



December 2003 – January 2004

# EBLIDA Hot News

The EBLIDA newsletter on EU library & information society issues

## Highlights:

- Parliament opinion on a Community framework for collecting societies, p.1
- National implementation of the Public Lending Right Directive, p. 2
- Draft directive on the recognition of professional qualifications, p. 7

## Copyright and Intellectual Property Rights

### Parliament opinion on a Community framework for collecting societies

On 15 January, the European Parliament adopted a resolution based on its own-initiative report drafted by MEP Echerer on a Community framework for collecting societies for authors' rights.

The partial harmonisation of the notion of authorship of cinematographic or audiovisual works has had a noticeable effect on contractual arrangements involving contributors and producers of cinematographic and audiovisual works.

Parliament felt that a Community approach in the area of the exercise and management of copyright and neighbouring rights, in particular of effective collective rights management in the internal market, must be

pursued while respecting the principles of copyright and competition law.

Parliament asked the Commission to ensure that while collecting societies (service providers) are encompassed in the forthcoming proposal on the internal market for services, due account should be taken of their functions as trustees and their particular responsibility for culture and society.

According to the report, competition law is to examine possible abuses of monopoly by collecting societies in individual cases to successfully ensure rights management in the future. With regard to Digital Rights Management (DRM) systems, Parliament stated that these might develop into a useful tool for improved rights management

*Continued in Page 4*

## Culture

### The role of international organisations on preserving cultural diversity

On 14 January, the European Parliament adopted, with 369 votes in favour, 15 against with 68 abstentions, a resolution based on the own-initiative report by MEP Prets on the protection and promotion of cultural diversity.

According to the report, MEPs invite the Intergovernmental Conference (IGC) to assemble the different references to diversity and cultural pluralism in the draft constitution.

In the context of the WTO and GATS, the EU must exempt cultural services and cultural goods from trade liberalisation; no negotiations should be opened in the context of GATS. With regard to negotiations in the field of external trade in cultural and audiovisual services, most MEPs believe that

Council decisions should continue to be taken unanimously. Moreover, Parliament reiterated its request for a directive on pluralism and media ownership.

According to the rapporteur, the protection of cultural diversity can only be promoted by negotiating a Convention within the framework of UNESCO. The Commission considered that a legally binding instrument to preserve and promote cultural diversity would be necessary (see COM (2003)520, August 2003). The Union's position on the UNESCO General Conference (autumn 2003) is awaiting Parliament consultation.

The report (A5-0477/03) can be consulted at [http://www.europarl.eu.int/plenary/default\\_en.htm](http://www.europarl.eu.int/plenary/default_en.htm), under latest reports.

## Table of Contents

---

Parliament opinion on a Community framework for collecting societies	1
The role of international organisations on preserving cultural diversity	1
Welcome to EBLIDA!	2
EBLIDA second Position Paper on the Enforcement of IPR	2
National implementation of the Public Lending Right Directive	2
Mid-term evaluation of the MEDIA Plus and MEDIA Training programmes	3
New evaluation report on the recommendation concerning the protection of minors	3
Community participation in the European Audiovisual Observatory	3
EU-China aims to cooperate in education, culture and audiovisual fields	4
New scientific and technological cooperation agreements underway	4
Parliament opinion on returning looted art works to owners	4
Commission reacts on Member States' failure to implement copyright laws	5
Commission opens infringement procedures over public lending rights	5
The New EU Policy on Technology Transfer Agreements	6
Cultural cooperation after 2006	6
Community programme to promote bodies active in the cultural field	6
Culture 2000, projects granted funding in 2003	7
Draft directive on the recognition of professional qualifications	7
Resolution on market regulations and competition rules for the liberal professions	7
Community action programme for education and training organisations	8
The role of schools in maximizing public access to culture	8
Euro pass, qualifications and skills to be recognised EU-wide	8
Commission report on PHARE, ISPA and SAPARD programmes 2002	9
Reciprocal understanding between the EU and ALA, MEDA, TACIS and CARDS regions	9
Commission communication on basic research presented	9
The ERA-NET scheme	9
Council common position on the IDABC programme (2005-2009)	10
Commission annual general meeting for public information relays	10
World Summit on the Information Society	10
Statistics on the Information Society	11
Council conclusions on the Community patent and Community Trademark	11
Commission launches infringement proceedings against Member States for not adapting electronic communications framework	11
Commission communication on Spam	12
Commission and CEPT sign Memorandum of Understanding	12
VAT and the Place of Supply of Services	12
Member States to apply a reduced VAT rate to labour-intensive services	13
Foreign sales corporations and EU countermeasures	13
Youth action programme, Commission opinion on Council common position	13

## Lobbying for archives and libraries

### Welcome to EBLIDA!

In this first *Hot News* issue of the year EBLIDA would like to give a warm welcome on board to its new members:

- College of Europe Library (Belgium)
- Médiatheque de la Communauté Française en Belgique (Belgium)
- University of Macedonia Library (Greece)
- Veria City Library (Greece)
- Hungarian National Technical Information centre & Library (Hungary)
- Biblioteca Comunale di Palermo (Italy)
- OPIB (Italy)
- National Library of Latvia (Latvia)
- National & University Library St Kliment

Ohridski (Macedonia)

- MALIA (Malta)
- Turkish Librarians Association (Turkey)

During 2004 EBLIDA will continue its expansion through Europe with a special focus in having the new EU Member States also present in our membership.

We are looking forward to begin a close cooperation with our new members and continue to represent the EBLIDA membership interests in Europe!

### EBLIDA second Position Paper on the Enforcement of IPR

<http://www.eblida.org/position/index.htm>

The legislative procedure for drafting a Directive on measures and procedures for the enforcement of intellectual property rights is still going on. Further to the European Parliament Legal Affairs & Internal Market Committee voting at the end of November 2003, EBLIDA has issued a second Position Paper on the subject, in order to reflect its concerns towards the amended EP Report.

EBLIDA main claim is to make clear in its text that this Directive should be restricted to commercial-scale counterfeiting and piracy, without threatening the legitimate functioning of libraries, educational and cultural institutions.

EBLIDA will continue to lobby for achieving a balanced outcome for libraries, archives and information sectors of this piece of legislation.

### National implementation of the Public Lending Right Directive

[http://www.europa.eu.int/comm/internal\\_market/en/intprop/infr/index.htm](http://www.europa.eu.int/comm/internal_market/en/intprop/infr/index.htm)

The Commission issued in 2002 a report on public lending right in the EU [COM (2002) 502, 12.9.2002] in which the level of harmonisation and the PLR functioning in the Member States was tackled, further to the entry into force of the Directive 92/100/EC on rental and lending right and certain related rights. The Commission stated that the level of harmonisation of the Internal Market as regards the PLR was not homogeneous neither satisfactory.

result of this, national groups of these countries have initiated actions e.g. the Spanish FESABID Group for Libraries and IP has issued a Manifesto reflecting the national position of the sector towards the implementation of the Directive, requesting that the exceptions provided for should be totally exerted to maintain the national status quo.

Further to the EC actions initiated during 2003 against Belgium for failing to implement into its national legislation certain provisions on the public lending right provided for by the [public lending right Directive](#), at the beginning of 2004 the EC has also requested Spain, France, Italy, Ireland, Luxembourg and Portugal to provide information regarding their [national implementation of the public lending right](#) as harmonised by the 1992 Directive. As a

EBLIDA submitted its point of view to the Commission in several occasions in previous years. In view of the current situation and the concern expressed by many EBLIDA members the Director has called for an EBLIDA meeting with interested parties to clarify the main issues involved. The meeting will take place in February in The Hague and its results, together with other feedback provided by parties related, will serve as valuable input in order to assess further EBLIDA actions on this relevant matter for libraries, archives and information sectors.

## Audiovisual

### Mid-term evaluation of the MEDIA Plus and MEDIA Training programmes

On 25 November, Culture ministers held an exchange of views of the MEDIA Plus and MEDIA Training audiovisual programmes (2001-2005) and noted the lack of coherence between the different audiovisual policies and the serious consequences for this sector. The Presidency submitted three topics for discussion:

- integration of acceding states into the mainstream actions of the MEDIA programmes;
- integration of digital technology in MEDIA actions through the development of the current pilot projects;
- access to finance by SMEs in the audiovisual sector in partnership with the European Investment Bank.

The Commission presented on 15 December

2003 a communication on the future of European regulatory audiovisual policy (COM (2003)784), which aims at setting out the priorities for Community regulatory policy for the sector in an enlarged Europe in the medium term. See COM (2003)784 at <http://europa.eu.int/eur-lex/>.

Moreover, the Commission will present a proposal for a "new generation" Decision (1<sup>st</sup> quarter 2004) to cover regulatory aspects and support policies for the audiovisual sector for the period 2007-2013. In addition, the Culture Committee unanimously adopted on 27 January the reports by MEP Veltroni and MEP Vattimo to extend the MEDIA Plus and MEDIA Training programmes to 31 December 2006. Parliament will vote on both reports at plenary in February.

### New evaluation report on the recommendation concerning the protection of minors

[http://europa.eu.int/comm/avpolicy/legis/reports/com2003\\_776final\\_en.pdf](http://europa.eu.int/comm/avpolicy/legis/reports/com2003_776final_en.pdf)

The European Commission adopted on 12 December 2003 an evaluation report on the recommendation concerning the protection of minors and human dignity in audiovisual and information services (24 September 1998). The report analyses the measures adopted in member states and at EU level since the year 2000.

The Commission intends to follow up on the public consultation process concerning the

TVWF directive and on this evaluation report by proposing an update of the recommendation during the 1<sup>st</sup> quarter of 2004; the latter could cover issues relating to e.g. media literacy, the right of reply, measures against discrimination or incitement to hatred on the grounds of race, sex or nationality in all online media.

See COM (2003)776 at <http://europa.eu.int/eur-lex/>.

### Community participation in the European Audiovisual Observatory

[http://europa.eu.int/eur-lex/en/com/pdf/2003/com2003\\_0763en02.pdf](http://europa.eu.int/eur-lex/en/com/pdf/2003/com2003_0763en02.pdf)

By Decision 1999/784/EC, the Community began participation in the European Audiovisual Observatory for a period ending on 31 December 2004. The European Audiovisual Observatory is an Enlarged partial agreement of the Council of Europe. At present, thirty five states participate in the Observatory.

On 10 December 2003, the Commission adopted a proposal (COM (2003)763) to amend Council Decision 1999/84/EC prolonging Community participation in the

Observatory for a period of two years. The Commission also proposes the maintenance of the yearly budget at the level of 2004, being € 235 000.

See COM (2003)763 at <http://europa.eu.int/eur-lex/>. Please note that an amended version to all language versions was published on 13 January.

Further information on the European Audiovisual Observatory can be found at <http://www.obs.coe.int/>.

## Co-operation with third countries

### EU-China aims to cooperate in education, culture and audiovisual fields

On 19 December, the Commission and China showed their willingness to strengthen cooperation in the fields of culture, audiovisual, education, training, youth and sport. Both also support the work carried out by UNESCO towards an international convention on cultural diversity to be adopted in 2005.

The organisation of information meetings on policies aimed at improving performances of education and training and sport policy as well as measures to promote the participation of Chinese students in the **ERASMUS MUNDUS, Youth and Media** Training programmes will be developed.

### New scientific and technological cooperation agreements underway

Parliament adopted on 4 December two non-binding resolutions by MEP Berenguer Fuster, one relating to **EC/Morocco** scientific and technological cooperation (A5-0403/2003), the second relating to **EC/Tunisia** scientific and technological cooperation (A5-0404/2003). In addition, Parliament adopted on 16 December a non-binding resolution drafted by MEP Berenguer Fuster (A5-0436/2003) approving the conclusion of the agreement renewing the **EC-USA** agreement on scientific and technical cooperation.

of these agreements, which are awaiting final decision. Moreover, the Council also adopted a Decision on the signature of the Agreement on scientific and technological cooperation between the **EC and the Swiss Confederation**, based on the principles laid down in its predecessor, in particular with regard to the Swiss contribution to FP6. The agreement shall be applied on a provisional basis as from 1 January 2004 pending the completion of the procedures for its conclusion.

Environment ministers adopted on 22 December the Decisions on the conclusions

Parliament reports can be found at [http://www.europarl.eu.int/plenary/default\\_en.htm](http://www.europarl.eu.int/plenary/default_en.htm) under latest reports.

## Copyright and Intellectual Property Rights

### Parliament opinion on a Community framework for collecting societies

*Continued from Page 1*

however, cannot replace a large part of the collecting societies' sphere of activity. According to the report, the lack of procedural facilities for collective management societies and the absence of rapid dispute settlement mechanisms result in an ineffective protection of creators and increased management costs. In view of the nature and role the management societies, they must be managed and controlled by the right holders.

Future European Directives from the Commission on regulation of e.g. TV and radio, communication, transmission and telecommunications in the digital area must include provisions of ownership and protection based on the principles of the author's rights.

The report (A5-0478/03) can be downloaded from [http://www.europarl.eu.int/plenary/default\\_en.htm](http://www.europarl.eu.int/plenary/default_en.htm), under latest reports.

### Parliament opinion on returning looted art works to owners

On 17 December 2003, the European Parliament adopted a resolution by 487 votes in favour, 10 against and 16 abstentions, based on the own-initiative report drafted by MEP de Clercq, on a legal framework for free movement within the internal market of cultural goods that have been looted.

Parliament stated that the problem of looted cultural goods plundered in wartime remains to be resolved despite various aspects of the problem have been subject of international agreements. Most member states adopted laws after the war that made States

*Continued on Page 5*

*First reading  
Procedure terminated*

## Copyright and Intellectual Property Rights

### Parliament opinion on returning looted art works to owners

*Continued from Page 4*

custodians but not owners of recovered property; today however the majority of these laws have lapsed and there is no international convention applicable to the World War II period.

According to the report, the legal situation remains unclear and rightful owners face an array of legal problems in trying to recover looted goods e.g. access to data, differing legal standards regarding issues such as proving ownership, etc. The current position lacks legal certainty, transparency and a coherent approach.

The resolution calls on the Commission to undertake a study by the end of 2004 on establishing a common cataloguing system,

to be used by both public entities and private collections of art, aimed at gathering data on the situation of looted cultural goods and the exact status of existing claims. The Commission has also been called upon to develop common principles regarding access to both public and private archives that contain information on property identification and location and to tie together the existing databases with this information. The Commission is also called to explore possible dispute-resolution mechanisms that avoid lengthy and uncertain judicial procedures.

The report (A5-0408/03) can be downloaded from

[http://www.europarl.eu.int/plenary/default\\_en.htm](http://www.europarl.eu.int/plenary/default_en.htm), under latest reports.

*First reading  
Procedure terminated*

### Commission reacts on Member States' failure to implement copyright laws

On 17 December 2003, the Commission decided to refer Belgium, Finland, France, Luxembourg, Netherlands, Portugal, Spain, Sweden and the UK to the Court of Justice for non-communication of national implementing measures of the **Copyright Directive** (May 2001). Only Greece and Denmark met this deadline; Italy, Austria, Germany and the UK – except for Gibraltar implemented the Directive during 2003.

The Commission however will not refer Ireland to the Court since the Irish copyright law was adopted in 2000 based on an earlier draft and thus notified on the basis that it

was in substantial compliance and only minor adjustments are necessary. On the other hand, Ireland has been referred to the Court for the second time for its failure to comply with a Court judgement requiring it to ratify the **Paris Act on the copyright protection of artistic and literary works** before 1 January 1995. The Commission is asking for the payment of a penalty of € 3,600 for each day it delays.

For the latest information on infringement procedures, visit [http://europa.eu.int/comm/secretariat\\_general/sgb/droit\\_com/index\\_en.htm](http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm).

### Commission opens infringement procedures over public lending rights

On 16 January, the Commission decided to send "letters of formal notice" to France, Ireland, Italy, Luxembourg, Spain and Portugal requesting information on their national implementation of the **public lending right (92/100)**. These member states have failed to implement, or incorrectly implemented, certain articles of the Directive.

It is also opening a separate infringement procedure against Portugal regarding the manner in which it has implemented the commercial rental right of film producers

into national law. Portugal has added video producers to the exhaustive list of right holders prescribed by the Directive; by introducing a new right holder who is not the "producer of the first fixation" of films (Article 2 of Directive 92/100), the Portuguese law introduces an element which may interfere with the objective of harmonisation pursued by the Directive.

Further information on infringements can be consulted at [http://europa.eu.int/comm/secretariat\\_general/sgb/droit\\_com/index\\_en.htm](http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm).

## The New EU Policy on Technology Transfer Agreements

The European Commission has reached the final phase of reviewing the Technology Transfer Block Exemption Regulation. The review aimed at replacing this regulation with a new set of rules which shall enter into force on 1 May 2004.

The scope of the regulation would be broadened with design rights and software copyright licensing. There is no consensus on further broadening the scope to also

include copyrights in general and trade marks. It is accepted that the licensing of copyrights in general can not be covered by the regulation because of limits of Council Regulation 19/65, which only allows the Commission to block exempt the licensing of industrial property rights. This is also the reason for the Commission not to cover database licensing, as the content of such databases is often covered by copyright.

## Culture

### Cultural cooperation after 2006

The Culture 2000 programme will expire on 31 December 2004. The Commission proposed in April 2003 to extend the programme for two years and to set the overall budget € 236.5m (see COM (2003)187).

Culture ministers held on 25 November an exchange of views on the future of cultural cooperation after 2006, based on the mid-term review of the Culture 2000 programme (2000-2004). The Presidency submitted three topics for discussion: - easier access for acceding states to European cultural programmes via specific actions; cooperation with third countries and the creation of an internal market in culture.

Early in 2004, the Commission should table a proposal for a new cultural programme

(2007-2013). DG for Education and Culture is currently working on a draft programme based on three priorities: mobility of artists and cultural workers, mobility of works and intercultural dialogue.

On 16 December, Parliament adopted, with two amendments, a legislative resolution drafted by MEP Rocard relating to extending Culture 2000. The Commission should provide a detailed assessment of Culture 2000 by 31 December 2005 for Parliament to take a well-versed decision on a new framework programme, Culture 2007.

The report (A5-0417/2003), which is awaiting Council common position, can be found at [http://www.europarl.eu.int/plenary/default\\_en.htm](http://www.europarl.eu.int/plenary/default_en.htm), under latest reports.

### Community programme to promote bodies active in the cultural field

On 25 November, Culture ministers reached unanimous political agreement on the Community action programme to promote bodies active at European level in the field of culture. Environment ministers adopted its common position on 22 December. Parliament opinion at first reading was delivered on 6 November.

This Decision will provide a legal basis for activities where none currently exists. The programme provides for three categories of grants. The Presidency compromise on

which political agreement was reached led to a financial framework of € 19 million for the period 2004-2006 and to the deadline of 31 December 2005 instead of 2007 for evaluation of activities.

The European Commission adopted on 9 January its assessment of the common position considering the text a good basis for a Decision. See COM (2004)3 at <http://europa.eu.int/eur-lex/>. The proposed act is now awaiting Parliament second reading, scheduled for March 2004.

---

*Co decision procedure  
Second reading*

---

*Co decision procedure  
Second reading*

## Culture

---

### Culture 2000, projects granted funding in 2003

Culture 2000 provided grants to 201 projects during 2003, most of which focusing on the performing arts. These projects will share more than € 30 m in funding. For a detailed list of the awards visit

[http://www.europanostra.org/lang\\_en/index.html](http://www.europanostra.org/lang_en/index.html); a list and a description of the projects for which a contract has already been signed are available from

[http://www.europa.eu.int/comm/culture/eac/culture2000/project\\_annuel/projects1\\_en.html](http://www.europa.eu.int/comm/culture/eac/culture2000/project_annuel/projects1_en.html)

[n.html](#) and

[http://www.europa.eu.int/comm/culture/eac/culture2000/pluriannuel/projects2\\_en.html](http://www.europa.eu.int/comm/culture/eac/culture2000/pluriannuel/projects2_en.html). The priority in 2004 will be cultural heritage.

In addition, the Commission adopted its report on the implementation of Culture 2000 during 2000 and 2001 on 24 November 2003. See COM (2003)722 at <http://europa.eu.int/eur-lex/>.

## Education

---

### Draft directive on the recognition of professional qualifications

On 27 November, the Legal affairs committee adopted the Zappalà report concerning the draft Directive aimed at simplifying the rules relating to the recognition of professional qualifications. The vote on the report, which was debated on 15 January, was postponed and will be held at the February part-session in Strasbourg. The Council common position is scheduled for 17 May 2004.

MEPs in the committee proposed a large number of amendments. One set concerns the right of professionals to provide services in a member state other than their own without establishing themselves in that member state. MEPs want member states to persist in that professionals providing such services register temporarily with the relevant authority or professional body in the host member state to ensure they are

covered by the same professional and disciplinary framework as equivalent professionals established in the host member state. MEPs also proposed a series of changes to the sections dealing with the details of individual professions.

Furthermore, the committee was opposed to the provision which - in the case of a regulated profession depending on possession of specific professional qualifications - would allow someone with qualifications obtained in one member state access to the profession in a second state, even if the level of that person's qualification was a level below that required in the second state. The report (A5-0470/2003) can be found at

[http://www.europarl.eu.int/plenary/default\\_en.htm](http://www.europarl.eu.int/plenary/default_en.htm), under latest reports. See Commission proposed directive (COM (2002) 119) at <http://europa.eu.int/eur-lex/>.

---

*Co decision procedure  
First reading*

### Resolution on market regulations and competition rules for the liberal professions

*Doc.: B5-0430/2003, B5-0431/2003 and B5-0432/2003*

Mario Monti, Competition Commissioner will present a report on competition in the professions in 2004, following consultation launched in March 2003. MEPs wanted to discuss the issue before tabling a European proposal. After a debate on 8 October, the ELDR, PES and EPP-ED political groups presented a joint motion for a resolution, which Parliament adopted on 16 December 2003. The resolution emphasises the importance of rules necessary in the specific

context of each profession, in particular those relating to the organisation, qualifications, professional ethics, supervision, liability, impartiality and competence or designed to prevent conflicts of interest and misleading advertising, provided that they "give end-users the assurance that they are provided with the necessary guarantees in relation to integrity and experience, and - do not constitute restrictions on competition".



## Education

### Community action programme for education and training organisations

*Co decision procedure  
Second reading*

The Council common position on the proposal establishing a Community action programme to promote bodies active at European level in the field of education and training was formally adopted on 22 December 2003. The Presidency compromise entailed the following changes to the original proposal: the duration of the programme has been reduced to three years (2004-2006); the financial framework would accordingly be reduced from € 129,620 m to € 77 m. The proposal is currently waiting for Parliament's opinion at second reading, scheduled for March 2004.

With regard to the implementation of the work programme for the pursuit of the objectives of education and training systems in Europe, Education ministers concluded

on 25 November that a high-level working party as well as annual reports from the member states is unnecessary. They also concluded that the work programme and the reference indicators must take into account the specific characteristics of each member state and their respective levels; the interim report must emphasise the steps forward and progress made by the member states.

Education ministers and the Commission must submit to the spring 2004 European Council a progress report on the achievement of the objectives set under the Lisbon strategy, to be adopted on 26 February.

See COM (2003)0273 at <http://europa.eu.int/eur-lex/>.

### The role of schools in maximizing public access to culture

Parliament was authorised in 2002 to draw up an own-initiative report on the role of schools and school education in maximizing public access to culture.

In its draft report (13 January), MEP Graça Moura “urges that the pedagogical services **of museums, theatres, libraries and other structures** at the disposal of the public be

improved”. The draft report is awaiting vote in plenary, scheduled for February 2004.

The draft report also declares that the actual status of culture and provision for the arts is less prominent although increasing (Council of Europe, 1999) and thus, proposes the need to stimulate a debate on these topics both at national and EU level.

### Europass, qualifications and skills to be recognised EU-wide

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

The Commission adopted on 17 December 2003 a proposal on the creation of a 'Europass' designed to increase transparency and recognition of skills and qualifications across the EU (see COM (2003)0796, <http://europa.eu.int/eur-lex/>). Parliament and Council should adopt the draft decision by the end of 2004. The official launch of the new 'Europass' should take place during the conference on vocational education and training to be held in Maastricht in December 2004.

Moreover, Eurydice published at the end of 2003 trends in the structure of higher

education that have stemmed from the Bologna Process to establish a European Higher Education Area by 2010. The publication was prepared to coincide with the Conference of Education ministers held in Berlin in September 2003. It offers a comparative overview of progress in achieving the main aims of the Process e.g. the structuring of courses into two cycles, the European Credit Transfer System (ECTS), the issue of a Diploma Supplement, and measures to support quality evaluation and lifelong learning. The publication can be downloaded from <http://www.eurydice.org/>.

## Enlargement

---

### Commission report on PHARE, ISPA and SAPARD programmes 2002

[http://europa.eu.int/eur-lex/en/com/rpt/2003/com2003\\_0844en01.pdf](http://europa.eu.int/eur-lex/en/com/rpt/2003/com2003_0844en01.pdf)

On 5 January, the Commission presented its third general report on the three pre-accession instruments (PHARE, ISPA and SAPARD) in 2002. **PHARE** addresses priority measures concerning the adoption of the *acquis communautaire* (€ 1 699 m); **ISPA** finances large infrastructure transport and environment projects (€ 1,107.4 m); **SAPARD** finances measures to support agriculture and rural development (€ 554.5 m).

The report provides information about financial allocations for each country and per instrument, as well as their implementation

mechanisms. It focuses on coordination between the three, an in-depth description of each of them being available in the respective annual reports. The report contains an annex with sections on programming and implementation of the pre-accession instruments in each of the beneficiary countries.

Annual reports for PHARE (COM (2003)497); ISPA (COM (2003)655) and SAPARD (COM (2003)582) as well as COM (2003)844) can be consulted at <http://europa.eu.int/eur-lex/>.

### Reciprocal understanding between the EU and ALA, MEDA, TACIS and CARDS regions

Environment ministers adopted on 22 December a Decision establishing a Community action programme for bodies promoting reciprocal understanding of relations between the EU and certain regions of the world. The action will aim at

increasing understanding and dialogue between the EU and the regions covered by the **ALA, MEDA, TACIS** and **CARDS** Regulations and the candidate countries. The financial reference amount for 2004-2006 will be € 4.1 million.

## EU Research and Development

---

### Commission communication on basic research presented

The European Commission presented on 14 January a communication entitled '*Europe and Fundamental Research*' (COM (2004) 9) which provides an overview of basic research in the EU as compared to other regions e.g. US and Japan. The communication aims at

calling for a debate on how to promote this field.

See press release and communication at <http://europa.eu.int/comm/research/press/2004/pr1501en.html>.

### The ERA-NET scheme

On 11 December 2003, the Commission announced the first results of the ERA-NET scheme, aimed at networking national research programmes. 72 proposals involving 422 funding agencies were submitted under the first deadline (3 June 2003). Following evaluation, 32 proposals were selected.

issues they could not solve alone.

ERA-NET fosters cooperation and coordination of national R&D funding schemes inter alia to allow them address

The European Commission is willing to support new projects in research fields not yet covered. Further evaluations of proposals will be carried out following deadlines set for 2 March and 5 October (2004), 2 March and 4 October (2005). A total of € 148 m has been allocated to the ERA-NET scheme for the life of FP6. Visit <http://www.cordis.lu/coordination/era-net.htm>.

## Information Society

### Council common position on the IDABC programme (2005-2009)

*Co decision procedure  
Second reading*

The Council common position, adopted on 18 December 2003, was accepted by unanimity. The Commission presented on 12 January its assessment of the common position (see COM (2004)0013) and accepted all five amendments adopted by Parliament in first reading (November 2003). Major differences between the Commission's amended proposal and the common position include:

- **Article 1** has been split into two articles - Article 1 (scope), Article 2 (objectives); a general objective has been added to the latter to highlight the focus on pan-European eGovernment services and telematic networks;
- Article 3 has been deleted;
- Article 6 has been amended to clarify the use of results from other activities; Article

8 and Article 9 have also been amended;

- Four recitals have been added: **Recital 13** on a study to be carried out to establish a list of relevant pan-European eGovernment services, **Recital 15** on data protection, **Recital 21** on the participation of a limited number of member states in actions and **Recital 30** on the Comitology procedure.

The proposed programme is now awaiting Parliament second reading, scheduled for April this year.

See COM (2004)0013 at <http://europa.eu.int/eur-lex/>; the Read report (A5-0375/2003) can be found at [http://www.europarl.eu.int/plenary/default\\_en.htm](http://www.europarl.eu.int/plenary/default_en.htm), under latest reports.

### Commission annual general meeting for public information relays

[http://europa.eu.int/comm/dgs/press\\_communication/pdf/marketplace\\_en.pdf](http://europa.eu.int/comm/dgs/press_communication/pdf/marketplace_en.pdf)

Info-Points Europe (IPEs) and rural Carrefours held a joint Annual General Meeting organised by the Commission from 11 to 13 December in Brussels. The proceedings include a "Market Place" at which relays from each Member State,

Commission departments and the other EU institutions got the chance to stimulate debate on EU topics and presented their latest projects. The event took the form of 26 separate thematic stands and members of the accredited press.

### World Summit on the Information Society

The World Summit on the information Society (WSIS) is to be held in two phases. The first phase took place in Geneva from 10 to 12 December 2003 and adopted a Declaration of Principles and Plan of Action concerning the Information Society -see <http://www.itu.int/wsis/geneva/index.html>.

The second phase will take place in Tunis from 16 to 18 November 2005. MEPs presented the work carried out by STOA (Scientific and Technological Options Assessment division of the European Parliament).

### Statistics on the Information Society

*Co decision procedure  
First reading*

On 29 January, Parliament adopted a legislative resolution drafted by MEP Berenguer Fuster on statistics on the information society. The committee adopted the report on 13 January, with amendments to make the text clearer. It also amended the two annexes and introduced a new point in each annex stating that, whenever significant new data requirements are identified or insufficient quality of data is to be expected,

the Commission will institute pilot studies to be carried out on a voluntary basis by the Member before any data collection to assess the feasibility of the relevant data collection. See COM (2003)509 at <http://europa.eu.int/eur-lex/>; the report (A5-0005/2004), awaiting Council common position, can be consulted at [http://www.europarl.eu.int/plenary/default\\_en.htm](http://www.europarl.eu.int/plenary/default_en.htm), under latest reports.

## Internal Market

---

### Council conclusions on the Community patent and Community Trademark

On 27 November, Competitiveness ministers examined outstanding questions on the draft Regulation on the **Community Patent**. Complete agreement could not be reached since the question of the period for the filing of translations of the patent claims has not been solved - one delegation was unable to agree to the compromise proposed. The Council final act is expected in March this year.

Alongside this draft Regulation, amendments are to be made to the European Patent Convention to enable the European Patent Office 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 a judicial panel, "the Community Patent Court", to decide on legal disputes in respect of Community patents. On 23 December 2003, the European Commission presented two draft Council decisions aimed at conferring

jurisdiction on the European court of Justice in disputes relating to the Community patent (COM (2003)0827). The second aims at establishing the Community Patent Court and concerns appeals before the Court of First Instance (COM (2003)0828). Both documents can be consulted at <http://europa.eu.int/eur-lex/>.

In addition, the Council unanimously reached political agreement on the draft Regulation modifying the **Community trade mark** (1994). After finalisation of the text, the Council will adopt this Regulation at a forthcoming meeting. One of the main elements of the Presidency compromise text concerns the current searching system.

The new Regulation will establish criteria in relation to the search reports aimed at improving the quality of searches. The implementation of the new system will take place after a transitional period of four years.

## Telecommunications

---

### Commission launches infringement proceedings against Member States for not adapting electronic communications framework

The deadline for implementation of the new regulatory framework for electronic communications was 24 July 2003. The European Commission opened in early October 2003 infringement proceedings against eight member states for failure to notify transposition measures. On 17 December 2003, the Commission followed up on this action by sending reasoned opinions to Belgium, Germany, Greece, France, Luxembourg, the Netherlands and Portugal, which have still not implemented the regulatory framework into their national legislation. Spain recently notified the Commission of its implementation of the Directives, therefore the infringement proceeding against it has been closed. The member states have now two months to respond. The next step will be the referral of those which have still not complied with their notification requirements to the European Court of Justice.

In addition, following the expiry on 31 October 2003 of the deadline to transpose the Directive on Privacy and Electronic Communications, only six countries had taken measures to transpose it by the closing date. Since then, Ireland has also adopted transposition measures. As a result, the Commission opened on 5 December 2003 infringement proceedings for failure to notify transposition measures against Belgium, Germany, Greece, France, Luxembourg, the Netherlands, Portugal, Finland and Sweden.

Letters of formal notice have now been sent out; member states are requested to respond within two months.

For further information, visit [http://europa.eu.int/information\\_society/topics/ecom/all\\_about/implementation\\_enforcement/index\\_en.htm](http://europa.eu.int/information_society/topics/ecom/all_about/implementation_enforcement/index_en.htm).

## Telecommunications

### Commission communication on Spam

On 22 January, the European Commission adopted a communication on spam (COM (2004)0028). This communication identifies a series of actions to help enforce the EU "ban on spam". It focuses on effective enforcement by member states, technical and self-regulatory solutions by industry, consumer awareness, and international cooperation.

The Commission will monitor the implementation of these actions during 2004, inter alia via the informal group on unsolicited communications. It will assess by the end of 2004 at the latest whether

additional or corrective action is needed. At legislative level, the Privacy Directive bans unsolicited commercial communications to individuals across the EU, with a limited exception covering existing customer relationships. Member states undertook to adapt their national laws accordingly by 31 October 2003.

See the communication, background information on the new rules and on the OECD workshop on spam at [http://europa.eu.int/information\\_society/topics/ecommerce/highlights/current\\_spotlights/spam/index\\_en.htm](http://europa.eu.int/information_society/topics/ecommerce/highlights/current_spotlights/spam/index_en.htm).

### Commission and CEPT sign Memorandum of Understanding

The European Commission and the European Conference of Postal and Telecommunications Administrations (CEPT) signed on 30 January a Memorandum of Understanding (MoU) aimed at fostering a constructive collaboration in areas of common interest.

Joint activities are expected notably to help European citizens to benefit from new

wireless technologies and products.

The MoU aims to support on-going activities in these areas, where the Commission mandates CEPT to carry out preparatory activities to harmonise the use of radio spectrum in Europe.

CEPT is a permanent observer in the Radio Spectrum Policy Group (RSPG).

## Trade Policy

### VAT and the Place of Supply of Services

The European Commission presented on 23 December a proposal to shift taxation in most cases from the place where the supplier is established to the place where the customer is located. However, there would be exceptions for certain services for which special arrangements currently exist e.g. cultural, artistic, entertainment, scientific and educational services, tangible property and intangible services including copyrights, patents, advertising, professional services, telecommunications, radio and TV broadcasting and electronically supplied services. These services would continue to be treated as supplied, and therefore taxable, where the services are physically carried out.

It is proposed that **scientific and educational services, when provided to**

**taxable persons, be eliminated from this exception.** Thus businesses acquiring such services in Member States other than where they are established would no longer be required to rely on the eighth Directive refund mechanism. **For scientific and educational services supplied to non-taxable persons Article 9f applies.**

The proposal only deals with supplies between traders. The Commission plans a follow-up proposal concerning the place of supply of services to individuals and entities not subject to VAT in 2005.

Further information and COM (2003)822 can be consulted at [europa.eu.int/comm/taxation\\_customs/taxation/consultations/supply/supply\\_en.htm](http://europa.eu.int/comm/taxation_customs/taxation/consultations/supply/supply_en.htm).

## Trade Policy

### Member States to apply a reduced VAT rate to labour-intensive services

On 22 December, Environment ministers adopted conclusions to extend **Annex K for reduced VAT rates for labour intensive services** for a period of two years.

Parliament adopted on 4 December a legislative resolution on reduced VAT rates. Following the adoption of Parliament's opinion, the Commission presented on 17 December, a proposal to extend the experiment to apply reduced VAT to certain labour intensive services until 31 December 2005 at the latest. Parliament approved the report drafted by MEP Randzio-Plath on 15 January avoiding thus legal uncertainty from 1 January 2004. It will also give time to the Council to take an unanimous decision to adopt the proposed Directive.

As a result, Belgium, France, Greece, Italy, Luxembourg, Portugal, Spain, the Netherlands and the UK, who applied this

provision until December 2003, are allowed to keep doing so for another two years under the same conditions. The choices of the member states differ widely, both in rates and the sectors to which they apply. The services that can benefit from this treatment are included in **Annex K** of the VAT directive (introduced on a trial basis four years ago). Member states are generally obliged to apply the normal rate of VAT unless the goods and services are exempted or included in Annex H of the directive.

Randzio-Plath reports (A5-0410/2003, A5-0001/2004), awaiting final decision by Council, can be found at [http://www.europarl.eu.int/plenary/default\\_en.htm](http://www.europarl.eu.int/plenary/default_en.htm), under latest reports; see COM (2003)397 (23 July 2003) and COM (2003)825 (16 December 2003) at <http://europa.eu.int/eur-lex/>.

### Foreign sales corporations and EU countermeasures

On 8 December 2003, General affairs ministers adopted a Regulation establishing additional customs duties on imports of certain products from the US in response to incompatibility with WTO rules of its Foreign Sales Corporations (FSC) Act and replacement legislation. The Regulation provides for the imposition of countermeasures using a gradual approach, both in terms of timing and the level of duties. The application of duties at an initial level of 5 % in March 2004 will be increased monthly up to a level of 17 % in March

2005, and thereafter the Commission will present a proposal for further action in the light of developments.

Tariff bindings granted by the EU to the US on the selected products will be temporarily suspended and notified to the WTO from 1 March 2004 to allow the US to comply with the WTO ruling before the countermeasures are actually imposed. The Commission will present a proposal for repeal of the Regulation even before the countermeasures are applied if the US has fully complied with WTO rulings before then.

## Youth Policy

### Youth action programme, Commission opinion on Council common position

On 22 December, Environment ministers adopted the common position on the Community action programme to promote bodies active at European level in the field of youth. The budget for the period 2004-2006 is set at € 13 million.

The Commission presented its assessment on 9 January (COM (2004)5). On 16 January, the Parliament Culture committee presented

its draft recommendation (second reading). The only significant point of difference between Parliament and Council is whether grants to the international non-governmental youth organisations should be exempt from the principle of gradual reduction from the third year onwards. The proposed programme is now awaiting Parliament second reading, scheduled for April this year. See COM (2004)0005 at <http://europa.eu.int/eur-lex/>.

*Co decision procedure  
Second reading*

## EBLIDA, European Bureau of Library, Information and Documentation Associations

We're on the Web!  
Visit [www.eblida.org](http://www.eblida.org)

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

### Information sources used include

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

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

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

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

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

### About EBLIDA...

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

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