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Draft Copyright Directive: again discussion in EP Legal Affairs Committee

On 25 November, the whole afternoon session of the Legal Affairs Committee was dedicated to the draft Copyright Directive. The rapporteur, Mr Roberto Barzanti, explained that he has not prepared any compromise amendments as was originally proposed. He claimed that he has written his own amendments after he had read all amendments of the three other opinion-giving committees and has tried to incorporate them into his own. Therefore it did not come as surprise that he favoured in most cases his own amendments when he was asked by the chairman to indicate which of the roughly 300 amendments he would recommend to be supported and which he would recommend to be rejected. An internal voting list was available to MEPs that indicated which amendments should be voted on first (mainly Mr Barzanti's). This procedure could render all other amendments obsolete. In addition, Mr Barzanti has just finished drafting some text for new recitals which was not yet available to MEPs yesterday.

Mr Cassidy who is the rapporteur of the Economic and Monetary Affairs Committee for the draft Copyright Directive expressed his disappointment that Mr Barzanti recommended that almost none of the other amendments should be adopted. One MEP already announced to question the order of the voting list. The next discussion is scheduled for 7 December with a vote on all amendments on 8 December. The final draft of the Legal Affairs Committee will then be passed to the plenary session for adoption.
Conditional access services: Directive adopted by Council of Ministers

On 9 November the Council of Internal Market Ministers adopted the Directive on the legal protection of services based on, or consisting of, conditional access. The Directive will enter into force on the day of publication in the Official Journal of the European Communities. The Directive is intended to provide the necessary legal safeguards that will encourage service providers to invest in this sector such as pay TV, video requests, audio requests and electronic publishing that rely on conditional access techniques (e.g. coding) for payment. The Directive requires Member States to prohibit any commercial activity which tries to provide free access to pay services. Service providers that are affected by pirating will have the right to take out injunctions and sue for damages, and will be able to request that illegal equipment is seized and destroyed. Member States have 18 months to put the Directive into national law. For further background information, please check also the EBLIDA Hot News of October 1998, July 1998 and May 1998.

Electronic Commerce: European Commission proposed Directive

On 18 November, the European Commission put forward a proposal for a Directive on certain legal aspects of electronic commerce in the Internal Market. The draft Directive tries to ensure that also information society services will benefit from the Single Market principles (free movement of services and freedom of establishment), and providers can offer their services throughout the EU, if they comply with the law in their country of origin.

Information Society services are defined as those provided normally against remuneration, at a distance, by electronic means and in response to the request of a customer. Examples covered include on-line newspapers, on-line databases, on-line financial services, on-line professional services, video on demand and services providing access to the World Wide Web. Areas covered by the Directive are: definition of where operators are established, electronic contracts, liability of intermediaries, commercial communications, dispute settlement and the role of national authorities. The Directive would only apply to service providers established within the EU.

The Directive would define the place of establishment as the place where the operator actually pursues an economic activity through a fixed establishment, no matter where the web sites or servers are situated. Regarding on-line contracts, Member States would be obliged to remove any prohibitions or restrictions on the use of electronic media for concluding contracts. The directive would also clarify in certain cases the moment of conclusion of contract, whilst respecting contractual freedom, and is complimentary to the draft Directive on electronic signatures.

The Directive also seeks to clarify the responsibility of on-line service providers for transmitting and storing information for third parties (as "intermediaries"). The Directive would establish an exemption from liability for intermediaries where they play a passive role as a "mere conduit", and limit liability for other "intermediary" activities such as the storage of information. The Directive would allow Member States to impose restrictions on information society services supplied from another Member States if necessary to protect the public interest on grounds of protection of minors, the fight against hatred on grounds of race, sex, religion or nationality, public health or security and consumer protection.

Regarding the question of which law is applicable, the above suggested principle of "country of
“origin” law to which service providers have to comply with, is in some conflict with the recently (3 November) by the Consumer Council adopted resolution "The consumer dimension of the information society". In this resolution, the Council requested that the legal system applicable to disputes involving consumer transactions be that of the consumer's country of residence (and not that of the service provider's country of origin).

Further information is available at the European Commission's web site at: http://europa.eu.int/comm/dg15/en/index.htm

Convergence of telecommunications, media and information technologies: EP resolution and end of Commission consultation

In December 1997, the European Commission published a Green Paper on convergence and carried out a consultation on how the new generation of convergent electronic media should be regulated. In October 1998 the European Parliament adopted a resolution by MEP Reino Paasilinna on the Green Paper, stating that the transport of information through the different networks is basically the same activity and should be regulated under a single framework, rather than having specific frameworks for the different networks. The Parliament urged the European Commission to encourage interoperability of various technologies and to promote development of user-friendly interfaces. The report (no. A4-0328/98) is available at: http://www.europarl.eu.int/plenary/en/default.htm

On 3 November the European Commission ended its consultation phase which resulted in some conclusions already in July 1998, but in addition the Commission had called for a more in-depth discussion on three aspects, namely interoperability of networks and technologies, the means to encourage innovation, investment and the production of European content, and the balance to be found between market forces and the protection of public interest. The Commission will now prepare an action plan proposing principles on which the regulation of this new generation of electronic media should be based. More information on convergence is available at: http://www.ispo.cec.be/convergencegp/

PROMISE: Call for proposals to stimulate the global Information Society (IDEIS)

On 24 October the European Commission published a new call for proposals under the PROMISE programme (multi-annual programme to stimulate the establishment of the Information Society in Europe). The deadline for submitting proposals is 14 December 1998. The Commission is seeking proposals that should focus on organising activities related to international cooperation in the field of the Information Society and to enhance Europe's role and visibility, by organising a network with third countries that will deal with one or more of the following activities:

- Dialogue: support to various Information Society Fora, or equivalent mechanisms for dialogue, with the participation of IS-related bodies in third regions;
- Information Society policies: awareness on the preparation and implementation of action plans related to IS policies at national and regional level in the third countries;
- Transfer of experience and technical exchanges: disseminating results of IS projects and information on IS activities, through exchange of documents, workshops, meetings, studies, seminars and information days;
- Demonstration activities: to provide technical support to the preparation and presentation of proposals on potential projects in the field of the IS, under European programmes.
The networks may cover one or more of the following geographical areas: Mediterranean countries, Africa, Latin America, South and South-east Asia, China and Central and Eastern European countries. Selected proposals will be funded up to a maximum of 100 % of eligible costs, ranging between 300.000 to 350.000 ECU. For further information please contact: European Commission, Information Society Activity Centre - IS2, DG III/XIII, Mr Servantie, (BU9 - 1/11), 200 rue de la Loi, B-1049 Brussels; Tel: +32 2 296 9525; fax: +32 2 296 8970; http://www.ispo.cec.be

Information Society: Parliament adopts report on action plan for safer use of Internet

By adopting the report by MEP Gerhardt Schmid (Germany), the European Parliament amended at second reading the multi-annual action plan aimed at promoting safer use of the Internet. Although the Council of Ministers had already accepted a large number of amendments voted by the Parliament at first reading, MEPs felt the need to introduce a mechanism of quality labelling for Internet service providers, which would obey certain codes of conduct. Furthermore, the Parliament amended the period covered by the action plan from 1998-2001 to 1999-2002. The amended action plan goes now back to the Council of Ministers. If the Council does not approve it, Parliament and Council have to try to come to an agreement through the conciliation procedure. The European Parliament report (no. A4-0377/98) is available on the Internet at: http://www.europarl.eu.int/plenary/en/default.htm

Information Society: Council resolution on the consumer dimension

The Council of Ministers responsible for consumer affairs adopted on 3 November a resolution called "The Consumer Dimension of the Information Society" which lists the reasons for consumers' concern (among others: accessibility and affordability; consumer friendliness of equipment and applications and the skills necessary to use them; transparency including the quantity and quality of information; information technology as a tool for information and education). The ministers called on the European Commission to ensure that consumers' interests are fully taken into account in all current and future legislative proposals concerning the Information Society. Furthermore, the Council requested that the legal system applicable to disputes should be that of the consumer's country of residence. The Commission is asked to present to the Council and the Parliament a report on actions undertaken to this effect, accompanied if necessary, by proposals for relevant action. The European Commission welcomed the resolution, but had reservations concerning the legal system applicable in case of disputes, as it proposed the principle of "country of origin" in its draft Directive on electronic commerce (please see above). The full text of the resolution can be accessed at the Council of Ministers press release library: http://ue.eu.int/

Fifth Framework programme: finally agreement on the budget

On 17 November, the Council of Ministers and the European Parliament reached an agreement which puts an end to the conciliation procedure for the Fifth Framework Programme for
Research and Development (1999-2002). The agreement presents, in absolute terms, an increase of 4.61% in comparison with the previous programme. The positive outcome of the conciliation should allow to launch the first calls for proposals in the beginning of 1999. The research budget for the years 1999 to 2002 will be ECU 14,960 million. Originally the European Parliament has called for a budget of ECU 16,300 million but the Council refused to go beyond ECU 14,300 million. The problem raised by the financial perspectives beyond the year 2000 has been solved by a clause agreed upon by both institutions.

Fifth Framework programme: first calls expected early 1999

Although the Fifth Framework programme for research and technological development has not yet been formally adopted, the European Commission has already started implementing the programme, in order to ensure that the programme starts smoothly in early 1999.

The European Commission has appointed 278 experts as members of 17 advisory groups to advise the Commission on the Key Actions of the programme. The first task of these groups will be to discuss the draft work programmes for each Key Action, with meetings planned during November and December 1998. Work programmes include the programming of calls for proposals, the criteria for evaluating project proposals and objectives of the Key Actions. At a later date, the expert groups will also discuss progress achieved, with a view to possible changes to the work programmes.

Once the European Commission has received their advice, it will present its work programmes to programme committees, made up of representatives of the national governments. They will start discussions in December, with a view to agreeing the work programmes in January or February 1999. Once this is done, the first calls for proposals under the Fifth Framework programme can be launched in late January or early February.

Next to the expert groups, the European Commission has decided to form a 'European Research Forum' which will advise on questions relating to research and innovation in general. The Forum will consist of around 60 members, including the chairmen of the 17 expert groups. Furthermore, in view of the major changes in the structure of the Fifth Framework programme in comparison to the previous four Framework programmes, the Commission is undertaking a major reorganisation of its staff to effectively meet the challenges of the new programme. To improve coherence in the Information Society programme, the departments which currently manage the ESPRIT programme have been transferred to the same Directorate-General (DG XIII - Telecommunications, Information Market and Exploitation of Research) as those currently running the ACTS and Telematics Applications programs.

CEEC: Fifth Framework programme to be opened to Central and Eastern Europe

The Council of Research Ministers authorised in October the European Commission to negotiate with the eleven candidate countries (Bulgaria, Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovak Republic and Slovenia) their participation in the Fifth Framework programme for research and technological development (1998-2002). The objective is to enable research institutes, enterprises and universities in the candidate countries to participate under the same conditions as organisations from EU Member States. In exchange, those countries would be asked to contribute to the budget of the Fifth Framework programme.
The opening of the Fifth Framework programme to the eleven candidate countries is seen as part of the pre-accession strategy. It should speed up their integration into the scientific and technological community at European level, and their preparation for accession to the European Union. All eleven candidate countries have formally informed the European Commission that they wish to participate in the programme, although the financial contribution required from the countries could present some difficulties. Therefore, the countries will be offered a reduction in their contribution in the early years. In addition, some funding could be made available through the national Phare programmes for the Central and Eastern European countries. It is hoped that the negotiations on the participation in the Fifth Framework programme can be concluded in time for the launch of the programme at the end of this year. It is also envisaged, in order to ensure maximum participation from these countries, to promote awareness of the new opportunities through a series of measures, including conferences, training seminars, brochures and information on the Internet.

Culture 2000: European Parliament first reading

On 4 November 1998, the European Parliament's plenary session approved with numerous amendments, including those relating to the budget, in first reading the Commission's proposal for a new cultural framework programme, the "Culture 2000 programme". The Parliament voted also in favour of a more sectoral approach than proposed by the Commission aimed at making the programme more effective and accessible for small-scale projects.

Nana Mouskouri (rapporteur, Greece) noted that the Culture 2000 programme gave special attention to young people. She argued that the first generation of programmes had not been entirely transparent or accessible to citizens of Europe. The new programme could lead to the creation of new jobs and was linked to training and education. The Culture 2000 programme was better targeted and tailored to the needs of future generations. In conclusion Mrs Mouskouri argued that ECU 167 million was not enough and that there was a need for more money. Replying to the debate, Commissioner Marcelino Oreja emphasised that the purpose of the programme was to encourage cooperation and develop a common heritage. While he could accept most of the amendments, he could not agree to those relating to the budget, which was fixed according to overall budgetary criteria. The Commission's proposal was approved with numerous amendments including the one relating seeking to increase funding from ECU 167 million to ECU 250 million, despite the Commission's statement that this question should be taken under the budgetary procedure.

Culture 2000: Council of Ministers reached political agreement

On 17 November, at the Council of Cultural Ministers meeting, unanimous political agreement was reached on the common position regarding the "Culture 2000 programme". The common position will be formally adopted at a forthcoming Council meeting, once the Netherlands have confirmed their agreement and the Committee of the Regions has delivered its opinion. It will then be sent to the European Parliament for a second reading according to the co-decision procedure. Difficulties are to be expected due to differences in budget request. While the European Parliament asked for a budget allocation of 250 MECU, the total budget agreed by the Council for the 5-year period (1 January 2000 to 31 December 2004) is 167 MECU. The types of cultural action to be supported are:

- specific innovative and/or experimental actions (such activities should aim for example at supporting the creation of multimedia products in the field of culture, promote the
dissemination of live cultural events using the new technologies of the information society, support projects aimed at improving access to books and reading). This support would take the form of grants, seminars and congresses, studies, measures to increase awareness;

- integrated actions covered by structured, multi-annual cultural co-operation agreements. The programme will contribute in particular to co-operation through the participation of networks of cultural operators, as well as organisations and research institutes in the cultural field, in the various Member States and in the other participant States. The activities should for example aim at promoting the use of new technologies, making cultural works and creations accessible to the public, promoting the exchange of experience and mutual awareness of common cultural values of the European people. The programme would contribute to the participation of organisations, or research institutes;

- special cultural events with a European and/or international dimension (in particular the European Capital of culture and the European Cultural Month). Those actions should help to increase the sense of the people of Europe of belonging to the same community as well as making them aware of the cultural diversity that exists in the European Union.

The “Culture 2000 programme” shall be open to the participation by the countries of the European Economic Area and also to participation by Cyprus and the associated countries of Central and Eastern Europe. This programme shall also permit joint action with international organisations competent in the field of culture such as UNESCO or the Council of Europe.

Culture: Council agreement on extension of Ariane and Kaleidoscope into 1999

On 17 November the Council of Culture Ministers reached unanimous political agreement on the extension of the Ariane programme for books and reading and the Kaleidoscope programme in the field of artistic creativity into 1999, with a total budget of ECU 10,2 million for Kaleidoscope and ECU 4,1 million for Ariane. After adoption by the Committee of the Regions of its opinion on this matter, the Council's common position will be formally adopted at a forthcoming Council meeting. The European Parliament has already voted on the amounts now agreed by the Council. The extension of the programmes will bridge the gap between their current expire date (31 December 1998) and the planned start of the new framework programme in the area of culture (1 January 2000).

Fixed book prices: European Commission presents report to Council of Ministers

On 17 November the Council of Ministers once more discussed the issue of cross-border fixed book prices. In response to the Council's request of September 1997, the European Commissioner for Culture, Mr Marcelino Oreja, presented a report with the Commission's position concerning the fixed book price. According to Oreja, purely national arrangements with no impact on trade in books between Member States will not be questioned by the Commission, nor will national legislation in this area as long as it does not restrict trade. As far as cross-border systems in homogeneous linguistic areas are concerned which do have an impact on trade between Member States (e.g. the German-Austrian agreement), the Commission is willing to be flexible if countries can prove that such agreements are necessary for cultural reasons and that there is no other possibility of having other measures which guarantee the same objective while less restricting competition.
In the discussion that followed, many delegations stressed that the cultural aspects of books should prevail over purely economic considerations, and reaffirmed the importance they attach to fixed book prices as a means of maintaining and promoting the diversity and broad accessibility of books. The German delegation submitted to the Council a memorandum stressing the role of fixed book prices in homogeneous language areas. According to this text, fixed book prices guarantee diversity and a supply of quality works in a network of bookshops accessible to all. They enable competition to be based not only on price but also on service and the quality of production. The Memorandum will be further examined by the competent Council bodies.

Fixed book prices: European Parliament adopted resolution

On 20 November 1998, the European Parliament adopted a resolution on common book price-fixing across borders referring to the book pricing system adopted by Germany and Austria. The Parliament calls among others on the European Commission to organise a public hearing, to adapt its Community policy on the book-price agreement to the cultural requirements (support of small bookshops and publishers, support of literary creations), especially in cross-border linguistic areas, and to authorise the continuation of existing systems of fixed book prices. It also calls for binding rules to be laid down which will enable also bilateral agreements on fixed book prices within single linguistic areas to be declared legal and not in breach of competition rules. The full text is available at "minutes, part II," no. B4-0991/98 at: http://www.europarl.eu.int/plenary/en/default.htm

Education: Parliament called for increase in budget for Leonardo programme in 1999

At its plenary session in October the European Parliament voted on the overall EU budget for 1999. With regard to the Leonardo da Vinci programme for training, the Parliament called for an increase of ECU 99 million of the amount allocated to the programme in 1999. However, the Council of Ministers wanted to reduce the allocation by ECU 100 million. Parliament criticised the Council on the recommended cuts in the credits for the Leonardo programme, because the Leonardo programme is supposed to be one of the Council's priorities.

Education: Parliament and Council debate on Socrates and Leonardo

After the European Commission proposals in May 1998 for the second phase of the European education, training and youth action programmes (2000-2004), the European Parliament and the Council of Ministers have debated the proposals on several occasions.

Education Ministers discussed the Leonardo da Vinci programme for vocational training and the Socrates programme for education at an informal meeting in October, preparing true negotiation foreseen for the Education Council in December. At their meeting in October the ministers recognised the need for a rise in the budgetary allocation, although some ministers found the proposed 60 % increase excessive. The Commission proposed five years programmes, but most Member States requested a duration of seven years to coincide with that of the EU's budgetary perspectives as a whole (2000-2006).
The European Parliament approved beginning of November the Commission proposals with amendments including those relating to the financing of the programmes. MEP's also wanted the duration of the Leonardo vocational training programme to be extended from 2004 to 2006, which would require an increase in funding from the proposed figure of ECU 1,000 million. They also voted for an increase of the funding for the Socrates programme from ECU 1,400 million to ECU 2,000 million over the 2000 to 2004 period.

CEEC: participation in European education, training and culture programmes

On 22 October the Council of Ministers approved the draft decisions of the EU/Bulgaria, EU/Estonia, EU/Latvia and EU/Lithuania Association Councils, defining the terms and conditions for these four countries' participation in European programmes in the fields of training (Leonardo da Vinci), education (Socrates) and youth (Youth for Europe). Furthermore, on 3 November the Council of Ministers approved the terms of participation of Bulgaria, Czech Republic, Estonia, Poland and Romania in European programmes in the field of culture.

CEEC: European Parliament withdraws funds from PHARE programme

At its plenary session in October 1998, the European Parliament voted at first reading on the draft EU budget for 1999. By adopting the report by MEP Dührkop Dührkop, the European Parliament decreased with ECU 200 million the 1999 allocation for the PHARE programme, which supports the process of economic transformation and strengthening of democracy in the partner countries of Central and Eastern Europe (CEEC's).

Mrs Dührkop Dührkop stated that the Council of Ministers had cut spending in the area of external action without any explanation, just to get the accounts to balance. On the other hand, the Council had forgotten budgetary rigour when it came to the PHARE programme, which it wanted to increase by ECU 150 million compared to 1998. The European Parliament, however, intended to be totally consistent and wanted ECU 200 million of 1999 PHARE funding to be re-allocated. Furthermore, funds for reconstruction in ex-Yugoslavia and a major part of planned spending for the TACIS programme, which supports the transfer of know-how to twelve New Independent States of the former Soviet Union (NIS) and Mongolia, should be put in the reserve. The European Parliament explained the reductions by stating that it 'is not convinced of the immediate capacity of the receiving countries to absorb the extra funding voted by the Council for the PHARE programme and wishes to fix realistic spending targets for EU funding in the applicant countries'. Furthermore, the Parliament realised that 'the regulations to date have been ponderous, bureaucratic and inefficient', and explained that the reallocation of part of the PHARE funds is aimed simply at ensuring maximum effectiveness in the management and budgetary planning of the programme. According to the Parliament, reductions in one year will not have impact on implementation of the overall programme.

After a reaction of the Council of Ministers by qualified majority, the draft budget will be sent back to the Parliament for second reading, which will take place in December.

CEEC: Accession negotiations with the first group officially opened
On 10 November the European Union opened accession negotiations at ministerial level with the six countries of the 'first group', namely Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia. These initial talks cover seven chapters of European legislation on which the detailed technical analysis ('screening') had already been concluded, and on which the EU Council of Ministers had already adopted common positions. These chapters are: research, education, telecommunications, small and medium-sized enterprises (SME's), industrial policy, culture and audio-visual policy, and common foreign and security policy. Except for Cyprus, the negotiations were considered as provisionally concluded on three chapters, namely research, education and SME's. With regard to the other four chapters, the ministers noted no real difficulties. In some cases, mainly in the fields of telecommunications and audio-visual policy, several candidate countries have requested transitional periods. Accession of Hungary to the European Union is scheduled for 2002, and accession of the other countries of the first group is scheduled for 2003.

With regard to the opening of negotiations with countries of the second group (including Bulgaria, Latvia, Lithuania, Romania and Slovakia), the European Commission intends to propose in 1999 that negotiations with Latvia begin if the pace of change is maintained. The Commission welcomed considerable progress in Lithuania, but said that additional economic measures are needed.

NIS: Commission approves financing of TACIS 1998 cross-border cooperation programme

The European Commission has approved financing of ECU 30 million under the TACIS 1998 cross-border cooperation programme. The programme encourages the creation of cooperation networks and promotes the transformation process in the Newly Independent States of the former Soviet Union to bring them to co-operate with frontier regions in the European Union and Central European countries. The amount of ECU 30 million will fund 12 projects which concern Russian, Ukrainian, Belarussian and Moldovan regions at the borders with Finland, Central European countries and the Baltic Sea maritime frontier.

NIS: EU and Russia signed declaration on cooperation in the field of the Information Society

On 23 November, the Deputy Chairman of the Russian Federation Vladimir Bulgak, and Industrial Affairs European Commissioner Martin Bangemann, signed a Joint Declaration on cooperation between the European Union and Russia in the field of the Information Society. This Joint Declaration should intensify the cooperation of the public sector in Information Society matters, such as telecommunications and electronic commerce, and encourage joint initiatives for the use of information and communication technologies in the private sector.

European Commission adopted work programme for 1999

On 4 November the European Commission formally adopted its work programme for 1999, consisting of political priorities and 26 new legislative initiatives which it plans to present.
political priorities include the implementation of Agenda 2000, which consists of reform of the Structural Funds, a new financial framework for 2000-2006 and active preparation for enlargement of the European Union. Furthermore, the Commission aims at implementing the Amsterdam Treaty in 1999. The legislative initiatives include proposals for directives and regulations concerning the internal market. The Commission will also publish a White Paper on the revision of the Community guidelines for trans-European networks and take a number of initiatives in the fields of research, the Information Society (training) and telecommunications. The Commission work programme for 1999 is available at: http://europa.eu.int/comm/off/work/1999/index_en.htm