Copyright Directive: Votes in three European Parliament Committees

All three European Parliament's opinion giving committees (not the legal committee) voted on their reports on 23-24 September. Due to EBLIDA's, the national library associations’ and EFPIIC's strong lobby in writing and by individual meetings with MEPs during the last weeks and months, most of our suggested amendments were adopted in at least one of the committees' final texts:

Recital 22: EBLIDA's request that the Directive should not be limited to an exhaustive list of exceptions was taken up by the Economic and Monetary Affairs Committee (EMAC), in their report it is changed to "non-exhaustive list of exceptions". The Consumer Committee's text replaces the Commission's wording on "exhaustive enumeration of exceptions" by a "mandatory list of exceptions".

Article 5.1.: EBLIDA asked that temporary acts of reproduction should be exempted without having to qualify by "having no independence economic significance". This was taken up by the Consumers Committee.

Article 5.2.: EBLIDA asked that Member States *shall* (instead of "may") provide for limitations to ensure that they have to be implemented into national law to keep the copyright balance. This was taken up by the Consumer Committee.

Article 5.2 (c): EBLIDA asked for the inclusion of "specific acts of reproduction made *in* or by establishments accessible to the public *such as libraries, archival institutions or educational institutions designated by the Member States* which are not *primarily* for direct or indirect economic or commercial advantage, *including reproduction for the purpose of archiving and preservation*. "In or by" was taken up by the Cultural Committee and EMAC. The addition "libraries, archives..." was taken up by the Consumer Committee. Not "primarily" was taken up by EMAC and the Consumer Committee. EBLIDA's request to add "including reproduction for the purpose of archiving and preservation" is taken up by EMAC.
Article 5.3.: EBLIDA asked again that Member States *shall* (instead of "may") provide for limitations to ensure that they have to be implemented into national law. This was taken up by the Consumer Committee.

Article 5.3 (a): EBLIDA asked to replace exceptions for "illustration for teaching and scientific research" by *purpose of education, learning, research and for private use*. This was taken up by the Consumer Committee and partly by EMAC ( "education, learning and research" without "private use").

Article 5.3.(b): EBLIDA asked to revise the text as follows: *for uses of a non-commercial nature to the benefit of persons with sensory, mental or learning disabilities and persons with significant physical disabilities which affects their ability to access and use the material in question.* This is included in the opinion of the Cultural Committee.

Article 5.5.(new): EBLIDA asked for a new article stating: *Any contractual provisions contrary to Article 5 shall be null and void* to ensure that license agreements cannot override copyright law. This is included in the Consumer Committee opinion.

Article 6.1.: EBLIDA asked to change the wording of this article to ensure that only acts of circumvention that really infringe copyright should become illegal. This is to ensure that people can legally circumvent technical protection measures to exercise their exceptions or to circumvent technical protection measures that block non-copyrighted material. This was taken up by EMAC and also in a less clearer wording by the Consumer Committee.

In summary, the Cultural Committee's opinion includes some very restrictive changes (they voted on many political compromise amendments), EMAC and the Consumer Committee are much more positive for libraries. All three opinions will be voted upon in the Legal Affairs Committee. The Legal Affairs Committee has not only Roberto Barzanti's report to vote upon but also these three opinions. The Legal Affairs Committee will therefore determine which amendments will in the end be presented to the plenary session.

On 23 September, Mr Barzanti presented for the first time his report to the Legal Affairs Committee. The deadline for submitting amendments is 14 October, a second discussion on his report is scheduled for 29 October. The Legal Affairs Committee is expected to vote on 25-26 November and the vote in the EP plenary session should take place in December.

In the debate on Mr Barzanti’s report, two German MEPs came out in support of his view but six others made critical comments and thus supported our position: Astrid Thors (Finland, liberal), Florus Wijsenbeek (Dutch, Liberal), Brian Cassidy (British, EPP, draftsman of EMAC Committee report), Brian Crowley (Eire, UFE/FF), Erika Mann (Germany, Socialist) and Maria Berger (Austria, Socialist).

Concerning the AIB/EBLIDA/ECUP copyright conference, 5-6 November, Rome, EBLIDA was able to secure the attendance of Mr Roberto Barzanti (EP), Mr Raffaele Foglia (counsellor, Ministry of Foreign Affairs, Member of the Council working group) and Dr Jens Gaster of the European Commission. As the conference takes place on 5-6 November before the vote in the Legal Affairs Committee, this is an excellent and unique opportunity to ensure that all European institutions (especially the Parliament) are aware of the library concerns. Please use the registration form before 20 October at: http://www.kaapeli.fi/~eblida/

Convergence of telecommunications, media and information technologies: opinion of the Committee of the Regions
The Committee of the Regions has recently adopted an opinion on the Green Paper on convergence of telecommunications, media and information technologies. The Committee of the Regions agreed with the European Commission's view that regulation should be kept to a minimum, without knowing what the effects of convergence will be. The Committee prefers building on and extending existing regulatory frameworks, rather than creating new ones. The Committee noted, however, that there are large regional disparities in media and infrastructures, a factor which did not get adequate attention in the Commission's Green Paper. The Committee also stressed that there are several other regulations which have an impact on convergence, such as tax systems, which have to be taken into account as well.

Culture: extension of Ariane and Kaleidoscope into 1999

At an informal meeting on 10-12 September the Culture Ministers of the European Union unanimously agreed on extending the Ariane programme (for books and reading) and the Kaleidoscope programme (for artistic creativity) into 1999, with the same budget as now. The two programmes would normally expire at the end of 1998, while the First Framework programme on culture, which will replace the three current cultural programmes Ariane, Kaleidoscope and Raphael (for cultural heritage), will only start in the year 2000. The European Commission will rapidly finalise a proposal on this subject, which will then go to the European Parliament and the Council of Ministers for a decision.

Culture: divergence over budget for First Framework programme within Cultural Council

On 10-12 September the Council of Culture Ministers confirmed their support of the principle of re-grouping current European cultural activities (Ariane, Raphael and Kaleidoscope) in a framework programme for the period 2000-2004. They approved in general the objectives and types of action proposed by the European Commission. With regard to the budget of the programme, opinions diverged with some ministers being in favour of increasing the figure of ECU 167 million for 5 years as proposed by the European Commission. The Austrian Presidency of the European Union hopes to settle the budgetary aspect during the meeting of the Cultural Council on 17 November and to approve the programme by the end of the year (which involves unanimity in the Council and consensus of the European Parliament through co-decision procedure).

Culture: exchange of views between EU and CEE/Cyprus Culture Ministers

On 10 September the EU Culture Ministers met the Culture Ministers of the eleven candidate countries for accession to the European Union (Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) to exchange views on the cultural aspects of future EU enlargement. The Austrian Minister for Culture asked the European Union to take the cultural dimension of enlargement more into account, and to increase its budget earmarked for funding cultural cooperation projects with the candidate countries. It was stated that arts and culture are already the basis of a peaceful Europe and of understanding between peoples. The 15 EU Cultural Ministers stressed the need for the accession countries to
use the already existing instruments and possibilities for cultural cooperation with the EU to the maximum. These are participation by candidate countries in the Ariane, Raphael and Kaleidoscope programmes and the Phare programme. In addition, the candidate countries explained their efforts in adopting and implementing the EU legislation in the cultural and audio-visual field.

**Culture: Ministerial meeting to discuss Mediterranean cultural partnership**

On 25 and 26 September the Ministers of Culture of the European Union and the countries of the Mediterranean Basin met to examine the progress made in the Euro-Mediterranean Partnership in the cultural sector and prospects for the inter-cultural dialogue. The ministers assessed the activities undertaken under the Partnership since the 1996 Ministerial Conference in Bologna. Furthermore, they assessed the prospects of the Euromed Heritage programme and established the priorities and timing for Euromed Heritage II. The ministers discussed future actions in the field of research, education and the media, as well as cultural exchanges and a global summit on culture and development planned for 2002 in Vienna.

**Book prices: battle on fixed book prices continues**

At a recent meeting of the European Parliament's Cultural Committee, Austria's Culture Minister Peter Wittman raised again the issue of fixed book prices between Austria and Germany, for which the Austrian and German governments are in conflict with the European Commission. European Commissioner Mr Karel van Miert, who is responsible for competition issues, is strongly opposed to such price agreements, because they would hinder free competition. Mr Wittman however warned against abolishing the existing system. According to him, one has to avoid ruling cultural affairs with competition law. In the meantime, DG X of the European Commission, which deals with cultural issues, is preparing a study on the cultural aspects of book-pricing rules. It is expected that the European Commission will not take action on the book price issue until the end of this year. France, the Netherlands and Spain also have national agreements setting minimum prices for books, but these are not subject to European Commission challenge, as they do not have a cross-border impact.

**Research: deadlock on the budget of Fifth Framework programme remains**

Delegations from the European Parliament and the Council of Ministers met on 29 September to negotiate a compromise on the budget for and the content of the Fifth Framework programme for research and technological development for the period 1998-2000. During the last few months the two institutions have not been able to reach an agreement on the programme's budget. The Parliament favoured an amount of ECU 16,3 billion, while the Council did not want to allocate more than ECU 14 billion to the programme. However, the conciliation meeting on 29 September was not a success. At their meeting, the European Parliament mainly confirmed its position, while the Council considered that the budget should not exceed ECU 14,3 billion. The two institutions will continue the conciliation procedure on 2 October, and the next session of the Council of Research Ministers is scheduled for 13 October. A decision is urgently needed, if the new programme should start at the date planned (early next year).
Research: In Fifth Framework programme electronic submission of proposals possible

When the Fifth Framework programme for research and technological development gets under way in the next few months, it will be possible for the first time to submit project proposals electronically. This will make processing and evaluating the large numbers of proposals received more efficient and quicker. Of course, submission of proposals on paper will continue to be possible as well, without any disadvantage. This will apply to all specific programmes of the Fifth Framework programme, including the Information Society Technologies programme, which makes reference to libraries and archives.

Intellectual property rights helpdesk launched under Innovation programme

The European Innovation programme, which aims at the dissemination and optimisation of results of EU-funded research projects, has recently established an intellectual property rights (IPR) helpdesk. The main tasks of the new IPR helpdesk are to raise awareness of the importance of protecting and exploiting Europe's intellectual property, to assist researchers in EU-funded research projects in locating and licensing existing technical developments, and to support projects in registering, protecting and exploiting their inventions. In fulfilling these tasks, the helpdesk will act as an intermediate between those seeking assistance on IPR issues and organisations able to provide this help. Enquiries can be made by email, fax and telephone, and a web site is being developed with relevant information and links to other useful sites. The helpdesk will also develop on-line tutorials on subjects relating to IPR issues. The IPR helpdesk can be contacted at: 64-66 Avenue Victor Hugo, L-1750 Luxembourg; Tel: +352 471 1111; http://www.cordis.lu/ipr/src/helpd.htm

New TEN-Telecom projects selected

Following the call for proposals of January 1998 for projects under the TEN-Telecom programme to stimulate the creation of trans-European telecommunications networks that match the socio-economic needs of citizens and small and medium-sized enterprises, nine projects have been selected by the European Commission. One of the projects, ACTE SIS, will conduct a market study for the use of cinema and television archives by professionals for audio-visual and multimedia in the European Union, Central and Eastern Europe and the Mediterranean. Further information is available at: http://www.echo.lu/tentelecom/

Education: proposal to extend Tempus programme in higher education

The European Commission has recently adopted a proposal to extend the Tempus programme for trans-European cooperation in higher education. The aim of the programme is to promote the development of higher education systems in the countries of Central and Eastern Europe and the New Independent States of the former Soviet Union through cooperation with EU
Member States. Specific objectives include the development and re-shaping of teaching syllabuses, reform of higher education structures, establishments and their management, and the development of training with particular emphasis on high-level skills. The Tempus programme, which was originally launched in 1990 for a period of four years, will complete its second phase in 2000. This Commission proposal would extend the programme for a further period of six years from 2000 to 2006.

Education: Council of Budget Ministers proposed to cut budget for Leonardo programme

On 15 September the Council of Budget Ministers presented to the European Parliament the European Union draft budget for 1999. Among others, the European Parliament criticised the Council on the recommended cuts in the credits for the Leonardo programme for vocational training, although the Leonardo programme is supposed to be one of the Council's priorities. The representative of the Budget Council that was present at the Parliament's session admitted that there would be a considerable reduction in the 1999 allocation compared to 1998, but he added that the Council is examining the possibility of a second phase in this programme, from 2000 to 2004, with a far larger budget.

Enlargement: Commission received negotiating positions of several candidate countries

In the first two weeks of September the European Commission received the negotiating positions of Poland, Slovenia, Hungary, Estonia, Czech Republic and Cyprus.

Poland was the first country to submit to the EU Council of Ministers and the European Commission its negotiating positions for the first seven chapters of the European Union legislation, screening of which has already been concluded (please see also Hot News of June and July 1998). It concerns the following chapters: science and research, telecommunications and information technologies, education and training, culture and audio-visual policy, industrial policy, small and medium-sized enterprises and the common foreign and security policy. At this stage, the negotiating positions are confidential, but Poland revealed that it asked temporary exceptions for only one of the seven chapters in question. Cyprus also had no difficulty in accepting the EU legislation in these fields, only asking for a transition period for the liberalisation of telecommunications. Slovenia requested a transitional exception in the field of audio-visual policy. Estonia submitted, on top of the above mentioned seven chapters, also its negotiating positions on company law, consumer protection and health, fisheries, statistics and the free movement of goods. Hungary handed its positions on eleven chapters, asking for three transitional exemptions and raising two problems.

Based on the negotiating positions of the candidate countries, the European Commission has prepared drafts of the European Union negotiating position on the first seven chapters, on the basis of which the EU Member States will decide to open negotiations on some or all of the chapters in question. On certain complex aspects, such as requests for exemptions in the field of telecommunications policy, the Commission was not yet able to make any draft negotiating position, and therefore asked applicant countries to provide additional information on their requests for exemption. However, this will not prevent the EU from beginning concrete negotiations. The Austrian Presidency of the EU intends to launch the negotiations at ministerial level on 9-10 November.