



October 2003

EBLIDA Hot News

The EBLIDA newsletter on EU library & information society issues

Highlights:

- Community framework for collecting societies in the field of copyright, p.1
- EBLIDA response on the future of the information networks of Info Points Europe, p. 2
- Measures and procedures to ensure the enforcement of IPRs, p. 4

Copyright and Intellectual Property Rights

Community framework for collecting societies in the field of copyright

The Commission promised during 2002 to produce a Communication on protecting authorship and performing rights which has not yet materialised. Parliament is now taking the initiative; the report will concentrate mainly on the area of the collective exercise of rights. A number of problems between right holders and users arise from questions that do not directly concern authorship and performing rights. These problems e.g. definition of 'public' and 'private', are not however considered in the report.

According to the rapporteur, approximating the technologically neutral levies at European level (Directive 2000/ 29/EC), and establishing a fair balance between sectors is a necessary step. Moreover, the landscape of rights management in an enlarged EU urgently needs simplifying, reforming and comparable parameters. The essential points are: organisational forms of collecting societies, conditions for

authorisation, areas of activity, internal structure, reciprocal agreements, cultural/social operations and functions in the public interest (solidarity levies, promotions, social assistance, cultural subsidies, scholarships, prizes - whether from general funds, non-distributable monies or revenue from the levies for blank media and copying equipment) are justified as they have democratic legitimacy and are open to all persons entitled to payment; supervision/control over collecting societies and their activities; arbitration mechanisms and transparency.

The draft report by MEP Echerer (30 September) is to be adopted by the Legal affairs committee in November; vote scheduled for 27 November.

The draft report and a working document (13 October) can be consulted at www.europarl.eu.int/meetdocs/committees/juri/20031020/juri20031020.htm.

Trade Policy

Parliament public hearing on reduced VAT rates held

The Economic affairs Parliamentary committee held on 7 October in Brussels a public hearing on reduced VAT rates.

The poster, the list of participants and position papers of the experts can be consulted at <http://www.europarl.eu.int/hearings/20031007/econ/default.htm>.

Mr Jean-Michel Jarre, music industry and Mr B Geyer, HOTREC, contributed to the hearing under item "Scope of the reduced

Rates (Annex H)" of the agenda.

An interesting contribution is however that of Ms K Ahlinder, Swedish Book Price Commission on "Reduced VAT on books (and magazines) in Sweden" under item of agenda on "The Abolition of Parking Rates and the Practical Impact of Changes in VAT Rates".

See <http://www.europarl.eu.int/hearings/20031007/econ/ahlinder.pdf>.

EBLIDA
PO Box 16359
NL- 2500 BJ The Hague
Tel.: +31 70 309 05 51
Fax: +31 70 309 05 58
<http://www.eblida.org>

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Lobbying for archives and libraries

EBLIDA response on the future of the information networks of Info Point Europe

EBLIDA, the *European Bureau of Library, Information and Documentation Associations*, is an independent, non-profit umbrella organisation of national library, information, documentation and archive associations in Europe. EBLIDA represents the interests of its members to the European Institutions with a focus on information society issues, including copyright, culture, education and EU enlargement. EBLIDA promotes an unhindered access to information, culture and knowledge in the digital age.

We were informed by our colleagues-libraries, hosting an Info-Point Europe about decisions taken by the Directorate-General Press and Communication.

Referring to the new financial regulations (1 January 2003), it was decided on 29 September 2003 to cancel the contracts with the host organisations of the Info Points Europe and EU-Carrefour, or to replace them by a contract without the annual operating grants of € 20, 000 .

A large number of these 144 Info Points Europe serving the general population is located in a regional library, which serves as the host organisation, based on an agreement with the European Commission. As these

Info-Points are related to the larger public library networks, they reach the largest part of the population of the European Member States. Therefore they are an important instrument to the information policy of the European Union towards the citizen.

We are concerned that on this short notice and without subsidy for 2004 and coming years, the European information services to the general public by public libraries cannot be continued. This is dramatic in a time where a number of important European issues are at stake: Enlargement, Constitution, Elections etc., which need the support and involvement of European citizens.

Defending the interests of the library and archive sector, and their services to the citizens in Europe we urgently request you, to find an immediate solution to continue the subsidies for 2004 and to provide a solid financial framework for the years to come.

We also recommend that the European Commission makes more use of the existing library networks and professional field of librarians, archivists and documentalists, in its information and communication services to European citizens.

Oral question on current situation of the European networks and Info Points

Oral question with debate O-0068/03 pursuant to Rule 42 of the Rules of Procedure by Michel Rocard, on behalf of the Committee on Culture to the Commission on the current situation of the European networks and Info Points.

The Commission (DG for Press and Communication) has recently informed the European networks and Info Points that it has cancelled, with effect from January 2004, payment of grants for operating expenses which have hitherto helped to support these organisations.

Confronted by this regrettable decision, which harms inter-institutional relations, and which could badly damage information actions aimed at citizens in

the current and future Member States, the European Parliament calls on the Commission to answer the following questions as soon as possible:

What steps will the Commission take to ensure that the valuable work of the networks and Info Points is able to continue unimpeded in a year in which elections to the Parliament will take place?

By what means will the Commission ensure that the future funding for this work is made available?

When will the Commission take a decision about future funding arrangements?

O-2003-0068 (Online on 23 October 2003)

Cooperation with third countries

A new framework for relations with Eastern and Southern neighbours

On 13 October, External relations ministers reviewed the situation regarding the Wider Europe - New Neighbourhood Initiative and invited the Commission to present detailed proposals for the relevant action plans early in 2004. In this context, ministers welcomed the Commission communication entitled *Paving the way for a New Neighbourhood Instrument* and confirmed the EU commitment to promote political, economic and cultural relations with all the neighbouring regions of the Union; particular attention will be paid to strengthening of civil society.

The Commission will develop Neighbourhood Programmes covering the

external borders of the enlarged Union (2004-2006) as a step before possible creation of a single new Neighbourhood Instrument. During such period, actions within the Neighbourhood Programmes should be based on the existing legislative and financial framework. In addition, the Commission took note of the proposed volume of funding within the relevant programmes (INTERREG, PHARE, Tacis, CARDS and Meda). The Commission will present detailed proposals in due time for the period from 2007 onwards. Parliament will vote at its plenary session in November.

The communication (COM (2003) 0104) can be found at <http://europa.eu.int/eur-lex/>.

Second Northern Dimension Action Plan endorsed by EU Council

The European Council endorsed on 16 October the Second Northern Dimension Action Plan (2004-2006) to pursue the Northern Dimension policies beyond 2003. The Council underlined that the Northern Dimension will assume enhanced importance in the context of EU enlargement and will have an important contribution to make in carrying forward the Union's new neighbourhood policy in the entire region.

Actions will aim in particular at ensuring continued use of the Nordic Council of Ministers Culture Programme for Saami

cultural cooperation, for providing grants to young artists, for supporting translation of literature from a Nordic to a Baltic language and vice versa and for supporting seminars on inter-cultural cooperation; the promotion of cooperation and experience exchange in the audiovisual field through MEDIA Plus and MEDIA Training and the promotion of cultural cooperation within the framework of the Culture 2000 programme.

The full text of the Second Northern Dimension Action Plan can be consulted at http://europa.eu.int/comm/external_relations/north_dim/ndap/ap2.pdf.

Cooperation actions with Latin American countries going ahead

The European Commission approved on 22 October cooperation actions of €38.8 million for Nicaragua, Mexico, Argentina, Brazil and Regional Latin America. Cooperation with Nicaragua (€10,661 million) will support the education sector. Cooperation with Brazil (€8 million) will aim at establishing a technological centres network and at supporting SMEs.

Moreover, an Observatory of the European Union - Latin America relations will be set up (€1, 5 million). These operations come under the 2003 National and Regional Financing Plans of the ALA Programme.

In addition, Employment ministers adopted on 20 October, without debate, a Decision approving the signature of an agreement for scientific and technological cooperation with Mexico. The agreement will be concluded for an initial period of five years. Such agreement will aim at guaranteeing a relative and equivalent division of revenues from intellectual property rights issued from joint research results.

Further information on cooperation with third countries can be found at http://europa.eu.int/comm/external_relations/index.htm.

Foundation for dialogue between Mediterranean cultures

On 10 October, Mediterranean countries agreed at an informal Mediterranean Forum (Foromed) held in Ankara, Turkey to set up a Foundation for dialogue between Mediterranean cultures and a Mediterranean investment bank (Femip), but disagreed on the concept of terrorism. The meeting was attended by foreign ministers and their deputies from Italy, Turkey, Algeria, Egypt,

France, Greece, Portugal, Spain, Malta, Morocco and Tunisia.

The eleven countries have requested the Italian EU Presidency to prepare the ground for the Foundation for dialogue between cultures because decisions on this may be taken at the next Mediterranean summit, to be held on 2 and 3 December in Naples.

Commission proposal to renew scientific and technical cooperation with US

On 1 October, the Commission presented its draft Decision for the renewal of scientific and technical cooperation agreement between the EC and the US, which entered into force on 14 October 1998 for an initial period of five years with provision for review and extension.

According to the proposed decision, costs will be charged to the specific budget

headings of the programmes with the RTD framework programme (Chapter B6-6013.) The material content of the agreement which expired on 13 October would remain unchanged.

The full text of both Commission documents [COM (2003) 0569 and SEC (2003) 1048] can be downloaded from <http://europa.eu.int/eur-lex/>.

Copyright and Intellectual Property Rights

Measures and procedures to ensure the enforcement of IPRs

On 29 April 2000, Parliament endorsed a report on the Green Paper entitled *Combating Counterfeiting and Piracy in the Single Market*, which highlighted the economic/social cost of the phenomenon and the dangers that it posed to both public health and innovation. In its resolution on the Green Paper of 4 May 2000 (OJ C 41, 7.2.2001, p. 56), Parliament put forward a number of demands which the Commission later took up in its follow-up document to the Green Paper (COM (2000) 789).

Three years later Parliament is considering how far its proposals have been incorporated into the draft directive, which aims at harmonising national legislation on the means of enforcing intellectual property rights (IPRs) and at laying down a general framework to enable the proper national authorities to exchange information.

The proposed directive covers the entire body of IPRs (including both copyright and industrial property as well as trademarks,

designs, and models) which have been harmonised within the EU.

According to certain industries, the proposal fails to meet the requirements of the TRIPS Agreement, as it would establish a system under which certain types of piracy would be acceptable. They also claim that the Commission has not taken the necessary steps to encourage new member states to ensure that IPRs will be strictly enforced.

The report, being drafted by MEP Fourtou, should be adopted by the Legal affairs committee in November; vote in plenary in January 2004; the Council common position is expected on 10 November.

A working document (23 April), the draft report (17 September) as well as amendments prepared by the rapporteur can be consulted at www.europarl.eu.int/meetdocs/committees/juri/20031020/juri20031020.htm.

*Co decision procedure
First reading*

Copyright and Intellectual Property Rights

Parliament public hearing on protection of copyright and performing rights

The Legal affairs Parliamentary Committee held on 7 October in Brussels a public hearing on the protection of copyright and performing rights. The programme, the Commission report on the question of authorship of cinematographic/audiovisual works in the Community (COM (2002)691)

as well as contributions made by M Guez, SCPP, France, P Hernández Arroyo, SGAE, Spain, A Nyrén, HOTRECA, Sweden and A Quaedvlieg, Nijmegen University, Netherlands can be consulted at http://www.europarl.eu.int/hearings/default_en.htm.

Culture

Culture action programme (2004-2008)

On 20 October, the Culture Parliamentary committee adopted the report by MEP Iivari amending the proposal establishing a Community programme to promote bodies active at European level in the field of culture.

The committee called for the programme's overall budget for the period 2004-2008 to be increased from € 30.92 million to € 38.83 million, the financial framework taking the 2004 budget rather than the 2003 budget as its starting-point. MEPs also deleted the Commission's requirement that grants awarded to cultural organisations advancing the idea of Europe be progressively reduced from the third year onwards. Moreover, the committee requested more information about the various activities and organisations being funded to analyse the external evaluation which had been commissioned into the organisations concerned.

The Commission in turn, should inform Parliament of the criteria used e.g. priorities, themes and types of activities before it issued a call for proposals and submit a brief report to Parliament each year on the implementation of the programme.

MEPs also adopted an amendment underlying the role of cultural organisations in "promoting awareness of Europe's common cultural heritage". Lastly, MEPs said that any beneficiary of a grant from the EU budget should indicate this in a prominent place e.g. website, annual reports. See Commission communication (COM (2003) 0275) at <http://europa.eu.int/eur-lex/>; Parliament report (A5-0359/2003), to be voted at plenary session in November, can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

*Co decision procedure
First reading*

French and Germans favour fixed prices for books

French and German Culture ministers promised during a discussion forum organised at the Book Fair in Frankfurt on 10 October to fight together so that the fixed price for books is the rule throughout Europe, even after enlargement.

Let's recall that the European Parliament adopted in May 2002 an own-initiative report by MEP Rothley (A5-0039/2002) on the fixing of book prices and requested the Commission to submit a proposal for a directive on the fixing of book prices by the end of 2002, under the co decision

procedure.

The report also contained detailed recommendations on the main points that should be included in the directive e.g. fixed price systems should provide for discounts for certain user groups such as **libraries**, bookshops, educational establishments, students or subscribers.

See text adopted (16 May 2002) in the Official Journal of the EU no 2003/C 180 E of 31 July 2003, p. 404 and 476, available at <http://europa.eu.int/eur-lex/>.

Informal ministerial meeting on culture

On 1 and 2 October, Culture ministers held an informal meeting in Florence, Italy to discuss, amongst others, the **Agenore Project** and the initial results of the hearing conducted by Commission on a new generation of programmes to support European cultural cooperation.

The Agenore project aims at creating a thesaurus of European values, a memory site or computerised catalogue accessible online

to promote European cultural identities; each member state will be free to define European values on the basis of respective national and regional cultures.

Italy in turn, presented a proposal for a **European museum**. The proposal, which will be discussed in the Brussels in November, aims at facilitating the circulation of art between different museums on the basis of cooperation and reciprocity between Europe's top cultural institutions.

UNESCO Resolution on cultural diversity adopted

UNESCO held its general conference on 16 October in Paris.

On 14 October, delegates of UNESCO Commission IV on culture unanimously passed a resolution mandating the UNESCO director general to develop a preliminary draft convention on protecting cultural content and artistic expression.

See resolution on cultural diversity at <http://unesdoc.unesco.org/images/0013/001321/132141e.pdf>. Furthermore, UNESCO decided to proceed with the development of

the International Convention on Cultural Diversity and prepare a draft for presentation to the General Conference in 2005.

The draft International Convention on Cultural Diversity by the working group on cultural diversity and globalisation was presented to ministers at the ministerial conference of the International Network on Cultural Policy (INCP) on 16 October in Croatia.

See draft document at http://206.191.7.19/iicd/draft_e.pdf.

Education

Erasmus Mundus, cooperation with third countries (2004-2008)

On 21 October, Parliament adopted at second reading a decision setting up the Erasmus Mundus programme with a number of amendments.

In particular, MEPs increased the budget to € 230 m rather than € 180 m as proposed by the Council. Parliament hopes that this figure will be accepted by the Council and thus conclude the procedure without going to conciliation.

The Erasmus Mundus programme is still awaiting Council second reading - scheduled for November, therefore some aspects may change.

The European Commission proposed the

programme in June 2002. In its vote at first reading on 8 April, Parliament adopted a compromise amendment by the Culture committee on the budget. Education ministers met in May and the proposal for the programme was ratified.

In its common position, the Council agreed to provide € 180 million to fund this programme. A compromise figure of € 230 million was agreed. Disagreement may arise however and thus cause a delay in adopting the programme, planned for early 2004.

See the report by MEP de Sarnez (A5-0336/03) at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Education

eLearning programme for integration of information technologies (2004-2006)

On 21 October, Parliament adopted at second reading a decision adopting the eLearning programme, subject to one amendment.

proposing a compromise figure of € 44 m. MEPs hope that this amount will be accepted by the Council and thus avoids conciliation.

Although the Council incorporated many of the amendments tabled by Parliament at first reading, it does not agree on the proposed budget of € 54 m and scaled down the Commission proposal from € 36 m to € 33 m. MEP Mauro tabled an amendment

The eLearning programme is awaiting Council second reading - scheduled for November. See the report by MEP Mauro (A5-0314/03) at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Education and training action programme 2004-2008

On 20 October, the Culture Parliamentary committee adopted the report by MEP Pack amending the proposal setting up a multi-annual programme for grants for organisations engaged at European level in the fields of education and training. The committee wanted the International Federation of Europe Houses (FIME) to be added to the list of specified beneficiary organisations under **Action 1**.

funding for technical assistance. A number of amendments were adopted adjusting the proposed breakdown of funds between the different actions.

*Co decision procedure
First reading*

The committee also called for the programme's overall budget to be increased from € 129.62 million to € 149.92 million for a number of reasons e.g. FIME, extra

In addition, MEPs said that any beneficiary of a grant from the EU budget should indicate this in a prominent place such as a website or an annual report.

The report (A5-0357/2003) waiting vote in plenary, scheduled for November can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Ministerial meeting on development of Human Capital held in Milan

A meeting of EU ministers held on 28 October in Milan stressed that investment in permanent education was the key to the future of economic competitiveness.

employment policies. A major key point of the project proposal which will be submitted to Education and Employment ministers is “**combining formal, non-formal and informal education in the development of a lifelong learning strategy**”.

Italy intends to launch jointly with the Commission a special initiative on human capital for Social Inclusion and Competitiveness. The initiative will exploit the opportunities offered by trans-national activities. In line with the EU's strategy to promote a knowledge-based society, the project is based on a close interaction between education, training, social and

Ministers noted that social and economic growth in Europe depends particularly on its educational policies. At present, average EU investment in education is 5% of GDP. Europe spends half of what the US does on universities, with little contribution from the private sector.

UNESCO ‘Study Abroad 2004-2005’ (ISBN 92-3-003888-1)

UNESCO has published a book which contains 2,574 entries concerning post-secondary education and training in all academic/professional fields in countries throughout the world. Key features include

courses, scholarships, financial assistance available; open and distance learning; recognition of studies/diplomas obtained abroad, etc. Visit UNESCO Publishing at <http://upo.unesco.org/default.asp>.

Enlargement

Loans for education and information technology for Cyprus

The European Investment Bank (EIB) has concluded new finance agreements with Cyprus for a total amount of € 235 m to support investments in the education, IT and environment sectors. A loan of € 200 m will contribute to the construction and modernisation of primary and secondary schools as well as the creation of ICT material; € 35 m will contribute to the financing of a project to modernise IT public services. The loan will contribute to meet the needs of society, culture, civilisation, and

economy both in Cyprus and the region. Funds are provided under the EIB's current € 8.5 billion pre-accession lending facility, which runs up to 2003 and is aimed at projects that will support the integration of Accessing and Accession countries with the EU.

Further information on Cyprus can be found at <http://europa.eu.int/comm/enlargement/cyprus/index.htm>; European Investment Bank, <http://www.eib.org>.

Eurobarometer survey to youngsters in acceding and candidate countries

The lifestyles and personal aspirations of young people in the ten acceding countries and three candidate countries are relatively similar to those of young people in the fifteen. Youngsters in these countries however have different views from youngsters in the present EU on issues affecting society as well as different expectations of the EU. These are the findings of a Eurobarometer survey of 9,754 youngsters aged between 15 and 24 years, questioned face-to-face in their homes, conducted between 21 March and 4 May this year.

Young people in the present EU, acceding and candidate countries share three main leisure activities in common, however, twice

as many young people in the acceding and candidate countries help with work around the house; they go to the cinema, concerts or the theatre less often, but slightly more of them enjoy **reading**. Moreover, they agree with their counterparts that there should be more information campaigns specifically targeted at young people; they are less well-travelled, but more proficient in foreign languages; there is a wider gap on issues affecting society but greater dependence on the family and higher expectations of the EU.

For more details, visit http://europa.eu.int/comm/public_opinion/cceb_en.htm.

EU Research and Development

EIROforum, top research organisations join forces with Commission

On 27 October, the European Commission and seven of the foremost European scientific research organisations, which constitute EIROforum signed a "statement of intent" to develop the European Research Area. EIROforum and the Commission have engaged in consulting with one another, arranging for exchanges and secondment of experts, and concluding further bilateral agreements.

The primary goal of EIROforum is to play an active and constructive role in promoting the quality and impact of European research. EIROforum encourages and facilitates the sharing of research results, innovation and technology transfer, and higher education.

Further information can be found at http://europa.eu.int/comm/research/era/index_en.html; <http://www.eiroforum.org/>.

Information Society

Public hearing for the mid-term review of the eEurope Action Plan

DG INFSO is currently carrying out a mid-term review of the eEurope 2005 action plan which consists of a written consultation with member states and accession countries, as well as an online wide public consultation.

A questionnaire was published on the eEurope website (http://europa.eu.int/information_society/europe/2005/index_en.htm) to gather

comments from all stakeholders. As a follow-up to the online consultation, a public hearing was held on 6 October in Brussels.

Following the public hearing and the consultation, the Commission will present a report which will form the basis for further discussions to finalise the review during the course of the Irish Presidency in the first half of 2004.

Grand IST prize awarded to three innovative IST products

The three Grand Prize-winners of the European IST Prize, each receiving € 200,000 were announced at the opening day of IST 2003, on 2 October in Milan, Italy.

The winners are:

- CEDES and CSEM (CH) for ESPROS/TOF (3D cameras for high-performance and mass-market applications);
- InSightec (IL) for ExAblate 2000 (treatment of tumours in the body more effectively than existing laser techniques);

- Picisel Technologies (UK) for ePAGE (multimedia content engine).

The three grand prize winners competed against 420 innovative projects from 28 countries from which twenty prize winners were announced in June.

More information on the European IST Prize at http://europa.eu.int/information_society/ist/event/2003/eistp/index_en.htm.

Global Standards for the Global Information Society

The 34th World Standards Day was celebrated on 14 October and focused on the role of standards for the information society. Information and Communication Technology (ICT) standards have a direct bearing on e.g. commerce, banking, healthcare, education, transport, tourism and public administration.

The day also covered an EU-US dialogue on ICT standards to exchange early warnings on potential technical barriers to global solutions for the information society.

Europe's contribution to this dialogue includes recognition of the importance of open standards to stimulate competitive innovation in ICT goods and services worldwide. A workshop was also held to discover more about the European standards organisations (CEN, CENELEC and ETSI) and how they work.

Further information can be found at <http://www.iso.ch/iso/en/commcentre/wsd/2003wsdindex.html>.

Directive on the re-use of public sector information awaiting publication in the OJ

On 15 October, Parliament adopted amendments to the Council's common position (26 May 2003), based on a compromise package agreed between Council and Parliament. The Commission in turn, delivered its opinion and accepted all Parliament's amendments in full. On 27 October, Environment ministers approved,

without debate, the amendments proposed by Parliament at second reading. The draft directive will thus be adopted in the form of the common position as amended and then published in the Official Journal. The Commission opinion (COM (2003) 0620) can be consulted at <http://europa.eu.int/eur-lex/>.

Competition rules relating to technology transfer agreements

The Commission invites all interested parties to send their comments on the draft Commission Regulation on the application of Article 81(3) of the EC Treaty to categories of technology transfer agreements and on the draft Guidelines on the application of Article 81 to technology transfer agreements.

Technology transfer agreements concern the licensing of technology. According to the Commission, this Regulation should only deal with such agreements where the licensor permits the licensee to exploit the licensed

technology for the manufacture or provision of goods or services.

Comments should be sent either by email (COMP-TECHNOLOGY-TRANSFER@cec.eu.int) or in writing to European Commission, DG for Competition, Unit A 1 - Policy Development (Antitrust/mergers), Technology Transfer Review, B-1049 Brussels not later than eight weeks after the date of the publication in the Official Journal of the EU (2003/C 235/04 of 1 October 2003, p. 1-54, available at <http://europa.eu.int/eur-lex/>).

MODINIS programme, good practices and network security (2003-2005)

Parliament adopted last September one amendment to the Council's common position (26 May 2003) on the MODINIS programme. The agreement, based on a compromise between Council and Parliament, changed the financial framework from € 20 m to € 21 m. On 20 October, the Commission accepted the amendment to facilitate the second reading and thus allow the early implementation of the programme.

In turn, the Council approved on 27

October the amendment with the intention of adopting a Decision on the MODINIS programme. The financial framework for the implementation of this programme is therefore set at € 21 million. The Decision will be adopted in the form of the common position as amended and then published in the Official Journal.

The Commission opinion (COM (2003) 0637) can be consulted at <http://europa.eu.int/eur-lex/>.

Internal Market

Market regulations and competition rules for the liberal professions Parliament vote on liberal professions postponed

B5-0430/2003, B5-0431/2003, B5-0432/2003
On 8 October, MEPs Lehne, Karas, Gargani and Zappala, on behalf of the EPP-ED Group, asked the Commission to comment on the independence of the liberal professions. In particular, they wanted the Commission to confirm that rules which are necessary, in the context of each profession, to ensure the impartiality, competence, integrity and responsibility of the members of that profession or to prevent conflicts of interest and misleading advertising, and which, in addition, do not represent obstacles to the free movement of services, are not held to be restrictions of competition. They also wanted

to know what initiatives the Commission intends to take to ensure full protection of the general interest and clients' rights.

B5-0278/2003

The vote on this question by MEP Lehne and others on behalf of the EPP-ED Group was postponed to a later plenary session in order to reach a compromise resolution.

The Legal affairs committee is to create a working group to discuss the matter in the course of October; the vote is scheduled for 27 November in order to table the report to plenary for 2 December.

Internal Market

Five member states fail to implement directive on professional qualifications

The European Commission has decided to send five member states formal requests to implement into national law Internal Market Directives on the recognition of professional qualifications. Reasoned opinions, the second stage of the infringement procedure under Article 226 of the EC Treaty, have been sent to France, Ireland, Italy, Luxembourg and the UK for their failure to inform the Commission by 1 January of measures taken to implement into national law Directive 2001/19/EC simplifying the rules for the recognition of professional qualifications.

Should a member state which has received a reasoned opinion fail to give a satisfactory response within the deadline (usually two months), the Commission may refer the

matter to the European Court of Justice. For the latest information on proceedings concerning all member states visit

http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm.

Conference on regulation of professional services

<http://europa.eu.int/comm/competition/liberalization/conference/conference.html>

On 28 October, the DG for Competition held a conference on the "Regulation of Professional Services" in the EU. The event provided an opportunity for business, consumers and the professions to discuss the effects of and needs for professional rules that impact on competition.

Better law making between the EU Institutions

Parliament adopted on 9 October a resolution drafted by MEP Frassoni and approved the conclusion of the inter-institutional agreement on **better law making** between the Parliament, Council and Commission.

Inter-institutional agreements (Rule 54) may be signed by the President after examination by the committee responsible for constitutional affairs and after approval by Parliament. Where such agreements imply the modification of existing procedural rights or obligations or establish new ones for

members/bodies of Parliament, the matter shall be referred to the committee responsible for examination (Rule 180 (2) to (6)) before the agreement is signed. The report (A5-0313/2003) can be found at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

Furthermore, Parliament decided to send the report on **simplifying and improving Community legislation** by MEP Medina Ortega back to the Legal affairs committee. The report (A5-0235/2003) is to be voted at plenary in December.

Draft Council Resolution on a more coherent contract law

Justice Ministers took note on 3 October of the Council Resolution on *A More Coherent European Contract Law*, adopted by the Competitiveness Council on 22 September. Ministers have requested that this topic is

placed on its agenda so that it can be informed on progress made in the area of European contract law and on the ongoing discussion process.

New link between international registered marks and Community trademarks

The Council adopted on 27 October a Decision approving the accession of the EC to the Madrid Protocol (27 June 1989) concerning the International Registration of Marks and the Regulation giving effect to this accession by modifying the Community trade mark system accordingly. By adopting

these acts, it will be possible for firms to profit from the advantages of the Community trade mark through the Madrid Protocol and vice versa. Further information on the Madrid System for the International Registration of Marks can be found at <http://www.wipo.int/madrid/en/index.html>.

Internet

eEurope 2005, European network and information security Agency

*First reading
Co decision procedure*

On 9 October, the Industry Parliamentary committee adopted the report by MEP Paasilinna amending the proposal on setting up a European network and information security agency.

The amendments focused on the tasks of the new agency, the composition of the advisory and management boards and the initial evaluation of the agency's work. According to the committee, the new agency should ensure that security solutions are easily accessible to SMEs. It should provide advice to the Commission, Parliament, competent national bodies and the business community. It should also invite tenders for research in the area of network and information security.

MEPs wanted the agency's management

board to be approved, before 31 January each year, by both Commission and Parliament and include representatives from industry, consumer associations and the science and research sector. Its budget is € 24.3 million and for the first time the Commission is proposing to set up an agency for a limited period (2004 to 2008). The proposal provides for the gradual recruitment of staff, while the seat of the Agency is to be decided at the latest six months after the regulation is adopted.

The report (A5-0353/2003) awaiting vote in plenary – scheduled for November can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports. The Council common position is expected on 20 November.

The Legal and market aspects of electronic signatures

The European Commission requested a study on the legal and practical issues concerning the implementation of EU Directive 1999/93 on a Community framework for electronic signatures and on the practical usage of electronic signatures and related services on the European market.

The study resulted in a report on the implementation of the directive, the legal status of eSignatures and related services in the EEA and candidate countries including conclusions and recommendations; the

replies to the questionnaires from the national correspondents; a set of documents including all relevant national legislation and case law; a scorecard of national eSignature applications outlining their commercial and technical profile and a set of index cards outlining the legal status and practical applications of eSignatures in all of the countries surveyed.

The report can be downloaded from http://europa.eu.int/information_society/europe/2005/all_about/security/electronic_sig_report.pdf.

Telecommunications

Directive 2002/58/EC on Privacy and Electronic communications into force

As from 31 October, EU member states must comply with the directive on privacy and electronic communications, which sets EU standards for the protection of privacy and personal data in electronic communications. The directive includes basic obligations to ensure the security and confidentiality of communications over EU electronic networks e.g. internet and mobile services.

It sets out specific conditions for installing so-called “cookies” on users' personal computers and for using location data

generated by mobile phones. It also introduces a 'ban on spam' throughout the EU. The directive contains no legally binding provisions that would either allow or prevent national measures requiring the retention of traffic or location data for 'law enforcement' purposes, since these are beyond its scope. However, any such measures would have to be accompanied by human rights safeguards specified in the directive. Visit http://europa.eu.int/information_society/topics/ecommm/all_about/todays_framework/privacy_protection/index_en.htm for further information.

Trade Policy

COREPER debate on reduced VAT rates (amending directive 77/388/EEC)

The ECOFIN Council held on 7 October a policy debate on the proposal for a Directive on VAT reduced rates. On 23 October, COREPER confirmed disagreements on the future list of goods and services to benefit from reduced VAT rates after December. Decisions however are not expected until the next ECOFIN meeting on 25 November or December.

Belgium, Ireland, Luxembourg and the UK hope to maintain their exemptions concerning the zero and parking rates, while Austria, Denmark, Germany and Sweden are still opposed to extending the list and/or the exemption rules. Finland and Portugal want to keep the list as presented by the

Commission last July. In a compromise agreement prepared by the Italian Presidency, Italy has proposed the inclusion of records - supported by France but opposed by Scandinavian countries, as well as the restoration of historic monuments (British demand). The compromise also wants the Commission to revise the list of possible derogations before the end of 2006, date granted to accession countries for transition.

In addition, Parliament asked the Culture committee on 9 October for its opinion on the proposed directive amending directive 77/388/EEC as regards reduced VAT rates (COM(2003) 397).

Administrative cooperation in the field of VAT (repealing regulation 218/92/EEC)

ECOFIN ministers unanimously adopted on 7 October a Regulation on administrative cooperation in the field of VAT and a Directive on mutual assistance in the field of direct and indirect taxation.

The regulation, which will enter into force in January 2004, was published in the Official Journal of the EU no 2003/L 264/ of 15 October 2003, p. 1-11 available from <http://europa.eu.int/eur-lex/>.

European Council regrets outcomes of WTO

The European Council regretted on 17 October the unsuccessful outcome of the WTO Ministerial meeting in Cancun and the setback this entails for the Doha Development Agenda (DDA), but stressed that the EU's commitment to the multilateral approach to trade policy remains. The EU should therefore remain open to an early resumption of the DDA negotiations. The European Council invited

the Commission both to reflect on the EU strategy and to explore with key WTO players the possibility for future progress, stressing that a commitment by all will be indispensable to any successful resumption of negotiations. The European Council also invited the Commission to keep the General Affairs & External Relations Council (GAERC) fully informed as necessary.

Youth Policy

European youth action programme (2004-2006)

On 20 October, Culture Parliamentary committee adopted the report by MEP Prets giving a legal basis to the Community action programme on youth. The committee called for the programme to last for five rather than three years. MEPs also wanted the overall budget to be increased from € 11.52 m to € 13.17 m to reflect the impact of enlargement. Other amendments were adopted. They deleted the requirement in

the Commission's proposal that grants awarded to international youth organisations be progressively reduced from the third year onwards. The Commission should submit a brief report each year on its implementation. The report (A5-0358/2003), which will be voted on at plenary session in November, can be consulted at http://www.europarl.eu.int/plenary/default_en.htm, under latest reports.

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For further information
contact:
Carmen Morlon
EU Information Officer,
morlon@debibliotheken.nl

PO Box 16359
NL-2500 BJ The Hague
The Netherlands
Tel.:
+31(0) 70 309 05 51
Fax:
+31(0) 70 309 05 58

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EUR-Lex: European Union law <http://europa.eu.int/eur-lex/>
Europa, <http://europa.eu.int/>
Various mailing lists

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

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

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

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

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