



Hot News

The EBLIDA newsletter on EU library & information society issues

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Information sources used for this issue include:

Bulletin Quotidien Europe

[Cordis](#)

[EUR-Lex: European Union law](#)

[Europa website](#)

[European Parliament Press Service](#)

[European Voice](#)

[ISPO](#)

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Audiovisual

Ministers debate on candidate countries position on audiovisual matters

Culture ministers met on 5 and 6 October to assess the position of candidate countries on audiovisual matters compared to the *acquis communautaire*, mainly regarding to the 'Television without Frontiers' directive.

The audiovisual sector, film industry in particular, is confronted by new challenges linked to its development and funding. Ministers concluded that there is a need to take into account not only cultural but also economic aspects of this sector. They will draw up conclusions on subjects such as the registry of audiovisual works, distribution of programmes; the role of state aid; challenges to restart WTO negotiations and the specific role of regional funds and the financial sectors. The

Belgian Presidency is preparing a draft resolution to be added to the agenda of the next culture/audiovisual Council on 5 November. In addition, the Council is waiting for a Commission communication on the financing of public television, for end October, which will be subject of a debate taking place on 16 November.

Parliament report on implementation of 'Television without Frontiers' Directive adopted

On 4 October, Parliament adopted the resolution by MEP Hieronymi (A5-0286/2001) on the Commission's third report on the application of the 1997 'Television without Frontiers' directive (89/552/ECC). The directive was first intended to provide a free market for TV channels across Europe in the new digital age, with a minimal amount of regulation.

In her report, MEP Hieronymi states that the scope of the directive should be broadened to cover the new audiovisual services. She calls on the Commission to take into account the new developments in the sector, such as webcasting on the Internet, electronic programme guides (EPG), interfaces (API) and intellectual property issues e.g. digital private copying and caching.

The rule that relates to advertising and the protection of minors has also given rise to legal disputes. Furthermore, the definition of major events for society to be available on free terrestrial channels is also proving controversial.

The Commission and member states were urged to facilitate the transition to digital technology. Italy, Luxembourg and the Netherlands have still not implemented the legislation, whereas Belgium is facing legal proceedings for infringing legislation. Parliament also urges the need for a broad debate in order to safeguard European cultural diversity with the demands of the global market.

The Commission should present proposals for a revision of the legislation (end of 2002). The new legislation should be in line with the eCommerce directive and cover questions such as those related to decoders and Internet access.



Consumer Protection

Parliament report on activities to implement a European judicial area adopted

On 23 October, Parliament approved the report by MEP von Boetticher (A5-0339/2001) establishing, for the period from 1 January 2002 to 31 December 2006, a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters. This report was approved with a number of non-binding amendments, which would reduce from two to one third, the number of member states involved in NGOs activities in order to be eligible for financial support.

Eligible for support are actions taken by the Commission to help with the running costs of European NGOs and other projects of Community interest. Provision is made for participation of candidate countries and some third countries. This Regulation shall not apply to Denmark, Ireland and the United Kingdom.

The report can be found at: http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.



Co-operation with third countries

EU and Croatia association and stabilisation agreement signed

On 29 October, the EU and Croatia signed the association and stabilisation agreement as well as an interim agreement to take effect on 1 January 2002. This will allow Croatia to benefit from the trade provisions of the agreement, pending its ratification.

Amongst others, the agreement covers regional co-operation, the four freedoms - with the creation of a free trade area for goods and services after a six-year period, and co-operation in justice and home affairs. Substantial aid will be provided via the **CARDS programme**.

CARDS programme - Commission unveils CARDS regional strategy paper

On 22 October, the European Commission adopted a strategy document to promote regional co-operation in the western Balkans (Albania, Bosnia-Herzegovina, Croatia, Yugoslavia and Macedonia). The document provides details on the implementation of the 2000-2006 aid programme for the western Balkans - the **CARDS programme**, with a total budget of Euro 4.65 billion (2000-2006). The bulk of this CARDS support to the countries will be financed through national CARDS support programmes.

The CARDS regional strategy document outlines how the Commission plans to allocate around 10% of the CARDS programme aside to promote regional co-operation. The main priorities to be focused upon with these funds are management of international borders; regional infrastructure development and helping the countries build stronger national institutions. Education activities are a priority via the Tempus programme or activities of the European Training Foundation but are dealt with via the CARDS national programmes rather than in this regional strategy.

The Commission is expected to draw up a full table with an indicative breakdown of the funding as well as a strategy document for each country by the end of the year. An annex on the multi-annual indicative programme for 2002-2004 is included. The strategy paper is available to download from:

http://europa.eu.int/comm/external_relations/see/docs/cards/sp02_06.pdf

Court of Auditors report on TACIS, PHARE and INTERREG programmes published

The Court of Auditors, in a report published on 11 October, reached some conclusions on the effectiveness of TACIS CBC, the cross-border co-operation programme. In its report, the court recommends that:

- co-ordination mechanisms between the Tacis CBC programme, the Interreg programme and the Phare programme should be significantly strengthened;
- the budget of the Tacis CBC programme and matching funding made available for bordering regions in the Phare countries should be increased e.g. emphasis on infrastructure and investment support;
- more priority to projects which directly contribute to increase the living standards of the population in the eligible regions should be given;
- a higher proportion of funds should be allocated to the Small Project Facility and its management should be decentralised.

In its response, the Commission admits that there is a need to strengthen co-ordination. Some measures have already been taken along these lines, mainly the adoption of common Tacis/Interreg guidelines, strengthened inter-service consultations and the setting up of joint Phare/Tacis missions. In addition, the Commission is willing to extend the geographical coverage of Phare to include the border zones of the Tacis beneficiary countries. The report is available from: http://www.eca.eu.int/EN/reports_opinions.htm



Copyright and Intellectual Property Rights

Parliament adopted report on exhaustion of trademark rights

On 3 October, Parliament voted 473 to 22 with 27 abstentions in favour of a resolution on the exhaustion of trademark rights. At issue is whether the EU should stick to the current regime of EU-wide exhaustion of trademark rights or change to a system of international exhaustion, thus allowing 'parallel imports' from third countries into the EU of trademarked products at much lower prices than those paid by EU consumers for the same products (between 30% and 70% depending on the product). The current directive on trademarks allows manufacturers to make excessive profits at the expense of EU consumers whilst selling the same products cheaper on other markets. International exhaustion would contribute to wider choice, fairer competition and less pressure on prices.

Parliament calls on the Commission to submit, by 31 December 2002, a report containing detailed proposals on the following:

- the implications of a possible transition to the principle of international exhaustion for European manufacturers and consumers as well as for jobs;
- cases of abuse of trademark rights notified to the Commission;
- the legal situation with regard to exhaustion of trademark rights in the most important trading nations;
- ascertain the prospects for the conclusion of an international agreement on harmonised rules on exhaustion of trademark rights under the WTO or WIPO;
- clarification of trademark law in respect of non-commercial imports of goods purchased by consumers via the Internet was needed.



Culture

Council Decision on Lithuania participation in Culture 2000 adopted

On 27 September, the Justice/Home affairs Council formally adopted a Decision on the participation of the Republic of Lithuania in the Culture 2000 programme. Participation of candidate countries in one or more Community programmes in the field of culture has now expired. Details of their participation were laid down by decision of the respective Association Councils. A new decision is therefore required in every case.



eCommerce

Parliament report on eCommerce and financial services adopted

The EU directive on eCommerce is due to enter into force on 17 January 2002. However, there are a number of issues relating to financial services e.g. rules affecting insurance, advertising and electronic money which need to be reviewed and updated. There is also a concern that some member states may undermine the 'country of origin' principle and introduce new national rules to restrict competition. In order to ensure that derogation under existing legislation do not jeopardise such principle, Parliament adopted on 4 October, by 396 to 63 with 27 abstentions, the resolution by MEP Huhne (A5-0301/2001) on eCommerce and financial services.

In its report, Parliament calls on the Commission to lay down a timetable for the removal of derogation relating to the rules affecting insurance, the advertising of unit trusts and electronic money. Furthermore, it calls on the Commission to enforce the eCommerce directive proactively and calls on the financial service regulators in different member states to work closely together to ensure consistent implementation and interpretation of all legislation relating to eCommerce and financial services.

The report can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.



Education

Parliament consultation paper on lifelong learning adopted

On 23 October, Parliament adopted the resolution by MEP van Brempt (A5-0322/2001) on lifelong learning. While supporting the Commission strategy of initiating a broad social debate on lifelong learning, MEPs called for concrete policy measures to be based on the principles of democratisation and equality, individual personality development, the individual right to lifelong learning, personal responsibility and a holistic approach to learning. However, they deplored the fact that the priorities within these strategies have not yet been defined.

Parliament wants lifelong learning to be available to everyone across the EU regardless of age, origin or educational background, but notes that lifelong learning may require a radical change in education, training and the labour market policies at European, national and regional level to be effective.

The report can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Socrates programme - report on lifelong learning and cities published

On 15 October, the DG Education published "*Creating Lifelong Learning Cities, Towns and Regions - The Local and Regional Dimension of Lifelong Learning*", a European policy paper from the **TELS project** - Towards a European Learning Society, financed under the Socrates programme. This executive summary gives information about the crucial part played by European cities, towns and regions in the implementation process of lifelong learning. It considers the importance of lifelong learning as an individual activity, and provides examples of its implementation process. Some examples are:

- the great library of Alexandria was the centre of a 2000 years old experiment in the creation of a Learning City;
- Sunderland is a pioneer of lifelong learning in such initiatives its courses offered in 35 learning centres outside of the university - in schools and libraries as well as shopping centres;
- those cities with cybercafes or Internet facilities in libraries and other public places know that their clientele covers all ages, all groups and all dispositions. None of them report a lack of commitment or interest, rather the opposite. Such facilities enable new people, moving from one community to another, to recognise in each the ambience of learning and use it as a means of integration;
- the *UK Campaign for Learning* runs its *Family Learning Day* in September each year. Libraries invite authors to discuss writing about family relationships and run a competition for children to write family stories, or provide family history tracing packs and show how to produce a family history scrap book.

The report is available to download from: <http://europa.eu.int/comm/education/poledu/tels.pdf>



EU Information Policy

Commission launches website to involve citizens in EU policy-making process

As part of the European Commission's interactive policy-making initiative, the European Commission launched on 22 October a new website, *'Your voice in Europe'* (<http://europa.eu.int/yourvoice/>) to provide citizens, consumers and the industry with the opportunity to play an active role in the Commission policy-making process.

The site, a new interactive tool for online consultations, provides access to relevant actors and organisations as well as to a broad range of interactive tools such as online consultation, feedback mechanisms, webfora, chat rooms and complaint procedures.

Further information on the interactive policy-making initiative can be found at:

<http://ipmmarkt.homestead.com/>

Commission White Paper on European governance published

The Commission White Paper on European governance was published in the Official Journal on 22 October 2001 (OJ no 2001/C 287/01, p. 1-29). The aim of the white paper, as claimed by the Commission, is to concentrate on fewer proposals and ensure that they are well targeted and enforced. The Council, in its part, should concentrate on its legislative role along with Parliament, which should strengthen its scrutiny as far as implementation is concerned.

At legislative level, the Commission claims, Council and Parliament should be equal. Proposals for change are aimed at complementing policy tools more effectively with non-legislative instruments. These are mainly better involvement and more openness; better policies, regulation and delivery; global governance and refocused institutions. Reforms under these proposals would however, only be achieved after consultation.

Reactions to the Commission white paper may be sent directly to the Commission **before 31 March 2002** by email: sg-governance@cec.eu.int. Updated information and links with interactive debates will be provided at the governance website, http://europa.eu.int/comm/governance/index_en.htm



EU Research and Development

Council common position on FP6 expected in December

On 22 October, the Parliamentary Industry committee adopted the report by MEP Caudron on the future sixth framework programme (FP6). The report comprises the guidelines defined by the committee responsible after voting over 700 amendments. Although it endorsed the total budget proposed by the Commission (Euro 16.27billion), the committee modified the overall structure of the budget and added many details to the health research, energy and transport sections.

Regarding to integrated research, the committee proposes Euro 3.95b for the information society instead of 3.6b proposed by the Commission and Euro 270m for citizens and democracy instead of 225m. With regard to structured European research area, it recommends a budget of Euro 2,725b instead of 3,050b (research and innovation budget decreases while that for science and society is doubled). Other amendments want research to be carried out in areas such as cultural heritage and urban life.

The committee also adopted an amendment creating a new instrument to be known as the "stairway to excellence", to improve the practical functioning of the framework programme and to enable potential participants in research fields in their infancy to evolve into more advanced "centres of excellence". Furthermore, MEPs felt that the old instruments of the existing fifth framework programme (FP5) should not be abandoned completely, and wanted a smooth transition between FP5 and FP6 programmes.

Parliament is expected to vote at plenary on 12 November. Research ministers did not reach a political agreement on 30 October, however a common position should be adopted in early December.

eEurope: Parliament adopted Commission initiatives on innovation

On 3 October, Parliament adopted the resolution on innovation in a knowledge-driven economy, by 499 votes to 10 with 12 abstentions. The resolution aims at supporting the Commission Communication on helping SMEs to *Go Digital* within the framework of eEurope.

MEPs are backing the Commission initiatives in the field of innovative-oriented research, such as the ERA and the proposal for a sixth framework programme (FP6). However, Parliament calls for better co-ordination of national and EU instruments in favour of innovative enterprises and for the decentralisation of EU support to SMEs in the field of innovation. MEPs also stress the need for financial support and for the modernisation and improvement of innovation policy in Europe and say that more should be done to eliminate shortcomings in the dissemination and promotion of innovation in Europe in comparison with the USA and Japan.



Information Society

EU/CoE - Council authorised Commission to draft a Convention on information society services

On 27 September, the Internal Market ministers adopted a Decision whereby the Commission is authorised to negotiate on behalf of the European Community, within the bodies of the Council of Europe (CoE), a draft Convention on information and legal co-operation on information society services. The negotiations aim at ensuring that the CoE's Convention on information and legal co-operation makes it possible to set up a mandatory system of prior regulatory information and a mechanism for regular administrative co-operation with third countries. Such negotiations will be consulted with the special committee appointed by the Council.

Commission follow up on the Green Paper on Public Sector Information finally published

On 23 October, the European Commission adopted a communication which proposes a set of actions to overcome the market barriers existing at European level and addresses in particular, the issue of the exploitation of public sector information (PSI). No new proposals are made in relation to access to information. Actions are presented around two main axes: experimentation and dialogue and legislative - a minimum harmonisation at European level of conditions for the commercial exploitation of PSI is under consideration - the Commission intends to propose a directive to ease existing barriers before end 2001.

According to the communication, particular attention will be paid to specific segments and sectors like geographic information and the role of libraries. A short working paper on this issue can be found at: ftp://ftp.cordis.lu/pub/econtent/docs/2001_607_ann_en.pdf

In its working paper, the Commission states that 'appropriate account should be taken of libraries in the EU's strategies for the information society and related information policy. The measures described in the main document (i.e. exchange of best practices or financial support of projects) are equally relevant for the libraries. The activities deployed within the IST programme to stimulate the digitisation of the information resources and activities of libraries can make a great contribution to give them a new place and new working methods in the Information Society'.

The communication and further information on PSI can be downloaded from:

<http://www.cordis.lu/econtent/psi/home.html>

Council/EP agreement on social exclusion programme reached

On 19 September, Parliament and Council reached agreement on the action programme against social exclusion, thereby ensuring that the programme could start without delay at the beginning of 2002. The programme will focus on analysis of the characteristics, causes, processes and trends in social exclusion; political co-operation and exchange of information and best practices and participation of various actors as well as support for networking at European level.

Under the compromise reached, Parliament managed to increase the budget of the programme by Euro 5m to Euro 75m. MEPs also ensure that the upper limit for EU funding to support NGOs involved in the programme would be 90% of the cost of a project instead of the 80% originally proposed by the Council. The proposed programme is now awaiting Council/EP third reading.

In addition, the Employment Parliamentary committee was authorised last February to draw up an own-initiative report on illiteracy and social inclusion. Parliament will vote on this report in November.



Internal Market

Commission authorises Time Warner to control IPC

The European Commission has authorised the subsidiary of the American AOL Time Warner to acquire exclusive control of IPC, a magazine publisher in the Ireland and UK. Such project should neither create nor strengthen a dominant position on the magazine market, either for magazine readership or for the sale of advertising either in Ireland or the UK.

The Commission has also concluded that the link between IPC 'consumer magazine' business and the AOL Time Warner 'Internet access' business would not create a dominant position on these markets. In the UK, there is no separate demand for online consumer magazines. Furthermore, such magazines are largely sold in the UK via newsagents rather than via online subscriptions.

Parliament approved Commission internal market strategy for services

The European Commission presented in December 2000 a Communication on an internal market strategy for services to move across national borders as easy as within a member state. This Communication sets out a two step approach to achieving this objective. First, within the next 12 months, the Commission will accelerate a number of initiatives and analyse the barriers to free movement of services across national frontiers. Second, in 2002, the Commission will bring forward a further package of initiatives, setting a precise timetable for member states to dismantle any specific barriers identified from the analyses carried out in the previous twelve months.

On 4 October, Parliament adopted the resolution by MEP Berger (A5-0361/2001) calling on the Commission to make greater use of the mutual recognition of national rules and of the 'country of origin' principle. This will allow service providers and, in particular, small and medium-sized undertakings, to offer their services all over the EU more easily and on a more cost-effective basis. The harmonisation of the national rules, on the other hand, should be limited to what is strictly necessary to ensure the free movement of services and the freedom of establishment. The report can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Furthermore, the European Commission published on 17 October, a report on services of general interest (*see Hot News September 2001, p. 8*).

Commission communication on EU tax policy priorities published in Official Journal

On 10 October, the Commission published a communication on EU tax policy and its priorities for the years ahead (*see OJ No 2001/C 284/03, p. 6-19*).

As regards value added tax (VAT), of particular importance is the proposal to modify the rules applying VAT to certain services supplied by electronic means (COM (2000) 349), which aims at eliminating a major disadvantage for EU service providers relative to their non-EU competitors. Linked to this is the Commission proposal on invoicing (COM (2000) 650), which is designed to cut red tape for European traders and to make possible the use of e-Invoicing and storage in order to promote eCommerce.

Following the action programme put in place, the Commission should present new proposals focusing on e.g. the recasting of the sixth directive, the place of supply of goods. Some of this work is already under way and further work is being undertaken in respect of e.g. financial services, subsidies and activities of public authorities and/or services, co-ordination of customs and taxation policies.

As for VAT rates, a review and rationalisation of the rules and derogation applying to the definition of reduced VAT rates should be considered before end of 2002. Particular attention will

be paid to the rates applying to virtual products compared with traditional products and the use of reduced VAT rates in Community policies e.g. environment and employment.



Telecommunications

Council common position on radio spectrum adopted

On 15 October, the Council adopted its common position on the proposed regulatory framework for radio spectrum policy in the Union. In addition, the European Commission presented its assessment on 19 October 2001. The common position has now been transmitted to Parliament for second reading, expected in January 2002.

Parliament report on data protection directive adopted

The Parliamentary Industry committee adopted on 22 October, the report by MEP Cappato on data protection (A5-0374/2001), which had been referred back to committee in September (see *Hot News September 2001, p.10*). The committee decided to leave it up to member states to determine under their own legislation whether unsolicited email for marketing purposes should be allowed only with the prior consent of subscribers (opt-in) or whether subscribers should just have the right to insist on being removed from mailing lists (opt-out). Amendments proposed by Parliament would weaken the Commission proposal and would allow spamming, except where consumers positively opt-out or refuse in advance to receive such messages.

By contrast, the committee wanted direct marketing by fax, SMS or automated calling systems to be allowed only with prior consent by subscribers. The committee also voted for subscribers to have the right to request that their names be removed from printed or electronic directories (opt-out).

Furthermore, MEPs wanted data over and above what was necessary to identify a particular subscriber to be listed only with that person's prior consent. On the rest of the text, the amendments approved by Parliament when the original report came up for vote in September were reconfirmed. The report, available at: http://www.europarl.eu.int/plenary/default_en.htm, under latest reports, will be voted on at plenary in November.



Trade Policy

US decides to appeal against WTO decision on FSC legislation

The European Commission released on 8 October its seventeenth annual report on barriers to trade and investment in the US. The report highlights barriers which are considered to affect the legitimate rights of EU companies to conduct trade with the US.

The WTO Appellate Body affirmed in a report of 24 February 2000 that the FSC is an illegal export subsidy and incompatible with the WTO Subsidies Agreement and the Agreement on Agriculture. A WTO Panel also struck down its replacement, the "FSC Repeal and Extraterritorial Income Exclusion Act", in its Report of 20 August 2001. The EU is continuing to monitor the situation closely, however a number of issues still remain such as the Foreign Sales Corporations

(FSC) legislation.

The Report is available on the Internet at: <http://europa.eu.int/comm/trade/pdf/usrbt2001.pdf>



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