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Counterfeiting and Piracy: report on Green Paper adopted

In general terms, counterfeiting means an infringement of an industrial property right while piracy means an infringement of copyright and related rights. On 28 March, the Legal Affairs Committee adopted the report by MEP Janelly Fourtjou endorsing the Commission's Green Paper on *'Combating Counterfeiting and Piracy in the Single Market'*, which it felt was of fundamental importance for the future of undertakings and for the health and safety of consumers.

'Counterfeiting and piracy are not good for creativity and innovation. They harm the small businesses which create jobs and have innovative ideas'. The report also pointed out that it was necessary to break the increasingly close link between counterfeiting, piracy and organised crime.

The report called on the Commission:

- to adopt a global and co-ordinated two-pronged approach involving prevention and law enforcement;
- to increase public awareness of the illegal and criminal aspects of counterfeiting and piracy;
- to ensure an exchange of know-how and the adoption of national best practices at Community level;
- to highlight the importance of harmonising legislation on combating counterfeiting and piracy with a view to eliminating the persistent disparities in intellectual property protection arrangements in the single market;
- to call for an appropriate framework for mutual assistance among the member states' competent authorities;
- to urge the Council to consider harmonising member states' criminal laws on the infringement of customs legislation relating to counterfeiting and piracy;
- heavier sanctions to be imposed under criminal law and civil measures and procedures (damages and interest) to be made more effective.

Lastly, the report felt that negotiations on the accession of new member states and any trade negotiations with third countries should emphasise the priority accorded to the protection and effective exercise of intellectual property rights.

The report will be debated at the May plenary session.

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Directive on Personal Data Protection: public access to documents refused

At EU level, the threat of possible abuse of personal data is being countered by two directives, namely **Directive 95/46/EC** on the protection of individuals with regard to the processing of personal data and on the free movement of such data (*OJ L 281 of 23.11.95, p.31*) and **Directive 97/66/EC** concerning the processing of personal data and the protection of privacy in the telecommunications sector (*OJ L 24 of 30.01.98, p.1*). However, neither of them applies to the EU institutions. Therefore, in September 1999, the Commission proposed to amend the European Directive on personal data.

On 21 March, the Legal Affairs Committee presented its draft opinion on protection of personal data. The committee asked the Committee on Citizens, as the committee responsible, to incorporate several amendments in its report.

With regard to questions relating to public access to documents, the Parliament has introduced an amendment - a **new Article 3 Paragraph 3 (Amendment 2)** where it says "*questions relating to public access to documents shall be dealt with by a regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents*". The reasons for refusing access to documents should be dealt with exclusively in the Public Access Regulation, which is now awaiting vote in plenary.

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E-commerce Directive: Council common position approved

On 11 April, the European Parliament Committee for Legal Affairs adopted the recommendation for second reading by MEP Ana Palacio Vallelersundi approving without amendments the Council common position on the e-commerce directive. This is a response to the wish expressed by the Council for rapid adoption and implementation of proposed new rules on e-commerce. The committee felt that the Council's common position was acceptable as it incorporated most of the Parliament's amendments from first reading. The amendments aim at increasing consumer protection.

The committee therefore recommended that the directive be adopted as soon as possible so that e-commerce can genuinely develop in Europe. The committee also pointed out that the directive is to be reviewed within three years anyway. The European Parliament is expected to carry out the second reading in early May.

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E-commerce: Brussels Convention agreement rejected

Last month, MEP Diana Wallis and her socialist allies voted down her own report on proposals to update an agreement known as the Brussels Convention ([see Hot News, January 2000](#)). The purpose of the report is to harmonise the rules of private international law in the Member States relating to jurisdiction and to improve and speed up the recognition and enforcement of judgments in civil and commercial matters.

Wallis stated that the changes to her report, instigated by the centre-right, when the report was being debated by the Legal Affairs Committee, would have denied consumers vital legal rights. The amended paper would not have reflected her views, so she is now working on a new draft of the report.

Under the Commission's initial proposal, online shoppers would be able to take legal disputes over goods and services to their national courts. Centre-right MEPs argued that the tabled amendments would be fairer on small businesses while still offering consumers redress. These included allowing firms to stipulate on their Websites that disputes would be dealt with by the courts in their own country rather than in the customer's.

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Telecommunications: Recommendation and Communication adopted

On 10 November 1999, the Commission adopted a package of **four Communications to launch a review of the current regulatory framework for electronic communications infrastructure and associated services**. These are being prepared in the form of five new Directives to be addressed to member states.

On 26 April, the Commission adopted a Recommendation on **Unbundled access to the local loop**. This calls on member states to enact appropriate legal and regulatory measures for incumbent telecommunications operators to provide full unbundled access to the copper local loops by 31 December 2000. In addition, the Commission has adopted a complementary

Communication which outlines the relationship of the Recommendation to the relevant sector specific Directives and clarifies how competition rules apply according to which incumbent operators have an obligation to provide unbundled access to the local loop under certain circumstances. The Commission has also given the major lines to be incorporated into the five Directives to be proposed in June, a communication on the **1999 Communications Review** as well as the results of the public consultation on the 1999 Communications Review, which highlighted the dynamism of technological and market change in the sector, illustrated by the technological **convergence of the telecommunications, media and information technology** sectors, and the emergence of the Internet. These come within the context of the eEurope initiative, in which the date of December 2000 was fixed for provision of unbundled access to local loops of existing operators.

"Local loop" means the circuit which physically links the premises of the client to the local telephone exchange, or any equivalent installation of the telecommunications operator.

"Unbundling" the local loop allows other operators to use local loops established by the traditional operators to whom the lines belong.

Several member states have already imposed or have formally fixed dates for unbundling (Austria, Denmark, Finland, Germany, Italy, Netherlands, UK).

The Commission has announced its intention to publish recommendations on prices and certain other aspects regarding access to the local network and on the technical and economic aspects of unbundling the local loop. The draft texts will be presented and discussed at a public hearing taking place on 10 May in Brussels. Further information can be found at:

http://europa.eu.int/comm/information_society/policy/telecom/index_en.htm

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Transparency: Draft Regulation on Public Access to Documents discussed

On 13 April, Jacob Söderman (European Ombudsman) and Romano Prodi discussed the draft regulation on public access to documents. Mr Söderman hoped that the proposal, which is now in the legislative process, will introduce changes in favour of greater transparency. He also criticised the large amount of discretion the draft leaves the institutions in requesting confidentiality for documents.

This regulation was proposed by the Commission in January ([see Hot News, December](#)) aiming at granting citizens and residents of the Union the right of access to documents of the European Parliament, the Council and the Commission. The European Parliament's opinion on this draft regulation is expected in early July, the indicative date given by the Council and the Commission.

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European Year of Languages 2001: programme adopted

On 13 April, the European Parliament adopted, at first reading, its resolution on the proposal for a European Year of Languages in 2001. Parliament's rapporteur was MEP Vasco Graça Moura. A series of amendments were adopted by the Parliament:

- a reference to the value in terms of civilisation and culture - all languages must be recognised to have equal value and dignity and encourage multilingualism;
- actions under this Decision to also be consistent with Community actions and initiatives in the field of culture;
- the Community-wide information campaign should include, among other things, the setting up of an interactive Web site and the dissemination of information on projects;
- surveys and studies on a Community-wide scale should be undertaken to define the situation in Europe with regard to languages (including sign languages and the classical languages), their use (including in scientific and university research) and language teaching and learning and the acquisition of related skills;
- several amendments underlined the wealth represented by linguistic diversity and the importance of mastering one's mother tongue. However, it rejected a phrase recognising that "**knowledge ...of Latin and Greek**" can facilitate the learning of other languages.

Many of these amendments were agreed by Council and Commission in informal talks in order to have just one reading.

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Culture 2000 Programme: published in the Official Journal

The Culture 2000 programme was approved last February and published in the Official Journal in March. It covers the period 2000 to 2004, with a budgetary allocation of Euro 167 million. It contains two annexes:

- Actions and events covered by the programme and an opening to the available funds between the different actions (European Culture Capital, European cultural month, new cultural events, etc);
- Main objectives in the different areas (music, books, reading and translation, shows, cultural heritage, etc.)

The Call for proposals and application forms for the year 2000 are now available at http://europa.eu.int/comm/culture/culture2000_en.html

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MEDIA Plus: divergence over budget

The informal meeting of the Culture Council which took place in Lisbon at the end of March allowed for the planned discussion on European cultural co-operation and the possibility of Council majority vote on cultural questions. Ministers also discussed the refinancing of the MEDIA Plus programme. Budget differences between the Fifteen were confirmed. MEDIA Plus is an instrument for European cinema, however aid to production is ineffective in the absence of instruments to help distribution.

This issue is to be discussed at the next Culture Council session, which is taking place on 6 May in Brussels.

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Research: results of IST Programme's second call for proposals

The DG Information Society received a total of 1138 proposals, in response to the second IST call for proposals, which closed on 17 January 2000. This amounts to a total requested Community contribution of some Euro 1.3 billion, in comparison to the indicative budget for the call of Euro 400 million. 217 proposals passed the evaluation thresholds and were given a priority ranking.

The co-ordinators of all proposals will be notified of their individual technical evaluation result in letters sent out from 13 March 2000. This feedback keeps proposers more closely informed of progress than was the case for the first call.

Negotiations are expected to begin in mid-April 2000 and projects are expected to be signed and start work before the summer holidays. For further information, please visit <http://www.cordis.lu/ist/home.html>

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Research: communication to be debated at next plenary session

On 10 April, the Commission's working group on the management procedures for the research framework programme submitted a report that proposed diverse measures to simplify and should also contribute to greater efficiency of the community's support for research. The report notes that a uniform procedure is too often applied to very diverse actions: research and development projects, grants, networks, accompanying measures, etc. The proposals argue for the improved implementation of specific programmes to be better targeted at major strategic activities, research activity support forms or to resort to other financial instruments which could be considered for the Sixth Framework Programme.

The Commission Communication to investigate ways of a better organisation of research in Europe and of putting forward suggestions for consideration and debate was presented in January 2000. The communication is awaiting vote in plenary, which is expected on 9 May.

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Socrates II: User guide is now available

The SOCRATES programme addresses a wide range of people and institutions at all levels of education (see section 3.2 of the Guidelines for Applicants). In order to identify relevant actions, please refer to: <http://www.europa.eu.int/comm/education/socrates/particip.html>

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Culture: PILOT excludes Austrian Institute

Gregor Woschnagg, Austrian Permanent Representative to the EU, wrote to Commissioner Viviane Reding on 31 January regarding the exclusion of the Austrian Archaeology Institute for the pilot project **AREA II**, in the framework of the Culture 2000 programme. Mr Woschnagg, recalling that the sanctions decided upon on 31 January were exclusively bilateral, noted that the decision to exclude the institute was disproportionate and called on Ms Reding to take the necessary steps to enable Austria to participate in the AREA II project.

The AREA II project (Archives of European Archaeology) was launched in 1998 as a network to improve archives on European archaeology and it is co-ordinated by the House of Human Sciences in Paris.

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G8 - Education: Ministers decide to step up co-operation

On 2 April, Education Ministers of the G8 and Ms Reding, the European Commissioner for Education met in Tokyo and Okinawa at the invitation of the G8 Japanese Presidency. Proposals have been submitted to the heads of state and government, who are to meet next July, for adapting our education systems to the new economy. The European Union can offer its G8 partners its experience, notably on the issue of mobility, but it can also learn from them, especially about the use of new technologies in education. They agreed on the following points:

- Reducing obstacles to the mobility of students, apprentices and teachers;
- Promoting the use of new technologies in teaching;
- Developing lifelong education and training;
- Developing instruments for comparing practices and results of educational systems.

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Electronic Commerce: "e-confidence forum" proposed

The European Commission has proposed to set up an on-line forum to promote the rapid and effective resolution of e-commerce disputes, without the need for legal action. The proposed **"e-confidence forum"** is targeted at businesses and consumers wishing to buy goods or services on the Internet (particularly from other countries) and it aims at assisting co-ordination between different initiatives to promote rapid and effective redress mechanisms to resolve, at low cost and without legal procedures, potential problems encountered by target groups.

The on-line forum was endorsed by participants at a recent ADR (*Alternative Dispute Resolution*) Workshop organised by the Commission in Brussels. The Commission eEurope Initiative identified the rapid deployment of ADR schemes as an essential element in creating consumer confidence in electronic commerce. Current Commission initiatives to encourage the development of ADRs include possible co-financing of pilot projects to deploy cross-border online

dispute settlement systems in the context of either the [IST Research Programme](#) or the [TEN-Telecom Programme](#).

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Global Business Dialogue on Electronic Commerce

Chief executives from the European Union, USA and Asian firms will be present at the Global Business Dialogue on electronic commerce (GBDe) meeting in New York to bring home their message as delegates try to reach agreement on the next round of Internet policy priorities. The purpose of this meeting is to consolidate the direction and strategy for GBDe. GBDe aims at influencing the e-commerce policies of governments around the globe.

Other issues to be tackled at this meeting include the taxation of e-commerce, alternative dispute resolution schemes and consumer protection. Further information on GBDe activities can be found at <http://www.gbde.org>

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EU-Asia: ASEM process and co-operation framework to be updated

The [ASEM process](#) began in March 1996 with the first Asia-Europe Meeting in Bangkok. The second ASEM Summit was held in London in April 1998. Process issues have been addressed through an Asia-Europe Co-operation Framework (AECF), which was adopted at the London Summit, setting out certain key objectives, priorities and procedures for the ASEM process, and providing for a simple and practical co-ordination mechanism. It is foreseen that this will be updated at the third ASEM process, in Seoul on 20 October 2000.

General priorities and five short-term priorities have been proposed by the Commission for the Seoul Summit. These priorities are based on the three pillars of ASEM dialogue: economic and financial questions, cultural and intellectual questions and political issues. In the enhancement of educational exchanges, several initiatives are also being prepared.

The Commission is proposing:

- an increase in the number of grants ;
- launching a prestigious grant programme, inspired by the Jean Monnet grants and Rhodes and Fulbright programmes;
- promotion of exchanges of young working people, in particular through training programmes in enterprises.

These would be integrated into the **"updated framework of co-operation between Asia and Europe"**, to be adopted in Seoul.

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EU-Mercosur: future framework agreement

A future agreement between the European Union and Mercosur (Argentina, Brazil, Paraguay, Uruguay) will expand the scope of the Interregional Framework Co-operation Agreement signed in December 1995. The main objective of this provisional agreement was to pave the way for the setting-up of an interregional political and economic association. It is open to future developments and seeks to promote close relations between the two regional integration processes in the political, economic, commercial, industrial, scientific, technological, institutional and cultural fields.

In September 1999 the EU Council approved negotiating directives allowing negotiations on the conclusion of this association to proceed during the first half of 2000. Three sub-working groups have been formed:

- Economic sector where priority is given to industrial co-operation, technical regulations, services, investment, macroeconomic dialogue, **science and technology and telecommunications**;
- Social and cultural sector where co-operation will mainly concern **training and cultural exchange**;
- Financial sector and technical co-operation where emphasis will be given to public administration, institutional exchanges and **promotion of regional integration**.

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EC/Switzerland: scientific and technological co-operation agreement

On 18 April 2000, the European Parliament Committee for Research and Industry adopted the recommendation proposing that Parliament give its assent to the conclusion of the seven 'package' agreements between the European Community and its Member States and the Swiss Confederation relating to the **free movement of persons**, air transport, rail and road transport, **scientific and technological co-operation**, public procurement, agricultural trade and mutual recognition in relation to conformity assessment.

The initial proposal (May 1999) by the Commission proposed an agreement regarding scientific and technological co-operation aimed at facilitating the participation of this country in the EC and Euratom [5th Framework Programmes for RTD \(1998-2002\)](#).

The Council has sent it to the European Parliament for approval, expected in early May 2000.

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EU/Turkey: additional funds for the pre-accession

The Commission adopted a proposal to provide Turkey with a 15 million Euro grant during a three-year period. This regulation is consequence of the conclusions of the Helsinki Council of December 1999. Projects will be financed in a number of fields including , amongst others, the approximation of Turkish legislation to the EU acquis, new technologies and information society issues.

From 2000 onwards, there will be a doubling of financial resources on an annual basis to Turkey. There is a regulation to reinforce customs union, a share of the [MEDA programme](#) and the funds foreseen by another draft regulation to promote economic and social development proposed by the Commission, whose legislative process is in progress.

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Media: ESC's own-initiative opinion on pluralism adopted

The Social and Economic Committee (ESC) presented its own-initiative opinion on "pluralism and concentration in the media". The opinion was adopted during the March plenary session (29-30 March 2000). With it, the ESC proposes that the European institutions prepare guidelines that take account of the requirements of pluralism, respecting the differences between the member states. Such guidelines could be designed to complement competition law by focusing on the social dimension and cultural diversity of the media.

The Committee put forward three ideas:

- Internet audiovisual and information services - the ESC would like Internet users to benefit from safeguards on pluralism and diversity;
- Consideration must be given to "portal sites", which tend to standardise the information available;
- To enable the public to identify the information available by means of a "**European label**" to denote quality of information and professional standards by means of industry self-regulation.

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Information Policy: communication before summer

On 14 April plenary session, the shift in the information strategy announced by the Commission was debated. Commissioner Viviane Reding stated that in the past there was a trench between the citizens and the institutions and that it is necessary to focus on the public, youth, local, regional and national representatives as the general public had a poor awareness of the activity and opportunities of the EU, this being reflected in an increasingly sceptical attitude towards further European integration.

There was a general welcome from members for this new strategy. However, MEP Perry believed that some SOCRATES money could be spent on the information strategy. He also considered that the EU website should be better known. MEPs Bohm and MacCormick stressed the need for a regional dimension of information policy.

Commissioner Reding announced to the European Parliament the Commission's intention to present a communication on the new information policy before the summer, based on the implementation by all the institutions, decentralisation, proximity and the greater involvement of all social sectors. This announcement is a response to an oral question by MEPs Andreasen, De Clercq and Sanders-ten-Holte on the information and communication strategy of the EU (*see Hot News, February 2000*).

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Intergovernmental Conference: awaiting final decision

On 13 April, during its first reading, the European Parliament adopted the resolution drafted by MEPs Giorgos Dimitrakopoulos and Jo Leinen on the practical proposals for the forthcoming Intergovernmental Conference (IGC). The resolution covers proposals for reform to all institutions, as well as decision-making procedures. There is a call for codecision and QMV (qualified majority voting) to become the general rule for decision-making in the legislative sphere. It also contains proposals for the Union's legal personality and the strengthening of its external role. The importance of the social market economy is also stressed.

In the EC Treaty, qualified majority voting should be introduced in matters such intellectual property. The European Presidency report will present its report on the IGC progress at the Feira European Council to be held in June 2000.

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Information Society: Internet management recommendations

On 11 April, the European Commission presented a series of key recommendations intended to improve the future operation of the Internet. These focus on the way the Internet's infrastructure - including the **dot.com** or **dot.gov** system of domain names (tools through which individuals and businesses communicate across the Internet) and the Internet Protocol (IP) addressing system - is co-ordinated internationally. This Communication to the Council and Parliament is the latest sign of the European Commission's determination to give business and citizens access to a cheap, world-class communications infrastructure. Getting the right framework for the Internet is central to the Commission's overall strategy for an **eEurope**.

Some of the Commission's key recommendations are:

- Elect members of the ICANN Board (Internet Corporation for Assigned Names and Numbers);
- Bring the registration of Top-Level Domains (TLDs) into line with intellectual property and personal data protection principles;
- Ensure that the financing is transparent;
- Shift from addresses based on numbers that are 32-bits long to an address protocol based on 128-bit numbers so as to make room for far more Internet addresses and uses;
- Establish a new **dot.EU** domain name;
- Facilitate access to the Internet through appropriate EU leased line pricing policies and **unbundling of the local loop**.

Several important developments concerning the organisation and management of the Internet are taking place. For instance, ICANN has endorsed the World Intellectual Property Organisation (WIPO) guidelines for dispute resolution in case of domain names and trademarks. The Commission launched a consultation process on the creation of the new Internet Top Level Domain: dot.EU.

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IST Programme: Key Action 'Multimedia, content and tools' moves

CORDIS is the new host for "Digital heritage and cultural content", key action III (KA III) of the IST programme. KA III aims at developing future information products and services, enabling linguistic and cultural diversity in Europe, and enhancing education and training systems for lifelong learning. Further information can be found at <http://www.cordis.lu/ist/ka3/digicult/home.html>

The process of transferring information has just begun. Information on the latest additions will be made available on the home page (<http://www.cordis.lu/ist/ka3/>), however users who require information not currently available should contact the IST Helpdesk.

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Internal Market: strategy over the next five years

On 13 April, the report by MEP Ana Palacio Vallelersundi was adopted by the Parliament. The Legal Affairs Committee supported both the method and the objectives laid down by the Commission. It particularly welcomed the Commission's choice of a working method based on precise target actions with agreed deadlines, which could be reviewed and if necessary adjusted.

The report urged the Commission to put greater emphasis on monitoring Member States' progress in implementing single market rules. A number of recommendations are also aimed at cutting red tape and improving dialogue with business. The report put forward **various proposals on electronic commerce**; it called in particular for work on the simplification of the VAT system and its application to e-commerce to be speeded up. The Commission was also urged to make rapid progress on the creation of a European network of alternative dispute resolution systems (ADR), in particular for online transactions, which would provide consumers with a real chance of obtaining legal redress. This was crucial in order to increase consumer confidence in e-commerce while not preventing small businesses from opening Internet trading sites.

This strategy covers the period 2000-2004 and its objectives are laid down in four areas: citizens, markets, business environment and external aspects. Further information on the internal market strategy can be found at http://europa.eu.int/comm/internal_market/en/update/strategy/index.htm

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Lisbon Summit: Presidency and Commission report on outcomes

At the Lisbon Summit, EU leaders agreed to complete specific commitments to liberalise the telecom section. Member states have also stepped up their commitment to education and training by, for example, doubling the numbers of 18-24 year-olds by the year 2010 receiving some form of future education and laying down guidelines on new skills for lifelong learning.

More emphasis is to be placed on research and development, with innovation to be promoted through the introduction of a new EU-wide patent by the year 2002, a high-speed trans-European electronic data network and a European innovation "scoreboard" in place by June 2001. Economic co-operation is to be improved with more public spending directed towards R&D, state aid is to be reduced and a reform of the tax and social security system introduced to encourage work.

The Commission is proceeding with fulfilling the different mandates it received in Lisbon covering in particular, the **Action Plan for e-Europe**; the European Area of **Research and Innovation**; Internal Market; **education and training**: e-learning, "*Towards a new European social agenda*" and future evolution of social protection, etc.

The Council, when preparing the Feira European Council at its session of 13 June, will have an opportunity to assess the progress of work with regard to these matters in the different Council formations.

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Research: French and Dutch Aid for ITEA

The Commission has authorised the French and Dutch aid for the **ITEA** research programme (Information Technology for European Advancement). ITEA, part of the EUREKA programme, aims at promoting industrial research in the computing sector and developing technologies. France will contribute Euro 274 million and the Netherlands Euro 95 million to this programme which has a budget of Euro 3.2 billion until June 2007.

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South-Eastern Europe: Stability Pact adopted

On 10 June 1999, the Stability Pact for South-Eastern Europe was established. In May 1999 the Commission took its 1996 regional strategy a stage further by submitting its proposals for a Stabilisation and Association process, which it is considered as an important EU contribution to the Stability Pact. In December 1999, guidelines for an association and reconstruction project for the western Balkans were adopted, which are to supersede the existing PHARE and Obnova regulations. With the CARA Programme, the Commission is seeking both to bring the countries of the region closer to the EU and to strengthen those countries' relations with each other.

On 21 March 2000, the report by Jan Lagendijk on the Stability Pact for South East Europe was adopted. The report calls on the Union to play the leading role in the Stability Pact . The three working areas of the Stability Pact cover: democracy and human rights; economic reconstruction, development and co-operation and security, including justice and home affairs. More information on the European Union and South Eastern Europe can be found at:

http://www.europa.eu.int/comm/external_relations/see/intro/index.htm

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