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EBLIDA Hot News

The EBLIDA newsletter on EU library & information society issues

Highlights:

- Further progress needed on public access to documents, p.1
- Enforcement of IPR, EBLIDA successfully gets the message through!, p. 2
- Community programme to promote bodies active in the field of culture, p. 4

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EU Information Policy

Further progress needed on public access to documents

On 25 September, Parliament adopted an own-initiative report by MEP Cashman on implementation of *Regulation 1049/2001* on public access to documents showing that real progress has been made by the EU institutions. There is a considerable increase in the documents made available: the Council has a document access rate of 89.1 %, the Commission 68 % and Parliament 98.7 %. However, the report points to a number of shortcomings as regards transparency.

MEPs concluded that the situation was still unsatisfactory in many ways and they urged the Council and Commission to give direct access to documents more often. Parliament criticised the European Council, which does not give full access to the documents under discussion if they have not previously been

subject to discussions in the Council of Ministers. The Commission was also criticised for giving, as a reason for refusal in 38 % of the cases, "various exceptions and unspecified exception".

The Commission systematically denies citizens access to correspondence from member states in the context of infringement proceedings once the proceedings have been completed or suspended. An independent assessment should be carried out on the basis of presumption of accessibility. The Commission was reminded that applications for access to documents must be considered on a case-by-case basis. Parliament was also critical of the Convention on the Future of Europe for not considering itself bound to apply the principles of the regulation and it

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Information Society

Parliament firms up directive on the re-use of public sector documents

On 25 September, Parliament adopted a series of compromise amendments and modified its position on a directive on the re-use and commercial exploitation of public sector information. This should avoid the need for conciliation. The directive aims at establishing a minimum set of rules governing the commercial and non-commercial exploitation of existing information held by the public sector.

The public sector collects, collates and disseminates information in many areas of activity. It is hoped that if more use is made of such data, the general public and companies will be able to take greater advantage of the internal market. MEPs

underline that making public all generally available documents held by the public sector is a fundamental instrument for extending the right to knowledge.

Parliament introduces a general time-limit of no more than three weeks for processing the applicant's request and providing the information for re-use. As for charging, Parliament sets out that, on request, the public sector body should indicate the calculation basis for the charge.

Moreover, MEPs make it clear that where charges are made, the total income should not exceed the total costs of collecting, producing, reproducing and disseminating documents, together with a reasonable

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Lobbying for archives and libraries

Enforcement of Intellectual Property Rights

EBLIDA successfully gets the message through!

http://europa.eu.int/eur-lex/en/com/pdf/2003/com2003_0046en01.pdf

Following with the lobbying campaign initiated towards the proposal for a *Directive of the European Parliament and of the Council on measures and procedures to ensure the enforcement of intellectual property rights*, EBLIDA has been actively advocating raising awareness on the potential impact of this Directive on the activities of the cultural heritage institutions.

Further to MEP Fourtjou working document on April 2003, EBLIDA issued a First Reaction document stating the primordial concerns of our community towards the Directive.

After intensive negotiations and previous to the publication of the European Parliament draft report on the subject (September 2003), EBLIDA, acting at a very early stage, issued a Position Paper (<http://www.eblida.org/topics/position/position.htm>) which was made available to the European Parliament and the European Commission representatives in order to officially state our concerns and

Are DRMS compatible with levies?

Digital Rights Management Systems is not only devices designed to control access to digital content. Or, at least, they should not be. DRMS are means to deliver this content and should help libraries in managing access to the services they provide.

Despite the early stage in which DRMS are being tackled, EBLIDA issued a Position Paper on this relevant subject in February 2003, in which some points were highlighted as crucial for libraries and users as regards DRMS.

But there are many questions arising from the debate established at European level on how to regulate DRMS and TPM and how to deal with levies for private copying, e. g. Are levies compatible with DRMS?

The European Commission is calling the

recommendations on the wording of the Directive and its future application.

At the first reading stage of the co decision procedure EBLIDA has successfully achieved the attention requested from MEPs belonging to the Legal Affairs and Internal Market Committee. Some of them have based their amendments to the draft report on the recommendations expressed on the EBLIDA Position Paper. The amendments tabled by the MEPs by 8 October will be discussed on 20 October and voting is scheduled for 4 November.

According to many other voices raised, it is unlikely that the debate on this subject will be over soon. Therefore, EBLIDA will remain at the forefront of the lobbying on behalf of the European cultural heritage institutions concerns!

For more information on IPR please visit: http://europa.eu.int/comm/internal_market/en/indprop/piracy/index.htm.

parties involved for discussion on the subject through workshops and hearings which may help in moving forward towards cooperation between industry, right holders and users. A Conference at the beginning of September, hosted in Brussels and in which EBLIDA was present, tried to set out a number of concrete questions which still have no clear answer. Arguments pro and contra the phasing out of levies for private copying were heard. There is a long way to go ahead. EBLIDA has been and will continue to be involved in the discussions in order to make sure that its voice is heard.

European Commission, europa.eu.int/information_society/topics/multi/digital_rights/index_en.htm;
EBLIDA Position Paper: www.eblida.org/topics/drms/drms.htm.

Crucial for libraries and users

- ✓ Exceptions
- ✓ Interoperability of devices
- ✓ Standardisation
- ✓ Data protection
- ✓ 'Lawful' circumvention
- ✓ Dispute resolution mechanism

Audiovisual

Fourth report on implementation of TV without Frontiers directive

On 4 September, Parliament adopted a resolution by MEP Perry on the Commission's fourth report on the application of the *Television without Frontiers* directive (89/552/EEC). Parliament reaffirms that a complete overhaul of the directive is needed to take technological developments and changes in the structure of the audiovisual market into account.

MEPs want the basic principles underlying the current directive - free movement of European TV programmes, free access to major events, promotion of European and recently produced independent works, protection of minors and of consumers to be embodied in a framework package bringing together the *Television without Frontiers* directive, the *eCommerce* directive and the directive co-ordinating certain *copyright rules*

applicable to broadcasting and retransmission.

Parliament also repeats that pluralism in broadcasting is an important safeguard for democracy and cultural diversity. MEPs are concerned about the media integrity, which they feel is threatened by growing concentration in the industry. Several amendments were adopted calling for rules to be laid down on ownership of TV media to ensure freedom and pluralism.

Furthermore, the Commission is urged to monitor levels of media concentration in Europe and to draft an updated Green Paper on this issue by the beginning of 2004.

The report (A5-0251/2003) can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Procedure terminated

Review of the TVwF directive, protection of minors against TV advertising

The European Commission held a meeting of scientific experts in Brussels on 10 September to provide input to its debate on protecting young people against TV, Internet and videogame violence as part of the review of the TVwF directive and the 1998 Recommendation on the protection of minors in audiovisual information services.

The Commission will present a communication on the future of Community audiovisual policy at the end of 2003 or the beginning of 2004, which will look into whether there is a need for new Community measures on the protection of minors. A summary of current provisions on the

protection of minors in the media can be found at http://europa.eu.int/comm/avpolicy/regul/review-tw2003/twf2003-theme4_en.pdf; Protection of minors and human dignity in audiovisual & information services, http://europa.eu.int/comm/avpolicy/regul/new_srv/pmhd_en.htm.

Moreover, audiovisual ministers informally met from 12 to 14 September and agreed that more had to be done to protect minors; most ministers supported the existing rules of the TVwF directive although they agreed that certain flexibility was needed to apply these rules to new form of advertising.

Co-operation with third countries

Council agreements on cooperation with Brazil and Ukraine

The Council adopted on 22 September, a Decision authorising the signature of an agreement to launch scientific and technological cooperation with Brazil for an initial period of five years.

Find out more about EU relations with Brazil at http://europa.eu.int/comm/external_relations/brazil/intro/index.htm

The Council also adopted an agreement to renew scientific and technological cooperation with Ukraine for another period of five years.

Find out more about EU relations with Ukraine at http://europa.eu.int/comm/external_relations/ukraine/intro/index.htm.

Northern Dimension of EU policy, action plan (2004-2006)

On 29 September, the General affairs Council agreed to recommend to the European Council to endorse, the 2004-2006 second action plan for the Northern Dimension in the external and cross-border policies of the European Union.

The first action plan (2000-2003), endorsed by the European Council in June 2000 at Feira, will expire at the end of the year. The Commission presented in June 2003 a working document for discussions and for

consultations on the second action plan, on the basis of the conclusions of a ministerial meeting on the Northern Dimension held in October 2002 in Luxembourg.

The Northern Dimension provides a common framework for policy dialogue and cooperation covering a broad and diverse area stretching from the Arctic and sub-Arctic to the southern shores of the Baltic, and from Northwest Russia in the East to Iceland and Greenland in the West.

Culture

Parliament report on cultural industries calls for VAT exemption

Procedure terminated

On 4 September, Parliament adopted the own-initiative report by MEP Zorba on cultural industries. Parliament asked the Commission to carry out an in-depth study on a European map of cultural industries which concentrates on cultural, economic, legal, technological and educational aspects and on implications linked to EU enlargement. The map should also contain data on employment, IPR, index of competitiveness, new products and exports and be submitted to relevant professional bodies and associations for a permanent consultation.

With regard to funding, Parliament called for a revision of the "de minimis" rules on state

aid to take into account the situation affecting to SMEs in the cultural sector. Parliament urged member states to examine ways in which to assist the setting-up and growth of SMEs in the cultural sector through taxation policy, language quotas and other policy instruments and called on the Commission and member states to remove the VAT discrimination amongst cultural products by placing music in Annex H of the VAT directive.

The full report (A5-0276/2003) can be consulted at

http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Community programme to promote bodies active in the field of culture

*Co decision procedure
First reading*

The Commission adopted in May a communication (COM (2003)275) which aims at establishing a multi-annual programme (2004-2008) for grants to promote bodies active in the field of culture at European level, currently covered by Part A of the budget. Three new developments mean that this way of financing grants cannot continue, thus the proposal seeks to provide a separate legal base for the award of grants from the following budget lines:

- **Ex-A-3015** - EBLUL and Mercator network of information and documentation centres;
- **Ex-A-3035** - Nazi concentration camp sites as historical memorials;
- **Ex-A-3042** - cultural organisations of advancing the idea of Europe and expenditure on administrative management.

In a draft report debated on 16 September, rapporteur MEP Iivari proposes a multi-annual budget for the programme, allowing for the Commission's contribution (€ 0, 8 million) to the planned executive agency, of € 35, 76 million. She also proposes the possibility of agreeing multi-annual framework agreements with successful applicants for funding, lasting for the whole or part of the life of the programme.

The proposal is to be adopted in co decision by Parliament and Council (the latter acting unanimously), involving up to two readings each by Parliament and Council and, if necessary, a conciliation process. The draft report can be consulted at

<http://www.europarl.eu.int/meetdocs/committees/cult/20030929/20030929.htm>.

Culture

Parliament public hearing on cultural sponsorship

On 30 September, the Parliamentary Committee on Culture held a public hearing on cultural sponsorship. Contributions made by Parliament DG Research, Peter Inkei, Director of the Budapest Cultural Observatory, Brigitte Kössner, Austrian

Business Committee for the Arts, Ad Maatjens, Sponsor Magazine (Netherlands) and Paul van Gessel, Chairman IFEA Europe (Netherlands), are available at http://www.europarl.eu.int/hearings/default_en.htm.

Education

Parliament report on minority languages in the EU

On 4 September, Parliament adopted with 431 votes in favour, 30 against, and 23 abstentions, an own-initiative report by MEP Ebner on minority languages in the context of enlargement and cultural diversity.

creation of a *European Agency for Linguistic Diversity and Language Learning*. Moreover, the Commission should submit legislative proposals on language diversity and learning by 31 March 2004.

Parliament called on the IGC to refer to the promotion of linguistic diversity. The Commission should carry out a study on the

The report (A5-0271/2003) can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.



European Day of Languages
26 September 2003
www.ecml.at/edl/Default.asp?l

Parliament report the eLearning programme

On 16 September, the Culture Parliamentary committee tabled a recommendation for second reading on the eLearning programme.

One amendment to the Council common position was tabled by MEPs regarding the financial framework for the implementation of the programme for the period specified in Article 1, set at € 44 million instead of € 33 million.

The rapporteur, MEP Mauro, hopes that the Council accepts this amount and thus, not prejudice the successful implementation of the programme and its original ambitious scope. The report (A5-0314/2003) awaiting Parliament opinion (second reading), scheduled for 20 October, can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Berlin conference of European higher education ministers

<http://www.bologna-berlin2003.de/>

Education ministers met in Berlin on 18 and 19 September to set up priorities and define concrete targets to make sure that the European Higher Education area becomes a reality by 2010. Specific goals have been set up for the coming two years (Oslo in 2005), which will focus on quality assurance, the two cycle system and the recognition of degrees and periods of study.

By 2005, all Signatory States should have quality assurance systems in operation; all countries should have started implementing the two cycle system and a European Qualifications Framework, complemented by a coherent system of Quality Assurance - for Ministers should be approved.

After Berlin, the Commission is to present a report on the implementation of the Council Recommendation (September 1998) on European cooperation in quality assurance in higher education, which will contain proposals on how to make European quality assurance more coherent.

Furthermore, progress in reaching common objectives for the different education and training systems in Europe will be evaluated against European benchmarks. The Commission will present an Interim Report on the Lisbon Objectives in November 2003. A conference on possible follow-up measures at national and European level will be held in Liege (Belgium) from 26 to 28 April 2004.

Erasmus Mundus opens up Europe's universities to the world

Erasmus Mundus was approved unanimously on 29 September by the Culture Parliamentary committee. This programme seeks to open up Europe's universities and higher education establishments to students throughout the world. The programme will cover a five-year period from 1 January 2004 to 31 December 2008. It will provide grants for more than 4,000 postgraduate students from non-EU countries other than the EEA/EFTA and accession countries as well as around 1,000 academics. MEPs are keen for the Erasmus Mundus Masters Courses to involve exposure to at least two EU languages.

At first reading (April 2003), Parliament called for the budget of € 200 million suggested by the Commission to be increased to € 300 million provided this did

not affect existing programmes and was within the limits laid down by the financial perspective. However, in its common position in June, the Council put forward a figure of € 180 million.

On 29 September, the Culture committee adopted an amended report by MEP de Sarnez proposing, following lengthy talks with the Council, to set the budget at € 230 million. The Culture committee hopes this figure will be accepted by the Council and that the co decision procedure can thus be concluded at second reading without going to conciliation.

The report (A5-0087/2003) awaiting Parliament opinion (second reading), scheduled for 20 October, can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

PLOTEUS, a portal on learning opportunities

www.plotus.net/plotus/portal/home.jsp

Plotus offers extensive information on learning, training and job opportunities throughout Europe. It includes links to

higher education institutions websites, databases of training courses and schools, different education systems, etc.

Community programme to promote bodies active in education and training

The Commission proposal (COM (03)0273) adopted on 27 May is one of seven establishing basic acts for grants currently without a separate legal base. It aims at setting up a multi-annual programme (2004-2008) for grants for organisations engaged at European level in the fields of education and training. The proposal will be adopted under the co decision procedure, with the Council acting by qualified majority.

The proposal classifies grants into three groups:

- Action 1 - grants to support the ongoing activities of a list of named organisations which are deemed to be 'institutional partners' or 'network heads' e.g. organisations of general European interest. MEP Pack, rapporteur would like the International Federation of Europe Houses to be added to the list of beneficiary organisations under this action;
- action 2 - grants to support the ongoing activities of other European associations

active in the field of education and training;

- action 3 sub-divided into three sub-actions: higher education concerning European integration; activities to achieve the future objectives of education and training systems in Europe and the training of national judges in the field of European law and for organisations for judicial cooperation.

With regard to budget, the proposed budget of € 129, 62 million needs to be increased, the Commission proposes for 2004 the same funding as in 2003. In subsequent years, it plans a 2% increase to take account of inflation. The rapporteur will propose a multi-annual financial endowment, including € 4, 0 million for technical assistance, of € 149, 92 million.

The draft report awaiting vote in plenary, scheduled for November, can be found at <http://www.europarl.eu.int/meetdocs/committees/cult/20030929/20030929.htm>.

Enlargement

Council Decision approves agreements with eight accession countries

http://europa.eu.int/comm/enlargement/index_en.html

In October 2002, the Council authorised the Commission to open negotiations with the ten associated countries of Central and Eastern Europe, Cyprus and Malta, with a view to extending the notification procedure established by Directive 98/34/EC and extended to information society services by Directive 98/48/EC.

On 22 September, the Competitiveness

Council adopted a Decision approving Agreements between the Community and **Estonia, Latvia, Lithuania, Malta, Poland, the Slovak Republic, Slovenia and the Czech Republic** on the establishment of a procedure for the provision of information regarding technical regulations and rules on information society services.

Documents concerning the accession of candidate states to the EU

Documents concerning the accession of the **Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic** to the EU are published in the Official Journal of the European Union no L 236 of 23 September 2003.

Appendices to Annexes IV, V, VII, VIII, IX, X, XI, XII, XIII and XIV of the Act concerning their conditions of accession and the adjustments to the Treaties on which the

EU is founded are published in the Official Journal of the European Union no C 227 E of 23 September 2003.

The **Irish, Czech, Estonian, Hungarian, Lithuanian, Latvian, Maltese, Polish, Slovak and Slovenian** versions of these documents are published in the special editions of the same Official Journals.

The Official Journal is available at <http://europa.eu.int/eur-lex/>.

The IGC, preparing a Constitution for Europe

http://europa.eu.int/comm/press_room/presspacks/convention/pp_convention_en.html

<http://www.euitaly2003.it/EN/ConferenzaIntergovernativa/>

Three meetings of EU heads of state and government are planned to wrap up negotiations on a legally binding text for an EU constitutional treaty: 4 October, 17 November and 12 December. There will be tricky negotiations: all national capitals have a veto and must negotiate politically charged discussions; the roles of a new EU president and foreign minister have also raised concerns; besides are fights over the weighting of 'Qualified Majority Votes' at Councils of EU ministers and the powers and numbers of MEPs. Some countries are expected to present amendments to the existing draft while other EU players are pushing for a resolution on time.

The next Intergovernmental Conference (4 October, Rome) is significant because the

EU's member states will negotiate a new EU Constitution which foundation was prepared by the Convention and published in July 2003 (see <http://european-convention.eu.int/bienvenue.asp?lang=EN>).

The Council agreed on the draft letters to Parliament, Commission and the European Central Bank on 10 July. The European Commission presented its opinion on 17 September. Parliament in turn, adopted its opinion at plenary on 24 September.

The Commission wants the constitution to be ratified simultaneously across the EU. The first EU Constitution could be signed on 9 May 2004 – Europe Day, just before the next European elections.

EU Information Policy

Further progress needed on public access to documents

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urged other institutions, agencies and bodies to apply them.

The Council in turn, differentiates between documents forwarded by member states acting, firstly, in their capacity as member of Council and, secondly, as individual member states. However, European citizens must have the same or comparable rights to openness with regard to both the Union and to their own member state if it affects European competences. Parliament calls on the Commission to submit a proposal to that end.

MEPs argue that the intention of the regulation was that a single register should be set up. The Commission is taken to task for setting up several electronic registers. Parliament's committee secretariats should also provide updated information about their

work on their websites and operate in a fully transparent way. The EU institutions are also criticised for not defining a system of inter-institutional coding. MEPs demanded that all the institutions improve the operation of their registers and take urgent action to comply with the regulation. Furthermore, if access to documents is refused, citizens should be informed of their right to complain to the European Ombudsman and given the Ombudsman's web address.

The Commission is invited to incorporate in its report on the revision of the regulation the proposals made by Parliament in this resolution and to publish its report by 31 January 2004. The report (A5-0298/2003) can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Opening to the public of the historical archives of the Community

The Council adopted on 22 September a Regulation amending Regulation (EEC, EURATOM) no 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community.

The new Regulation brings into line the former legislation on archives as regards

public access to certain categories of documents older than thirty years in accordance with the rules on the public's right of access to documents (Regulation no 1049/2001), in conformity with the general principles of transparency laid down in Article 255. It was published in the Official Journal of the EU no 2003/L 243/ of 27 September, p. 1, available at <http://europa.eu.int/eur-lex/>.

EU Research and Development

Council Resolution on investment in research in Europe

<http://www.cordis.lu/era/3percent.htm>

The Commission proposal (COM (2003)0226) which aims at presenting an action plan concerning research investment in Europe was published in April this year.

Parliament was authorised on 28 August to draw up an own-initiative report. The Council in turn, adopted on 22 September a resolution on investing in research for European Growth and Competitiveness. It agreed that overall spending on R&D in the

EU should be increased with the aim of approaching 3% of GDP by 2010 and that two thirds of this investment should come from the private sector.

The Council invites the Commission to report annually from 2004 onwards on the progress achieved in reaching the 3% objective, on the implementation of the action plan, and on the application of the open method of coordination.

Procedure terminated

Research and Development

EU Descartes Prize, eight research teams short listed for 2003

<http://www.cordis.lu/descartes/>

The names of the eight international research teams short-listed for this scientific award were announced on 25 September. The EU Descartes Prize rewards outstanding scientific and technological research carried out by cross-European collaboration and partnerships. Over 900 scientists in 230 research teams from across Europe competed for this year's prize. The projects cover a wide range of science and technology fields and issues. The work of the finalists

will be presented and the winners of this year's awards announced at a ceremony in Rome on 20 November. Winners will share a € 1 million prize.

In addition, nine young scientists were awarded a prize of € 28,500 under the EU Contest for Young Scientists, http://europa.eu.int/comm/research/young_scientists/indexflash.htm in Budapest (<http://www.eucontest.hu/>).

Information Society

Parliament firms up directive on the re-use of public sector documents

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return on investment, having due regard to the self-financing requirements of the public sector body concerned. With regard to accessibility 'basic information' means that at least texts of laws and regulations, judicial decisions and the information of representative bodies e.g. parliamentary information should be made generally accessible, through electronic means where possible.

In the event of disagreement between the public body and the applicant, MEPs introduce an obligation for the body to inform the applicant of any available form of

redress. Furthermore, it says public bodies should take into account the possibilities for the re-use of documents by and for people with disabilities. Parliament also introduces an obligation for member states to ensure that practical arrangements facilitate the online search for documents.

The Commission adopted its position on EP amendments at second reading on 25 September. The full report by MEP van Velzen (A5-0284/2003) awaiting Council decision can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

*Co decision procedure
Second reading*

€ 21 million budget agreed for the MODINIS programme

On 25 September, by adopting a legislative resolution at second reading, MEPs agree a figure of € 21 million for the MODINIS programme to share information technology best practice and improve network security.

MODINIS, a successor to the PROMISE programme, runs from 2003 to 2005 and provides necessary complementary funding to ensure the proper implementation and monitoring of the eEurope 2005 action plan, dissemination of good practices and the improvement of network and information security.

Parliament supported the Commission's original proposal for a budget of € 25 million at first reading. The Council, in its common position, put forward a figure of € 20 million. However, the compromise figure of € 21 million should, according to Parliament, allow the programme to fully meet its objectives.

The report (A5-0269/03) awaiting Council decision can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

*Co decision procedure
Second reading*

Information Society

Results of the first IST call in FP6 released

The Information Society Technologies (IST) priority is one of the seven priority themes of the EU FP6. It has a total budget of € 3.6 billion over four years and supports research in information and communication technologies and their applications. Funding is provided to collaborative research projects following calls for proposals.

The IST work programme structures the content of the calls into a set of strategic objectives. The first IST call was launched in December 2002 and had a deadline in April 2003. The call attracted 1400 proposals requesting € 6.2 billion. The budget available

for the call was € 1.07 billion.

The Commission has just finalised the evaluation of proposals submitted to the first call for proposals to the IST priority. With the help of external experts, 236 projects were selected out of 1400 submitted. These will receive above 1 B€ of funding and are expected to start the work in the coming two or three months. Visit

<http://www.cordis.lu/ist/call1.htm>.

Comments on IST results? Complete the IST Results User Survey 2003 at

<http://www.barnes-richardson.com/surveys/ist200309/>.

Commission communication on the role of eGovernment

The European Commission adopted on 26 September a communication signalling the importance of eGovernment as a means of achieving world-class public administration in Europe. As part of the Lisbon strategy, eGovernment is seen as providing a major economic boost by providing new and better services for all citizens and companies of Europe.

The Communication calls upon member states to express their political commitment to cooperation at European level spanning

both the private and public sector, to accelerate the take-up and development of eGovernment. It presents a set of actions that reinforce the eGovernment priorities currently being addressed within the eEurope 2005 Action Plan.

The communication (COM (2003)567 fin) as well as further information on eGovernment can be found at

http://europa.eu.int/information_society/eeurope/2005/all_about/egovernment/index_en.htm.

Internal Market

Council debate on Community Patent

The Council debated on 22 September a progress report regarding the draft Regulation creating a Community Patent and invited the COREPER to examine pending questions to be able to reach a political agreement on the draft Regulation and on the necessary modifications of the European Patent Convention at one of its November meetings.

The proposal on the Community Patent aims at creating a single industrial property right for the whole Community, to be granted by the EPO in Munich. It intends to eliminate the distortions of competition

created by the territorial nature of national protection rights and ensure the free movement of goods protected by patents.

Alongside this draft Regulation, amendments will have to be made to the European Patent Convention to enable the EPO to play its part in the Community patent system.

There is also a need to introduce jurisdictional arrangements in the draft Regulation and to create, through future Commission proposals, a judicial panel "Community Patent Court", to decide on legal disputes in respect of Community patents.

Internal Market

Parliament report on the Community trade mark

*Consultation procedure
First reading*

On 23 September, Parliament adopted by 464 votes in favour, 10 against and 30 abstentions a non-binding resolution on the Community trade mark system, amending Regulation (EC) no 40/94.

MEPs proposed instituting an umbrella organisational entity for the boards in the form of an Administrative Tribunal, headed by a chairman, which in certain cases would be able to act as an enlarged Board. Other amendments sought to bring the proposed text into line with the TRIPS Agreement. MEPs also adopted an amendment enabling the proprietor of an earlier trade mark to oppose the registration of a new trade mark

"where the use without due cause of the trade mark applied for would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark". In this way, the committee hoped to strengthen legal certainty and protection for the proprietors of Community geographical indications by virtue of reputation.

The Council final act is expected on 10 November.

The full report (A5-0236/03), drafted by MEP Berenguer Fuster, can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Parliament report on patentability of computer-implemented inventions

*Co decision procedure
First reading*

On 24 September, Parliament adopted a legislative resolution drafted by MEP McCarthy on computer-implemented inventions. The central question was whether the current practice of the European Patent Office issuing patents for computer-implemented inventions should be formally legalised. A number of amendments limited the allocation of patents to ensure that patents would not be issued for actual software.

The proposed resolution aims at clarifying the scope of patentability of software and at harmonising on the base of existing practises. MEPs introduced a "grace period" in respect of elements of a patent application

for any type of invention disclosed prior to the date of the application to avoid an inventor being deprived of his/her invention when it has been made public before applying for a patent. It would also be particularly useful for innovative SMEs and cooperation between universities and industry. However, such an innovation could not be introduced solely for patents for computer-implemented inventions without a prior study of its impact and its compatibility with the Community's international obligations under, for instance, TRIPS. The report (A5-0238/03) awaiting Council common position can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Council and Parliament on European contract law

Procedure terminated

On 2 September, Parliament adopted an own-initiative report by MEP Lehne on European contract law. Parliament expressed its regret that the Commission did not act on setting up, by 2004, a databank of national legal provisions and case law in this field, which is required to begin work on the 'common frame of reference.' MEPs asked for users of the law e.g. judges, lawyers, consumers to be involved in the process of elaborating the 'common frame of reference'. The Commission should complete it by the end of 2006. Moreover, Parliament called for its application in conciliation proceedings,

either through the existing 'European Extra-Judicial Network' or through a new European conciliation system in which only it would be used. The report (A5-0256/2003) can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Competitiveness ministers adopted on 22 September a resolution on European Contract Law and asked the Commission to report at least every 12 months on the ongoing discussion process and on progress made in the area of European contract law.

Internet

Safer Internet, call for proposals published

The European Commission published on 5 September a call for proposals to help make the Internet a safer place. € 11.7 million of EU funding is made available to promote safer use of the Internet and new online technologies including mobile phones.

This call will establish a European network of safer internet awareness centres and will continue to support for two more years the existing network of hotlines that allow users to report illegal content. Other areas covered include a study on children's use of new media, quality labels for Web sites and benchmarking of filtering systems. The

closing date for proposals is 14 November 2003.

An information day on the call for proposals was held in Luxembourg on 12 September. The European Commission is also making preparations to propose a follow-up programme covering the period 2005-2008, "Safer Internet plus". A public consultation took place following the information day.

The work programme 2003-2004, call text, guide for proposers, forms and model contract can be consulted at <http://europa.eu.int/iap> or <http://www.saferinternet.org/>.

Social Policy

Parliament rejected the Dutch proposal on contracts of employment

On 2 September, Parliament, by adopting a resolution by MEP Wallis, rejected the Dutch proposal to amend Regulation 44/2001/EC on the grounds that it was no longer provided for in the Treaty. However, the Commission is to report back and produce a proposal for amending legislation, if necessary. The regulation provides for rules on jurisdiction in matters relating to individual contracts of employment. Judgements issued in accordance with Article 20 will be enforced in all member states. According to some member states' labour law, regarding the termination of an employment contract, employers have the

option to petition for judicial annulment instead of a dismissal, and in some cases, judicial annulment is mandatory. The Dutch initiative stipulates that the employer is given the option to bring proceedings in the courts for the place where the employee habitually carries out his work or in the courts for the place where the business which engaged the employee is situated, if not habitually carried out in any one country.

The report (A5-0253/2003), awaiting final Council decision, can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Telecommunications

Transition from analogue to digital broadcasting

The European Commission adopted on 17 September a communication (COM (2003)541) which addresses the switchover process, with a special focus on member states' policies for digital TV migration. eEurope 2005 requests member states to publish their intentions regarding switchover by December 2003.

This communication suggests the type of information that could be included in such reports. It analyses the main issues arising out of the migration from analogue to digital broadcasting from a market and policy perspective. The first chapter of the communication presents the market situation

of digital broadcasting in the EU. The second discusses the main options facing member states, drawing on European law and market experience. This covers various aspects relating to national switchover strategies in general, and specific issues on digital broadcasting reception and services. The third chapter addresses the spectrum implications of the move to digital broadcasting and suggests launching a wide debate on this issue.

The communication can be consulted at http://europa.eu.int/information_society/topics/telecoms/news/index_en.htm.

Trade Policy

Administrative cooperation in the field of VAT

Parliament adopted on 2 September, two resolutions by MEP Kauppi corroborating its opinion (first reading) concerning the change of legal basis of a proposal which aims at incorporating under one regulation all provisions connected to administrative cooperation in the field of VAT (repealing Regulation no 218/92).

Parliament disputed the suitability of the new legal basis proposed by the Council (*consultation procedure*). Having asked the Legal affairs committee for its opinion, MEPs agreed that administrative cooperation in the field of VAT could not be seen as affecting

the material fiscal law of the member states, as the Council was arguing, and that the aim of the proposal was rather to improve the functioning of the internal market. The committee therefore insisted that the proposal should be based on Article 95 of the EC Treaty (*co decision procedure*) and urged the Council to forward its common position to Parliament.

The report (A5-0262/2003) awaiting Council common position can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Council debate on reduced VAT rates, many disagreements between member states

ECOFIN ministers had an exchange of views on reduced VAT rates at their informal meeting in Stresa on 13 September. Some delegations cannot accept any extension of Annex H. Other delegations insist on maintaining their derogations and exceptions. Most delegations also consider that the derogations are linked to domestic problems of considerable political relevance and are not a problem for the functioning of the internal market.

The proposal aims at rationalising the system of reduced VAT rates grouping all the cases when member states are authorised to levy rates other than the standard rate in a single list (Annex H, which contains optional reduced rates for all member states on a permanent basis). In other words, Annex H becomes the sole regulatory framework permitting exceptions to the application of standard VAT rate with the result that the reduced rate (not lower than 5%) shall be applied to categories

contained in the new Annex H only; the zero and super-reduced rates currently applied by member states will be maintained only for goods and services listed in Annex H; the parking rate (a preferential tax rate designed to allow member states a gradual transition from the reduced rate towards the standard rate applied to goods not listed in Annex H) is abolished.

Furthermore, some of the existing territorial derogations are rationalised to allow member states to apply in particular areas e.g. areas typified by a remote geographical position, rates being lower than those ordinarily applied to goods and services used therein.

France, Spain, Greece and Finland support the Commission proposals whereas Belgium, Ireland, Luxembourg, Portugal, Netherlands and UK oppose them. No member state called for reduced VAT on CDs/DVDs (currently 15% to 25% against 5% on books, cinema or concerts).

Failure of Cancun WTO round

The Cancun conference ended with a short statement indicating that participants had worked hard to make progress and that further work would be needed on the outstanding issues.

Parliament debated on 24 September on the failure of the WTO conference. On 29 September, External relations ministers and the Commission regretted the breakdown in

the negotiations and held an exchange of views on the next steps to be taken. Developed and developing countries blamed each other for the breakdown.

Officials will continue work at WTO to convene a meeting of the WTO General Council before 15 December to reassess the future of the trade talks.

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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.

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