final report is available at the Parliament website, under latest reports: http://www.europarl.eu.int/plenary/default_en.htm.

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