



July-August 2004

# EBLIDA Hot News

The EBLIDA newsletter on EU library & information society issues

## Highlights:

§ Consultation on the review of EU legislation on copyright and related rights, p.1

§ EBLIDA Opinion on the HLM Digital Rights Management Final Report, p. 2

§ Consultation on the HLG Digital Rights Management final report, p. 5

§ WSIS, translating principles into actions, p. 10

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## Copyright and Intellectual Property Rights

**Consultation on the review of EU legislation on copyright and related rights**  
[http://europa.eu.int/comm/internal\\_market/copyright/review/consultation\\_en.htm](http://europa.eu.int/comm/internal_market/copyright/review/consultation_en.htm)

The European Commission launched on 19 July a consultation of all interested parties aimed at updating the legislative framework in the field of copyright and related rights, increasing its consistency and also simplifying the provisions.

In addition, the Commission finds it necessary to analyse whether the framework still contains shortcomings which have a negative impact on the functioning of the Internal Market. In this case, additional harmonisation measures may have to be envisaged.

The working paper assesses, in particular, whether any inconsistencies between the different seven directives hamper the operation of EU copyright law or damage the balance between rights holders' interests, those of users and consumers and those of the European economy as a whole.

All interested parties are invited to send comments on the working paper **before 31 October 2004**, by email to [Markt-E4@cec.eu.int](mailto:Markt-E4@cec.eu.int). Comments received will be uploaded on the website unless specified otherwise.

**Intellectual Property Rights Enforcement Strategy**  
[http://europa.eu.int/comm/trade/issues/sectoral/intell\\_property/index\\_en.htm](http://europa.eu.int/comm/trade/issues/sectoral/intell_property/index_en.htm)

On 23 June, Commissioner Lamy presented the '*Strategy for the Enforcement of Intellectual Property Rights in Third Countries*', which sets the guidelines for the Commission's action in the coming years towards a reduction of the level of IPR violations taking place worldwide.

It is a sequence of recent initiatives e.g. the Enforcement Directive, the revision of the

Customs Regulation.

The Strategy was largely based on the Enforcement Survey that DG Trade conducted at the end of 2002. Before formal adoption (most likely during the last quarter of 2004), the Commission launched a consultation which was closed on **31 July 2004**.

## Culture

**A new generation of culture and education programmes**  
[http://europa.eu.int/comm/dgs/education\\_culture/newprog/index\\_en.html](http://europa.eu.int/comm/dgs/education_culture/newprog/index_en.html)

Erasmus, Comenius, Leonardo Da Vinci, etc will come to an end in 2006. On 14 July, the Commission announced that they will be replaced by four main programmes with a budget three times greater than before. The proposals should now be examined by Parliament and Council with the aim of

adoption at the end of 2005.

The new generation of programmes will stretch over a period from 2007 to 2013 and will be a step towards achieving the Lisbon objective "*making Europe the most competitive knowledge-based economy by 2010*".

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## Lobbying for archives and libraries

### Consultation on the final report of the HLG on Digital Rights Management

On 31 March, the High Level Group on Digital Rights Management (HLG DRM), agreed to identify the challenges associated with DRM, consolidate the views of key players on DRM-related issues and identify the possibilities for the future. At their second meeting, held on 8 July, the HLG DRM decided to launch a consultation on its final report, which reflects a consensus on basic principles and recommendations for future actions, covering three aspects: Interoperability; private copying levies and migration to legitimate services. For immediate follow-up, it was also proposed to make the consultation results available online, hold a workshop later in 2004, besides opening the debate

at a high level e.g. eEurope Advisory Group. In addition, it was convened another meeting at the end of November to address the issues identified as obstacles directly linked to DRM. Highlights of the HLG DRM second meeting, the final report and a presentation of it are all available at [http://europa.eu.int/information\\_society/eeurope/2005/all\\_about/digital\\_rights\\_man/index\\_en.htm](http://europa.eu.int/information_society/eeurope/2005/all_about/digital_rights_man/index_en.htm).

As a response to the consultation, EBLIDA has issued a Position Paper and invites library institutions to also submit their opinions by emailing their comments to [INFISO-G1@cec.eu.int](mailto:INFISO-G1@cec.eu.int) not later than **15 September 2004**.

### EBLIDA Opinion on the HLM Digital Rights Management Final Report

Further to previous steps the European Commission set up in 2004 a High Level Group in order to discuss the Digital Rights Management issues.

Although EBLIDA was not invited to participate in its meetings the issue has been closely followed by the EBLIDA Secretariat and the Copyright Expert Group members.

As a response to the European Commission call for opinions based on the HLG Final Report (July 2004), EBLIDA has issued a Position Paper stating the most relevant matters of concern for the European library and archive community, grouped under the following items:

- Ø DRM and Interoperability
- Ø Private copying levies and DRM systems
- Ø Promoting migration to legitimate services on the Internet

Other issues highlighted by EBLIDA in respect of DRM systems are:

- § Data protection
- § *Circumvention*
- § Digital Rights Management Systems must be user-friendly
- § Clear labelling and guidance: permitted and restricted uses of material should be evident to purchasers before they make their purchase

The EBLIDA Position Paper is available for public dissemination at <http://www.eblida.org/position/index.htm>. For further information please contact the EBLIDA Secretariat.

Reference:  
[http://europa.eu.int/information\\_society/eeurope/2005/all\\_about/digital\\_rights\\_man/index\\_en.htm](http://europa.eu.int/information_society/eeurope/2005/all_about/digital_rights_man/index_en.htm)

## Audiovisual

### Application of Articles 4 and 5 of the “Television without Frontiers” Directive

[http://europa.eu.int/comm/avpolicy/regul/twf/art45/art45-intro\\_en.htm](http://europa.eu.int/comm/avpolicy/regul/twf/art45/art45-intro_en.htm)

[http://europa.eu.int/eur-lex/en/com/cnc/2004/com2004\\_0524en01.pdf](http://europa.eu.int/eur-lex/en/com/cnc/2004/com2004_0524en01.pdf)

The sixth Commission report on the implementation of the **Television without Frontiers** directive (COM (2004)0524) and its annex (SEC (2004)1016) were adopted on 28 July. For the 2001-2002 period, the national reports reflect generally a satisfactory application by the EU member states of the provisions of Art 4 (European works) and of Art 5 (European works created by independent producers) of the "Television without Frontiers" Directive. In its report, the Commission states that the average broadcasting time for European works on European channels reaches is close to 70%. The report shows that for the scheduling of European works there was a clear-cut increase of 5.42 points over four years (1999-2002). Depending on the

Member State in question, the average transmission time varied between 46.98% (Portugal) and 87% (Netherlands) in 2001 and between 48.67% (Ireland) and 80% (Luxembourg) in 2002. Demand for national and European works reached a new peak in 2002, with almost 2/3 of all qualifying transmissions at Community level.

Europeans works made by independent producers were stabilising at 1/3 of all qualifying transmission time.

Moreover, the list of invited participants to take part in the focus groups of the review is available at

[http://europa.eu.int/comm/avpolicy/regul/twf/alle\\_3fg\\_web.pdf](http://europa.eu.int/comm/avpolicy/regul/twf/alle_3fg_web.pdf).

### France requested to remove restrictions on TV advertising for publishing and cinema

The Commission decided on 7 July to formally ask France to review its rules banning TV advertising by the publishing and cinema sectors. According to the Commission, this ban is in infringement of the rules laid down in the EU Treaty on the freedom to provide services (Article 49). The Commission's request takes the form of a "reasoned opinion", the second stage in the infringement procedure. If it does not receive a satisfactory reply within two months, it may bring France before the Court of Justice.

A French Decree of 1992 introduced a ban on TV advertising by the press, distributive trades and the cinema and publishing sectors to protect the regional daily press and the diversity of the media, in particular local and general radio broadcasting, by maintaining their revenue from advertising and to protect the number of titles in print and cultural

diversity. The ban led to problems for the free movement of services within the EU. TV advertising by the press has been authorised since January 2004; the authorisation does not apply however to advertising special offers, unless they occur in another member state. As a result, the restrictions on the freedom to provide cross-border services have been eliminated for these two sectors. No change has however been proposed for the cinema sector, and it has been proposed that authorisation be restricted to cable and satellite channels in the case of the publishing sector.

Furthermore, Internet access providers and professionals of the French music industry signed on 28 July a commitment charter for the development of the legal provision of music online, respect of intellectual property and the fight against digital piracy to allow authors, producers and interpreters to be guaranteed fair remuneration.

### A new EU programme for the audiovisual sector in 2007-2013

[http://europa.eu.int/comm/dgs/education\\_culture/newprog/com2\\_en.pdf](http://europa.eu.int/comm/dgs/education_culture/newprog/com2_en.pdf)

#### COM (2004)0470 of 14 July 2004

The **MEDIA 2007** programme, with over €1,000 million, will combine the MEDIA Plus and MEDIA Training programmes.

Community action in the audiovisual sector will relate to pre-production e.g. initial training for trades, funding for SMEs and post-production e.g. distribution and promotion.



## Co-operation with third countries

### EEA cooperation on internal market, youth, energy and culture

On 16 July, ECOFIN ministers approved a draft Decision, to be adopted by the European Economic Area (EEA) Joint Committee, amending EEA provisions on cooperation in specific fields outside the four freedoms. The draft Decision is aimed at integrating Community legislation into the EEA to ensure legal security and

homogeneity, extending cooperation of the contracting Parties to include cooperation in implementation and development of the **internal market**; pilot projects for **participation of young people**; preparatory actions for **cooperation on cultural matters**.

### EEA, entry into force of the new electronic communications framework

On 14 July, the EFTA Surveillance Authority adopted soft law measures provided for by the new regulatory framework for electronic communications due to enter into force in the European Economic Area (EEA) in autumn this year.

regulation; **guidelines** on market analysis and the assessment of significant market power; and a **recommendation** on notifications, time limits and consultations provided for in Art 7 of the framework directive.

The measures adopted consist of: a **recommendation** on relevant product and services markets susceptible to ex ante

They are available at <http://www.eftasurv.int/fieldsofwork/fieldservices/telecoms/ecom/dbaFile5538.html>.

### Roadmap for EU-US regulatory cooperation and transparency

<http://www.eurunion.org/partner/summit/Summit0406/2004SumTABDRept.pdf>

The Trans-Atlantic Business Dialogue (TABD) in its 25 June meeting provided recommendations to governments on open trade and security, Intellectual Property Rights and the fight against counterfeiting, capital markets and international accounting standards, as well as on the WTO Doha Development Round. EU and US governments announced a Roadmap for EU-US Regulatory Cooperation and Transparency which outlines a broad range of activities intended to reduce costs, expand market opportunities and help minimise EU-US regulatory differences.

tougher criminal penalties be instituted and more resources devoted to combating the problem e.g. enforcement procedures more accessible; a joint EU-US programme of outreach to third party governments be established; global awareness of the nature and scope of the problem and the high costs and risks to consumers, business, government and our communities be raised.

With regard to **Intellectual Property Rights and the fight against counterfeiting**, the TABD recommended that an EU-US Task Force be established;

As regards **Information and Communications Technology (ICT) standards**, cooperation should be pursued on specific projects identified under a new EU-US dialogue initiated in March this year e.g. eAccessibility, security, and biometrics and coordinated by the Commerce Department and DG Enterprise.

### Cooperation with the US and Canada in the field of higher education

[http://europa.eu.int/comm/education/programmes/eu\\_others/index\\_en.html](http://europa.eu.int/comm/education/programmes/eu_others/index_en.html)

Cooperation with the US and Canada in higher education and vocational training started in 1995 with the signature of a five-year agreement, which were renewed in 2000 until 2005 and are now up for re-negotiation starting from 2004. The joint programmes

aim at developing educational links for the promotion of curriculum development and student and teacher mobility.

Cooperation activities cover US, Canada, Japan, Australia and New Zealand.



## Copyright and Intellectual Property Rights

### Management of copyright and related rights in the Internal Market

[http://europa.eu.int/comm/internal\\_market/copyright/management/management\\_en.htm](http://europa.eu.int/comm/internal_market/copyright/management/management_en.htm)

Chapter III of the Commission communication on the management of copyright and related rights in the Internal Market [see *COM (2004)0261 of 16 April 2004*] touches upon collective rights management. The Commission indicates that a legislative initiative in this field is required and describes the relevant issues. Additional consultation of interested circles aimed at collecting the views of the Representative Organisations at EU level closed on 21 June.

105 organisations and other stakeholders submitted contributions; a list of the 97 contributions authorised for publication can be found at

[http://europa.eu.int/comm/internal\\_market/copyright/management/contributions\\_en.htm](http://europa.eu.int/comm/internal_market/copyright/management/contributions_en.htm).

Further information on intellectual property Union policies can be found at <http://europa.eu.int/scadplus/leg/en/s06020.htm> and/or [http://europa.eu.int/eur-lex/en/lif/reg/en\\_register\\_1720.html](http://europa.eu.int/eur-lex/en/lif/reg/en_register_1720.html).

### The Commission asks six Member States to implement copyright laws

[http://europa.eu.int/comm/internal\\_market/copyright/index\\_en.htm](http://europa.eu.int/comm/internal_market/copyright/index_en.htm)

On 13 July, the Commission sent reasoned opinions to France, Ireland, Italy, Luxembourg, Portugal and Spain regarding the correct national implementation of the public lending right directive [92/100/EEC], to be implemented in 1994. If no satisfactory response is received within two months, the Commission may decide to take them to the European Court of Justice.

Ireland, Italy, Portugal and Spain are incorrectly applying the public lending right directive, by exempting all lending institutions from the obligation to pay the right holders. Portugal in turn includes producers of videos among those who have the right to authorise, against payment, or prohibit the marketing of a work. The Commission believes that, by introducing a new right holder, apart from the "producer

of the first fixation" of a film (who holds the exclusive rights under Article 2), Portuguese law adds an element which could impair the functioning of the Internal Market.

Luxembourg has still not transposed the lending right. Nor has France, despite having undertaken to do so by the end of 2003. A separate copyright case against Luxembourg, which implemented the Copyright Directive [2001/29/EC] in April this year, has been closed. Referrals to the Court of Justice against Belgium, Spain, France, the Netherlands, Portugal, Finland, Sweden and the UK (for Gibraltar) remain valid; all acceding member states, except Cyprus and Estonia, have notified national measures intended to implement the Directive, which are being currently considered by the Commission.

### Consultation on the HLG Digital Rights Management final report

On 31 March, the High Level Group on Digital Rights Management (HLG DRM), agreed to identify the challenges related to DRM, to consolidate the views of the various parts of the value chain on DRM related issues and identify the possible ways forward. At the second meeting of the HLG DRM, held on 8 July, it was decided to launch a wider consultation on the final report, which reflects a consensus on basic principles and recommendations for future actions. It covers three aspects: DRM and

Interoperability; private copying levies and DRM and migration to legitimate services.

The Group reached a consensus on the three papers. BEUC, the European Consumers' Organisation, does not support the two papers on migration to legitimate services and private copying levies and DRM. Consumer's trust and confidence aspects could not be addressed in a comprehensive way and requires further discussion.

*Continued on page 6...*

## Consultation on the final report of the HLG on Digital Rights Management

... Continued from page 5

For immediate follow up, it was proposed to make the results available online; to start a wider consultation on the report and to hold a workshop later in 2004; to bring the results to the appropriate fore and use it to open the debate at a high level e.g. eEurope Advisory Group; to convene a follow up meeting of the HLG DRM to address the issues identified as obstacles directly linked to DRM at the end of November. Highlights of the second meeting, the

presentation of the report and the final report are all available at [http://europa.eu.int/information\\_society/europe/2005/all\\_about/digital\\_rights\\_man/index\\_en.htm](http://europa.eu.int/information_society/europe/2005/all_about/digital_rights_man/index_en.htm).

Stakeholders and interested circles can email their comments to [INFSO-G1@cec.eu.int](mailto:INFSO-G1@cec.eu.int) until **15 September 2004**. Comments received will be uploaded on the website unless specified otherwise.

## Culture

### What cultures may contribute to Europe, What Europe may contribute to the cultures

On 13 and 14 July, Ministers of Education and Culture met to jointly discuss the role of education and culture in the new, expanded Europe. They agreed to promote the accessibility of activities, expressions and facilities in the sphere of education and culture not only per member state, but also across the EU as a whole.

Culture Ministers fully endorsed the Dutch EU Presidency proposal to draw up a cultural working plan, which will be executed under the authority of four consecutive EU Presidencies. Other European institutions should also be involved in its execution.

The Ministers accentuated opportunities for stimulating the **mobility of museum**

**collections, artists and thematic networks**. As regards the **mobility of museum collections** indemnity arrangements will be reviewed in particular. The digitalisation of heritage will ensure that citizens can easily connect with the cultural history of Europe.

There was broad support to put the relationship between culture and economy on the agenda to make use of creativity as a motor of economic growth. The Commission has announced that a study will be carried out on the economic impact of the cultural sector. Intersecting themes e.g. investment in cultural diversity and intercultural dialogue, will be further developed.

### Culture 2000 projects for 2004 selected

The selection procedure for the general call for 2004 under Culture 2000 has been completed. The Commission has sent all applicants a letter informing them of the decision taken. A list of selected projects, together with a brief description of each of them, will soon be available at [http://europa.eu.int/comm/culture/eac/index\\_en.html](http://europa.eu.int/comm/culture/eac/index_en.html).

Moreover, a study on the European Capitals of Culture and the European Cultural Months (1995-2004), carried out by Palmer-Rae Associates, was published in August.

The study (two parts) is available at [http://europa.eu.int/comm/culture/eac/sources\\_info/studies/capitals\\_en.html](http://europa.eu.int/comm/culture/eac/sources_info/studies/capitals_en.html).

### A new EU programme for the cultural sector in 2007-2013

[http://europa.eu.int/comm/dgs/education\\_culture/newprog/comm\\_en.pdf](http://europa.eu.int/comm/dgs/education_culture/newprog/comm_en.pdf)

#### COM (2004)0469 of 14 July 2004

The **Culture 2007** programme will promote Trans national mobility, both for artists and works, and encourage intercultural dialogue

by supplementing action by the Member States. A little over €400 million will be devoted to the programme.

## Education

### Quality of mobility and citizenship education under debate

Education Ministers met from 12 to 14 July in Rotterdam (Netherlands) and agreed that citizenship education should become an important element of the renewed Socrates and Leonardo educational programmes. They further agreed that they would use 2005, the European Year of Citizenship through Education, a project of the Council of Europe, to emphasise the importance of citizenship education. In addition, they discussed the importance of

the quality of mobility in exchange programmes e.g. language training and international recognition of credits. A panel of experts in Europe, with a mandate clearly defined in advance, will study how this can be stimulated and executed in the best possible manner. There is also a need for greater clarity concerning the programmes that the 3,000 institutions for higher education have on offer as well as the level of these programmes.

### A new EU action programme for lifelong learning (2007-2013)

[http://europa.eu.int/comm/dgs/education\\_culture/newprog/com4\\_en.pdf](http://europa.eu.int/comm/dgs/education_culture/newprog/com4_en.pdf)

COM (2004)0474 of 14 July 2004

The **Integrated Action Programme for Lifelong Learning** will focus on school education (**Comenius**), higher education (**Erasmus**), vocational training (**Leonardo da Vinci**) and adult education (**Grundtvig**),

completed by transversal measures and a new programme (**Jean Monnet**) focusing on European integration.

With a budget of €13,600 million over seven years, the new programme will provide the Union with an instrument to help improve the quality of education and training systems.

### Erasmus Mundus

[http://europa.eu.int/comm/education/programmes/mundus/call\\_en.html](http://europa.eu.int/comm/education/programmes/mundus/call_en.html)

The Erasmus Mundus programme is implemented as of the academic year 2004-2005. The results of the first call for proposals 2004-2005, covering **Action 1** (Erasmus Mundus Masters Courses), **Action 2** (scholarships) and **Action 4** (enhancing attractiveness) is closed now; results can be found under selected projects (as from September 2004). A second call for proposals (2005-2006), covering **Action 1**, **Action 2** and **Action 3** (partnerships) was published in April 2004; deadlines are **31**

**October 2004** (Action 1), **31 March 2005**

(Action 2) and **31 May 2005** (Action 3).

Further calls for proposals covering the following academic years will be published annually starting in March 2005.

Besides, the European Commission has approved € 9 million to fund the **Erasmus Mundus China Window**, which contributes to improve political, economic and cultural links between the EU and China.

### Erasmus awarded the Prince of Asturias “International Cooperation” Prize

[http://www.europa.eu.int/comm/education/programmes/socrates/erasmus/erasmus\\_en.html](http://www.europa.eu.int/comm/education/programmes/socrates/erasmus/erasmus_en.html)

Romano Prodi and Viviane Reding welcomed on 7 July the award of the Prince of Asturias “International Cooperation” Prize to the Community Erasmus programme.

Erasmus is a decentralised programme which has been an integral part of the Socrates programme since 1995.

Open to students who have completed their first year at university; it enables them to spend between 3 and 12 months at a university in another European country. Spain is the favoured destination of Erasmus students.

In 1987, 3,000 young pioneers took part in the inaugural programme involving 11 countries. Today, more than 120,000 students annually are benefiting from the Erasmus programme in 30 countries. The one million students mark was reached two years ago.

Approximately € 190 million are allocated to the programme annually.



## Education

### eLearning initiative on Project Evaluation

[https://www.ilias.corep.it/loginETF.php?set\\_lang=&SID=2ddcdfec7d0d7b6d660f6e28b6c52](https://www.ilias.corep.it/loginETF.php?set_lang=&SID=2ddcdfec7d0d7b6d660f6e28b6c52)

The European Training Foundation (ETF) has implemented an eLearning scheme to share expertise in project evaluation called "Consolidating Knowledge on Project Evaluation through eLearning", with special emphasis on evaluating international cooperation projects according to the EU approach. Along the lines of the eEurope action plan and the partner countries' policies on open and distance learning, the

project will disseminate knowledge on project evaluation by using an eLearning platform.

The first module of the present project addressed a group of professionals in Russian Federation, Albania and Serbia that work for, or with relevant governmental or non-governmental bodies. A second module at advanced level will be launched in autumn 2004.

## Enlargement

### Data on participation of candidate countries in Community programmes

Detailed information on participation of candidate countries in Community programmes is available at [http://europa.eu.int/comm/enlargement/programmes\\_communautaires/index.cfm?menu=2&page=B0](http://europa.eu.int/comm/enlargement/programmes_communautaires/index.cfm?menu=2&page=B0).

State of play can be found by country or programme; a list of programmes by DG or budget as well as an overview of countries and programmes are also available.

## EU Information Policy

### Information and communication strategy of the EU

#### *Parliamentary oral question O-0074/99*

At plenary session on 23 July, MEPs Andreasen, De Clercq and Sanders-ten Holte asked the Commission what specific measures on information and communication policies will propose to bring increased legitimacy to the EU; how it will implement its information and communication actions, ensuring that it is as decentralised and close to the citizens as possible and how it will provide these actions to all citizens; and how it will differentiate its information and communication strategy towards the different groups in society.

In addition, as regards information technologies, MEPs asked the Commission how it intended to adapt and apply these tools to increase the level of information and to ensure a transparent communication policy and which initiatives might propose to improve and strengthen the cooperation between the Commission and Parliament

and the Commission and member states. Commissioner Reding stated that the general public has a poor awareness of the activities and opportunities of the Union, reflected in the increasing sceptical attitude towards further European integration. There is also a lack of a genuine public debate about the major challenges the EU is currently facing, in particular enlargement, monetary union and European defence policy.

#### **Communication strategy concerning the Treaty establishing a Constitution for Europe**

#### *Parliamentary question with debate O-0036/04*

On 25 August, MEP Leinen asked the Commission what action it intends to take as part of a common communication strategy aiming at a positive outcome of the ratification procedures for the Treaty establishing a Constitution for Europe.

Responses have not yet been provided.

## EU Research and Development

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### Consultation on Science and Technology

<http://europa.eu.int/yourvoice/forms/dispatch.jsp?form=330&lang=EN>

The European Commission has published proposals to guide future European policy to support research, "Science and Technology: the key to the future of Europe - guidelines for future European Union policy to support research" [COM (2004)0353 of 16 June 2004] (see *Hot News June 2004*, p. 8). The proposals represent a European policy to strengthen the European research effort and increase the added value of European

support to research.

The online consultation will be used to shape the next Community Framework Programme for Research and Technological Development, which will follow FP6 (2002 - 2006). An analysis of responses to the consultation will be published at [http://europa.eu.int/comm/research/future/index\\_en.html](http://europa.eu.int/comm/research/future/index_en.html). The deadline for sending responses is **15 October 2004**.

### Court of Auditors' special report on FP5

[http://www.eca.eu.int/audit\\_reports/special\\_reports/docs/2004/rs01\\_04en.pdf](http://www.eca.eu.int/audit_reports/special_reports/docs/2004/rs01_04en.pdf)

Agriculture ministers adopted on 19 July conclusions on the 5<sup>th</sup> Framework Programme for RTD (FP5), based on the Court of Auditors' special report no 1/2004 and the Commission's response to it (OJ 2004/C 99/01, p. 1 of 23 April 2004).

aim at simplifying the implementation process to make it more user friendly, in particular for SMEs and start-ups, and in compliance with the Financial Regulation.

The Council called on the Commission to improve its organisational and management approaches to the implementation of the 6<sup>th</sup> Framework Programme (FP6) and to report back before the end of 2004, based wherever possible on quantitative indicators and on the practical input of participants. This should be carried out before the Commission submits its proposal for the next framework programme which should

In addition, the Council, together with the Commission, agreed to ensure that the implementing regulations and accompanying guidance documents are adopted in time for the launch of FP7. EURAB, a research advisory group, will focus on preparations for the FP7, the creation of the European Research Council, the mid-term review of FP6 and the link between research and innovation during the next three coming years.

### Eight research teams competing for the 2004 EU Descartes Prize

<http://www.cordis.lu/science/society/descartes/home.html>

This year, the 2004 short-listed teams competing for the EU Descartes Prize come from 20 countries and display scientific excellence in the fields of life sciences, engineering, IT, chemistry and physics.

The two winners of this year's award, which is worth €1 million, with €500 000 for each winner, will be announced on 2 December in Prague.

### Conference conclusions on the role of universities in the "Europe of knowledge"

Proceedings of the Europe of Knowledge 2020 conference, held from 25 to 28 April in Belgium are available at

[http://europa.eu.int/comm/research/conferences/2004/univ/results\\_en.html](http://europa.eu.int/comm/research/conferences/2004/univ/results_en.html).

related to knowledge production, the relation between higher education and research, funding, relations between universities and the regions, university governance, research training, achieving excellence and the inclusion of new member states.

The conference yielded recommendations

## Information Society

### WSIS, translating principles into actions

[www.itu.int/wsis/](http://www.itu.int/wsis/)  
[www.ifla.org/III/wsis.html](http://www.ifla.org/III/wsis.html)

Following two earlier Commission communications on the World Summit on Information Society (WSIS) – the first outlining the EU approach and the second assessing the results of the Geneva Summit, the Commission adopted on 13 July a communication outlining concrete proposals for the 2<sup>nd</sup> phase of the WSIS, particularly implementing the WSIS Plan of Action and following up two unresolved issues: internet governance and financing measures to bridge the digital divide (see *COM (2004)0480*, [http://europa.eu.int/information\\_society/regwor/world/index\\_en.htm](http://europa.eu.int/information_society/regwor/world/index_en.htm)).

The Commission proposes that work to

implement the Action Plan be organised around three main axes: creating an enabling environment based on eStrategies that encourage investment and innovation; concentrating on showing applications that work in the areas of eGovernment, eLearning, eHealth and eBusiness; paying special attention to the research dimension of the Information Society.

In addition, specific actions for Least Developed Countries need to be developed. The Commission recently approved at the Geneva Summit the “ACP ICT Programme” signed between the EU and the African Caribbean and Pacific countries.

### Increasing interest for the public domain

Public domain, at times referred to as ‘the other side of copyright’ covers all materials which can be re-used without restrictions involving proprietary rights. Its importance is widely recognised by those dealing with digital content e.g. legal scholars, research communities, and public libraries.

A rich public domain can increase access to information for all and provide creators with raw material for new works, in most cases without any prejudice to the right holders. At present, many works are unavailable for reworking along these lines; often it is not

clear who the right holders are for specific materials.

Directorate E of the DG INFSO is devoting particular attention to public domain. If you are aware of situations in which institutions or end-users have gained positive experience or particular difficulties in this context, please send an email to [digicult@cec.eu.int](mailto:digicult@cec.eu.int) (subject Public Domain) to help compiling a series of case studies as a basis for future action. Further information can be found at [http://europa.eu.int/information\\_society/topics/multi/psi/index\\_en.htm](http://europa.eu.int/information_society/topics/multi/psi/index_en.htm).

### IST 2004 Conference, call for ideas for Networking

[http://europa.eu.int/information\\_society/istevent/2004/index\\_en.htm](http://europa.eu.int/information_society/istevent/2004/index_en.htm)

The IST conference, organised by the Commission in cooperation with the Dutch Presidency, will take place in The Hague (Netherlands) from 15 to 17 November. Networking sessions complement the conference and exhibition and contribute to one of the prime objectives of the

Commission's research policy – “to encourage forward thinking collaborative initiatives that support the development of the European Research Area”.

A call for ideas for networking sessions was opened on 10 August; it will remain open until shortly before the event.

### IST Five-Year Assessment (1999-2003)

A consultation on the findings of the Interim Report on the Five-Year Assessment of RTD in Information Society Technologies (1999-2003), with a view to shaping IST research priorities under the EU's seventh framework research programme (FP7) was

open until **31 August**. The Interim Report and questionnaire can be accessed consulted at

[http://europa.eu.int/information\\_society/programmes/evaluation/ist\\_rtd/5\\_year\\_assessment/index\\_en.htm](http://europa.eu.int/information_society/programmes/evaluation/ist_rtd/5_year_assessment/index_en.htm).

## Internal Market

### Professional Qualifications

#### Infringement procedures against UK, Germany and Austria

[http://europa.eu.int/comm/internal\\_market/qualifications/index\\_en.htm](http://europa.eu.int/comm/internal_market/qualifications/index_en.htm)

On 16 July, the Commission formally called upon **Luxembourg** to withdraw the language requirement it introduced in respect of the establishment of lawyers, as it is incompatible with Directive 98/5/EC.

The Commission also brought the **UK** before the Court for its failure, in the case of the territory of Gibraltar, to transpose Directive 2001/19/EC, which simplifies the system governing the mutual recognition of professional qualifications. The transposition deadline for Directive 2001/19/EC expired on 1 January 2003. In addition, the Commission has issued reasoned opinions calling on **Germany** and **Austria** to implement Directive 2001/19/EC. Although both countries notified certain national implementing measures, they have still not acted with regard to the professions of

doctor, dentist and architect or in respect of pharmacists and engineers (Germany) and general-care nurses (Austria).

A reasoned opinion has been addressed to **Portugal** calling for appropriate national implementation of Directives 89/48/EEC and 92/51/EEC on a general system for the recognition of professional qualifications with regard to the profession of pharmacist-biologist.

The Council reached political agreement last May, by qualified majority (with Germany and Greece voting against), on a proposed directive which extends the principle of mutual recognition further, specifying procedures to follow for practising a profession in another member state.

### Member States still failing to implement EU laws on time

According to the latest Internal Market Scoreboard, published on 13 July, member states are still taking too long to implement agreed rules into national law. The transposition deficit for Internal Market directives is 2.2% (as many as 134 directives); France has the worst transposition record of EU15. There are also far too many infringement cases where member states are incorrectly applying Internal Market rules. There are almost as many infringement cases as a year ago; Italy has the most infringement cases against it, followed by France.

Examples of key directives whose transposition is late are: recognition of **professional qualifications** (amendment) – Belgium, Germany, Greece, France, Austria and Sweden; **copyright and related rights** in the information society – Belgium, Spain, France, Netherlands, Portugal, Finland and Sweden; **electronic communications networks** – Belgium, Germany, Greece, France, Luxembourg and Netherlands. The full text of scoreboard is available at [http://www.europa.eu.int/comm/internal\\_market/score/index\\_en.htm](http://www.europa.eu.int/comm/internal_market/score/index_en.htm).

### Call for Expression of Interest

#### A network of stakeholder experts on the Common Frame of Reference

[http://europa.eu.int/comm/consumers/cons\\_int/safe\\_shop/fair\\_bus\\_pract/cont\\_law/index\\_en.htm](http://europa.eu.int/comm/consumers/cons_int/safe_shop/fair_bus_pract/cont_law/index_en.htm)

On 31 July, the Commission launched a call for expressions of interest to participate in a network of stakeholder experts called **CFR-net**, which will be involved on an ongoing basis in the development of the 'Common Frame of Reference', a manual of best solutions in European contract law which will contain principles, definitions and model rules.

This is part of the Commission's follow up work to the 2003 Action Plan on European Contract Law [COM (2003)0068 of 12 February 2003].

Applications by post should be sent no later than **4 October 2004**; those by email/fax should be sent no later than **10 October 2004**.

## Social Policy

### New programmes under EU employment and social policy

[http://europa.eu.int/comm/employment\\_social/news/2004/jul/com\\_2004\\_493\\_en.pdf](http://europa.eu.int/comm/employment_social/news/2004/jul/com_2004_493_en.pdf)

The Commission adopted on 14 July a package of proposals designed to streamline and target spending on EU employment and social policy [see COM (2004)0493]. The new **European Social Fund (ESF)** for 2007-2013 will link funding with policies to boost employment and strengthen economic and social cohesion in the European Employment Strategy (EES). The ESF should support the policies of member states which are closely in line with the guidelines and recommendations made under the EES and the agreed objectives of the Union in relation to **social inclusion and education and training**. It will be complemented with a new programme - **PROGRESS** to

rationalise funding for other actions supporting the Commission's employment and social policy e.g. employment; social protection and inclusion; working conditions; anti-discrimination and diversity and gender equality.

The European Commission approved on 23 June economic and social development programmes in the framework of the **Structural Funds** for each of the ten new Member States. Including the **Cohesion Fund** allocation, the new development programmes carry a contribution from the Union of over €24 billion between 2004 and 2006.

### INTERREG mid-term evaluations published

[http://europa.eu.int/comm/regional\\_policy/newsroom/index\\_en.htm](http://europa.eu.int/comm/regional_policy/newsroom/index_en.htm)

INTERACT programme, <http://www.interact-eu.net/226918/471522/0/0>

The mid-term evaluations of the INTERREG III Community Initiative, covering from 2000 to 2003, were published on 7 July. These documents are a great source of information on INTERREG programmes operating throughout Europe

and contain experiences and practices from which many lessons can be drawn. The publication of the evaluations was approved by the different managing authorities responsible for the relevant Programmes.

## Telecommunications

### Memorandum of Understanding on the eTEN programme

A Memorandum of Understanding (MoU) was signed on 14 July between the EC and Romania on Romania's participation in the Community programme concerning trans-European telecommunications networks, the

eTEN Programme.

See MoU at

[http://europa.eu.int/comm/enlargement/pas/ocp/ocp\\_docs/eten/ro\\_mou\\_signed\\_14\\_06\\_04.pdf](http://europa.eu.int/comm/enlargement/pas/ocp/ocp_docs/eten/ro_mou_signed_14_06_04.pdf).

### Review of markets in new electronic communications regulatory framework postponed

The Commission will maintain until the end of 2005 the present list of electronic communications markets that national regulatory authorities can subject to so-called "ex ante" regulation. The list is contained in a Commission Recommendation on relevant markets and services [see (OJ no 2003/L 114, p. 45 of 8 May 2003)].

should provide for a period of stability and legal certainty for market players and lead to a more meaningful assessment of the relevant markets.

The update of the Recommendation in 2005 rather than in June 2004, as first proposed,

In addition, the Commission believes that it would also allow for a better understanding of the situation of electronic communications markets in all member states, in particular in those which joined the EU on 1 May 2004.



## Trade Policy

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### EU committed to progress in WTO negotiations

The WTO has completed half of the Doha Development Agenda (DDA) trade negotiations launched in November 2001. The Community approach remains that set out in successive Council conclusions (October 1999, 28 June and 8 December 2003) endorsing the Communication *'Reviving the DDA - the EU perspective'*, and the Presidency's conclusions of 12 July 2004. The Doha Declaration set 1 January 2005 as a deadline for negotiations. Since WTO decisions must be made unanimously and negotiations must result in a full block of measures, negotiations are very long, complicated and controversial, as shown by the Cancun failure in September 2003.

WTO members adopted on 29 July in Geneva the **'Oshima text'** setting the parameters of the future package in five key areas: agriculture, industrial products, development issues, trade facilitation, and services; to complete the Round, the framework needs to be filled out, notably with figures. The final result should also cover the remaining items on the agenda e.g.

trade and environment, **dispute settlement**, geographical indications (GIs).

As regards services, improved offers should be tabled by **May 2005**. The text adopted presents guidelines aimed at expediting the movement, release and clearance of goods. The other so-called Singapore issues (competition, investment and transparency in public procurement) are dropped from the DDA but work on them will continue in the WTO.

In the months ahead, WTO members will develop the agreed framework into concrete, detailed and specific commitments to complete the Round as soon as possible. It was also agreed that the next WTO Ministerial will take place in Hong Kong in December 2005.

Moreover, the Commission published on 6 July an update of DG Trade's work programme for 2004 (areas for the 133 Committee to focus on during the second half of 2004).

### WTO Dispute Settlement, Tax treatment for "Foreign Sales Corporation"

On 17 July, the US Senate agreed to go to conference on the Grassley-Baucus and Thomas bills to repeal Foreign Sales Corporation (FSC)/ETI. The FSC scheme provides for an exemption to the general rules established in the US Internal Revenue Code (sections 921-927) which results in substantial tax savings for US companies exporting through FSC.

On 15 November 2000, the US adopted the

"FSC Replacement Act". EC challenged it successfully. The AB Report was adopted on 29 January 2002. On 7 May 2003, the DSB authorised the EU to increase duties up to the level of 100% for a total of \$4 billion of US trade to be applied on a detailed list of products notified to the DSB. On 8 December 2003, the Council adopted a Regulation on the imposition of countermeasures as from 1 March 2004 (*OJ L328 of 17 December 2003*).

## Youth Policy

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### A new EU programme for the youth in 2007-2013

[http://europa.eu.int/comm/dgs/education\\_culture/newprog/com3\\_en.pdf](http://europa.eu.int/comm/dgs/education_culture/newprog/com3_en.pdf)

COM (2004)0471 of 14 July 2004

The **Youth in Action** programme, with a budget of €915 million and simpler than its predecessor in terms of operation and broadly decentralised, will be accessible to young people aged between 13 and 30 in the

Member States and third countries, particularly those covered by the New Neighbourhood policy.

It will group together a variety of actions e.g. youth exchanges, European Voluntary Service, Youth for the world.

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### Information sources used include

Bulletin Quotidien Europe  
Council Press Office Newsroom,  
<http://ue.eu.int/newsroom/newmain.asp?lang=1>  
European Parliament Press Service  
[http://www.europarl.eu.int/press/index\\_en.htm](http://www.europarl.eu.int/press/index_en.htm)  
RAPID - Press and Communication Service of the European Commission,  
<http://europa.eu.int/rapid/start/welcome.htm>  
EUR-Lex: European Union law <http://europa.eu.int/eur-lex/>  
Europa, <http://europa.eu.int/>  
Various mailing lists

Calls for Tenders are published in the S series of the OJ as well as in the Tenders Electronic Daily database TED, <http://ted.europa.eu.int/CD/application/pif/resources/shtml/common/home/home.html>.  
EBLIDA Hot News electronic provides links to calls and programmes!

Calls are in general published in the C series of the Official Journal (OJ) of the European Communities, which comprises information and notices issued by the institutions of the Union, such as preparatory legislative documents and questions put by Members of Parliament to the Commission and Council.

The C series is available on-line via EUR-Lex, <http://europa.eu.int/eur-lex/>.  
Please note that the C E edition of the Official Journal, which is only available online, now publishes the explanatory statement for all Commission proposals. Henceforth the two-column presentation of the amended proposal will be replaced by two columns of continuous text. The text that has been deleted in the amended proposal will be struck through with a line and new or replacement text will be underlined.

EBLIDA encourages dissemination of our information. However, we would ask that the source be acknowledged. Documents are available at the EBLIDA Secretariat.

### About EBLIDA...

EBLIDA is the European Bureau of Library, Information and Documentation Associations. We are an independent umbrella association of national library, information, documentation and archive associations and institutions in Europe.

Subjects on which EBLIDA concentrates are European information society issues, including copyright & licensing, culture & education and EU enlargement. We promote unhindered access to information in the digital age and the role of archives and libraries in achieving this goal.