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The EBLIDA newsletter on EU library & information society issues

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Information sources used for this issue include:

Bulletin Quotidien Europe
[CELEX: Access to EU law](#)
[Cordis](#)
[Council Press Service](#)
[EUR-Lex: European Union law](#)
[Europa website](#)
[European Commission Press/Communication Service](#)
[European Parliament Press Service](#)
[European Voice](#)
[ISPO](#)
[PreLex - monitoring of decision-making process](#)

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

For more information, contact Carmen Morlon, EU Information Officer, email: morlon@nbic.nl

Audiovisual

Commission communication on certain legal aspects for cinematographic and audiovisual works adopted

The European Commission adopted on 26 September, a communication on certain legal aspects relating to cinematographic and audiovisual works. This communication sets out the Commission proposals building upon the findings of a very broad consultation process. It sets out the principles to be applied for the application of State aid rules to the cinema sector. It also identifies the next steps to be taken as well as the areas where further reflection is needed, in order to create a favourable environment for the production and distribution of audiovisual works. In addition, it provides the cinema sector with greater legal security by explaining the criteria that the Commission uses when examining national cinema support schemes under the

Treaty's rules on State aid.

Regarding taxation, consultation confirmed the request made by professionals for the application of a reduced or zero rate of VAT to cultural products and services, which is already possible in certain cases, such as for cinema tickets. As to the services that are not covered by this possibility of reduced-rate taxation under the sixth Directive, such as video or on-line services, the Commission will consider including them as part of the review of the corresponding annex to the VAT Directive after 2002. For further information on audiovisual matters visit: http://europa.eu.int/comm/avpolicy/index_en.htm.



Consumer Protection

European Commission hearing on the draft Convention on civil and commercial matters to be held

The Hague Conference on Private International Law is an intergovernmental organisation which negotiates and drafts multilateral treaties (conventions) in the fields of private international law. The Hague Conference is currently working on a draft convention on jurisdiction and enforcement of judgements in civil and commercial matters between State Parties to operate for the benefit of both, private individuals and corporate bodies. The main objectives of the project are to find solutions that are easily applicable by judges and lawyers, and to strike a balance between the interests of claimants and defendants. Such instruments already exist in Europe and are regulated by the Brussels Convention (27 September 1968), which binds all the Community member states. The Brussels Convention will be replaced by **Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters** (OJ no 2001/L 012, p. 1-23 of 16 January 2001), **Brussels I**. It will cover the same field and come into force on 1 March 2002.

A diplomatic conference of the Hague Conference took place from 6 to 22 June 2001 to examine a preliminary draft of 30 October 1999 and the results of several meetings of experts, mainly devoted to eCommerce and intellectual property issues. As a result, a new text was prepared by the Permanent Bureau of the Hague Conference. However, it was decided to defer to January 2002 the decision concerning the continuation of negotiations. Consultations must be undertaken between now and then to determine the preconditions for the conclusion of the negotiations. In this context, the European Commission has organised a hearing on 24 October in Brussels, to cover the latest status of the draft Convention. For further information visit: <http://www.hcch.net/e/index.html>; http://europa.eu.int/comm/justice_home/unit/civil/audition10_01/en/resume_juin_2001.pdf.



Co-operation with third countries

Award for Mediterranean scientists

Euroscience, a Europe-wide organisation of scholars, engineers and technicians, is opening the search for nominees for the Rammal Award 2001, awarded each year to an exceptional scientist from the Mediterranean countries. Created in memory of Lebanese physicist Rammal Rammal, the award is given to scientists from any discipline who encourage innovative scientific co-operation in the Mediterranean countries. Organisations can also apply.

Letters of presentation and CVs should be sent to Dr R Lestienne, Secretary of the Rammal Award Panel, 65 rue du Javelot, F-75013 Paris; email: Remy.Lestienne@snv.jussieu.fr.



CARDS programme - Community assistance in the former Yugoslav Republic of Macedonia

On 27 September, the European Commission adopted a proposal for a Council regulation repealing Regulation (EC) No 1628/96 and amending the following:

Council Regulation (EC) No 2666/2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia; Regulations (EEC) No 3906/89 and (EEC) No 1360/90; Decisions 97/256/EEC and 1999/311/EC; Council Regulation (EC) No 2667/2000 on the European Agency for Reconstruction.

The Commission proposes to extend the mandate of the European Agency for Reconstruction (EAR) to include the implementation of Community assistance in the former Yugoslav Republic of Macedonia. Community assistance to be implemented by the EAR includes that granted under the **CARDS Council Regulation** (EC) 2666/2000; the **PHARE Council Regulation** (EC) No 3906/89 (pertaining to Commission decisions taken prior to the adoption of the CARDS Regulation); and the **Council Regulation (EC) No 381/2001 creating a Rapid Reaction Mechanism**.

The extension of the mandate of the EAR will be completed in two phases: on 1 November 2001, the Commission will delegate to the Agency those programmes directly linked to the implementation of the Framework Agreement of 13 August 2001. Then the Commission will delegate on 1 January 2002, the other ongoing programmes. The Commission has submitted this proposal for urgent adoption by the Council.



Culture

Parliament own-initiative report on cultural co-operation adopted

On 5 September, Parliament adopted at first reading, the resolution by MEP Ruffolo (A5-0281/2001) on cultural co-operation in the EU. The resolution calls on national governments to set aside 1% of public spending for the promotion of culture and the arts. In addition, MEPs believe that a European agency should be set up to monitor developments and a Cultural Forum established to define parameters and objectives.

Furthermore, Parliament wanted the Commission to launch a three-year cultural co-operation plan to encourage co-operation at a European level. Member states are requested to contribute actively with the Commission in the drawing up and carrying out of such plan incorporating

specific targets, e.g. the establishment of telematic networks and services to connect cultural institutions (libraries, foundations, museums, restoration centres, theatres, etc.). The Commission is also to submit an annual report on the cultural policies of the EU and its member states.



Education

European education campaign launched

The European Students' Forum (AEGEE) held a conference from 6 to 8 September in La Valette, Malta. The conference focused on the Eureka project for 2002 - European education campaign, which aims at stressing the importance of education for European integration and at drawing up concrete proposals for a new European education programme.



Basic education in developing countries

On 6 September, Parliament adopted at first reading, the resolution by MEP Kinnock on the basic education in the context of the UN Special Session on Children held in September 2001. The report argued that people of all ages, including those who left school very young, should be able to take part in learning programmes throughout their lives. In addition, the House called for a global initiative on education and the immediate delivery of \$ 4 million a year to help the poorest countries to provide full primary education. Furthermore, the Commission is called upon to submit a proposal for a Directive to Parliament and Council, which serves to break the link between aid for the education sector and aid intended to finance the supply of goods and the provision of services within the framework of EU aid programmes.



Commission held conference on lifelong learning

The European Commission held a conference on 10 September in Brussels, in order to complete the feedback on its Memorandum on lifelong learning. European NGOs and civil society organisations active in the field of lifelong learning responded to the Commission Memorandum by supporting in the consultation process, the debate and discussion on lifelong learning throughout Europe. The conference was based on thematic workshops to discuss the reports prepared by these NGOs and civil society organisations. Over 150 participants from a wide range of sectors concerned with lifelong learning attended. The conclusions will serve as valuable input to the Commission's action plan on lifelong learning, expected this autumn. For further information visit: <http://europa.eu.int/comm/education/life/index.html>.



Bulgaria and Lithuania participation in Socrates and Youth programmes published

Decision no 3/2001 of the EU-Lithuania Association Council of 19 July 2001 establishing the financial contribution of **Lithuania** for participation in the **Socrates II** and **Youth** programmes (2001-2006) and Decision No 3/2001 of the EU-Bulgaria Association Council of 25 July 2001 establishing the financial contribution of **Bulgaria** for participation in the **Socrates II** programme (2001-2006) were published in the Official Journal on 26 September 2001 (OJ no 2001/L 257), available, in all official languages, at: http://europa.eu.int/eur-lex/en/search/search_oj.html.



European year of languages 2001

Wednesday 26 September 2001 was the European Day of Languages, with hundreds of events all over Europe. There was something for people of all ages and backgrounds. Activities included short "language taster" lessons in public places, multilingual arts festivals, special TV/radio broadcasts, exhibitions and open days.

The Day covered regional, minority, migrant and sign languages as well as official European and national languages. It is a key part of the "European Year of Languages 2001", organised by the European Union and the Council of Europe. Visit: http://www.eurolang2001.org/eyl/EN/Information/AboutEYL/AboutEYL3_EN.htm.



EU Information Policy

CONECCS - Commission launches new database to provide better information

The database for Consultation, the European Commission and Civil Society (CONECCS) is part of the Commission's commitment to provide better information about its consultation processes. The database provides information about civil society actors, operating at European Union level, who represent views on a wide range of European policy.

[CONECCS](#) offers this information at two levels:

A list of non-profit pan-European civil society organisations - a "who is who" and "who does what" in the representation of European civil society interests; A list of the Commission's formal and other structured civil society consultation bodies; in other words, its regular dialogue partners in the process of policy development.



EU Research and Development

Commission proposal on participation and dissemination rules for implementation of FP6 adopted

On 10 September, the European Commission presented a proposal for a Decision of Parliament and Council concerning the rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the European Community framework programme 2002-2006. The following new features, amongst others, have been introduced:

participants from member states and from associated candidate countries have exactly the same rights and obligations (Articles 12 and 13); European scientific co-operation organisations (such as CERN, ESA, ESO and EMBL) are entitled to participate in the framework programme on exactly the same footing as any entity established in a member state (this is not the case at present) (Article 12); organisations from third countries are fully entitled to participate in actions carried out under the bulk of the framework programme; Consortia responsible for networks and integrated projects are given the opportunity to change the partnership, including through competitive calls, subject to clearly defined conditions (Article 23), and on the basis of simplified Commission consent.

The provisions regarding intellectual property have also been considerably simplified. They are now identical for all participants and focus on the principles and provisions which experience has shown are the most effective.

The proposal will now go to Parliament and Council under codecision procedure. The full text of the proposal can be downloaded from: http://europa.eu.int/eur-lex/en/com/pdf/2001/en_501PC0500.pdf.



FP5 programme - Internet site to aid participation of associated states launched

Following the Commission announcement of additional funds to integrate new partners into existing projects, the Information Service for the Accession States (ISA), has been re-initiated by the German Federal Ministry of Education and Research (BMBF). It will provide information for the candidate countries as well as for those institutions which are planning to co-operate with institutions in the candidate countries. [The site](#) contains two databases; one which profiles the consortia interested in integrating new partners into their project, and the other which details research institutes or enterprises from candidate countries interested in joining existing projects.



FP5 programme - Internet site for candidate countries launched

CORDIS is offering key information, tools and features to help people and organisations from the candidate countries to participate in and benefit from the EU research schemes and to fully integrate into the European Research Area. Most of the candidate states have already negotiated specific agreements with the EU for participation in FP5 and assumed the status of Newly Associated States (NAS) to the programme.

[This section](#) of the CORDIS FP5 service encourages the integration of NAS' organisations to ongoing research projects and programmes.



FP5 programme - scientific co-operation agreement between EU and Russia discussed

In the framework of the EU-Russia Summit (October 2001), Commissioner Busquin and Alexander Dondukov, Russian industry minister, discussed in Brussels concrete details of the scientific and technological co-operation agreement that came into force on 10 May 2001. On science and technology, they agreed to draw up a list of priority areas for co-operation and an action plan. They also focused on the issue of intellectual property rights and new information technologies and decide to draw up a register of knowledge, and to create a joint website for the exchange of scientific data. Participation of Russian scientists in the sixth framework programme and other areas not covered by the agreement were also discussed. For further information visit: http://europa.eu.int/comm/external_relations/russia/summit_10_01/index.htm.



Innovation programme - European Innovation Scoreboard published

The [2001 European Innovation Scoreboard](#), published on 1 October by the European Commission, measures strengths and weaknesses in the capacity for innovation of each member state and of the EU as a whole. The scoreboard shows that all member states are improving, but the Union as a whole still lags behind the US and Japan. Of particular concern is Europe's weak investment by business in research and development, and a low level of high-tech patenting activity.

The scoreboard uses 17 indicators to rate the capacity of each member state to encourage innovative business and improve the competitiveness of their industry through innovation. It is complemented by information collection and analysis of innovation policy measures and trends in the member states, and by benchmarking to identify good practices with the potential to help boost innovation performance. The scoreboard will be updated and published annually. Visit: <http://trendchart.cordis.lu/>; <http://www.cordis.lu/innovation-smes/src/policy.htm>.



IST programme - DigiCULT Online Delphi survey finalised

The study "Technological Landscapes for Tomorrow's Cultural Economy", short DigiCULT, is building on the know-how and experience of cultural experts Europe-wide. Two rounds of an

online questionnaire, which were online from 21 May until 25 September 2001, have been released. Online Delphi was only one way to broaden the expert consulting process on the primary issues of the DigiCULT study. Within the scope of the project, six expert round tables have additionally been conducted and over 30 interviews with highly acknowledged specialists from the cultural sector have taken place. So far, over 160 cultural experts have participated in the DigiCULT study - 220 questionnaires from 98 experts in both rounds of the online survey were received. All participants of the online Delphi will receive the Executive Summary, once the DigiCULT-final Report has been finished in December 2001. For further information visit: <http://www.salzburgresearch.at/fbi/digicult/>.



Internal Market

Council made progress on the proposed regulation for Community designs

On 27 September, the Belgian Presidency reported on the progress made on the proposed Council Regulation to create a unitary Community system for the legal protection of industrial designs, in particular concerning the linguistic regime. In addition, the Council asked the Committee of Member States' Permanent Representatives (COREPER) to finalise the text with a view to adopt it without discussion at a forthcoming Council.

The proposed Regulation is intended to encourage innovation and help to prevent counterfeiting and piracy by providing for protection of industrial designs on the basis of two forms of protection at European level, one being a short-term unregistered design right and the other being a longer term registered design right.



Community Patent deadline threatened

At the internal market Council held on 27 September, Commissioner Bolkestein warned member states that, unless they were prepared to be more flexible, the deadline by the end of 2001 for agreement on the Community patent proposal, set by the Lisbon European Council, would not be met.



Commission report on services of general interest soon to be published

The European Commission is to publish a report on services of general interest in the second half of October. This report, requested by the Nice European Council in December 2000, will be discussed at the internal market Council on 27 November and forwarded to the Laeken European Council in December 2001. This report would complement the reports issued by the Commission in 1996 and 2000 and in particular, address the two concerns raised by the Internal Market

ministers: the relationship between methods of funding services of general interest and the application of state aid rules and the need to regularly assess the performance of services of general interest at EU level.

During 2001, a survey to identify persistent barriers to the cross-border provision of services was launched. The results will serve to identify key areas in which to accelerate infringement procedures. In parallel, the Commission will work actively with member states and Parliament to speed up adoption of a number of proposals e.g. postal services liberalisation, distance marketing of financial services, takeover bids, VAT on digital products. It will also review existing directives e.g. technical standards, legal protection of conditional access services and of databases to enhance their contribution to the functioning of the internal market in services and look at measures to support the competitiveness of the EU service industry e.g. improved statistical data, benchmarking. Visit: http://europa.eu.int/comm/internal_market/en/services/services/index.htm.



Internet

Council of Europe Convention on Cybercrime approved

The Council of Europe (CoE) ministers' deputies approved on 19 September the Convention on cybercrime. The main objective of the Convention is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation.

The Convention, which is the result of four years of work by CoE, the United States, Canada, Japan and other countries which are not members of the organisation, is the first international treaty on crimes committed via Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. It also contains a series of powers and procedures e.g. the search of computer networks and interception. In addition, the Convention will be supplemented by an additional protocol making any publication of racist and xenophobic propaganda via computer networks a criminal offence.

The Convention will be presented for formal adoption to foreign affairs ministers at a meeting in Strasbourg on 8 November. The opening for signature by member states will take place at an international conference in Budapest, at the end of November. It will enter into force when five states, at least three of which are members of the CoE, have ratified it. Visit the CoE website at <http://www.coe.int/> for further information.



Commission modifies its proposal on .EU TLD after Parliament first reading

After Parliament first reading on 4 July (A5-0226/2001), the European Commission presented on 2 October its amended proposal on the Internet Top Level Domain ".EU". The Council common position is expected by 15 October 2001. The amended Commission proposal can be downloaded from http://europa.eu.int/information_society/topics/telecoms/internet/eu_domain/text_en.htm.

On the 39 amendments adopted by the European Parliament, the Commission accepted 23 amendments. Some of these are:

Amendment 3 referring to the "Whois"-type databases and their role in boosting users confidence. The "Whois"-type database is a standard feature of the Domain Name System and provides Internet users with basic contact information in relation with the domain name registrant; Amendment 5 referring to Community law on personal data protection and principles relating to privacy and protection of personal data; Amendment 8 which explains that reference to "interested parties" in the regulation should cover undertakings, organisations, natural persons and public authorities; Amendment 11 (article 2) extending the definition of the Registry's activities by adding specific reference to the public query services (otherwise known as the "Whois" queries) and the operation of the registry of domain names; Amendment 35 (article 4) including a reference to the need for the extra-judicial settlement of conflicts policy to "promptly" resolve disputes, and that this procedure should be either free of charge or on no more than a cost-recovery basis.



eEurope 2002 - Parliament report on the strategy for creating a safer information society adopted

On 6 September, Parliament adopted at first reading the report by MEP Cederschiöld (A5-0284/2001), which made a series of recommendations in response to the Commission communication on security of information infrastructures. The report calls for a coherent European strategy to be developed for the fight against cybercrime, while at the same time preserving the Internet as a global free market and safeguarding the fundamental rights over privacy and personal data protection.

In addition, the committee called on the Commission to draw up common definitions and proposals for resolving conflicts of jurisdiction between member states and for an approximation of substantive criminal law e.g. high-tech crime (such as the spreading of viruses) and the sale and advertising of hacking devices. The Commission was therefore asked to propose legislative measures and non-legislative initiatives which would enable a general framework for a policy on computer-related crimes to be established. The committee also recommended promoting European research into protection/prevention technologies, such as encryption and amending the Council of Europe draft Convention on cybercrime.

Furthermore, the European Social Committee (ESC) adopted an opinion on 12 September 2001, whereby the ESC feels that broader training and preventive measures against social exclusion should also be added to those measures put forward by the Commission in its communication.



eEurope 2002 - Accessibility of public websites and their content for the disabled

One of the eEurope action plan's specific targets is to improve access to the Web for people with disabilities, which is the subject of a Communication adopted by the Commission on 25 September. Under its objective 2c, the action plan includes five targets for promoting "Participation for all in the knowledge-based society", the action plan emphasises that, "...**Public sector web sites** and their content in Member States and in the European institutions **must be designed to be accessible** to ensure that citizens with disabilities can access information and take full advantage of the potential for e-government". This action is to be executed by the

European Institutions and the fifteen member states through the adoption of the *Web 'Accessibility Initiative (WAI) Guidelines for public Web sites'* by the end of 2001.

The Commission has prepared this communication in order to support the adoption and implementation of the guidelines by member states and the European institutions. The communication outlines the relevant policy frameworks; the technical aspects covered by the guidelines; a range of strategies for implementing the guidelines and for monitoring the accessibility of public websites based on the experiences of the World Wide Web Consortium/Web Accessibility Initiative and on best practices identified within member states, the European Commission, Australia, Canada, and the United States; and a set of conclusions and recommendations. For further information visit: http://europa.eu.int/information_society/topics/citizens/accessibility/bad/index_en.htm.



eEurope 'Go Digital' action plan - Euro Info Centres eBusiness campaign launched

On 14 September, the Euro Info Centres (EICs) launched a campaign for Small-Medium Enterprises (SMEs) which aims at providing information and advice to SMEs on how to implement internet in their activities, eBusiness. The campaign, in connection with action five - Promoting the awareness for GoDigital of the GoDigital action plan, will take place in the fifteen member states as well as Iceland, Norway, Poland and Slovenia.

Visit: <http://europa.eu.int/ISPO/ecommerce/godigital/EICebusinesscampaign.htm>.



Telecommunications

Electronic communications and associated facilities

On 17 September, the Council adopted four common positions for the four proposed directives (access, authorisation, framework and universal service). In addition, the European Commission presented its assessments on 18 September 2001. The common positions have now been transmitted by the Council to the Parliament for second reading, expected in December 2001.

Canal+, SKY and Tele+ have opposed to the amendments as they felt that the Council common position on access would allow member states to require operators of 'conditional access' providers to offer access to all broadcasters on fair, reasonable and non-discriminatory terms. Access by service providers will therefore be guaranteed through legislation. They also stressed that the proposed framework directive requires that there should be no discrimination in favour of the use of a particular type of technology.



Proposed directive on data protection rejected by Parliament

On 6 September, Parliament voted, by 204 to 129 with 155 abstentions, to refer the draft directive on privacy protection in the electronic communications sector back to the citizen's freedoms and rights committee for further debate on a compromise.

At issue was the question of spamming - the sending of unsolicited junk mail. The House adopted by 259 votes in favour, 210 against and 6 abstentions, an amendment that would prohibit it without prior permission of subscribers - the so-called 'opt-in system'. However, the end result of all the different amendments adopted individually was unacceptable to a majority of MEPs. Therefore, the report drafted by MEP Cappato was rejected. The Council common position is expected on 15 October 2001.

The European Publishers Council had meanwhile, presented a statement on cookies - data files that help computers running websites to identify those visiting the site, as a protest against Parliament's attempt to ban this technical tool. Parliament committee on economic affairs believes however, that cookies and tools, which enter users' terminals without their knowledge or consent, may seriously intrude on users' privacy.



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